

HOUSE BILL NO. HB0010

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.

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

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13 **Section 1.** W.S. 18-5-302(a)(v) and (ix), 18-5-304,  
14 18-5-306(a)(intro), by creating a new paragraph (xii) and  
15 by creating new subsection (e), 18-5-309, 18-5-312,

1 18-5-314 and 18-5-316(b) by creating a new paragraph (x)  
2 are amended to read:

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4 **18-5-302. Definitions.**

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6 (a) As used in this article:

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

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15 (ix) "Water supply system" includes development  
16 of the source and all structures for conveyance of raw  
17 water to the treatment plant or delivery systems; all water  
18 treatment plants including disinfection facilities; water  
19 supply systems used for irrigation and stock water; and all  
20 finished water delivery systems including pipelines,  
21 pumping stations and finished water storage facilities;  
22 ~~Separate water supply systems used solely for irrigation or~~  
23 ~~stock water are not included;~~

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1           **18-5-304. Subdivision permit required.**

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

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

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

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21                   (xii) Evidence that the owners of all parcels of  
22 land created by the subdivision have entered into an  
23 agreement creating a homeowner's association or similar

1 entity, binding on subsequent owners of the land within the  
2 subdivision, that addresses the following topics:

3  
4 (A) Maintenance and responsibility for  
5 common areas, roads and water supply systems and  
6 assessments against all parcels of land in the subdivision  
7 to defray the costs thereof;

8  
9 (B) Continued management of the homeowner's  
10 association or similar entity;

11  
12 (C) Provisions requiring dispute resolution  
13 between members of the homeowner's association or similar  
14 entity through arbitration as provided in W.S. 1-36-101  
15 through 1-36-119 or mediation as provided in W.S. 1-43-101  
16 through 1-43-104;

17  
18 (D) Provisions designating a person or  
19 entity initially responsible for representing the  
20 landowners in disputes against the association or entity  
21 where another party is asserting legal rights or  
22 responsibilities against the association or entity which  
23 shall be filed with the county clerk initially and upon any  
24 change of the person designated; and

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(E) Nuisance abatement and covenants.

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

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

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(a) Except as provided in subsection (b) of this section, the provisions of this article are enforceable by

1 all appropriate legal remedies including but not limited to  
2 injunctive relief or a writ of mandamus. Upon failure or  
3 refusal of any county attorney to act upon a violation of  
4 the provisions of this article, the attorney general at the  
5 request of the board shall initiate civil or criminal  
6 proceedings to enforce the provisions of this article.

7  
8 (b) Before civil proceedings may be brought pursuant  
9 to subsection (a) of this section, all disputes arising  
10 under homeowner's association agreements or the  
11 organization documents of any similar entity required under  
12 W.S. 18-5-306(a)(xii) and 18-5-316(b)(x) shall be subject  
13 to mediation proceedings as provided in this section and  
14 subject to the provisions of W.S. 1-43-101 through 1-43-104  
15 or arbitration pursuant to W.S. 1-36-101 through 1-36-119.  
16 Expenses and fees for the mediators shall be borne by the  
17 parties to the mediation.

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19 **18-5-314. Penalties.**

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21 Any person who willfully violates any provision of this  
22 article or any rule or order issued under this article, ~~and~~  
23 ~~any person who as an agent for a subdivider, developer or~~  
24 ~~owner of subdivided lands offers for sale any subdivided~~

1 ~~lands or subdivisions without first complying with the~~  
2 ~~provisions of this article~~ shall upon conviction be fined  
3 not more than five hundred dollars (\$500.00) or imprisoned  
4 in a county jail for not more than thirty (30) days or  
5 both. Each day of violation constitutes a new offense.

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7 **18-5-316. Requirements for large acreage subdivision**  
8 **permits.**

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

13  
14 (x) Evidence that the owners of all parcels of  
15 land created by the subdivision have entered into an  
16 agreement creating a homeowner's association or similar  
17 entity, binding on subsequent owners of the land within the  
18 subdivision, that addresses the following topics:

19  
20 (A) Maintenance and responsibility for  
21 common areas, roads and water supply systems and  
22 assessments against all parcels of land in the subdivision  
23 to defray the costs thereof;

24

1                   (B) Continued management of the homeowner's  
2 association;

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4                   (C) Provisions requiring dispute resolution  
5 between members of the homeowner's association or similar  
6 entity through arbitration as provided in W.S. 1-36-101  
7 through 1-36-119 or mediation as provided in W.S. 1-43-101  
8 through 1-43-104;

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10                   (D) Provisions designating a person or  
11 entity initially responsible for representing the  
12 landowners in disputes against the association or entity  
13 where another party is asserting legal rights or  
14 responsibilities against the association or entity which  
15 shall be filed with the county clerk initially and upon any  
16 change of the person designated; and

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18                   (E) Nuisance abatement and covenants.

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

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(END)