

**Rich County Ordinance Declaring a General Policy for Allowing  
Domestic Livestock to Graze Freely and  
Defining Liability for Their Trespass on Private Land**

Whereas, the Utah Agricultural Code states that “[a] county legislative body may, by ordinance, declare and enforce a general policy within the county for the fencing of farms, subdivisions, or other private property to allow domestic animals to graze without trespassing on farms, subdivisions, or other private property.” Utah Code § 4-25-204(1) (2017); and

Whereas, each county determines for itself whether landowners or livestock owners have the legal duty to keep domestic livestock from trespassing onto private land; and

Whereas, a county may choose to divide the county into divisions with different duties and regulations, Utah Code § 4-25-204(2)(b); and

Whereas, Rich County is largely a rural county where open range remains an important part of the County’s character; and

Whereas, a “fence out” ordinance in unincorporated Rich County is in the best interest of Rich County.

Now therefore, the County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Definitions.

“Lawful fence” at a minimum means either (1) a barbed wire fence with four strands and posts set at a maximum of one rod (16.5 ft) apart and one stay between each post as customary to confine horses and cattle, or (2) a chain link, wood, masonry, or metal fence at least fifty (50) inches high with posts no greater than ten (10) feet apart and securely built so as to reasonably be expected to confine domestic livestock. A lawful fence should be reasonably maintained without gaps or openings where domestic livestock might foreseeably be able to pass. A vinyl fence is not considered a “lawful fence” for purposes of this ordinance.

“Domestic livestock” means cattle, horses, asses, mules, sheep, goats, or swine.

"Historical livestock trail" means property over which livestock has historically traveled to or from a grazing area or market.

Section 2. Liability for trespass on private land.

The owner of any domestic livestock that trespasses upon the premises of another person is liable in a civil action to the owner or occupant of the premises for damage inflicted by the trespassing livestock animal only if the premises were enclosed by a lawful fence as defined above.

Section 3. Applicability.

The liability set out in Section 2 applies to all unincorporated areas within Rich County.

Section 4. Historic livestock trails.

Notwithstanding any other provision, an owner of domestic livestock is not liable for damages caused by domestic livestock trespassing onto property of another if (1) the animal entered the other's property from a historic livestock trail and (2) the trespassed property was not enclosed by an adequate fence at the time the trespass occurred.

Section 5. Effective Date.

This ordinance shall become effective immediately upon posting as provided by law.