

Effective 5/10/2016

17B-2a-403 Additional improvement district powers.

- (1) In addition to the powers conferred on an improvement district under Section 17B-1-103, an improvement district may:
 - (a) acquire through construction, purchase, gift, or condemnation, or any combination of these methods, and operate all or any part of a system for:
 - (i) the supply, treatment, and distribution of water;
 - (ii) the collection, treatment, and disposition of sewage;
 - (iii) the collection, retention, and disposition of storm and flood waters;
 - (iv) the generation, distribution, and sale of electricity, subject to Section 17B-2a-406; and
 - (v) the transmission of natural or manufactured gas if:
 - (A) the system is connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as defined in Section 54-2-1, that is regulated under Section 54-4-1;
 - (B) the system is to be used to facilitate gas utility service within the district; and
 - (C) the gas utility service was not available within the district before the acquisition of the system;
 - (b) issue bonds in accordance with Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the improvement district;
 - (c) appropriate or acquire water or water rights inside or outside the improvement district's boundaries;
 - (d) sell water or other services to consumers residing outside the improvement district's boundaries;
 - (e) enter into a contract with a gas corporation that is regulated under Section 54-4-1 to:
 - (i) provide for the operation or maintenance of all or part of a system for the transmission of natural or manufactured gas; or
 - (ii) lease or sell all or a portion of a system described in Subsection (1)(e)(i) to a gas corporation;
 - (f) enter into a contract with a person for:
 - (i) the purchase or sale of water or electricity;
 - (ii) the use of any facility owned by the person; or
 - (iii) the purpose of handling the person's industrial and commercial waste and sewage;
 - (g) require pretreatment of industrial and commercial waste and sewage; and
 - (h) impose a penalty or surcharge against a public entity or other person with which the improvement district has entered into a contract for the construction, acquisition, or operation of all or a part of a system for the collection, treatment, and disposal of sewage, if the public entity or other person fails to comply with the provisions of the contract.
- (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas corporation regulated under Section 54-4-1 and not by the district.
- (3) An improvement district may not begin to provide sewer service to an area where sewer service is already provided by an existing sewage collection system operated by a municipality or other political subdivision unless the municipality or other political subdivision gives its written consent.
- (4) An improvement district authorized to operate all or any part of a system for the collection, treatment, or disposition of sewage may acquire, construct, or operate a resource recovery project in accordance with Section 19-6-508.

Amended by Chapter 273, 2016 General Session

Amended by Chapter 346, 2016 General Session

