



# Indiana Farm Fence Laws

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# All Agricultural Land

- Must be separated by partition fence if:
  - Outside town or city limits (unincorporated)
  - Zoned or otherwise designated as agricultural land;
  - Used for growing crops or raising livestock;  
or
  - Reserved for conservation
- UNLESS:
  - Recorded Agreement to the contrary

# Applies to ALL agricultural land

- Enclosed or Unenclosed
- Cultivated or Uncultivated
- Wild or Wood Lot
- IC 32-26-9-5

# Partition Fences - Landowners' Responsibility

- Right one-half standing on own property and facing the adjoining neighbor's property
- Rule May Be Ignored If: landowner has constructed & maintained  $\frac{1}{2}$  of a given fence other than his right  $\frac{1}{2}$  for 5 or more years
- To be placed on the line dividing the two properties

# Partition Fences - Landowners' Responsibility

- Law supports special arrangements between landowners for fence maintenance (even oral agreements)
- To be binding, the agreement must be written and recorded
- Landowners may agree not to have or maintain a partition fence.
- Endures indefinitely or until one asks for a fence.
- Duty to build/repair arises with a request.

# If Landowner Refuses...

- The requesting landowner is to build or repair their share
- Provide notice to the neighbor
- After 20 days, the trustee can be contacted

# Partition Fences - Trustee's Responsibility

- Receives request from landowner for assistance
- Within a “reasonable” time, determine probable cost of the project
- Notifies the nonperforming landowner
- After 20 days, Trustee required to have the work performed
- Paid out of Twp General Fund w/o appropriation
- Sends certified statement of costs to the County Auditor for payment
- Costs are collected along with property taxes

# What kind of fence?

- “All fences of every structure must be sufficiently tight and strong to hold hogs, sheep, cattle, mules, and horses”  
IC 32-26-9-3 (f)
- Minimum height:
  - 4 feet with wire, pickets or boards
  - 4 ½ feet for rail fence
  - 5 feet for worm rails