

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

AN ACT relating to planning and zoning; requiring subdividers to construct and pay costs for perimeter fences as specified; specifying requirements for perimeter fences for subdivisions; specifying financial responsibility for maintaining perimeter fences; requiring the inclusion of perimeter fence information in subdivision permit applications; repealing conflicting provisions; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 18-5-319 is created to read:

**18-5-319. Fencing requirements for subdivision permits.**

(a) Each subdivider seeking to create or divide a subdivision that is adjacent to lands upon which livestock can be legally run at large shall comply with all of the following:

(i) The subdivider shall be responsible for the construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners' consent that a perimeter fence is not necessary;

(ii) The perimeter fence required under this subsection shall be a lawful fence as prescribed by W.S. 11-28-102;

(iii) The subdivider shall be responsible for all costs of the original construction for the perimeter fence.

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(b) Upon completion of the construction of a perimeter fence required under this section, the subsequent landowner or, if the subdivided parcel has not been sold, the subdivider shall:

(i) Be responsible for the costs of maintaining the perimeter fence provided that the adjoining landowner shall be responsible for half of the costs of maintaining the perimeter fence, not to exceed the reasonable costs to maintain the fence if the fence was a fence under W.S. 11-28-102(a)(i);

(ii) Not be liable for any damage caused by or arising from livestock pastured on adjoining land that may breach the perimeter fence and wander on the subdivided land, provided that the perimeter fence is maintained in accordance with this section.

(c) The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land except as provided in W.S. 11-28-108.

(d) Before receiving a subdivision permit under this article, a subdivider shall provide information and evidence of the construction or plans to construct any perimeter fence required by this section in accordance with W.S. 18-5-306(a)(xiii).

**Section 2.** W.S. 18-5-306(a) by creating a new paragraph (xiii) is amended to read:

**18-5-306. Minimum requirements for subdivision permits.**

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section, including paragraph (xii) of this subsection, the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xiii) If required under W.S. 18-5-319, plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence.

**Section 3.** W.S. 11-28-106(b) is repealed.

ORIGINAL SENATE  
FILE NO. SF0137

ENGROSSED

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

**Section 4.** This act is effective July 1, 2023.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk