

Wayne County.

3. Unless otherwise agreed between adjoining landowners the cost of construction of a legal fence between adjoining landowners or users shall be divided equally. The cost and responsibility of maintenance thereafter shall also be shared equally, unless said fence is damaged or destroyed by the neglect or intentional act of one landowner or user, in which case, the person damaging or destroying said fence shall be solely responsible for repairs.

4. Notwithstanding any other provision or section of this Ordinance, when a landowner changes the use of his, her or its real property from agricultural use to any other use, said landowner shall bear the sole cost and responsibility for erection of a new fence or repair of an existing fence sufficient to ensure that livestock on adjoining lands are prevented from entering such real property.

5. Notwithstanding this Ordinance it is unlawful for any owner of livestock to intentionally or recklessly, and without permission, allow their livestock to be upon the real property of another owner; except when such livestock are being moved to or from traditional grazing pastures or allotments.

6. For the purpose of this Ordinance a person or entity acts "intentionally" with respect to the nature of his or its conduct or to a result of his or its conduct, when it is his or its conscious objective or desire to engage in the conduct or cause the result.

7. For purposes of this Ordinance a person or entity acts "recklessly" with respect to circumstances surrounding his or its conduct or the result of his or its conduct when he or it is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise in all the circumstances as viewed from the actor's standpoint.

8. Notwithstanding the provisions of this Ordinance the Wayne County Sheriff's Office or other appropriate law enforcement agency may remove and stray pen livestock from private or public property where a clear and present danger to persons or property exists; or where the livestock owner intentionally or recklessly allows livestock to trespass upon the real property of another. Wayne County or other appropriate sponsor of law enforcement may recover from the owner of the livestock the actual costs of stray penning and keeping such livestock and is granted a lien upon such livestock as security for the costs incurred. Clear and present dangers to persons or property include the following:

a. livestock are located on or dangerously near highways and streets in areas that are not openly grazed; except when such livestock are being moved to or from traditional grazing pastures or allotments;

b. livestock have, or are destroying improvements or fixtures in a manner not associated with normal grazing.