

# TITLE XLVII

## BOUNDARIES, FENCES AND COMMON FIELDS

### CHAPTER 476

#### SPITE FENCES

##### Section 476:1

**476:1 Fence as Private Nuisance.** – Any fence or other structure in the nature of a fence, unnecessarily exceeding 5 feet in height, erected or maintained for the purpose of annoying the owners or occupants of adjoining property shall be deemed a private nuisance.

**Source.** 1887, 91:1. PS 143:28. PL 219:32. RL 269:32.

##### Section 476:2

**476:2 Remedy.** – Any owner or occupant injured either in his comfort or the enjoyment of his estate by such nuisance may have an action on the case for the damage sustained thereby.

**Source.** 1887, 91:2. PS 143:29. PL 219:33. RL 269:33.

##### Section 476:3

**476:3 Penalty.** – If the plaintiff recovers judgment in the action, the defendant shall cause the removal of the nuisance within 30 days from the date of the judgment, and for each day he shall permit the nuisance to remain after the expiration of said 30 days, he shall incur a penalty of \$10 for the use of the party injured.

**Source.** 1887, 91:3. PS 143:30. PL 219:34. RL 269:34.