

Bill No.: SF0137

Effective: 7/1/2023

LSO No.: 23LSO-0663

Enrolled Act No.: SEA No. 0091

Chapter No.: 173

Prime Sponsor: Steinmetz

Catch Title: Subdivisions-fencing requirements.

Subject: Providing requirements for the construction and costs of perimeter fences.

Summary/Major Elements:

- This act streamlines and clarifies requirements for the construction, financial responsibility and maintenance of perimeter fences in subdivisions adjacent to land where livestock can legally run at large.
- The act provides that the subdivider is responsible for the construction of perimeter fences in subdivisions adjacent to livestock land, unless all adjacent landowners consent that a perimeter fence is not necessary, or a legal fence already exists.
- The subdivider is responsible for all costs of the original construction for the perimeter fence, which must meet statutory requirements for a lawful fence (in terms of the construction, material and spacing of the fence).
- After construction is completed, the subdivider is responsible for the costs of maintaining the fence, unless the fence is made of steel or concrete posts, in which case the adjoining landowner is responsible for one-half (1/2) of the costs.
- After construction, the subdivider is not liable for any fence damage caused by livestock, provided that the perimeter fence is properly maintained.
- Before receiving a subdivision permit from the county, a subdivider must provide information regarding the construction of or the plans to construct a perimeter fence if required.

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