

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Annexation and zoning.

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

A BILL

for

1 AN ACT relating to cities and towns; amending provisions  
2 relating to municipal annexations; specifying requirements  
3 for and limitations upon annexations; making conforming and  
4 clarifying amendments; creating a program for public sewer  
5 systems; providing an appropriation; and providing for an  
6 effective date.

7

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

9

**\*\*\* STAFF COMMENTS \*\*\***

10 This draft contains proposals presented by the  
11 municipal task force at the last meeting,  
12 committee requests and conforming or uniformity  
13 changes made by LSO staff. After each change is  
14 a notation as to whether the Committee (COM) or  
15 the task force (TF) requested the change. No  
16 notation is indicated for uniformity and  
17 conforming changes. The primary changes made be  
18 staff are to use "municipality" generally  
19 throughout, rather than "city or town" and to use  
20 "area" rather than "territory" unless a different  
21 use was called for by the context or to avoid

1       awkward wording. Staff comments have been  
2       inserted to explain those changes which do not  
3       appear to be self-explanatory and to identify  
4       potentially ambiguous provisions.  
5       For purposes of this draft the entire annexation  
6       article is shown in numerical sequence. If the  
7       Committee approves a draft for introduction, it  
8       will be placed in proper bill form with created  
9       sections moved to the front and unamended  
10       provisions and staff comments deleted.  
11

12       **Section 1.** W.S. 15-1-401, et. seq. are amended to  
13       read:

14

15       **15-1-401. Definitions.**

16

17       (a) As used in this article:

18

19               ~~(i) "Business day" means any day other than~~  
20 ~~Saturday, Sunday or legal holiday as established by the~~  
21 ~~annexing municipality; (TF)~~

22

\*\*\* STAFF COMMENTS \*\*\*

23

24       All references to business days have been removed  
25       in favor of "days" - time frames were adjusted  
26       accordingly - all of these changes were task  
27       force recommendations.

27

28               (ii) "Adjacent" means property, whether or not  
29 contiguous, which is completely within a municipality's  
30 potential urban area; (TF)

31

\*\*\* STAFF COMMENTS \*\*\*

1 This amendment, together with the definition of  
 2 "potential urban area" would change the law from  
 3 requiring boundaries "touching to a substantial  
 4 degree" to allowing annexation of property within  
 5 one mile of the municipal border, assuming other  
 6 criteria are met.  
 7

8 (iii) "Business park" means a geographically  
 9 delimited and defined set of parcels which are zoned and  
 10 developed, or to be zoned and developed, for siting  
 11 commercial and industrial businesses outside of a  
 12 municipality's urban center and which share a common  
 13 covenant, development plan, infrastructure or management;

14 (TF)

15 \*\*\* STAFF COMMENTS \*\*\*

16 The time frame for when an area is "to be zoned  
 17 and developed" is undefined, as is "urban  
 18 center". This is a definition to allow for the  
 19 annexation of business parks within three miles  
 20 of the municipal borders, regardless of adjacency  
 21 or contiguity. - See 15-1-407(a) below.  
 22

23 (iv) "Contiguous" means borders touching in any  
 24 manner; (TF)

25 \*\*\* STAFF COMMENTS \*\*\*

26 This definition would change the law to allow  
 27 annexation of property with a border touching the  
 28 municipal border in any manner, rather than  
 29 boundaries which touch to some substantial  
 30 degree. If the additional expanded definition of  
 31 adjacent is retained, this definition becomes  
 32 inconsequential for purposes of determining if  
 33 land may be annexed, but the term "contiguous" is  
 34 used for other purposes, e.g., the notification  
 35 proposed by the task force in 15-1-402(a)(vi)(B)

1           **below or the Committee option defining "potential**  
2           **urban area" in (viii) below.**  
3

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

16  
17           (vi) "Municipality" means any incorporated or  
18 chartered city or town;

19  
20           ~~(iii)~~ (vii) "Petition" means a legibly written  
21 document;

22  
23           (viii) "Potential urban area" means all  
24 territory within one (1) mile of a municipality, as it now  
25 exists or hereafter may be established. (TF)

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**\*\*\* STAFF COMMENTS \*\*\***  
See comment under "adjacent" definition above.

(viii) "Potential urban area" means property which is contiguous with a right of way for a state highway and which is within one (1) mile of a municipality, as it now exists or hereafter may be established. (COM)

**\*\*\* STAFF COMMENTS \*\*\***  
This latter definition was an alternative requested by the Committee to the task force proposal. It would limit the new expansion of "adjacent" to the one mile area only if the annexed property boundary touched a state highway boundary.

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

(a) Before any ~~territory~~area is eligible for annexation, the governing body of any ~~city or town~~ municipality at a hearing as provided in W.S. 15-1-405 shall find that:

(i) ~~An~~The annexation ~~of the area~~ is for the protection of the health, safety and welfare of the persons residing in or that might in the future utilize the area and in the ~~city or town~~ municipality; **(TF)**

1 (ii) The urban development of the area sought to  
2 be annexed would constitute a natural, geographical,  
3 economical and social part of the annexing ~~city or town~~  
4 municipality;

5  
6 (iii) The area sought to be annexed is a logical  
7 and feasible addition to the annexing ~~city or town~~  
8 municipality and the extension of basic and other services  
9 customarily available to residents of the ~~city or town~~  
10 municipality shall, within reason, and subject to any  
11 agreement authorized under W.S. 15-1-410(d), be available  
12 to the area proposed to be annexed; **(COM)**

13 **\*\*\* STAFF COMMENTS \*\*\***

14 **This is conforming to the substantive Committee**  
15 **provision in 15-1-410(d) below.**  
16

17 (iv) The area sought to be annexed is contiguous  
18 with or adjacent to the annexing ~~city or town~~ municipality,  
19 or the area meets the requirements of W.S. 15-1-407 (a) or  
20 (b); **(TF)**

21 **\*\*\* STAFF COMMENTS \*\*\***

22 **This is a conforming amendment to allow the**  
23 **business park exemption in 15-1-407(a) below.**  
24

25 (v) If the ~~city or town~~ municipality does not  
26 own or operate its own electric utility, its governing body  
27 is prepared to issue one (1) or more franchises as

1 necessary to electric utilities to serve the annexed area  
 2 pursuant to W.S. 15-1-410, and the municipality's governing  
 3 body is prepared to issue one (1) or more franchises as  
 4 necessary to provide other utility services in the annexed  
 5 area pursuant to W.S. 15-1-410; and (COM)

6 **\*\*\* STAFF COMMENTS \*\*\***  
 7 **This is conforming to the Committee's motion to**  
 8 **provide for multiple utilities to serve the**  
 9 **annexed area (see 15-1-410).**

10  
 11 (vi) The annexing ~~city or town~~ municipality, not  
 12 less than ~~twenty (20) business~~ twenty-eight (28) days prior  
 13 to the public hearing required by W.S. 15-1-405(a), has  
 14 sent:

15  
 16 (A) By certified mail to all landowners  
 17 within the area to be annexed, and to all landowners not  
 18 within the current municipal corporate limits and within  
 19 one-half (1/2) mile of the area to be annexed, and affected  
 20 public utilities within the ~~territory~~ area to be annexed a  
 21 summary of the proposed annexation report as required under  
 22 subsection (c) of this section and notice of the time, date  
 23 and location of the public hearing required by W.S. 15-1-  
 24 405(a); (COM)

25 **\*\*\* STAFF COMMENTS \*\*\***  
 26 **This provision is in conflict with the following**  
 27 **suggested by the task force. This requires**

1 notice to all landowners who live outside the  
2 current city limits and who live within ½ mile of  
3 the proposed annexed area, regardless of the  
4 circumstances. The Committee did not specify the  
5 type of mailing or substance required. The task  
6 force provision below would require only first  
7 class mailing to owners of contiguous (i.e.,  
8 touching borders) property and less information  
9 in the mailing.  
10

11 (B) By first class United States mail to  
12 all property owners as shown on the records of the county  
13 assessor, contiguous with the area proposed to be annexed,  
14 a notice of the time, date and location of the public  
15 hearing required by W.S. 15-1-405(a). The appropriate  
16 municipal office shall certify the mailing under this  
17 subparagraph by affidavit. (TF)  
18

19 (b) Contiguity will not be adversely affected by  
20 the existence of a platted street or alley, a public or  
21 private right-of-way, a public or private transportation  
22 right-of-way including a railroad right-of-way, government  
23 property, property subject to an easement for conservation  
24 or preservation, property including a present or abandoned  
25 industrial waste disposal facility, a lake, stream,  
26 reservoir or other natural or artificial waterway located  
27 between the annexing ~~city or town~~ municipality and the land  
28 sought to be annexed. Contiguity shall not be established



1 nor shall property be considered adjacent based upon the  
 2 proposed annexation of a parcel within a potential urban  
 3 area unless the parcel touches the boundary of the  
 4 municipality; (TF) and (COM)

5 **\*\*\* STAFF COMMENTS \*\*\***

6 The bold language reflects Committee action; the  
 7 remainder, the task force recommendation. The  
 8 insertions in the first sentence would allow  
 9 "leapfrogging" over the specified types of areas.  
 10 The last sentence would prohibit additional  
 11 annexation beyond the "noncontiguous" one-half  
 12 mile proposed unless there is a touching.  
 13

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

17  
 18 (i) A map of the area proposed to be annexed  
 19 showing identifiable landmarks and boundaries and the area  
 20 which will, as a result of the annexation then be brought  
 21 within one-half (1/2) mile of the new corporate limits of  
 22 the city municipality; ~~if it has exercised the authority~~  
 23 ~~granted under W.S. 15-3-202(b)(ii);~~ (COM)

24 **\*\*\* STAFF COMMENTS \*\*\***

25 The Committee addressed eliminating this  
 26 restriction on the ½ mile area in the context of  
 27 notifying landowners of possible annexation. It  
 28 wasn't clear whether that was intended to carry  
 29 over to all provisions including this ½ mile  
 30 area. That intent seems to follow from the  
 31 Committee's motion however, and the removal of  
 32 this limiting language appears throughout.

1

2 (ii) The total estimated cost of infrastructure  
3 improvements required of all landowners by the annexing  
4 municipality related to the annexation;

5

6 (iii) A list of basic and other services  
7 customarily available to residents of the ~~city or town~~  
8 municipality and a timetable when those services will  
9 reasonably be available to the area proposed to be annexed.  
10 A summary of any agreement under W.S. 15-1-410(d) to  
11 provide limited services to any area proposed to be annexed  
12 shall be included; (COM)

13

**\*\*\* STAFF COMMENTS \*\*\***

14 **This is a conforming amendment to the Committee's**  
15 **motion to allow annexation with the provision of**  
16 **limited municipal services - see 15-1-410(d).**

17

18 (iv) A projected annual fee or service cost for  
19 services described in paragraph (iii) of this subsection;

20

21 (v) The current and projected property tax mill  
22 levies imposed by the municipality; and

23

24 (vi) The cost of infrastructure improvements  
25 required within the existing boundaries of the municipality  
26 to accommodate the proposed annexation.

1

2 (d) For annexations initiated under W.S. 15-1-403,  
3 the ~~city or town~~ municipality may collect the cost of  
4 preparing the report on the proposed annexation ~~report~~ from  
5 the petitioning landowners. **(TF)**

6

7 (e) Before any ~~territory~~ area is eligible for  
8 annexation the governing body shall prepare for each  
9 landowner and affected public utility so requesting in  
10 writing, the estimated cost of infrastructure improvements  
11 required of the landowner and affected public utility  
12 related to the annexation. The request shall be made to the  
13 clerk of the annexing municipality not less than ten (10)  
14 days prior to the public hearing required by W.S. 15-1-  
15 405(a). The estimate shall be provided to the landowner  
16 and affected public utility prior to the hearing.

17

18 **15-1-403. Annexation; initiation of proceedings; by**  
19 **landowners' petition; validity of signatures;**  
20 **determinations.**

21

22 (a) The proceedings for annexation of an eligible  
23 ~~territory~~ area may be initiated by a written petition filed  
24 with the clerk of the ~~city or town~~ municipality to which

1 annexation of the ~~territory~~area is proposed, after  
2 compliance with the following conditions and procedures:

3

4 (i) The petition is signed and dated by a  
5 majority of the landowners owning a majority of the area  
6 sought to be annexed, excluding public streets and alleys  
7 and tax exempt property. The petition shall not require the  
8 signature of any owner of public or private rights-of-way,  
9 including but not limited to, platted streets, alleys,  
10 easements or other transportation rights-of-ways included  
11 within the area being annexed; (TF)

12

13 (ii) The petition contains the following  
14 detailed information:

15

16 (A) A legal description of the area sought  
17 to be annexed, including any portion of contiguous rights-  
18 of-way; (TF)

19

20 (B) A request that the described ~~territory~~  
21 area be annexed;

22

1                   (C) A statement that each signer is an  
2 owner of land and a description of his land within the area  
3 proposed to be annexed; and

4

5                   (D) A map of the area.

6

7           (b) No signature on the petition is valid if it is  
8 dated more than one hundred eighty (180) days prior to the  
9 date of filing the petition with the clerk. No person  
10 signing a petition for annexation may withdraw his  
11 signature from the petition after it has been filed with  
12 the clerk.

13

14           (c) The clerk shall within ten (10) days from the  
15 date the petition is filed, determine if the petition  
16 substantially complies with this article.

17

18           (d) If the petition complies, the clerk shall certify  
19 compliance, and the procedure outlined in W.S. 15-1-402,  
20 15-1-405 and 15-1-406 shall then be followed. If it does  
21 not comply the petitioner shall be notified that no further  
22 action will be taken on the petition until compliance is  
23 made.

24

1       (e) If the clerk has certified compliance, the  
2 municipality may accept and act on platting and zoning  
3 requests concerning the territory petitioning for  
4 annexation. Any approval regarding platting or zoning in  
5 the annexed area shall not be finalized until the  
6 annexation ordinance has been approved on final reading by  
7 the governing body. (TF)

8                               **\*\*\* STAFF COMMENTS \*\*\***

9       **The task force suggests the above change in order**  
10 **to allow platting etc., to begin while the**  
11 **annexation process is proceeding.**  
12

13       (f) Agreements which provide for access to  
14 municipally owned water or sewer services to property  
15 outside the municipality's corporate limits may be  
16 conditioned to serve as a petition by the landowner for  
17 annexation under this section and may serve as a waiver by  
18 the landowner of any objection to an annexation of the  
19 property subject to the agreement. The agreement may be  
20 filed as a petition either by the landowner or by the  
21 municipality. The area subject to an annexation which is  
22 based in any manner upon such an agreement shall be  
23 required to meet the provisions of W.S. 15-1-402(a) and the  
24 procedures of this section, except that the signatures  
25 provided on the agreement are not subject to the time  
26 limitations of subsection (b) of this section. Any such

1 agreement subject to a condition to serve as a petition for  
2 or waiver to objections to annexation shall be recorded  
3 with the county clerk and the terms and conditions of the  
4 agreement shall run with the property and be binding upon  
5 the heirs, successors and assigns of the landowners  
6 entering into the agreement. (TF)

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

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

14  
15 (i) Reasonable evidence shall be procured by the  
16 governing body indicating that a specific area meets the  
17 conditions and limitations of W.S. 15-1-402;

18  
19 (ii) The governing body shall:

20  
21 (A) Cause to be prepared a legal  
22 description, a listing of the current mailing address of  
23 each landowner as shown in the records of the county  
24 assessor and a map showing identifiable landmarks and

1 boundaries of the area considered for annexation and the  
2 area which will, as a result of the annexation then be  
3 brought within one-half (1/2) mile of the new corporate  
4 limits of the ~~city municipality;~~ ~~if it has exercised the~~  
5 ~~authority granted under W.S. 15-3-202(b)(ii);~~ **(COM)**

6  
7 (B) Determine if the area considered for  
8 annexation complies with W.S. 15-1-402;

9  
10 (C) Prepare a proposed annexation report as  
11 required by W.S. 15-1-402(c);

12  
13 (D) Prepare for each landowner or public  
14 utility so requesting in writing, the foreseeable changes  
15 to zoning, animal control and other health and safety  
16 requirements requiring immediate compliance by the  
17 landowner or public utility at the time of annexation. The  
18 request shall be made to the clerk of the annexing  
19 municipality not less than ten (10) days prior to the  
20 public hearing required under W.S. 15-1-405(a). The  
21 foreseeable changes shall be provided to the landowner or  
22 public utility prior to the hearing;

23



1                   (E) Determine the cost of annexation to be  
2 incurred by the annexing municipality pursuant to W.S. 15-  
3 1-410(g). (COM)

4                   \*\*\* STAFF COMMENTS \*\*\*

5                   This is conforming to the Committee amendment to keep  
6 landowners from incurring additional expenses in forced  
7 annexations.  
8

9                   (b) If the area complies with W.S. 15-1-402, the  
10 governing body shall adopt a resolution certifying  
11 compliance, and the procedure outlined in W.S. 15-1-405 and  
12 15-1-406 shall then be followed. If the area does not  
13 comply, no further action shall be taken on the proposed  
14 annexation.  
15

16                   **15-1-405. Annexation; public hearing required; notice**  
17 **thereof.**  
18

19                   (a) In any annexation proceeding the governing body  
20 shall establish a date, time and place for a public hearing  
21 to determine if the proposed annexation complies with W.S.  
22 15-1-402. The hearing shall be held not less than thirty  
23 (30) days nor more than one hundred eighty (180) days after  
24 the petition has been certified to be complete.  
25

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

18

19           **15-1-406. Annexing territories; annexation ordinance;**  
20 **objections; exception; prohibition.**

21

22           (a) If after the hearing the governing body finds  
23 that the conditions required by W.S. 15-1-402 exist and  
24 that the required procedures have been met, it shall by

1 ordinance annex the ~~territory~~area. Upon completion of  
2 annexation procedures, the clerk of the annexing  
3 municipality shall file with the county clerk a map of the  
4 area to be annexed and a copy of the ordinance approved by  
5 the governing body of the annexing municipality.

6  
7 (b) If more than fifty percent (50%) of the  
8 landowners, or if a landowner or landowners owning more  
9 than fifty percent (50%) of the area to be annexed file  
10 written objections with the clerk of the annexing  
11 municipality within ~~twenty (20) business~~twenty-eight (28)  
12 days after the hearing under W.S. 15-1-405(a) no further  
13 action under W.S. 15-1-404 may be taken on any area within  
14 the proposed annexation within two (2) years.

15  
16 (c) If seventy-five percent (75%) or more of the  
17 perimeter of the area to be annexed is contiguous to the  
18 corporate limits of the annexing ~~city or town~~municipality,  
19 the provisions of subsection (b) of this section do not  
20 apply.

21  
22 (d) No annexation under W.S. 15-1-404 shall create an  
23 area which is situated entirely within the boundaries of  
24 the ~~city or town~~municipality but is not annexed.

1

2           15-1-407. Business parks; city owned property; when  
3 notice and public hearing not necessary; statement  
4 required.

5

6           (a) Property comprising a business park may be  
7 annexed whether or not contiguous or adjacent if the  
8 landowner of the business park petitions for annexation.  
9 The nearest boundary of the property being annexed under  
10 this subsection shall be no further than three (3) miles  
11 from the nearest city boundary. Until property annexed  
12 pursuant to this subsection becomes contiguous or adjacent  
13 to the city boundaries through additional annexations from  
14 the city boundaries:

15

16           (i) The property shall be zoned to allow  
17 commercial or industrial use only; and

18

19           (ii) No annexation shall occur from the  
20 property.

21

\*\*\* STAFF COMMENTS \*\*\*

22           This would allow annexation of a "business park"  
23 if the closest boundary of the park is within  
24 three miles of any city boundary (as opposed to  
25 the general one mile threshold proposed or the  
26 substantial touching in current law). The  
27 "business park" annexation could be used for

1 limited purposes only until the business park  
2 boundary is within one mile of the city boundary  
3 "proper". The city could not use the business  
4 park property as a "springboard" for additional  
5 annexations until the business park boundary is  
6 within one mile of the city boundary "proper".  
7 The only exemption in this language is from the  
8 contiguity/adjacency requirement. Thus the  
9 remaining requirements would apply.  
10

11 (b) If the ~~city~~municipality is the sole owner of any  
12 ~~territory~~area whether or not contiguous that it desires to  
13 annex, the governing body, by ordinance, may annex the  
14 ~~territory~~ to the ~~city or town~~municipality without notice  
15 or public hearing as provided in W.S. 15-1-405 and without  
16 preparing the annexation report or providing the estimates  
17 required by W.S. 15-1-402(c) and (e) and 15-1-404(a)(ii)(C)  
18 and (D). All ordinances annexing territory without notice  
19 and public hearing shall contain a statement that the  
20 territory is solely owned by the petitioning ~~city or town~~  
21 municipality.

22

23 **15-1-408. Annexation effective dates.**

24

25 The annexation of any ~~territory~~area is effective upon  
26 publication of the ordinance, unless another date is  
27 specified in the ordinance. The effective date of the  
28 annexation ordinance shall not be less than ~~twenty~~(20)

1 ~~business~~ ~~twenty-eight~~ (28) days after the public hearing  
2 required by W.S. 15-1-405(a). For purposes of real and  
3 personal property taxation, the annexation is not effective  
4 until January 1 next following the effective date of the  
5 ordinance. If an appeal is filed and perfected by a person  
6 other than a utility, the effective date is January 1 next  
7 following the court's final decision of the matter. If an  
8 appeal of the franchise decision is filed and perfected by  
9 a utility, the annexation is effective upon the publication  
10 of the ordinance unless another date is specified in the  
11 ordinance, but the appealing utility shall be permitted to  
12 continue its present service in the annexed area until the  
13 court's final decision of the matter.

14

15 **15-1-409. Appeal; determination; time for review;**  
16 **exclusiveness of appeal remedy.**

17

18 (a) If any landowner in the ~~territory~~ ~~area~~ proposed  
19 to be annexed or any owner of real property in the annexing  
20 ~~city or town~~ ~~municipality~~, or utility is aggrieved by the  
21 acts of the governing body, he may appeal to the district  
22 court for a review of the acts or findings thereof.

23

1 (b) If the court determines that the action taken was  
2 capricious or arbitrary, or if it appears from the evidence  
3 that the landowner's right in his property is being  
4 unwarrantedly invaded or that the governing body abused its  
5 discretion, the court shall declare the annexing ordinance  
6 void. If the court determines the action of the governing  
7 body was proper and valid, it shall sustain the ordinance.

8  
9 (c) All proceedings to review the findings and the  
10 decisions of the governing body, ~~or~~ actions to determine  
11 the validity of the annexation ordinance pursuant to the  
12 Uniform Declaratory Judgments Act or to pursue any other  
13 remedy available in law or equity to contest in any manner  
14 any annexation shall be brought within ~~sixty (60)~~ thirty  
15 (30) days of the effective date of the annexation  
16 ordinance, and if not brought within that time are forever  
17 barred. **(TF)**

18  
19 **15-1-410. Extension of laws and rights; extension of**  
20 **public utility service.**

21  
22 (a) Except as otherwise provided in this article, the  
23 territory and inhabitants of any annexed area are subject  
24 to all the laws, ordinances, rules and regulations of the

1 ~~city or town~~ municipality to which they are annexed and are  
2 entitled to all the rights, privileges and franchises or  
3 other services afforded the inhabitants thereof. The  
4 services shall be provided in accordance with the timetable  
5 provided pursuant to W.S. 15-1-402(c)(iii).  
6 Notwithstanding any other provision of law, no law,  
7 ordinance, rule or regulation of a municipality annexing  
8 property ~~under W.S. 15-1-404~~ shall restrict the continuous  
9 use of the property by a current or subsequent owner of an  
10 interest in the property, if the use was existing at any  
11 time within the year prior to the date of annexation and  
12 was lawful at the time the property was annexed. For  
13 purposes of this subsection, a use which has been  
14 discontinued for any ~~one (1)~~ consecutive ten (10) year  
15 period after the date of annexation shall not be considered  
16 continuous and shall not thereafter be reestablished unless  
17 in conformance with current law, ordinance, rule or  
18 regulation. **COM**

19 **\*\*\* STAFF COMMENTS \*\*\***  
20 **This extends the required grandfathering of a**  
21 **nonconforming use to annexations other than**  
22 **"forced" annexations. It also allows the use to**  
23 **be discontinued for as long as 10 years and still**  
24 **qualify for the grandfather protection.**  
25

26

27 (b) No annexing municipality shall:



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(i) Require any resident of the annexed area to use any service provided by the municipality unless the failure to use the service presents a clear and present danger to public health or safety; (COM)

(ii) Unreasonably withhold building or other permits or other consent required for the construction of a barn, shop or other outbuilding upon any property owned by a landowner who did not sign a petition for annexation under W.S. 15-1-403 if the property was annexed pursuant to a petition under that section, or who timely filed a written objection to the annexation in accordance with W.S. 15-1-406(b); (COM)

(iii) Take any action prohibiting or restricting the continued use or maintenance of irrigation ditches, including siphons, plumes, measuring devices and other appurtenances, serving annexed lands with a valid Wyoming water right. (COM)

(c) A municipality which annexes property and which for any reason fails to issue any permit or withholds consent required to reconstruct or repair any septic system

1 and appurtenant facilities on the annexed property shall  
2 pay any charge or assessment to the landowner to provide  
3 the property with access to municipally owned sewerage  
4 system including but not limited to assessment for the  
5 provision of a sewer main, to the extent the charge and  
6 assessment exceeds the amount which would have otherwise  
7 been expended by the landowner to reconstruct or repair the  
8 septic system and appurtenant facilities. (COM)

9 **\*\*\* STAFF COMMENTS \*\*\***

10 This would require an annexing city to pay for  
11 the difference in costs to "hook-up" to city  
12 sewerage versus repairing a septic system, if the  
13 city refuses to allow the septic system to be  
14 repaired or replaced. The motion did not address  
15 the application to previously annexed areas, but  
16 the testimony seemed to include those as  
17 problematic. As written the language is  
18 ambiguous and should be clarified one way or the  
19 other as to which annexations are covered.  
20

21 (d) In any annexation, the annexing municipality may  
22 agree with any landowner to annex the landowner's property  
23 with the provision of limited municipal services. The  
24 agreement shall identify which services normally afforded  
25 the inhabitants of the municipality will not be provided at  
26 the time of the annexation and are not then anticipated to  
27 be provided at a later time. The agreement may provide  
28 that the services may be provided at a later time upon  
29 terms mutually agreed to by the landowner or any subsequent

1 landowner and the municipality. Any agreement under this  
2 subsection shall be recorded with the county clerk and the  
3 terms and conditions of the agreement shall run with the  
4 property and be binding upon the heirs, successors and  
5 assigns of the landowners entering into the agreement. The  
6 terms of any agreement under this subsection shall be  
7 summarized and included in any annexation report under W.S.  
8 15-1-402(c). (COM)

9  
10 (e) In any annexation pursuant to W.S. 15-1-404  
11 the annexing municipality shall enter into agreements with  
12 each landowner in the annexed area under which the  
13 municipality agrees to pay for additional or increased  
14 fees, assessments or other charges for services and  
15 infrastructure improvements incurred by the landowners as a  
16 result of the annexation. Any agreement under this  
17 subsection shall be recorded with the county clerk and the  
18 terms and conditions of the agreement shall run with the  
19 property and inure to the benefit of the heirs, successors  
20 and assigns of the landowners entering into the agreement.  
21 The terms of any agreement under this subsection shall be  
22 summarized and included in any annexation report under W.S.  
23 15-1-402(c). (COM)

24 \*\*\* STAFF COMMENTS \*\*\*

1       The motion called for landowners not to incur  
2       increased costs due to forced annexations. The  
3       above attempts to implement that motion. The  
4       timing of when this would end was not addressed  
5       in the motion, thus the bold language.  
6

7       (f) If as a result of an annexation a road identified  
8       and maintained as a county road becomes contiguous with the  
9       new boundary of the annexing municipality, the annexing  
10       municipality shall be liable to maintain the county road  
11       for one (1) mile from the point the road is contiguous to  
12       the municipal boundary. Notwithstanding any other law to  
13       the contrary, no property shall, as a result of any  
14       annexation, be assessed for the creation or maintenance of  
15       a road unless the property is annexed to the municipality.

16       **(COM)**

17                               **\*\*\* STAFF COMMENTS \*\*\***

18       The motion called for city maintenance of roads  
19       bordering the new city boundaries after  
20       annexation, but did not specify how far that  
21       maintenance would be required to extend. The one  
22       mile limit was inserted simply as a placeholder.  
23       A second motion is addressed by the last  
24       sentence. As structured, the last sentence would  
25       alleviate property which is not actually annexed  
26       from being assessed for new roads or maintenance  
27       if the assessment is authorized as a result of an  
28       annexation.  
29

30       ~~(b)~~(g) The governing body of the annexing  
31       municipality shall, within thirty (30) days after the date  
32       of the annexation, give written notice of the annexation to

1 all public electric utilities presently providing service  
2 within the annexed area and, except in the case of an  
3 annexing municipality which owns or operates its own  
4 electric utility, any area adjacent to the annexed area.  
5 Except in the case of an annexing municipality which owns  
6 or operates its own electric utility, any of those public  
7 utilities required to be notified may, within sixty (60)  
8 days after the date of annexation, petition the governing  
9 body of the annexing ~~city or town~~ municipality for a  
10 franchise to serve additional portions within the annexed  
11 area or the entire annexed area. Except in the case of a  
12 municipality which owns or operates its own electric  
13 utility, any petitioning utility which does not currently  
14 hold a certificate of public convenience and necessity for  
15 the annexed area shall petition the public service  
16 commission for a certificate to include the annexed area,  
17 and if two (2) or more public electric utilities have been  
18 granted or are seeking a certificate of public convenience  
19 and necessity to serve the annexed area, the public service  
20 commission shall determine, following a hearing, which  
21 utility or utilities should be certificated in the public  
22 interest to provide service to the annexed area. No  
23 recipient of a certificate of public convenience and  
24 necessity shall serve any portion of the annexed area

1 without the consent of the governing body of the annexing  
2 ~~city or town~~ municipality and provided that the entire  
3 annexed area is served under one (1) or more certificates  
4 of public convenience and necessity.

5  
6 ~~(e)~~ (h) Except in the case of an annexing  
7 municipality which owns or operates its own electric  
8 utility, the governing body of the annexing municipality  
9 shall hold an appropriate public hearing and, upon  
10 determining that one (1) or more petitioning public  
11 utilities can meet the terms and conditions of a franchise,  
12 issue franchises to one (1) or more utilities to serve  
13 portions of or the entire annexed area.

14  
15 ~~(d)~~ (j) Notwithstanding any other provision of law,  
16 nothing contained in this section shall limit the right of  
17 a municipality which owns or operates its own electric  
18 utility to extend its electric service into any area  
19 annexed by the municipality, and nothing contained in this  
20 section shall subject any such municipality to the  
21 jurisdiction of the public service commission.

22 **\*\*\* STAFF COMMENTS \*\*\***  
23 **The Committee motion called for a provision to**  
24 **allow multiple utilities to serve the annexed**  
25 **area. Current law in subsections (g) and (h)**  
26 **above already provides for that possibility for**

1 electric utilities. The additional subsection  
2 (k) below extends those provisions to utilities  
3 providing gas, telecommunications and steam. If  
4 the intent of the motion was to extend to water,  
5 sewer and other services provided through special  
6 districts, changes to those laws would be  
7 required to allow service in incorporated areas.  
8 One item to address in making a change like that  
9 is the Constitutional restriction on mill limits  
10 within a city. Under Wyoming Supreme Court case  
11 law, if a special district is authorized to  
12 assess a mill levy upon property within a  
13 municipality to provide a necessary governmental  
14 function that levy must be counted against the  
15 city's constitutional limit.  
16

17 (k) The governing body of the annexing municipality  
18 shall, within thirty (30) days after the date of the  
19 annexation, give written notice of the annexation to all  
20 public utilities presently providing service within the  
21 annexed area and any area adjacent to the annexed area.  
22 Any of those public utilities required to be notified may,  
23 within sixty (60) days after the date of annexation,  
24 petition the governing body of the annexing municipality  
25 for a franchise to serve additional portions within the  
26 annexed area or the entire annexed area. Any petitioning  
27 utility which does not currently hold a certificate of  
28 public convenience and necessity for the annexed area shall  
29 petition the public service commission for a certificate to  
30 include the annexed area, and if two (2) or more public  
31 utilities providing the same service have been granted or

1 are seeking a certificate of public convenience and  
2 necessity to serve the annexed area, the public service  
3 commission shall determine, following a hearing, which  
4 utility or utilities should be certificated in the public  
5 interest to provide service to the annexed area. No  
6 recipient of a certificate of public convenience and  
7 necessity shall serve any portion of the annexed area  
8 without the consent of the governing body of the annexing  
9 municipality and provided that the entire annexed area is  
10 served under one (1) or more certificates of public  
11 convenience and necessity for each utility service  
12 provided. The governing body of the annexing municipality  
13 shall hold an appropriate public hearing and, upon  
14 determining that one (1) or more petitioning public  
15 utilities can meet the terms and conditions of a franchise,  
16 issue franchises to one (1) or more utilities to serve  
17 portions of or the entire annexed area. For the purposes  
18 of this subsection "public utility" means and includes  
19 communication or transmission of intelligence or messages  
20 by telephone service; natural or artificial gas for heat,  
21 light, power and like purposes; and steam for heat, power  
22 and like purposes.

23



1           **15-1-411. Incorporation of territory within potential**  
2 **urban area.**

3  
4           All territory within one (1) mile of an incorporated  
5 ~~city or town~~ municipality, as it now exists or may  
6 hereafter be established, is potentially an urban area. No  
7 territory within a potential urban area may be incorporated  
8 as a ~~city or town~~ municipality unless the governing body of  
9 the ~~city or town~~ municipality causing the potential  
10 urbanized area to exist, by resolution, approves the  
11 proposed incorporation.

12

13           **15-1-412. When written consent of landowners required**  
14 **for annexation; exception.**

15

16           No tract of land or any part thereof, whether  
17 consisting of one (1) parcel or two (2) or more contiguous  
18 parcels owned by one (1) landowner or owned jointly by two  
19 (2) or more landowners as cotenants, which comprises forty  
20 (40) acres or more and which together with the buildings or  
21 improvements situated thereon has an assessed valuation in  
22 excess of forty thousand dollars (\$40,000.00) as of the  
23 current assessment for property tax purposes, may be  
24 annexed without the written consent of the landowner or

1 landowners, unless the tract of land is situated entirely  
2 within the boundaries of the annexing ~~city or town~~  
3 municipality.

4

5 **15-1-413. Survey or perambulation of boundaries; when**  
6 **and how to be made; presumption once recorded.**

7

8 (a) If the boundaries of any ~~city or town~~  
9 municipality are uncertain or incapable of ascertainment,  
10 the governing body, by ordinance, may provide for a survey  
11 or perambulation thereof. If the survey or perambulation is  
12 made, the boundaries shall be marked by substantial  
13 monuments, and the person making the survey shall report to  
14 the governing body describing the boundaries by metes and  
15 bounds. The description as nearly as possible shall refer,  
16 if upon surveyed lands, to the corners or lines of the  
17 United States surveys. The person making the survey shall  
18 also file with the ~~city or town~~ municipal clerk the field  
19 notes of his survey. The ~~city or town~~ municipal clerk shall  
20 then file a copy of the report and a copy of the field  
21 notes certified by the mayor and clerk with the county  
22 clerk for the county in which the ~~city or town~~ municipality  
23 is located.

24

1 (b) Any survey or perambulation made and recorded as  
2 provided in subsection (a) of this section is presumptive  
3 of the boundaries of the ~~city or town~~ municipality, and any  
4 copy thereof certified by the county clerk shall be  
5 received in evidence in any court of this state.

6  
7 **15-1-414. Survey or perambulation of boundaries; oath**  
8 **required; filing thereof.**

9  
10 (a) Any person making the survey or perambulation who  
11 is not an officer of the ~~city or town~~ municipality, before  
12 entering upon the work, shall subscribe an oath to:

13  
14 (i) Faithfully, diligently and to the best of  
15 his ability make the survey or perambulation;

16  
17 (ii) Make field notes and report accurately the  
18 results of the survey and the description of the  
19 boundaries.

20  
21 (b) The oath shall be filed with the ~~city or town~~  
22 municipal clerk and a copy thereof shall be attached to the  
23 certificate filed with the county clerk.

24

1           **15-1-415. Additions to cities or towns by subdividing**  
2 **landowners; plat requirements; filing and effect thereof;**  
3 **controlling layout of streets.**

4  
5           (a) The owner of any land within or contiguous to any  
6 ~~city or town~~ municipality may subdivide the land into lots,  
7 blocks, streets, avenues and alleys and other grounds under  
8 the name of .... addition to the city (town) of .... An  
9 accurate map or plat shall be made designating the  
10 subdivided land and particularly describing the lots,  
11 blocks, streets, avenues and alleys and other grounds of  
12 the addition. The lots must be designated by numbers, and  
13 the streets, avenues and other grounds by name or numbers.

14  
15           (b) The plat shall:

16  
17           (i) Be acknowledged before some officer  
18 authorized to acknowledge deeds;

19  
20           (ii) Have appended a survey made by a land  
21 surveyor registered under the laws of this state with a  
22 certificate that he has accurately surveyed the addition,  
23 and that the parts thereof are accurately staked off and  
24 marked with an appropriate metal monument including

1 magnetic iron, inscribed at least with the registration  
2 number of the land surveyor to provide source  
3 identification, at all lot corners and survey control  
4 points of the addition.

5

6 (c) When the map or plat is made out, acknowledged,  
7 certified and approved by the governing body, it shall be  
8 filed and recorded in the office of the county clerk. When  
9 filed it is equivalent to a deed in fee simple to the ~~city~~  
10 ~~or town~~ municipality from the owner, of all streets,  
11 avenues, alleys, public squares, parks and commons and of  
12 that portion of the land set apart for public and city use,  
13 or dedicated to charitable, religious or educational  
14 purposes. All additions thus laid out are a part of the  
15 ~~city or town~~ municipality for all purposes, and the  
16 inhabitants of the addition are entitled to all the rights  
17 and privileges and subject to all the laws, ordinances,  
18 rules and regulations of the ~~city or town~~ municipality.

19

20 (d) The governing body, by ordinance, may compel the  
21 owner of any addition to lay out streets, avenues and  
22 alleys to correspond in width and direction and be  
23 continuations of the streets, ways and alleys in the ~~city~~  
24 ~~or town~~ municipality or other additions thereto. No

1 addition is valid unless the terms and conditions of the  
2 ordinance are complied with and the plat submitted and  
3 approved by the governing body.

4

5 **15-1-416. Landowner petition to exclude tract from**  
6 **city or town; disposition thereof; exclusion of land for**  
7 **highway purposes.**

8

9 (c) The governing body may exclude from any ~~city or~~  
10 ~~town~~ municipality land sufficient for the construction of  
11 state highways. Notice of the intended action and the time  
12 and place of public hearing for objections shall be  
13 published once each week for four (4) consecutive weeks  
14 prior to the hearing in a newspaper of general circulation  
15 within the ~~city or town~~ municipality. No action may be  
16 taken by the governing body to exclude land for highway  
17 purposes over the objection of any owner of property to be  
18 excluded.

19

20 **15-1-417. Annexing contiguous cities or towns;**  
21 **procedure.**

22

23 (a) When any ~~city or town~~ municipality desires to be  
24 annexed to another contiguous ~~city or town~~ municipality,

1 their governing bodies shall meet to determine the terms  
2 and conditions on which the proposed annexation might be  
3 made. If the governing body of each ~~city or town~~  
4 municipality approves of the terms and conditions proposed,  
5 the governing body of the ~~city or town~~ municipality to be  
6 annexed shall circulate a written petition requesting  
7 annexation subject to the terms and conditions set forth in  
8 W.S. 15-1-403 among the ~~city's or town's~~ municipality's  
9 qualified registered electors. Once the petition is signed  
10 by at least a majority of the qualified registered electors  
11 residing in the ~~city or town~~ municipality, as determined by  
12 the records of the county clerk, it shall be filed with the  
13 clerk of the annexing ~~city or town~~ municipality.

14

15 (b) No signature on the petition is valid if it is  
16 dated more than one hundred eighty (180) days prior to the  
17 date of filing the petition for annexation with the clerk.  
18 No person signing a petition for annexation may withdraw  
19 his signature from the petition after it has been filed  
20 with the clerk.

21

22 (c) The clerk shall refer the petition to the  
23 governing body which shall then, without undue delay, take  
24 appropriate steps to comply with W.S. 15-1-402, 15-1-404

1 and 15-1-405 and determine if the petition is in compliance  
2 with subsection (a) of this section.

3

4 (d) If the petition is not in minimum compliance, the  
5 governing body of the ~~city or town~~ municipality desiring to  
6 be annexed shall be notified that no further action will be  
7 taken on the petition until compliance is made.

8

9 (e) As an alternative to the circulation of the  
10 petition as provided by subsection (a) of this section the  
11 ~~town~~ municipality to be annexed may hold a special election  
12 on the question in accordance with W.S. 22-23-801 through  
13 22-23-809.

14

15 **15-1-418. Annexing contiguous cities or towns;**  
16 **annexation ordinance; filing.**

17

18 (a) If after the hearing, the governing body of the  
19 annexing ~~city or town~~ municipality finds that the  
20 conditions and procedures required by W.S. 15-1-402, 15-1-  
21 404 and 15-1-405 have been met and the terms and conditions  
22 in the written petition exist, it may by ordinance annex  
23 the city or town.

24



1 (b) A certified copy of the annexation ordinance  
2 including a legal description of the area and the map  
3 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance  
4 with W.S. 33-29-139 shall be filed with the county clerk of  
5 the county in which the action has taken place.

6  
7 **15-1-419. Annexing contiguous cities or towns;**  
8 **effective dates; appeals.**

9  
10 (a) The annexation of any ~~city or town~~ municipality  
11 is effective upon the publication date of the annexing ~~city~~  
12 ~~or town's~~ municipality's annexation ordinance, unless a  
13 different date is specified in the ordinance. Thereafter  
14 the ~~city or town~~ municipality to which the annexation is  
15 made shall pass ordinances, not inconsistent with law, as  
16 will carry into effect the terms and conditions of the  
17 annexation. For purposes of taxation, the annexation does  
18 not become effective until January 1 next following the  
19 effective date of the ordinance, unless an appeal is filed  
20 and perfected, in which case the effective date is January  
21 1 next following the court's final decision.

22  
23 (b) Appeals to the district court and limitations  
24 thereon are governed by W.S. 15-1-409 except that any

1 registered and qualified elector as of the date of adoption  
2 of the ordinance shall also be able to appeal to the  
3 district court.

4

5 **15-1-420. Annexing contiguous cities or towns; how**  
6 **governed; extension of laws, rights and utilities;**  
7 **dissolution of annexed city or town; disposition of assets**  
8 **and liabilities.**

9

10 (a) After the effective date of annexation, the ~~city~~  
11 ~~or town~~ municipality annexed shall be governed as part of  
12 the city or town to which it is annexed. The territory and  
13 inhabitants of the ~~city or town~~ municipality annexed are  
14 subject to all the laws, ordinances, rules and regulations  
15 of the ~~city or town~~ municipality to which annexed and are  
16 entitled to all the rights, privileges and franchise  
17 services afforded the inhabitants thereof including fire  
18 protection, sanitary facilities and utility service. If  
19 the inhabitants of the annexing ~~city or town~~ municipality  
20 are furnished any utility service by the annexing ~~city or~~  
21 ~~town~~ municipality or under franchise, the annexed area may  
22 receive the same service.

23

1           (b) The annexed city's or town's municipal corporate  
2 assets including money, real and personal property, and  
3 rights, titles and interests of any nature, upon the  
4 effective date of annexation, without further conveyance,  
5 are the assets of the annexing ~~city or town~~ municipality.  
6 The annexed ~~city or town~~ municipality, without further  
7 action, shall be dissolved and the annexation ordinance  
8 shall so provide. The annexing ~~city or town~~ municipality  
9 shall make provision for meeting all liabilities of the  
10 annexed ~~city or town~~ municipality through assumption or by  
11 other lawful means. No such assumption or other action  
12 taken under this act shall materially impair existing  
13 obligations of contract of either the annexing or annexed  
14 ~~city or town~~ municipality. Liabilities to be assumed by  
15 the annexing ~~city or town~~ municipality shall include all  
16 revenue bonds and other special obligations which by their  
17 terms are not payable from ad valorem taxes. The revenue  
18 bonds and special obligations shall not become general  
19 obligations of the annexing ~~city or town~~ municipality.

20

21           (c) The annexing ~~city or town~~ municipality in the  
22 annexation ordinance shall allocate equitably the debts of  
23 the annexed and annexing ~~city or town~~ municipality. The  
24 equitable allocation shall be according to benefits

1 received by the annexed and annexing ~~city or town~~  
2 municipality from additional assets being brought into the  
3 combined ~~city or town~~ municipality.

4  
5 (d) Any such bonded indebtedness may be refunded by  
6 the annexing ~~city or town~~ municipality under the laws of  
7 Wyoming existing at the time of this refunding.

8

9 **15-1-421. Municipal de-annexation.**

10

11 (a) Any landowner within a ~~city or town~~ municipality  
12 may petition the governing body of the ~~city or town~~  
13 municipality to have his land or a portion of it de-annexed  
14 and the boundaries of the ~~city or town~~ municipality redrawn  
15 so their land is outside the ~~city or town~~ municipal  
16 boundaries. The landowner shall file the petition with the  
17 clerk of the affected ~~city or town~~ municipality and shall  
18 also provide a copy of the petition to the county  
19 commissioners of the affected county. The county  
20 commissioners shall, within sixty (60) days, prepare a  
21 report on the impact of the de-annexation. The affected  
22 ~~city or town~~ municipality may not take any action on the  
23 petition for de-annexation until after the sixty (60) day  
24 period. The commissioners may establish rules and

1 regulations for the area to be de-annexed which are  
2 consistent with county land use plans and zoning  
3 ordinances.

4

5 (b) The petitioner shall be responsible for  
6 publishing a public notice of the petition in a newspaper  
7 of general circulation in the affected municipality no more  
8 than ten (10) days after filing the petition with the  
9 municipal clerk. The notice shall also include a map  
10 showing identifiable landmarks and boundaries.

11

12 (c) The governing body of the ~~city or town~~  
13 municipality may by ordinance provide for this de-  
14 annexation and redrawing of boundaries provided that:

15

16 (i) The owners of all the land to be de-annexed  
17 either sign the petition for de-annexation or consent to  
18 the de-annexation within one hundred twenty (120) days  
19 after the final passage of the de-annexation ordinance and  
20 before its effective date. The passage of the ordinance  
21 shall serve as the consent of the ~~city or town~~ municipality  
22 for any land owned by the city or town within the area to  
23 be de-annexed;

24

1           (ii) The ordinance is adopted within one hundred  
2 twenty (120) days after the receipt of the de-annexation  
3 petition and within one hundred eighty (180) days after the  
4 landowner's signature of the petition, unless a further  
5 consent of all the landowners is obtained before the  
6 effective date of the ordinance; and

7

8           (iii) If the de-annexation causes land within  
9 the ~~city or town~~ municipality boundaries to no longer be  
10 contiguous with the rest of the city or town, the de-  
11 annexation ordinance may be adopted only with the consent  
12 of all the owners of the land to be isolated by the de-  
13 annexation.

14

15           (d) If the ~~city or town~~ municipality owns any rights-  
16 of-way, easements, streets or other property or  
17 improvements within the area to be de-annexed it may:

18

19           (i) Vacate or abandon them;

20

21           (ii) Transfer them to the county government with  
22 the consent of the county commissioners;

23

1           (iii) Agree to transfer them to another ~~city or~~  
2 ~~town~~ municipality upon completion of the annexation of all  
3 or part of the de-annexed land to that other ~~city or town~~  
4 municipality;

5  
6           (iv) Retain ownership of them.

7  
8           (e) No de-annexation shall create an area which is  
9 situated entirely within the municipality but is not a part  
10 of the municipality.

11  
12           (f) The landowner petitioning to have land de-annexed  
13 and his successors and assigns shall remain liable for any  
14 assessments incurred or levied while the land was within  
15 the ~~city or town~~ municipal boundaries and for all mill  
16 levies necessary to repay any indebtedness that was  
17 outstanding at any time the property was within the ~~city or~~  
18 ~~town~~ municipal boundaries. Neither the de-annexation nor  
19 subsequent annexation to or incorporation as another ~~city~~  
20 municipality shall increase or decrease these liabilities.

21  
22           **15-1-422. Prohibited acts.**

23

1           The granting of an exception to the area wide waste  
2 treatment management plan by any ~~city or town~~ municipality  
3 to any person may not be conditioned upon any agreement by  
4 that person to annexation under this article.

5  
6           **Section 2.** W.S. 15-1-423 is created to read:

7                                   **\*\*\* STAFF COMMENTS \*\*\***

8           **The following section is from the task force**  
9 **recommendations.**

10  
11           **15-1-423. Growth management plans and agreements.**

12  
13           (a) No municipality shall annex real property which  
14 at any point is within two (2) miles of the boundary of  
15 another municipality unless the respective municipalities  
16 shall have developed and executed a growth management plan  
17 and agreement meeting the following:

18  
19           (i) The growth management plan and agreement  
20 shall define the lands that are within two (2) miles of any  
21 other municipality's boundary that each municipality may,  
22 after meeting the requirements of this article, annex into  
23 their respective municipality, based upon the criteria set  
24 forth in W.S. 15-1-402(a) (i) through (v);

25



1           (ii) The growth management plan and agreement,  
2 after being adopted by the governing bodies of the  
3 respective municipalities shall be binding unless otherwise  
4 amended in writing by the respective municipalities;

5  
6           (iii) The growth management plan and agreement  
7 may include a plan and agreement for annexations of real  
8 property not required to be included in the plan and  
9 agreement by this section.

10  
11           (b) In the event a growth management plan and  
12 agreement are not adopted prior to or within one hundred  
13 eighty (180) days after the filing of a petition to annex a  
14 parcel or tract of land which lies between the annexing  
15 municipality and within two (2) miles of any other  
16 municipality's boundary, then any involved municipality may  
17 petition the district court having jurisdiction over area  
18 sought to be annexed to determine the area thereof that  
19 each municipality may annex pursuant to the criteria set  
20 forth in W.S. 15-1-402(a)(i) through (v), for which the  
21 district court shall have the sole and exclusive  
22 jurisdiction.

23

1       (c) No municipality shall annex a parcel or tract of  
2 land which is within two (2) miles of any other  
3 municipality's boundary until a growth management plan and  
4 agreement has been established and adopted as provided  
5 under this section. Any municipality within two (2) miles  
6 of any other municipality's boundary shall have standing to  
7 enjoin, through an appropriate action in the district court  
8 any annexation commenced in violation of this section or  
9 any violation of any growth management plan and agreement  
10 promulgated pursuant to this section.

11  
12       (d) A growth management plan and agreement, as  
13 provided for in the section, any amendment thereof, and or  
14 any decision of the district court under subsection (b) of  
15 this section shall be recorded in the office of the county  
16 clerk for the respective county or counties in which the  
17 real property that is the subject of the growth management  
18 plan and agreement is located.

19                                   **\*\*\* STAFF COMMENTS \*\*\***

20       **The following are conforming amendments required**  
21 **by various changes to the annexation laws above.**  
22 **There will be additional (or less) conforming**  
23 **amendments required depending upon the**  
24 **Committee's actions on the substantive changes**  
25 **above. Due to timing constraints and efficiency**  
26 **considerations not all are included in the draft**  
27 **at this time.**

28

1           **15-1-103. General powers of governing bodies.**

2

3           (e) In exercising any power granted under this  
4 section, the governing body shall be subject to specific  
5 limitations and requirements on those powers provided in  
6 other laws of this state, including restrictions and  
7 requirements provided under W.S. 15-1-401 through 15-1-423.

8

9           **15-7-509. Change of rates; recovery of unpaid**  
10 **charges; accounts.**

11

12           (a) The charges for the use of the sewerage system  
13 may be changed from time to time and except as otherwise  
14 provided in W.S. 15-7-407 or 15-1-410(c) shall be fixed at  
15 a rate which equitably distributes the cost of service  
16 among the users. If any service charge is not paid within  
17 thirty (30) days after it is due, the amount thereof,  
18 together with a penalty of ten percent (10%), and a  
19 reasonable attorney's fee, may be recovered in a civil  
20 action by the city or town.

21

22           **15-7-512. Special assessments; purposes; property**  
23 **included; amount; unplatted areas; nonpayment.**

24

1           (a) Any city or town may make special assessments for  
2 the construction of sewers and water mains. The assessments  
3 shall be made on all lots and pieces of ground to the  
4 center of the block, or if the sewers or water mains are  
5 constructed in an alley, then on all lots and pieces of  
6 ground to the nearest street or avenue on each side of the  
7 alley, extending along the street, avenue or alley, the  
8 distance of the improvement, according to the area of the  
9 lots or pieces of ground without regard to the buildings or  
10 improvements. The amount to be paid by each property holder  
11 shall be determined by dividing the expenses of the  
12 construction of the proposed sewer or water main among all  
13 the property holders for the benefit of whose property the  
14 sewer or water main is to be constructed. In the case of  
15 unplatted acreage within the city limits, the city or town  
16 shall consider that only the first seventy-five (75) feet  
17 in each direction from the sewer or water main is benefited  
18 and so assessed. However, if any property in an unplatted  
19 area is later connected to or receives service from the  
20 sewer or water main, that property shall be assessed its  
21 proportionate share. The amount to be assessed against each  
22 property holder shall be in proportion to the number of  
23 square feet each owns to the entire number of square feet  
24 assessed for the expense of the construction. For annexed

1 lands meeting the provisions of W.S. 15-1-410(c), the  
2 assessments provided under this section shall be adjusted  
3 so that the property owner is assessed only the amount  
4 authorized under this section as reduced in accordance with  
5 the provisions of W.S. 15-1-410(c) and the remainder shall  
6 be assessed to the annexing city or town.

7  
8 **15-7-602. Extension of system; outside corporate**  
9 **limits; rates; existing contracts; controversies; appeal.**

10  
11 (d) An agreement under this section may be  
12 conditioned to serve as a petition by the landowner for  
13 annexation under this section and may serve as a waiver by  
14 the landowner of any objection to an annexation of the  
15 property as provided in W.S. 15-1-403(f).

16  
17 **Section 4.** W.S. 16-1-401 and 16-1-402 are created to  
18 read:

19 **\*\*\* STAFF COMMENTS \*\*\***

20 The following is included in response to the  
21 Committee's motion to have public payment for  
22 those in "201" areas. It is not limited to  
23 annexation and probably should be a separate bill  
24 if the Committee proceeds with the concept.  
25 While a new program is created below, current  
26 programs could be expanded or amended to address  
27 this exact item. There are current state grant  
28 and loan programs for safe water and sewer  
29 systems generally.

1           **16-1-401. Definitions.**

2

3           (a) As used in this article:

4

5                   (i) "Account" means the state funded water and  
6 sewer program account.

7

8                   (ii) "Board" means the state loan and investment  
9 board;

10

11                   (iii) "Eligible public entity" means any city or  
12 town, sanitary and improvement district established under  
13 W.S. 35-3-101 through 35-3-124, or sewer district or water  
14 and sewer district organized pursuant to W.S. 41-10-101  
15 through 41-10-151;

16

17                   (iv) "Qualifying property" means residential  
18 property which:

19

20                           (A) Is not using the services of a public  
21 sewerage system;

22

23                           (B) Contains a private septic system that  
24 requires repair or replacement;

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(C) Lies within an area for which a permit or other authorization is required to repair or replace the private septic system and for which the public entity with jurisdiction is unable to issue the permit or provide authorization for the repair or replacement due to a lawful agreement binding the entity or due to federal or state law.

**16-1-402. State funded water and sewer program created; grants authorized; program administration.**

(a) There is hereby established a state funded water and sewer grant program to be administered by office of state lands and investments subject to direction of the state loan and investment board. The program shall provide grants to eligible public entities, to be used by the entity to pay for the cost of providing sewerage system service to qualifying properties.

(b) The governing body of an eligible public entity may make application to the state loan and investment board for grants under the program. The office of state lands and investments in consultation with the department of

1 environmental quality shall review each application  
2 submitted and make a recommendation to the board regarding  
3 approval or disapproval of the application. The  
4 application shall meet requirements of rules promulgated by  
5 the board, which shall at a minimum require the  
6 identification of each qualifying property, the estimated  
7 cost of providing sewerage system service to the property  
8 and proof that the public entity has reached agreement with  
9 the owner of the qualifying property to pay the costs of  
10 expanding the sewerage system to the boundaries of the  
11 qualifying property, as limited by subsection (c) of this  
12 section, and to pay the sewer tap fee established by the  
13 public entity at a rate which will be adequate to finance  
14 continued operation and maintenance of the system.

15

16 (c) An owner of qualifying property shall agree to  
17 and pay in exchange for the provision of public sewerage  
18 system services under this section, the amount which would  
19 have otherwise been expended by the owner to reconstruct or  
20 repair the septic system and appurtenant facilities. The  
21 owner shall further agree to pay the sewer tap fee at the  
22 rate established by the eligible public entity and the  
23 property shall be subject to assessments to enforce payment



1 and subsequent proceedings to enforce assessments as are  
2 otherwise provided by law.

3

4 (d) Grant amounts shall not exceed the estimated cost  
5 of the project minus the amount owners of qualifying  
6 properties are to pay for access to services under this  
7 section. Grants approved by the state loan and investment  
8 board shall be payable to the eligible public entity from  
9 the account and shall be used by the public entity only for  
10 purposes of the approved project. Any grant funds  
11 remaining shall be paid to the state treasurer within one  
12 hundred twenty (120) days after completion of the project  
13 for deposit to the account.

14

15 (e) Whenever public sewerage system service has been  
16 provided to a qualifying property all existing septic tanks  
17 on the property shall be dispensed with and no new septic  
18 tank shall be authorized.

19

20 (f) The state loan and investment board is authorized  
21 to adopt rules to implement this article.

22

1           **Section 5.** There is appropriated ten million dollars  
2 (\$10,000,000.00) to the state funded water and sewer  
3 program account created by W.S. 16-1-401.

4

5           **Section 6.** This act is effective July 1, 2005.

6

7

(END)