

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; and providing for an effective date.

5

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

7

***** STAFF COMMENTS *****

8 This draft contains proposals presented by the
9 municipal task force at the first meeting,
10 committee requests and conforming or uniformity
11 changes made by LSO staff. After each change is
12 a notation as to whether the Committee (COM) or
13 the task force (TF) requested the change. No
14 notation is indicated for uniformity and
15 conforming changes. Staff comments have been
16 inserted to explain changes and to identify
17 potentially ambiguous provisions. For purposes
18 of this draft the entire annexation article is
19 shown. If the Committee approves a draft for
20 introduction, it will be placed in proper bill
21 form with created sections moved to the front and
22 unamended provisions and staff comments deleted.

1 This draft is exactly the same as the draft
2 presented at the August meeting, except:

3 1. The "new sewer program" was severed from
4 this bill and placed in 05 LSO 208;

5 2. Staff comments have been updated to
6 reference that this draft was in response to
7 Committee action at the first meeting, rather
8 than the "last" meeting. The only amendment the
9 Committee made at the last meeting was asking for
10 the new program to be placed in a separate bill.
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

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

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

5

6

(iii) A list of basic and other services customarily available to residents of the ~~city or town~~ municipality and a timetable when those services will reasonably be available to the area proposed to be annexed.

10

A summary of any agreement under W.S. 15-1-410(d) to provide limited services to any area proposed to be annexed shall be included; (COM)

13

***** STAFF COMMENTS *****

14

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

17

18

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

20

21

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

23

24

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

26

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.

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

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

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

(ii) No annexation shall occur from the property.

***** STAFF COMMENTS *****

This would allow annexation of a "business park" if the closest boundary of the park is within three miles of any city boundary (as opposed to the general one mile threshold proposed or the substantial touching in current law). The "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.** This act is effective July 1, 2005.

18
19 (END)