

MUNICIPAL ANNEXATION AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: M. Susan Lawrence

This act modifies the Utah Municipal Code to require notice of annexations to be sent to affected entities and to provide for the effective date of annexations. ^h [The act provides for the date on which the obligation to provide municipal services to the annexed area and on which the authority to collect taxes and fees occurs.] ^h ^h The act requires certain municipalities to submit to the lieutenant governor a notice of adoption of an annexation ordinance. The act makes technical and conforming changes. ^h

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

AMENDS:

10-2-425, as last amended by Chapter 318, Laws of Utah 2000

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

Section 1. Section **10-2-425** is amended to read:

10-2-425. Filing of plat or map and amended articles -- Notice requirements -- Effective date of annexation.

(1) ^h ~~(a)~~ ^h Within 30 days after enacting an ordinance annexing an unincorporated area or adjusting a boundary under this part, the municipal legislative body shall:

^h ~~(a)~~ ^h (i) ^h send notice of the enactment to each affected entity;

~~(a)~~ ^h ~~(b)~~ ^h (ii) ^h record with the county recorder a certified copy of the ordinance approving

the

annexation or boundary adjustment, together with a plat or map prepared by a licensed surveyor and approved by the municipal legislative body, showing the new boundaries of the affected area; and

~~(b)~~ ^h ~~(c)~~ ^h (iii) ^h file with the lieutenant governor ^h :

(A) IF THE MUNICIPALITY HAS ARTICLES OF INCORPORATION, ^h amended articles of

incorporation reflecting

the annexation or boundary adjustment, as provided in Section 10-1-117 ; OR ^h



24a h (B) IF THE MUNICIPALITY DOES NOT HAVE ARTICLES OF INCORPORATION, WRITTEN
24b NOTICE OF THE ADOPTION OF AN ANNEXATION ORDINANCE, ACCOMPANIED BY A COPY OF THE
24c ORDINANCE.

24d (b) WITHIN TEN DAYS AFTER RECEIVING A NOTICE OF THE ADOPTION OF AN ANNEXATION
24e ORDINANCE UNDER SUBSECTION (1)(a)(iii)(B), THE LIEUTENANT GOVERNOR SHALL ISSUE A
24f CERTIFICATE OF ANNEXATION AND SEND A COPY OF THE CERTIFICATE TO THE LEGISLATIVE
24g BODY OF THE ANNEXING MUNICIPALITY, THE STATE TAX COMMISSION, THE STATE AUDITOR,
24h AND THE ASSESSOR AND RECORDER OF EACH COUNTY IN WHICH ANY PART OF THE ANNEXED
24i AREA IS LOCATED h .

25 (2) The municipal legislative body shall comply with the notice requirements of
26 Section 10-1-116.

27 (3) Each notice required under Subsections (1) and (2) relating to an annexation shall

28 state the effective date of the annexation, as determined under Subsection (4).

29 (4) An annexation under this part is completed and takes effect:

30 (a) for the annexation of an area located in a county of the first class:

31 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

32 (A) the ordinance is adopted during the preceding November 1 through April 30; and

33 (B) the requirements of Subsection (1) are met before that July 1; or

34 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

35 (A) the ordinance is adopted during the preceding May 1 through October 31; and

36 (B) the requirements of Subsection (1) are met before that January 1; and

37 (b) for all other annexations, the date of the lieutenant governor's issuance of ^h ;

37a (i) ^h a

38 certification of amended articles under Subsection 10-1-117(3) ^h , FOR AN ANNEXATION BY A

38a MUNICIPALITY THAT HAS ARTICLES OF INCORPORATION AND FILED WITH THE LIEUTENANT

38b GOVERNOR AMENDED ARTICLES OF INCORPORATION UNDER SUBSECTION (1)(a)(iii)(A); OR

38c (ii) A CERTIFICATE OF ANNEXATION UNDER SUBSECTION (1)(b), FOR AN ANNEXATION BY

38d A MUNICIPALITY THAT DOES NOT HAVE ARTICLES OF INCORPORATION AND FILED WITH THE

38e LIEUTENANT GOVERNOR A NOTICE OF ADOPTION OF AN ANNEXATION ORDINANCE UNDER

38f SUBSECTION (1)(a)(iii)(B) ^h .

39 ^h [(5) ~~Except as provided by agreement between the annexing municipality and the~~

40 ~~county in which the annexed area is located, the obligation to provide municipal services to the~~

41 ~~annexed area and the authority to levy and collect ad valorem and other taxes or fees from the~~

42 ~~area accrues on the effective date of the annexation as provided in Subsection (4).] ^h~~

Legislative Review Note

as of 2-13-03 12:53 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0296

Municipal Annexation Amendments

17-Feb-03

4:37 PM

State Impact

No significant fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst