

Open Range Laws



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The open range concept came about because there were large ranches with small parcels of land owned by someone else within the boundaries of the ranch. The ranch has boundary fences around the outside of the entire ranch, and internal fences to form pastures, but you cannot force the ranch to fence off each small parcel that is within the boundaries, as opposed to each landowner fencing his own land.

Open Range law is actually a misnomer. There is not a “law” that defines open range in Arizona. Instead, the Arizona Department of Agriculture’s Arizona Revised Statutes (ARS) Title 3, Article 8 (No-Fence Districts) contains nine separate statutes that comprise the open range laws of the State. These “laws” say how you may collect damages for harm livestock do to your property. In other words, if you don’t want livestock on your property, build a fence around your property.

There are two key statutes: ARS 3-1426 defines a “legal fence” and ARS 3-1428 tells you that if the livestock have broken through the “legal fence” you can collect damages. In common terms what this means is that if you do not want livestock on your property, **outside of cities or towns**, you must build and maintain a fence around your property. Actually, if the fence is constructed and maintained as defined in the law, you won’t have livestock on your property.

This does not apply to “no fence districts,” as defined in ARS 3-1421, 1422 and 1424. A “no fence district” is a designated area (usually an irrigation district adjacent to a city or town) that requires livestock owners to fence their livestock in to keep them off other people’s property.

In general, the landowner who is concerned with livestock damaging plants and other private property has an obligation to fence his/her private land with a lawful fence to keep animals out.

