

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 174  
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**Subject:** Partition Fences

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### Background

A partition fence is a fence on or very near the boundary line separating adjoining properties. Minnesota fence law, Minnesota Statutes, chapter 344, establishes rules governing the construction and upkeep of partition fences. Fence law provisions are applicable only when adjoining landowners are unable to agree on:

whether or not a fence is needed between the adjoining properties;properties;

the type and minimum construction standards for a fence;fence;

the value of an existing fence between the properties; oror

the proper division of the costs for the construction and maintenance of a fence.fence.

While chapter 344 generally applies to property owners throughout the state, its only significant application occurs in rural areas. In simple terms, fence law requires that in any case where adjoining property owners don't agree on who should build and pay for a fence between the properties the cost should be shared equally between the two property owners. Chapter 344 relies on enforcement at the local level; disputes are settled by township supervisors or other designated "fence viewers" who review the dispute and issue an "assignment" of the cost to the property owners.

[For additional history on this topic please see: Information Brief, *Minnesota Partition Fence Law*, by Sam Rankin and Gary Currie, House Research Department (1998)]

**House File No. 174** would modify fence law, Minnesota Statutes, chapter 344, so that the cost sharing provision only applies if both parties agree on the need for or desire the construction of a fence.