

**Effective 5/12/2015**

**17B-2a-1107 Exclusion of rural real property.**

- (1) As used in this section, "rural real property" means an area:
  - (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and
  - (b) that does not include residential units with a density greater than one unit per acre.
- (2) Unless an owner gives written consent, rural real property may not be included in a municipal services district if the rural real property:
  - (a) consists of 1,500 or more contiguous acres of rural real property consisting of one or more tax parcels;
  - (b) is not contiguous to but is used in connection with rural real property that consists of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;
  - (c) is owned, managed, or controlled by a person, company, or association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural real property consisting of one or more tax parcels; or
  - (d) is located in whole or in part in one of the following as defined in Section 17-41-101:
    - (i) an agricultural protection area;
    - (ii) a mining protection area; or
    - (iii) an industrial protection area.
- (3)
  - (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw consent to inclusion in a municipal services district at any time.
  - (b) An owner may withdraw consent by submitting a written and signed request to the municipal services district board of trustees that:
    - (i) identifies and describes the rural real property to be withdrawn; and
    - (ii) requests that the rural real property be withdrawn.
  - (c)
    - (i) No later than 30 days after the day on which the municipal services district board of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a resolution withdrawing the rural real property as identified and described in the request.
    - (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the municipal services district upon adoption of the resolution.

Amended by Chapter 352, 2015 General Session