

SENATE FILE NO. SF0137

Subdivisions-fencing requirements.

Sponsored by: Senator(s) Steinmetz and French and
Representative(s) Crago and Eklund

A BILL

for

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

9

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

11

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

13

14 **18-5-319. Fencing requirements for subdivision**
15 **permits.**

1

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

6

7 (i) The subdivider shall construct or cause to
8 be constructed a perimeter fence on any part of the
9 subdivision that is adjacent to lands upon which livestock
10 can be legally run at large;

11

12 (ii) The perimeter fence required under this
13 subsection shall be constructed in one (1) of the following
14 manners:

15

16 (A) A fence made of steel, concrete or
17 sound wooden posts and three (3) spans of barbed wire not
18 more than fifteen (15) inches or less than ten (10) inches
19 apart, or two (2) spans of barbed wire with a wooden rail
20 on top. Wooden posts shall be at least four (4) inches in
21 diameter. Posts shall be set firmly in the ground at least
22 twenty (20) inches deep, at no greater distance apart than
23 twenty-two (22) feet between the posts or thirty-three (33)

1 feet with at least two (2) iron or wooden stays between the
2 posts. Stays shall be placed equal distance apart from
3 themselves and the post on either side;

4

5 (B) A post and board fence made of sound
6 posts not less than four (4) inches in diameter set
7 substantially in the ground not more than ten (10) feet
8 apart, with three (3) boards sold as one (1) inch lumber
9 eight (8) inches wide, and not more than ten (10) inches
10 apart, or four (4) boards sold as one (1) inch lumber six
11 (6) inches wide, not more than eight (8) inches apart,
12 securely fastened with nails or otherwise;

13

14 (C) A four (4) pole fence with round poles
15 not less than two (2) inches in diameter at the small end,
16 with either upright or leaning posts not more than sixteen
17 (16) feet apart, and securely fastened with nails, wires or
18 otherwise;

19

20 (D) Any other fence made and constructed of
21 boards, rails, poles, stones, hedge plants or other
22 material that is sufficiently strong to protect enclosures,

1 and to effectively prevent livestock from breaching the
2 fence.

3

4 (iii) The subdivider shall be responsible for
5 all costs of the perimeter fence and the construction of
6 the perimeter fence.

7

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

12

13 (i) Be responsible for the costs of maintaining
14 the perimeter fence;

15

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

21

22 (c) Before receiving a subdivision permit under this
23 article, a subdivider shall provide information and

1 evidence of the construction or plans to construct any
2 perimeter fence required by this section in accordance with
3 W.S. 18-5-306(a)(xiii).

4

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

7

8 **18-5-306. Minimum requirements for subdivision**
9 **permits.**

10

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

21

22 (xiii) If required under W.S. 18-5-319, plans
23 for the construction of perimeter fences, including the

1 type of perimeter fence to be constructed, the materials to
2 be used and the subdivider's plan for paying the costs of
3 the perimeter fence and the construction of the perimeter
4 fence.

5

6 **Section 2.** W.S. 11-28-106(b) is repealed.

7

8 **Section 3.** This act is effective July 1, 2023.

9

10

(END)