

Discussion
Public Works Policy
Cattle Guard Maintenance

COUNTY COUNCIL MEETING
October 19, 2022



Public Works Policy, Cattle Guard Maintenance

- Cattle guards are structures placed to prevent livestock from crossing an enclosed piece of land to another area.
- Summit County has 26 cattleguards installed across our County

Icey Spring	1	Weber Canyon	5
Three Mile Canyon	1	East Canyon	1
Huff Creek	1	Upper Chalk Cr	9
So. Fork (Chalk Crk)	2	Lone tree	4
3-Mile Road	1	Bitner Road	1

- In various conditions, from newly installed (by South Fork of Chalk Creek Landowner) to very poor (East Canyon and Weber Canyon)



Public Works Policy, Cattle Guard Maintenance

- Until July of 2019, Public Works maintained these structures
 - Made aware it was not legally our responsibility
 - Utah is a “Fence-In” State unless County has its own Ordinance
- New Cost is \$10,000 to \$15,000 for a 20’ to 24’ wide, plus the foundation at \$5,000 to \$8,000
 - Life Span is typically 20 years
- Cleaning takes one to two days each for a crew of 3 or 4, dump truck and backhoe, estimating \$2,500 to \$3,000 in time and materials each
 - Frequency depends on traffic, drainage, road and surface type



Public Works Policy, Cattle Guard Maintenance

Utah Code 4-25-8:

- Owner liable for trespass of animals -- Exception -- Intervention by county representative.
- (1) The owner of any neat cattle, horse, ... that trespasses upon the premises of another person, except in cases where the premises are not enclosed by a lawful fence in a county or municipality that has adopted a fence ordinance, is liable in a civil action to the owner or occupant of the premises for any damage inflicted by the trespass.
- (3) Notwithstanding Subsections (1) and (2), the owner of any neat cattle, horse, ...that trespasses upon the premises of another person is not liable in a civil action to the owner or occupant of the premises for damage inflicted by the trespass if:
 - (a) the animal enters the premises from an historic livestock trail, as defined in Section 57-13b-102;

In the Utah Supreme Court Case of Bastian v. King...

- “The Utah fencing statutes place liability for trespassing livestock on the owners of livestock unless the county enacts a fence law. Section 4-25-8 states:
 - The owner of any neat cattle, horse...that trespasses upon the premises of another person, except in cases where the premises are not enclosed by a lawful fence in a county which has adopted a fence ordinance, is liable in a civil action to the owner or occupant of such premises for any damage inflicted by the trespass.
 - Garfield County has not enacted a fence ordinance, as authorized by § 4-25-7,[1] thus placing the burden on livestock owners to prevent their livestock from trespassing.”



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- Summit County Code 11-2-2 Agriculture
 - Revisited in July of 2020
 - Does not address Fence-In, except as it relates to new non-agricultural development
 - Requires new development to pay for half the cost of new fence
 - Does not impact State's "Fence-In" requirement
- Snyderville Basin Code does not address fencing
 - Does not impact State's "Fence-In" requirement



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Example Code - Duchesne County Code

- 6-1-3: GATES AND CATTLE GUARDS:
- A. Permitted: It is unlawful for any landowner to close or restrict any county roads, rights of way and easements to the general public. The landowner may install and shall maintain gates and/or cattle guards across the county roads, rights of way and easements on the terms and conditions set forth in this section...
- C. Cattle Guards: On those roadways where the traffic is of such nature that gates are a major inconvenience, the county shall allow the installation of cattle guards on the following conditions:
 - 1. The installation of the cattle guard shall be by permit only, and obtained as outlined in...
 - 2. The cattle guard proposal shall meet the approval of the road department
 - 3. The property owner shall provide the cattle guard at the landowner's expense, together with a four thousand dollar (\$4,000.00) fee to cover future maintenance and repair. Said fee may be waived; provided, that the landowner enters into an agreement with the county to provide maintenance and repair of the cattle guard for the period of time that the cattle guard is required.
 - 4. If the landowner enters into the agreement to provide maintenance and repair, and the fee is waived, the landowner shall be responsible for the repair and maintenance of the cattle guard as needed and/or at the direction of the county road department supervisor for ten (10) years from the date of installation, at which time the landowner shall, at his own expense, refurbish the cattle guard. Upon approval of the supervisor of the county road department, the county shall assume the responsibility for maintenance. Upon the expiration of twenty (20) years from the date of installation, the county shall reevaluate the need for the cattle guard.
 - 5. If the cattle guard is not properly maintained or replaced when it becomes damaged, or it is determined that the cattle guard is no longer necessary, the county shall have the right to remove said cattle guard from the roadway. (1998 Code § 12.04.050)



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- Staff Recommendation
 - Develop Ordinance addressing cattleguards by staff and brought back to the County Council for a Public Hearing and consideration of approval

QUESTIONS/DISCUSSION

