

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;

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
20 than six strands, the space between the strands shall in no
21 case be greater than hereinbefore provided. The space
22 between the posts shall, in no case, be greater than sixteen
23 feet;

24 (f) If built with posts and high tensile galvanized wire,
25 forty-six inches high, and shall consist of not less than eight
26 strands, the first strand four inches, the second strand nine
27 inches, the third strand fourteen inches, the fourth strand
28 nineteen inches, the fifth strand twenty-five inches, the
29 sixth strand thirty-one inches, the seventh strand thirty-
30 eight inches, and the eighth strand forty-six inches from the
31 ground. The wire shall be maintained at no less than a two
32 hundred pound tension at all times. The space between
33 posts shall, in no case, be greater than thirty feet, provided
34 that pressure-treated one and one-fourth inch by one and
35 one-half inch by forty-eight inch slotted hardwood or one
36 and one-half inch by two inch by forty-eight inch softwood
37 battens are used between posts at a distance no greater than
38 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
41 not less than five strands, the first strand five inches, the
42 second strand ten inches, the third strand seventeen inches,
43 the fourth strand twenty-seven inches, and the fifth strand
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
49 slotted hardwood or one and one-half inch by two inch
50 softwood battens are used between posts at a distance no
51 greater than thirty-five feet: *Provided*, That if said fence is
52 constructed to confine only horses, mules, asses, jennets, or

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

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

Handwritten signatures and text, including "Seth" and "Approved" (mirrored).

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Todd C. Weich
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Don Tonkovich
.....
President of the Senate

Joseph P. Allright
.....
Speaker House of Delegates

The within *Approved* this the *26th*
March
day of 1986.

Arba. Mace Jr.
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/13/86

Time 12:32 p.m.

RECEIVED

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DEPT. OF STATE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86