

TOWNSHIP AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: Carlene M. Walker

LONG TITLE

General Description:

This bill modifies provisions relating to townships.

Highlighted Provisions:

This bill:

- ▶ modifies the criteria that an unincorporated area is required to meet in order to be designated as a township so that an area declared to be a census designated place by the United States Census Bureau meets township requirements as an alternative to meeting other requirements relating to population or land area and value; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-306, as renumbered and amended by Chapter 254, Laws of Utah 2005

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

Section 1. Section **17-27a-306** is amended to read:

17-27a-306. Townships.



28 (1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without
29 having received a petition under Subsection (1)(b), enact an ordinance establishing a township
30 within the unincorporated county or dividing the unincorporated county into townships.

31 (ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative
32 body shall, after providing reasonable advance notice, hold a public hearing on the proposal to
33 establish a township or to divide the unincorporated county into townships.

34 (b) If 25% of the private real property owners in a contiguous area of the
35 unincorporated county petition the county legislative body to establish a township for that area,
36 the county legislative body shall:

37 (i) hold a public hearing to discuss the petition;

38 (ii) at least one week before the public hearing, publish notice of the petition and the
39 time, date, and place of the public hearing at least once in a newspaper of general circulation in
40 the county; and

41 (iii) at the public hearing, consider oral and written testimony from the public and vote
42 on the question of whether or not to establish a township.

43 (c) If the county legislative body establishes a township pursuant to a petition, the
44 members of the township planning commission shall be appointed as provided in Subsection
45 17-27a-301(3)(b) to perform the duties established in this part for the township.

46 (d) Except as provided in Subsection (1)(e), each township shall:

47 (i) contain:

48 [~~(i) in a county of the first, second, or third class:~~]

49 (A) at least 20% but not more than 80% of:

50 (I) the total private land area in the unincorporated county; or

51 (II) the total value of locally assessed taxable property in the unincorporated county; or

52 (B) (I) in a county of the first, second, or third class, at least 5% of the total population
53 of the unincorporated county; or

54 [~~(ii) (II) in a county of the fourth, fifth, or sixth class[: (A) at least 20% but not more~~
55 ~~than 80% of: (I) the total private land area in the unincorporated county; or (II) the total value~~
56 ~~of locally assessed taxable property in the unincorporated county; and (B)],~~ at least 25% of the
57 total population of the unincorporated county[:]; or

58 (ii) have been declared by the United States Census Bureau as a census designated

59 place.

60 (e) (i) (A) A township that was dissolved under Chapter 389, Laws of Utah 1997, is
61 reinstated as a township under this part with the same boundaries and name as before the
62 dissolution, if the former township consisted of a single, contiguous land area.

63 (B) Notwithstanding Subsection (1)(e)(i)(A), a county legislative body may enact an
64 ordinance establishing as a township under this part a former township that was dissolved
65 under Chapter 389, Laws of Utah 1997, even though the former township does not qualify to be
66 reinstated under Subsection (1)(e)(i)(A).

67 (C) A township reinstated under Subsection (1)(e)(i)(A) or established under
68 Subsection (1)(e)(i)(B) shall be subject to the provisions of this part.

69 (ii) Each planning district established under Chapter 225, Laws of Utah 1995, and each
70 township planning district established under Chapter 389, Laws of Utah 1997, shall continue in
71 existence as a township, subject to the provisions of this part.

72 (f) (i) After May 1, 2002, the legislative body of each county in which a township that
73 has been reconstituted under Chapter 389, Laws of Utah 1997, or reinstated under Subsection
74 (1)(e)(i) is located shall review the township and determine whether its continued existence is
75 advisable.

76 (ii) In conducting the review required under Subsection (1)(f)(i), the county legislative
77 body shall hold a public hearing with reasonable, advance, published notice of the hearing and
78 the purpose of the hearing.

79 (iii) Each township that has been reconstituted under Chapter 389, Laws of Utah 1997,
80 or reinstated or established under Subsection (1)(e)(i) and its planning commission shall
81 continue in effect, unless, within 90 days after conducting the review and public hearing
82 required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance dissolves
83 the township and its planning commission.

84 (g) A township established under this section on or after May 5, 1997, may use the
85 word "township" in its name.

86 (2) (a) If the county legislative body establishes a township without having received a
87 petition, the county legislative body may:

88 (i) assign to the countywide planning commission the duties established in this part that
89 would have been assumed by a township planning commission designated under Subsection

90 (2)(a)(ii); or

91 (ii) designate a planning commission for the township.

92 (b) (i) If the county legislative body fails to designate a planning commission for a
93 township, 40% of the private real property owners in the area proposed to be included in the
94 township, as shown by the last county assessment roll, may petition the county legislative body
95 to designate and appoint a planning commission for the township.

96 (ii) If the county legislative body determines that the petition is validly signed by 40%
97 of the private real property owners in the township, as shown by the last county assessment
98 roll, it shall designate and appoint a planning commission for the township.

99 (3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may
100 dissolve township planning commissions created under the authority of this section only by
101 following the procedures and requirements of this Subsection (3).

102 (b) If 20% of the private real property owners in the county petition the county
103 legislative body to dissolve township planning commissions and to appoint a countywide
104 planning commission, the county legislative body shall:

105 (i) hold a public hearing to discuss the petition;

106 (ii) at least one week before the public hearing, publish notice of the petition and the
107 time, date, and place of the public hearing at least once in a newspaper of general circulation in
108 the county; and

109 (iii) at the public hearing, consider oral and written testimony from the public and vote
110 on the question of whether or not to dissolve township planning commissions and to appoint a
111 countywide planning commission.

112 (c) (i) If the county legislative body fails to dissolve township planning commissions
113 and to appoint a countywide planning commission when petitioned to do so by private real
114 property owners under this subsection, 40% of private real property owners in the county, as
115 shown by the last county assessment roll, may petition the county legislative body to dissolve
116 the township planning commissions and to appoint a countywide planning commission.

117 (ii) If the county legislative body determines that the petition is validly signed by 40%
118 of private real property owners in the township, as shown by the last county assessment roll, it
119 shall dissolve the township planning commissions and appoint a countywide planning
120 commission.

Legislative Review Note
as of 10-14-05 7:53 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-21-05 9:05 AM

The Political Subdivisions Interim Committee recommended this bill.