

SENATE FILE NO. SF0017

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) No governing body or executive head of a  
5 municipality is authorized to exercise jurisdiction over an  
6 area beyond the corporate boundaries of a municipality  
7 unless:

8

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

11

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

14

15                           (A) The statutory authority for which the  
16 jurisdiction may be asserted;

17

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

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21                           (C) The area beyond the corporate  
22 boundaries of the municipality which will be brought within  
23 its jurisdiction.

1

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

10

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

15

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

20

21 **Section 2.** W.S. 15-3-202(b)(intro) and (ii),  
22 15-9-103(a)(ii) and 34-12-103 are amended to read:

23

1           **15-3-202. Jurisdiction beyond corporate limits;**  
2 **exception.**

3  
4           (b) The mayor has ~~such~~ jurisdiction as may be vested  
5 in him by ordinance:

6  
7           (ii) Except as otherwise provided by this  
8 paragraph, in all matters excepting taxation within  
9 one-half (1/2) mile of the corporate limits of the city.  
10 ~~The board of county commissioners of any county containing~~  
11 ~~any area over which jurisdiction has been asserted pursuant~~  
12 ~~to this paragraph may enact a resolution nullifying the~~  
13 ~~ordinance as to any unincorporated area of the county~~  
14 ~~subject to the ordinance. Upon the effective date of the~~  
15 ~~resolution the ordinance shall no longer be effective as to~~  
16 ~~the unincorporated area of the county specified in the~~  
17 ~~resolution.~~ This paragraph shall not apply to any  
18 unincorporated area for which a county has officially  
19 adopted a comprehensive plan pursuant to W.S. 18-5-202(b).  
20 With the consent of a municipality, a comprehensive plan or  
21 a plan under W.S. 9-8-301 may delegate functions to the  
22 municipality in whole or in part and exclusively or  
23 concurrently with county performance of the functions.

1

2           **15-9-103. Definitions.**

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

6

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

19

20           **34-12-103. Contents of plat; acknowledgment; approval**  
21 **by county commissioners or governing body of cities or**  
22 **towns; filing and recording.**

23

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

1 the county clerk as aforesaid. When executed, acknowledged  
2 and approved as provided in this section the plat shall be  
3 filed for record and recorded in the office of the clerk of  
4 the proper county.

5

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

10

11

(END)