TITLE 35
FENCES

CHAPTER 3
BARBED WIRE

35-301. CARELESS EXPOSURE OF BARBED WIRE UNLAWFUL. It shall be unlawful for any person, firm or corporation, who, having barbed wire or barbed wire fences, to allow the same to be left down or strewn around on the ground in such a manner that livestock are liable to be injured thereby: provided, however, that no person, firm or corporation shall be liable for barbed wires left down or strewn about where the same are not so exposed that there is danger of injury to animals running at large.

[(35-301) 1915, ch. 123, sec. 1, p. 269; compiled and reen. C.L. 114:1; C.S., sec. 2596; I.C.A., sec. 34-301.]

35-302. NOTICE TO OWNER. It shall be the duty of any person, sheriff, deputy sheriff, constable or policeman having knowledge by written notice or otherwise that any said barbed wire or barbed wire fence is so down or strewn on the ground to give notice either verbally or otherwise to such person, firm or corporation that said barbed wire or barbed wire fence is so down or strewn on the ground.

[(35-302) 1915, ch. 123, sec. 2, p. 269; reen. C.L. 114:2; C.S., sec. 2597; I.C.A., sec. 34-302.]

35-303. OWNER'S LIABILITY AFTER NOTICE. Any person, firm or corporation who, after knowing by his own knowledge or by receiving such notice as provided in section 35-302, shall fail to remove same within ten (10) days after such notice, shall be subject to the fines contained herein.

[(35-303) 1915, ch. 123, sec. 3, p. 269; reen. C.L. 114:3; C.S., sec. 2598; I.C.A., sec. 34-303.]

35-304. PROCEDURE IN CASE OF UNKNOWN OWNER. It shall be the duty of any sheriff, deputy sheriff or constable, who by personal knowledge or who otherwise knows of any barbed wire or barbed wire fence being so strewn or down as provided in section 35-301, Idaho Code, on any ranch or knows of any fence that has been abandoned, and the owner of such fence or ranch is unknown or has left the state so that notice cannot be served on such person, firm, or corporation, to take or cause to be taken up such barbed wire or barbed wire fence and sell the same at public auction to the highest bidder. The proceeds shall go to cover the expense of the removal of said barbed wire or barbed wire fence, and if there be any money left over from such sale, it shall be turned in to the county treasurer of the county wherein such fence or ranch is located.

[(35-304) 1915, ch. 123, sec. 4, p. 269; reen. C.L. 114:4; C.S., sec. 2599; I.C.A., sec. 34-304; am. 2022, ch. 111, sec. 27, p. 385.]

35-305. PENALTY. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than five dollars

($5.00) or more than twenty-five dollars ($25.00), in the discretion of the court.

[(35-305) 1915, ch. 123, sec. 5, p. 269; reen. C.L. 114:5; C.S., sec. 2600; I.C.A., sec. 34-305.]