

HOUSE BILL NO. HB0014

Municipal jurisdiction.

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

A BILL

for

1 AN ACT relating to municipalities; restricting  
2 extraterritorial jurisdiction asserted by a municipality;  
3 specifying procedures for a municipality to exercise  
4 extraterritorial jurisdiction; specifying applicability;  
5 making conforming amendments; and providing for an  
6 effective date.

7

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

9

10 **Section 1.** W.S. 16-13-101 is created to read:

11

12

CHAPTER 13

13

EXTRATERRITORIAL JURISDICTION

14

1           **16-13-101. Extraterritorial jurisdiction;**  
2 **authorization.**

3

4           (a) On and after January 1, 2019, no governing body  
5 or executive head of a municipality is authorized to  
6 exercise jurisdiction over an area beyond the corporate  
7 boundaries of the municipality unless all of the following  
8 apply:

9

10                   (i) The exercise of extraterritorial  
11 jurisdiction is specifically authorized by statute;

12

13                   (ii) The municipality enacts an ordinance  
14 specifying all of the following:

15

16                           (A) The statutory authority by which the  
17 jurisdiction may be asserted;

18

19                           (B) The exercise of jurisdiction which will  
20 be asserted;

21

1                   (C) A description of the area beyond the  
2 corporate boundaries of the municipality which will be  
3 brought within its jurisdiction.

4  
5                   (iii) The board of county commissioners of a  
6 county in which extraterritorial jurisdiction will be  
7 asserted adopts a resolution authorizing the exercise of  
8 jurisdiction under the ordinance enacted pursuant to  
9 paragraph (ii) of this subsection. Upon the effective date  
10 of the resolution, the ordinance shall be effective as to  
11 the unincorporated area of the county specified in the  
12 resolution.

13  
14                  (b) An ordinance enacted and authorized pursuant to  
15 this section shall be in effect until nullified by the  
16 board of county commissioners of the county containing the  
17 area over which jurisdiction has been asserted.

18  
19                  (c) On and after January 1, 2019, any exercise of  
20 extraterritorial jurisdiction by a municipality shall be  
21 unlawful unless an ordinance is enacted and authorized in  
22 accordance with this section.

23

1           **Section 2.** W.S. 15-3-202(b) (intro) and (ii),  
2 15-9-103(a) (ii) and 34-12-103 are amended to read:

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4           **15-3-202. Jurisdiction beyond corporate limits;**  
5 **exception.**

6  
7           (b) The mayor has ~~such~~ jurisdiction as may be vested  
8 in him by ordinance:

9  
10           (ii) Except as otherwise provided by this  
11 paragraph, in all matters excepting taxation within  
12 one-half (1/2) mile of the corporate limits of the city.  
13 ~~The board of county commissioners of any county containing~~  
14 ~~any area over which jurisdiction has been asserted pursuant~~  
15 ~~to this paragraph may enact a resolution nullifying the~~  
16 ~~ordinance as to any unincorporated area of the county~~  
17 ~~subject to the ordinance. Upon the effective date of the~~  
18 ~~resolution the ordinance shall no longer be effective as to~~  
19 ~~the unincorporated area of the county specified in the~~  
20 ~~resolution.~~ This paragraph shall not apply to any  
21 unincorporated area for which a county has officially  
22 adopted a comprehensive plan pursuant to W.S. 18-5-202(b).  
23 With the consent of a municipality, a comprehensive plan or

1 a plan under W.S. 9-8-301 may delegate functions to the  
2 municipality in whole or in part and exclusively or  
3 concurrently with county performance of the functions.

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5 **15-9-103. Definitions.**

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7 (a) As used in this chapter, unless a different  
8 meaning is clearly indicated by the context:

9  
10 (ii) "Area of operation" means the area within  
11 the corporate limits of the municipality and the area  
12 within five (5) miles of those limits, except that it ~~does~~  
13 ~~not~~ may include any area which lies within the territorial  
14 boundaries of another incorporated city or town ~~unless~~ if a  
15 resolution has been adopted by the governing body of the  
16 other city or town ~~declaring a need therefor~~ consenting to  
17 the inclusion and it may include any unincorporated area  
18 within five (5) miles of the corporate limits of the  
19 municipality if a resolution has been adopted by the county  
20 commissioners of the unincorporated area consenting to the  
21 inclusion;

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1           **34-12-103. Contents of plat; acknowledgment; approval**  
2 **by county commissioners or governing body of cities or**  
3 **towns; filing and recording.**

4  
5 Every ~~such~~ plat shall contain a statement to the effect  
6 that "the above or foregoing subdivision of (here insert a  
7 correct description of the land or parcel subdivided) as  
8 appears on this plat, is with the free consent, and in  
9 accordance with the desires of the undersigned owners and  
10 proprietors", which shall be signed by the owners and  
11 proprietors, and shall be duly acknowledged before some  
12 officer authorized to take the acknowledgement of deeds.  
13 The plat shall meet the approval of the board of county  
14 commissioners if it is of land situated without the  
15 boundaries of any city or town or by the governing body of  
16 the city or town if situated within the boundaries of such  
17 city or town. ~~When thus executed, acknowledged and~~  
18 ~~approved, said plat shall be filed for record and recorded~~  
19 ~~in the office of the clerk of the proper county;~~ Provided,  
20 however, that any ~~such~~ plat of land which is adjacent to  
21 any incorporated city or town, or within one (1) mile of  
22 the boundaries of any ~~such~~ city or town and which is not  
23 subject to regulation consistent with a comprehensive plan

1 adopted pursuant to W.S. 18-5-202(b), shall be jointly  
2 approved by both the board of county commissioners of ~~said~~  
3 the county and the governing body of ~~said~~the city or town  
4 before ~~same~~the plat shall be filed and recorded in the  
5 office of the county clerk. ~~as aforesaid~~When executed,  
6 acknowledged and approved as provided in this section, the  
7 plat shall be filed and recorded in the office of the clerk  
8 of the proper county.

9  
10 **Section 3.** This act is effective immediately upon  
11 completion of all acts necessary for a bill to become law  
12 as provided by Article 4, Section 8 of the Wyoming  
13 Constitution.

14

15

(END)