Neighbor Animal Disputes

In the old courts of England, the owner of livestock was held strictly liable for any damages to person or property done by the livestock straying onto the property of another. The mere fact that they strayed and damaged crops, other livestock, or personal property was sufficient to hold the owner liable for the injuries inflicted by cattle, sheep, goats, and horses. This strict liability position made sense in the confines of a small island such as England, but in the United States with herds of livestock wandering over vast expanses of land, a different process developed. The legislatures enacted statutes which provided that livestock were free to wander and that the owner was not responsible for damage inflicted by those livestock unless they entered land enclosed by a legal fence. These became known as open range laws. Some years later, certain states reversed the open range laws and required the owners of livestock to fence in their livestock. This position was similar to the common law position, only instead of strict liability, the livestock owner could be held liable only upon a showing that the livestock escaped due to the owner’s negligence.

Dogs or other animals inflicting bites may make their owners both civilly and criminally liable for such behavior. In some jurisdictions, an animal can be declared dangerous by a court and a judge may order the animal be confined or destroyed. If the issue is that the neighbor has too many pets, the neighbor could be in violation of a zoning, health code, or noise ordinance.
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