



## If You Fence It, They'll Stay Out

### Fencing Out Stock in Wyoming

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For rural landowners, a common and contentious issue involves disputes concerning trespassing livestock. Wyoming is a fence out state for cattle, meaning that landowners who prefer not to have livestock on their property are responsible for fencing them out. Traditionally this is due to the large proportion of open range in the state. While Wyoming is a *fence out* state for cattle (and domesticated buffalo), it is a *fence in* state for sheep, which are typically under the supervision of a herder.

So, if your neighbor's stock wanders into your unfenced private property, then the livestock owner faces no criminal penalties and is not liable for the damage caused. But if there is what is known as a "lawful fence" separating the properties then you can recover actual damages through civil action in the local court or through arbitration.

**What is a lawful fence?** Lawful fences are outlined in Wyoming's statutes. Generally they are fences constructed well enough to keep out livestock. A three line barbed wire fence is typical. Other fences are acceptable, such as pole or board fences. A variation is to have a board for the top line of a three-wire fence (so horses, whose hides are thinner than those of cattle, are less likely to be injured) or a fence with wire netting (for animals such as sheep or goats).

**What do I do when livestock stray onto my fenced land?** The landowner should contact the rancher. If you know who the rancher is, call him or her about the problem. They'll likely take care of it quickly and work to prevent a recurrence. If you don't know who owns the livestock, make a call to the Wyoming Livestock Board with a description of the animals, their brands and the location of brand on the animal at (307) 777-6561. They may be able to identify the owner. If you take custody of the animals, the livestock owner may be required to pay for their care.

**What do I do when livestock stray onto my *unfenced* land?** If you do not have a properly constructed fence and a neighbor's bull wanders into your property and takes out everything in his path, then you have no recourse against the neighbor or the bull. To avoid the situation of a neighbor's stock in your garden, fields, pasture and so on, fence your rural property. Cooperating with a neighboring livestock owner to construct an effective fence to separate the properties—a partition fence—will likely save a lot of trouble. And since both owners will benefit, Wyoming law states that costs for building and maintaining partition fences may be split 50-50.

**What if I want a fence and my neighbor doesn't?** Wyoming law allows you to sue for half of the actual costs of constructing (and maintaining) a partition fence.

**What if damage was caused, but the offending party refuses to compensate?** As in most conflicts, first strive for a mutual agreement. But, if no agreement can be reached, it may be necessary to take the dispute to a higher level. In Wyoming this could be either the courts or arbitration. One way to reach resolution is through mediation overseen by Wyoming's Agricultural and Natural Resources Mediation Service, (307) 777-8788.

However, avoiding fence disputes in the first place is easiest. Meet your adjoining landowners to establish communication. It is also a very good idea to gain a general understanding of the Wyoming rules involving fence building and maintenance. In any event, it remains clear that good fences make good neighbors.

The statute regarding fencing is here:

<http://legisweb.state.wy.us/titles/statutes.htm> See Title 11; scroll to Chapter 28

A history of Wyoming fence law is here:

<http://wlsb.state.wy.us/Memo/LawEnforcement/fencelaw.htm>

And keep those gates closed! It is a misdemeanor to leave the gate on a lawful fence open, no matter if it was by accident. There is a fine of \$100.
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