

# BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

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Red Lodge, MT 59068

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## **RESOLUTION 2017-16 INSTALLATION AND MAINTENANCE OF CATTLE GUARDS**

**WHEREAS**, at the request of the Board of Carbon County Commissioners, the Carbon County Attorney provided a written opinion dated August 29, 2011 regarding the installation of cattle guards on county roads citing MCA § 7-14-2130, and

**WHEREAS**, the Board of Carbon County Commissioners want to ensure that the installation of cattle guards are consistent throughout Carbon County, and

**WHEREAS**, the Board wants to limit the exposure of liability to Carbon County with regard to the installation and maintenance of cattle guards,

**NOW THEREFORE BE IT RESOLVED**, that the Board of Carbon County Commissioners adopt the following policy regarding the installation and maintenance of cattle guards on Carbon County road right-of-way.

1. The installation of a new cattle guard will require an accepted and approved Carbon County Road Encroachment Permit. Such permit will not be approved if it will diminish the safety of the traveling public, or the ability of Carbon County Road crews to maintain that section of road.
2. The installation and maintenance of cattle guards will be performed by the Carbon County Road Department.
3. Cattle guards will meet or exceed the Carbon County design standards;
  - a. A minimum load rating of H-20 (16 tons per axle);
  - b. A minimum dimension of 7.5' x 24', unless the width of the road dictates otherwise and approval is given for the variation;
  - c. A base of 8 stackable concrete blocks sized 2' x 2' x 6' or L-shaped concrete cattle guard supports shall be placed to support the cattle guard;
  - d. Installed at a grade adequate to prevent storm water runoff from county road to flow into cattle guard (3% slope for 20' on both sides);
  - e. A gate that is easily opened on one or both ends of cattle guard to allow for movement of livestock along county road.
4. The cost of a cattle guard installed or maintained by Carbon County will be set by the Board of Carbon County Commissioners periodically as needed and noticed on the List of Fees maintained in the Carbon County Planning Office.

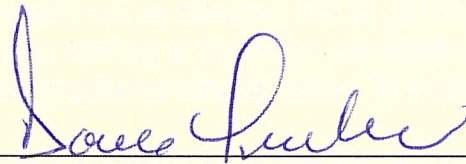


5. Carbon County will be responsible for routine maintenance of cattle guards. Routine maintenance includes re-digging, cleaning, and minor structural repairs. Such determinations are at the discretion of the Carbon County Road Department and District Commissioners. Landowners are responsible for significant maintenance of cattle guards and may be given notice of any need of repair by the Carbon County Road Department. The cost of significant repairs will be the responsibility of the landowner and will be billed to the landowner and may be added to the landowner's property taxes

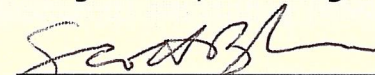
**NOW THEREFORE BE IT FURTHER RESOLVED**, previous cattle guard resolution, Resolution 2015-15, is hereby rescinded.

Dated this 11<sup>th</sup> day of September, 2017.

Carbon County Commissioners,

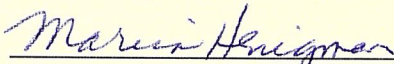


Doug Tucker, Presiding Officer



Scott Blain, Member

ATTEST:

  
Clerk and Recorder, Marcia Henigman.  
Bill E. Bullock, Member