

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 104

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act defining legal fences; amending
7 Sec. 33-4-1, ACLA 1949; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. Sec. 33-4-1, ACLA 1949, is hereby amended to read
11 as follows:

12 Sec. 33-4-1. WHAT CONSTITUTES LEGAL FENCE. The follow-
13 ing fences only are legal and they must not be less than four
14 feet in height above the surface of the ground:

15 (a) All fences constructed of at least one strong
16 horizontal pole, rail or board, under which there are ~~AND~~
17 three ~~OF EITHER~~ horizontal wires, OR strong poles, rails
18 or boards, or any combination thereof. The lower three
19 wires, poles, rails or boards ~~BOTH, SO THAT THERE BE THREE~~
20 ALTOGETHER THEREUNDER, WHICH LOWER THREE, WHETHER ALL WIRES,
21 OR POLES, RAILS OR BOARDS AND WIRES may be arranged at the
22 pleasure of the builder; but all must be fastened firmly as
23 nearly equi-distant as possible to substantial posts firmly
24 set in the ground, not more than twenty feet apart, or fas-
25 tened to well-supported, substantial leaning posts not more
26 than twenty feet apart. The lowest horizontal ~~LOWER~~ pole,
27 rail, board or wire shall not be more than one foot and a
28 half above the ground.

29 (b) All fences constructed of at least four hori-

1 zontal wires, as hereinafter prescribed. ~~EACH, IF~~ If the
2 wires are cabled, they shall ~~TO~~ consist of not less than
3 two wires, of at least number fourteen ~~TWELVE~~ gauge; ~~OR,~~
4 if the wires are plain, they shall consist of not less than
5 a number twelve and one-half ~~NINE~~ gauge. ~~THE~~ The
6 lowest horizontal wire ~~OF WHICH~~ must not be more than one
7 foot and a half above the ground. ~~;~~ All wires must be
8 securely fastened, as nearly equi-distant as possible, to
9 substantial posts, firmly set in the ground, or to well-
10 supported substantial leaning posts, not exceeding two rods
11 ~~THIRTY-TWO FEET~~ apart, with stays of wood or wire inter-
12 woven in or fastened to said wires, between each two of said
13 posts, in such manner that there must not be more than one
14 rod ~~FIVE AND ONE-HALF FEET SPACE~~ between such stays and
15 posts or nearest stay. ~~;~~ ~~THE~~ The stays, if of wire, shall
16 ~~TO~~ be of not less than number twelve and one-half ~~NINE~~
17 gauge.

18 (c) All substantial worm fences or stone walls.

19 (d) All rivers, hedges, mountain ridges and bluffs
20 or other barriers, over or through which it is impossible
21 for stock to pass.

22 (e) All fences constructed of any standard woven
23 wire field fencing, not less than four feet in height,
24 securely fastened to substantial posts, set at a distance
25 not exceeding thirty-five feet apart.

26 Sec. 2. This Act shall take effect immediately upon its
27 passage and approval or upon its becoming law without such
28 approval.
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