

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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

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EXTRATERRITORIAL JURISDICTION

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

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

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

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

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

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

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.

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

4

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

7

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

10

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

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

5
6 **15-9-103. Definitions.**

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

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