

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1495

Introduced by

Representatives Damschen, Holman, Vigesaa

Senators Olafson, Robinson, Wardner

1 A BILL for an Act to amend and reenact subsection 1 of section 24-06-28 and section 24-06-29
2 of the North Dakota Century Code, relating to obstruction of section lines and highways.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 24-06-28 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 1. ~~No~~ A person may not place or cause to be placed any permanent obstruction,
7 ~~stones stone, trees tree or portion of a tree,~~ or rubbish within the vertical plane of
8 thirty-three feet [10.06 meters] of any section line or within the right of way of any
9 highway, unless written permission is first secured from the board of county
10 commissioners or the board of township supervisors, as the case may be. The
11 permission must be granted where the section line has been closed pursuant to
12 section 24-07-03 or where the topography of the land along the section line is such
13 that in the opinion of the board of county commissioners or board of township
14 supervisors, as the case may be, the construction of a road on the section line is
15 impracticable.

16 **SECTION 2. AMENDMENT.** Section 24-06-29 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **24-06-29. Removal of obstructions when section lines opened - Cost.** If ~~any~~ a
19 person places or causes to be placed ~~any stones a stone, trees tree or portion of a tree,~~ or
20 rubbish within the vertical plane of thirty-three feet [10.06 meters] of any section line or within
21 the right of way of any highway, the board of county commissioners or board of township
22 supervisors, as the case may be, when a public highway is opened ~~along the section line,~~ shall
23 notify the owners of adjacent property to remove the ~~stones stone, trees tree or portion of a~~
24 tree, or rubbish. Written notice by registered mail to the record owner of the adjacent property

Sixty-first
Legislative Assembly

1 mailed to the owner's last-known address and to any other persons in possession of the
2 property constitutes valid notice. If the owners fail to remove the ~~stones~~ stone, ~~trees~~ tree or
3 portion of a tree, or rubbish within thirty days after the notice is mailed, the board of county
4 commissioners or the board of township supervisors, as the case may be, shall remove the
5 ~~stones~~ stone, ~~trees~~ tree or portion of a tree, or rubbish. The cost of removal must be entered
6 the same as taxes against the adjacent property and paid in the same manner as taxes.