

**RUSSELL COUNTY
BOARD OF SUPERVISORS**

P.O. Box 1208
Lebanon, Virginia 24266

RUSSELL COUNTY GOVERNMENTAL CENTER

137 Highland Drive

August 6, 2010

TO: RUSSELL COUNTY CITIZENS

FROM: JIM GILLESPIE, COUNTY ADMINISTRATOR

RE: FENCING LAWS

The following is an explanation of Virginia fencing laws which has been prepared by Virginia Polytechnic Institute and State University.

Russell County does not have a fencing ordinance so the County favors the fence out law of the State law (if a landowner does not want livestock on his/her property they must fence them out).

Virginia Fence Law Summary

Fence Out

- Statewide Law Since 1631
- Livestock Owners Not Liable for Trespass Unless Livestock Enter Grounds Enclosed by Actual Constructed Lawful Fence
- Criminal Prosecution Statute Does Not Apply

Fence In

1. Allows Individual Localities to "Opt Out" of Statewide Law Since Early in the 20th Century
2. Livestock Owner Absolutely Liable, Regardless of Fault or Cause of Damage Caused by Livestock
3. Livestock Owner Can Be Criminally Prosecuted For Livestock Escape

Lawful Fence

1. Statutory Description
2. Standard for Construction of Fence Out "Enclosure" for Trespass to Apply
3. Standard of Construction and Repair of Division Line Fence

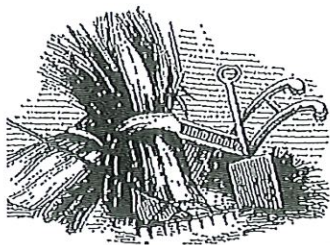
Division Fence Law

1. Applies to Both Fence In and Fence Out Jurisdictions
 - Joint Sharing of Cost to Build & Maintain Division Line Fence
2. Enacted 1887 to More Equally Share Burden of Fencing Cost Between Livestock Owner & Non-Owner
3. Of Critical Importance to Non-Livestock Land Owner In

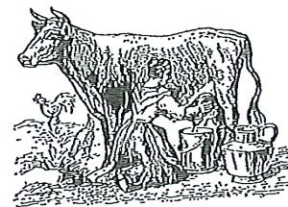
Fence-in: Albemarle, Augusta, Bedford, Botetourt, Buckingham, Campbell, Clarke, Cumberland, Floyd, Fluvanna, Gloucester, Goochland, Greene, Halifax, Hanover, King George, King and Queen, Loudoun, Louisa, New Kent, Orange, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Rockingham, Roanoke, Southampton, Spotsylvania, Smyth, Warren, Washington, Wise

Fence-Out: Accomack, Alleghany, Amelia, Amherst, Appomattox, Bath, Bland, Brunswick, Buchanan, Caroline, Carroll, Charles City, Chesterfield, Craig, Culpeper, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Franklin, Frederick, Giles, Grayson, Greenville, Henrico, Henry, Highland, Isle of Wight, James City, King William, Lancaster, Lee, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, Northampton, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Prince William, Richmond, Rockbridge, Russell, Scott, Shenandoah, Stafford, Surry, Sussex, Tazewell, Westmoreland, Wythe, York

Fence Issues In Virginia: Fence-In and Fence-Out



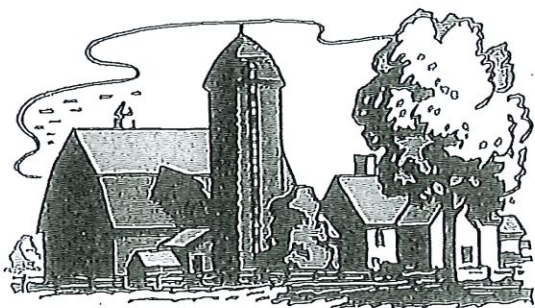
L. Leon Geyer, Professor
and
William Taylor Hudson, Researcher
Department of Agricultural and Applied Economics
Virginia Polytechnic Institute & State University



Introduction

There where it is we do not need the wall:
He is all pine and I am apple orchard.
My apple trees will never get across
And eat the cones under his pines, I tell him.
He only says, 'Good fences make good
Neighbors.'

Robert Frost, "Mending Wall"



For centuries, fences have been used as a tool for preventing cattle or other domestic animals from going astray, as well as protecting landowners from unlawful encroachment. But there is another side to fences, one which Robert Frost's poem alludes to: neighbor relations. With every fence comes a landowner on the other side, along with the potential for conflicting views and ideals. As a result, fences have become both the cause and remedy for many disputes between neighbors.

In Virginia, conflicts between landowners are unlikely to diminish in the near future. Rural areas across the state are increasingly being subdivided and developed, bringing a mixture of agricultural, residential, and industrial uses together. In 1991, these mixed uses resulted in a fencing issue being brought before the Virginia Supreme Court (see *Holly Hill Farm Corp. v. Rowe*, 241 Va. 425, 404 S.E.2d 48 (1991)).

To avoid potentially damaging disputes between neighbors, each landowner should have a solid understanding of the body of law that has developed

determining legal rights and responsibilities in fencing. It is the intention of this series of Extension articles to provide a basic understanding of the types of situations that can be encountered with fences, and what duties Virginia statutes currently place on individuals to deal with those situations. (For further information on fence issues please see VCE publications #448-126 on *Estimating the Cost of your Fence*, #448-127 *Electric Fencing, Railroads, and Cattle Guards*, and #448-128 on *Fencing Costs—Who Pays?*)

In this article, fence laws throughout the state of Virginia will be examined. Particular emphasis will be placed on the differences in liability that result from a county's classification as Fence-In or Fence-Out. In addition, damage recovery provisions and the statutory definition of a lawful fence will be covered.

The information that follows is not intended as a substitute for the advice and counsel of an attorney. In fact, if a specific dispute arises over the law or if such a dispute seems likely, an attorney should be consulted.



Farmers Crop and Cattle



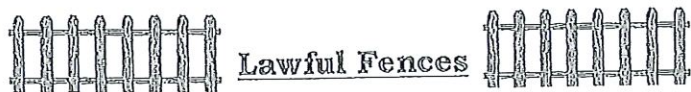
Two farmers named Crop and Cattle have land holdings side by side. The fence that runs between their places is old and in disrepair. Farmer Cattle has a large herd of beef cattle that graze next to Farmer

Crop's land. During the past several months, Farmer Cattle's bull has found holes in the fence and entered onto the land of Farmer Crop. Farmer Crop has returned the bull to Farmer Cattle several times and complained about the fence.

Once again, however, Farmer Cattle's bull crosses the fence and this time destroys over \$500 of maturing sweet corn. Farmer Crop is furious. He calls Farmer Cattle on the phone and informs him that Farmer Crop will hold the bull until Farmer Cattle can come up with the \$500 in damages.

Surprised, Farmer Cattle immediately calls his brother and business partner Farmer Pig. Wisely, Farmer Pig instructs Farmer Cattle to call his attorney, as this issue may be a bit more in-depth than it appears. In fact, Farmer Pig himself had a similar problem last year and wound up not having to pay his neighbor for crop damages.

Does this situation sound familiar? Have you or your neighbors found yourselves wondering exactly what duty the law prescribes to you in regards to fencing? Furthermore, who is liable for Farmer Crop's damage? Does Farmer Crop have a right to impound Farmer Cattle's bull? All these issues are soon to be addressed.



Lawful Fences

Virginia statutes have specific provisions allowing recovery for trespass by livestock if they cross lawful fences within the state and cause damage by their trespass. This particular legislation is designed to apply to animals that are normally confined by a fence or wall and whose trespass usually causes damage to crops or land. In general, horses, mules, cattle, hogs, sheep, and goats qualify as 'livestock', while domestic pets such as dogs and cats do not. Should any of these animals enter into grounds that are enclosed by a lawful fence, the owner or manager of the animals is liable for the damages incurred by the owner of the property. The legislation further provides that for each succeeding trespass, the owner or manager of the animals shall be liable for double damages. (§ 55-306 Code of Virginia, 1950)

The statute is clear: an owner is liable for damages done by their animals when they cross over a *lawful fence*. Unfortunately, the definition of a lawful fence varies depending on whether a county follows a "Common" or "General" Law approach to fencing.



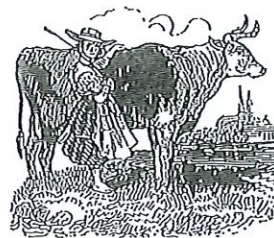
Common vs. General Law



Virginia's original agricultural fencing statutes appeared in the colonial statutes of 1642. Further amendments to the statute produced a law that instructed every planter to construct a fence four and a half feet high around their property. If such a fence was judged to be sufficient by two appointed officials, damage done by wondering livestock could be recovered. If a planter failed to construct such a fence, any damages were to be at his own loss and peril. Virginia "General Law" had been born.

The Virginia "General Law" was uniquely opposite to the English "Common Law" fencing statutes with which colonists were familiar. English "Common Law" held that a livestock owner had the duty to keep his animals on his own land, and was responsible for any damages they may have caused if they escaped. The "General Law" now shifted the burden of protecting one's property to the non-owner of the animal. It is up to the non-owner of the animal to erect a "lawful" fence in order to keep the stock off of his land. If the animals cross this lawful fence, the landowner may recover for trespass or damages.

In time, however, the "General Law" was modified to include an option for individual counties to return to the English style "Common Law" with the passage of § 55-310, also known as the *No-Fence Law*. This legislation enabled counties or portions thereof, to declare that the boundary lines of all tracts of land are lawful fences by act of the Board of Supervisors. If the Board decided to enact the No-Fence Law, it created an absolute duty of animal owners to prevent their animals from crossing onto the lands of another by building a fence to contain them.



Fence-In and Fence-Out Counties

The option of declaring boundary lines to be lawful fences through the No-Fence Law created two types of counties: fence-in and fence-out.

In distinguishing between fence-in and fence-out counties, fence-in counties are those that have declared boundary lines to be a legal fence and follow the Common Law referred to above. Fence-out counties follow the Virginia General Law, which puts no duty on the livestock owner to keep his animals in. Some helpful examples of fencing situations in both types of counties are shown below.

Fence In –

Source – English Common Law

Definition – Boundary lines have been declared to be lawful fences under §55-310 of the Virginia Code. Landowners must fence their animals in.

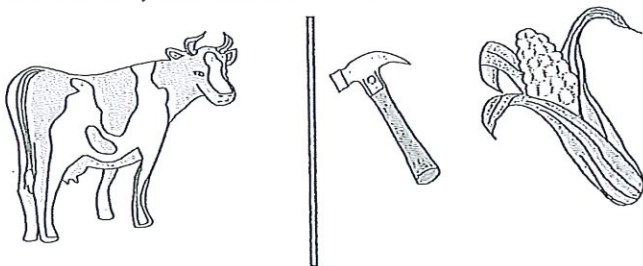
Fence Out –

Source – Virginia General Law

Definition – Landowners must construct lawful fences around their properties in order to keep wandering animals out.

Fence-Out

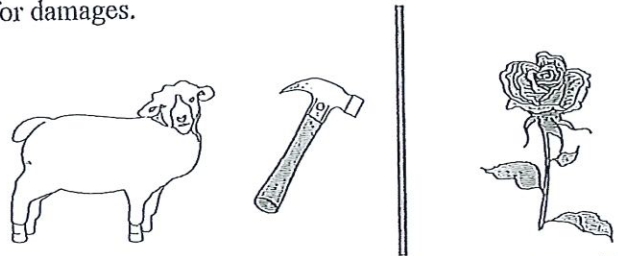
Farmers Crop and Cattle live next to each other in Free-roam County, Virginia. Their county is a fence-out county and, therefore, has not declared the boundary lines to be legal fences. Neither farmer has chosen to erect a fence since neither keeps livestock on the portions of their property that adjoin. One day, a cow belonging to Farmer Cattle escapes from the barn and wanders through the hay field that adjoins Farmer Crop's cornfield. The cow crosses into Crop's corn and proceeds to destroy a large quantity of sweet corn. Farmer Crop would be unable to collect for the damages because his county, being a "fence-out" county, follows the Virginia General Law. Under the General Law, landowners have the duty to fence animals out, which Farmer Crop has not done.



Suppose that Farmer Crop did have a fence around his sweet corn. The question would now concern whether or not that fence could be deemed a lawful fence by the statute. If the fence can be declared lawful then Farmer Cattle would owe Farmer Crop for damages done by the cow. Lawful fence requirements as defined by the statute are discussed later in this publication.

Fence-In

Farmer Sheep lives in an urbanizing portion of No-roam County, Virginia. His farm is surrounded by residential developments that were built on land his former neighbors had sold when they retired from farming. This is a "fence-in" county, which means that the Board of Supervisors has declared boundary lines of every tract of land to be legal fences. One day, as Farmer Sheep is attempting to shear his flock in the barn, a main gate comes undone and twenty sheep escape. Upon leaving the barnyard the sheep run past the main house, through the front yard, across the road, and straight into Miss Sue's prize rose garden. The twenty sheep cause tremendous damage to the flowerbed before being retrieved by Farmer Sheep. In this case, Farmer Sheep would be liable to Miss Sue because his county follows the Common Law rule, which places an absolute duty on livestock owners to control their animals. By crossing the boundary line into Miss Sue's yard, the flock had crossed a "lawful" fence and Farmer Sheep would be liable to Miss Sue for damages.



If the previous example had been used for this scenario, Farmer Cattle would be responsible to Farmer Crop for damages done to the cornfield. The cow would have crossed a lawful fence in the eyes of the Board of Supervisors, the boundary line.

Other Examples

While it is easy to discuss liability when landowners have failed to construct fences on adjoining parcels, reality dictates that more damage

occurs when there are in fact physical fences already built. For instance, it is likely that either Farmer Crop or Cattle would have had a fence constructed between their fields regardless of the statute classification of their county.

More importantly, many landowners throughout the state have come to formal agreements on sharing the maintenance of common fences, and passed this obligation to future owners by deed. In these cases, the answer to liability for damages is clear.

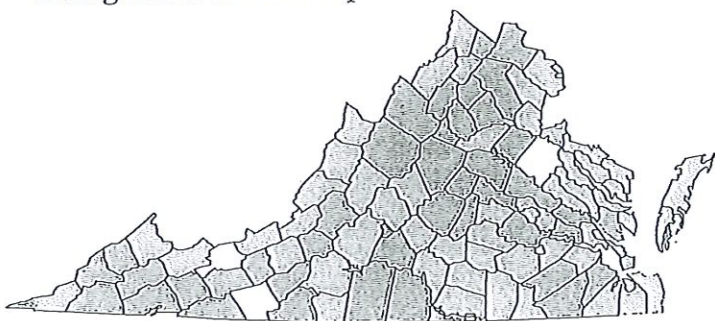
If Farmer Cattle had agreed to always maintain the south section of the fence, and Crop the north, then the question of liability becomes geographic. Where did the cow come through the fence? Whoever is responsible for the fence section that was used by the cow would now become liable for all damages to the corn piece.

These types of formal arrangements between landowners can be extremely beneficial to both parties, and should be undertaken with the advice of an attorney.

Should I Fence-In or Out?

Through a mail and telephone survey conducted in the fall of 1998 and spring of 1999, the following information was obtained from individual counties and selected cities of Virginia. The authors received the information from the County Attorney or other appropriate person. If you have any question concerning your county, contact your county attorney.

Fence-In- counties/cities that have "declared the boundary line of each lot or tract of land, or any stream in such county...or any selected portion of such county to be a lawful fence" are represented by the color green on the state map.



Fence-Out- counties/cities that have not "declared the boundary line of each lot or tract of land, or any stream in such county/city...or any selected portion of such county/city to be a lawful fence" are shown by the color orange on the state map.

For a complete listing of counties under each category, please refer to the appendix.



Damage Recovery

Now that liability for damages has been determined, it is important to ask how those damages can be recovered.

If, however, an ox was previously in the habit of goring, and its owner has been warned, yet he does not confine it, and kills a man or a woman, the ox shall be stoned and its owner also shall be put to death.

Exodus 21:29 (New American Standard Translation)

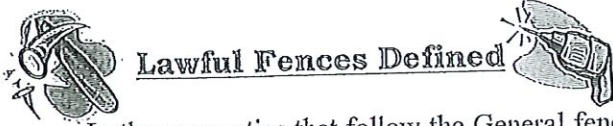
Recovery for damages may be had for any situation in which a lawful fence, or boundary line in applicable counties, has been crossed. Luckily, modern methods of damage recovery are not as extreme as those referenced above. Often, however, the liable party may refuse to pay and a court action will become necessary.

First, the owner or the tenant of the enclosed grounds has the right to take up and impound the trespassing animal until damages have been paid. Within three days of taking up and impounding the animal, the owner or tenant of the enclosed grounds must apply to the General District Court of the county in which the land is located for a warrant in the amount of damages claimed.

After receiving the application, a warrant can be issued and the case scheduled for a hearing. Following the hearing, the judge can order damages that are deemed to be just and proper in the case. Normally, if the court finds that damages have been sustained, the cost of taking up and impounding the animal will be included in the damage amount in addition to property damage reimbursement.

Another aspect of trespassing animals involves intent of harming them. While landowners are under no obligation to make their premises safe for trespassing animals, they may not intentionally seek to harm them. For instance, Farmer Potato decides to teach the cows next door a lesson about coming

through the fence into his garden, and he digs a pit on his property that is covered up. If the cows come onto his property again, and fall into the pit, Farmer Potato would owe his neighbor for damages to his cattle. Even though the livestock were trespassing, Farmer Potato has no right to intentionally harm them.



Lawful Fences Defined

In those counties that follow the General fence law (fence-out), it becomes important to understand what Virginia legislation defines as a lawful physical fence. In these counties, the owner of animals is responsible for damages the animals do if they cross a lawful fence.

Although the law specifies certain types of fencing that qualify as lawful, the intent is to provide for fences that livestock are not able to creep through. Virginia Code § 55-299 specifically defines lawful fence as:

1. Five feet high. If the fence crosses a ditch, the fence must reach to the bottom of the ditch.
2. Of barbed wire, forty-two inches high consisting of eight strands of barbed wire, firmly fixed to posts substantially set in the ground at intervals of sixteen feet, with a substantial stay or brace half way between such posts, to which such wire shall be also fixed, when such wires are placed as follows. The first wire, two and one-half inches above the ground; the second, five and one-half inches; the third, nine inches; the fourth, thirteen and one-half inches; the fifth, nineteen inches; the sixth, twenty-six and one-half inches; the seventh, thirty-four and one-half inches; and the eighth, forty-two inches.
3. Of boards, four feet high, consisting of five boards not less than five inches wide, and firmly attached to posts placed at intervals of eight feet, or
4. Three feet high within the limits of the incorporated town whose charter does not prescribe nor give to the council thereof power of prescribing, what shall constitute a lawful fence within such corporation sufficient to turn all kinds of livestock shall also be deemed a lawful fence as to the livestock mentioned.

The law also states that any wire fence of any kind whatsoever, except as above described, shall be forty-four inches high and of such construction that the stock cannot creep through the fence.

While the law's intention is to describe certain types of fences that are definitely considered to be lawful, it also makes provisions for other types of construction. These other types of fences can be considered to be lawful dependent on whether or not they are sufficient to restrict the movement of livestock across a boundary.

It should be noted, however, that these provisions are applicable only in counties and not in cities and towns. It makes no difference if a defendant's fence meets the requirements set out above if the action takes place in a city or town. This section is considered to be inapplicable outside of a county, and bears no weight on liability or degree of care. (*See Perlin v. Chappell, 198 Va. 861, 96 S.E. 2d 805 (1957)*).

Local districts may also impose certain fence requirements under their zoning laws. This generally applies to town, city, or suburban landholdings. You should consult your local administrators for these types of fencing requirements. And, as described earlier, a lawful fence can be the boundary line if so designated by the board of supervisors.

Fencing Costs: Who Pays?

By now, the question becomes one of financial obligation. If a landowner builds a fence on their property, is the adjoining landowner under any financial obligation to contribute to the cost of the fence? Moreover, who pays for upkeep of the fence once it has been built?

These are important questions that have somewhat surprising answers, and are becoming increasingly important in today's rural/urban landscape. The Supreme Court case mentioned in the beginning of this article deals with this financial question directly. Read the following issue in this series entitled Fence Issues in Virginia: Fencing Costs—Who Pays? (VCE Publication #448-125) for an in-depth discussion of this question.

This publication is part of a four publication series of articles entitled Fence Issues in Virginia. For information on other aspects of fencing see VCE Publications #448-128 Fencing Costs—Who Pays?, #448-126 Estimating the Cost of your Fence, and #448-127 Electric Fencing, Railroads, and Cattle Guards.

Appendix

Table 1. Fence-In Counties

Counties/Cities that have "declared the boundary line of each lot or tract of land, or any stream in such county...or any selected portion of such county to be a lawful fence":

Albemarle Arlington Augusta Botetourt
Buckingham Campbell Charles City Chesterfield
Clarke Culpeper Cumberland Dickenson
Fauquier Floyd Fluvanna Gloucester Goochland
Grayson Greene Halifax Hanover Isle of Wight
King George Loudoun Louisa Madison
New Kent Orange Page Patrick Pittsylvania
Pulaski Rappahannock Roanoke Rockingham
~~Russell~~ Scott Southampton Spotsylvania Smyth
Sussex Washington Wise Wythe York

Table 2. Fence-Out Counties

Counties/Cities that have not "declared the boundary line of each lot or tract of land, or any stream in such county/city...or any selected portion of such county/city to be a lawful fence":

Accomack Alleghany Amelia Amherst
Appomattox Bath Bedford Bland Brunswick
Buchanan Caroline Carroll Charlotte Chesapeake
Craig Dinwiddie Essex Fairfax Franklin Frederick
Giles Greenville Hampton Henrico Henry
Highland James City
King & Queen King William Lancaster Lee
Lunenburg Mathews Mecklenburg Middlesex
Montgomery Nelson Newport News
Northumberland Northampton Nottoway Orange
Powhatan Prince Edward Prince George Prince
William Richmond Rockbridge Shenandoah
Stafford Suffolk Surry Tazewell Virginia Beach
Warren Westmoreland ~~Russell~~

Selected Fence Code Sections

CODE OF VIRGINIA
TITLE 55. PROPERTY AND CONVEYANCES.
CHAPTER 18. TRESPASSES; FENCES.

§ 55-299 Definition of lawful fence. Every fence shall be deemed a lawful fence as to any stock named in § 55-306, which could not creep through the same, if (1) Five feet

high, including, if the fence be on a mound, the mound to the bottom of the ditch, (2) Of barbed wire, forty-two inches high, consisting of eight strands of barbed wire, firmly fixed to posts substantially set in the ground at intervals of sixteen feet, with a substantial stay or brace halfway between such posts, to which such wires shall be also fixed, when such wires are placed as follows: The first wire 2 1/2" above the ground, the second 5 1/2", the third nine inches, the fourth 13 1/2", the fifth nineteen inches, the sixth 26 1/2", the seventh 34 1/2", and the eighth forty-two inches, (3) Of boards, four feet high, consisting of five boards not less than five inches wide and firmly attached to posts placed at intervals of eight feet, or (4) Three feet high within the limits of any incorporated town whose charter does not prescribe, nor give to the council thereof power of prescribing, what shall constitute a lawful fence within such corporate limits. A cattle guard reasonably sufficient to turn all kinds of livestock shall also be deemed a lawful fence as to any livestock mentioned in § 55-306.

Nothing contained in this section shall affect the right of any such town to regulate or forbid the running at large of cattle and other domestic animals within its corporate limits. Any wire fence of any kind whatsoever, except as above described, and except in the case of incorporated towns as above provided, shall be forty-four inches high and of such construction that stock named in § 55-306 cannot creep through the same.

§ 55-306 Damages for trespass by animals; punitive and double damages. If any livestock domesticated by man shall enter into any grounds enclosed by a lawful fence, as defined in §§ 55-299 through 55-303, the owner or manager of any such animal shall be liable for the actual damages sustained. When punitive damages are awarded, the same shall not exceed twenty dollars in any case. For every succeeding trespass the owner or manager of such animal shall be liable for double damages, both actual and punitive.

§ 55-307 Lien on animals. After a judgment of the court a lien upon such animal shall enure for the benefit of the owner or tenant of such enclosed ground, and execution shall thereupon issue from the court rendering the judgment, and the animal or animals so trespassing shall be levied upon by the officer to whom the execution was issued, who shall sell the same, as provided by statute.

§ 55-308 Impounding animals. Whenever any such animal is found trespassing upon any such enclosed ground, the owner or tenant of such enclosed grounds shall have the right to take up such animal and impound the same until the damages provided for by the preceding sections shall have been paid, or until the same are taken under execution by the officer as hereinbefore provided, and the costs of taking up and impounding such animal shall be estimated as a part of the actual damage.

§ 55-309 Duty to issue warrant when animal impounded. It shall be the duty of such owner or tenant of such lands so trespassed upon, within three days after the taking up and impounding such animal unless the damages be otherwise settled, to apply to a person authorized to issue warrants of the county or city in which such land is situated for a warrant for the amount of damages so claimed by him, and such court, or the clerk thereof, shall issue the same, to be made returnable at as early a date, not less than three days thereafter, as shall be deemed best by him; and upon the hearing of the case the judge shall give such judgment as is deemed just and right.

§ 55-310 How governing body of county may make local fence law. The board of supervisors or other governing body in any county in this State after posting notice of the time and place of meeting thirty days at the front door of the courthouse, and at each voting place in the county, and by publishing the same once a week for four successive weeks in some newspaper of such county, if any be published therein, and if none be published therein, in some newspaper having a general circulation therein, a majority of the board being present and concurring, may declare the boundary line of each lot or tract of land, or any stream in such county, or any magisterial district thereof, or any selected portion of such county, to be a lawful fence as to any or all of the animals mentioned in § 55-306, or may declare any other kind of fence for such county, magisterial district or selected portion of the county than as prescribed by § 55-299 to be a lawful fence, as to any or all of such animals.

§ 55-311 Effect of such law on certain fences. Such declaration shall not be construed as applying and shall not apply to relieve the adjoining landowners from making and maintaining their division fences, as defined by § 55-299, but as to such division fences, §§ 55-317 to 55-322, inclusive, shall be applicable.

§ 55-312 Application to railroad companies. No action taken under the provisions of § 55-310 shall relieve any railroad company of any duty or obligation imposed on every such company by § 56-429, or imposed by any other statute now in force, in reference to fencing their lines of railway, and rights-of-way.

§ 55-313 No authority to adopt more stringent fence laws. Nothing in § 55-310 shall authorize or require the boards of supervisors or other governing bodies of counties to declare a more stringent fence as a lawful fence for any county, magisterial district, or selected portion of any county, than as prescribed by § 55-299.

§ 55-314 Effect on existing fence laws or no-fence laws. Nothing in § 55-310 shall repeal the existing fence laws in any county, magisterial district or selected portion of any county, until changed by the board of supervisors or other

governing body, in accordance with the provisions thereof; nor shall the provisions of such section apply to any county, magisterial district, or selected portion of any county, in which the no-fence law is now in force, if such no-fence law exists otherwise than under an order of the board of supervisors or other governing body of such county entered pursuant to such section.

§ 55-315 Lands under quarantine. The boundary line of each lot or tract of land in any county in this Commonwealth which is under quarantine shall be a lawful fence as to any and all of the animals mentioned in § 55-316.

§ 55-316 When unlawful for animals to run at large. It shall be unlawful for the owner or manager of any animal or type of animal described in § 55-306 to permit any such animal, as to which the boundaries of lots or tracts of land have been or may be constituted a lawful fence, to run at large beyond the limits of his own lands within the county, magisterial district, or portion of such county wherein such boundaries have been constituted and shall be a lawful fence.

SUPERVISOR'S ORDER BOOK 9. PAGE 281

APRIL 7, 1958

FENCE LAW - CASTLEWOOD DISTRICT

At a regular meeting of the Board of Supervisors of Russell County, Virginia, held at Lebanon, on the 7th day of April, 1958, a petition of a large number of citizens of the Castlewood Magisterial District of said County was presented to the Board, requesting said Board to make a stock or local fence law applicable to said District, in accordance with Seciton 8-880 of the Code of Virginia, by declaring the boundary lines of each lot, tract or parcel of land, or any stream, or any other fence than as prescribed in Section 8-869, in said district, to be a lawful fence as to any and all animals mentioned in Section 8-874, as horses, mules, cattle, hogs, sheep, and goats.

It is, therefore, ordered that, in accordance with the direction of a majority of said Board, further consideration to said request will be given at 10:00 o'clock A.M., on June 2, 1958, at that regular Board meeting, after a copy of this order calling said meeting has been posted at the front door of the Courthouse and at each voting place in the said district for thirty days, and by publishing the same once a week for four successive weeks in The Lebanon News in said County.

JUNE 2, 1958

FENCE LAW, CASTLEWOOD DISTRICT

Upon motion, the following ordinance was unanimously adopted and passed by this Board:

AN ORDINANCE

An ordinance making a stock or local fence law applicable to the Castlewood Magisterial District of Russell County, Virginia, with an exception.

THAT WHEREAS, on the 7th day of April, 1958, the Board of Supervisors of Russell County, Virginia, entered an order in accordance with Section 8-880 of the Code of Virginia, to properly advertise the fact that a request had been made to the said Board by citizens of the Castlewood Magisterial District to declare the boundary lines of each lot, tract or parcel of land, or any stream, or any other fence than as prescribed in Section 8-869, in said District, to be a lawful fence as to any and all animals mentioned in Section 8-874; and,

WHEREAS, a copy of this order was posted at the front door of the Courthouse and at each voting place in the Castlewood Magisterial District, and by publishing said order once a week for four successive weeks in the Lebanon News, Lebanon, Virginia, prior to this date, in accordance with Section 8-880; and

WHEREAS, the matter came on to be heard before the said Board at 10:00 o'clock, A. M. on June 2, 1958, at the regular Board meeting, as required by the order of April 7, 1958, and no opposition was expressed openly to the passage of the said local fence law except by a petition filed by certain residents of the Town of Dante, Russell County, Virginia.

NOW, THEREFORE, BE IT ORDAINED: That from this date, the boundary lines of each lot, tract or parcel of land, or any stream, or any other fence than as prescribed in Section 8-869, in said Castlewood Magisterial District to be a lawful fence as to any and all animals mentioned in Section 8-874, such as horses, mules, cattle, hogs, sheep and goats, except that said ordinance shall not apply to the Town of Dante, from the Dante sign post on the St. Paul to Dante State Highway south of DAnte, and from ridge to ridge in Bear Wallow and Straight Hollow.