

**GARFIELD COUNTY, UTAH
LIVESTOCK COMPENSATION
ORDINANCE NO. 2020-1**

AN ORDINANCE TO ESTABLISH CERTAIN RULES AND PROCEDURES TO COMPENSATE LIVESTOCK OWNERS FOR DAMAGE DONE BY MOTOR VEHICLES IN THE UNINCORPORATED AREAS OF GARFIELD COUNTY, UTAH.

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to enact this ordinance regarding compensation for livestock damage caused by motor vehicles in open range areas in-unincorporated Garfield County, Utah in the interest of the health, safety and welfare of the citizens of Garfield County, Utah.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

Section 1 PURPOSE

To establish compensation for damages to livestock caused by collision with motor vehicle(s).

Section 2 DEFINITIONS

For purposes of this Ordinance, the following words shall have the meaning respectively ascribed to them by this section:

1. "Damage" means injury to or loss of livestock.
2. "Livestock" means cattle, horses, mules, donkeys, sheep, goats or pigs.
3. "Owner" means the legal owner(s) of the livestock whether or not such legal owner(s) are covered by auto insurance liability coverage for a motor vehicle/livestock collision.
4. "Driver" means the person(s) who legally own or operate the motor vehicle(s) involved in a motor vehicle/livestock stock collision, whether or not such legal owner(s) or operator are covered by auto insurance for such collision.
5. "Collision" means the accident(s) between the motor vehicle(s) and the livestock, sometimes referred to herein as a motor vehicle/livestock collision.
6. "Open Range" means area(s) with livestock where the road right of way is not fenced.
7. "Closed Range" means area(s) with livestock where the road right of way is fenced.

Section 3 CONFLICT

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other Ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

Section 4 SEVERABILITY

If any section of this Ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless be carried into effect.

Section 5 APPLICABILITY

1. Subject to the limitations of Section 5.2, this Ordinance shall apply to vehicle/livestock collisions in open range areas in the County. For the purposes of this Ordinance, open range areas shall be classified as:
 - a. Public and/or private lands within the unincorporated areas of Garfield County without fencing, where livestock may roam freely and drift onto any road moving to or from their accustomed ranges.
2. This Ordinance shall not apply to any motor vehicle/livestock collision that occurs in:
 - a. Incorporated areas in Garfield County;
 - b. Unincorporated areas in Garfield County that do not fit the definition of open range areas under Section 5.1.a; or
 - c. Unincorporated areas of Garfield County that do fit the definition of open range areas under Section 5.1.a, but where a motor vehicle/livestock collision involved livestock that escaped an enclosure.

Section 6 THE REGULATION

1. In the case of any motor vehicle/livestock collision in an open range area of Garfield County, not otherwise limited by Section 5.1.c, where the motor vehicle causes damage to livestock, the motor vehicle driver(s) shall fully compensate the owner for the fair market value of the damages.
 - a. To obtain this compensation, the owner shall
 - i. File an accident report with the Garfield County Sheriff's Office no later than fourteen (14) days after the livestock damage(s) are discovered;

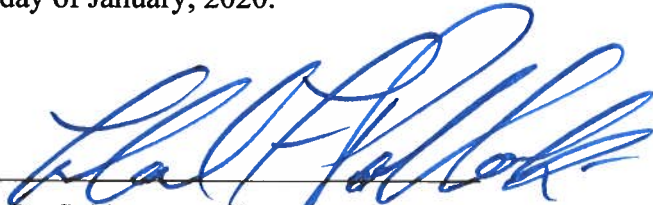
- ii. In cases where the driver's identity and contact information are known, hand deliver or mail to the driver (mailing to be postmarked by the 14th day) a copy of the accident report and a request for compensation no later than fourteen (14) days after the livestock damage(s) are discovered, or no later than fourteen (14) days after date the owner learns the identity and contact information of the driver, whichever triggering date is later; and
 - iii. In cases where the driver has auto liability insurance coverage, and the identity of the driver and the driver's contact information are known to the owner, and the identity and contact information of the driver's auto liability insurance policy are known to the owner, the owner shall ensure that a claim is filed with the driver's insurance company no later than fourteen (14) days after the livestock damage(s) are discovered, or no later than fourteen (14) days after date the owner learns the identity and contact information of the driver and the name and contact information of the driver's auto insurance policy, whichever triggering date is later.
2. In cases where the elements and conditions of Section 6.1. are satisfied, the driver of the motor vehicle shall, within 30 days after notice is given under Section 6.1.a, pay the livestock owner fair market value for damages caused by the collision.
3. In the event that the collision took place in accordance with the provisions listed in 5-2 of this Ordinance, the motor vehicle driver shall not be required to compensate the livestock owner for damages.

Section 7 JUDICIAL REVIEW

Nothing in this Ordinance shall be construed or interpreted to preclude or limit the right of the owner or the driver to petition a Court of Law for judicial orders, reviews, declarations, or other judicial relief regarding any motor vehicle/livestock collision in Garfield County.

Section 8 ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 27th day of January, 2020.



Garfield County Commission, Chair
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk
Camille A. Moore

County Seal:

