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States' Fence Statutes: *Pennsylvania*



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3 PA. Stat. Ann. §§ 581 to 585, 29 PA. Stat. Ann. §§ 31 to 32, 29 PA. Stat. Ann. §§ 41 to 42, 35 PA. Stat. Ann. §691.702

Current through 2021 Regular Session Act 14.

Animals Running at Large.

§ 581. Jurisdiction of justice of peace.

If the owner of any stray or strays, taken up under authority of the act to which this is a supplement, shall not appear upon notice given or having appeared, shall neglect or refuse to make or tender reasonable satisfaction to the party injured, for the damages sustained by reason of the trespass of such stray and for the costs of keeping; or if such injured party shall not accept the satisfaction which may be offered, it shall be the duty of such injured party to make immediate application to any justice of the peace of the proper county, who shall proceed upon such application in the manner directed by the act to which this is a supplement.

§ 582. Duty of person taking up stray.

If the owner shall not have appeared within ten days after any such stray shall have been taken up, it shall be the duty of the person taking up such stray, to cause the same to be advertised in manner prescribed by the fourth section of the act to which this is a supplement. And if the owner shall not have appeared within sixty days after such advertisement and publication, the person taking up the same, shall make application to a justice of the peace, and the same proceedings shall be had as are directed by the act to which this is a supplement. And that so much of the act to which this is a supplement as is hereby altered, be, and the same is hereby repealed.

§ 584. Certain animals not permitted to run at large.

From and after the passage of this act, no stallion, bull, boar, ram, or jack, shall be permitted to run at large on the public highways of this commonwealth.

§ 585. Impounding such animals

It shall be lawful for any person finding any such animal running at large to have the same impounded, and such impounding advertised within ten days from date of impounding, in one weekly newspaper for two weeks, published nearest the place where such animal is impounded, and if said animal be not reclaimed within twenty days after such advertised notice, by payment of all costs and charges, together with one dollar to the person causing the said animal to be impounded, [it] shall be sold at public sale, and the amount realized from sale, less the said cost and charges, shall be paid to the treasurer of the school district wherein such animal is impounded.

Title 29 P.S. Fences.

Chapter 2. Erection of Fences.

§ 31. Road fences of wire with or without barbs.



It shall and is hereby declared to be lawful for any land owner within this Commonwealth to construct, build and maintain, along any of the highways of this Commonwealth, fences made in whole or in part of wire, with or without barbs, subject at all times to such restrictions and prohibitions as may be imposed by the municipal authorities relative thereto.

§ 32. Wire fences, with or without barbs, declared legal.

A fence, in whole or in part of wire, with or without barbs, is hereby declared to be a legal and lawful fence, within the meaning and provisions of any act of the Legislature of this State relative to the building, constructing and maintaining of line fences, provided that such wire fence shall be of the height required by such act or acts. All statutes and parts of statutes inconsistent herewith be and the same are hereby repealed.

Erection of Division Fences.

§ 41. Division fences; proceedings to compel erection or part payment.

From and after the passage of this act, owners of improved and occupied land shall erect and maintain an equal part of all line or division fences between them, nor shall any such owner be relieved from liability under the provisions of this act except by the consent of the adjoining owner. And if any owner of such improved and occupied land shall fail or neglect to erect or maintain his, her, or their share of such line or division fence the party aggrieved shall notify the county surveyor or, if there is no county surveyor in the county, then a county surveyor of any adjoining county, or, if the county surveyor in any adjoining county refuses to act, a surveyor appointed by a judge of the court of common pleas, who shall act as a fence viewer and whose duty it shall be to examine such line or division fence, so complained of; and if he finds said fence sufficient, the complainant shall pay the cost of his service; but if he finds such fence insufficient, he shall so report to a justice of the peace or alderman, residing in the county where such fence is located, designating points and distances of such fence, whether a new fence is required or whether the old one can be repaired, and the probable costs of a new, or the repair of the old, fence; and said justice or alderman shall notify the delinquent owner of such improved and occupied land of the surveyor's report, and that his part of said fence, as found by the surveyor, be erected or repaired within forty days from the date of such notice; and if such notice be not complied with, the aggrieved party may cause said line or division fence to be erected or repaired, and the costs thereof collected, including the charge of the surveyor, from the delinquent owner of such improved and occupied land, as other debts are collected by law. The surveyor shall be entitled to such payment for acting as a fence viewer as he may fix, not, however, exceeding twenty-five dollars. Where the surveyor reports that he finds the fence complained of sufficient, the amount payable to the surveyor shall be paid by the complainant, but where he reports the fence insufficient, the amount payable to him shall be paid by the delinquent owner of such improved or occupied land: Provided, That no owner of improved land shall be compelled to build or repair fence during the months of December, January, February, and March: And provided further, That nothing herein contained shall be construed to apply to railroad companies.

§ 42. Where owner improves up to division fence.

Where an owner has improved up to and erected upon the line a division fence, and an adjoining owner subsequently improves and occupies up to said line, he shall become liable to the former for such part of the cost of said fence as is just and reasonable, taking into consideration the quantity of the fence, the length of time it had been erected, and its condition. And in case the parties fail to agree on the amount to be paid, the owner who



erected said fence may complain to the surveyor aforesaid, who shall assess the amount which, in his opinion, the other party should pay; which amount, together with payment to the surveyor, as in section one provided, may be recovered as provided in section one of this act.

Protection of Public Water Supply.

§ 691.702. Fences along streams.

No administrative agency of the Commonwealth or any political subdivision thereof shall require any person to erect a fence along a stream in a pasture or other field used for grazing of farm livestock for the purpose of keeping farm livestock out of the stream.

