

# Official Ballot

## MACON COUNTY COMMISSION

Macon County, Missouri

TUESDAY, APRIL 1, 1986

### Proposition I: County Sales Tax

Shall the county of Macon impose a countywide sales tax at the rate of one half cent for a period of five years from the date on which such tax is first imposed for the purpose of construction of county bridges and purchase of road equipment such as motorgraders, etc. This tax shall be spent only on the above mentioned bridges and equipment and shall expire in 5 years.

☐

YES

☐

NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

### Proposition II: Local Option Fence Law

Shall the county of Macon adopt the "Local Option Fence Law" — wherein if there is a need for a fence by either of two joining landowners, both shall be obligated to build and maintain the fence.

☐

YES

☐

NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

THE TAX ABATED IS DISTRIBUTED AS FOLLOWS:

STATE	County	Hosp. School	Health Road	School Park	Nurs.	Amb.	Rd. Total	Total
\$ .97	\$ 7.04	\$ 6.40	\$ 3.20	\$ 113.02	\$ .97	\$ 9.38	\$ 4.81	\$ 15.02 160.81

and it is further ordered that the County Clerk of said County correct the Tax Books to conform to the corrected assessment and extend the taxes in conformity therewith.

It is further ordered that the County Clerk furnish a copy of these proceedings to the State Auditor, and one to the Collector of

of Macon  
STATE OF MISSOURI

County.

COUNTY OF Macon  
I, Marilyn Petre

, Clerk of the County Court of

*Bob Butler*  
Presiding Commissione

Macon County

hereby certify that the above and foregoing is a full and complete copy of the Record of said Court, as fully as the same appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Court. Done at office in Macon

, Mo., this 3rd

day of April, 1986.

*Marilyn Petre*  
County Clerk

Erroneous Assessments: See Sections 137.260, 137.270 and 138.060, R. S. Mo. 1979.

IN RE: SALES TAX

Now on this day the County Commission received the results of the special election held on April 1, 1986 for a County Sales Tax for Capital Improvements. Commission accepted the totals-Yes 1830 and No 1089. Commission ordered County Clerk to send a copy to Director of Revenue by certified mail.

IN RE: LOCAL OPTION FENCE LAW

Now on this day the County Clerk gave the County Commission the results of the special election on April 1 for the Local Option Sales Tax law. Yes 1721 and No 1037

IN RE: NEW EMPLOYEE HIRED

Now on this day the County Commission hired Timothy R. Greer to run motorgrader in Bevier and Chariton Twp. Mike Boettcher quit to take other employment.





State Rep. Merrill Townley worked since 1984 to pass new legislation that made major changes to Missouri's fencing law. Under the new law only livestock owners are required to have fences and neighbors no longer have to pay part of the cost of a fence they don't need.

# Townley makes good neighbors

by Jim McCarty

**A**nyone who has really read Robert Frost's poem "Mending Wall" knows the poem is often misquoted. Frost wasn't writing about how fences make good neighbors. Rather, it is about how nature hates fences and tears them down despite man's feeble efforts to keep them up.

State Rep. Merrill Townley knows the feeling in more ways than one. He owns 300 acres in Osage County where he raises cattle. He's seen first hand how difficult it is to keep a tight fence when the forces of nature are aligned against you. And since 1984 he's been trying to mend Missouri's fencing law.

If Townley and the rest of Missouri's lawmakers are powerless against the forces of nature, at least they could make good neighbors by improving the antiquated law then on the books. But getting the job done proved almost as difficult as sinking a fence post into an Ozark hillside.

"The problem that we've always had was we started out with the theory that the ownership of land carried with it the responsibility for building the fence," says Townley, a member of Three Rivers Electric Co-op who lives near Chamols. "There's so much CRP ground and recreation land and forest land and they always said we don't want to have to build a fence if we don't need one."

In the 2001 legislative session that ended in May, Missouri's lawmakers finally passed a new

## His new law seeks to mend Missouri's fencing squabbles

fencing law. The bill Townley sponsored passed with no dissent, a real tribute to the years of hard work spent making it right.

"The analyst who has worked on this so many years, on his computer he's got 140 versions of what we've done," Townley says. Few questioned that Missouri's old fencing law wouldn't keep the cows in, so to speak. The law on the books was so unclear judges refused to hear cases, Townley says.

Also, many landowners objected to the old provision that required them to pay for fences they didn't need. "In the past if you owned land and someone wanted to build a fence then both had to pay," Townley says.

Under the new law only property owners who have livestock must build fences. Adjoining landowners don't have to pay for any part of the fence — unless they get livestock later. The cost of the fence is recorded on the deeds of those involved.

"That keeps people from saying I don't need any fence and letting you build and then he goes and gets cattle," says Townley.

The law also defines what a legal fence is: four strands of barbed wire attached to posts no more than 12 feet apart. A better fence can be built. But the

landowner who wants to go beyond barbed wire must pay the extra expense.

To determine which landowner is responsible for a given section of fence lawmakers turned to English common law. Standing in the center of a section of fence, each landowner faces away from their property. Each must maintain the section to their right. If the division seems unfair due to rough terrain, water gaps, other obstacles the landowners can agree on a different arrangement. These agreements can be recorded so that they also apply to future landowners.

The new law removed a lot of antiquated language. One provision in the old law called for owners of salt peter mines to keep the site enclosed with a "good and lawful fence." Another prohibited scattering cotton seed outside of an enclosure. These and other archaic parts of the law were removed.

A lot of interesting stories came out of the many hearings held on the proposed bill. One of those testifying told about a neighbor whose cattle roamed free because of his poor fences. So one day the man's neighbor plowed some ground and ran a planter over it.

"What are you planting?" asked the man with the bar-

fences. "Sorghum," poisonous to cattle, was the answer. The next day the fences were mended. The neighbor never suspected the planter was empty.

For 15 Missouri counties the new law does not apply. That's because they passed a local option provision that was allowed to stand under the new law. In those counties, which are primarily in northern Missouri, neighbors can be forced to pay for part of a fence as long as one or the other landowner has a need for it.

Local option counties include Bates, Davles, Grundy, Harrison, Knox, Linn, Macon, Mercer, Newton, Putnam, Schuyler, Scotland, Shelby, St. Clair and Sullivan. Other counties can vote to take the local option. However Townley doubts any others will.

"Agriculture has less people and if they bring it up I don't think they will pass it," he says.

Townley is understandably proud the new law is finally on the books. "If all legislation was worked on as long and hard as this was we wouldn't make mistakes where we had to come back and fix them," he says. "We need clear law. It's just something that ought to be."

The new measure is clear on what is required of landowners, and judges can now settle disputes once and for all. But Townley doubts many of these cases will ever have to go to court.

Hopefully you come to an agreement," he says. "They say 'good fences make good neighbors' and that's sure true."