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Referred: Resources

1 IN THE SENATE

BY COGHILL

2

SENATE BILL NO. 277

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to cattle and domesticated animals."

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

8 \* Section 1. AS 03.30 is amended by adding a new section to read:

9 Sec. 03.30.011. SUFFICIENT BARRIERS. The following constitute  
10 sufficient barriers for the purposes of AS 03.30.041:

11 (1) a barrier consisting of

12 (A) a substantial vertical post firmly set in the  
13 ground every 20 feet or well-supported, substantial leaning posts  
14 every 20 feet;

15 (B) at least one strong pole, rail, or board firmly  
16 attached horizontally to the posts; and

17 (C) at least three additional strong wires, poles,  
18 rails, or boards firmly attached horizontally to the posts with  
19 the lower wire, pole, rail, or board no more than 18 inches from  
20 the ground and with the wires, poles, rails, or boards as equi-  
21 distant from each other as possible;

22 (2) a barrier consisting of

23 (A) a substantial vertical post firmly set in the  
24 ground every 32 feet or well-supported, substantial leaning posts  
25 every 32 feet, with stays of wood or wire interwoven in or  
26 fastened to the wires between each post so that there is no more  
27 than five and one-half feet of space between the stays and a post  
28 or between adjoining stays and each stay of wire may not be less  
29 than nine gauge;

1 (B) four horizontal wires firmly attached to the posts  
2 as equidistant from each other as possible with the lowest wire  
3 no more than 18 inches from the ground; and

4 (C) if the horizontal wire is cabled, it must be at  
5 least 12 gauge; if the horizontal wire is plain, it must be at  
6 least 9 gauge;

7 (3) a barrier constructed of a standard woven wire field  
8 fencing, not less than four feet in height, securely fastened to  
9 substantial posts every 35 feet;

10 (4) a substantial worm fence or stone wall;

11 (5) a river, mountain ridge, bluff, or hedge over or  
12 through which it is impossible for cattle or domesticated animals to  
13 pass.

14 \* Sec. 2. AS 03.30.020 is amended to read:

15 Sec. 03.30.020. DUTY TO KEEP BARBED WIRE FENCES IN REPAIR. A  
16 person having a barbed wire fence shall keep it in good repair. When  
17 cattle or other domesticated animals are [A DOMESTICATED ANIMAL IS]  
18 killed or injured by coming in contact with a barbed wire fence that  
19 [WHICH] is not at the time of injury kept in substantial compliance  
20 with AS 03.30.011 [THIS SECTION AND AS 03.30.030], the owner of the  
21 animal may recover from the owner of the fence a sum equal to the  
22 amount of damages sustained in the killing or injury to the animal.

23 \* Sec. 3. AS 03.30.030 is amended to read:

24 Sec. 03.30.030. FENCE AS NUISANCE. Any wire fence so dilapidat-  
25 ed as to be of no practical use as a fence that [WHICH] is a menace to  
26 cattle or other domesticated animals [LIVESTOCK] is a public nuisance  
27 and may be abated by a court in a proceeding instituted for that  
28 purpose.

29 \* Sec. 4. AS 03.30 is amended by adding new sections to read:

1           Sec. 03.30.041. LIABILITY OF OWNER OF CATTLE OR DOMESTICATED  
2 ANIMALS DAMAGING ENCLOSED LAND OR CROPS. The owner or the person  
3 having possession and control of cattle or domesticated animals is  
4 liable for the damage done by the cattle or domesticated animals to  
5 the land or crops enclosed by a barrier described in AS 03.30.011. A  
6 person bringing a civil action for damages under this section has a  
7 lien on the cattle or domesticated animals for damages done by them.

8           Sec. 03.30.051. IMPOUNDING CATTLE OR DOMESTICATED ANIMAL BREAK-  
9 ING THROUGH A BARRIER. (a) If cattle or a domesticated animal breaks  
10 into an enclosure surrounded by a barrier described in AS 03.30.011,  
11 the owner or occupant of the enclosure may take the trespassing animal  
12 into possession and keep it until all damages, together with reason-  
13 able charges for keeping and feeding the animal, are paid. Within 24  
14 hours of taking the animal into possession, the owner or occupant of  
15 the enclosure shall give notice to the owner or claimant of the animal  
16 that possession of the animal is being retained as a lien for the  
17 damages. If the owner or claimant to the animal is unknown, the owner  
18 or occupant of the enclosure shall post a notice at a public place  
19 near the enclosure. If the owner or claimant of the animal fails to  
20 claim the animal and pay the reasonable charges incurred in keeping  
21 and feeding the animal within five days after the receipt or posting  
22 of the notice, the animal may be sold at public auction under AS 03.-  
23 35.055.

24           (b) A person who takes or removes an impounded animal from the  
25 possession of the person claiming the lien without the consent of the  
26 person is liable for a civil penalty of \$300 and the penalty, if not  
27 paid within 30 days from the removal, may be recovered by the owner or  
28 occupant of the enclosure in a court of competent jurisdiction.