

Superseded 5/12/2015

10-2-407 Protest to annexation petition -- Township planning commission recommendation -- Petition requirements -- Disposition of petition if no protest filed.

- (1)
 - (a) A protest to an annexation petition under Section 10-2-403 may be filed by:
 - (i) the legislative body or governing board of an affected entity; or
 - (ii) for a proposed annexation of an area within a county of the first class, the owners of private real property that:
 - (A) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;
 - (B) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and
 - (C) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.
 - (b)
 - (i) A planning commission of a township located in a county of the first class may recommend to the legislative body of the county in which the township is located that the county legislative body file a protest against a proposed annexation under this part of an area located within the township.
 - (ii)
 - (A) The township planning commission shall communicate each recommendation under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the city recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2) (c)(i).
 - (B) At the time the recommendation is communicated to the county legislative body under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy of the recommendation to the legislative body of the proposed annexing municipality and to the contact sponsor.
- (2)
 - (a) Each protest under Subsection (1)(a) shall:
 - (i) be filed:
 - (A) no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i); and
 - (B)
 - (I) in a county that has already created a commission under Section 10-2-409, with the commission; or
 - (II) in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located;
 - (ii) state each reason for the protest of the annexation petition and, if the area proposed to be annexed is located in a specified county, justification for the protest under the standards established in this chapter;
 - (iii) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and
 - (iv) the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.
 - (b) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.
 - (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

- (i) immediately notify the county legislative body of the protest; and
 - (ii) deliver the protest to the boundary commission within five days after:
 - (A) receipt of the protest, if the boundary commission has previously been created; or
 - (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the boundary commission has not previously been created.
 - (d) Each protest of a proposed annexation of an area located in a county of the first class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and (b):
 - (i) indicate the typed or printed name and current residence address of each owner signing the protest; and
 - (ii) designate one of the signers of the protest as the contact person and state the mailing address of the contact person.
- (3)
- (a)
 - (i) If a protest is filed under this section:
 - (A) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i)(A), deny the annexation petition; or
 - (B) if the municipal legislative body does not deny the annexation petition under Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.
 - (ii) If a municipal legislative body denies an annexation petition under Subsection (3)(a)(i)(A), the municipal legislative body shall, within five days after the denial, send notice of the denial in writing to:
 - (A) the contact sponsor of the annexation petition;
 - (B) the commission;
 - (C) each entity that filed a protest;
 - (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an area located in a county of the first class, the contact person; and
 - (E) if any of the area proposed for annexation is within a township, the legislative body of the county in which the township is located.
 - (b)
 - (i) If no timely protest is filed under this section, the municipal legislative body may, subject to Subsection (3)(b)(ii), approve the petition.
 - (ii) Before approving an annexation petition under Subsection (3)(b)(i), the municipal legislative body shall:
 - (A) hold a public hearing; and
 - (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):
 - (I)
 - (Aa) publish notice of the hearing in a newspaper of general circulation within the municipality and the area proposed for annexation; or
 - (Bb) if there is no newspaper of general circulation in those areas, post written notices of the hearing in conspicuous places within those areas that are most likely to give notice to residents within those areas; and
 - (II) publish notice of the hearing on the Utah Public Notice Website created in Section 63F-1-701.
 - (iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an area that is partly or entirely within a township, the municipal legislative body shall send notice of the approval to the legislative body of the county in which the township is located.

