

As Reported by the Senate Agriculture Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 323

Representative Gibbs

**Cosponsors: Representatives Peterson, McGregor, J., Evans, Huffman,
Wagner, Miller, Fessler, Seitz, Bubp, Okey, McGregor, R., Fende, Schlichter,
Sayre, Aslanides, Zehringer, Reinhard, Core, Hite, Domenick, Adams,
Batchelder, Bolon, Collier, Combs, Dolan, Dyer, Gardner, Hagan, J.,
Harwood, Hughes, Luckie, Newcomb, Patton, Schindel, Setzer, Skindell,
Szollosi, Uecker, Williams, B.
Senators Wilson, Faber, Grendell**

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A B I L L

To amend sections 971.01, 971.04, 971.05, 971.06, 1
971.07, 971.08, 971.09, 971.10, 971.33, 971.34, 2
and 971.99; to amend for the purpose of adopting 3
new section numbers as indicated in parentheses 4
sections 971.04 (971.09), 971.05 (971.10), 971.06 5
(971.11), 971.07 (971.12), 971.08 (971.13), 971.09 6
(971.14), and 971.10 (971.15); to enact new 7
sections 971.02, 971.03, 971.04, 971.05, 971.06, 8
971.07, 971.08, 971.16, 971.17, and 971.18 and 9
section 971.071; and to repeal sections 971.02, 10
971.03, 971.11, 971.12, 971.13, 971.14, 971.15, 11
971.16, 971.17, 971.18, 971.21, 971.22, 971.23, 12
971.24, 971.25, 971.26, 971.27, 971.28, 971.29, 13
971.30, 971.31, and 971.32 of the Revised Code to 14
revise the Fences Law. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 971.01, 971.04, 971.05, 971.06, 16
971.07, 971.08, 971.09, 971.10, 971.33, 971.34, and 971.99 be 17
amended, sections 971.04 (971.09), 971.05 (971.10), 971.06 18
(971.11), 971.07 (971.12), 971.08 (971.13), 971.09 (971.14), and 19
971.10 (971.15) be amended for the purpose of adopting new section 20
numbers as indicated in parentheses, and new sections 971.02, 21
971.03, 971.04, 971.05, 971.06, 971.07, 971.08, 971.16, 971.17, 22
and 971.18 and section 971.071 of the Revised Code be enacted as 23
follows: 24

Sec. 971.01. As used in this chapter, ~~"owner":~~ 25

(A) "Applicable county recorder" means the county recorder of 26
a county in which a partition fence is, was, or is not required to 27
be constructed and maintained in good repair. 28

(B) "Build a fence," "construct a fence," and "maintain a 29
fence in good repair" include any necessary clearing of land. 30

(C) "Livestock" means horses, mules, asses, hogs, sheep, 31
goats, cattle, and any other animal that is raised or maintained 32
domestically for food, fiber, or hunting purposes. 33

(D) "Owner" means both of the following: 34

~~(A)~~ (1) The owner of land in fee simple, of estates for life, 35
of easements, or of rights-of-way while used by the owners thereof 36
as farm outlets; 37

~~(B) The department of natural resources~~ (2) Any of the 38
following with regard to any land that it owns, leases, manages, 39
or otherwise controls and that is adjacent to land used to graze 40
livestock: 41

(a) The department of natural resources; 42

(b) A conservancy district organized under Chapter 6101. of 43
the Revised Code; 44

(c) A political subdivision with a real property interest in recreational trails. 45
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~~Proceedings under this chapter do not bind the owner unless the owner is notified as provided in section 971.13 of the Revised Code.~~ 47
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(E) "Partition fence" means a fence that is located on the division line between the adjoining properties of two owners. "Partition fence" includes a fence that has been considered a division line between two such properties even though a subsequent land survey indicates that the fence is not located directly on the division line. 50
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(F) "Preferred partition fence" means a partition fence that is a woven wire fence, either standard or high tensile, with one or two strands of barbed wire located not less than forty-eight inches from the ground or a nonelectric high tensile fence of at least seven strands and that is constructed in accordance with the United States natural resources conservation service conservation practice standard for fences, code 382. "Preferred partition fence" includes a barbed wire, electric, or live fence, provided that the owners of adjoining properties agree, in writing, to allow such fences. 56
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(G) "Recreational trail" has the same meaning as in section 1519.07 of the Revised Code. 66
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Sec. 971.02. (A) Except as otherwise provided in this section, all fields and enclosures in which livestock are kept or placed and that are bordered by a division line between the adjoining properties of different owners shall be enclosed by a preferred partition fence. 68
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(B) Nothing in this chapter prevents an owner from building a fence that exceeds the requirements for a preferred partition 73
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fence established under this chapter. The owner building such a 75
fence shall pay all additional costs and expenses of building the 76
fence and maintaining it in good repair. 77

(C) This section does not apply to either of the following: 78

(1) The owners of adjoining properties that enter into an 79
agreement in accordance with section 971.04 of the Revised Code; 80

(2) Fences that were constructed prior to the effective date 81
of this section. 82

Sec. 971.03. This chapter does not apply to any of the 83
following: 84

(A) The enclosure of lots in municipal corporations; 85

(B) The enclosure of adjoining properties that are laid out 86
into lots outside of municipal corporations; 87

(C) Fences that are required to be constructed by persons or 88
corporations owning, controlling, or managing a railroad pursuant 89
to Chapter 4959. of the Revised Code. 90

Sec. 971.04. Nothing in this chapter prevents the owners of 91
adjoining properties from entering into a written agreement that 92
states that no fence is needed between the properties, a fence 93
other than a preferred partition fence may be built and maintained 94
pursuant to division (C)(1) of section 971.02 of the Revised Code, 95
or the rights and obligations of the owners are different from 96
what is established in this chapter. The agreement shall be filed 97
with the applicable county recorder and placed in the partition 98
fence record established under section 971.15 of the Revised Code. 99
In addition, the agreement runs with the properties that are 100
subject to the agreement. 101

Sec. 971.05. (A) If there is evidence that a partition fence 102

previously existed between the adjoining properties of two owners, 103
one of the owners, or both, may file an affidavit with the 104
applicable county recorder to be placed in the partition fence 105
record established under section 971.15 of the Revised Code 106
stating that a partition fence existed between the adjoining 107
properties within two years prior to the filing of the affidavit. 108
The affidavit also shall specify the location of the properties 109
and that the fence has been removed and not replaced. The 110
affidavit shall be filed no later than one year after the 111
effective date of this section. 112

(B) If an affidavit is filed under this section, section 113
971.06 of the Revised Code applies. 114

(C) If an affidavit is not filed under this section, section 115
971.07 of the Revised Code applies. 116

Sec. 971.06. (A) If a partition fence exists between 117
adjoining properties, the owners of the adjoining properties shall 118
maintain the fence in good repair in equitable shares. If the 119
owners decide to build a new fence, they shall do so in equitable 120
shares in accordance with this chapter unless the owners enter 121
into an agreement in accordance with section 971.04 of the Revised 122
Code. 123

(B) The owners of adjoining properties shall build and 124
maintain in good repair a partition fence in equitable shares in 125
accordance with this chapter if there is evidence that a partition 126
fence previously existed between the adjoining properties or if 127
either of the owners of the adjoining properties, or the previous 128
owners of the adjoining properties, has or had filed an affidavit 129
with the applicable county recorder under section 971.05 of the 130
Revised Code. However, the owners of the adjoining properties are 131
not required to build and maintain in good repair a partition 132

fence in equitable shares if the owners enter or the previous 133
owners entered, as applicable, into an agreement in accordance 134
with section 971.04 of the Revised Code. 135

(C)(1) If a partition fence is removed by an owner and not 136
replaced within one year after removal, the owner who removed the 137
partition fence shall file an affidavit with the applicable county 138
recorder to be placed in the partition fence record established 139
under section 971.15 of the Revised Code stating that a partition 140
fence existed between the adjoining properties within one year 141
prior to the filing of the affidavit. The affidavit also shall 142
specify the location of the properties and state that the fence 143
has been removed and not replaced. 144

(2) If an affidavit is filed and a partition fence is 145
rebuilt, the owners of the adjoining properties shall build and 146
maintain in good repair the new fence in equitable shares in 147
accordance with this chapter unless the owners enter into an 148
agreement in accordance with section 971.04 of the Revised Code. 149

(3) If an affidavit is not filed and a partition fence is 150
rebuilt, the owner constructing the fence shall bear the total 151
costs of building and maintaining it in good repair. 152

Sec. 971.07. (A) If a partition fence does not exist between 153
adjoining properties, there is no evidence that a partition fence 154
previously existed, an affidavit has not been filed with the 155
applicable county recorder in accordance with section 971.05 or 156
971.06 of the Revised Code, or a written agreement between the 157
owners of adjoining properties has not been filed with the 158
applicable county recorder in accordance with section 971.04 of 159
the Revised Code and an owner wants to build a partition fence, 160
that owner shall bear the costs of building and maintaining in 161
good repair the partition fence. The owner may file with the 162
applicable county recorder an affidavit that specifies the costs 163

incurred by the owner to build the partition fence. Each year 164
after the fence is built, the owner may file with the applicable 165
county recorder an affidavit that specifies the costs incurred 166
that year by the owner to maintain the fence in good repair. 167

(B) If an owner of adjoining property that did not assist in 168
bearing the costs of building and maintaining in good repair a 169
partition fence, or any successor in interest of the property, 170
subsequently uses the fence to keep livestock enclosed on the 171
property within thirty years after the fence was built, the owner 172
that built the fence, or any successor in interest of the 173
property, may file a claim for reimbursement of a proportionate 174
share of the total cost of building and maintaining in good repair 175
the partition fence with the owner of the adjoining property or 176
that owner's successor in interest, provided that an affidavit has 177
been filed under division (A) of this section. A reimbursement 178
claimed under this division shall equal the total cost of building 179
and maintaining the partition fence in good repair minus 180
one-thirtieth of the total cost multiplied by the number of years, 181
including parts of a year, that are included in the period 182
beginning on the date on which the affidavit was filed and ending 183
on the date on which the claim for reimbursement is made. An owner 184
that receives a claim for reimbursement under this division 185
promptly shall pay it. In addition, if necessary, the owners shall 186
modify the partition fence so that it complies with the standards 187
for preferred partition fences established in this chapter. The 188
owners shall equally divide the costs of the modification of the 189
partition fence. 190

(C) If the owner of adjoining property, or that owner's 191
successor in interest, fails to pay the claim for reimbursement of 192
the proportionate share of the total cost of building and 193
maintaining in good repair the partition fence that was filed 194
under division (B) of this section, the owner that filed the claim 195

for reimbursement may file an action in a court of competent jurisdiction to recover not more than the proportionate share of the total cost of building and maintaining in good repair the partition fence. 196
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(D) If the owner of adjoining property, or that owner's successor in interest, pays the claim for reimbursement filed by the owner that built and maintained in good repair the partition fence under division (B) of this section or is required to reimburse that owner by a court under division (C) of this section, the owner of the adjoining property, or that owner's successor in interest, subsequently is subject to section 971.06 of the Revised Code. 200
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(E) If the owner that builds and maintains in good repair a partition fence does not file an affidavit under division (A) of this section, the owner forfeits the owner's right to reimbursement from the owner of adjoining property as authorized under this section. 208
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Sec. 971.071. Notwithstanding any other provision in this chapter, an owner of land as defined in division (D)(2) of section 971.01 of the Revised Code is responsible for fifty per cent of the total cost of building and maintaining in good repair a partition fence between that owner and the owner of adjoining property unless a written agreement has been entered into under section 971.04 of the Revised Code. 213
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Sec. 971.08. (A) If an owner chooses to build a partition fence and the owner of adjoining property does not share in the construction of the fence, the owner building the fence, or a contractor hired by the owner, may enter on the adjoining property for no more than ten feet for the length of the fence to build and maintain in good repair the fence. The owner or contractor 220
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building the fence is not guilty of a violation of section 2911.21 226
of the Revised Code or an ordinance of a municipal corporation 227
that is substantially equivalent, provided that the owner or 228
contractor does not enter onto the property beyond the ten feet 229
specified in this division. However, that owner or contractor is 230
liable for all damages caused by the entry onto the adjoining 231
property, including damages to crops. 232

(B) No person shall obstruct or interfere with anyone who is 233
lawfully engaged in the construction or maintenance of a partition 234
fence. 235

Sec. 971.04 971.09. (A)(1) When a ~~person~~ an owner neglects to 236
build or maintain in good repair a partition fence, or the portion 237
thereof ~~which he~~ that the owner is required to build or maintain, 238
the aggrieved ~~person~~ owner may ~~complain to~~ do either of the 239
following: 240

(a) File an action in a court of common pleas as provided in 241
section 971.16 of the Revised Code; 242

(b) File a complaint with the board of township trustees of 243
the township in which ~~such~~ the land or fence is located. ~~Such~~ or 244
is to be built. 245

(2) If the aggrieved owner intends to file a complaint with 246
the applicable board of township trustees, the board shall present 247
the aggrieved owner with a document containing both of the 248
following: 249

(a) Notification that in lieu of filing a complaint with the 250
board of township trustees as provided in this section, an action 251
may be filed in a court of common pleas as provided in section 252
971.16 of the Revised Code; 253

(b) A description of the possible financial and maintenance 254
responsibilities that may result from the board's findings. 255

The aggrieved owner shall sign and date the document and 256
return it to the board prior to filing a complaint with the board. 257

(3) When a partition fence is on a township or county line, 258
the boards of township trustees of the adjacent townships have 259
concurrent jurisdiction, and the board of township trustees of 260
either of the townships may be called to perform the applicable 261
duties established in this chapter. Either party to the complaint 262
may call the board of the other township, in which case they shall 263
act jointly, but a separate record shall be made in both 264
townships. 265

(B) If a complaint is filed with a board of township 266
trustees, the board, after not less than ten days' written notice 267
to all adjoining ~~landowners~~ owners of the time and place of 268
meeting, shall view the fence or premises where ~~such~~ the fence is 269
located or is to be built, and assign, in writing, to each person 270
his equal share thereof, to be constructed or kept in repair by 271
him. At the meeting, the board shall determine whether a partition 272
fence exists, regardless of whether it is in disrepair, or there 273
is evidence that a partition fence previously existed. If there is 274
no evidence that a partition fence exists, even in disrepair, or 275
if there is no evidence that a partition fence previously existed, 276
the board shall review the applicable county recorder's records to 277
determine whether an affidavit has been filed in accordance with 278
section 971.05, 971.06, or 971.07 of the Revised Code or an 279
agreement has been filed in accordance with section 971.04 of the 280
Revised Code. 281

(C) After viewing the fence or premises and reviewing the 282
applicable county recorder's records, if applicable, the board may 283
request additional information from either owner that is a party 284
to the complaint. 285

(D)(1) At the next regularly scheduled meeting of the board 286
after viewing the fence or premises and reviewing the applicable 287

county recorder's records, if applicable, the board shall 288
determine if a partition fence is required to be built or 289
maintained in good repair, as applicable. If the board determines 290
that a partition fence is required to be built or maintained, the 291
board shall decide each owner's responsibility for building or 292
maintaining in good repair the partition fence. 293

(2) If the board finds that both owners are responsible, the 294
board shall equitably assign, in writing, each owner's share of 295
building or maintaining in good repair the partition fence. When 296
making an equitable assignment, the board may assign a specific 297
portion of the partition fence to be built or maintained in good 298
repair, or the board may assign a portion of the total cost of 299
building or maintaining in good repair the partition fence if the 300
owners have submitted to the board an estimate from a contractor 301
of the necessary cost to perform the applicable work. If the 302
partition fence does or will contain livestock, the board shall 303
include in the equitable assignment the cost of building or 304
modifying the fence to meet the standards for preferred partition 305
fences established in this chapter. 306

(3) If the board finds that one owner is responsible, the 307
board shall require that owner, in writing, to pay the total cost 308
of building or maintaining in good repair the partition fence or 309
the portion of the partition fence for which the owner is 310
responsible, as applicable. 311

(4) If the board determines that a partition fence is not 312
required to be built or maintained in good repair, as applicable, 313
the board shall notify each owner of that determination in 314
writing. 315

(E) When making an equitable assignment under division (D)(2) 316
of this section, the board shall consider, without limitation, all 317
of the following: 318

<u>(1) The topography of the applicable property;</u>	319
<u>(2) The presence of streams, creeks, rivers, or other bodies of water;</u>	320 321
<u>(3) The presence of trees, vines, or other vegetation;</u>	322
<u>(4) The level of risk of trespassers on either property due to the population density surrounding the property or the recreational use of adjoining properties;</u>	323 324 325
<u>(5) The importance of marking division lines between the properties;</u>	326 327
<u>(6) The number and type of livestock owned by either owner that may be contained by the partition fence.</u>	328 329
<u>(F) The board shall certify a report of an assignment made under division (D)(2) of this section or a finding made under division (D)(3) of this section to the applicable county recorder, who shall record the assignment or finding in the partition fence record established under section 971.15 of the Revised Code.</u>	330 331 332 333 334
<u>(G)(1) If either owner does not agree to the board's assignment of responsibility under division (D)(2) of this section for building or maintaining in good repair a partition fence, the owner, not later than thirty days after the assignment has been made, may deliver to the board and the other owner a written request for binding arbitration. An owner that requests binding arbitration also shall deliver a copy of the request to the court of common pleas of the county in which the arbitration is to be held, which shall be the county in which the owner that seeks the binding arbitration resides. If either owner requests binding arbitration, the board shall submit a report of its recommendation of assignment that is made under division (D)(2) of this section or of its finding that is made under division (D)(3) of this section, as applicable, to the court of common pleas in which the arbitration is to be held.</u>	335 336 337 338 339 340 341 342 343 344 345 346 347 348 349

(2) The court of common pleas in which the arbitration is to 350
be held shall appoint an arbitrator. The court shall furnish the 351
board's report that is submitted to the court under division 352
(G)(1) of this section to the arbitrator. The owners shall pay the 353
costs of the arbitrator's services in equal amounts. An arbitrator 354
that has knowledge of this chapter shall be appointed, if 355
possible. 356

(3) Not later than thirty days after appointment of an 357
arbitrator, each owner and the board shall deliver to the 358
arbitrator a recommendation for the assignment of responsibility 359
for building or maintaining in good repair the partition fence. 360
Not later than sixty days after appointment of the arbitrator, the 361
arbitrator shall approve one of the recommendations submitted or 362
assign responsibility for building or maintaining in good repair 363
the partition fence based on the arbitrator's judgment. 364

The arbitrator shall deliver to each owner and the board a 365
written statement of the arbitration decision that states each 366
owner's responsibility for building or maintaining in good repair 367
the partition fence. The arbitrator shall certify a report of the 368
arbitration decision to the applicable county recorder, who shall 369
record the decision in the partition fence record established 370
under section 971.15 of the Revised Code. 371

The owners shall abide by the arbitration decision. The 372
arbitration decision shall be enforced, upon petition by either 373
owner, by the court of common pleas of the county in which the 374
petitioner resides. 375

Sec. 971.05 971.10. The cost due the township fiscal officer 376
and the board of township trustees for making the assignment set 377
forth in section ~~971.04~~ 971.09 of the Revised Code shall be taxed 378
equally against each of the persons and, if not paid to the fiscal 379
officer within thirty days from the date of the assignment, shall 380

be certified by the fiscal officer to the county auditor, with a 381
correct description of the lands and the amount charged against 382
each portion. 383

Sec. ~~971.06~~ 971.11. The county auditor shall place the amount 384
authorized in section ~~971.05~~ 971.10 of the Revised Code upon the 385
duplicate to be collected as other taxes, and the county treasurer 386
shall pay it, when collected, to the township fiscal officer as 387
other funds are paid. 388

Sec. ~~971.07~~ 971.12. (A) If either ~~person~~ owner fails to build 389
or maintain in good repair the portion of a partition fence 390
assigned to ~~him~~ the owner under section ~~971.04~~ 971.09 of the 391
Revised Code, the board of township trustees, upon the application 392
of the aggrieved ~~person~~ owner, shall award the contract to the 393
lowest responsible bidder agreeing to furnish the labor and 394
material, and build ~~such~~ or maintain the fence according to the 395
specifications proposed by the board, after advertising for bids 396
once a week for three consecutive weeks in a newspaper of general 397
circulation in the county in which the township is situated. 398

(B) If no bids are received from responsible bidders as 399
provided in this section, the trustees shall procure labor and 400
materials at prevailing rates and cause ~~such~~ the fence to be 401
constructed or maintained. 402

(C) No person shall obstruct or interfere with anyone 403
lawfully engaged in construction or maintenance of a partition 404
fence or in the performance of any other act described in this 405
section. 406

Sec. ~~971.08~~ 971.13. When the work provided for under section 407
971.12 of the Revised Code is completed to the satisfaction of the 408
board of township trustees, it shall certify the costs to the 409
township fiscal officer. If the costs are not paid within thirty 410

days, the township fiscal officer shall certify them to the county auditor with a statement of the cost of the construction or maintenance and incidental costs incurred by the trustees and a correct description of each piece of land upon which the costs are assessed.

Sec. 971.09 971.14. The county auditor shall place the amounts certified, as provided in section ~~971.08~~ 971.13 of the Revised Code, upon the tax duplicate, which amounts shall become a lien and be collected as other taxes. The board of township trustees shall certify the amount due each person for building or maintaining the fence and the amount due each trustee and the township fiscal officer for services rendered. In anticipation of the collection of the amounts, the auditor shall draw orders for the payment of the amounts out of the county treasury.

Sec. ~~971.10~~ 971.15. The applicable county recorder shall keep a book known as the "Partition Fence Record partition fence record" and all divisions of. All agreements between the owners of adjoining properties filed in accordance with this chapter, all affidavits filed by owners in accordance with this chapter, and all assignments of and findings and decisions regarding responsibility for building and maintaining in good repair partition fences made under this chapter shall be recorded therein, and in the record. A document recorded in the record shall be final between the parties thereto and successive owners thereafter, until such divisions become unequal by a sale or division of land or a portion thereof, in which case a new division may be had modified by a subsequent document. All documents recorded in the record shall describe the land where a partition fence is located and the portion of the fence assigned to each applicable owner. In addition, the documents shall describe the purposes and use of the partition fence.

Sec. 971.16. (A) An owner may file an action in a court of common pleas of the county in which the owner resides if the owner of adjoining property neglects to build or maintain in good repair a partition fence or the portion of a partition fence that the owner is required to build or maintain.

(B) In an action filed under this section, a court shall consider all of the following when making an assignment of responsibility for building or maintaining in good repair a partition fence:

(1) Whether a partition fence currently exists even if it is in disrepair;

(2) Whether there is evidence that a partition fence existed in the past;

(3) Whether a written agreement between the owners has been filed with the applicable county recorder in accordance with section 971.04 of the Revised Code;

(4) Whether an affidavit has been filed with the applicable county recorder in accordance with section 971.05, 971.06, or 971.07 of the Revised Code;

(5) All of the following:

(a) The topography of the applicable property;

(b) The presence of streams, creeks, rivers, or other bodies of water;

(c) The presence of trees, vines, or other vegetation;

(d) The level of risk of trespassers on either property due to the population density surrounding the property or the recreational use of adjoining properties;

(e) The importance of marking division lines between the properties;

(f) The number and type of livestock owned by either owner 471
that may be contained by the partition fence. 472

The court shall make an assignment in equitable shares. 473

(C) The court shall assign attorney's fees and court costs in 474
an equitable manner to the parties. 475

Sec. 971.17. (A) Not fewer than twenty-eight days prior to 476
removing a partition fence, an owner shall notify the owner of 477
adjoining property in writing that the owner intends to remove the 478
partition fence. The notice may be delivered personally or by 479
certified mail, return receipt requested, to the last known 480
address of the adjoining owner. If the notice delivered by 481
certified mail is refused or unclaimed, the notice may be 482
delivered by ordinary mail. If the notice delivered by ordinary 483
mail is returned for failure of delivery, or if the address of the 484
adjoining owner is unknown and cannot be ascertained with 485
reasonable diligence, notice may be served by publication once a 486
week for three consecutive weeks in a newspaper of general 487
circulation in the county in which the partition fence is located. 488

(B) If an owner removes a partition fence without notifying 489
the owner of adjoining property in accordance with division (A) of 490
this section, the owner forfeits the owner's right to seek 491
reimbursement under section 971.07 of the Revised Code for the 492
construction and maintenance of a new partition fence. 493

(C) An action for trespass by the owner of adjoining property 494
against the owner removing a partition fence may include a 495
reasonable request for court costs, attorney's fees, and other 496
litigation costs. 497

(D) No owner shall place any debris accumulated from the 498
removal of a partition fence on adjoining property without 499
entering into a written agreement with the owner of the adjoining 500

property. An adjoining owner who has not entered into a written 501
agreement under this division shall have a cause of action against 502
the owner that placed debris from the removal of a partition fence 503
on the adjoining owner's property for the cost of removing that 504
debris. Any action against the owner may include any attorney's 505
fees. 506

Sec. 971.18. An owner of livestock who permits the livestock 507
to run at large out of the livestock's enclosure is liable for all 508
damages caused by the livestock on the premises of another. 509

Sec. 971.33. An owner of land, adjacent to a ~~line or~~ 510
partition fence, shall keep all brush, briars, thistles, or other 511
noxious weeds cut in the fence corners and a strip four feet wide 512
on ~~his~~ the owner's side along the line of a partition fence, but 513
this section does not affect the planting of vines or trees for 514
use. 515

Sec. 971.34. If the owner or tenant occupying land, neglects 516
or refuses to cut brush, briars, thistles, or other noxious weeds, 517
as provided in section 971.33 of the Revised Code, an owner or 518
occupant of land abutting on the ~~line or~~ partition fence, after 519
having given the owner or tenant not less than ten days' notice to 520
cut or remove them, may notify the board of township trustees of 521
the township in which the land is situated, who shall forthwith 522
view the premises, and if satisfied that there is just cause of 523
complaint, shall cause them to be cut, by letting the work to the 524
lowest bidder, or by entering into a private contract therefor. 525

Sec. 971.99. (A) ~~Whoever~~ Except as otherwise provided in 526
division (B), (C), or (D) of this section, whoever violates 527
division (B) of section ~~971.03~~ 971.08 or division (C) of section 528
~~971.12~~ of the Revised Code is guilty of a misdemeanor of the 529

~~fourth~~ third degree. 530

~~(B) Whoever violates division (C) of section 971.07 of the Revised Code is guilty of a misdemeanor of the third degree.~~ 531
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(B) Whoever violates division (B) of section 971.08 or division (C) of section 971.12 of the Revised Code is guilty of a misdemeanor of the second degree if, in committing the offense, the violator made a threat of physical harm to the person that was building or maintaining a partition fence. 533
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(C) Whoever violates division (B) of section 971.08 or division (C) of section 971.12 of the Revised Code is guilty of a misdemeanor of the first degree if, in committing the offense, the violator caused physical harm to the person that was building or maintaining a partition fence. 538
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(D) Whoever violates division (B) of section 971.08 or division (C) of section 971.12 of the Revised Code is guilty of a felony of the fifth degree if, in committing the offense, the violator caused serious physical harm or death to the person that was building or maintaining a partition fence. 543
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(E) Prosecution for a violation of division (B) of section 971.08 or division (C) of section 971.12 of the Revised Code does not preclude prosecution for a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section, or both sections. 548
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Section 2. That existing sections 971.01, 971.04, 971.05, 971.06, 971.07, 971.08, 971.09, 971.10, 971.33, 971.34, and 971.99 and sections 971.02, 971.03, 971.11, 971.12, 971.13, 971.14, 971.15, 971.16, 971.17, 971.18, 971.21, 971.22, 971.23, 971.24, 971.25, 971.26, 971.27, 971.28, 971.29, 971.30, 971.31, and 971.32 of the Revised Code are hereby repealed. 555
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