

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 177

H. B. No. 644
(Lynch and Leet)

DESIGNATION, SECONDARY HIGHWAY SYSTEM

AN ACT

To amend and reenact section 24-0105 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the designation of a secondary highway system.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-0105 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0105. Designation of Secondary System: Removal From Primary Highway System.) The state highway commissioner may designate, from time to time, a secondary highway system not exceeding fourteen thousand miles in length on which all secondary or feeder road funds shall be expended as may be provided by such appropriations. In designating such system, he may transfer from the primary state highway system those parts which are low in standard of improvement and traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the state highway system shall be placed on the federal aid secondary or farm to market roads system without the consent of the board of county commissioners of the county in which the road lies. The commissioner may also enter into an agreement with the board of county commissioners of any county providing for the transfer of highways from the state highway system to the county road system of such county.

Approved March 3, 1955.

CHAPTER 178

S. B. No. 162
(Duffy and Streibel)

ENFORCEMENT OF VEHICLE SIZE AND WEIGHT LAWS

AN ACT

To amend and reenact section 24-0113 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to enforcement of highway laws controlling vehicle size and weights, and conferring police power on the state highway commissioner and inspectors appointed by him, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-0113 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0113. Enforcement of Highway Laws: Vehicle Size and Weight Controlled.) The commissioner and each officer and inspector of the state highway department designated by him, shall have general police powers with respect to enforcement of all laws pertaining to the use of motor vehicles and trailers, other than passenger cars and motor cycles, upon the highways, roads and streets of this state and may:

1. Classify highways and enforce limitations as to weight and load of vehicles thereon as provided under section 39-1201;
2. Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for under section 39-1202;
3. Prohibit the operation, or may impose restrictions on vehicular use of highways during certain seasons of the year as provided for under section 39-1203;
4. Issue permits authorizing the operation of tractors or traction engines with movable tracks as provided for under section 39-1122.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 179

H. B. No. 568
(Hornbacher)

GRADES AND DITCHES TO BE BACK SLOPED, ETC.

AN ACT

Requiring all county and township roads to be constructed with back sloped grades and ditches and that grass be planted thereon, for control of weeds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. County and Township Road Grades and Ditches To Be Back Sloped: Planting of Grass.) All county and township roads, constructed or reconstructed from and after the effective date of this Act shall be constructed with back sloped grades and ditches. Such grades and ditches shall be sloped to a sufficient degree to permit farm implements used for cutting and gathering hay to operate thereon, and such grades and ditches shall be cleared of all stones or other obstructions that would hinder the operation of such implements. Upon completion of such newly constructed or reconstructed roads, the governing body having authority over such roads shall plant grass upon the back slopes of the grades and ditches. The grass or hay growing upon or within the right-of-way of such roads may be cut for hay by any owner or tenant of lands adjoining the right-of-way.

Approved March 8, 1955.

CHAPTER 180

H. B. No. 651

(Miller, Sortland, Engen and McLain)

EXPENDITURE OF TOWNSHIP ROAD FUNDS

AN ACT

To amend and reenact section 24-0619 of the North Dakota Revised Code of 1943, relating to the expenditure of township road funds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-0619 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0619. Expenditure of Road Taxes.) The board of township supervisors must order the expenditure of all road taxes paid into the township treasury in the improvement of the highways under such regulations as it may deem most expedient for the public interests, and for this purpose, shall issue a warrant upon the road funds of the township upon the certificate of the township overseer that such work has been performed satisfactorily; provided, however, that not over fifty percent of the township road and bridge fund, collected within each tax year shall be expended upon highways which are a part of a state or county highway system as designated under the provisions of sections 24-0102, 24-0105, or 24-0516 of the 1953 Supplement to the North Dakota Revised Code of 1943, unless such expenditure is specifically authorized by resolution adopted by a majority of the electors of the township present and voting at any special or annual township meeting. This limitation shall also apply to any special road fund as set up under section 57-15192 of the 1953 Supplement to the North Dakota Revised Code of 1943.

Approved March 7, 1955.

CHAPTER 181

H. B. No. 789
(Rolfsrud, Gress, Link, Roen)

OBSTRUCTION OF SECTION LINES

AN ACT

To amend and reenact section 24-0628 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to obstruction of section lines.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-0628 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0628. Obstruction of Section Lines Prohibited; Exception.) No person shall place or cause to be placed any permanent obstruction or stones or rubbish within thirty-three feet of any section line, unless he first shall secure permission in writing from the board of county commissioners or the board of township supervisors, as the case may be. Such permission shall be granted only where the topography of the land along such section line is such that in the opinion of the board of county commissioners or board of township supervisors, as the case may be, the construction of a road on the section line is impracticable. The provisions of this section shall not prohibit construction of fences along or across section lines not open for travel but such fences shall be subject to removal as provided in section 24-0630.

Approved March 2, 1955.

CHAPTER 182

H. B. No. 852

(Anderson of Cass and Simenson)

REMOVAL OF FENCES ALONG PUBLIC HIGHWAYS

AN ACT

To amend and reenact section 24-0630 of the North Dakota Revised Code of 1943 relating to the removal of fences along public highways, notification to owner of adjacent property, removal of fences by board of county commissioners or by board of township supervisors and assessment of costs therefore against property.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-0630 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0630. Removal of Fences; Notice; Cost.) When a public highway is opened along any section line within the state, the board of county commissioners or the board of township supervisors, as the case may be, shall notify the owner of adjacent property to remove any fences within thirty-three feet of said section line, in the manner provided for notice to remove stones or rubbish, and if said owner shall fail to remove the same within thirty days after such notice has been given, the board of county commissioners or the board of township supervisors, as the case may be, shall cause such fences to be removed, and the cost thereof shall be returned and entered the same as taxes against the property and shall be paid in the same manner as taxes are paid.

Approved March 10, 1955.

CHAPTER 183

H. B. No. 790

(Snow, Rolfsrud, Gress, Knudson of Morton, Link)

CATTLE GUARDS ACROSS COUNTY AND TOWNSHIP ROADS

AN ACT

To amend and reenact sections 24-1001 and 24-1002 of the North Dakota Revised Code of 1943, relating to cattle guards across county and township roads.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 24-1001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-1001. Cattle Guards; How Permitted.) Whenever the erection of cattle guards is necessary to complete an enclosure which includes land on both sides of any highway in the state, except a highway which has been designated as part of the state highway system, the board of county commissioners, if the cattle guard is to be erected across a county road, or the board of township supervisors, if the cattle guard is to be erected across a township road, may issue permission to any person, firm, or corporation to erect a cattle guard and gateway across said highway upon the conditions hereinafter prescribed.

§ 2. Amendment.) Section 24-1002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-1002. Cattle Guards; How Constructed; Effect.) Before any cattle guard and gateway shall be erected across any highway as authorized in section 24-1001, the board of county commissioners or board of township supervisors, as the case may be, shall approve written specifications of said cattle guard and gateway, such specifications to be filed with the county auditor, if approved by the board of county commissioners, and with the township clerk, if approved by the board of township supervisors. The specifications shall include specifications for warning signs to be placed approximately three hundred feet from and plainly visible to persons approaching said cattle guard upon the highway. A cattle guard shall be so constructed as to permit the passage of motor vehicles through and over the same. No cattle guard shall be erected upon any highway in this state unless there also is provided adjacent thereto an ample gateway in which shall be erected

a gate which may be opened easily and closed by the public. Within the limits of an enclosure so completed by authorized cattle guards erected in accordance with such specifications livestock shall be permitted to run at large without liability for being upon such highway.

Approved March 1, 1955.