

## 256.010 Definitions.

- (1) "Lawful fence" means:
  - (a) A strong and sound fence, four (4) feet high, so close that cattle cannot creep through, made of rails, or plank, or wire and plank, or iron, or hedge, or stone or brick; or
  - (b) A ditch three (3) feet deep and three (3) feet broad, with a hedge two (2) feet high or a rail, plank, stone, smooth or barbed wire or brick fence two and one-half (2 1/2) feet high on the margin of the ditch, if the fence is so close that cattle cannot creep through; or
  - (c) A well-constructed gate four (4) feet high so close that cattle cannot creep through, made of wood slats and wood framing or made of metal slats and framing either or both, forming a part of a fence otherwise lawful and entering upon a public road or highway or entering upon a private or public road or passway over the land of another adjacent owner; or
  - (d) A cattle guard not less than eight (8) feet wide and not less than six (6) feet across with a pit not less than two (2) feet six (6) inches deep with iron pipes not less than two (2) nor more than six (6) inches in diameter, iron rails or wooden rails not less than two (2) nor more than four (4) inches across the surface exposed to traffic, and not less than five (5) inches apart, constituting a part of a fence otherwise lawful and entering upon a public road or highway or entering upon a private or public road or passway over the land of another adjacent landowner. Provided, however, the definition or description of a lawful fence or cattle guard in this paragraph (d) shall not apply to the term "cattle guard" as used in KRS 256.150.
- (2) As used in this chapter, unless the context requires otherwise, "railroad" means the person who owns a right-of-way and owns or controls a railroad in this state that has been in operation for five (5) years.

**History:** Amended 1944 Ky. Acts ch. 70, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1780.