



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5814

by Rep. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

765 ILCS 130/3

from Ch. 54, par. 3

Amends the Fence Act. Provides that if one of 2 adjoining landowners does not own livestock, the landowner who owns livestock shall pay the entire cost of building and maintaining the division fence between the adjoining lands. Provides that if the landowner that owned no livestock subsequently commences raising livestock, the landowner that built the fence is entitled to reimbursement from the other landowner for 50% of the construction and maintenance costs of the fence. Effective immediately.

LRB098 17755 HEP 52875 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fence Act is amended by changing Section 3
5 as follows:

6 (765 ILCS 130/3) (from Ch. 54, par. 3)

7 Sec. 3. Division fences.

8 (a) Except as provided in subsection (c) of this Section,
9 when ~~when~~ 2 or more persons have lands adjoining, each of them
10 shall make and maintain a just proportion of the division fence
11 between them.

12 (b) If the division fence between adjoining lands is ~~and~~
13 ~~if such fence shall be~~ a hedge fence, then the owner or owners
14 of such hedge fence shall, during the year after such hedge has
15 attained the age of 7 years, cut back or trim such hedge fence
16 to a height not to exceed 4 feet, and shall at least once in
17 every 2 years thereafter, cut back or trim such hedge fence to
18 the height of 5 feet. The provisions of this section shall not
19 apply to any hedge fence protecting either an orchard,
20 buildings or wind break, nor shall the provisions of this
21 Section apply to any such fence for the preservation of
22 wildlife and protection against soil erosion. Such hedge fences
23 protecting wildlife, or orchards, or buildings or windbreaks,

1 and such fences protecting against soil erosion shall not
2 exceed 60 rods in length. If the owner or owners of such hedge
3 fence shall fail or refuse to comply with the provisions of
4 this act, on or before the 15th day of June in the year that
5 such hedge should be cut or trimmed, any one of the owners of
6 such division fence having complied with the provisions of this
7 act may give the owner or owners, or their agents, of any such
8 uncut or untrimmed hedge, 10 days notice, in writing to cut or
9 trim such hedge. And should the owner or owners, or their
10 agents so notified fail or refuse to comply with such notice it
11 shall be lawful for the person giving the notice to cut or trim
12 or cause to be cut or trimmed, in accordance with law, and the
13 cost and damage of cutting or trimming such hedge may be
14 recovered off of the owner or owners of such hedge before any
15 court of competent jurisdiction.

16 (c) If one of 2 adjoining landowners does not own
17 livestock, the landowner who owns livestock shall pay the
18 entire cost of building and maintaining the division fence
19 between the adjoining lands. If the landowner that owned no
20 livestock subsequently commences raising livestock, the
21 landowner that built the fence is entitled to reimbursement
22 from the other landowner for 50% of the construction and
23 maintenance costs of the fence.

24 (Source: Laws 1965, p. 3536.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.