

Effective 5/13/2014

Renumbered 5/12/2015

10-2-130 Suspension of township incorporation and annexation procedures on or after January 1, 2014 -- Exceptions.

(1) As used in this section:

- (a) "Township incorporation procedure" means the following actions, the subject of which includes an area located in whole or in part in a township:
 - (i) a request for incorporation described in Section 10-2-103;
 - (ii) a feasibility study described in Section 10-2-106;
 - (iii) a modified request and a supplemental feasibility study described in Section 10-2-107; or
 - (iv) an incorporation petition described in Section 10-2-109 that is not certified under Section 10-2-110.
- (b) "Township annexation procedure" means one or more of the following actions, the subject of which includes an area located in whole or in part in a township:
 - (i) a petition to annex described in Section 10-2-403;
 - (ii) a feasibility study described in Section 10-2-413;
 - (iii) a modified annexation petition or supplemental feasibility study described in Section 10-2-414;
 - (iv) a boundary commission decision described in Section 10-2-416; or
 - (v) any action described in Section 10-2-418 before the adoption of an ordinance to approve annexation under Subsection 10-2-418(3)(b).

(2)

- (a) Except as provided in Subsections (3) and (4):
 - (i) if a request for incorporation described in Section 10-2-103 is filed with the clerk of the county on or after January 1, 2014, a township incorporation procedure that is the subject of or otherwise relates to that request is suspended until November 15, 2015; and
 - (ii) if a petition to annex described in Section 10-2-403 is filed with the city recorder or town clerk on or after January 1, 2014, a township annexation procedure that is the subject of or otherwise relates to that petition is suspended until November 15, 2015.

(b)

- (i) If a township incorporation procedure or township annexation procedure is suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and on November 15, 2015.
- (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection (2)(b)(i):
 - (A) may proceed and the period of time during the suspension does not toll against that deadline or timeline; and
 - (B) does not start over.

(3) Subsection (2) does not apply to a township annexation procedure that:

- (a) includes any land area located in whole or in part in a township that is:
 - (i) 50 acres or more; and
 - (ii) primarily owned or controlled by a government entity; or
- (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance with Subsection 10-2-403(3) before January 1, 2014.

(4)

- (a) For an incorporation petition suspended in accordance with Subsection (2), the petition sponsors may continue to gather petition signatures and file them with the county clerk as provided in Section 10-2-103.

- (b) The county clerk shall process the petition in accordance with Section 10-2-105 and may issue a certification or rejection of the petition as provided in Section 10-2-105.
- (c) Notwithstanding any other provision of Chapter 2, Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipalities, any further processing, including a feasibility study, public hearing, or an incorporation election, is suspended until November 15, 2015.