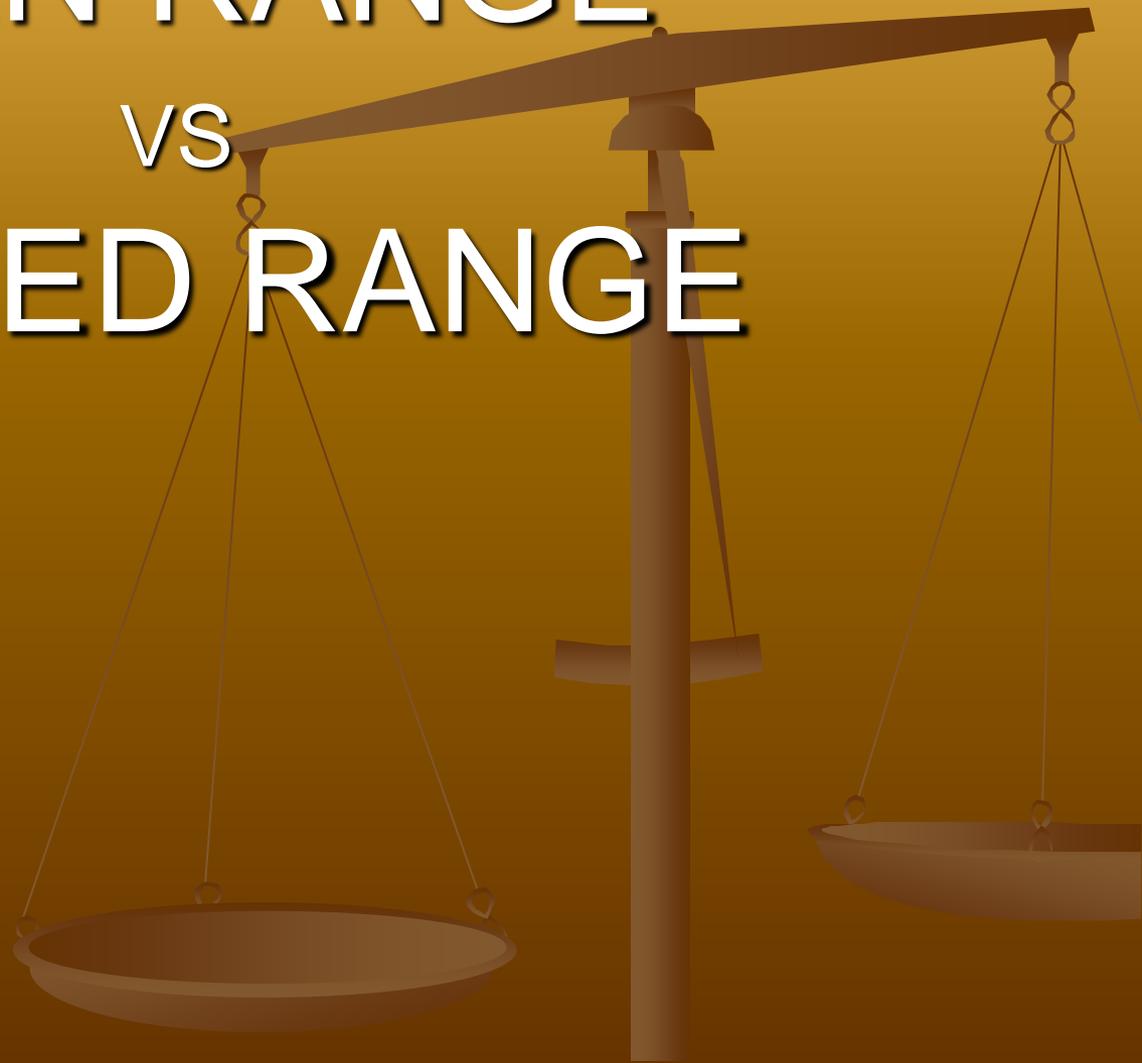


# OPEN RANGE VS CLOSED RANGE



## ARIZONA'S OPEN RANGE "LAW"

*Erik Glenn, Cori Dolan*

Livestock are still an important part of rural life in Arizona. As more and more homes have been built adjacent to areas traditionally used for cattle grazing, the potential for conflict between livestock owners and homeowners has increased. Regardless of whether you yourself own large animals, you must be aware of your responsibilities towards your neighbors' livestock. The details of your responsibilities—and your liability—depend in large part upon where you live and whether you have a suitable fence around your property.

Although you may hear or read about Arizona's open range law, there is no actual law in Arizona that defines open range. Rather, the concept came about as part of Arizona's ranching history. Large ranches owned by one person sometimes surrounded smaller parcels owned by another person. The owner of the large ranch would require the small landowner to put up their own fences to keep out the rancher's cattle. This saved the rancher from having to fence ALL the small parcels that existed inside his ranch lands. So it became the responsibility of the small landowner to fence out the rancher's cattle.

Although there may not be an actual open range law on the books, there are nine state statutes that pertain to livestock and fences (Arizona Revised Statutes (ARS) Title 3, Chapter 11, Article 8).

### Key Points

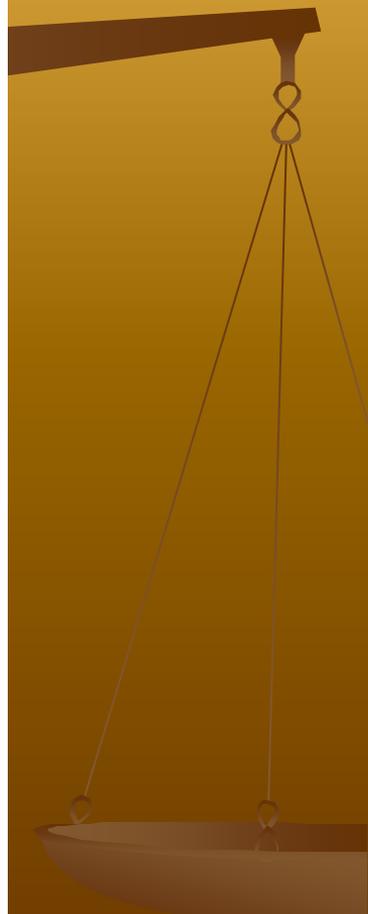
- County Boards of Supervisors have the authority to designate No-Fence Districts. Contact your county's Clerk of the Board of Supervisors office (see contact info below) to find out if you live within a No-Fence District.
- If you do live in a No-Fence District, liability for property damage by stray livestock falls on the livestock owner.
- If, like most Arizona residents, you DO NOT live in a No-Fence District, it is your responsibility to fence out unwanted livestock using a "Lawful Fence," as defined in ARS 3-1426. This is especially important in areas on your property that contain gardens or ornamental plants that livestock love to munch. A lawful fence 1) has posts spaced

no more than 30 feet apart; 2) has at least four strands of barbed wire; and 3) spaces the wires such that they are 18", 28", 38" and 50" above the ground, respectively.

- If you have constructed a lawful fence and livestock break through that fence to cause damage to your property, you are entitled to file with either your justice of the peace or your superior court to recover damages (see contact info below).
- Furthermore, if you kill livestock in an open range area, whether it is an accident or not, you are liable to the owner to compensate for damages.
- Remember, even as a small-acreage landowner, if you own livestock that does damage to someone else's property and they either live in a No-Fence District OR have built and maintained a legal fence, you will be guilty of a class 2 misdemeanor and are liable for damages.
- If you are involved in an automobile accident with livestock, contact your county's Clerk of the Board of Supervisors office to find out if the particular location is a No-Fence District to see if you have any legal recourse. As mentioned previously, if an accident outside of a No-Fence District results in a dead animal, you are liable to the owner for his or her loss.
- Although it's technically not one of the nine statutes pertaining to open range and No-Fence Districts, it is important that landowners understand ARS 3-1311, as well. This statute explains that dog owners must not let their pets chase, wound or kill livestock. They are liable for damages, will be charged with a misdemeanor and their dog may be legally killed if it can be conclusively shown that it harassed or killed livestock.

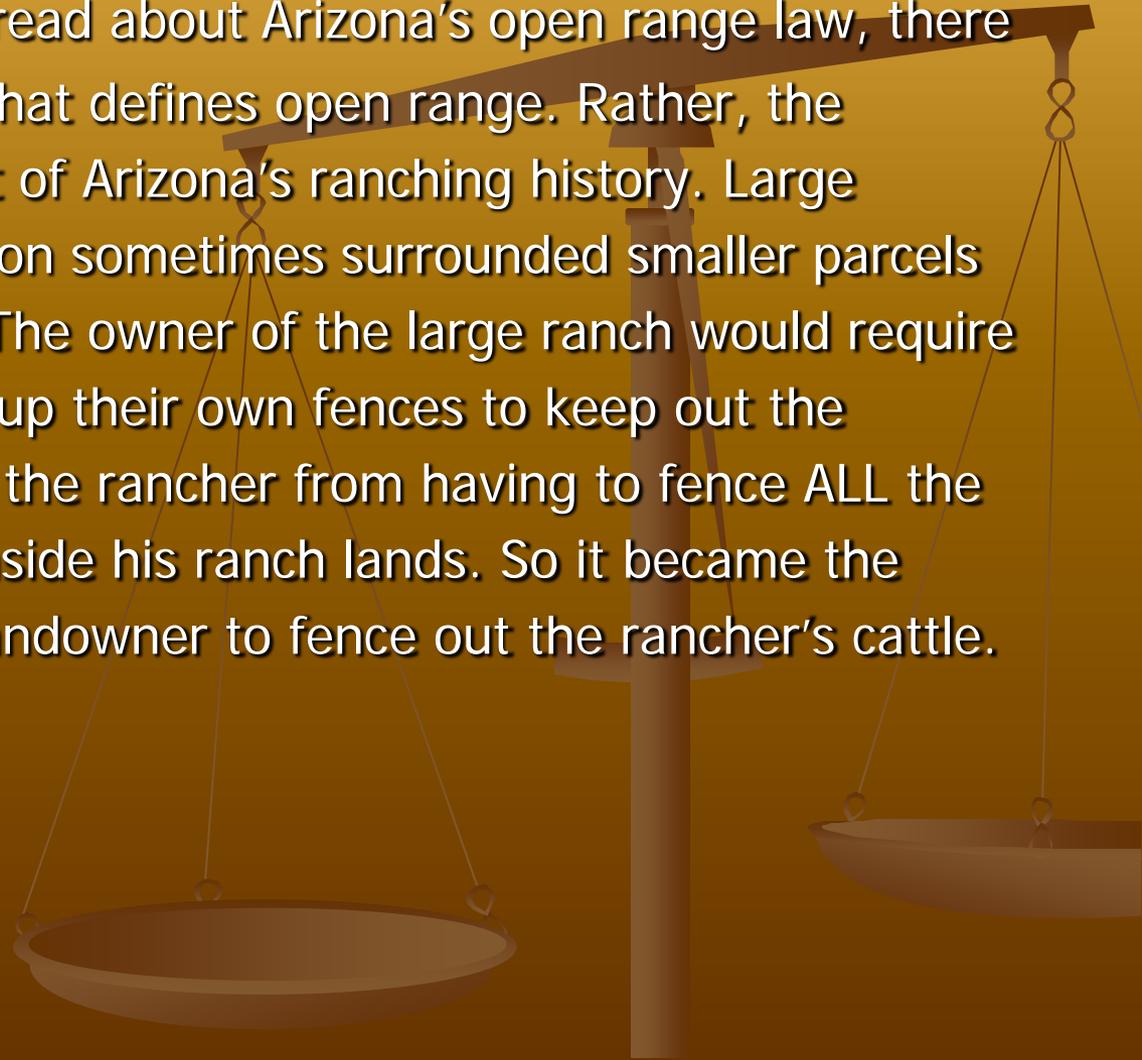
*Note: These points are intended for informational purposes only. They are not intended as a substitute for professional legal advice.*

*For more information on the Arizona Revised Statutes that deal with No-Fence Districts (Chapter 11, Article 8) and dogs harassing livestock (Chapter 11, Article 4), visit the Arizona State Legislature website at [www.azleg.gov/ArizonaRevisedStatutes.asp?Title=3](http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=3).*



# Arizona's Open Range "Law"

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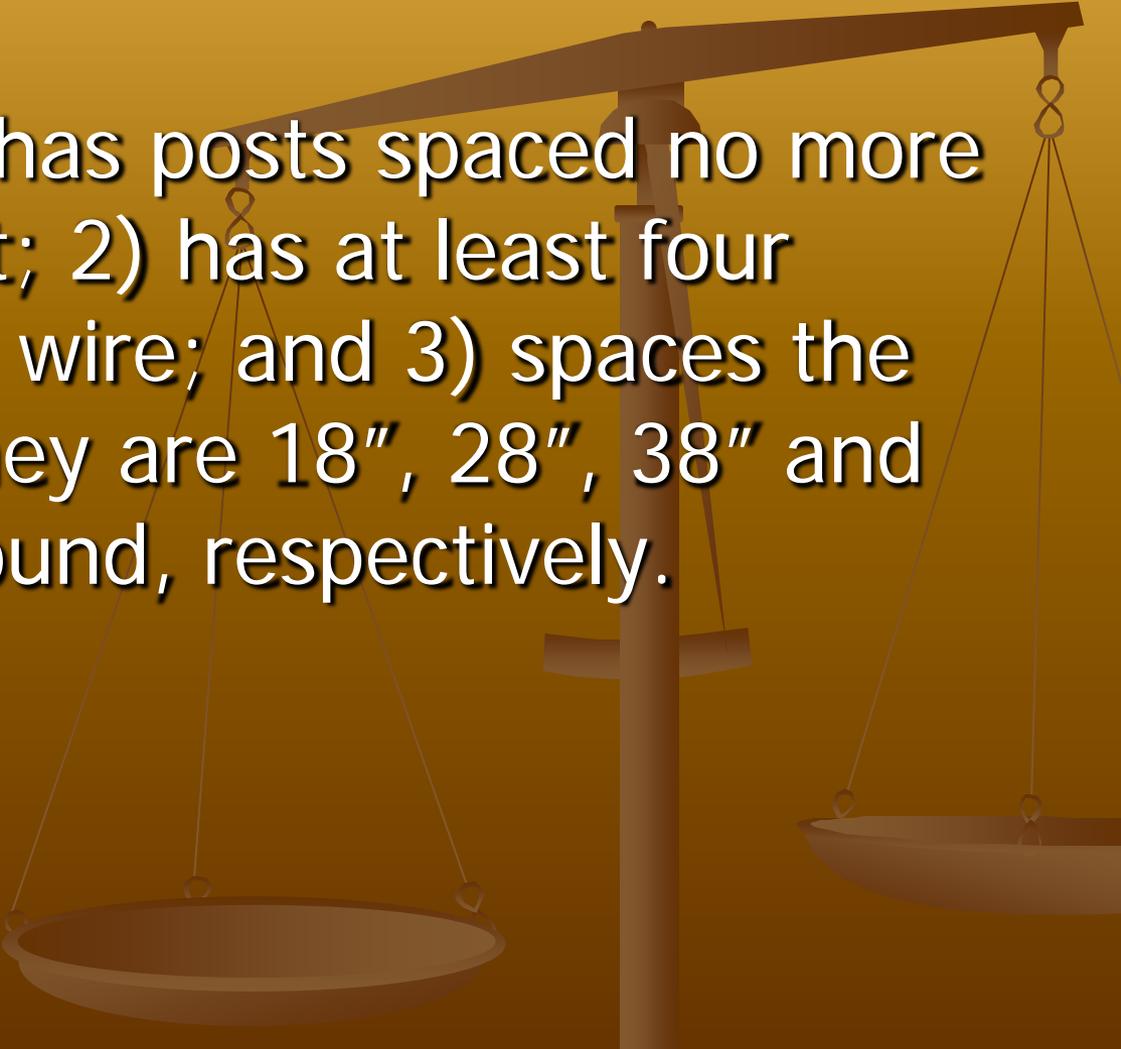
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# “Lawful Fence,” as defined in ARS 3-1426.

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- Open Range/No Fence Districts

### Items of Interest

- Apply to Serve on the Pinal County Boards and Commissions
- Arizona State Legislature
- Arizona Department of Liquor Licenses and Control
- Arizona State Library, Archives and Public Records



The Clerk of the Board of Supervisors is a County officer, as described by Arizona State Law (A.R.S. §11-401[A]). The Clerk is appointed by the Board of Supervisors and is responsible for preparing the agenda for Board of Supervisors' meetings, taking minutes at Board meetings, and writing the minutes and preserving them for the permanent record of the County. The Clerk is responsible for documents received and generated by the Board of Supervisors and also has various statutory responsibilities related to Board actions and duties.

### Resources

- [Open Meeting Laws](#)
- [Apply to Serve on Pinal County Boards and Commissions](#)
- [Statement of Locations Where Notices of the Meetings of the Board of Supervisors will be Posted](#)

### Sheri Cluff



Clerk of the Board

**Pinal County  
Clerk of the Board**  
135 N. Pinal Street  
Administrative  
Complex  
Florence, AZ 85132

Mailing Address  
P.O. Box 827  
Florence, AZ 85132

520-866-6068  
[Email the Clerk](#)



**Pinal County Government**  
31 N. Pinal Street  
Florence, AZ 85132  
520.509.3555 (Local)  
888.431.1311 (Toll Free)



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Arizona Revised Statutes Title 3 Agriculture, Chapter 11 Ownership, Control and Regulation of Livestock, Article 8 No-Fence Districts

Article 8 - A number of the sections are listed below for your convenience.

- Formation
- Publication of order forming no-fence district
- Civil and criminal liability
- Lawful fence defined
- Recovery for damage to unfenced lands; exception
- Action to recover for damage done by livestock
- Exemption of incorporated city or town

The No Fence District/Open Range maps are available for your information. This article does not affect any ordinance of an incorporated city or town relating to stock running at-large in the incorporated city or town nor shall its provisions apply to any land that is located within an incorporated city or town.

The Office of the Clerk of the Pinal County Board of Supervisors ("Clerk's Office") has made every reasonable effort to obtain and maintain this data as accurately as possible; however, this material may be dated, which would have an impact on its accuracy, and human or mechanical error remain a possibility. The Clerk's Office and other Pinal County departments assume no responsibility or liability arising from the use of this data or information. The data and maps are provided without warranty of any kind, either express or implied. This information should be used for informational use only and does not constitute a legal document for the description of these properties.

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No Fence District/Open Range Maps



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QUESTIONS

