

## 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 mediation for disputes between members of  
6 homeowner or related associations; requiring notice of  
7 dominance of mineral estates in subdivisions as specified;  
8 providing for fees; and providing for an effective date.

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

11

12 **Section 1.** W.S. 18-5-302(a)(v) and (ix), 18-5-304,  
13 18-5-306(a)(intro), by creating a new paragraph (xii) and  
14 by creating new subsection (e), 18-5-309, 18-5-314 and  
15 18-5-316(b) by creating a new paragraph (x) are amended to  
16 read:

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

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(a) As used in this article:

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(v) "Sell" or "sale" includes sale as evidenced  
7 by the delivery of a deed, contract ~~to sell for deed~~,  
8 ~~lease~~, assignment, auction, or award by lottery, ~~or any~~  
9 ~~offer or solicitation of any offer to do any of the~~  
10 ~~foregoing~~, concerning a subdivision or any part of a  
11 subdivision. "Sell" or "sale" does not include a contract  
12 to sell contingent on approval of a final plat;

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

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2 No person shall ~~subdivide~~sell land subject to subdivision  
3 regulation under this article, record a plat or commence  
4 construction of a subdivision without first obtaining a  
5 subdivision permit pursuant to W.S. 18-5-306 or, if  
6 applicable, W.S. 18-5-316 from the board of the county in  
7 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, and with respect to  
13 paragraph (xii) of this subsection may require, the  
14 following information to be submitted with each application  
15 for a subdivision permit, provided the board may by rule  
16 exempt from any of the following requirements of this  
17 subsection or subsection (c) of this section and may exempt  
18 from paragraph (xii) of this subsection the subdivision of  
19 one (1) or more units of land into not more than a total of  
20 five (5) units of land:

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22 (xii) Evidence that all parcels of land created  
23 by the subdivision will be subject to written and recorded  
24 covenants 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;

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

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

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

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1                   (E) Nuisance abatement.

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

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10           **18-5-309. Permit fee.**

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12 Each application for a subdivision permit shall be  
13 accompanied by a reasonable fee ~~to be not to exceed the~~  
14 cost of processing the application as determined by the  
15 board. ~~The fee shall be the greater of one hundred dollars~~  
16 ~~(\$100.00) or ten dollars (\$10.00) per lot up to a maximum~~  
17 ~~fee of one thousand dollars (\$1,000.00).~~ All fees collected  
18 shall be credited to the county general fund.

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20           **18-5-314. Penalties.**

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

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

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

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

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15 (x) Evidence that all parcels of land created by  
16 the subdivision will be subject to written and recorded  
17 covenants creating a homeowner's association or similar  
18 entity, binding on subsequent owners of the land within the  
19 subdivision, that addresses the following topics:

20

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

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

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

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

(E) Nuisance abatement and covenants.

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

(END)