WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

ENROLLED

SENATE BILL NO. 283

(By Senator Whitacre, et al)

PASSED March 8, 1986
In Effect from Passage



ENROLLED

Senate Bill No. 283

(By Senators Whitacre, Parker, Lucht, Whitlow, Spears, Ash, Holliday, Sharpe and Shaw)

Passed March 8, 1986; in effect from passage.

AN ACT to amend and reenact section one, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing specifications for building legal fences with high tensile galvanized wire.

Be it enacted by the Legislature of West Virginia:

That section one, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 17. FENCES.

§19-17-1. Definition of lawful fence.

- 1 Every fence of the height and description hereinafter
- 2 mentioned shall be deemed a lawful fence as to any horses,
- 3 mules, asses, jennets, cattle, sheep, swine, or goats, which
- 4 could not creep through the same, that is to say:
- 5 (a) If built of common rails, known as the worm fence,6 four and one half feet high;
- 7 (b) If built with posts and rails, or posts and plank, or 8 pickets, four feet high;
- 9 (c) If built with stone, two feet wide at base, and three
- 10 and one half feet high;

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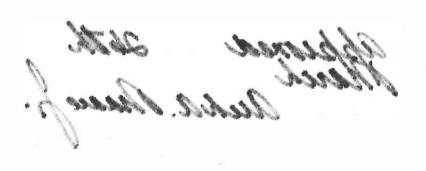
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- 11 (d) If a hedge fence, four feet high. If any hedge fence be 12 built upon a mound, the same from the bottom of the ditch 13 shall be included in estimating the height of such fence;
- 14 (e) If built with posts and wire, or pickets and wire, four 15 feet high, and shall consist of not less than six strands, the 16 first strand five inches, the second strand ten inches, the 17 third strand seventeen inches, the fourth strand twenty-five 18 inches, the fifth strand thirty-six inches, and the sixth 19 strand forty-eight inches from the ground; and if with more 10 than six strands, the space between the strands shall in no 11 case be greater than hereinbefore provided. The space 12 between the posts shall, in no case, be greater than sixteen 12 feet:
 - If built with posts and high tensile galvanized wire, (f) forty-six inches high, and shall consist of not less than eight strands, the first strand four inches, the second strand nine inches, the third strand fourteen inches, the fourth strand nineteen inches, the fifth strand twenty-five inches, the sixth strand thirty-one inches, the seventh strand thirtyeight inches, and the eighth strand forty-six inches from the ground. The wire shall be maintained at no less than a two hundred pound tension at all times. The space between posts shall, in no case, be greater than thirty feet, provided that pressure-treated one and one-fourth inch by one and one-half inch by forty-eight inch slotted hardwood or one and one-half inch by two inch by forty-eight inch softwood battens are used between posts at a distance no greater than ten feet: and
- 39 (g) If built with posts and high tensile galvanized wire 40 and electrified, thirty-eight inches high and shall consist of not less than five strands, the first strand five inches, the 41 second strand ten inches, the third strand seventeen inches. 42 the fourth strand twenty-seven inches, and the fifth strand 43 44 thirty-eight inches from the ground. The wire shall be 45 maintained at no less than a two-hundred pound tension at 46 all times. The space between posts shall, in no case, be 47 greater than one hundred fifty feet, provided that pressure-48 treated one and one-fourth inch by one and one-half inch slotted hardwood or one and one-half inch by two inch softwood battens are used between posts at a distance no 50 51 greater than thirty-five feet: *Provided*, That if said fence is constructed to confine only horses, mules, asses, jennets, or

cattle, it shall be deemed a legal fence if it is not less than three strands, the first strand seventeen inches, the second strand twenty-seven inches and the third strand thirty-eight inches from the ground. The space between posts shall, in no case, be greater than one hundred fifty feet, provided that pressure-treated one and one-fourth inch by one and one-half inch slotted hardwood or one and one-half inch by two inch softwood battens are used between posts at a distance no greater than thirty-five feet. Only high-powered low impedance fence controllers which comply with international safety standards shall be used to electrify fence.

All fences heretofore built under the existing law and in compliance therewith shall be and remain and may be kept up as lawful fences.



® (TRAGES ME COUNCIL) 2

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee Originated in the Senate. In effect from passage. Clerk of the Senate Clerk of the House of Delegat President of the Senate Speaker House of Delegates The within

PRESENTED TO THE

GOVERNOR 3/13/86

DECLIVED

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SECRETARY OF STATE

SECRETARY OF STATE OF MEST VIRGINIA

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