

FEB 16 2000  
Agriculture

HOUSE FILE 2310  
BY BRUNKHORST

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to partition fences by providing for their  
2 erection and maintenance.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2310

1 Section 1. Section 359A.1, Code 1999, is amended to read  
2 as follows:

3 359A.1 PARTITION FENCES.

4 1. As used in this section, "livestock" means the same as  
5 defined in section 717.1.

6 2. The respective owners of adjoining tracts of land shall  
7 upon written request of either owner be-compelled-to erect and  
8 maintain a partition fences,-or-contribute-thereto,-and-keep  
9 the-same-in-good-repair-throughout-the-year fence. However,  
10 if only one owner keeps livestock on the adjoining tract of  
11 land, that owner shall have the entire responsibility to erect  
12 and maintain the partition fence upon written request of the  
13 other owner. If an owner who did not contribute to the  
14 erection and maintenance of a partition fence begins keeping  
15 livestock on that owner's land after the fence is erected, the  
16 owner upon written request of the adjoining owner, shall pay  
17 the adjoining owner one-half of the costs incurred in erecting  
18 and maintaining the fence. The respective owners shall both  
19 be responsible for maintaining the partition fence for as long  
20 as they both keep livestock on their respective tracts of  
21 land.

22 3. An owner who is responsible for erecting and  
23 maintaining a partition fence shall keep it in good repair.  
24 In lieu of erecting and maintaining a partition fence as  
25 required under this section, an owner responsible for its  
26 erection and maintenance may contribute to the costs of its  
27 erection and maintenance as agreed upon by the respective  
28 owners.

29 EXPLANATION

30 This bill amends Code chapter 359A which contains Iowa's  
31 fence law. Code section 359A.1 provides that the respective  
32 owners of adjoining tracts of land must upon written request  
33 of either owner erect and maintain a partition fence or  
34 contribute to its erection and maintenance. The bill provides  
35 that if only one owner keeps livestock on the adjoining tract

1 of land, that owner has the sole responsibility to erect and  
2 maintain the partition fence upon the written request of the  
3 other owner. If an owner who did not contribute to the  
4 erection and maintenance of a fence begins keeping livestock  
5 on the owner's land after the fence is erected, the owner must  
6 pay the adjoining owner one-half of the costs incurred in  
7 erecting and maintaining the partition fence. The respective  
8 owners shall both be responsible for maintaining the partition  
9 fence for as long as they both keep livestock on their  
10 respective tracts of land.

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