

73-29-207 Fences across public water.

- (1) The owner of a public access area adjacent to and lying beneath a public water may place a fence or obstruction across a public water for agricultural, livestock, or other lawful purposes.
- (2) A fence or other obstruction shall:
 - (a) comply with an applicable federal, state, or local law; and
 - (b) be constructed in a manner that does not create an unreasonably dangerous condition to the public lawfully using the public water.
- (3) The owner of a public access area shall allow the placement of a ladder, gate, or other facility allowing portage around a fence or obstruction if:
 - (a) the owner places a fence or obstruction across a public water in accordance with Subsection (1); and
 - (b) the water is open to public recreational access by permission or under Section 73-29-203.

Enacted by Chapter 410, 2010 General Session