

**HOUSE BILL NO. 1436**

Introduced by

Representatives Kiefert, Ertelt, Johnston, Skroch

1 A BILL for an Act to amend and reenact section 24-06-29 of the North Dakota Century Code,  
2 relating to the removal of obstructions and traffic safety hazards on a section line.

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

4 **SECTION 1. AMENDMENT.** Section 24-06-29 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **24-06-29. Removal of permanent obstructions - Removal of obstructions and traffic**  
7 **safety hazards - Cost.**

- 8 1. If a person places or causes to be placed a permanent obstruction within the vertical  
9 plane of thirty-three feet [10.06 meters] of any section line or within the right of way of  
10 any highway, the board of county commissioners or board of township supervisors, as  
11 appropriate, when a public highway is opened, shall notify the owners of adjacent  
12 property to remove the permanent obstruction. Written notice by registered mail to the  
13 record owner of the adjacent property mailed to the owner's last-known address and to  
14 any other persons in possession of the property constitutes valid notice. If the owners  
15 fail to remove the permanent obstruction within thirty days after the notice is mailed,  
16 the board of county commissioners or the board of township supervisors, as  
17 appropriate, shall remove the permanent obstruction. The cost of removal must be  
18 entered the same as taxes against the adjacent property and paid in the same manner  
19 as taxes.
- 20 2. If a person places or causes to be placed an obstruction or traffic safety hazard within  
21 the vertical plane of thirty-three feet [10.06 meters] of any section line or within the  
22 right of way of any highway road surface, the board of county commissioners or board  
23 of township supervisors, as appropriate, shall issue a written order to the person who  
24 caused the obstruction or traffic safety hazard to be placed there to remove the

- 1 obstruction or traffic safety hazard. If the person notified fails to remove the obstruction  
2 or traffic safety hazard as soon as practical after the notice is received, the board of  
3 county commissioners or board of township supervisors, as appropriate, shall remove  
4 the obstruction or traffic safety hazard. The person responsible for placement of the  
5 obstruction or traffic safety hazard is responsible and may be billed for any costs  
6 incurred by the county or township for removal of the obstruction or traffic safety  
7 hazard.
- 8 3. Subsection 2 does not apply to railroad facilities.
- 9 4. Notwithstanding subsections 1 and 2, if an individual removes snow or ice from a  
10 section line without causing damage or further obstruction to the section line, the  
11 individual is not subject to liability.