



28 commission of each township in which any part of the area proposed for annexation is located.

29 (b) A municipal legislative body may not deny a petition filed under Section 10-2-403  
30 proposing to annex an area located in a county of the first class if:

31 (i) the petition contains the signatures of the owners of private real property that:

32 (A) is located within the area proposed for annexation;

33 (B) covers a majority of the private land area within the area proposed for annexation; and

34 (C) is equal in value to at least 1/2 of the value of all private real property within the area  
35 proposed for annexation;

36 (ii) the population in the area proposed for annexation does not exceed 10% of the  
37 population of the proposed annexing municipality;

38 (iii) the property tax rate for municipal services in the area proposed to be annexed is  
39 higher than the property tax rate of the proposed annexing municipality; and

40 (iv) all annexations by the proposed annexing municipality during the year that the petition  
41 was filed have not increased the municipality's population by more than 20%.

42 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) (A) or  
43 is considered to have accepted the petition under Subsection (1)(a)(i)(B), the city recorder or town  
44 clerk, as the case may be, shall, within 30 days of that acceptance:

45 (a) with the assistance of the municipal attorney and of the clerk, surveyor, and recorder  
46 of the county in which the area proposed for annexation is located, determine whether the petition  
47 meets the requirements of Subsections 10-2-403(2), (3), and (4); and

48 (b) (i) if the city recorder or town clerk determines that the petition meets those  
49 requirements, certify the petition and mail or deliver written notification of the certification to the  
50 municipal legislative body, the contact sponsor, the county legislative body, and the chair of the  
51 planning commission of each township in which any part of the area proposed for annexation is  
52 located; or

53 (ii) if the city recorder or town clerk determines that the petition fails to meet any of those  
54 requirements, reject the petition and mail or deliver written notification of the rejection and the  
55 reasons for the rejection to the municipal legislative body, the contact sponsor, the county  
56 legislative body, and the chair of the planning commission of each township in which any part of  
57 the area proposed for annexation is located.

58 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(b)(ii),

59 the petition may be modified to correct the deficiencies for which it was rejected and then refiled  
60 with the city recorder or town clerk, as the case may be.

61 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used  
62 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as  
63 modified under Subsection (3)(a)(i).

64 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city  
65 recorder or town clerk under Subsection (2)(b)(ii), the refiled petition shall be treated as a newly  
66 filed petition under Subsection 10-2-403(1).

67 (4) Each county clerk, surveyor, and recorder shall cooperate with and assist a city recorder  
68 or town clerk in the determination under Subsection (2)(a).

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**Legislative Review Note**  
**as of 12-17-01 9:51 AM**

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

**Office of Legislative Research and General Counsel**