

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
- (xi) consolidated 911 and emergency dispatch.

(b) Snow removal services may be provided in service districts established under this

section to more effectively carry out the purposes of those service districts.

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

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

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

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

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

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

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

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

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

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

(d) The service district shall meet all procedural requirements for creating an improvement

district at the time the improvement district is created, as provided in Section 17A-2-1315 and in Chapter 3, Part 2 or 3.

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

**Section 2. Effective date.**

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