

MAR 11 1997
Agriculture

HOUSE FILE 534
BY FALCK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to partition fences on land used to keep in
2 livestock.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 534

1 Section 1. Section 359A.4, Code 1997, is amended to read
2 as follows:

3 359A.4 DECISION -- DEPOSIT.

4 1. At said the time and place as provided in this chapter
5 the fence viewers shall meet and determine by written order
6 the rights and responsibilities, including the obligations,
7 rights, and duties, of the respective-parties owners involved
8 in such-matter,-and a controversy for erecting or maintaining
9 a fence, including repairing, rebuilding, trimming, or cutting
10 back a fence, or paying any amount required to erect or
11 maintain the fence. The controversy shall be settled as
12 follows:

13 a. An owner who keeps livestock, as defined in section
14 717.1, shall have the sole responsibility of erecting or
15 maintaining a fence, if the fence is to keep the livestock
16 from trespassing onto the complaining owner's property and the
17 complaining owner does not keep livestock on the land where
18 the fence is to be erected or maintained.

19 b. In any controversy other than provided in paragraph
20 "a", the fence viewers shall assign to each owner the part of
21 the fence which is the responsibility of the owner shall
22 erect,-maintain,-rebuild,-trim-or-cut-back,-or-pay-for,-and
23 fix to erect or maintain.

24 2. The fence viewers shall establish the value thereof of
25 erecting or maintaining the fence, and prescribe the time
26 within-which-the-same-shall-be-completed-or-paid to complete
27 or pay for,-and,-in-case-of-repair, the necessary work. The
28 fence viewers may specify the kind of repairs to be made.

29 3. If the fence is not erected,-rebuilt,-or-repaired or
30 maintained within the time prescribed in the order, the fence
31 viewers shall require the complaining landowner owner to
32 deposit with the fence viewers a-sum an amount of money
33 sufficient to pay for the-erecting,-rebuilding,-trimming,
34 cutting-back-or-repairing-such erecting or maintaining the
35 fence together with the fees of the fence viewers and costs.

1 Such The complaining landowner owner shall be reimbursed as
2 soon as the taxes are collected as provided in section 359A.6.

3 EXPLANATION

4 This bill amends Code section 359A.4, which provides for
5 the rights and responsibilities of landowners in erecting and
6 maintaining fences, including sharing associated costs. The
7 current Code section provides that fence viewers for a
8 township determine the responsibility of the owners. This
9 bill provides that if the fence is to keep in livestock, the
10 owner who is keeping the livestock has the sole responsibility
11 for the fence, unless the neighboring owner also keeps
12 livestock. The bill also makes changes in the section
13 necessary to enhance readability.

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