

HOUSE BILL NO. HB0247

Annexation requirements.

Sponsored by: Representative(s) Styvar, Angelos, Brown, G
and Wharff and Senator(s) McKeown

A BILL

for

1 AN ACT relating to cities and towns; requiring written
2 approval from a simple majority of all landowners owning a
3 parcel of the land in an area before that area is annexed
4 into a municipality; modifying annexation finding
5 requirements; modifying notice requirements to landowners;
6 specifying cost estimates required; specifying when an
7 annexing ordinance is void; amending the length of time to
8 appeal an annexing ordinance; repealing limits on
9 incorporation of urban areas; specifying applicability; and
10 providing for an effective date.

11

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

13

1 **Section 1.** W.S. 15-1-402(a)(intro), (v), (vi), by
2 creating a new paragraph (vii) and (e) and 15-1-409(b) and
3 (c) are amended to read:

4

5 **15-1-402. Annexing territories; findings required;**
6 **when contiguity not deemed affected; annexation report;**
7 **landowner approval before annexation.**

8

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

13

14 (v) If the city or town does not own or operate
15 its own electric utility, its governing body is prepared to
16 issue one (1) or more franchises as necessary to serve the
17 annexed area pursuant to W.S. 15-1-410; ~~and~~

18

19 (vi) The annexing city or town, not less than
20 twenty (20) business days ~~prior to~~ before the public
21 hearing required by W.S. 15-1-405(a), has sent by certified
22 mail to all landowners and affected public utilities within
23 the territory and by first class mail to any persons owning

1 property that is adjacent to or within ~~three hundred (300)~~
2 five hundred fifty (550) feet of the territory proposed to
3 be annexed, regardless of whether the property is inside or
4 outside the corporate limits of the annexing city or town
5 and regardless of whether the city or town is exercising
6 authority under W.S. 15-3-202(b)(ii) ~~7~~ written notice
7 containing the following:

8

9 (A) A summary of the proposed annexation
10 report as required under subsection (c) of this section;

11

12 (B) Notice of the need to respond in
13 writing not later than five (5) days before the date of the
14 public hearing required by W.S. 15-1-405(a) if the
15 landowner approves or opposes the proposed annexation
16 unless approval is not required under paragraph (vii) of
17 this subsection;

18

19 (C) Notice of the opportunity to request an
20 estimate of required infrastructure improvement costs under
21 subsection (e) of this section; and

22

1 (D) Notice of the time, date and location
2 of the public hearing required by W.S. 15-1-405(a).

3
4 (vii) Except as otherwise provided in this
5 paragraph, not less than a majority of all landowners
6 owning a parcel of the area sought to be annexed, excluding
7 public streets, alleys and tax exempt property, have
8 approved in writing the proposed annexation by responding
9 to the written notice in paragraph (vi) of this subsection.
10 Failure to respond to the notice under paragraph (vi) of
11 this subsection as provided in subparagraph (vi)(B) of this
12 subsection shall be considered an approval of the proposed
13 annexation. This paragraph shall not apply if the area
14 sought to be annexed is entirely within the corporate
15 limits of the annexing city or town.

16
17 (e) Before any territory is eligible for annexation
18 the governing body shall prepare for each landowner and
19 affected public utility so requesting in writing, the
20 estimated cost of infrastructure improvements required of
21 the landowner and affected public utility related to the
22 annexation. The request shall be made to the clerk of the
23 annexing municipality not less than ten (10) days prior to

1 the public hearing required by W.S. 15-1-405(a). The
2 estimate shall be provided to the landowner and affected
3 public utility prior to the hearing. The actual costs for
4 the infrastructure improvements shall not exceed the
5 estimated cost provided under this subsection by more than
6 four percent (4%). The actual costs for the infrastructure
7 improvements shall not exceed the estimated cost provided
8 under this subsection by more than four percent (4%).

9

10 **15-1-409. Annexing territories; appeal;**
11 **determination; time for review; exclusiveness of appeal**
12 **remedy.**

13

14 (b) ~~If the court determines that the action taken was~~
15 ~~capricious or arbitrary, or if it appears from the evidence~~
16 ~~that the landowner's right in his property is being~~
17 ~~unwarrantedly invaded or that the governing body abused its~~
18 ~~discretion, the court shall declare the annexing ordinance~~
19 ~~void.~~—If the court determines the action of the governing
20 body was proper and valid, it shall sustain the ordinance.
21 The court shall declare the annexing ordinance void if the
22 court determines any of the following:

23

1 (i) The action taken by the governing body was
2 capricious or arbitrary;

3

4 (ii) That the landowner's right in his property
5 is being unwarrantedly invaded;

6

7 (iii) That the governing body abused its
8 discretion;

9

10 (iv) That the governing body has failed to begin
11 providing services or make public improvements to the
12 annexed area within a reasonable time.

13

14 (c) All proceedings to review the findings and the
15 decisions of the governing body or actions to determine the
16 validity of the annexation ordinance pursuant to the
17 Uniform Declaratory Judgments Act shall be brought within
18 ~~sixty (60)~~ one hundred twenty (120) days of the effective
19 date of the annexation ordinance, and if not brought within
20 that time are forever barred.

21

22 **Section 2.** W.S. 15-1-411 is repealed.

23

1 **Section 3.** This act applies to any proposed
2 annexation initiated on or after the effective date of this
3 act.

4

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

9

10

(END)