

 <b>KENTUCKY YMCA YOUTH ASSOCIATION KENTUCKY YOUTH ASSEMBLY Premiere Bill</b>	<b>Blue   Bill # P2</b>						
	<b>Referred to Committee: House 4</b>						
<b>Authors:</b> Austin Dillon, Noah McNamee, Nick McNamee, Wilson Harris	<b>Action on the Bill</b>  <table> <tr> <td><b>House</b></td> <td><b>Senate</b></td> </tr> <tr> <td>___ <input type="checkbox"/> Passed</td> <td>___ <input type="checkbox"/> Passed</td> </tr> <tr> <td>___ <input type="checkbox"/> Defeated</td> <td>___ <input type="checkbox"/> Defeated</td> </tr> </table>	<b>House</b>	<b>Senate</b>	___ <input type="checkbox"/> Passed	___ <input type="checkbox"/> Passed	___ <input type="checkbox"/> Defeated	___ <input type="checkbox"/> Defeated
<b>House</b>		<b>Senate</b>					
___ <input type="checkbox"/> Passed		___ <input type="checkbox"/> Passed					
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<b>School:</b> Belfry HS							
<b>City:</b> Belfry							

1 An act to Safeguard Kenutckians from Unwanted Expenses for Forced Boundary Fencing.

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3 **Be it enacted by the Youth Assembly of the Commonwealth of Kentucky**

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5 Section 1: KRS 256, the current Kentucky law dealing with boundary line fencing, allows a citizen desiring a new fence  
6 between their property and the property of another landowner to file an injunction requiring the other owner to help  
7 pay for:

- 8 --Initial construction of the fence
- 9 --All necessary removal of growth and vegetation
- 10 --The removal of the existing fence (if one exists).

11 Unless the court finds it unacceptable to do so, the apportionment of these costs will be divided equally among the to  
12 landowners, regardless of whether or not both parties are in agreement with the construction of a new fence.

13  
14 Section 2: Many other states have already amended their fencing laws to do away with this archaic form of  
15 apportionment. Ohio's revised law (Chapter 971 of the Ohio Revised Code) requires only the citizen filing for the fence  
16 to build/maintain it, unless:

- 17 --The owners of the two properties have a written agreement
- 18 --There is evidence of a boundary line fence agreement existing before the amendment was passed
- 19 --The owner files an affidavit with the applicable county recorder in accordance with earlier sections of  
20 the law.

21  
22 Section 3: The law will be amended to require only the plaintiff for the new fence will be responsible for the cost of  
23 removal and construction. If both parties are in agreement for the new fence, both will be held accountable. Any new  
24 fence built will be constructed solely on the plaintiff's property, 15-18 inches from the border between the two  
25 properties. This space will give the plaintiff room to maintain both sides of the fence, unless both parties are in  
26 agreement and have agreed to split in the cost of construction.

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28 Section 4: Exemptions from this law will only be given in cases where an existing fence or lack thereof poses a danger to  
29 a neighboring citizen. Any boundary line fence agreement existing prior to the passage of this bill will lie under section  
30 .042 of the existing law. If the plaintiff fails to comply with all provisions of this law, their claim will be dismissed. The  
31 law will be enforced by the Kentucky Department of Agriculture.

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33 Section 5: As the law is only an amendment to an existing law, no money will have to be appropriated for its successful  
34 implementation. Any funds needed to implement the law in individual court cases will come from a fee charged to the  
35 plaintiff, ranging from \$5-\$1000 as the ruling judge sees fit. This law will go into effect 30 days after passage.