

72-7-106 Gates on class B and D roads.

- (1) As used in this section, "county road" means:
 - (a) a class B road as defined in Section 72-3-103; and
 - (b) a class D road as defined in Section 72-3-105.
- (2) The county executive of a county may authorize the erection or maintenance of a gate on a county road in order to avoid the necessity of building highway fences.
- (3) The person for whose immediate benefit a gate is erected or maintained shall in all cases bear the expense.
- (4) Nothing contained in Section 72-7-105 shall be construed to prohibit a person from placing an unlocked, nonrestrictive gate across a county road, or maintaining the same, with the authorization of the county executive of that county.
- (5)
 - (a) A gate is not allowed on a county road unless authorized by the county executive in accordance with the provisions of this section.
 - (b) If the expense of the erection and maintenance of the gate is not paid or if a lock or other device is placed upon the gate so as to make it restrictive, the county executive of that county shall notify the responsible party that county approval is terminated and the gate is considered to be an obstruction under Section 72-7-105.
- (6) The placement or maintenance of a gate with the authorization of the county executive across a county road does not constitute or establish an abandonment under Section 72-5-105 or 72-5-305 by the county and does not establish an easement on behalf of the person establishing the gate.
- (7) A person who commits any of the following acts is guilty of a class B misdemeanor and is liable for all damages suffered by a party as a result of the acts:
 - (a) leaves open a gate, erected or maintained under this section;
 - (b) unnecessarily drives over the ground adjoining the highway on which a gate is erected;
 - (c) places a lock or other restrictive device on a gate; or
 - (d) violates a rule or regulation of a county legislative body relating to the gates within the county.

Amended by Chapter 239, 2003 General Session