HOUSE BILL NO. HB0013

Municipal extraterritorial jurisdiction-repeal.

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

A BILL

for

AN ACT relating to municipalities; repealing and removing certain extraterritorial jurisdiction asserted by municipalities; modifying notice requirements to landowners outside municipal boundaries; making conforming amendments; and providing for an effective date.

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

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


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

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

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

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

15-1-404. Annexing territories; initiation of proceedings; by governing bodies; determination.

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

(ii) The governing body shall:

(A) Cause to be prepared a legal description, a listing of the current mailing address of each landowner as shown in the records of the county assessor and a map showing identifiable landmarks and boundaries of the area considered for annexation and the area which will, as a result of the annexation then be brought within one-half (1/2) mile of the new corporate limits of the city; if it has exercised the authority granted under W.S. 15-3-202(b)(ii);
15-1-405. Annexing territories; public hearing required; notice thereof.

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

(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 include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution has been adopted by the governing body of the other city or town declaring a need therefor;

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

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

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

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

(END)