WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

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ENROLLED

Com. Sub. For
HOUSE BILL No. 2270

(By Delegates Walt Faircloth, Huffman and Compton)

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Passed April 10, 1993

In Effect Ninety Days From Passage
AN ACT to repeal section nine, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight of said article, relating to abolishing the requirement that disputes between adjoining landowners concerning partition fences be settled by arbitration; permitting adjoining landowners to bring civil action to settle disputes between them concerning partition fences; and limiting liability of adjoining landowners for the cost of construction, repair or maintenance of a particular type of partition fence.

Be it enacted by the Legislature of West Virginia:

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article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section eight of said article be amended and reenacted, to read as follows:

ARTICLE 17. FENCES.

§19-17-8. Disputes relating to partition fences.

1 If a dispute arises between the owners of adjoining
2 lands concerning the proportion or particular part of a
3 fence to be built or maintained by either of them, or the
4 amount to be paid by one party to the other for any fence
already built or maintained, either party may proceed
by civil action in a magistrate or circuit court, as shall
have jurisdiction of the amount or value in controversy,
within the county in which any portion of the partition
built or to be built, is or is to be located, to determine
the amount to be paid by one party to the other for the
just proportion of the costs of any construction, repair
or maintenance of the partition fence. The person who
is required to share in the cost of the construction,
repair or maintenance of the partition fence shall not be
liable for more than one half of the cost of the construc-
tion, repair or maintenance of a fence which meets the
standards of subdivision (e), section one of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 6th day of May, 1993.

Governor