

# TOWN OF CASTLE VALLEY, UTAH

## ORDINANCE 2003 - 3

### AN ORDINANCE ENCOURAGING THE MOVEMENT OF DEER WITHIN CASTLE VALLEY BY LIMITING THE USE OF EXCLUSIONARY FENCING

#### Preamble

The Town of Castle Valley acknowledges that because the Town is part of wild mule deer critical winter habitat (as designated by the State of Utah Division of Wildlife Resources), it is necessary to limit the use of exclusionary fencing to maximize the ability for deer to move through and live in the valley.

Be it ordained by the Town Council of the Town of Castle Valley, Utah that:

#### **SECTION 1:**

1. All solid fences are subject to applicable building permit requirements.
2. All fencing shall be smooth wire or rail.
3. Barbed wire is prohibited.
4. For wire fencing, top wire shall be a maximum of 48 inches from the ground and at least 12 inches shall separate the top two wires.
5. Stays shall be placed at 6-8 foot increments.
6. Rail fences shall be a maximum of 48" from the ground with 16" spacing between the rails.
7. Electrified fencing shall be a maximum of 48 inches from the ground and at least 12 inches shall separate the two top wires.
8. Fencing of open construction (e.g., corrals) shall have at least 12" gap between the top two rails.

Exceptions to the above are as follows:

- A. Lots designated by the Town of Castle Valley for commercial agricultural uses may employ fencing around the entire property to a height of 8 feet to exclude deer.
- B. Residents may use exclusionary fencing with a maximum height of 8 feet in no more than one acre (43560 sq. ft.) per five acres.
- C. All exclusionary fencing under B. above shall be a minimum of fifty feet from roads.
- D. Pre-existing fencing as of March 1, 2003, and repair of existing fencing, but not with barbed wire.

**SECTION 2:**

**SEVERABILITY:** If any provision of this ordinance or any application thereof to any person(s), entity, or circumstance is held invalid, the remaining provisions of this ordinance and applications thereof to other person(s), entities, or circumstances shall not be affected thereby.

**SECTION 3.**


**EFFECTIVE DATE:** This ordinance shall take effect immediately upon passage by the Town Council.

**PASSED AND APPROVED** by the Town Council of the Town of Castle Valley in open session this 16<sup>th</sup> day of April, by the following vote:

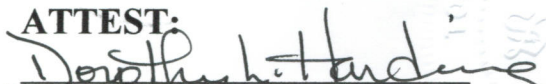
Those voting aye: Bruce Keeler, Karen Nelson, Robert Ryan

Those voting nay: Darr Hatch, Mark Webster

**CASTLE VALLEY TOWN COUNCIL**

By:   
Mayor

**ATTEST:**

  
Town Clerk

