

AN ORDINANCE OF RICH COUNTY, STATE OF UTAH, ENACTING AN  
ADJOINING LANDOWNERS ORDINANCE, PERTAINING TO THE  
CONSTRUCTION AND MAINTENANCES OF FENCES IN RICH COUNTY FOR  
AGRICULTURAL PURPOSES, FOR PROVISIONS FOR PAYMENT BY ADJOINING  
LANDOWNERS AND FOR PROVISIONS FOR NONPAYMENT INCLUDING  
COSTS AND ATTORNEY'S FEES

SECTION 1

If two or more persons agree to fence an enclosure or for the construction of a partition fence, the cost of the construction and maintenance of the fence shall be apportioned equally between each party to the agreement based upon the amount of land enclosed.

SECTION 2

If an adjoining landowner elects to use an existing partition fence, he shall then pay the adjoining landowner  $\frac{1}{2}$  of the reasonable value of said partition fence.

SECTION 3

In the event one adjoining party elects to construct a fence for agricultural purposes along the boundary line between adjoining parties, each party shall be obligated to pay  $\frac{1}{2}$  of the actual cost of the fence, and each party shall be obligated to construct  $\frac{1}{2}$  of the boundary line fence to their left when standing in the center of the fence. Agricultural purposes for the purpose of this ordinance shall be defined as a fence between land owners whose principal source of income is derived from the raising of crops or animals.

SECTION 4

Any person who fails to pay his or her proportionate share of a boundary line fence within 90 days as defined in this ordinance, shall be liable in a civil action for damages sustained by the other adjoining party to the agreement together with damages which may accrue a result of the failure of the party to build and maintain the fence. The prevailing party in any action brought under this ordinance shall be entitled to costs of Court, a reasonable attorney's fees, and such other incidental expenses as are accrued, such as surveying costs, equipment rental, and other ordinary costs incident to the construction of the boundary line fence.

## SECTION 5

In the event an adjoining landowner fails to construct his or her portion of the fence, the entire fence may be built by the adjoining landowner and the costs assessed to the defaulting party as set forth in Section 4.

## SECTION 6

At the time any party ceases to improve or cultivate his land or opens his enclosure, such party may not take away any part of the partition fence belonging to him, if the owner or occupant of the adjoining enclosure within 30 days after written notice pays for the reasonable value of the fence. In no event may any fence be removed if the removal of the fence will expose the property of the adjoining landowner to damages or injuries.

## SECTION 7

A boundary line fence constructed pursuant to this ordinance shall be a minimum of four barbed wire strands with posts every rod and one stay between each post for cattle, and as customary for other livestock, If either landowner desires to construct a better fence than is specified herein, that landowner shall pay the entire costs of the more expensive and better fence system.

## SECTION 8

This ordinance shall not affect and shall not be binding upon any city or town within Rich County itself, the State of Utah, nor the United States Government.