

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Subdivisions-requirements.

Sponsored by: Joint Corporations, Elections and Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to subdivisions; providing for subdivision  
2 of land prior to construction or sale; defining water  
3 supply systems; providing for requirement of homeowners' or  
4 related associations in subdivisions plans as specified;  
5 providing for arbitration or mediation for disputes between  
6 members of homeowner or related associations; requiring  
7 notice of dominance of mineral estates in subdivisions as  
8 specified; providing for fees; and providing for an  
9 effective date.

10

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

12

1           **Section 1.** W.S. 18-5-302(a)(v) and (ix), 18-5-304,  
2 18-5-306(a) by creating a new paragraph (xii) and by  
3 creating new subsection (e), 18-5-309, 18-5-312, 18-5-314  
4 and 18-5-316(b) by creating a new paragraph (x) are amended  
5 to read:

6  
7           **18-5-302. Definitions.**

8  
9           (a) As used in this article:

10  
11           (v) "Sell" or "sale" includes sale as evidenced  
12 by the delivery of a deed, ~~contract to sell, lease,~~  
13 assignment, auction, ~~or~~ award by lottery, ~~or any offer or~~  
14 ~~solicitation of any offer to do any of the foregoing,~~  
15 concerning a subdivision or any part of a subdivision;

16  
17           (ix) "Water supply system" includes development  
18 of the source and all structures for conveyance of raw  
19 water to the treatment plant or delivery systems; all water  
20 treatment plants including disinfection facilities; water  
21 supply systems used for irrigation and stock water; and all  
22 finished water delivery systems including pipelines,  
23 pumping stations and finished water storage facilities; ~~;~~

1 ~~Separate water supply systems used solely for irrigation or~~  
2 ~~stock water are not included,~~

3  
4 **18-5-304. Subdivision permit required.**

5  
6 No person shall ~~subdivide~~sell land subject to subdivision  
7 regulation under this article or commence construction of a  
8 subdivision without first obtaining a subdivision permit  
9 pursuant to W.S. 18-5-306 or, if applicable, W.S. 18-5-316  
10 from the board of the county in which the land is located.

11  
12 **18-5-306. Minimum requirements for subdivision**  
13 **permits.**

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

1           (xii) Evidence satisfactory to the board that  
2 the owners of all parcels of land created by the  
3 subdivision have entered into an agreement creating a  
4 homeowner's association or similar entity, binding on  
5 subsequent owners of the land within the subdivision, that  
6 addresses at least the following topics:

7  
8           (A) Maintenance and responsibility for  
9 common areas, roads and water supply systems and  
10 assessments against all parcels of land in the subdivision  
11 to defray the costs thereof;

12  
13           (B) Continued management of the homeowner's  
14 association;

15  
16           (C) Provisions requiring dispute resolution  
17 between members of the homeowner's association or similar  
18 entity through arbitration as provided in W.S. 1-36-101  
19 through 1-36-119 or mediation as provided in W.S. 1-43-101  
20 through 1-43-104;

21  
22           (D) Provisions designating a person or  
23 entity initially responsible for representing the

1 landowners in disputes against the association or entity  
2 where another party is asserting legal rights or  
3 responsibilities against the association or entity which  
4 shall be filed with the county clerk initially and upon any  
5 change of the person designated; and

6  
7 (E) Nuisance abatement and covenants.

8  
9 (e) If the permit is approved the board shall require  
10 the applicant to put a legend on the plat and on all  
11 offers, contracts or agreements for the sale and purchase  
12 of lots within the subdivision showing in capital letters  
13 "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT  
14 TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE".

15  
16 **18-5-309. Permit fee.**

17  
18 Each application for a subdivision permit shall be  
19 accompanied by a fee to be determined by the board. The  
20 fee shall be ~~the greater of one hundred dollars (\$100.00)~~  
21 ~~or ten dollars (\$10.00) per lot up to a maximum fee of one~~  
22 ~~thousand dollars (\$1,000.00)~~ determined based on the cost  
23 to the county to review the application for the subdivision

1 permit. All fees collected shall be credited to the county  
2 general fund.

3

4 **18-5-312. Enforcement.**

5

6 (a) Except as provided in subsection (b) of this  
7 section, the provisions of this article are enforceable by  
8 all appropriate legal remedies including but not limited to  
9 injunctive relief or a writ of mandamus. Upon failure or  
10 refusal of any county attorney to act upon a violation of  
11 the provisions of this article, the attorney general at the  
12 request of the board shall initiate civil or criminal  
13 proceedings to enforce the provisions of this article.

14

15 (b) Before civil proceedings may be brought pursuant  
16 to subsection (a) of this section, all disputes arising  
17 under homeowner's association agreements or the  
18 organization documents of any similar entity required under  
19 W.S. 18-5-306(a)(xii) and 18-5-316(b)(x) shall be subject  
20 to mediation proceedings as provided in this section and  
21 subject to the provisions of W.S. 1-43-101 through 1-43-104  
22 or arbitration pursuant to W.S. 1-36-101 through 1-36-119.  
23 The board of county commissioners may make available a list

1 of qualified mediators, from which the parties to the  
2 dispute shall choose a mediator. Expenses and fees for the  
3 mediators shall be borne by the parties to the mediation.

4  
5 **18-5-314. Penalties.**

6  
7 Any person who willfully violates any provision of this  
8 article or any rule or order issued under this article, ~~and~~  
9 ~~any person who as an agent for a subdivider, developer or~~  
10 ~~owner of subdivided lands offers for sale any subdivided~~  
11 ~~lands or subdivisions without first complying with the~~  
12 ~~provisions of this article~~ shall upon conviction be fined  
13 not more than five hundred dollars (\$500.00) or imprisoned  
14 in a county jail for not more than thirty (30) days or  
15 both. Each day of violation constitutes a new offense.

16  
17 **18-5-316. Requirements for large acreage subdivision**  
18 **permits.**

19  
20 (b) The board may require any or all of the following  
21 information to be submitted with an application for a  
22 subdivision permit pursuant to this section:

23

1           (x) Evidence satisfactory to the board that the  
2 owners of all parcels of land created by the subdivision  
3 have entered into an agreement creating a homeowner's  
4 association or similar entity, binding on subsequent owners  
5 of the land within the subdivision, that addresses at least  
6 the following topics:

7  
8           (A) Maintenance and responsibility for  
9 common areas, roads and water supply systems and  
10 assessments against all parcels of land in the subdivision  
11 to defray the costs thereof;

12  
13           (B) Continued management of the homeowner's  
14 association;

15  
16           (C) Provisions requiring dispute resolution  
17 between members of the homeowner's association or similar  
18 entity through arbitration as provided in W.S. 1-36-101  
19 through 1-36-119 or mediation as provided in W.S. 1-43-101  
20 through 1-43-104;

21  
22           (D) Provisions designating a person or  
23 entity initially responsible for representing the



1 landowners in disputes against the association or entity  
2 where another party is asserting legal rights or  
3 responsibilities against the association or entity which  
4 shall be filed with the county clerk initially and upon any  
5 change of the person designated; and

6

7

(E) Nuisance abatement and covenants.

8

9

**Section 2.** This act is effective July 1, 2009.

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11

(END)