

ARIZONA'S OPEN RANGE "LAW"

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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 may be 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.

Contact Information by County

Apache County – www.co.apache.az.us

Clerk of the Board of Supervisors

(928) 337-4364

Justice Courts

Chinle: (928) 674-5922;

Puerco: (928) 688-2729;

Round Valley: (928) 333-4613;

St. Johns: (928) 337-7558

Superior Court

(928) 337-7555

Cochise County – cochise.az.gov

Clerk of the Board of Supervisors

(520) 432-9200

Justice Courts

Bisbee: (520) 432-9540;

Douglas: (520) 805-5640;

Benson: (520) 586-8100;

Willcox: (520) 384-7000;

Sierra Vista: (520) 803-3800;

Bowie: (520) 847-2303

Superior Court

(520) 432-8500

Coconino County – coconino.az.gov

Clerk of the Board of Supervisors

(928) 679-7145

Justice Courts

Fredonia: (928) 643-7472;

Page: (928) 645-8871;

Williams: (928) 635-2691;

Flagstaff: (928) 679-7650

Superior Court

(928) 679-7600

Gila County – www.gilacountyaz.gov

Clerk of the Board of Supervisors

(928) 425-3231

Justice Courts

Globe: (928) 402-8545;

Payson: (928) 474-5267

Superior Court

Globe: (928) 402-8672;

Payson: (928) 474-5205

Graham County – www.graham.az.gov

Clerk of the Board of Supervisors

(928) 428-3250

Justice Courts

Safford: (928) 428-1210;

Pima: (928) 485-2771

Superior Court

(928) 428-3310

Greenlee County – www.co.greenlee.az.us

Clerk of the Board of Supervisors

(928) 865-2072

Justice Courts

Clifton: (928) 865-4312;

Duncan: (928) 359-2536

Superior Court

(928) 865-3872

La Paz County – www.co.la-paz.az.us

Clerk of the Board of Supervisors

(928) 669-6115

Justice Courts

Quartzsite: (928) 927-6313;

Salome: (928) 859-3871;

Parker: (928) 669-2504

Superior Court

(928) 669-6134

Maricopa County – www.maricopa.gov

Clerk of the Board of Supervisors

(602) 506-3766

Justice Courts

(602) 506-8530

Superior Court

(602) 506-3204

Mohave County – www.co.mohave.az.us

Clerk of the Board of Supervisors

(928) 753-0731

Justice Courts

Bullhead City: (928) 758-0709;

Lake Havasu City: (928) 453-0705;

Moccasin: (928) 643-7104;

Kingman/Cerbat: (928) 753-0710

Superior Court

(928) 753-0790

Navajo County – www.navajocountyaz.gov

Clerk of the Board of Supervisors

(928) 524-4053

Justice Courts

Precinct 1: (928) 524-4720;

Precinct 2: (928) 289-6840;

Precinct 3: (928) 536-4141;

Precinct 4: (928) 697-3522;

Precinct 5: (928) 532-6030;

Precinct 6: (928) 368-6200

Superior Court

(928) 524-4223

Pima County – www.pima.gov

Clerk of the Board of Supervisors

(520) 740-8449

Justice Courts

(520) 740-3171

Superior Court

(520) 740-3310

Pinal County – pinalcountyz.gov

Clerk of the Board of Supervisors

(520) 866-6068

Justice Courts

Casa Grande: (520) 836-5471;

Superior: (520) 866-6950;

Mammoth: (520) 487-2262;

Oracle: (520) 896-9250;

Eloy: (520) 866-7983;

Apache Junction: (480) 982-2921;

Florence: (520) 866-7194;

Maricopa: (520) 866-3999

Superior Court

(520) 866-5400

Santa Cruz County – www.co.santa-cruz.az.us

Clerk of the Board of Supervisors

(520) 375-7812

Justice Court

(520) 375-7761

Superior Court

(520) 375-7730

Yavapai County – co.yavapai.az.us

Clerk of the Board of Supervisors

(928) 771-3200

Justice Courts

Bagdad: (928) 633-2141;

Mayer: (928) 771-3355;

Prescott: (928) 771-3300;

Seligman: (928) 422-3281;

Verde Valley: (928) 639-5820;

Yarnell: (928) 427-3318

Superior Court

(928) 771-3483

Yuma County – yumacountyz.gov

Clerk of the Board of Supervisors

(928) 373-1010

Justice Courts

Yuma: (928) 817-4100;

Somerton-San Luis: (928) 314-5100;

Wellton: (928) 785-3321

Superior Court

(928) 817-4083



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