

**SENATE BILL NO. 2322**

Introduced by

Senators Erbele, Andrist, Wanzek

Representatives Brandenburg, Kempenich, Silbernagel

1 A BILL for an Act to amend and reenact section 47-26-01 of the North Dakota Century Code,  
2 relating to an electrified fence as being within the definition of a legal fence.

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

4 **SECTION 1. AMENDMENT.** Section 47-26-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **47-26-01. Definition of legal fence.**

7 The following shall constitute a legal fence:

- 8 1. Any fence four and one-half feet [1.37 meters] high, in good repair, consisting of rails,  
9 timber, boards, stone walls, or any combination thereof.
- 10 2. All brooks, rivers, ponds, creeks, ditches, or hedges.
- 11 3. All things which, in the judgment of the fence viewers within whose jurisdiction the  
12 fence may be, are equivalent to the things specified in subsections 1 and 2.
- 13 4. Any fence upon which the interested parties may agree.
- 14 5. A barbed wire fence consisting of at least three barbed wires with at least number  
15 twelve and one-half gauge wire, the wire to be fastened firmly to posts which shall be  
16 not more than twenty feet [6.10 meters] or not more than forty feet [12.19 meters] and  
17 three stays apart. The top wire shall be not less than forty inches [101.6 centimeters]  
18 high, the bottom wire shall be not more than sixteen inches [40.64 centimeters] above  
19 the ground, and no two adjacent wires shall be separated by more than sixteen inches  
20 [40.64 centimeters].
- 21 6. A wire fence consisting of five smooth wires with posts not more than two rods [10.06  
22 meters] apart and with good stays not more than eight feet [2.44 meters] apart, the top  
23 wire being not less than forty-eight inches [121.92 centimeters] nor more than fifty-six

1 inches [142.24 centimeters] and the bottom wire being not less than sixteen inches  
2 [40.64 centimeters] nor more than twenty inches [50.8 centimeters] above the ground.

3 7. An electrified fence consisting of:

4 a. One smooth wire located twenty-six inches to thirty-two inches [66.04  
5 centimeters to 81.28 centimeters] above the ground and posts no more than one  
6 hundred feet [30.48 meters] apart;

7 b. Two smooth wires, with the top wire located at least twenty-six inches [66.04  
8 centimeters] above the ground, the bottom wire located eight inches to ten inches  
9 [20.32 centimeters to 25.40 centimeters] below the top wire, and posts no more  
10 than one hundred feet [30.48 meters] apart; or

11 c. Three smooth wires, with the top wire located at least twenty-six inches [66.04  
12 centimeters] above the ground, the middle and bottom wires located eight inches  
13 to twelve inches [20.32 centimeters to 30.48 centimeters] apart, and posts no  
14 more than seventy-five feet [22.86 meters] apart.