

HOUSE BILL NO. HB0013

Municipal extraterritorial jurisdiction-repeal.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to municipalities; repealing and removing
2 certain extraterritorial jurisdiction asserted by
3 municipalities; modifying notice requirements to landowners
4 outside municipal boundaries; providing for municipal
5 comments prior to approval of plats as specified; making
6 conforming amendments; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 15-1-401(a)(ii), 15-1-402(c)(i),
11 15-1-404(a)(ii)(A), 15-1-405(b), 15-9-103(a)(ii) and
12 34-12-103 are amended to read:

13

14 **15-1-401. Definitions.**

15

1 (a) As used in this article:

2

3 (ii) "Landowner" means the owner of real
4 property in the territory proposed to be annexed who in the
5 last calendar year was liable for a property tax thereon or
6 was exempt by law from the payment of taxes on the
7 property. Anyone having a right to purchase land under a
8 written contract is the owner of that land for annexation
9 purposes. For purposes of W.S. 15-1-402, 15-1-404 and
10 15-1-405 "landowner" shall include persons owning property
11 which, as a result of the proposed annexation would then be
12 brought within one-half (1/2) mile of the corporate limits
13 of a city; ~~which has exercised the authority granted under~~
14 ~~W.S. 15-3-202(b)(ii);~~

15

16 **15-1-402. Annexing territories; findings required;**
17 **when contiguity not deemed affected; annexation report.**

18

19 (c) An annexing municipality shall prepare a proposed
20 annexation report as specified in this subsection. The
21 report shall, at a minimum, contain:

22

1 (i) A map of the area proposed to be annexed
2 showing identifiable landmarks and boundaries and the area
3 which will, as a result of the annexation then be brought
4 within one-half (1/2) mile of the new corporate limits of
5 the city; ~~if it has exercised the authority granted under~~
6 ~~W.S. 15-3-202(b)(ii);~~

7
8 **15-1-404. Annexing territories; initiation of**
9 **proceedings; by governing bodies; determination.**

10
11 (a) The governing body of any city or town may
12 initiate proceedings to annex territory by the following
13 procedure:

14
15 (ii) The governing body shall:

16
17 (A) Cause to be prepared a legal
18 description, a listing of the current mailing address of
19 each landowner as shown in the records of the county
20 assessor and a map showing identifiable landmarks and
21 boundaries of the area considered for annexation and the
22 area which will, as a result of the annexation then be
23 brought within one-half (1/2) mile of the new corporate

1 limits of the city; ~~if it has exercised the authority~~
2 ~~granted under W.S. 15-3-202(b)(ii);~~

3

4 **15-1-405. Annexing territories; public hearing**
5 **required; notice thereof.**

6

7 (b) The clerk shall give notice of the public hearing
8 by publishing a notice at least twice in a newspaper of
9 general circulation in the territory sought to be annexed
10 and by certified mail to all landowners in the territory
11 sought to be annexed. The first notice shall be given at
12 least fifteen (15) business days prior to the date of the
13 public hearing. The notice shall contain a location map
14 which includes identifiable landmarks and boundaries of the
15 area sought to be annexed and the area which will, as a
16 result of the annexation then be brought within one-half
17 (1/2) mile of the new corporate limits of the city. ~~if it~~
18 ~~has exercised the authority granted under W.S.~~
19 ~~15-3-202(b)(ii).~~ The notice shall include a summary of the
20 proposed annexation report prepared pursuant to W.S.
21 15-1-402(c). Upon written request to the clerk of the
22 annexing municipality, the clerk shall provide a legal

1 description of the area and the names of the persons owning
2 property within the area.

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4 **15-9-103. Definitions.**

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6 (a) As used in this chapter, unless a different
7 meaning is clearly indicated by the context:

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9 (ii) "Area of operation" means the area within
10 the corporate limits of the municipality; ~~and the area~~
11 ~~within five (5) miles of those limits, except that it does~~
12 ~~not include any area which lies within the territorial~~
13 ~~boundaries of another incorporated city or town unless a~~
14 ~~resolution has been adopted by the governing body of the~~
15 ~~other city or town declaring a need therefor;~~

16

17 **34-12-103. Contents of plat; acknowledgment; approval**
18 **by county commissioners or governing body of cities or**
19 **towns; filing and recording.**

20

21 Every such plat shall contain a statement to the effect
22 that "the above or foregoing subdivision of (here insert a
23 correct description of the land or parcel subdivided) as

1 appears on this plat, is with the free consent, and in
2 accordance with the desires of the undersigned owners and
3 proprietors", which shall be signed by the owners and
4 proprietors, and shall be duly acknowledged before some
5 officer authorized to take the acknowledgement of deeds.
6 The plat shall meet the approval of the board of county
7 commissioners if it is of land situated without the
8 boundaries of any city or town or by the governing body of
9 the city or town if situated within the boundaries of such
10 city or town. Prior to approval by a board of county
11 commissioners of any plat of land which is located within
12 one (1) mile of the boundaries of a city or town, the board
13 shall solicit comments from the governing body of the city
14 or town relating to impacts to the city or town's
15 infrastructure or other development plans resulting from
16 the plat development. The board shall consider the city or
17 town's comments that are received by the board at least ten
18 (10) business days prior to the scheduled final
19 consideration of the plat proposal. When thus executed,
20 acknowledged and approved, said plat shall be filed for
21 record and recorded in the office of the clerk of the
22 proper county.; ~~provided, however, that any such plat of~~
23 ~~land adjacent to any incorporated city or town, or within~~

1 ~~one (1) mile of the boundaries of any such city or town,~~
2 ~~shall be jointly approved by both the board of county~~
3 ~~commissioners of said county and the governing body of said~~
4 ~~city or town before same shall be filed and recorded in the~~
5 ~~office of the county clerk as aforesaid.~~

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7 **Section 2.** W.S. 15-3-202(b) and 18-5-308(b) are
8 repealed.

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10 **Section 3.** This act is effective July 1, 2018.

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(END)