



**ORDINANCE 2024-001
TOWN OF ALPINE
UNIFORM ANNEXATION PROCESS**

AN ORDINANCE PROVIDING FOR A UNIFORM PROCESS OF REVIEWING PETITIONS FOR ANNEXATION FILED WITH THE TOWN OF ALPINE, WYOMING, BY THE LANDOWNERS WITHIN THE AREA PROPOSED TO BE ANNEXED, PURSUANT TO WYOMING STATUTE §15 – 1 – 401, ET. SEQ.; DECLARING THAT THE PETITIONER CARRIES THE BURDEN OF PROOF ANY ASSERTATIONS OR CLAIMS PROFFERED DURING THE PETITION PROCESS AND HEARINGS; ESTABLISHING A PREPETITION APPLICATION; ESTABLISHING A REQUIREMENT FOR PREPETITION FEE; ESTABLISHING A REQUIREMENT OF A PREPETITION CONFERENCE TO BE HELD WITH THE PLANNING STAFF AND CLERK OF THE TOWN OF ALPINE, WYOMING; ESTABLISHING CLASSIFICATIONS FOR MAJOR AND MINOR ANNEXATIONS AND DEFINING THE CLASSIFICATIONS AND REQUIREMENTS FOR BOTH; ESTABLISHING A REQUIREMENT OF AN ANNEXATION APPLICATION; ESTABLISHING A REQUIREMENT TO SUBMIT A PROPOSED ANNEXATION PETITION; ESTABLISHING A PLANNING & ZONING PREPETITION REVIEW PROCESS; ESTABLISHING AN ANNEXATION FEE TO BE PAID BY THE PETITIONERS; ESTABLISHING A REQUIREMENT THAT THE PETITIONERS PAY ALL COSTS ASSOCIATED WITH PUBLICATION OF NOTICES, INCLUDING, BUT NOT LIMITED TO SUCH NOTICES REQUIRED BY WYOMING STATUTE § 15 – 1 – 402 (A) (VI) AND § 15 – 1 – 405 (B); ESTABLISHING A REQUIREMENT FOR THE DEPOSIT OF FUNDS TO COVER THE TOWN OF ALPINE, WYOMING’S COSTS FOR DEVELOPMENT OF THE ANNEXATION REPORT, THE REVIEW OF THE PETITION AND EVIDENCE, EXEMPTING THE TOWN OF ALPINE, WYOMING FROM THE REQUIREMENTS OF THIS ORDINANCE.

WHEREAS the Governing Body of the Town of Alpine, Wyoming, pursuant to Wyoming Statute § 15 – 1 – 103 (a) (xli) has authority to enact laws that regulate and protect the health, safety, and welfare of its citizens;

WHEREAS the Governing Body of the Town of Alpine, Wyoming has authority, pursuant to Wyoming Statute § 15 – 1 – 401, et. seq. to receive petitions from landowners seeking to be annexed to the incorporated boundaries of the Town of Alpine, Wyoming; and

WHEREAS the Governing Body of the Town of Alpine, Wyoming has determined that the process of review, gathering of information, planning, and publication of notice as set for the in Wyoming Statute §§ 15 – 1 – 401, et. seq. place a financial and time burden on the Town, which result in both an unfunded mandate from the Wyoming State Legislature and the subsidization by the citizens of the Town of Alpine, Wyoming of private land speculators and developers.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Alpine, Wyoming that:

SECTION 1: Regulation of Petitions for Annexation by Private Landowners to the Town of Alpine, Wyoming

1.1 Intent.

(a) The intent of this section is to promote the public health, safety, and welfare of the people of the Town of Alpine, Wyoming, to establish a process for review of annexation petitions prior to the filing of the petition with the Town of Alpine, Wyoming, to require petitioners for annexation to provide clear and convincing evidence of the information required for preparation of the annexation report as required by W.S. §15 – 1 – 402, assigning the burden of proof to the petitioner to support any claims made during the annexation process with clear and convincing evidence, to establish rules governing the annexation petition process, to set classifications of “minor” and “major” annexations, to establish prepetition fees, annexation petition fees, requiring petitioners to pay a deposit to cover costs of the proceedings, and to require petitioners to pay the costs of all publication of notices required under W.S. §15 – 1- 402 and §15 – 1- 405.

(b) The Town of Alpine, Wyoming shall be exempt from any provision contained in this ordinance if the Town of Alpine, Wyoming is the petitioner for annexation under W.S. § 15 – 1 – 404.

1.2 Definitions.

(a) *Major annexation.* A major annexation shall be defined as any parcel of land proposed to be annexed to the Town of Alpine, Wyoming consisting of an area greater than two and one-half (2 ½) acres.

(b) *Minor annexation.* A minor annexation shall be defined as any parcel of land proposed to be annexed to the Town of Alpine, Wyoming consisting of an area of two and one-half (2 ½) acres or less.

SECTION 2: Prepetition Conference, Prepetition Application Required, Prepetition Fee Required, Requirement that the Alpine Planning and Zoning Commission hold a Prepetition Review Hearing, and that a recommendation be made to the Alpine, Wyoming Town Council

2.1 All landowner(s) seeking annexation to the Town of Alpine, Wyoming shall, prior to filing a petition for annexation, as outlined in W.S. § 15 – 1 – 403:

- (a) Attend a prepetition conference with representatives of the Town of Alpine, Wyoming planning and zoning department and the Town Clerk.
- (b) Prior to the prepetition conference, complete a prepetition application,
- (c) Prior to the prepetition conference, a fee of five hundred dollars (\$500.00) shall be paid to the Alpine, Wyoming Town Clerk

- (d) In addition to the prepetition fee, the landowner(s) shall pay any costs for publication of notice of Town of Alpine Planning and Zoning hearing of the proposed petition.
- (e) After the prepetition conference all landowner(s) shall submit a proposed Annexation Petition and a fully executed Annexation Petition Application to the Wyoming Planning and Zoning Administrator and the Town Clerk. Upon determination that the Annexation Petition Application, the proposed Annexation Petition and supporting documentation and exhibits are complete, the Planning and Zoning Administrator will schedule an Annexation Prepetition Review Hearing with the Alpine Planning and Zoning Commission at a regularly scheduled Planning and Zoning Commission Meeting.
- (f) During the Planning and Zoning Commission Review Hearing the landowner(s), or their legal representative, shall be present at said hearing. It shall be the burden of the landowner(s), or their legal representative, to provide clear and convincing evidence of all statements, representations, evidence, and exhibits contained in the proposed petition, request for zoning, and any other claim are truthful and based on actual evidence and not conclusory or promotional in nature.
- (g) After the prepetition review hearing held by the Town of Alpine, Wyoming Planning and Zoning Commission, the board shall file with the Clerk of the Town of Alpine, Wyoming a written report of their findings and along with any recommendations or suggested edits to the proposed petition and any request for zoning. The Town of Alpine, Wyoming Planning and Zoning Board shall determine, and include in the written report, whether the proposed annexation qualifies as minor or major annexation based on the definitions given in Section 1.2 (a) (b) above.
- (h) Following the Town of Alpine Planning and Zoning Commission Prepetition Review Hearing the landowner(s), and/or their legal representatives, the landowners may proceed to the process of filing their annexation petition pursuant to W.S. §§ 15 – 1 – 401, et. seq.

SECTION 3: Establishment of Petition Fee and Deposits

3.1 All landowner(s) seeking annexation to the Town of Alpine, Wyoming shall, prior filing a petition for annexation, as outlined in W.S. § 15 – 1 – 403, shall be required to pay the following fees for annexation:

- (a) Minor annexation filing fee and deposit. The filing fee for all petitions for a minor annexation, as defined by § Section 1, 1.2 (a) (b), and determined to be a minor annexation by the Planning and Zoning Board pursuant to § Section 2, 2.8, shall be the sum of one thousand (\$1,000.00) dollars. In addition to the filing fee charged for a minor annexation, the landowner(s) shall tender to the Clerk of the Town of Alpine, Wyoming the sum of five thousand dollars (\$5,000.00). Said deposit for a minor annexation shall be held by the Clerk and the sums used to pay for costs of preparation of the annexation report required by W.S. § 15 – 1 – 402 and to pay for review of any infrastructure by the Town Engineer. The Clerk shall return any unused portion of said deposit, along with an itemized statement of the costs incurred and charged to the deposit, to the landowner(s) within thirty (30) days after approval or denial of the petition.

- (a)1 If the costs of preparation of the annexation report and review by the Town Engineer exceed the amount of the deposit, the landowner(s) shall be responsible to pay said excess amounts no later than thirty (30) days after approval or denial. If the landowner(s) fails to pay excess costs within the timeframe provided in this subsection, then the Clerk shall not record the annexation with the Clerk/Recorder, Lincoln County, Wyoming, and a lien shall be filed against the property.
- (b) Major annexation filing fee and deposit. The filing fee for all petitions for a major annexation, as defined by § Section 1, 1.2 (a) (b), and determined to be a major annexation by the Planning and Zoning Board pursuant to § Section 2, 2.8, shall be the sum of two thousand five hundred (\$2,500) dollars. In addition to the filing fee charged for a major annexation, the landowner(s) shall tender to the Clerk of the Town of Alpine, Wyoming the sum of ten thousand dollars (\$10,000.00). Said deposit for a major annexation shall be held by the Clerk and the sums used to pay for costs of preparation of the annexation report required by W.S. § 15 – 1 – 402. The Clerk shall return any unused portion of said deposit, along with an itemized statement of the costs incurred and charged to the deposit, to the landowner(s) within thirty (30) days after approval or denial of the petition.
- (b)1 If the costs of preparation of the annexation report and review by the Town Engineer exceed the amount of the deposit, the landowner(s) shall be responsible to pay said excess amounts no later than thirty (30) days after approval or denial. If the landowner(s) fail to pay excess costs within the timeframe provided in this subsection, then the Clerk shall not record the annexation with the Clerk/Recorder, Lincoln County, Wyoming, and a lien shall be filed against the property.

SECTION 4: Petitioner(s) required to mail notices, publish notices prepared by Clerk, and post notice on the property, size requirements of notice posted on property, payment of costs to be borne by the Petitioner(s)

4.1 It shall be the responsibility of the landowner(s)/petitioner(s) to mail notice, via certified mail, to all utilities effected and any persons owning property that is adjacent to or within three hundred (500) feet of the territory proposed to be annexed, regardless of whether the property is inside or outside the corporate limits of the Town of Alpine, Wyoming. Notice shall be prepared by the Town Clerk and delivered to the landowner(s)/petitioner(s). The landowner(s)/petitioner(s) shall bear the responsibility of paying all costs and postage fees of the mailings of the certified mailing and provide proof of said mailings to the Town Clerk. The landowner(s)/petitioner(s) shall bear the responsibility of providing the notice required under W.S. § 15 – 1 – 402 (a) (vi) within the timeframe provided by said statute. Failure to provide notice within the timeframe shall result in the rejection of the petition.

4.2 It shall be the responsibility of the landowner(s)/petitioner(s) to post notice on the territory proposed to be annexed. Notice shall be no less than 18” x 24” and posted on material that is visible from the property line. Costs of production of the notice and posting the notice shall be borne by the petitioner.

SECTION 5: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions of application of

this Ordinance which can be given affect without the invalid provision or application, and to this and the provisions of this act are severable.

SECTION 6: Effective Date.

This Ordinance shall become effective 10 days from the date of its passage.

Passed First Reading on this 20th day of February 2024.

VOTE: 4 YES, 0 NO, 0 ABSTAIN, 1 ABSENT

Passed Second Reading on the 19th day of March 2024.

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

Passed on Third and Final Reading 7th day of May 2024.

VOTE: YES, NO, ABSTAIN, ABSENT

TOWN OF ALPINE

Eric Green, Mayor of Alpine

ATTEST:

Monica L. Chenault, Clerk / Treasurer

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the forgoing Ordinance No. 2024-002 shall be duly posted for ten (10) days in the Town Office.

I further certify that the foregoing Ordinance will be posted on the Town website in final form, upon its passing and approved by the Town Council as soon as is practicable.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES VI, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:

Monica L. Chenault Clerk / Treasurer