

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

City, town and county regulations.

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

A BILL

for

1 AN ACT relating to cities, towns and counties; specifying
2 the authority of cities, towns and counties to regulate
3 building permits, single family residences and natural gas
4 use in residential buildings; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 15-1-601(a)(intro) and by creating a
10 new subsection (e), 15-1-611, and 18-5-201(a)(intro) and by
11 creating a new subsection (b) are amended to read:

12

1 *****
 2 *****
 3 STAFF COMMENT
 4
 5 For reference, the entirety of W.S. 15-1-601(a) is included
 6 in this draft. Paragraphs (i) and (ii) will be omitted from
 7 any final draft if they are not amended.
 8
 9 *****
 10 *****
 11

12 15-1-601. Regulations; scope and purpose; uniformity
 13 within authorized districts; to follow plan; objectives.
 14

15 (a) Except as provided in subsection (e) of this
 16 section, the governing body of any city or town, by
 17 ordinance, may:
 18

19 (i) Regulate and restrict the:

20
 21 (A) Height, number of stories and size of
 22 buildings and other structures;
 23

24 (B) Percentage of lot that may be occupied;
 25

26 (C) Size of yards, courts and other open
 27 spaces;
 28

1 (D) Density of population; and

2

3 (E) Location and use of buildings,
4 structures and land for trade, industry, residence or other
5 purposes.

6

7 (ii) Establish setback building lines.

8

9 (e) No governing body of any city or town shall:

10

11 (i) Restrict who may apply for a building
12 permit;

13

14 (ii) Charge building permit fees that exceed the
15 reasonably anticipated administrative costs to issue a
16 building permit;

17

18 (iii) Require a minimum lot size of more than
19 seven thousand (7,000) square feet for a single family
20 residence;

21

22 (iv) Require a single family residence to have a
23 garage;

1
2
3
4
5
6
7
8
9
10

(v) Require a single family residence to have off-street parking for more than two (2) vehicles;

(vi) Restrict or prohibit the use of natural gas for residential heating or appliances, except as reasonably necessary to ensure the health, safety and welfare of the city or town and its citizens pursuant to any building code.

11 *****
12 *****

13 STAFF COMMENT

14
15 There may be additional fees associated with a building
16 permit. For example, in the City of Cheyenne, the fee for a
17 building permit is based on the value of the project.
18 Cheyenne, Wyo. Code of Ordinances § 15.08.030. In addition,
19 there is a plan review fee, which is 65% of the building
20 permit fee. Id. Fees are also specified for, among other
21 things, inspections, reinspection, additional plan review,
22 and use of outside consultants. Id.

23
24 In the City of Casper, the fee for a building permit is
25 based on the value of the project. Casper, Permit Forms and
26 Fees, Building Permits, Fee Schedule - Effective Jan. 1,
27 2018, <https://www.casperwy.gov>. In addition, there is a
28 plan check fee for specified projects. Id. Fees are also
29 specified for, among other things, after-the-fact permits,
30 demolition permits, erosion control permits, code
31 compliance inspections, re-inspections, sewer permits, and
32 water permits. Id.

33 *****
34 *****
35

1

2 **15-1-611. Higher standards govern in conflicts.**

3

4 Except as provided in W.S. 15-1-601(e), if the regulations
5 made under this article conflict with any statutes or local
6 ordinances or other regulations, the statutes, ordinances
7 or regulations imposing the higher standards govern.

8

9 **18-5-201. Authority vested in board of county**
10 **commissioners; inapplicability of chapter to incorporated**
11 **cities and towns; mineral resources; private schools.**

12

13 (a) Except as otherwise provided in this section, to
14 promote the public health, safety, morals and general
15 welfare of the county, each board of county commissioners
16 may regulate and restrict the location and use of buildings
17 and structures and the use, condition of use or occupancy
18 of lands for residence, recreation, agriculture, industry,
19 commerce, public use and other purposes in the
20 unincorporated area of the county. ~~However,~~ Nothing in W.S.
21 18-5-201 through 18-5-208 shall be construed to contravene
22 any zoning authority of any incorporated city or town. No
23 zoning resolution or plan shall prevent any use or

1 occupancy reasonably necessary to the extraction or
2 production of the mineral resources in or under any lands
3 subject thereto. No board of county commissioners shall
4 require that a land use or physical development be
5 consistent with a local land use plan unless the applicable
6 provisions of the local land use plan have been
7 incorporated into the local zoning regulations. Nothing in
8 W.S. 18-5-201 through 18-5-208 shall be construed to allow
9 any board of county commissioners, through the
10 establishment of minimum lot size requirements or
11 otherwise, to prevent residential or agricultural uses
12 authorized for land divisions that are exempt from
13 subdivision requirements pursuant to W.S. 18-5-303(a)(i).
14 No zoning resolution or plan shall regulate and restrict
15 the location and use of buildings and structures and the
16 use, condition of use or occupancy of lands for the use of
17 a private school as defined in W.S. 21-4-101(a)(iii) in any
18 manner different from a public school, provided that the
19 private school:

20

21 (b) No board of county commissioners shall:

22

1 (i) Restrict who may apply for a building
2 permit;

3
4 (ii) Charge building permit fees that exceed the
5 reasonably anticipated administrative costs to issue a
6 building permit;

7
8 (iii) Restrict or prohibit the use of natural
9 gas for residential heating or appliances, except as
10 reasonably necessary to ensure the public health, safety
11 and general welfare of the county and its citizens pursuant
12 to any building code.

13
14 *****
15 *****

16 **STAFF COMMENT**

17
18 This bill draft does not include amendments regarding
19 single family residences in the unincorporated area of
20 counties. The county planning and zoning statutes are
21 complex and may require closer examination and
22 consideration by the Committee if the Committee wishes to
23 amend those statutes.

24
25 For example, the Committee may wish to consider the
26 statutes governing the adoption of a comprehensive land use
27 plan in the counties. See, e.g., W.S. 9-8-301(c) (requiring
28 all counties to develop a land use plan which shall
29 incorporate the land use plans of all incorporated cities
30 and towns within the county); W.S. 18-5-202 (addressing
31 planning and zoning commissions and the adoption of
32 comprehensive land use plans).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

In addition, the Committee may wish to consider the statutes governing the subdivision of land in the unincorporated areas of counties. W.S. 18-5-301 through 18-5-319 (real estate subdivisions); W.S. 18-5-401 through 18-5-405 (conservation design process).

For additional background information about county zoning and local ordinances, please see the following memos that were provided to the Regulatory Reduction Task Force during the 2023 Interim:

- Jerimiah Rieman, Executive Director, Wyoming County Commissioners Association, Memo: Zoning and Local Ordinances (Jun. 13, 2023), <https://wyoleg.gov/InterimCommittee/2023/S37-2023061906-01MEMOZoningandLocalOrdinances.pdf>.
- Matt Obrecht, Director, LSO, Memo: Scope of Permissible Legislative Regulation of Local Land Use Issues (Sept. 12, 2023), <https://wyoleg.gov/InterimCommittee/2023/S37-2023092012-02HomeRuleMemo.pdf>.

Section 2. This act is effective July 1, 2025.

(END)