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States' Fence Statutes: *Michigan*



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States' Fence Statutes: Michigan

Mich. Comp. Laws §§ 43.51, 43.53, 43.54, 43.55, 43.56, 43.57, 43.58, 290.351-290.359, 433.151, 433.122, 433.123, 67.43, 91.8, 213.76, 433.101-433.110, 433.112-433.117, 433.151, 455.63, 455.111, 455.112, 462.323, 462.325, 570.193, 750.437.

The statutes are current through P.A.2021, No. 8, of the 2021 Regular Session, 101st Legislature. Some statute sections may be more current; see credits for details.

§ 43.51. “Fence” defined.

Sec. 1. As used in this act, “fence” means a structure or natural barrier which is sufficient to confine an animal as defined in section 1 of Act No. 328 of the Public Acts of 1976, being section 433.11 of the Michigan Compiled Laws.

§ 43.53. Payment for construction and maintenance of fence; compensation for use of fence by adjoining property owner; constructing fence in lieu of compensation.

Sec. 3.

(1) The owner of real property who constructs a fence shall pay for the construction and maintenance of that fence.

(2) If an adjoining property owner or a tenant using the property of the adjoining property owner uses or begins to use the fence for purposes of restraining or containing animals the adjoining property owner or tenant shall compensate the owner of the real property who constructed the fence for the adjoining property owner's proportionate share of the current value of the fence as determined by the parties and based upon the adjoining property owner's use of the fence. In the alternative, the adjoining property owner may construct his own fence.

§ 43.54. Fence viewer; appointment; term; request and payment for services; advance notice; compensation.

Sec. 4.

(1) The township board in each township shall appoint not less than 1 resident of the township, who may be a township trustee, as a fence viewer. The person or persons appointed shall serve at the pleasure of the township board. The governing body of a city or village shall appoint a fence viewer only under section 6(2).

(2) A person may engage a fence viewer upon written request and upon the payment of \$25.00 to the township treasurer or to the city or village treasurer under section 6(2) for each day that the fence viewer's services are needed. The fence viewer shall notify in writing the person who made the request and the owner or owners of the property to be viewed not less than 5 days before the date on which the fence viewer will render his or her services. The fence viewer shall be compensated 80% of the amount



received by the township treasurer or city or village treasurer under section 6(2) when the requested service has been performed.

§ 43.55. Fence viewer; duties; notice of decision; boundary disputes; appeal.

Sec. 5.

- (1) If engaged under section 4(2), a fence viewer shall do 1 or more of the following:
 - (a) Determine if a property owner or tenant in possession of property is using a fence constructed or maintained by an adjoining property owner, and if so, what percentage of the cost of construction and maintenance of the fence the property owner or tenant using the fence is responsible for.
 - (b) Assess the amount of damage if an animal of a property owner or of a tenant in possession of property causes damage to an adjoining property owner's fence.
- (2) Not more than 7 days after a fence viewer renders a decision under subsection (1), the fence viewer shall notify in writing the appropriate property owners or tenant of that decision.
- (3) A fence viewer is not charged with the responsibility of settling boundary disputes or determining the location of a boundary. Boundary disputes shall be settled and boundaries determined pursuant to state law.
- (4) A person may appeal the decision of a fence viewer to a court of competent jurisdiction.

§43.56. Settlement of boundary line disputes; selection of fence viewer.

Sec. 6.

- (1) If a dispute arises with regard to a fence that is the boundary line between townships, or partly in 1 township and partly in another township, 1 fence viewer from each township may be selected to settle the dispute or 1 fence viewer may be selected by mutual agreement of each township.
- (2) If a dispute arises with regard to a fence that is the boundary line between a township and a city or village, or partly in 1 township and partly in a city or village, 1 fence viewer from the township and 1 fence viewer from the city or village may be selected to settle the dispute or 1 fence viewer may be selected by mutual agreement of the township and the city or village.

§ 43.57. Constructing or maintaining fence; decision or agreement to divide costs binding on heirs and assigns of parties.

Sec. 7. If there is a decision made for the division of costs of constructing or maintaining a fence by a fence viewer, or through mutual written agreement of the parties recorded in the office of the clerk of each township, city, and village or in the office of the county register of deeds where the land is located, the decision or agreement shall bind the heirs and assigns of the parties until terminated by mutual written agreement recorded in a similar manner or by a subsequent decision of a fence viewer based upon a change of circumstances.

§ 43.58. Payment of amount required under MCL 43.53 or MCL 43.55; time; amount



as lien on property; report; spreading amount on assessment roll; collection; payment to property owner.

Sec. 8.

(1) The amount of the payment required by a property owner or tenant under section 3 or 5¹ shall be made on or before the first day of the next succeeding October. In the event of neglect or refusal to pay the sum due, the amount shall become a lien on the property. The fence viewer shall report to the supervisor of the township or to the assessing officer of a city or village not later than the first day of November. The supervisor or assessing officer shall then cause the amount to be spread upon the assessment roll, in a separate column for that purpose, opposite a description of the land owned by the property owner who refuses or neglects to pay the amount. The amount shall be collected in the same manner that other taxes are collected.

(2) The amount collected shall be paid to the property owner to which the amount is due within 30 days after the collection.

§ 290.351. Galvanized wire fence; standard test gauge.

Sec. 1. The Washburn and Moen gauge is hereby declared to be the standard gauge for testing galvanized wire fence within this state.

§ 290.352. Galvanized wire fence; galvanizing test.

Sec. 2. The following test as to quality of galvanizing is hereby declared to be the standard test of the galvanizing of such fence within this state. The wire shall be thoroughly cleansed with a solution of soap, using a soft cloth or cotton waste. It shall then be immersed in a solution of copper sulphate neutralized with copper oxide and filtered, of a density of 1.186 at 65 degrees Fahrenheit. It shall be kept in this solution at a temperature of from 60 to 70 degrees Fahrenheit for 1 minute, then immersed in clear water and afterward wiped dry. After such immersion and drying, if the wire does not show a deposit of copper indicating that some portion of the zinc coating is entirely removed, it shall be considered as "1-minute wire" as hereinafter mentioned. This test shall be immediately repeated and the wire shall be graded according to the number of immersions it may be able to stand without showing a deposit of copper, and such grades shall be designated as "1 minute," "2 minute," "3 minute," "4 minute," etc. wire, in accordance with the number of minutes during which such wire respectively stood such test without showing a deposit of copper: Provided, however, That all tests shall be made on straight sections of stay or line wire and not on locks, wraps or winds of such fence.

§ 290.353. Galvanized wire fence; standard grades.

Sec. 3. The different grades of galvanized wire fence, as determined by the test provided by section 2 of this act,¹ are hereby declared to be the standard grades of such fence within this state.

§ 290.354. Galvanized wire fence; label.

Sec. 4. Any manufacturer or dealer manufacturing or selling galvanized wire fence, whether such fence is manufactured within or without this state, shall, after complying with the provisions of this act, be permitted to attach to each and every bundle of such fence the tag or label prescribed by section 6 of this act, showing such fence so tagged or labeled to be of the standard grade and gauge as defined in this act.



§ 290.355. Galvanized wire fence; label, annexing conditions; fee.

Sec. 5. Before any person shall attach any tag or label specified in section 6 of this act to any galvanized wire fence to be sold or offered for sale within this state, he shall file with the secretary of the state board of agriculture a certified copy of each variety of tag or label proposed to be attached to such fence, and shall also deposit annually with the secretary not less than 10 feet of wire of each grade and gauge to be used in the manufacturing of any fence which is to be offered for sale in this state, and at the same time shall pay to the secretary of the state board of agriculture a fee of 10 dollars for each gauge of wire so deposited.

§ 290.356. Galvanized wire fence; test, board of agriculture; permit; label contents.

Sec. 6. It shall be the duty of the state board of agriculture to test all samples of galvanized wire fence submitted to them for that purpose and to determine whether such fence is of the standard gauge and grades provided in this act. If they shall find such fence to be of such standard gauge and grades, they shall issue to the manufacturer or dealer applying therefor a certificate good for 1 year from the date thereof, permitting such manufacturer or dealer manufacturing or selling such galvanized wire fence, to attach to each and every bundle of such fence of the same gauge and grades so tested, a tag or label bearing the following statements:

1. Name and address of manufacturer or dealer;
2. Date of expiration of certificate;
3. Date of manufacture of such fence;
4. Galvanizing test, --Whether "1 minute," "2 minute," "3 minute";
5. Gauge of top wire;
6. Gauge of bottom wire;
7. Gauge of line wire;
8. Gauge of stay wire.

§ 290.357. Galvanized wire fence; unlawful sales, penalty; civil liability.

Sec. 7. Any person who shall sell or offer for sale any galvanized wire fence tagged or labeled with the tag or label prescribed in section 6 of this act without having the same tested as prescribed in this act and without paying the required fee and procuring the certificate provided for by this act, or which is found to be of an inferior grade or gauge to that specified on such tag or label, when submitted to the test provided for in section 8 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than 100 dollars for each offense, or by imprisonment in the county jail or house of correction for a period not exceeding 6 months or by both such fine and imprisonment in the discretion of the court, and in addition to such fine and imprisonment, such convicted person shall be liable for all damages sustained by the purchaser on account of such misrepresentation. The state board of agriculture shall have authority to institute prosecutions through the proper officers for all violations of this act: Provided, That an average maximum variation of .003 of an inch will be permitted in the gauge of such wire of which the fence is composed.

§ 290.358. Galvanized wire fence; taking samples; tests.

Sec. 8. The state board of agriculture, by any duly authorized agent, may take from any



bundle of galvanized wire fence so tagged and labeled and which is being offered for sale in this state, a sample of such fence not exceeding 12 inches in length, the same to be measured along the length of the fencing and comprise the whole width thereof, such sample to be kept by said state board of agriculture and tested for the purpose of ascertaining whether the manufacturer or dealer has complied with the terms of this act: Provided, That in making all tests or measurements for the purpose of ascertaining whether or not such fence is inferior grade or gauge to that specified on the tags or labels thereof, the state board of agriculture, by its duly authorized agent or agents, shall select 5 separate samples of such fence from 5 separate bundles thereof, and if, after applying the standard gauge and test prescribed by this act, 3 or more of such samples shall not equal the gauge and grade indicated on such tags or labels, then such fence from which the 5 samples were taken shall be deemed to be of inferior gauge or grade as the case may be.

§ 290.359. Tests, accounts, publication; expenses; unexpended balance.

Sec. 9. The secretary of the state board of agriculture shall publish in his annual report a correct statement of all tests made under this act, together with a statement of all moneys received from fees and the amount of the same expended in making such tests. All expenses incurred by said board under the provisions of this act shall be paid from the funds arising from the fees provided in section 5 of this act, and any surplus from the total of such fees remaining on hand at the close of the fiscal year shall be placed to the credit of the experimental funds of the board.

§ 433.151. Damages upon lands by beasts; barred unless enclosed.

Sec. 1. No person shall be entitled to recover any sum of money, in any action at law, for damages done upon lands by any beast or beasts, unless the partition fences by which such lands are wholly or in part enclosed, and belonging to such person, or by him to be kept in repair, shall be of the same height and description as is required by the provisions of section 1, chapter 18, of the revised statutes of 1846, being section 605 of the Compiled Laws. No person shall be entitled to recovery in any action for such damages if the same was caused by any beast which gained access to such lands by reason of the failure of such person to erect or maintain that portion of the fence assigned to him therefor pursuant to the provisions of section 5 of chapter 18 of the revised statutes of 1846, being section 1068 of the Compiled Laws of 1929.2

§ 433.122. Pounds; maintenance by township.

Sec. 22. Each township may, at its own expense, and in such places therein as the electors shall direct, provide and maintain 1 or more sufficient pounds, in which swine, sheep, horses, asses, mules, goats and neat cattle, may be restrained and kept from going at large contrary to law, or to any by-law of such township.

§ 433.123. Pounds; injury, penalty.

Sec. 23. If any person shall willfully injure any pound maintained by any township, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding 50 dollars, or by imprisonment in the county jail not exceeding 90 days at the discretion of the court.

§ 67.43. Ordinances and laws; fence viewers.

Sec. 43. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by



the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

§ 91.8. Partition fence; ordinances, by-laws, regulation.

Sec. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

§ 213.176. Possession notice; vesting of title; removal of fences, etc.

Sec. 6. Upon the filing of such determination and proof of payment, tender or deposit as above provided, the board or commissioner having the matter in charge shall give notice thereof to the owners or occupants of the property therein described, which notice shall be served as provided in section 29 of this act. Said notice shall state that the said board or commissioner is about to take possession of said property for the highway purposes in said determination stated, and in cases where it is determined that benefits equal or exceed damage, such fact shall be clearly set forth in said notice, which may also direct the owners or occupants of such property to remove their fence or fences or other obstructions and encroachments within 10 days thereafter. Upon the filing of such determination and the giving of such notice, the title, and the right of possession to all of the property and property rights described in the determination shall vest in the county or state, as the case may be, for the purpose or purposes therein stated, and in case the owners or occupants thereof shall neglect or refuse to remove their fence, fences and other obstructions and encroachments within 10 days, the board or commissioner shall have the full power, and it shall be their duty to enter upon the premises with such aid and assistance as shall be necessary and remove such fence or fences, obstructions or encroachments without delay: Provided, That no person interested as owner, or otherwise, in any of the property described in such determination, shall be required to vacate any lands or premises or move any dwelling house or other building until after the damages, if any, determined as aforesaid, for the taking of such property have been paid or tendered, and the notices given, in accordance with the provisions of sections 4, 4a, 5 and 6 of this act.

§ 433.101. Beasts distrained; impounding.

Sec. 1. When any beasts are taken up and distrained by any person, for going at large, contrary to law, or contrary to any by-law of a township, they shall be forthwith impounded in the township pound, and the keeper of such pound shall furnish them with suitable food and water, so long as they are detained in his custody.

§ 433.102. Fees; distraining and impounding.



Sec. 2. The person so taking up and distraining the same, shall be entitled to 50 cents per head for all horses, mules, asses and neat cattle, and 10 cents per head for all sheep, goats and swine, so distrained by him; and the pound keeper shall be entitled to 4 cents per head for all the said animals so impounded.

§ 433.103. Fees; payment prerequisite to delivery of beast.

Sec. 3. The pound keeper shall not deliver to the owner any beasts so impounded, until such owner shall pay him his fees and the expense of keeping such beasts, and also the fees due the person distraining said beasts, which last mentioned fees he shall pay to such person.

§ 433.104. Recovery for damages caused by beasts.

Sec. 4. When any person is injured in his land, by sheep, swine, horses, asses, mules, goats or neat cattle, he may recover his damages in an action of trespass, or trespass on the case, against the owner of the beasts, or against the person having the care and control of such beasts, or by distraining the beasts doing the damage, and proceeding therewith as hereinafter directed; but if the beasts shall have been lawfully on the adjoining lands, and shall have escaped therefrom in consequence of the neglect of the person who has suffered the damage, to maintain his part of the division fences, the owner or person having the control of the beasts shall not be liable for such damage.

§ 433.105. Impounding beasts doing damage.

Sec. 5. The beasts so distrained for doing damage, shall be impounded in the township pound, if there be one, and the distrainer shall leave with the pound keeper a memorandum in writing, signed by him, stating the cause of distraining, and the sum that he demands from the owner, for the damages done by the beasts.

§ 433.106 Delivery of beasts by poundmaster.

Sec. 6. The pound keeper shall not deliver the beasts to the owner, until such owner shall pay him his fees, and the expense of keeping such beasts, together with the sum so demanded by the distrainer, and the expense of advertising such beasts, if they shall have been advertised, and all other legal costs and expenses.

§ 433.107. Care of beasts by person distraining.

Sec. 7. If there shall be no public pound within the township, the beasts shall be impounded in some suitable place under the immediate care and inspection of the person who distrained them, and he shall furnish them with suitable food and water so long as they remain impounded.

§ 433.108. Notice of beasts distrained; delivery to owner.

Sec. 8. When beasts are impounded for either of the causes aforesaid, the person impounding them shall, within 24 hours thereafter, give notice thereof to the owner or person having the care or control of them, if known, and living within 6 miles from the place of impounding, which notice shall be delivered to the party, or left at his place of abode, and shall contain a description of the beasts, and a statement of the time, place and cause of impounding.

§ 433.109. Notice of beasts distrained; posting in certain cases.

Sec. 9. If there shall be no person entitled to notice according to the provisions of the preceding section, the person impounding the beasts shall, within 48 hours thereafter,



cause to be posted up in 3 public places in the township, and in a public place in each of any 2 adjoining townships, if within 4 miles from the place where they were taken, a written notice, containing a description of the beasts, and a statement of the time, place and cause of impounding.

§ 433.110. Notice of beasts distrained; publication in newspaper.

Sec. 10. In case notice shall be given by posting up the same, if no person shall appear to claim the beasts within 7 days after the day of impounding, a like notice shall be published for 3 successive weeks, in some public newspaper, if any shall be published within 20 miles of the place of impounding, the first publication to be within 15 days after the day of impounding.

§ 433.12. Prohibitions against animals running at large; penalty.

Sec.2.

- (1) An animal shall not run at large in this state.
- (2) The owner of an animal shall not permit or enable his animal to run at large in this state.
- (3) A person other than the owner of an animal shall not willfully and knowingly enable an animal to run at large in this state.
- (4) A person who violates this section is guilty of a misdemeanor.

§ 433.113. Sale of beasts; notice.

Sec. 13. If the sum so found to be due, shall not be forthwith paid, the person who impounded the beasts shall cause them to be sold by auction in the township where they are impounded, first advertising the sale by posting up a notice thereof in 3 public places in the same township, at least 5 days before such sale.

§ 433.114. Sale of beasts; proceeds.

Sec. 14. The proceeds of the sale, after paying all the said damages, costs and expenses, with the charges for advertising and selling the beasts, shall be deposited in the treasury of the township, for the use of the owner of the beasts, in case he shall substantiate his claim thereto, within 2 years from the time of sale.

§ 433.115. Beasts escaped or rescued; retaking.

Sec. 15. If any beasts that shall have been lawfully distrained or impounded, shall escape or be rescued, the pound keeper or person who distrained them, may, at any time within 7 days thereafter retake such beasts, and hold and dispose thereof, as if no such escape or rescue had taken place.

§ 433.116. Rescuing beasts distrained; penalty.

Sec. 16. If any person shall rescue any beasts, distrained or impounded for any cause, he shall be liable in an action on the case, to be brought by any person injured, to pay all damages which such person shall have sustained thereby, and all the fees and charges which shall have been incurred before the rescue, and shall also forfeit a sum not less than 5, nor more than 20 dollars.



§ 433.117. Legality of distress determined in replevin action.

Sec. 17. The defendant in any action brought for rescuing beasts distrained or impounded, shall not be allowed to allege or give in evidence the insufficiency of the fences, or any other fact or circumstance to show that the distress or impounding was illegal; but if there is any ground of objection to the proceeding, of which he is entitled to avail himself, he may have the advantage thereof in an action of replevin, to be brought as provided in the following sections.

§ 433.151. Damages upon lands by beasts; barred unless enclosed.

Sec. 1. No person shall be entitled to recover any sum of money, in any action at law, for damages done upon lands by any beast or beasts, unless the partition fences by which such lands are wholly or in part enclosed, and belonging to such person, or by him to be kept in repair, shall be of the same height and description as is required by the provisions of section 1, chapter 18, of the revised statutes of 1846, being section 605 of the Compiled Laws. No person shall be entitled to recovery in any action for such damages if the same was caused by any beast which gained access to such lands by reason of the failure of such person to erect or maintain that portion of the fence assigned to him therefor pursuant to the provisions of section 5 of chapter 18 of the revised statutes of 1846, being section 1068 of the Compiled Laws of 1929.2

§ 455.63. Property; injury or destruction, penalty.

Sec. 13. Any person who shall willfully destroy, injure or remove any statuary, fence, fountain, hydrant, building or other structure placed on the grounds of the association, any dock, landing, quay or boat house thereon, or boat upon the waters upon which such lands are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any tree, shrub or plant upon such grounds, or shall deposit in any spring, stream, reservoir or water pipe, or water upon or within such grounds or in front thereof, any filth or impurity, or who shall in any way injure any water pipe, lock or reservoir for the storage or passage of water along or upon such grounds, or any sewer or drain, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding 25 dollars, or imprisonment in the county jail not exceeding 30 days, or by both such fine and imprisonment, in the discretion of the court.

§ 455.111. Property; injury, penalty; trespass action.

Sec. 11. Any person who shall willfully destroy, injure or remove any statuary, fence, fountain, building or other structure placed on the grounds, or any dock, landing, quay, boat house, or boat upon the waters upon which said grounds are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any trees, shrub or plant within the said grounds, shall be deemed guilty of a misdemeanor, and shall be liable on conviction thereof to a fine not exceeding 25 dollars, or in default of fine to imprisonment in the county jail for a period not exceeding 30 days, action for the enforcement of such penalty to be brought in the name of the people of the state of Michigan upon the complaint of the trustees of the association or an individual member thereof; and such offender shall also be liable in an action of trespass to be brought in the name of such association for all damages caused by such unlawful act or acts.

§ 455.112. Property; acceptance of gift, devise or bequest; holding.

Sec. 12. Any association incorporated under this act may take by gift, devise or bequest,



and hold any property real or personal in trust, to apply the income thereof, under the direction of the trustees of the association, for the improvement or embellishment of the ground or waterfront of the association, or the erection, repair or preservation of any statuary, fountain, fence, buildings, docks, quays and landings erected or to be erected upon the same, or in planting trees, shrubs and flowers in the grounds of the association, or for the improvement or embellishment of such grounds in any other manner or form consistent with the design or purposes of the association, and as specified in such gift, devise or bequest.

§ 462.323. Construction and maintenance of farm crossings; establishment and use of other private crossings.

Sec. 323.

(1) A farm crossing shall be constructed and maintained by the railroad at the expense of the party requesting the crossing.

(2) Farm crossings shall be of such width and condition as shall permit expeditious and safe passage of large farm machinery.

(3) A railroad may permit the establishment and use of other private crossings on such terms as may be negotiated between the requesting party and the railroad.

§ 462.325. Erection and maintenance of fencing along railroad right-of-ways in agricultural areas; installation and maintenance of gates and cattle guards.

Sec. 325.

(1) The department, after notice and hearing, may order a railroad to erect and maintain such fencing along railroad right-of-way in agricultural areas as shall be necessary to prevent livestock from entry upon that right-of-way. Such fencing shall not be required unless the other boundaries of the property are fenced.

(2) In agricultural areas, the cost and expense of installation, maintenance, and repair of fencing shall be borne by the railroad. However, if gates or cattle guards are necessitated by the existence of a farm crossing, the cost and expense of installation, maintenance, and repair of such gates or cattle guards shall be considered a cost of the crossing to be borne by the party requesting the gates or cattle guards.

(3) The owner or proprietors of the adjacent farm lands, upon 30 days' written notice to the railroad, may erect or repair the fence and then may recover from the railroad in any court of competent jurisdiction the cost of the fence, together with reasonable compensation for labor in the construction of the fence. The railroad shall also be liable for damages caused by its agents, engines, or cars to livestock by reason of the livestock escaping due to failure to construct or maintain a fence.

(4) The responsibility for and cost of installation, maintenance, and repair of fences in all other areas shall be borne by the property owner adjacent to the railroad unless the fencing is necessitated by the construction of new or the expansion of existing rail facilities, in which case the costs shall be borne by the railroad. The installation of fencing shall be consistent with the clearance requirement of this act. Conflicts between the parties shall be submitted to and decided by the department by order.

§ 570.193. Additional lien for expense of keeping animals.



Sec. 43. If the property upon which any such lien shall be enforced as provided in this chapter, consists of horses, cattle, sheep, swine, or other beasts, and any expenses shall have been incurred by the person having such lien after the same accrued, in keeping and taking care of such property, the amount of such expenses shall be an additional lien upon the property, and shall be computed and ascertained upon the trial, or assessment of damages, and included in the judgment.

§ 750.437. Exposing poisonous substances where liable to be eaten by beasts; exception.

Sec. 437. EXPOSING POISONOUS SUBSTANCES WHERE LIABLE TO BE EATEN BY BEASTS--Any person who shall expose any known poisonous substance, whether mixed with meat or other food or not, so that the same shall be liable to be eaten by any horses, cattle, dogs or other beasts of another, shall be guilty of a misdemeanor: Provided, That it shall not be unlawful to expose on one's own premises common rat poisons mixed only with vegetable substances, nor for any person to expose on his own premises, not within the limits of any incorporated city or village, poisons for the destruction of predatory or dangerous prowling animals.

