

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 unless a legal perimeter fence  
11 already exists at that location;

12

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

16

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

1 twenty-two (22) feet between the posts or thirty-three (33)  
2 feet with at least two (2) iron or wooden stays between the  
3 posts. Stays shall be placed equal distance apart from  
4 themselves and the post on either side;

5

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

14

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

20

21 (D) Any other fence made and constructed of  
22 boards, rails, poles, stones, hedge plants or other  
23 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 construction for the perimeter fence.

6

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

11

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

14

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

20

21 (c) The adjoining landowner shall not be liable for  
22 any damages caused by, or arising from, livestock pastured

1 on the adjoining land that may wander onto the subdivided  
2 land.

3

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

9

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

12

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

15

16 (a) The board shall require, and with respect to  
17 paragraph (xii) of this subsection may require, the  
18 following information to be submitted with each application  
19 for a subdivision permit, provided the board may by rule  
20 exempt from any of the following requirements of this  
21 subsection, except for paragraph (xiii) of this subsection,  
22 or subsection (c) of this section, including paragraph  
23 (xii) of this subsection, the subdivision of one (1) or

1 more units of land into not more than a total of five (5)  
2 units of land:

3

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

10

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

12

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

14

15

(END)