

SENATE BILL 102

L2

7lr1518
CF HB 109

By: **Senator Waugh**

Introduced and read first time: January 13, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 30, 2017

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County – Farm Fences – Repeal**

3 FOR the purpose of repealing certain provisions of law that relate to joint fences for
4 adjoining farms in St. Mary's County.

5 BY repealing

6 The Public Local Laws of St. Mary's County

7 Section 43–1 through 43–5 and the chapter “Chapter 43. Fences”

8 Article 19 – Public Local Laws of Maryland

9 (2007 Edition and March 2014 Supplement, as amended)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article 19 – St. Mary's County**

13 **[Chapter 43. Fences.]**

14 **[43–1.**

15 **This chapter only shall apply to farmers.]**

16 **[43–2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Whenever joint fences may hereafter be established in said county for the mutual
2 benefit of different owners or possessors of adjoining land, each party shall keep in good
3 repair his just proportion thereof in the manner following: All post and rail or plank fences
4 shall be at least four (4) feet high, and all worm and other fences shall be at least four and
5 one-half (4 1/2) feet high, the height in every case to be computed from the ground or base
6 of any embankment upon which said fence may be placed; and there shall be between the
7 bottom rail or plank and the ground or embankment on which said fence is placed no larger
8 interval than eight (8) inches, and between the bottom rail or plank and the rail or plank
9 directly above the same no larger interval than eight (8) inches. When said fence or fences
10 shall be constructed, in whole or in part, of wire, the wires thereof shall not be more than
11 seven (7) inches apart to the height of twenty (20) inches from the ground or embankment
12 on which said fences may be placed.]

13 [43-3.

14 If either of the parties making or keeping a joint fence fails to comply with the
15 provisions of § 43-2 and refuses or delays to make or repair the fence within thirty (30)
16 days after notice in writing is given to him or his agent, overseer or tenant, a court of
17 competent jurisdiction may authorize the party aggrieved by the refusal or delay to make
18 or repair the fence, and for so doing he shall be reimbursed the proper proportion of all costs
19 and reasonable expenses necessarily incurred, to be recovered from the party delaying or
20 refusing to make or repair the fence.]

21 [43-4.

22 If joint fences are not made and kept in repair according to the provisions of § 43-2,
23 the party aggrieved, instead of pursuing the remedy prescribed in § 43-3, may discontinue
24 said fence by giving three (3) months' notice in writing to the party refusing or delaying to
25 make or repair the same, or his tenant, overseer or agent; in all other cases, unless by
26 mutual consent, twelve (12) months' notice shall be required to discontinue any joint
27 fences.]

28 [43-5.

29 On any line of land of adjoining owners where there has been no fence, either of said
30 owners, upon giving notice to the adjoining owner as provided § 43-3 and upon the refusal
31 or delay of said adjoining owner to build said fence, the party giving said notice is hereby
32 authorized to build said fence and recover all proportionate costs and reasonable expenses
33 incurred in building same from the owner so in default according to the provisions and in
34 the manner prescribed by § 43-3.]

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2017.