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**MEMORANDUM**

**RE:** Cooke County as a Closed Range County  
**TO:** All Law Enforcement in Cooke County

**Historical Background**

The Texas Legislature during the late 1800s has allowed for local **“stock laws”** to be passed that modify the common law rule of open range, Texas Agriculture Code Section 143.021 – 143.082. Stock laws are considered by local voters and can apply to all or a portion of a county.

When these laws are in place, the open range common law is modified and landowners have a duty to prevent animals from entering the highway pursuant to the stock law. Many stock laws were enacted across Texas by the 1930’s.

The stock laws generally state that certain species of animals (i.e. horses, jacks, jennets, cattle, sheep, etc.) may not be permitted to run at large within the limits of the particular county. **Essentially, a stock law changes the area from open range to closed range.**

**Cooke County Background**

In the summer of 1900 the Commissioners’ Court authorized an election regarding the “stock law” and the issue was worded as follows;

“To determine whether or not horses, mules, jacks or jennets, or cattle shall run at large....”

Another election was held in the summer of 1903, with the same issue, to insure that all areas of the county had a vote on the issue

The election was conducted in these several areas encompassing the whole county. I have attached copies of the election report by the Commissioners’ Court at the end of this memorandum for your information.

The results of the election were tabulated as for or against the open range and **the vote went for the “stock law”**, thereby making Cooke County a **“closed range”** county.

Unfortunately, the language used in the election issue is somewhat confusing and as a result it has been debated in litigation both for and against a closed range finding.

This issue comes up most frequently in the context of animals on roadways resulting in collisions, to determine liability.

### **Common Law Perception**

Many people are often confused about this standard because under the common law (common law is the judge-made law that comes out of courts rather than statutes that are enacted by the legislature), it is true that Texas is an **open range state**.

### **Statutory Law Applied**

Although the common law may be applicable in portions of the state, **it is certainly not the law for all areas or all roadways in Texas**. Two exceptions modify this common law rule for certain areas: “**stock laws” ( restricting the movement of animals )** and a **statute pertaining to federal and state highways**.

Pursuant to state statute, Texas Agric. Code Section 143.102

“A person who owns or has responsibility for the control of a horse, mule, donkey, cow, bull, steer, hog, sheep, or goat **may not knowingly permit the animal to traverse or roam at large, unattended, on the right-of-way of a highway.**”

Under this statutory provision, a “highway” is defined as “a U.S. highway or a state highway in this state, but does not include a numbered farm-to-market road (Texas Agric. Code Section 143.101).

All U.S. and state highways are considered to be closed range under Texas law, while **farm-to-market roads are considered to be open range unless a local stock law modifies this rule**. The result of this rule is that it may well be in a single county that one roadway is closed range while another nearby roadway is open range. Since Cooke County is a closed range county the rule applies to the farm-to-market roads in the county.

### **Liability Examples**

Both stock laws and the federal and state highway statute have this similar “permit” requirement, the federal and state highway statute’s standard is higher, requiring that the owner **knowingly** permit an animal to run large.

One appellate court found that an owner acted knowingly when he was aware the fences were unable to withstand rainfalls, the cattle had escaped many times during rainstorms prior to the accident, that the police informed the owner that his cattle were on the roadway, and that the owner did not inspect the fences prior to the accident occurring **Weaver v. Brink** 613 S.W.2d 581 (Tex. App. Waco 1981).

Conversely, where a livestock owner kept his gate locked and chained and he had no prior knowledge of his cattle escaping on a roadway, there was insufficient evidence to prove that he acted “knowingly.” Evans v. Hendrix, 2011 Tex. App. LEXIS 6579 (Tex. App. Waco Aug. 17, 2011).

This statute imposes liability on a person who owns or has responsibility for the control of certain animals. Texas appellate courts have found that where a landowner leases his land to a third party and does not reserve the right to inspect the property is neither the owner, nor responsible for the control of, the animals and, therefore, cannot be liable under this statute Levesque v. Wilkens, 57 S.W.3d 499 (Tex. App. Houston 2001).

### **Offense under the Texas Agriculture Code**

In a “**closed range county**”, such as we have in Cooke County, the Texas Agriculture Code Sections 142.001 through 143.123 direct the application of these “**stock laws**”. I have attached those statutes for your information.

The most salient portion of these statutes for our purpose is the issue of criminal liability for the statutory violations.

#### **Sec. 143.108. Penalty.**

- (a) A person commits an offense if the person violates Section 143.102 of this code.
- (b) An offense under this section is a Class C misdemeanor.
- (c) A person commits a separate offense for each day that an animal is permitted to roam at large in violation of **Section 143.102** of this code.

#### **Sec. 143.102. Running at Large on Highway Prohibited.**

A person who owns or has responsibility for the control of a horse, mule, donkey, cow, bull, steer, hog, sheep, or goat may not knowingly permit the animal to traverse or roam at large, unattended, on the right-of-way of a highway.

#### **Sec. 143.034. Penalty.**

- (a) A person commits an offense if the person knowingly:
  - (1) turns out or causes to be turned out on land that does not belong to or is not under the control of the person an animal that is prohibited from running at large under this subchapter;
  - (2) fails or refuses to keep up an animal that is prohibited from running at large under this subchapter;
  - (3) allows an animal to trespass on the land of another in an area or county in which the animal is prohibited from running at large under this subchapter; or
  - (4) as owner, agent, or person in control of the animal, permits an animal to run at large in an area or county in which the animal is prohibited from running at large under this subchapter.
- (b) An offense under this section is a Class C misdemeanor.

#### **Sec. 143.082. Penalty.**

- (a) A person commits an offense **if the person knowingly permits a head of cattle or a domestic turkey to run at large in a county or area that has adopted this subchapter.**

**(b)** An offense under this section is a Class C misdemeanor.

**Civil Application**

Animals on roadways, and who may be liable for their presence, and the damages resulting from these, are usually a matter for the civil courts to decide. Any violation(s) determined under the Texas Agriculture Code are separate from the issue of this liability and should not be investigated with an eye toward civil responsibility, as the standards are different for civil and criminal adjudications.

Issues that are related to unmarked boundaries of real property and whether or not trespass across those boundaries has occurred are best determined in civil proceedings. Crossing existing boundary fences are issues that need to be addressed at times by citation and prosecution, but not always.

The above statutes provide guidance for actions relating to “estrays” (stray livestock, stray exotic livestock, stray bison, or stray exotic fowl), the rights of the parties and the issues surrounding cultivated lands.

Edmund J. Zielinski  
Cooke County Attorney

Enclosures as noted

## **Relevant Portions of the Texas Agriculture Code**

### **Sec. 142.001. Definitions.**

In this chapter:

- (1) “Estray” means stray livestock, stray exotic livestock, stray bison, or stray exotic fowl.
- (2) “Perilous condition” means a circumstance or condition in which capture and impoundment of an estray presents an immediate threat to law enforcement personnel or to the health of the estray.
- (3) “Person” does not include the government or a governmental agency or subdivision.
- (4) “Exotic livestock” means grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families but not including a mammal defined by Section 63.001, Parks and Wildlife Code, as a game animal, or by Section 71.001, Parks and Wildlife Code, as a fur-bearing animal, or any other indigenous mammal regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include a nonindigenous mammal located on publicly owned land.
- (5) “Exotic fowl” means any avian species that is not indigenous to this state. The term includes ratites but does not include a bird defined by Section 64.001, Parks and Wildlife Code, as a game bird or any other indigenous bird regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include nonindigenous birds located on publicly owned land.

### **Sec. 142.002. Rights of Occupant Other Than Owner.**

A person has the rights of an owner of property under this chapter if he is a part owner, a lessee, an occupant, or a caretaker of land or premises, but an owner and an occupant of the same property may not recover for the same damage.

### **Sec. 142.0021. Ownership of Exotic Wildlife and Fowl.**

A person may claim to be the owner of exotic livestock or exotic fowl under this chapter only if the animal is tagged, branded, banded, or marked in another conspicuous manner that can be read or identified from a long distance and that identifies the animal as being the property of the claimant.

### **Sec. 142.003. Discovery of Estray; Notice.**

- (a) If an estray, without being herded with other livestock, roams about the property of a person without that person’s permission or roams about public property, the owner of the private property or the custodian of the public property, as applicable, shall, as soon as reasonably possible, report the presence of the estray to the sheriff of the county in which the estray is discovered.
- (b) After receiving a report under Subsection (a) of this section that an estray has been discovered on private property, the sheriff or the sheriff’s designee shall notify the owner, if known, that the estray’s location has been reported.
- (c) After receiving a report under Subsection (a) that an estray has been discovered on public property, the sheriff or the sheriff’s designee shall notify the owner, if known, that the estray’s location has been reported, except that if the sheriff or the sheriff’s designee determines that the

estrays are dangerous to the public, the sheriff or the sheriff's designee may immediately impound the estray without notifying the owner.

**(d)** If the owner does not immediately remove the estray:

**(1)** the sheriff or the sheriff's designee may proceed with the impoundment process prescribed by Section 142.009; or

**(2)** if a perilous condition exists, the sheriff or the sheriff's designee may proceed with disposition of the estray under Section 142.015.

#### **Sec. 142.004. Redemption.**

**(a)** The owner of the estray may redeem the estray from the owner or occupant of public or private property if:

**(1)** the owner of the estray and the owner or occupant of the property agree to a redemption payment amount and the owner or occupant of the property receives the redemption payment from the owner of the estray; or

**(2)** a justice court having jurisdiction determines the redemption payment amount and gives the owner of the estray written authority to redeem the estray under Section 142.006.

**(b)** If the owner of the estray does not redeem the estray not later than the fifth day after the date of notification, the sheriff or the sheriff's designee shall proceed immediately with the impoundment process prescribed by Section 142.009 unless the sheriff or the sheriff's designee determines that the owner of the estray is making a good faith effort to comply with Subsection (a). During the impoundment process period, the estray may not be used for any purpose by the owner or occupant of the property.

#### **Sec. 142.005. Collection Fee.**

**(a)** If the sheriff or the sheriff's designee is present at the time of the collection of the estray, the sheriff or the sheriff's designee may require the owner of the estray to pay before the estray is removed a collection fee in an amount set by the sheriff not to exceed \$25.

**(b)** A person who disagrees with the amount of the fee set by the sheriff under Subsection (a) of this section may petition the justice court in the manner provided by Section 142.007 of this code and may appeal the justice court decision as provided by Section 142.008 of this code.

#### **Sec. 142.006. Amount of Redemption Payment.**

**(a)** The owner or occupant of property on which an estray is found, held, or impounded is entitled to receive from the owner of the estray the payment of a reasonable amount for maintenance and damages, if the original notice of the discovery of the estray was given to the sheriff not later than the fifth day after the date of discovery.

**(b)** The owner or occupant of the property may accept payment in an agreed amount from the owner of the estray.

**(b-1)** If the owner of the estray and the owner or occupant of the property are unable to agree to a redemption payment, either party may file a petition under Section 142.007 in the justice court having jurisdiction and have the amount of the payment determined by the justice of the peace. The justice of the peace shall determine the redemption payment amount and give the owner of the estray written authority to redeem the estray on payment of that amount to the owner or occupant of the property.

**(c)** [Repealed by Acts 2011, 82nd Leg., ch. 191 (S.B. 1357), § 7, effective September 1, 2011.]

**Sec. 142.007. Justice Court Petition.**

A petition seeking a justice court determination of the amount of a redemption payment or the amount of a collection fee must contain the following information:

- (1) the name of the owner of the estray;
- (2) a description of the estray;
- (3) the number of days the estray was trespassing;
- (4) the name of the owner or occupant of the property;
- (5) the purpose for which the land on which the trespass occurred is used; and
- (6) a statement that the estray owner and the owner or occupant of the property are unable to agree on the amount of the payment.

**Sec. 142.008. Appeal of Court Award.**

(a) If either the owner of the estray or the owner or occupant of the public or private property disagrees with a justice's assessment of the payment amount under Section 142.005(b) or 142.006(b-1), the amount in question shall be finally determined according to the procedure prescribed by this section.

(b) The complainant begins the appeal by filing a petition that gives the information listed in Section 142.007 of this code.

(c) The justice of the peace shall appoint three disinterested persons familiar with livestock and agriculture who reside in the county as special commissioners to determine the amount owed, if any, to the owner of the property or the sheriff, taking into account the time of the notice of discovery given by the property owner.

(d) At the request of the special commissioners for their proceedings, the justice of the peace may compel the attendance of witnesses and the production of testimony, administer oaths, and punish for contempt. The commissioners' decision as to the amount of any payment is final.

**Sec. 142.009. Impoundment of Estray.**

(a) The sheriff or the sheriff's designee shall impound an estray and hold it for disposition as provided by this chapter if:

- (1) the owner of the estray is unknown;
- (2) the sheriff or the sheriff's designee is unable to notify the owner;
- (3) the estray is dangerous to the public;
- (4) the estray is located on public property and after notification is not immediately removed by the owner; or
- (5) the estray is located on public or private property and is not redeemed not later than the fifth day after the date of notification, unless the sheriff or the sheriff's designee determines that the owner of the estray is making a good faith effort to comply with Section 142.004(a).

(b) After impounding an estray, the sheriff or sheriff's designee shall prepare a notice of estray stating at least:

- (1) the name and address of the person who reported the estray to the sheriff;
- (2) the location of the estray when found;
- (3) the location of the estray until disposition; and
- (4) a description of the animal, including its breed, if known, color, sex, age, size, markings of any kind, including ear markings and brands, and other identifying characteristics.

(c) The sheriff or sheriff's designee shall file each notice of estray in the estray records in the office of the county clerk.

(d) If the owner of the estray is unknown, the sheriff or the sheriff's designee shall make a diligent search for the identity of the owner of the estray, including a search in the county

register of recorded brands, if the animal has an identifiable brand. If the search does not reveal the owner, the sheriff shall post a notice of the impoundment of the estray on the public notice board of the courthouse and advertise the impoundment of the estray:

- (1) in a newspaper of general circulation in the county at least twice during the 15 days after the date of impoundment; or
- (2) on the county's Internet website for at least 15 days after the date of impoundment.

**Sec. 142.010. Recovery of Impounded Estray by Owner.**

(a) The owner of an estray may recover possession of the estray at any time before the estray is sold under this chapter if:

- (1) the owner has provided the sheriff or the sheriff's designee with an affidavit of ownership under this section;
- (2) the sheriff or the sheriff's designee has approved the affidavit of ownership;
- (3) the approved affidavit of ownership has been filed in the estray records of the county clerk;
- (4) the owner has paid all estray handling expenses under this section;
- (5) the owner has executed an affidavit of receipt of estray under this section and delivered it to the sheriff; and

(6) the sheriff has filed the affidavit of receipt of estray in the estray records of the county clerk.

(b) An affidavit of ownership must contain at least the following information:

- (1) the name and address of the owner;
- (2) the date the owner discovered that the animal was an estray;
- (3) the property from which the animal strayed;
- (4) a description of the animal, including its breed, color, sex, age, size, markings of any kind, including ear markings and brands, and other identifying characteristics; and
- (5) a sworn statement that the affiant is the owner or caretaker of the animal.

(c) The owner of the estray shall pay the expenses incurred by a person or by a sheriff, sheriff's designee, or the county in impounding, handling, seeking the owner of, or selling the estray. The sheriff is also entitled to a collection fee as provided by Section 142.005 of this code. The total amount of the payment is determined by the sheriff.

(d) A person who disagrees with the amount of the payment set by the sheriff in Subsection (c) of this section may petition the justice court in the manner provided by Section 142.007 of this code and may appeal the justice court decision as provided by Section 142.008 of this code.

(e) An affidavit of receipt of estray must contain at least the following information:

- (1) the name and address of the person receiving the estray;
- (2) the date of receipt of the estray;
- (3) the method of claim to the estray, either previous owner or purchaser at sale;
- (4) if purchased at sale, the amount of the gross purchase price of the estray;
- (5) the estray handling expenses paid; and
- (6) the net proceeds of any sale of the estray.

**Sec. 142.011. Use of Estray.**

During the period an estray is held by the sheriff, the estray may not be used for any purpose.

**Sec. 142.012. Escape or Death of Impounded Estray.**

If the animal dies or escapes while impounded, the sheriff shall make a written report of the death or escape and file the report with the county clerk for placement in the county estray



records.

**Sec. 142.013. Disposition or Sale of Impounded Estrays.**

(a) If the ownership of an estray is not determined before the third day after the date of the final advertisement under this chapter or if the estray is not redeemed before the 18th day after the date of impoundment, the county has title to the estray and the sheriff shall, except as provided by Subsection (e), cause the estray to be sold at a sheriff's sale or public auction licensed by the United States Department of Agriculture. Title to the estray is considered vested in the sheriff or the sheriff's designee for purposes of passing good title, free and clear of all claims, to the purchaser at the sale or for the purposes of Subsection (e).

(b) The sheriff shall receive the proceeds of the sale and shall allocate those proceeds in the following order of priority:

(1) payment of the expenses of sale;

(2) payment of the impoundment fee and other charges due the sheriff; and

(3) if applicable, payment of any amount for maintenance and damages due the owners of the private property from which the estray was impounded.

(c) The sheriff shall execute a report of sale of impounded livestock and file the report in the estray records of the county clerk.

(d) If there are sale proceeds remaining from the sale of an impounded estray after all expenses have been paid, the sheriff shall pay the balance to the owner, if known. If the owner is still unknown, the sheriff shall pay the balance to the county official charged with collecting and disbursing county funds, who shall deposit any payment received to the credit of the jury fund of the county for the uses made of that fund, subject to claim by the original owner of the estray.

(e) If a sheriff determines that the sale of an estray under this section is unlikely to generate sufficient proceeds to cover the expense of the sale, the sheriff may, instead of selling the estray:

(1) donate the estray to a nonprofit organization; or

(2) retain the estray and use it for county purposes.

**Sec. 142.014. Recovery by Owner of Proceeds of Sale.**

Not later than the 180th day after the date of sale of an estray under this chapter, the original owner of the estray may recover the net proceeds of the sale if:

(1) the owner has provided the sheriff with an affidavit of ownership containing the information prescribed by Section 142.010(b);

(2) the sheriff has approved the affidavit;

(3) the approved affidavit has been filed in the estray records of the county clerk; and

(4) the sheriff has signed a county voucher directing the payment.

**Sec. 142.015. Disposition of Estray Under Perilous Condition.**

(a) A sheriff or a sheriff's designee is not required to impound an estray if a perilous condition exists.

(b) If a perilous condition exists, the sheriff or the sheriff's designee may immediately dispose of the estray by any means without notifying the owner of the estray.

(c) The sheriff shall make a written report of the disposition and file the report with the county clerk for placement in the county estray records.

**Sec. 143.001. Sufficient Fence Required.**

Except as provided by this chapter for an area in which a local option stock law has been

adopted, each gardener or farmer shall make a sufficient fence around cleared land in cultivation that is at least five feet high and will prevent hogs from passing through.

**Sec. 143.002. Gate.**

A person may not build, join, or maintain around cleared land in cultivation more than three miles lineal measure of fence running the same general direction without a gate that is at least 10 feet wide and is unlocked.

**Sec. 143.003. Cattle on County Road with Cattle Guard.**

Cattle on a county road are not considered to be running at large if the county road:

- (1) separates two tracts of land under common ownership or lease; and
- (2) contains a cattle guard constructed as authorized under Section 251.009, Transportation Code, that serves as part of the fencing of the two tracts.

**Sec. 143.024. Effect of Election; Adoption of Subchapter.**

(a) If a majority of the votes in an election are cast against the proposition, this subchapter is adopted and, after the 30th day following the date on which the proclamation of results is issued, a person may not permit any animal of the class mentioned in the proclamation to run at large in the county or area in which the election was held.

(b) Sections 143.028—143.034 of this code apply only in the county or area in which this subchapter has been adopted.

**Sec. 143.028. Fences.**

(a) A person is not required to fence against animals that are not permitted to run at large. Except as otherwise provided by this section, a fence is sufficient for purposes of this chapter if it is sufficient to keep out ordinary livestock permitted to run at large.

(b) In order to be sufficient, a fence must be at least four feet high and comply with the following requirements:

- (1) a barbed wire fence must consist of three wires on posts no more than 30 feet apart, with one or more stays between every two posts;
- (2) a picket fence must consist of pickets that are not more than six inches apart;
- (3) a board fence must consist of three boards not less than five inches wide and one inch thick; and
- (4) a rail fence must consist of four rails.

(c) The freeholders of the county or area may petition the commissioners court for an election to determine whether three barbed wires without a board are to constitute a sufficient fence in the county or area. The election shall be conducted in the same manner and is governed by the same provisions of this subchapter provided for elections on the adoption of this subchapter.

**Sec. 143.033. Injury to Trespassing Animal.**

If a person whose fence is insufficient under this subchapter maims, wounds, or kills a head of cattle or a horse, mule, jack, jennet, sheep, or goat, or procures the maiming, wounding, or killing of one of those animals, by any means, including a gun or a dog, the person is liable to the owner of the animal for damages. This section does not authorize a person to maim, wound, or kill any horse, mule, jack, jennet, sheep, goat, or head of cattle of another person.

**Sec. 143.034. Penalty.**

(a) A person commits an offense if the person knowingly:

- (1) turns out or causes to be turned out on land that does not belong to or is not under the control of the person an animal that is prohibited from running at large under this subchapter;
  - (2) fails or refuses to keep up an animal that is prohibited from running at large under this subchapter;
  - (3) allows an animal to trespass on the land of another in an area or county in which the animal is prohibited from running at large under this subchapter; or
  - (4) as owner, agent, or person in control of the animal, permits an animal to run at large in an area or county in which the animal is prohibited from running at large under this subchapter.
- (b) An offense under this section is a Class C misdemeanor.

**Sec. 143.074. Effect of Election; Adoption of Subchapter.**

(a) If a majority of the votes cast in an election are for the proposition, this subchapter is adopted and, after the 30th day following the date on which the proclamation of results is issued, a person may not permit any animal of the class mentioned in the proclamation to run at large in the county or area in which the election was held.

(b) Sections 143.077—143.082 of this code apply only in a county or area in which this subchapter has been adopted.

**Sec. 143.077. Fences.**

A fence is sufficient for purposes of this chapter if it is sufficient to keep out the classes of animals not affected by this subchapter.

**Sec. 143.082. Penalty.**

(a) A person commits an offense if the person knowingly permits a head of cattle or a domestic turkey to run at large in a county or area that has adopted this subchapter.

(b) An offense under this section is a Class C misdemeanor.

**Sec. 143.101. Definition.**

In this subchapter, “highway” means a U.S. highway or a state highway in this state, but does not include a numbered farm-to-market road. The term includes the portion of Recreation Road Number 255 that is located in Newton County between State Highway Number 87 and the boundary line with Jasper County.

**Sec. 143.102. Running at Large on Highway Prohibited.**

A person who owns or has responsibility for the control of a horse, mule, donkey, cow, bull, steer, hog, sheep, or goat may not knowingly permit the animal to traverse or roam at large, unattended, on the right-of-way of a highway.

**Sec. 143.103. Immunity from Liability.**

A person whose vehicle strikes, kills, injures, or damages an unattended animal running at large on a highway is not liable for damages to the animal except on a finding of:

- (1) gross negligence in the operation of the vehicle; or
- (2) wilful intent to strike, kill, injure, or damage the animal.

**Sec. 143.104. Herding of Livestock Along Highway.**

This subchapter does not prevent the movement of livestock from one location to another by herding, leading, or driving the livestock on, along, or across a highway.

**Sec. 143.106. Enforcement.**

Each state highway patrolman or county or local law enforcement officer shall enforce this subchapter and may enforce it without the use of a written warrant.

**Sec. 143.107. Conflict with Other Law.**

This subchapter prevails to the extent of any conflict with another provision of this chapter.

**Sec. 143.108. Penalty.**

(a) A person commits an offense if the person violates Section 143.102 of this code.

(b) An offense under this section is a Class C misdemeanor.

(c) A person commits a separate offense for each day that an animal is permitted to roam at large in violation of Section 143.102 of this code.

**Sec. 143.121. Prohibition.**

Except as provided by this subchapter or by mutual consent of the parties, a person may not remove a fence that is:

- (1) a separating or dividing fence in which the person is a joint owner; or
- (2) attached to a fence owned or controlled by another person.

**Sec. 143.122. Removal of Fence by Owner.**

A person who owns an interest in a fence attached to a fence owned in whole or in part by another person is entitled to withdraw his or her fence from the other fence after giving six months' notice of the intended separation. The notice must be in writing and given to the owner of the attached fence or to that person's agent, attorney, or lessee.

**Sec. 143.123. Requiring Removal of Fence by Another Person.**

A person who is the owner of a fence that is wholly on that person's land may require the owner of an attached fence to disconnect and withdraw the attached fence by giving six months' notice of the required disconnection. The notice must be in writing and given to the owner of the attached fence or that person's agent, attorney, or lessee.