

**10-2-419 Boundary adjustment -- Notice and hearing -- Protest.**

- (1) The legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in this section.
- (2)
  - (a) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:
    - (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary;
    - (ii) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)(i); and
    - (iii)
      - (A) publish notice:
        - (I) at least once a week for three successive weeks in a newspaper of general circulation within the municipality; or
        - (II) if there is no newspaper of general circulation within the municipality, post at least one notice per 1,000 population in places within the municipality that are most likely to give notice to residents of the municipality; and
      - (B) on the Utah Public Notice Website created in Section 63F-1-701 for three weeks.
  - (b) The notice required under Subsection (2)(a)(iii) shall:
    - (i) state that the municipal legislative body has adopted a resolution indicating the municipal legislative body's intent to adjust a boundary that the municipality has in common with another municipality;
    - (ii) describe the area proposed to be adjusted;
    - (iii) state the date, time, and place of the public hearing required under Subsection (2)(a)(ii);
    - (iv) state in conspicuous and plain terms that the municipal legislative body will adjust the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written protests to the adjustment are filed by the owners of private real property that:
      - (A) is located within the area proposed for adjustment;
      - (B) covers at least 25% of the total private land area within the area proposed for adjustment; and
      - (C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment;
    - (v) state that the area that is the subject of the boundary adjustment will, because of the boundary adjustment, be automatically annexed to a local district providing fire protection, paramedic, and emergency services or a local district providing law enforcement service, as the case may be, as provided in Section 17B-1-416, if:
      - (A) the municipality to which the area is being added because of the boundary adjustment is entirely within the boundaries of a local district:
        - (I) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and
        - (II) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and
      - (B) the municipality from which the area is being taken because of the boundary adjustment is not within the boundaries of the local district; and
    - (vi) state that the area proposed for annexation to the municipality will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services, as provided in Subsection 17B-1-502(2), if:

- (A) the municipality to which the area is being added because of the boundary adjustment is not within the boundaries of a local district:
  - (I) that provides fire protection, paramedic, and emergency services; and
  - (II) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and
- (B) the municipality from which the area is being taken because of the boundary adjustment is entirely within the boundaries of the local district.
- (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be within 14 days of the municipal legislative body's adoption of a resolution under Subsection (2)(a)(i).
- (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal legislative body may adopt an ordinance approving the adjustment of the common boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with the city recorder or town clerk, as the case may be, by the owners of private real property that:
  - (a) is located within the area proposed for adjustment;
  - (b) covers at least 25% of the total private land area within the area proposed for adjustment; and
  - (c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment.
- (4) The municipal legislative body shall comply with the requirements of Section 10-2-425 as if the boundary adjustment were an annexation.
- (5)
  - (a) An ordinance adopted under Subsection (3) becomes effective when each municipality involved in the boundary adjustment has adopted an ordinance under Subsection (3).
  - (b) The effective date of a boundary adjustment under this section is governed by Section 10-2-425.

Amended by Chapter 90, 2010 General Session