Municipal jurisdiction.

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

A BILL

for

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

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

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

CHAPTER 13
EXTRATERRITORIAL JURISDICTION


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

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

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

(c) On and after January 1, 2019, any exercise of extraterritorial jurisdiction by a municipality shall be unlawful unless an ordinance is enacted and authorized in accordance with this section.
Section 2. W.S. 15-3-202(b)(intro) and (ii), 15-9-103(a)(ii) and 34-12-103 are amended to read:

15-3-202. Jurisdiction beyond corporate limits; exception.

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

(ii) Except as otherwise provided by this paragraph, in all matters excepting taxation within one-half (1/2) mile of the corporate limits of the city. The board of county commissioners of any county containing any area over which jurisdiction has been asserted pursuant to this paragraph may enact a resolution nullifying the ordinance as to any unincorporated area of the county subject to the ordinance. Upon the effective date of the resolution the ordinance shall no longer be effective as to the unincorporated area of the county specified in the resolution. This paragraph shall not apply to any unincorporated area for which a county has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b).
With the consent of a municipality, a comprehensive plan or a plan under W.S. 9-8-301 may delegate functions to the municipality in whole or in part and exclusively or concurrently with county performance of the functions.


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

(ii) "Area of operation" means the area within the corporate limits of the municipality and the area within five (5) miles of those limits, except that it does not may include any area which lies within the territorial boundaries of another incorporated city or town unless if a resolution has been adopted by the governing body of the other city or town declaring a need therefor consenting to the inclusion and it may include any unincorporated area within five (5) miles of the corporate limits of the municipality if a resolution has been adopted by the county commissioners of the unincorporated area consenting to the inclusion;
34-12-103. Contents of plat; acknowledgment; approval by county commissioners or governing body of cities or towns; filing and recording.

Every such plat shall contain a statement to the effect that "the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors", which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgement of deeds. The plat shall meet the approval of the board of county commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. When thus executed, acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county; provided, however, that any such plat of land which is adjacent to any incorporated city or town, or within one (1) mile of the boundaries of any such city or town and which is not regulated by zoning consistent with a comprehensive plan
adopted pursuant to W.S. 18-5-202(b), shall be jointly approved by both the board of county commissioners of said the county and the governing body of said the city or town before said the plat shall be filed and recorded in the office of the county clerk as aforesaid. When executed, acknowledged and approved as provided in this section, the plat shall be filed and recorded in the office of the clerk of the proper county.

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