WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 696

PASSED 1969

In Effect Passage

FILED IN THE OFFICE
JOHN G. FOLK, Sec'y
SECRETARY OF STATE
THIS DATE 3-14-69
AN ACT to amend and reenact sections, five, six and seven, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the apportionment of the cost of constructing, maintaining and repairing partition fences; persons liable for such costs; persons liable for such costs upon devoting their lands to agricultural, horticultural, grazing or livestock purposes; notice of intention to build or repair partition fences; answer; and liable upon failure to answer.

Be it enacted by the Legislature of West Virginia:

That sections five, six and seven, 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.

§19-17-5. Apportionment of construction and maintenance of partition fence.

1 Persons owning adjoining lands, both of which are
2 used for agricultural, horticultural, grazing or livestock
3 purposes, shall bear a just proportion of the cost of the
4 constructing, repairing and maintaining a partition fence
5 between such lands.

§19-17-6. Sharing cost of constructed fences.

1 Where a person has chosen to let his land lie open, if
2 he shall afterwards enclose or use such land, or portion
3 thereof, for agricultural, horticultural, grazing or livestock
4 purposes, he shall refund to the adjoining owner a just
5 proportion of the value of the partition fence adjoining
6 such lands, or portion thereof, enclosed or so used that
7 shall have been made by such adjoining owner, regard-
8 less of whether or not such fence at the time is a lawful
9 fence.
§19-7-7. Notice of intention to build or repair partition; answer.

1 Any person desiring to build or to repair a partition fence may give notice in writing to the owner of any adjoining lands, or to his agent, of his intention to build or repair such fence and requiring him to build or repair his just portion thereof, which notice shall state the description and kind of the fence proposed to be built or such repairs as are proposed to be made. The person so served with such notice shall, within ten days thereafter make answer in writing and serve the same upon the person desiring to build or repair such fence, which answer shall state any objections to such notice, and upon failure to do so he shall be liable to the person building or repairing such partition fence for his just proportion of the cost thereof if he shall fail to build or repair his proportion of the same.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Torpey
Chairman Senate Committee

Phyllis J. Riddle
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John Howard Morgan
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. D. Johnson
President of the Senate

Lee F. Swails
Speaker House of Delegates

The within is approved this the 12th day of March, 1969.

Arch A. Shaw Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 3/7/69

Time 2:30 p.m.

RECEIVED

Mar 14 9:23 AM '69

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA