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Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1232

Introduced by

Representatives Monson, Headland, Kilichowski

Senators Miller, Olafson, Dotzenrod

1 A BILL for an Act to amend and reenact sections 24-06-28 and 24-06-29 of the North Dakota

2 Century Code, relating to obstructions on section line roads.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1. AMENDMENT.** Section 24-06-28 of the North Dakota Century Code is

5 amended and reenacted as follows:

6   **24-06-28. Obstruction of section lines prohibited - Exception - Certain fences not**

7 **considered obstructions - Penalty.**

8   1.   A person may not place or cause to be placed any ~~permanent~~ obstruction, stone, tree

9   or portion of a tree, or rubbish within the vertical plane of thirty-three feet [10.06

10   meters] of any section line or within the right of way of any highway, <u>or place or cause</u>

11   <u>to be placed upon the section line or highway road surface any traffic safety hazard or</u>

12   <u>accumulated snow or mud that creates a traffic safety hazard,</u> unless written

13   permission is first secured from the board of county commissioners or the board of

14   township supervisors, as the case may be. The permission must be granted where the

15   section line has been closed pursuant to section 24-07-03 or where the topography of

16   the land along the section line is such that in the opinion of the board of county

17   commissioners or board of township supervisors, as the case may be, the construction

18   of a road on the section line is impracticable.

19   2.   Subsection 1 may not be construed to prohibit construction of fences:

20   a.   Along or across section lines which have been closed pursuant to section

21   24-07-03 or which have not been opened because construction of a road is

22   impracticable due to the topography of the land along the section line, but such

23   fences are subject to removal as provided in section 24-06-30.

1   b.   Across section lines which have not been closed pursuant to section 24-07-03 if

2   cattle guards are provided in accordance with chapter 24-10 where fences cross

3   the section lines.

4   3.   The construction of fences pursuant to subsection 2 may not be considered an

5   obstruction of section lines and any person who damages any fence or who opens and

6   fails to close any gate constructed under subsection 2 is guilty of an infraction.

7   **SECTION 2. AMENDMENT.** Section 24-06-29 of the North Dakota Century Code is

8   amended and reenacted as follows:

9   **24-06-29. Removal of obstructions when section lines opened - Cost.**

10   If a person places or causes to be placed a~~a~~an obstruction, stone, tree or portion of a tree, or

11 rubbish within the vertical plane of thirty-three feet [10.06 meters] of any section line or within

12 the right of way of any highway, or places or causes to be placed upon the section line or

13 highway road surface any traffic safety hazard or accumulated snow or mud that creates a

14 traffic safety hazard, the board of county commissioners or board of township supervisors, as

15 the case may be, when a public highway is opened, shall notify the owners of adjacent property

16 to remove the obstruction, stone, tree or portion of a tree, or rubbish or the traffic safety hazard.

17 Written notice by registered mail to the record owner of the adjacent property mailed to the

18 owner's last-known address and to any other persons in possession of the property constitutes

19 valid notice. If the owners fail to remove the obstruction, stone, tree or portion of a tree, or

20 rubbish within thirty days after the notice is mailed or to remove the traffic safety hazard as soon

21 as practical after the notice is received, the board of county commissioners or the board of

22 township supervisors, as the case may be, shall remove the obstruction, stone, tree or portion

23 of a tree, or rubbish or material that creates a traffic safety hazard. The cost of removal must be

24 entered the same as taxes against the adjacent property and paid in the same manner as

25 taxes.