

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to municipalities; restricting extraterritorial jurisdiction asserted by a municipality; specifying applicability; providing for coordination between a county and municipality; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 15-3-202(b) (intro) and (ii), 15-9-103(a) (ii) and 34-12-103 are amended to read:

15-3-202. Jurisdiction beyond corporate limits; exception.

(b) The mayor has ~~such~~ jurisdiction as may be vested in him by ordinance:

(ii) Except as otherwise provided by this paragraph, in all matters excepting taxation within one-half (1/2) mile of the corporate limits of the city. The board of county commissioners of any county containing any area over which jurisdiction has been asserted pursuant to this paragraph may enact a resolution nullifying the ordinance as to any unincorporated area of the county subject to the ordinance. Upon the effective date of the resolution the ordinance shall no longer be effective as to the unincorporated area of the county specified in the resolution. This paragraph shall not apply to any unincorporated area for which a county has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b). With the consent of a municipality, a comprehensive plan or a plan under W.S. 9-8-301 may delegate functions to the municipality in whole or in part and exclusively or concurrently with county performance of the functions.

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15-9-103. Definitions.

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

(ii) "Area of operation" means the area within the corporate limits of the municipality and the area within five (5) miles of those limits, except that it ~~does not~~ may include any area which lies within the territorial boundaries of another incorporated city or town ~~unless if~~ a resolution has been adopted by the governing body of the other city or town ~~declaring a need therefor~~ consenting to the inclusion and it may include any unincorporated area within five (5) miles of the corporate limits of the municipality if a resolution has been adopted by the county commissioners of the unincorporated area consenting to the inclusion;

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

(a) Every ~~such~~ plat shall contain a statement to the effect that "the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors", which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgement of deeds. The plat shall meet the approval of the board of county commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. ~~When thus executed,~~

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~~acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county; Provided, however, that any such plat of land which is adjacent to any incorporated city or town, or within one (1) mile of the boundaries of any such city or town and which is not subject to regulation under and pursuant to a comprehensive plan adopted pursuant to W.S. 18-5-202(b), shall be jointly approved by both the board of county commissioners of said the county and the governing body of said the city or town before same the plat shall be filed and recorded in the office of the county clerk. as aforesaid.~~

(b) If a city or town approval is not required under this section and the plat is located within one (1) mile of the boundaries of a first class city or town, or within one-half (1/2) mile of a town with a population of less than four thousand (4,000), the board of county commissioners, upon receipt of a plat application, shall solicit comments from the governing body of the city or town relating to impacts to the city or town's infrastructure or other development plans resulting from the proposed plat and development. The board shall consider the city or town's comments that are received by the board at least twenty (20) business days prior to the scheduled final consideration of the plat proposal and shall respond in writing to the city or town about any items of disagreement. To the extent practical, the board of county commissioners shall ensure that a plat application meets the following:

(i) Is consistent with any applicable city and county land use or comprehensive plan;

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(ii) Conforms to any adopted street plan of the city, town or county;

(iii) Contains all areas for streets, roads and alleys that are dedicated rights-of-way;

(iv) Contains dedicated easements for all existing and proposed utilities; and

(v) Contains any additional criteria the governing body of the city or town and the board of county commissioners agree to through a jointly adopted plan or voluntary agreement.

(c) When executed, acknowledged and approved as provided in this section, the plat shall be filed and recorded in the office of the clerk of the proper county.

ORIGINAL HOUSE
BILL NO. HB0014

ENGROSSED

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Section 2. This act is effective January 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk