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States' Fence Statutes: *Maryland*



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Md. Code Ann. Agric. §§ 3-601 to 3-603, 3-701; Md. Code Ann. Pub. Util. Cos. § 9-309; Md. Code Ann. Crim. Law § 10-615; Md. Code State Gov't § 5.

Current with emergency legislation effective through May 18, 2021, from the 2021 Regular Session of the General Assembly.

§ 3-601. Scope of subtitle.

This subtitle does not apply in Caroline County, Dorchester County, Garrett County, Montgomery County, or Prince George's County.

§ 3-602. "Enclosure" defined.

In this subtitle, "enclosure" means a common-law enclosure and not an actual enclosure.

§ 3-603. Impounding; damages.

(a) Impounding of strays authorized. - The owner or occupant of an enclosure who finds a stray horse, sheep, hog, cow, or other domestic animal trespassing on the enclosure may impound the animal if the owner of the animal is known.

(b) Valuation of damages. - If the stray animal has caused damage, the individual who impounded the animal may have the damage valued under oath by two disinterested residents of the county.

(c) Notice. - After the damage is valued, the individual who impounded the animal shall notify the owner of the animal of the impoundment and the amount of the damage.

(d) Sale. -

(1) After giving notice, the individual who impounded the animal may sell the animal at public auction to the highest bidder for cash unless the damage and a reasonable compensation for feeding the animal while impounded are paid or tendered.

(2) The notice shall describe the animal and state the time and place of sale.

(3) This notice shall be sent to the owner and be posted at least 10 days before the auction at three or more public places in the neighborhood. The day of impounding and the day of sale are not counted as part of the notice period.

(e) Proceeds. -

(1) The individual who impounded the animal may deduct from the proceeds of the sale the amount of the damage and a reasonable compensation for keeping the animal while impounded.



(2) On demand, the individual who impounded the animal shall pay over the residue of the sale proceeds to the owner of the animal.

§ 3-701. Opening enclosure of another.

(a) Prohibited. - A person may not willfully and maliciously open the gate of another's field, pasture, or enclosure that encloses livestock.

(b) Penalty. - A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

§ 9-309. Liability for injuries to livestock and damages from fire.

(a) Scope of section. - The presumption of negligence established in this section does not apply if:

(1) the damages or injuries were caused by a fire that occurred in or about a railroad terminal that receives, delivers, or tranships freight; and

(2) the fire may have resulted from the negligence of an individual who works in or about the terminal but is not employed by or under the control of the railroad company.

(b) Presumption of negligence. - Unless a railroad company proves that damages or injuries were not the result of any negligence on the part of the company, a railroad company is liable in a civil action for:

(1) injuries to livestock that occur on the company's tracks; and

(2) damages that result from a fire that originated from the company's engines or cars.

§ 10-615. Care of mistreated animal.

(a) If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the removal of the animal or any other animal at the time of conviction for the protection of the animal.

Seizure

(b)

(1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.

(2)

(i) An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Maryland Department of Health, Center for Veterinary Public Health.

(ii) The Maryland Department of Health shall:

1. conduct an investigation within 24 hours after receiving a complaint; and



2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.

Impounded animal

- (c)
- (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:
- (i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or
 - (ii) remove the animal if removal is necessary for the health of the animal.
- (2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.

Notification to owner

- (d)
- (1) A person who removes an animal under subsection (c) of this section shall notify the animal's owner or custodian of:
- (i) the removal; and
 - (ii) any administrative remedies that may be available to the owner or custodian.
- (2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.

Stray

- (e) An animal is considered a stray if:
- (1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or
 - (2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.

Limitations

- (f) This section does not allow:
- (1) entry into a private dwelling; or
 - (2) removal of a farm animal without the prior recommendation of a veterinarian licensed in the State.

Local enforcement--Baltimore County

- (g) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

