

Kansas Fence Law

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Many questions and problems arise on Kansas' farms and ranches concerning the duties and rights associated with fences. Kansas has numerous laws that spell out regulations to assist with fence disputes. More specifically, our laws prescribe when a fence is required, what a legal fence is, how responsibility for a fence is divided, and how to resolve disputes between property owners. Following are some of the common questions we receive.

What Is A Legal Fence? The definition has changed over time but was clarified in 1986 by the Kansas Legislature. A legal fence can be constructed and composed of a number of different materials, but we will be reviewing the more common fences in our state, which are barbed wire and electrical.

Here are some of the requirements:

The minimum legal barbed wire fence is:

- Not less than three wires;
- The wires to be well stretched and barbed;
- The barbed wire shall be composed of two wires not smaller than #13 or one wire not smaller than #9 or wires having not less than 950 pounds breaking strength
- All wires to be securely fastened to post;
- Posts are not more than two rods apart;

For an electric fence to be a legal fence, the fence must meet the following qualifications:

- An electrically charged wire;
- At least one 14 gauge wire or its equivalent; and
- The wire not more than 48 inches from the ground.

The Kansas Legislature provides any board of county commissioners may enact a more stringent set of requirements for a legal fence in their respective counties.

Q: Am I liable for any damages or accidents that are caused from my livestock that escape from a pasture or lot?

A: The Kansas law states ordinary negligence shall apply in these instances. It is assumed you are not liable if a legal fence enclosed your animals and you acted promptly once knowing your animals had escaped. Livestock owners with a history of trespassing livestock are more likely to be held liable for any damages to people or property.

Q: My neighbor has farm ground next to a CRP field I'm converting to a pasture for grazing. I will need a fence between my land and my neighbors farm land. Does the law require my neighbor to build and maintain one-half of this partition fence?

A: The law requires a partition fence to be built and maintained by both parties as long as one person is using their land for grazing purposes. Some attorneys read this law differently, but two Attorney General opinions reaffirm this interpretation.

Q: Does the fence law(s) state I am responsible for the right half of the partition fence as I view it by standing on my property?

A: No, the law makes no such determination. It is a common method, however, of designating which half of the partition fence is each landowner's responsibility.

Q: How may I enforce the partition fence law if my neighbor refuses to take responsibility for one-half of the partition fence?

A: The fence law designates county commissioners as the "fence viewers" to settle disputes between two neighbors. It is always wise to settle differences with neighbors in a cordial fashion. If an agreement cannot be reached, one of the landowners may request a fence viewing by the county commissioners.

Additional information on Kansas Livestock and Fence Law is available in our office.