

LOCAL GOVERNMENT LAW AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Martin R. Stephens

AN ACT RELATING TO THE MUNICIPAL CODE; MODIFYING THE CRITERIA AS TO WHEN A CITY IS CONCLUSIVELY PRESUMED TO BE LAWFULLY INCORPORATED; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

10-2-122, as enacted by Chapter 389, Laws of Utah 1997

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

Section 1. Section **10-2-122** is amended to read:

10-2-122. When incorporation complete -- Incorporation presumed conclusive.

(1) A city is incorporated upon the lieutenant governor's certification of the city's articles of incorporation under Subsection 10-2-119(3)(a).

(2) Notwithstanding any other provision of law, a city shall be conclusively presumed to be lawfully incorporated and existing if for two [~~or more~~] years following the city's incorporation:

(a) (i) the city has levied and collected a property tax; [~~and~~] or

(ii) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use tax;

and

(b) no challenge to the existence or incorporation of the city has been filed in the district court for the county in which the city is located.

Legislative Review Note
as of 12-21-99 8:34 AM

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

Office of Legislative Research and General Counsel