

LOCAL GOVERNMENT AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Joseph G. Murray

AN ACT RELATING TO SPECIAL DISTRICTS; ADDING TO THE LIST OF SERVICES THAT A SPECIAL SERVICE DISTRICT IS AUTHORIZED TO PROVIDE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17A-2-1304, as last amended by Chapter 275, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17A-2-1304** is amended to read:

17A-2-1304. Establishing service districts -- Improvement districts within service districts.

(1) (a) A county or a municipality may establish a service district for the purpose of providing within the area of the service district any of the following services or any combination of them:

- (i) water;
- (ii) sewerage;
- (iii) drainage;
- (iv) flood control;
- (v) garbage;
- (vi) health care;
- (vii) transportation;
- (viii) recreation;
- (ix) fire protection; [~~and~~]
- (x) street lighting; and

28 (xi) h CONSOLIDATED 911 AND h emergency dispatch.

29 (b) Snow removal services may be provided in service districts established under this
30 section to more effectively carry out the purposes of those service districts.

31 (c) These services may be provided through facilities or systems acquired or constructed
32 for that purpose through construction, purchase, lease, contract, gift, or condemnation or any
33 combination of the above.

34 (d) Service districts may contract with a franchised, certificated public utility for the
35 construction and operation of an electrical service distribution system within the service district.

36 (2) (a) The area within any service district may include all or any part of the county or
37 municipality that established it except that:

38 (i) a service district may not include the area of any other service district established by
39 the same county or municipality that is now providing the same service proposed to be supplied
40 by the new service district;

41 (ii) a service district established by a county may contain all or a part of any municipality
42 or of an existing improvement district that provides the same service proposed to be provided by
43 the service district, but only with the consent of the governing authority as provided in a resolution
44 or ordinance adopted by the governing authority; and

45 (iii) a service district may not include any area not directly benefited by the services
46 provided under this section without the consent of the nonbenefited landowner.

47 (b) All parts of a service district need not be contiguous.

48 (3) (a) As provided in Section 17A-2-1315, the governing authority of any service district
49 created under this part may create one or more improvement districts within the boundaries of the
50 special service district by following the procedures in, and meeting the requirements of, Chapter
51 3, Part 2 or 3.

52 (b) The intent to create an improvement district need not be present at the time a service
53 district is organized.

54 (c) Any improvement district created within the boundaries of a service district may only
55 be organized to undertake projects or improvements for which the service district creating that
56 improvement district was organized.

57 (d) The service district shall meet all procedural requirements for creating an improvement
58 district at the time the improvement district is created, as provided in Section 17A-2-1315 and in

59 Chapter 3, Part 2 or 3.

60 (e) In determining whether or not a project or improvement undertaken by an improvement
61 district is within the scope of the purposes for which the service district creating that improvement
62 district was organized, any project or improvement reasonably related to the purposes for which
63 the service district creating that improvement district was organized is considered to be within the
64 scope of those purposes.

65 Section 2. **Effective date.**

66 This act takes effect January 1, 2001, only if S.J.R. 5, Resolution Amending State and
67 Local Government Provisions, passed by the Legislature during the 1999 General Session, is
68 approved by voters at the 2000 regular general election.

Legislative Review Note
as of 12-28-99 8:39 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel