

68-128a. Highways through pastures; maintenance, auto gates and passes; cost; liability for damages to livestock. (a) Whenever by license or custom the public is permitted to travel through any pasture lands enclosed by fences, and the owner or owners of such land shall give their consent in writing to the designation and laying out of a road across such lands, the board of county commissioners may designate such road as a public highway. After such road has been regularly designated or laid out as a public road it shall be improved and maintained in the manner and by use of the funds now provided for improving and maintaining other public roads, and the municipality charged with the improvement and maintenance of such road may construct convenient auto gates or automobile passes, or both, and pay the cost of maintenance thereof out of road maintenance funds of such municipality.

(b) Where travel is through pasture lands lying west of range 15 west of the sixth principal meridian, the township board of any township or the county commissioners of any county in which any such pasture land is wholly or partially located may construct convenient auto gates or auto passes, or both, and pay the cost and maintenance thereof out of road funds without designating such road as a public highway; and upon petition signed by twenty (20) or more legal voters of a township asking the board for a road of convenience through pasture land, to be confined to section lines, the township board or county commissioners, as the case may be, may construct and maintain necessary auto gates or passes.

Any user of such a road shall be personally liable for any damages to livestock caused by him while traveling such road, and no liability shall be incurred by the county, township, or landowner.

History: L. 1929, ch. 231, § 1; L. 1961, ch. 299, § 10; June 30.