



# The National Agricultural Law Center

[nationalaglawcenter.org](http://nationalaglawcenter.org) | [nataglaw@uark.edu](mailto:nataglaw@uark.edu) | [@nataglaw](https://twitter.com/nataglaw)

## States' Fence Statutes: *Connecticut*



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# A National Agricultural Law Center Research Publication

## States' Fence Statutes: Connecticut

### Conn. Gen. Stat. §§47-43 to 47-56, §§13b-298 to 13b-303.

*The statutes and Constitution are current with all enactments of 2021 Regular Session enrolled and approved by the Governor on or before March 4, 2021.*

#### **§ 47-43. Proprietors to maintain.**

The proprietors of lands shall make and maintain sufficient fences to secure their particular fields. Within cities and adjacent to house lots, a tight board fence four and one-half feet high, an open picket fence four feet high, the opening between pickets not to exceed four inches, or a slat rail fence four feet high, the opening between slats not to exceed six inches, the lower slat not over six inches from the ground, a fence not less than four feet high of chain link galvanized wire not smaller than number nine gauge supported upon galvanized tubular steel posts set in concrete, all end and corner posts to be suitably braced, and all to be substantially erected, or any other fence which in the judgment of the selectmen or other officials charged with the duty of fence viewers is equal thereto, shall be a sufficient fence; in places outside of incorporated cities, a rail fence four and one-half feet high, a stone wall four feet high, suitably erected, a wire fence consisting of four strands not more than twelve inches apart, stretched tightly, the lower strand not more than twelve inches and the upper strand not less than four feet from the ground, with good substantial posts not more than sixteen feet apart, and any other fence which in the judgment of the selectmen is equal to such a rail fence, shall be a sufficient fence. Adjoining proprietors shall each make and maintain half of a divisional fence, the middle line of which shall be on the dividing line, and such fence shall not exceed in width, if a straight wood fence or hedge fence, two feet; if a brick or stone fence, three feet; if a crooked rail fence, six feet; and, if a ditch, eight feet, not including the bank, which shall be on the land of the maker. No ditch shall be made adjacent to a house lot without the consent of the owner of the house.

#### **§ 47-44. Compensation of selectmen for services as fence viewers.**

Selectmen shall receive two dollars for each day's service as fence viewers.

#### **§ 47-45. Appointees to perform duties of selectmen as to fences.**

In any town, city or borough which conducts its government under the provisions of any special act, and in which the duties in relation to fences imposed by the general statutes on selectmen are not specifically assigned to another officer or agency, the legislative body of such

municipality, or the board of selectmen in the case of a municipality in which the legislative body is a town meeting, may appoint a suitable person or a committee of three persons to perform such duties and may provide for the payment of a fee therefor, which fee shall not be less than that provided by section 47-44.

#### **§ 47-46. Payment for fence between agricultural property and state highway.**

When there is no fence between property used for agricultural purposes adjoining a state highway and the highway property sufficient for the purposes of section 47-43, or when



any fence so located is in need of replacement, the adjoining proprietor may, with the written agreement of the Commissioner of Transportation, executed within sixty days of a written request by such proprietor, cause such a fence to be constructed or replaced within two years from the date of the agreement; and the Commissioner of Transportation shall, within sixty days after the construction or replacement is completed, reimburse the proprietor for one-half the cost thereof, subject to limitations of costs per linear foot and in accordance with standards to be established by said commissioner.

**§ 47-46a. Payment for fence between agricultural property and property in control of environmental protection department.**

Where there is no fence between property used for agricultural purposes and adjoining property of the state under control of the Department of Environmental Protection sufficient for the purposes of section 47-43, or when any fence so located is in need of replacement, and the boundary has been mutually agreed upon, the adjoining proprietor may, with the written agreement of the Commissioner of Environmental Protection, executed within sixty days of a written request by such proprietor, cause such a fence to be constructed or replaced within six months of the date of the agreement; and the commissioner shall, within sixty days after the construction or replacement is completed, reimburse the proprietor for one-half the cost thereof, the state's share not to exceed four dollars a rod, payments to be made in the order of receipt of applications and completion of projects. Total payments under this section shall not exceed five thousand dollars in any fiscal year.

**§ 47-47. Barbed wire between adjoining premises or enclosing grounds of public buildings.**

No person shall use barbed wire in the construction of fences, or have barbed wire upon existing fences, between his own premises and those of an adjoining proprietor, within twenty-five rods of any house or barn belonging to such proprietor, unless either premises are used in connection with raising livestock, without first obtaining his written consent. No barbed wire shall be used in the construction of fences, or retained upon existing fences, connected with or enclosing the grounds of any public school or public building, except a department of transportation storage facility or a vessel operations area of a state-owned waterfront facility or aircraft operations area of a state-owned airport. Any person who violates any provision of this section shall be fined not more than one hundred dollars.

**§ 47-48. Barbed wire along sidewalks.**

No barbed wire shall be installed along any sidewalk unless it is at least six and one-half feet above the ground. Any barbed wire in use in conformity with section 7156 of the general statutes, revision of 1949, on October 1, 1957, may be continued in use.

**§ 47-49. Purchase of division fence.**

If one proprietor or his predecessor in title makes the whole fence and the adjoining proprietor afterwards encloses his land, such adjoining proprietor shall purchase and maintain half of the divisional fence. If the parties do not agree in dividing and appraising it, either may call on the selectmen of the town in which such fence is situated, who may set out, to each, his proportion of such fence and determine how much shall be paid to the party erecting or owning the same by the other; a certificate of which determination, under the hands of the selectmen, shall be sufficient evidence for the recovery of the amount so determined. No action therefor shall be maintained unless the proprietor, who, or whose predecessor in title, first occupied his



land and made the whole of the divisional fence, has caused such fence to be so divided and appraised within six years after the adjoining proprietor, or those under whom he holds, has first enclosed his land by particular enclosure, nor unless such action is commenced within one year after such division and appraisal have been made.

#### **§ 47-50. Division of fence by selectmen.**

When a fence between adjoining proprietors has never been divided and either refuses to divide it, the other may call on the selectmen to make a division, who shall set out, in writing, the better part to him who erected it or to the party holding under him; and the cost, certified by the selectmen in writing, shall be paid by him who refused to make such division. Such division, when recorded in the town where the land lies, shall be binding on the parties.

#### **§ 47-51. Repair of division fence.**

If any person neglects to keep his division fence in repair, the party aggrieved may call on the selectmen to view it, who, if they find it insufficient, shall immediately give written notice thereof to the person bound to repair it, and shall also mail to the owner of any mortgage upon land which is partly bounded by the fence in question a written notice of an order to repair such fence. If none of the parties interested, to whom notice has been given, makes such repairs within fifteen days from the time of giving such notice, the party aggrieved may make such repairs and recover of the person bound to repair it double the cost of such repairs as estimated in writing by the selectmen and also the fees of such selectmen. Such sums shall constitute a lien upon such land against all persons interested therein, provided such lien shall be recorded in the office of the town clerk of the town in which such land is situated within sixty days from the time of completing such repairs. Such liens may be foreclosed in the manner provided for the foreclosure of mortgages.

#### **§ 47-52. When dividing line is a stream.**

When the dividing line is a stream or pond, which does not take the place of a sufficient fence, and it is impracticable to make the fence in the line, if either party refuses to make a division fence on either side, two selectmen of the town shall, on application of either party, determine on which side of the stream or pond the fence shall be erected and maintained, or whether partly on one side and partly on the other, and what part each shall make and maintain, and deliver their determination in writing to the parties. If either refuses to make and maintain his part of the fence, the other may do so and recover the expense from the party so refusing.

#### **§ 47-53. Apportionment of division fence. Penalty.**

When there is no fence between adjoining proprietors or when a particular enclosure is divided between two or more proprietors and either desires to have a division fence erected, any two selectmen of the town where such land is situated, and, if the same is situated in more than one town, then one from each town, may view such dividing line, first giving notice to such proprietors; and, if they deem it reasonable that such fence should be erected at the expense of each of such adjoining proprietors, shall divide and stake out a line and assign to each his portion thereof and limit a time within which it shall be erected; and each proprietor shall erect a sufficient fence on the portion of such line so set to him. If either makes his portion of such fence and the other neglects to make his portion within such time, such selectmen may cause the fence to be completed, and the expense thereof, as certified by the selectmen, shall be paid by the proprietor so neglecting. Any person who neglects to erect a sufficient fence on



the portion of such line so set to him, within the time prescribed by such selectmen, shall be fined not more than two dollars for each day of such neglect.

#### **§ 47-54. Proceedings to obtain new division fence.**

When a particular enclosure has been divided and the parties cannot agree respecting the division of a fence belonging to the same, or when adjoining proprietors cannot agree respecting the division of an existing fence, and there is no record of any division of it, any of them may call out any two selectmen of the town where such fence is situated, or, if the same is in two towns, one from each town, who shall view such fence and make a division and award in favor of and against such parties such sums as they deem reasonable. Such award shall be in writing, signed by such selectmen, describing such division and limiting a time for the payment of the sums awarded, and, when recorded in the town or towns where such fence is situated, shall be final, and shall not be invalid in consequence of any inaccuracy, if the location of such division, the parties and the sums awarded can be understood.

#### **§ 47-55. Damage by animals.**

All damage done within enclosures by cattle, horses, asses, mules, sheep, swine or goats, when the fence is sufficient, shall be paid by the owner of the animals. No person shall recover for damage done within his enclosure by reason of the insufficiency of his fence, unless done by animals at large contrary to law, or by unruly cattle that are not restrained by ordinary fences; or unless the owner of animals puts them into or voluntarily trespasses on such enclosure; or unless they entered through a part of the fence which was sufficient; in all of which cases the owner of the land may impound them and recover poundage and damages.

#### **§ 47-56. Fences around home lots.**

When adjoining proprietors are unable to agree about erecting a division fence and there is a dwelling house on the lot of one proprietor within one hundred rods of the dividing line, he may notify any two selectmen of the town in which such lot is situated or, if it is in more than one town, then one selectman from each town, who shall give written notice to the parties of the time and place of a hearing in regard to such fence; and the proprietor of such lot may, upon the terms named by the selectmen, erect a better fence than is required by law, and the adjoining proprietor shall pay such part of the expense as he would pay for the erection of an ordinary sufficient fence, but shall be allowed the value of his part of the existing division fence appraised by the selectmen. The expense of maintaining such better fence beyond that of an ordinary sufficient fence shall be defrayed by the owner of such lot, who shall also pay the fees of the selectmen. Such selectmen shall make a written certificate of their doings and leave a copy with each proprietor; and the party erecting the fence may recover of the other party the amount to be paid by him if not so paid within thirty days after the erection of such fence.

#### **§ 13b-298. Cattle guards.**

Each railroad company shall construct suitable cattle guards and fences at all railroad crossings of passways or highways to prevent cattle from passing upon its railroad, except when the Commissioner of Transportation deems it unnecessary.

#### **§ 13b-299. Fences.**

Each company shall erect and maintain fences, on the sides of the railroads operated by it, at such places and within such times as the Commissioner of Transportation directs.



### **§ 13b-300. Order for fencing.**

The Commissioner of Transportation shall make a special investigation as to the condition of the fences on the line of any railroad, when so requested in writing, and, if the commissioner deems it necessary, shall issue an order directing the company operating such railroad to erect or repair such fences. Such order shall specify the place or places at which, the manner in which and the time within which the fences are to be erected or repaired and shall be served upon the company. Such service may be made by mailing a registered or certified letter addressed to the secretary of the company.

### **§ 13b-301. Penalty. Damage.**

If any railroad company neglects to comply with any such order, it shall forfeit to the state one hundred dollars for each month of such neglect. Any person who, without neglect on his part, suffers damage by reason of the neglect of any company to erect or maintain fences as required by law may recover such damage from such company.

### **§ 13b-302. When adjoining owner neglects duty to erect or maintain fence.**

When it is the duty of the owner of land adjoining any railroad to erect or maintain a fence between such land and such railroad and such owner has neglected to erect or maintain such fence and it has been erected or maintained by the railroad company in conformity to the order of the Commissioner of Transportation, such company may collect the cost of erecting and maintaining such fence from such owner. Such cost shall be a lien in favor of such company on such land, and such lien shall take precedence over any other lien or encumbrance on such land and may be foreclosed in the same manner as a mortgage lien, but shall not continue in force unless such company, within sixty days after the completion of such fence, files a certificate with the town clerk of the town in which such land is situated, describing such land and specifying the amount claimed as a lien on such land and the dates of the commencement and completion of such fence, which certificate shall be recorded by such clerk on the land records of such town.

### **§ 13b-303. Fences affected by contract.**

When by contract neither the owner of such land nor the railroad company can oblige the other to erect or maintain the fence, or such owner or his grantor has agreed not to require the railroad company to erect or maintain such fence, and such fence has been so erected or maintained by the company by order of the Commissioner of Transportation, such company may collect from such owner one-half of the cost of erecting and maintaining such fence, which amount shall be a lien on such land as provided in section 13b-302.

