

SENATE FILE NO. SF0061

Annexation.

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; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 15-1-423 is created to read:

9

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

11

12 (a) No municipality shall annex an area which is  
13 within one (1) mile of the boundary of another municipality  
14 unless the respective municipalities shall have developed  
15 and executed a growth management plan and agreement meeting  
16 the following:

17

1           (i) The growth management plan and agreement  
2 shall define the area that is within one (1) mile of any  
3 other municipality's boundary that each municipality may,  
4 after meeting the requirements of this article, annex into  
5 their respective municipality, based upon the criteria set  
6 forth in W.S. 15-1-402(a)(i) through (v);

7

8           (ii) The growth management plan and agreement,  
9 after being adopted by the governing bodies of the  
10 respective municipalities shall be binding unless otherwise  
11 amended in writing by the respective municipalities;

12

13           (iii) The growth management plan and agreement  
14 may include a plan and agreement for annexations of real  
15 property not required to be included in the plan and  
16 agreement by this section.

17

18           (b) In the event a growth management plan and  
19 agreement are not adopted prior to or within ninety (90)  
20 days after the filing of a petition to annex an area which  
21 is within one (1) mile of any other municipality's  
22 boundary, then any involved municipality may petition the  
23 district court having jurisdiction over the area sought to  
24 be annexed to determine the area thereof that each

1 municipality may annex pursuant to the criteria set forth  
2 in W.S. 15-1-402(a)(i) through (v), for which the district  
3 court shall have the sole and exclusive jurisdiction. The  
4 time limitations for the public hearing under W.S. 15-1-405  
5 for any pending petition for annexation shall be extended  
6 to allow for the time involved in the development of a  
7 growth management plan and agreement, or in obtaining a  
8 decision from the district court under this section.

9

10 (c) No municipality shall annex an area which is  
11 within one (1) mile of any other municipality's boundary  
12 until a growth management plan and agreement has been  
13 established and adopted as provided under this section.  
14 Any municipality whose boundary is within one (1) mile of  
15 an area proposed to be annexed by another municipality  
16 shall have standing to enjoin, through an appropriate  
17 action in the district court any annexation commenced in  
18 violation of this section or any violation of any growth  
19 management plan and agreement promulgated pursuant to this  
20 section.

21

22 (d) A growth management plan and agreement, as  
23 provided for in the section, any amendment thereof, and any  
24 decision of the district court under subsection (b) of this

1 section shall be recorded in the office of the county clerk  
2 for the respective county or counties in which the real  
3 property that is the subject of the growth management plan  
4 and agreement is located.

5

6 **Section 2.** W.S. 15-1-103 by creating a new subsection  
7 (e), 15-1-401(a) by creating new paragraphs (ii) and (iii),  
8 by amending and renumbering (ii) as (iv), by creating new  
9 paragraphs (v) and (vi), by amending and renumbering (ii)  
10 as (vii) and by creating a new paragraph (viii),  
11 15-1-402(a), (c) (i), (iii), (d), (e) and by creating a new  
12 subsection (f), 15-1-403(a) (intro), (i), (ii) (B) and by  
13 creating new subsections (e) through (g), 15-1-405(b) and  
14 by creating a new subsection (c), 15-1-406 through  
15 15-1-408, 15-1-409(a) and (c), 15-1-410 through 15-1-413,  
16 15-1-414(a) (intro) and (b), 15-1-415(a), (c), (d) and by  
17 creating a new subsection (e), 15-1-416(c), 15-1-417(a),  
18 (d) and (e), 15-1-418(a), 15-1-419(a), 15-1-420,  
19 15-1-421(a), (c) (intro), (i), (iii), (d) (intro), (iii) and  
20 (f), 15-1-422 and 15-7-602 by creating a new subsection (d)  
21 are amended to read:

22

23 **15-1-103. General powers of governing bodies.**

24

1       (e) In exercising any power granted under this  
2 section, the governing body shall be subject to specific  
3 limitations and requirements provided under W.S. 15-1-401  
4 through 15-1-423.

5  
6       **15-1-401. Definitions.**

7  
8       (a) As used in this article:

9  
10       (ii) "Business park" means a defined set of  
11 parcels which have been zoned by the county commissioners  
12 for siting commercial and industrial businesses outside of  
13 a municipality's boundaries, or is in accordance with the  
14 county land use plan, and which share a common covenant,  
15 development plan, infrastructure or management;

16  
17       (iii) "Contiguous" means geographical boundaries  
18 touching in any manner. Contiguity will not be adversely  
19 affected by the existence of a platted street or alley, a  
20 public or private right-of-way, a public or private  
21 transportation right-of-way, property subject to an  
22 easement for conservation or preservation, property  
23 including a present or abandoned industrial waste disposal  
24 facility, a lake, stream, reservoir or other natural or

1 artificial waterway located between the annexing  
2 municipality and the land sought to be annexed;

3  
4 ~~(ii)~~ (iv) "Landowner" means ~~the owner of a person~~  
5 holding record fee title to real property ~~in~~ within the  
6 ~~territory~~ area proposed to be annexed ~~who in the last~~  
7 ~~calendar year was liable for a property tax thereon or was~~  
8 ~~exempt by law from the payment of taxes on the property.~~  
9 ~~Anyone having a right to purchase land under a written~~  
10 ~~contract is the owner of that land for annexation purposes~~  
11 or a person obligated to pay general property taxes under a  
12 contract to purchase real property within the area proposed  
13 to be annexed. It does not include a person who owns only  
14 personal property even though such personal property may be  
15 subject to levy. For purposes of W.S. 15-1-402, 15-1-404  
16 and 15-1-405 "landowner" shall include persons owning  
17 property which, as a result of the proposed annexation  
18 would then be brought within ~~one-half (1/2)~~ one (1) mile of  
19 the corporate limits of a ~~city which has exercised the~~  
20 ~~authority granted under W.S. 15-3-202(b) (ii)~~ municipality;

21  
22 (v) "Municipality" means any incorporated or  
23 chartered city or town;

24

1           ~~(iii)~~ (vi) "Petition" means a legibly written  
2 document~~;~~

3

4           (vii) "Potential urban area" means all territory  
5 within one (1) mile of a municipality, as it now exists or  
6 hereafter may be established.

7

8           **15-1-402. Annexation; findings required; annexation**  
9 **report.**

10

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

15

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

20

21           (ii) The urban development of the area sought to  
22 be annexed would constitute a natural, geographical,  
23 economical and social part of the annexing ~~city or town~~  
24 municipality and the area is suitable for residential,

1 commercial or industrial development or the provision of  
2 recreational needs or other necessary public improvements  
3 for persons residing in the municipality;  
4

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

13 (iv) The area sought to be annexed is contiguous  
14 with ~~or adjacent to~~ the annexing ~~city or town~~ municipality,  
15 or the area meets the requirements of W.S. ~~15-1-407~~  
16 15-1-407(a) or (b);  
17

18 (v) If the ~~city or town~~ municipality does not  
19 own or operate its own electric utility, its governing body  
20 is prepared to issue one (1) or more franchises as  
21 necessary to electric utilities to serve the annexed area  
22 pursuant to W.S. 15-1-410, and the municipality's governing  
23 body is prepared to issue one (1) or more franchises as



1 necessary to provide other utility services in the annexed  
2 area pursuant to W.S. 15-1-410; and

3  
4 (vi) The annexing ~~city or town, not less than~~  
5 ~~twenty (20) business days prior to the public hearing~~  
6 ~~required by W.S. 15-1-405(a), has sent by certified mail to~~  
7 ~~all landowners and affected public utilities within the~~  
8 ~~territory~~ municipality has prepared a summary of the  
9 proposed annexation report as required under subsection (c)  
10 of this section and has provided notice of the time, date  
11 and location of the public hearing as required by W.S.  
12 ~~15-1-405(a)~~ 15-1-405(b) and (c).

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)~~ one (1) mile of the new corporate  
22 limits of the ~~city, if it has exercised the authority~~  
23 ~~granted under W.S. 15-3-202(b)(ii)~~ municipality;

24

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

8  
9           (d) For annexations initiated under W.S. 15-1-403,  
10 the ~~city or town~~ municipality may collect the cost of  
11 preparing the report on the proposed annexation ~~report~~ from  
12 the petitioning landowners.

13  
14           (e) Before any ~~territory~~ area is eligible for  
15 annexation the governing body shall prepare for each  
16 landowner and affected public utility so requesting in  
17 writing, the estimated cost of infrastructure improvements  
18 required of the landowner and affected public utility  
19 related to the annexation. The request shall be made to the  
20 clerk of the annexing municipality not less than ten (10)  
21 days prior to the public hearing required by W.S.  
22 15-1-405(a). The estimate shall be provided to the  
23 landowner and affected public utility prior to the hearing.

24

1       (f) An area sought to be annexed shall not be  
2 considered to meet the requirements of this section if it  
3 is connected to the annexing municipality only by a narrow  
4 strip of land projecting outward from the boundary of the  
5 municipality which comprises a street, highway, railroad or  
6 other public or private transportation right-of-way or  
7 pipeline easement.

8  
9       **15-1-403. Annexation; initiation of proceedings; by**  
10 **landowners' petition; validity of signatures;**  
11 **determinations.**

12  
13       (a) The proceedings for annexation of an eligible  
14 ~~territory~~area may be initiated by a written petition filed  
15 with the clerk of the ~~city or town~~municipality to which  
16 annexation of the ~~territory~~area is proposed, after  
17 compliance with the following conditions and procedures:

18  
19       (i) The petition is signed and dated by a  
20 majority of the landowners owning a majority of the area  
21 sought to be annexed, excluding public streets and alleys  
22 and tax exempt property. The petition shall not require the  
23 signature of any owner of public or private rights-of-way,  
24 including but not limited to, platted streets, alleys,

1 easements or other transportation rights-of-way included  
2 within the area being annexed;

3

4 (ii) The petition contains the following  
5 detailed information:

6

7 (B) A request that the described territory  
8 area be annexed;

9

10 (e) Upon the clerk certifying that the petition  
11 complies with the requirements of this section, the clerk  
12 shall notify in writing, by ordinary first class mail the  
13 governing body of any municipality within one (1) mile of  
14 the area under consideration for annexation that a valid  
15 petition has been accepted and the requirements of W. S.  
16 15-1-402, 15-1-405 and 15-1-406 are being followed.

17

18 (f) If the clerk has certified compliance, the  
19 municipality may accept and act on platting and zoning  
20 requests concerning the territory petitioning for  
21 annexation. Any approval regarding platting or zoning in  
22 the annexed area shall not be finalized until the  
23 annexation ordinance has been approved on final reading by  
24 the governing body.

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(g) Agreements which provide for access to municipally owned water or sewer services to property outside the municipality's corporate limits may be conditioned to serve as a petition by the landowner for annexation under this section and may serve as a waiver by the landowner of any objection to an annexation of the property subject to the agreement. The agreement may be filed as a petition either by the landowner or by the municipality. The area subject to an annexation which is based in any manner upon such an agreement shall be required to meet the provisions of W.S. 15-1-402(a) and the procedures of this section, except that the signatures provided on the agreement are not subject to the time limitations of subsection (b) of this section. Any such agreement subject to a condition to serve as a petition for or waiver to objections to annexation shall be recorded with the county clerk and the terms and conditions of the agreement shall run with the property and be binding upon the heirs, successors and assigns of the landowners entering into the agreement.

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

1

2 (a) The governing body of any ~~city or town~~  
3 municipality may initiate proceedings to annex ~~territory an~~  
4 area by the following procedure:

5

6 (ii) The governing body shall:

7

8 (A) Cause to be prepared a legal  
9 description, a listing of the current mailing address of  
10 each landowner as shown in the records of the county  
11 assessor and a map showing identifiable landmarks and  
12 boundaries of the area considered for annexation and the  
13 area which will, as a result of the annexation then be  
14 brought within ~~one-half (1/2)~~ one (1) mile of the new  
15 corporate limits of the ~~city, if it has exercised the~~  
16 ~~authority granted under W.S. 15-3-202(b)(ii)~~ municipality;

17

18 (E) Determine the cost of annexation to be  
19 incurred by the annexing municipality pursuant to W.S.  
20 15-1-410(c) through (e).

21

22 **15-1-405. Annexation; public hearing required; notice**  
23 **thereof.**

24

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)~~one (1) mile of the new corporate limits of the ~~city,~~  
11 ~~if it has exercised the authority granted under W.S.~~  
12 ~~15-3-202(b)(ii)~~municipality. The notice shall include a  
13 summary of the proposed annexation report prepared pursuant  
14 to W.S. 15-1-402(c). Upon written request to the clerk of  
15 the annexing municipality, the clerk shall provide a legal  
16 description of the area and the names of the persons owning  
17 property within the area.

18  
19           (c) The annexing municipality shall give notice at  
20 least twice by first class United States mail to landowners  
21 as follows:

22  
23           (i) For purposes of this subsection a general  
24 notice shall consist of a description of the area proposed

1 for annexation, the time, date and location of the public  
2 hearing, a telephone number to contact the annexing  
3 municipality for additional information and the legal  
4 effect, if any, of the annexation on the landowner's  
5 rights, including the effect of the proposed annexation  
6 under W.S. 15-3-202(b)(ii). A special notice shall consist  
7 of the information contained in a general notice and shall  
8 also include a map generally identifying the area being  
9 annexed. All notices shall be sent twenty-eight (28) days  
10 prior to the hearing required by W.S. 15-1-405(a). A  
11 second notice shall be sent whenever a general or special  
12 notice is required. The second notice may be in the form  
13 of a postcard and shall be sent at least seven (7) days  
14 prior to the hearing. The second notice need not include a  
15 map identifying the area to be annexed;

16  
17 (ii) A general notice shall be sent to all  
18 landowners who are not within the current municipal  
19 corporate limits but who will, as a result of the  
20 annexation, be brought within one (1) mile of a proposed  
21 annexation. This notice shall be sent to landowners who  
22 will be brought within one (1) mile of the area to be  
23 annexed unless the landowner was sent notice pursuant to a  
24 prior annexation;



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(iii) A general notice shall be sent to landowners owning property within the municipality within one hundred forty (140) feet of the area proposed to be annexed. In determining the one hundred forty (140) feet, the width of any intervening street, alley or public right-of-way shall not be included;

(iv) A special notice shall be sent to all landowners in the unincorporated area lying within three hundred (300) feet of the proposed annexation. In determining the three hundred (300) feet, the width of any intervening street, alley or public right-of-way shall not be included;

(v) For purposes of this subsection the landowner to be notified shall be the person who, as of ninety (90) days prior to the mailing of the first notice, holds record fee title to real property or is obligated to pay general property taxes under a contract to purchase real property.

1       (d) The appropriate municipal officer shall certify  
2 the mailing under subsection (c) of this section by  
3 affidavit.

4  
5       **15-1-406. Annexing territories; annexation ordinance;**  
6 **objections; exception; prohibition.**

7  
8       (a) If after the hearing the governing body finds  
9 that the conditions required by W.S. 15-1-402 exist and  
10 that the required procedures have been met, it shall by  
11 ordinance annex the ~~territory~~area. Upon completion of  
12 annexation procedures, the clerk of the annexing  
13 municipality shall file with the county clerk a map of the  
14 area to be annexed and a copy of the ordinance approved by  
15 the governing body of the annexing municipality.

16  
17       (b) If more than fifty percent (50%) of the  
18 landowners, or if a landowner or landowners owning more  
19 than fifty percent (50%) of the area to be annexed file  
20 written objections with the clerk of the annexing  
21 municipality within ~~twenty (20) business~~twenty-eight (28)  
22 days after the hearing under W.S. 15-1-405(a) no further  
23 action under W.S. 15-1-404 may be taken on any area within  
24 the proposed annexation within two (2) years.

1

2 (c) If seventy-five percent (75%) or more of the  
3 perimeter of the area to be annexed is contiguous to the  
4 corporate limits of the annexing ~~city or town~~ municipality,  
5 the provisions of subsection (b) of this section do not  
6 apply.

7

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

11

12 **15-1-407. Business parks; city owned property; when**  
13 **notice and public hearing not necessary; statement**  
14 **required.**

15

16 (a) Property comprising a business park may be  
17 annexed whether or not contiguous if the landowner of the  
18 business park petitions for annexation. The nearest  
19 boundary of the property being annexed under this  
20 subsection shall be no further than three (3) miles from  
21 the nearest city boundary. Until property annexed pursuant  
22 to this subsection becomes contiguous to the city  
23 boundaries through additional annexations from the city  
24 boundaries:

1

2

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

4

5

(ii) No annexation shall occur from the property.

7

8

(b) If the ~~city municipality~~ is the sole owner of any ~~territory area~~ whether or not contiguous that it desires to annex, the governing body, by ordinance, may annex the ~~territory area~~ to the ~~city or town~~ municipality without notice or public hearing as provided in W.S. 15-1-405 and without preparing the annexation report or providing the estimates required by W.S. 15-1-402(c) and (e) and 15-1-404(a) (ii) (C) and (D). A municipality annexing property pursuant to this subsection shall provide notice by first class United States mail to all landowners in the unincorporated area within three hundred (300) feet of the proposed annexation. The mailing shall be certified as provided in W.S. 15-1-405(d). All ordinances annexing territory ~~without notice and public hearing~~ pursuant to this subsection shall contain a statement that the territory is solely owned by the petitioning ~~city or town~~ municipality. Until property annexed pursuant to this

24

1 subsection becomes contiguous to the city boundaries  
2 through additional annexations from the city boundaries no  
3 annexation shall occur from the property.  
4

5 **15-1-408. Annexation effective dates.**  
6

7 The annexation of any ~~territory~~area is effective upon  
8 publication of the ordinance, unless another date is  
9 specified in the ordinance. The effective date of the  
10 annexation ordinance shall not be less than ~~twenty (20)~~  
11 ~~business~~twenty-eight (28) days after the public hearing  
12 required by W.S. 15-1-405(a). For purposes of real and  
13 personal property taxation, the annexation is not effective  
14 until January 1 next following the effective date of the  
15 ordinance. If an appeal is filed and perfected by a person  
16 other than a utility, the effective date is January 1 next  
17 following the court's final decision of the matter. If an  
18 appeal of the franchise decision is filed and perfected by  
19 a utility, the annexation is effective upon the publication  
20 of the ordinance unless another date is specified in the  
21 ordinance, but the appealing utility shall be permitted to  
22 continue its present service in the annexed area until the  
23 court's final decision of the matter.  
24

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

3  
4           (a) If any landowner in the ~~territory~~area proposed  
5 to be annexed or any owner of real property in the annexing  
6 ~~city or town~~municipality, or utility is aggrieved by the  
7 acts of the governing body, he may appeal to the district  
8 court for a review of the acts or findings thereof.

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

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

22  
23           (a) Except as otherwise provided in this article, the  
24 territory and inhabitants of any annexed area are subject

1 to all the laws, ordinances, rules and regulations of the  
2 ~~city or town~~ municipality to which they are annexed and are  
3 entitled to all the rights, privileges and franchises or  
4 other services afforded the inhabitants thereof. The  
5 services shall be provided in accordance with the timetable  
6 provided pursuant to W.S. 15-1-402(c)(iii).  
7 Notwithstanding any other provision of law, no law,  
8 ordinance, rule or regulation of a municipality annexing  
9 property under W.S. 15-1-404 or pursuant to an agreement  
10 treated as a petition pursuant to W.S. 15-1-403(g) shall  
11 restrict the continuous use of the property by a current or  
12 subsequent owner of an interest in the property, if the use  
13 was existing at any time within the year prior to the date  
14 of annexation and was lawful at the time the property was  
15 annexed. For purposes of this subsection, a use which has  
16 been discontinued for any ~~one (1)~~ consecutive ten (10) year  
17 period after the date of annexation shall not be considered  
18 continuous and shall not thereafter be reestablished unless  
19 in conformance with current law, ordinance, rule or  
20 regulation.

21

22 (b) No annexing municipality shall take any action  
23 prohibiting or restricting the continued use or maintenance  
24 of irrigation ditches, including siphons, flumes, measuring

1 devices and other appurtenances, serving lands with a valid  
2 Wyoming water right. Notwithstanding this subsection, the  
3 municipality may take actions it deems necessary to protect  
4 the public health and safety, including but not limited to  
5 fencing, mowing and litter and mosquito abatement, but in  
6 doing so, the municipality shall be responsible for the  
7 temporary removal and replacement of any fences or other  
8 facilities obstructing the maintenance of ditches.

9  
10 (c) If a municipality annexes property, and for any  
11 reason, except to prevent a clear and present danger to the  
12 public health, the county fails to issue any permit or  
13 withholds consent required to reconstruct or repair any  
14 septic system or appurtenant facilities on the annexed  
15 property, the county shall pay any cost, charge or  
16 assessment to the landowner to provide the residence with  
17 access to municipally owned sewerage systems including but  
18 not limited to assessment for the provision of a sewer  
19 main, to the extent the charge and the assessment exceed  
20 the amount which would otherwise have been expended by the  
21 landowner to reconstruct or repair the septic system and  
22 appurtenant facilities. If, incident to an annexation, the  
23 municipality denies the permit or requires the landowner to  
24 connect to the municipal or other sewer system, the



1 municipality shall pay any cost, charge or assessment,  
2 unless the continued operation of the septic system  
3 presents a clear and present danger to the public health.

4  
5 (d) No annexing municipality shall take any action  
6 prohibiting or restricting the owner of the mineral estate  
7 of annexed lands from continued use or maintenance of oil  
8 and gas wells. No annexing municipality shall take any  
9 action prohibiting the development of oil and gas wells and  
10 appurtenant facilities by the owner of the mineral estate  
11 nor shall any state agency deny any necessary permits for  
12 development of the wells or facilities due to the  
13 annexation of land to a municipality absent a showing that  
14 the specific proposed wells or facilities constitute a  
15 clear and present danger to public health or safety.

16  
17 (e) Landowners may, but shall not be required to, pay  
18 for public improvements incident to the annexation when  
19 annexation is initiated under W.S. 15-1-404 and the  
20 landowner of any area annexed cannot object to the  
21 annexation based upon the exception in W.S. 15-1-406(c).  
22 Landowners shall be responsible for the normal costs of  
23 individual service lines and tap or connection fees. For  
24 purposes of this subsection, "public improvements" include,

1 but are not limited to water mains, sewer mains, power  
2 lines, curb and gutter or the paving of streets located off  
3 the landowner's property.

4  
5 (f) In any annexation, the annexing municipality may  
6 agree with any landowner to annex the landowner's property  
7 with the provision of limited municipal services. The  
8 agreement shall identify which services normally afforded  
9 the inhabitants of the municipality will not be provided at  
10 the time of the annexation and are not then anticipated to  
11 be provided at a later time. The agreement may provide  
12 that the services may be provided at a later time upon  
13 terms mutually agreed to by the landowner or his successors  
14 and the municipality. Any agreement under this subsection  
15 shall be recorded with the county clerk and the terms and  
16 conditions of the agreement shall run with the property and  
17 be binding upon the heirs, successors and assigns of the  
18 landowners entering into the agreement. The terms of any  
19 agreement under this subsection shall be summarized and  
20 included in any annexation report under W.S. 15-1-402(c).

21  
22 (g) Notwithstanding any other law to the contrary, no  
23 property shall, as a result of any annexation, be assessed  
24 for the creation or maintenance of a road, curb, gutter or

1 sidewalk unless the property is annexed to the municipality  
2 at the time the improvement is made.

3  
4 ~~(b)~~ (h) The governing body of the annexing  
5 municipality shall, within thirty (30) days after the date  
6 of the annexation, give written notice of the annexation to  
7 all public electric utilities presently providing service  
8 within the annexed area and, except in the case of an  
9 annexing municipality which owns or operates its own  
10 electric utility, any area ~~adjacent~~ contiguous to the  
11 annexed area. Except in the case of an annexing  
12 municipality which owns or operates its own electric  
13 utility, any of those public utilities required to be  
14 notified may, within sixty (60) days after the date of  
15 annexation, petition the governing body of the annexing  
16 ~~city or town~~ municipality for a franchise to serve  
17 additional portions within the annexed area or the entire  
18 annexed area. Except in the case of a municipality which  
19 owns or operates its own electric utility, any petitioning  
20 utility which does not currently hold a certificate of  
21 public convenience and necessity for the annexed area shall  
22 petition the public service commission for a certificate to  
23 include the annexed area, and if two (2) or more public  
24 electric utilities have been granted or are seeking a

1 certificate of public convenience and necessity to serve  
2 the annexed area, the public service commission shall  
3 determine, following a hearing, which utility or utilities  
4 should be certificated in the public interest to provide  
5 service to the annexed area. No recipient of a certificate  
6 of public convenience and necessity shall serve any portion  
7 of the annexed area without the consent of the governing  
8 body of the annexing ~~city or town~~ municipality and provided  
9 that the entire annexed area is served under one (1) or  
10 more certificates of public convenience and necessity.

11

12 ~~(e)~~ (j) Except in the case of an annexing municipality  
13 which owns or operates its own electric utility, the  
14 governing body of the annexing municipality shall hold an  
15 appropriate public hearing and, upon determining that one  
16 (1) or more petitioning public utilities can meet the terms  
17 and conditions of a franchise, issue franchises to one (1)  
18 or more utilities to serve portions of or the entire  
19 annexed area.

20

21 ~~(d)~~ (k) Notwithstanding any other provision of law,  
22 nothing contained in this section shall limit the right of  
23 a municipality which owns or operates its own electric  
24 utility to extend its electric service into any area

1 annexed by the municipality, and nothing contained in this  
2 section shall subject any such municipality to the  
3 jurisdiction of the public service commission.

4  
5 (m) The governing body of the annexing municipality  
6 shall, within thirty (30) days after the date of the  
7 annexation, give written notice of the annexation to all  
8 public utilities presently providing service within the  
9 annexed area and any area contiguous to the annexed area.  
10 Any of those public utilities required to be notified may,  
11 within sixty (60) days after the date of annexation,  
12 petition the governing body of the annexing municipality  
13 for a franchise to serve additional portions within the  
14 annexed area or the entire annexed area. Any petitioning  
15 utility which does not currently hold a certificate of  
16 public convenience and necessity for the annexed area shall  
17 petition the public service commission for a certificate to  
18 include the annexed area, and if two (2) or more public  
19 utilities providing the same service have been granted or  
20 are seeking a certificate of public convenience and  
21 necessity to serve the annexed area, the public service  
22 commission shall determine, following a hearing, which  
23 utility or utilities should be certificated in the public  
24 interest to provide service to the annexed area. No

1 recipient of a certificate of public convenience and  
2 necessity shall serve any portion of the annexed area  
3 without the consent of the governing body of the annexing  
4 municipality and provided that the entire annexed area is  
5 served under one (1) or more certificates of public  
6 convenience and necessity for each utility service  
7 provided. The governing body of the annexing municipality  
8 shall hold an appropriate public hearing and, upon  
9 determining that one (1) or more petitioning public  
10 utilities can meet the terms and conditions of a franchise,  
11 issue franchises to one (1) or more utilities to serve  
12 portions of or the entire annexed area. For the purposes  
13 of this subsection "public utility" means and includes  
14 communication or transmission of intelligence or messages  
15 by telephone service; natural or artificial gas for heat,  
16 light, power and like purposes; and steam for heat, power  
17 and like purposes.

18

19 **15-1-411. Incorporation of territory within potential**  
20 **urban area.**

21

22 ~~All territory within one (1) mile of an incorporated city~~  
23 ~~or town, as it now exists or may hereafter be established,~~  
24 ~~is potentially an urban area.~~ No territory within a

1 potential urban area may be incorporated as a ~~city or town~~  
2 municipality unless the governing body of the ~~city or town~~  
3 municipality causing the potential urbanized area to exist,  
4 by resolution, approves the proposed incorporation.

5

6 **15-1-412. When written consent of landowners required**  
7 **for annexation; exception.**

8

9 No tract of land or any part thereof, whether consisting of  
10 one (1) parcel or two (2) or more contiguous parcels owned  
11 by one (1) landowner or owned jointly by two (2) or more  
12 landowners as cotenants, which comprises forty (40) acres  
13 or more and which together with the buildings or  
14 improvements situated thereon has an assessed valuation in  
15 excess of forty thousand dollars (\$40,000.00) as of the  
16 current assessment for property tax purposes, may be  
17 annexed without the written consent of the landowner or  
18 landowners, unless the tract of land is situated entirely  
19 within the boundaries of the annexing ~~city or town~~  
20 municipality.

21

22 **15-1-413. Survey or perambulation of boundaries; when**  
23 **and how to be made; presumption once recorded.**

24

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

17

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

23



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

3

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

7

8           (b) The oath shall be filed with the ~~city or town~~  
9 municipal clerk and a copy thereof shall be attached to the  
10 certificate filed with the county clerk.

11

12           **15-1-415. Additions to municipalities by subdividing**  
13 **landowners; plat requirements; filing and effect thereof;**  
14 **controlling layout of streets.**

15

16           (a) The owner of any land within or contiguous to any  
17 ~~city or town~~ municipality may subdivide the land into lots,  
18 blocks, streets, avenues and alleys and other grounds under  
19 the name of .... addition to the city (town) of .... An  
20 accurate map or plat shall be made designating the  
21 subdivided land and particularly describing the lots,  
22 blocks, streets, avenues and alleys and other grounds of  
23 the addition. The lots must be designated by numbers, and  
24 the streets, avenues and other grounds by name or numbers.

1

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

15

16 (d) The governing body, by ordinance, may compel the  
17 owner of any addition to lay out streets, avenues and  
18 alleys to correspond in width and direction and be  
19 continuations of the streets, ways and alleys in the ~~city~~  
20 ~~or town~~ municipality or other additions thereto. No  
21 addition is valid unless the terms and conditions of the  
22 ordinance are complied with and the plat submitted and  
23 approved by the governing body.

24

1       (e) Any addition to a municipality under this section  
2 shall be subject to the provisions of W.S. 15-1-402 and  
3 15-1-405.

4  
5       **15-1-416. Landowner petition to exclude tract from**  
6 **municipality; 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       municipalities;**  
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 (d) If the petition is not in minimum compliance, the  
16 governing body of the ~~city or town~~ municipality desiring to  
17 be annexed shall be notified that no further action will be  
18 taken on the petition until compliance is made.

19

20 (e) As an alternative to the circulation of the  
21 petition as provided by subsection (a) of this section the  
22 ~~town~~ municipality to be annexed may hold a special election  
23 on the question in accordance with W.S. 22-23-801 through  
24 22-23-809.

1

2           **15-1-418. Annexing contiguous municipalities;**  
3 **annexation ordinance; filing.**

4

5           (a) If after the hearing, the governing body of the  
6 annexing ~~city or town~~ municipality finds that the  
7 conditions and procedures required by W.S. 15-1-402,  
8 15-1-404 and 15-1-405 have been met and the terms and  
9 conditions in the written petition exist, it may by  
10 ordinance annex the ~~city or town~~ municipality.

11

12           **15-1-419. Annexing contiguous municipalities;**  
13 **effective dates; appeals.**

14

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

1 and perfected, in which case the effective date is January  
2 1 next following the court's final decision.

3

4 **15-1-420. Annexing contiguous municipalities; how**  
5 **governed; extension of laws, rights and utilities;**  
6 **dissolution of annexed municipality; disposition of assets**  
7 **and liabilities.**

8

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

22

23 (b) The annexed city's or town's municipal corporate  
24 assets including money, real and personal property, and

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

18

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

1 municipality from additional assets being brought into the  
2 combined ~~city or town~~ municipality.

3

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

7

8 **15-1-421. Municipal de-annexation.**

9

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



1 consistent with county land use plans and zoning  
2 ordinances.

3

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

7

8 (i) The owners of all the land to be de-annexed  
9 either sign the petition for de-annexation or consent to  
10 the de-annexation within one hundred twenty (120) days  
11 after the final passage of the de-annexation ordinance and  
12 before its effective date. The passage of the ordinance  
13 shall serve as the consent of the ~~city or town~~ municipality  
14 for any land owned by the city or town within the area to  
15 be de-annexed;

16

17 (iii) If the de-annexation causes land within  
18 the ~~city or town~~ municipality boundaries to no longer be  
19 contiguous with the rest of the city or town, the de-  
20 annexation ordinance may be adopted only with the consent  
21 of all the owners of the land to be isolated by the de-  
22 annexation.

23

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

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

9  
10 (f) The landowner petitioning to have land de-annexed  
11 and his successors and assigns shall remain liable for any  
12 assessments incurred or levied while the land was within  
13 the ~~city or town~~ municipal boundaries and for all mill  
14 levies necessary to repay any indebtedness that was  
15 outstanding at any time the property was within the ~~city or~~  
16 ~~town~~ municipal boundaries. Neither the de-annexation nor  
17 subsequent annexation to or incorporation as another ~~city~~  
18 municipality shall increase or decrease these liabilities.

19

20 **15-1-422. Prohibited acts.**

21

22 The granting of an exception to the area wide waste  
23 treatment management plan by any ~~city or town~~ municipality

1 to any person may not be conditioned upon any agreement by  
2 that person to annexation under this article.

3

4 **15-7-602. Extension of system; outside corporate**  
5 **limits; rates; existing contracts; controversies; appeal.**

6

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

12

13 **Section 3.** W.S. 15-1-401(a)(i) and 15-1-402(b) are  
14 repealed.

15

16 **Section 4.** This act is effective July 1, 2005.

17

18

(END)