

# 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 to 8 foot increments.
6. Rail fences shall be a maximum of 48 inches from the ground with 16 inches of 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 a 12 inch 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 to a height of 8 feet encompassing up to the entire property but *limited to that portion of which is being used for commercial endeavor(s)*.**
  - 1. Standards for Commercial Agriculture Use.**
    - a.) Sufficient water rights to support the commercial crop *demonstrated by documentation from the Town of Castle Valley, the Irrigation Company or a personal water right.***
    - and:* b.) Water infrastructure installed before fencing approval as evidenced by distribution pipe and heads or irrigation ditch controls.**
    - or:* c.) Land assessed under the Utah Farmland Assessment Act.**
- B.** Residents may use exclusionary fencing with a maximum height of 8 feet in no more than one acre (43,560 square feet) per five acres.
- C.** All exclusionary fencing under B. above shall be a minimum of fifty feet from ***the nearest edge of the road platform.***
- 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.

**SECTION 4:**

Attachment: Fencing Recommendations for Castle Valley, Figure 1, 2 and 3.

**PASSED AND APPROVED** by the Town Council of the Town of Castle Valley in open session this \_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote:

Those voting aye:

Those voting nay:

**CASTLE VALLEY TOWN COUNCIL**

By: \_\_\_\_\_  
Bruce Keeler, Mayor

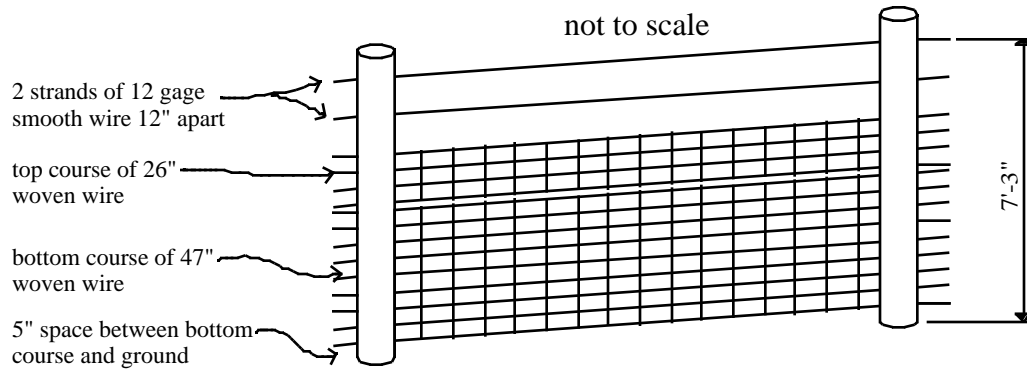
**ATTEST:**

\_\_\_\_\_  
Rebecca Martin, Clerk/Recorder

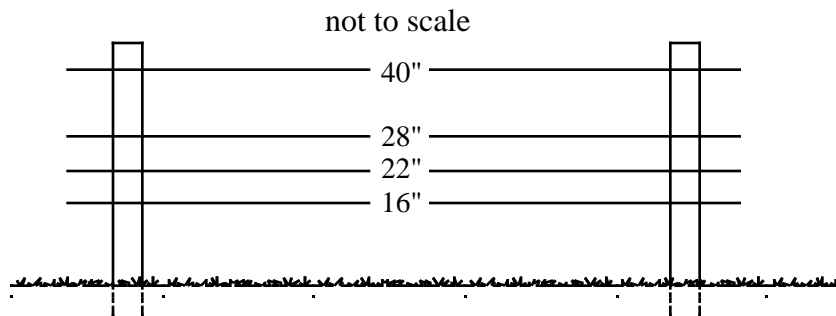
# ATTACHMENT A

## Fencing Recommendations for Castle Valley

**Figure 1- Deer Exclusion Fence** Source: Fencing Guidelines for Wildlife; Habitat Extension Services, Wyoming Game and Fish Department

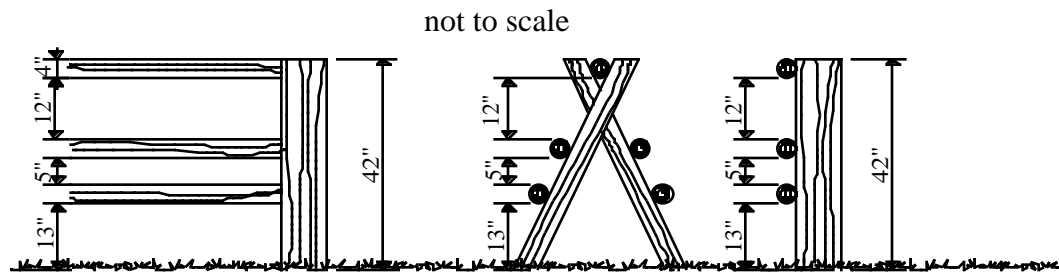


**Figure 2- Wire Livestock Fence (Allows the passage of deer.)** Source: Fencing With Wildlife in Mind, Colorado Division of Wildlife, Sulphur Springs, CO. 80451



Note: It is recommended that a white, vinyl coated wire replace the top wire in a fence to increase visibility, which will help deer to better judge their jump.

**Figure 3- Rail Livestock Fence (Allows the passage of deer.)** Source: Bureau of Land Management Fence Standards for Livestock and Wildlife.



Legend: Symbol ' equals feet  
Symbol " equals inches