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To: Rains County Leader

From: Stephen Gowin
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Open or Closed Range

Each year I will get several calls particularly from lawyers or insurance agents about our stock laws. Is Rains County considered “an Open or Closed Range”? In 1917, the citizens of Rains County voted to make Rains County a “closed range”. So what does all this mean to you as a producer? In a nutshell it is prohibited for horses, mules, jacks, jennies, and cattle to run at large.

Open range — fences keep livestock off your property

Open range means the county has never held a local stock option election within the county; therefore the county is “open range.” Chapter 143 of the Texas Agriculture Code allows a county, or portion of a county, to decide by local option election whether to prohibit certain classes of livestock from running at large in the locality.

In open range counties, property owners are required to build and maintain a fence that is sufficient to keep livestock off their property. However, this does not exempt livestock owners from damages that may be caused by trespassing livestock. Even though a county is open range, livestock are not permitted to roam or traverse unattended along a U.S. or state highway. A livestock owner may be charged with a Class C misdemeanor for allowing his or her livestock to do so.

Closed range — fences keep livestock on your property

Closed range means that at some point the entire county or a precinct, or designated area within the county, held a local stock option election and has adopted a stock law. Usually the stock law, or closed range, means you are responsible for fencing in your livestock.

Closed range fencing requirements

The Texas Agriculture code specifically states that, to be sufficient, a fence must be at least 4 feet high and comply with these requirements:

- A barbed wire fence must consist of 3 wires on posts not more than 30 feet apart, with 1 or more stays between every 2 posts;
- A picket fence must consist of pickets that are not more than 6 inches apart;
- A board fence must consist of 3 boards not less than 5 inches wide and 1-inch thick; and
- A rail fence must consist of 4 rails.

Assume your livestock are in a closed-range jurisdiction. Inspect, repair and maintain fences on a regular basis. Monitor livestock periodically to ensure that none has escaped.

I gathered most of my information from the Texas and Southwestern Cattle Raisers Association. If you would like to find out more information on the matter or many other livestock laws go to <http://www.tscra.org>.