

**Effective 5/12/2015**

**Superseded 5/10/2016**

**17B-1-502 Withdrawal of area from local district -- Automatic withdrawal in certain circumstances.**

- (1)
  - (a) An area within the boundaries of a local district may be withdrawn from the local district only as provided in this part or, if applicable, as provided in Chapter 2a, Part 11, Municipal Services District Act.
  - (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local district within a municipality because of a municipal incorporation under Title 10, Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process of withdrawing that area from the local district.
- (2)
  - (a) An area within the boundaries of a local district is automatically withdrawn from the local district by the annexation of the area to a municipality or the adding of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:
    - (i) the local district provides:
      - (A) fire protection, paramedic, and emergency services; or
      - (B) law enforcement service;
    - (ii) an election for the creation of the local district was not required because of Subsection 17B-1-214(3)(d); and
    - (iii) before annexation or boundary adjustment, the boundaries of the local district do not include any of the annexing municipality.
  - (b) The effective date of a withdrawal under this Subsection (2) is governed by Subsection 17B-1-512(2)(b).
- (3)
  - (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of a local district located in a county of the first class is automatically withdrawn from the local district by the incorporation of a municipality whose boundaries include the area if:
    - (i) the local district provides:
      - (A) fire protection, paramedic, and emergency services;
      - (B) law enforcement service; or
      - (C) municipal services, as defined in Section 17B-2a-1102;
    - (ii) an election for the creation of the local district was not required because of Subsection 17B-1-214(3)(d) or (g); and
    - (iii) the legislative body of the newly incorporated municipality:
      - (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;
      - (B) adopts a resolution no later than 180 days after the effective date of incorporation approving the withdrawal that includes the legal description of the area to be withdrawn; and
      - (C) delivers a copy of the resolution to the board of trustees of the local district.
  - (b) The effective date of a withdrawal under this Subsection (3) is governed by Subsection 17B-1-512(2)(a).
  - (c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a county of the first class after the expiration of the 180-day period described in Subsection (3)(a)(iii)(B):

- (i) the local district from which the area is withdrawn provides:
  - (A) fire protection, paramedic, and emergency services;
  - (B) law enforcement service; or
  - (C) municipal services, as defined in Section 17B-2a-1102; and
- (ii) an election for the creation of the local district was not required under Subsection 17B-1-214(3)(d) or (g).
- (d) An area within the boundaries of a local district that is incorporated as a metro township and for which the residents of the metro township at an election to incorporate chose to be included in a municipal services district is not subject to the provisions of this Subsection (3).