

Senator Karen Mayne proposes the following substitute bill:

LOCAL GOVERNMENT REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill enacts provisions related to local government.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides population classification for a metro township;
- ▶ amends municipal annexation provisions;
- ▶ enacts "Municipal Incorporation," including:
 - general provisions;
 - incorporation provisions of a city;
 - incorporation provisions of a town; and
 - incorporation provisions of metro townships and unincorporated islands in a county of the first class on and after May 12, 2015;
- ▶ requires a county of the first class to hold a special election on November 3, 2015, for the following ballot propositions:
 - the incorporation of a planning township as a city, town, metro township; and
 - whether unincorporated islands should be annexed by an eligible city or remain unincorporated;



- 26 ▶ provides notice and hearing requirements;
- 27 ▶ provides for the incorporation of a metro township after November 3, 2015;
- 28 ▶ provides for the determination of metro township council districts and election of
- 29 officers;
- 30 ▶ authorizes a three-member or five-member council form of government for a metro
- 31 township;
- 32 ▶ provides the powers and duties of the metro township council chair and council
- 33 members;
- 34 ▶ repeals and reenacts provisions authorizing a change in form of municipal
- 35 government;
- 36 ▶ enacts provisions related to the administration of a metro township;
- 37 ▶ authorizes a metro township council to, in certain circumstances, prohibit fireworks;
- 38 ▶ requires a township located outside of a county of the first class to change its name
- 39 to "planning district";
- 40 ▶ prohibits a county other than a county of the first class from adopting certain land
- 41 use ordinances requiring revegetation or landscaping;
- 42 ▶ enacts provisions related to the levy of a municipal services district property tax;
- 43 ▶ enacts provisions related to a general obligation bond issued by a municipal services
- 44 district;
- 45 ▶ amends provisions related to a municipal services district board of trustees;
- 46 ▶ enacts language requiring the withdrawal of rural real property from a metro
- 47 township or municipal services district;
- 48 ▶ amends and enacts provisions related to the withdrawal of an area from a local
- 49 district;
- 50 ▶ enacts provisions related to an audit of a municipal services district;
- 51 ▶ authorizes a metro township to levy a 911 charge and impose a sales and use tax;
- 52 and
- 53 ▶ makes technical and conforming amendments.

54 Money Appropriated in this Bill:

55 None

56 Other Special Clauses:

57 This bill provides revisor instructions.

58 This bill provides a coordination clause to reconcile conflicts between this bill and
59 other legislation.

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **10-1-104**, as last amended by Laws of Utah 2003, Chapter 292

63 **10-1-114**, as last amended by Laws of Utah 2014, Chapter 189

64 **10-2-302**, as last amended by Laws of Utah 2009, Chapter 350

65 **10-2-401**, as last amended by Laws of Utah 2009, Chapters 92, 205, and 230

66 **10-2-402**, as last amended by Laws of Utah 2011, Chapter 234

67 **10-2-403**, as last amended by Laws of Utah 2010, Chapter 378

68 **10-2-405**, as last amended by Laws of Utah 2009, Chapter 205

69 **10-2-407**, as last amended by Laws of Utah 2010, Chapters 90 and 218

70 **10-2-408**, as last amended by Laws of Utah 2009, Chapter 205

71 **10-2-411**, as last amended by Laws of Utah 2004, Chapters 90 and 202

72 **10-2-413**, as last amended by Laws of Utah 2009, Chapter 230

73 **10-2-414**, as last amended by Laws of Utah 2009, Chapter 205

74 **10-2-415**, as last amended by Laws of Utah 2010, Chapter 90

75 **10-2-416**, as last amended by Laws of Utah 2001, Chapter 206

76 **10-2-418**, as last amended by Laws of Utah 2010, Chapter 90

77 **10-2-425**, as last amended by Laws of Utah 2009, Chapter 350

78 **10-3-205.5**, as last amended by Laws of Utah 2003, Chapter 292

79 **10-3-1302**, as enacted by Laws of Utah 1981, Chapter 57

80 **10-3b-102**, as enacted by Laws of Utah 2008, Chapter 19

81 **10-3b-103**, as last amended by Laws of Utah 2011, Chapter 209

82 **10-3b-202**, as last amended by Laws of Utah 2011, Chapter 209

83 **10-6-106**, as last amended by Laws of Utah 2014, Chapters 176, 253, 377 and last
84 amended by Coordination Clause, Laws of Utah 2014, Chapter 253

85 **10-6-111**, as last amended by Laws of Utah 2010, Chapter 378

86 **15A-5-202.5**, as last amended by Laws of Utah 2014, Chapter 243

87 **17-23-17**, as last amended by Laws of Utah 2007, Chapter 329

- 88 [17-23-17.5](#), as last amended by Laws of Utah 2014, Chapter 189
- 89 [17-27a-103](#), as last amended by Laws of Utah 2014, Chapters 136 and 363
- 90 [17-27a-301](#), as last amended by Laws of Utah 2014, Chapter 189
- 91 [17-27a-302](#), as last amended by Laws of Utah 2012, Chapter 359
- 92 [17-27a-306](#), as last amended by Laws of Utah 2010, Chapters 90 and 218
- 93 [17-27a-505](#), as last amended by Laws of Utah 2013, Chapter 476
- 94 [17-34-3](#), as last amended by Laws of Utah 2013, Chapter 371
- 95 [17-41-101](#), as last amended by Laws of Utah 2014, Chapter 65
- 96 [17B-1-502](#), as last amended by Laws of Utah 2014, Chapter 405
- 97 [17B-1-505](#), as last amended by Laws of Utah 2011, Chapter 68
- 98 [17B-1-1002](#), as last amended by Laws of Utah 2011, Chapter 282
- 99 [17B-1-1102](#), as enacted by Laws of Utah 2007, Chapter 329
- 100 [17B-2a-1102](#), as enacted by Laws of Utah 2014, Chapter 405
- 101 [17B-2a-1103](#), as enacted by Laws of Utah 2014, Chapter 405
- 102 [17B-2a-1104](#), as enacted by Laws of Utah 2014, Chapter 405
- 103 [17B-2a-1106](#), as enacted by Laws of Utah 2014, Chapter 405
- 104 [17B-2a-1107](#), as enacted by Laws of Utah 2014, Chapter 405
- 105 [20A-1-102](#), as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 106 [20A-1-201.5](#), as last amended by Laws of Utah 2013, Chapter 320
- 107 [20A-1-203](#), as last amended by Laws of Utah 2014, Chapter 158
- 108 [20A-1-204](#), as last amended by Laws of Utah 2013, Chapters 295 and 415
- 109 [20A-11-101](#), as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 110 [53-2a-208](#), as renumbered and amended by Laws of Utah 2013, Chapter 295
- 111 [53-2a-802](#), as renumbered and amended by Laws of Utah 2013, Chapter 295
- 112 [53A-2-118.1](#), as last amended by Laws of Utah 2011, Chapter 300
- 113 [53A-2-402](#), as enacted by Laws of Utah 2006, Chapter 339
- 114 [53B-21-107](#), as enacted by Laws of Utah 1987, Chapter 167
- 115 [59-12-203](#), as renumbered and amended by Laws of Utah 1987, Chapter 5
- 116 [63I-2-210](#), as last amended by Laws of Utah 2014, Chapter 405
- 117 [67-1a-2](#), as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last
- 118 amended by Coordination Clause, Laws of Utah 2013, Chapter 182

- 119 **69-2-5**, as last amended by Laws of Utah 2014, Chapter 320
- 120 **69-2-5.5**, as last amended by Laws of Utah 2014, Chapter 320
- 121 **69-2-5.6**, as last amended by Laws of Utah 2014, Chapter 320
- 122 **69-2-5.7**, as last amended by Laws of Utah 2014, Chapter 320
- 123 **78A-7-202**, as last amended by Laws of Utah 2012, Chapter 205

124 ENACTS:

- 125 **10-2-301.5**, Utah Code Annotated 1953
- 126 **10-2a-101**, Utah Code Annotated 1953
- 127 **10-2a-201**, Utah Code Annotated 1953
- 128 **10-2a-301**, Utah Code Annotated 1953
- 129 **10-2a-401**, Utah Code Annotated 1953
- 130 **10-2a-402**, Utah Code Annotated 1953
- 131 **10-2a-403**, Utah Code Annotated 1953
- 132 **10-2a-404**, Utah Code Annotated 1953
- 133 **10-2a-405**, Utah Code Annotated 1953
- 134 **10-2a-406**, Utah Code Annotated 1953
- 135 **10-2a-407**, Utah Code Annotated 1953
- 136 **10-2a-408**, Utah Code Annotated 1953
- 137 **10-2a-409**, Utah Code Annotated 1953
- 138 **10-2a-410**, Utah Code Annotated 1953
- 139 **10-2a-411**, Utah Code Annotated 1953
- 140 **10-2a-412**, Utah Code Annotated 1953
- 141 **10-2a-413**, Utah Code Annotated 1953
- 142 **10-2a-414**, Utah Code Annotated 1953
- 143 **10-3b-601**, Utah Code Annotated 1953
- 144 **10-3b-602**, Utah Code Annotated 1953
- 145 **10-3b-603**, Utah Code Annotated 1953
- 146 **10-3b-604**, Utah Code Annotated 1953
- 147 **10-3b-605**, Utah Code Annotated 1953
- 148 **10-3b-606**, Utah Code Annotated 1953
- 149 **10-3b-607**, Utah Code Annotated 1953

- 150 **10-3c-101**, Utah Code Annotated 1953
- 151 **10-3c-102**, Utah Code Annotated 1953
- 152 **10-3c-103**, Utah Code Annotated 1953
- 153 **10-3c-201**, Utah Code Annotated 1953
- 154 **10-3c-202**, Utah Code Annotated 1953
- 155 **10-3c-203**, Utah Code Annotated 1953
- 156 **10-3c-204**, Utah Code Annotated 1953
- 157 **10-3c-205**, Utah Code Annotated 1953
- 158 **17B-2a-1110**, Utah Code Annotated 1953
- 159 **17B-2a-1111**, Utah Code Annotated 1953
- 160 **17B-2a-1112**, Utah Code Annotated 1953

161 REPEALS AND REENACTS:

- 162 **10-3b-501**, as enacted by Laws of Utah 2008, Chapter 19
- 163 **10-3b-502**, as enacted by Laws of Utah 2008, Chapter 19
- 164 **10-3b-503**, as last amended by Laws of Utah 2011, Chapter 209
- 165 **10-3b-504**, as enacted by Laws of Utah 2008, Chapter 19

166 RENUMBERS AND AMENDS:

- 167 **10-2a-102**, (Renumbered from 10-2-101, as last amended by Laws of Utah 2012,
168 Chapter 359)
- 169 **10-2a-103**, (Renumbered from 10-2-102, as last amended by Laws of Utah 2012,
170 Chapter 359)
- 171 **10-2a-104**, (Renumbered from 10-2-118, as enacted by Laws of Utah 1997, Chapter
172 389)
- 173 **10-2a-105**, (Renumbered from 10-2-130, as enacted by Laws of Utah 2014, Chapter
174 405)
- 175 **10-2a-202**, (Renumbered from 10-2-103, as last amended by Laws of Utah 2000,
176 Chapter 184)
- 177 **10-2a-203**, (Renumbered from 10-2-104, as last amended by Laws of Utah 2012,
178 Chapter 359)
- 179 **10-2a-204**, (Renumbered from 10-2-105, as last amended by Laws of Utah 2012,
180 Chapter 359)

181 **10-2a-205**, (Renumbered from 10-2-106, as last amended by Laws of Utah 2012,
182 Chapter 359)
183 **10-2a-206**, (Renumbered from 10-2-107, as last amended by Laws of Utah 2000,
184 Chapter 184)
185 **10-2a-207**, (Renumbered from 10-2-108, as last amended by Laws of Utah 2012,
186 Chapter 359)
187 **10-2a-208**, (Renumbered from 10-2-109, as last amended by Laws of Utah 2012,
188 Chapter 359)
189 **10-2a-209**, (Renumbered from 10-2-110, as last amended by Laws of Utah 1997,
190 Second Special Session, Chapter 3)
191 **10-2a-210**, (Renumbered from 10-2-111, as last amended by Laws of Utah 2014,
192 Chapter 158)
193 **10-2a-211**, (Renumbered from 10-2-112, as last amended by Laws of Utah 2008,
194 Chapter 19)
195 **10-2a-212**, (Renumbered from 10-2-113, as repealed and reenacted by Laws of Utah
196 1997, Chapter 389)
197 **10-2a-213**, (Renumbered from 10-2-114, as last amended by Laws of Utah 2010,
198 Chapter 90)
199 **10-2a-214**, (Renumbered from 10-2-115, as last amended by Laws of Utah 2009,
200 Chapter 388)
201 **10-2a-215**, (Renumbered from 10-2-116, as last amended by Laws of Utah 2012,
202 Chapter 359)
203 **10-2a-216**, (Renumbered from 10-2-117, as enacted by Laws of Utah 1997, Chapter
204 389)
205 **10-2a-217**, (Renumbered from 10-2-119, as last amended by Laws of Utah 2009,
206 Chapter 350)
207 **10-2a-218**, (Renumbered from 10-2-120, as last amended by Laws of Utah 2009,
208 Chapter 350)
209 **10-2a-219**, (Renumbered from 10-2-121, as last amended by Laws of Utah 2009,
210 Chapter 350)
211 **10-2a-220**, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter

212 389)
213 **10-2a-221**, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah
214 2012, Chapter 359)

215 **10-2a-302**, (Renumbered from 10-2-125, as last amended by Laws of Utah 2014,
216 Chapter 189)

217 **10-2a-303**, (Renumbered from 10-2-126, as last amended by Laws of Utah 2014,
218 Chapter 189)

219 **10-2a-304**, (Renumbered from 10-2-127, as last amended by Laws of Utah 2014,
220 Chapter 158)

221 **10-2a-305**, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter
222 359)

223 **10-2a-306**, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter
224 359)

225 REPEALS:

226 **10-2-408.5**, as enacted by Laws of Utah 2009, Chapter 205

227 **10-3b-505**, as enacted by Laws of Utah 2008, Chapter 19

228 **10-3b-506**, as enacted by Laws of Utah 2008, Chapter 19

229 **10-3b-507**, as enacted by Laws of Utah 2008, Chapter 19

230 **17-27a-307**, as last amended by Laws of Utah 2008, Chapter 250

231 **Utah Code Sections Affected by Coordination Clause:**

232 **10-2-102.13**, Utah Code Annotated 1953

233 **10-2-111**, as last amended by Laws of Utah 2014, Chapter 158

234 **10-2-116**, as last amended by Laws of Utah 2012, Chapter 359

235 **10-2-127**, as last amended by Laws of Utah 2014, Chapter 158

236 **10-2-128.1**, Utah Code Annotated 1953

237 **10-2-128.2**, Utah Code Annotated 1953

238 **10-2-131**, Utah Code Annotated 1953

239

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

241 Section 1. Section **10-1-104** is amended to read:

242 **10-1-104. Definitions.**

243 As used in this title:

244 (1) "City" means a municipality that is classified by population as a city of the first
245 class, a city of the second class, a city of the third class, a city of the fourth class, or a city of
246 the fifth class, under Section 10-2-301.

247 (2) "Contiguous" means:

248 (a) if used to described an area, continuous, uninterrupted, and without an island of
249 territory not included as part of the area; and

250 (b) if used to describe an area's relationship to another area, sharing a common
251 boundary.

252 (3) "Governing body" means collectively the legislative body and the executive of any
253 municipality. Unless otherwise provided:

254 (a) in a city of the first or second class, the governing body is the city commission;

255 (b) in a city of the third, fourth, or fifth class, the governing body is the city council;

256 [~~and~~]

257 (c) in a town, the governing body is the town council~~[-];~~ and

258 (d) in a metro township, the governing body is the metro township council.

259 (4) "Municipal" means of or relating to a municipality.

260 (5) (a) "Municipality" means:

261 (i) a city of the first class, city of the second class, city of the third class, city of the
262 fourth class, city of the fifth class~~[-or];~~

263 (ii) a town, as classified in Section 10-2-301~~[-];~~ or

264 (iii) a metro township as that term is defined in Section 10-2a-403 unless the term is
265 used in the context of authorizing, governing, or otherwise regulating the provision of
266 municipal services.

267 (6) "Peninsula," when used to describe an unincorporated area, means an area
268 surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated
269 territory and situated so that the length of a line drawn across the unincorporated area from an
270 incorporated area to an incorporated area on the opposite side shall be less than 25% of the
271 total aggregate boundaries of the unincorporated area.

272 (7) "Person" means an individual, corporation, partnership, organization, association,
273 trust, governmental agency, or any other legal entity.

274 (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances,
275 rules, and regulations properly adopted by any municipality unless the construction is clearly
276 contrary to the intent of state law.

277 (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.

278 (10) "Town" means a municipality classified by population as a town under Section
279 [10-2-301](#).

280 (11) "Unincorporated" means not within a municipality.

281 Section 2. Section **10-1-114** is amended to read:

282 **10-1-114. Repealer.**

283 Title 10, Chapter 1, General Provisions; Chapter 2, [~~Incorporation,~~] Classification,
284 Boundaries, Consolidation, and Dissolution of Municipalities; Chapter 3, Municipal
285 Government; Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; and Chapter 6,
286 Uniform Fiscal Procedures Act for Utah Cities, are repealed, except as provided in Section
287 [10-1-115](#).

288 Section 3. Section **10-2-301.5** is enacted to read:

289 **CHAPTER 2. CLASSIFICATION, BOUNDARIES, CONSOLIDATION, AND**
290 **DISSOLUTION OF MUNICIPALITIES**

291 **10-2-301.5. Classification of metro townships according to population.**

292 (1) Each metro township, as defined in Section [10-2a-403](#), shall be classified according
293 to its population, as provided in this section.

294 (2) A metro township with a population of:

295 (a) 1,000 or more is a metro township of the first class; and

296 (b) fewer than 1,000 is a metro township of the second class.

297 Section 4. Section **10-2-302** is amended to read:

298 **10-2-302. Change of class of municipality.**

299 (1) Each municipality shall retain its classification under Section [10-2-301](#) until
300 changed as provided in this section or Subsection [67-1a-2\(3\)](#).

301 (2) (a) If a municipality's population, as determined by the lieutenant governor under
302 Subsection [67-1a-2\(3\)](#), indicates that the municipality's population has decreased below the
303 limit for its current class, the legislative body of the municipality may petition the lieutenant
304 governor to prepare a certificate indicating the class in which the municipality belongs based

305 on the decreased population figure.

306 (b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may
307 not petition under this section to change from a metro township to a city or town.

308 (3) A municipality's change in class is effective on the date of the lieutenant governor's
309 certificate under Subsection 67-1a-2(3).

310 Section 5. Section 10-2-401 is amended to read:

311 **10-2-401. Definitions -- Property owner provisions.**

312 (1) As used in this part:

313 (a) "Affected entity" means:

314 (i) a county of the first or second class in whose unincorporated area the area proposed
315 for annexation is located;

316 (ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the
317 area proposed for annexation is located, if the area includes residents or commercial or
318 industrial development;

319 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -
320 Local Districts, or special service district under Title 17D, Chapter 1, Special Service District
321 Act, whose boundary includes any part of an area proposed for annexation;

322 (iv) a school district whose boundary includes any part of an area proposed for
323 annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

324 (v) a municipality whose boundaries are within 1/2 mile of an area proposed for
325 annexation.

326 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the
327 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
328 municipality.

329 (c) "Commission" means a boundary commission established under Section 10-2-409
330 for the county in which the property that is proposed for annexation is located.

331 (d) "Expansion area" means the unincorporated area that is identified in an annexation
332 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in
333 the future.

334 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
335 economics of local government.

336 (f) "Municipal selection committee" means a committee in each county composed of
337 the mayor of each municipality within that county.

338 (g) "Planning district" means the same as that term is defined in Section [17-27a-306](#).

339 ~~(g)~~ (h) "Private," with respect to real property, means not owned by the United States
340 or any agency of the federal government, the state, a county, a municipality, a school district, a
341 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a
342 special service district under Title 17D, Chapter 1, Special Service District Act, or any other
343 political subdivision or governmental entity of the state.

344 ~~(h)~~ (i) "Specified county" means a county of the second, third, fourth, fifth, or sixth
345 class.

346 ~~(i) "Township" has the same meaning as defined in Section [17-27a-103](#);~~

347 (j) "Unincorporated peninsula" means an unincorporated area:

348 (i) that is part of a larger unincorporated area;

349 (ii) that extends from the rest of the unincorporated area of which it is a part;

350 (iii) that is surrounded by land that is within a municipality, except where the area
351 connects to and extends from the rest of the unincorporated area of which it is a part; and

352 (iv) whose width, at any point where a straight line may be drawn from a place where it
353 borders a municipality to another place where it borders a municipality, is no more than 25% of
354 the boundary of the area where it borders a municipality.

355 (k) "Urban development" means:

356 (i) a housing development with more than 15 residential units and an average density
357 greater than one residential unit per acre; or

358 (ii) a commercial or industrial development for which cost projections exceed
359 \$750,000 for all phases.

360 (2) For purposes of this part:

361 (a) the owner of real property shall be:

362 (i) except as provided in Subsection (2)(a)(ii), the record title owner according to the
363 records of the county recorder on the date of the filing of the petition or protest; or

364 (ii) the lessee of military land, as defined in Section [63H-1-102](#), if the area proposed
365 for annexation includes military land that is within a project area described in a project area
366 plan adopted by the military installation development authority under Title 63H, Chapter 1,

367 Military Installation Development Authority Act; and

368 (b) the value of private real property shall be determined according to the last
369 assessment roll for county taxes before the filing of the petition or protest.

370 (3) For purposes of each provision of this part that requires the owners of private real
371 property covering a percentage or majority of the total private land area within an area to sign a
372 petition or protest:

373 (a) a parcel of real property may not be included in the calculation of the required
374 percentage or majority unless the petition or protest is signed by:

375 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
376 ownership interest in that parcel; or

377 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
378 of owners of that parcel;

379 (b) the signature of a person signing a petition or protest in a representative capacity on
380 behalf of an owner is invalid unless:

381 (i) the person's representative capacity and the name of the owner the person represents
382 are indicated on the petition or protest with the person's signature; and

383 (ii) the person provides documentation accompanying the petition or protest that
384 substantiates the person's representative capacity; and

385 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
386 petition or protest on behalf of a deceased owner.

387 Section 6. Section **10-2-402** is amended to read:

388 **10-2-402. Annexation -- Limitations.**

389 (1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be
390 annexed to the municipality as provided in this part.

391 (b) An unincorporated area may not be annexed to a municipality unless:

392 (i) it is a contiguous area;

393 (ii) it is contiguous to the municipality;

394 (iii) except as provided in Subsection ~~10-2-418(1)(b)~~(2)(c), annexation will not leave
395 or create an unincorporated island or unincorporated peninsula; and

396 (iv) for an area located in a specified county with respect to an annexation that occurs
397 after December 31, 2002, the area is within the proposed annexing municipality's expansion

398 area.

399 (2) Except as provided in Section 10-2-418, a municipality may not annex an
400 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

401 (3) (a) An annexation under this part may not include part of a parcel of real property
402 and exclude part of that same parcel unless the owner of that parcel has signed the annexation
403 petition under Section 10-2-403.

404 (b) A piece of real property that has more than one parcel number is considered to be a
405 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

406 (4) A municipality may not annex an unincorporated area in a specified county for the
407 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
408 annex the same or a related area unless the municipality has the ability and intent to benefit the
409 annexed area by providing municipal services to the annexed area.

410 (5) The legislative body of a specified county may not approve urban development
411 within a municipality's expansion area unless:

412 (a) the county notifies the municipality of the proposed development; and

413 (b) (i) the municipality consents in writing to the development; or

414 (ii) (A) within 90 days after the county's notification of the proposed development, the
415 municipality submits to the county a written objection to the county's approval of the proposed
416 development; and

417 (B) the county responds in writing to the municipality's objections.

418 (6) (a) An annexation petition may not be filed under this part proposing the
419 annexation of an area located in a county that is not the county in which the proposed annexing
420 municipality is located unless the legislative body of the county in which the area is located has
421 adopted a resolution approving the proposed annexation.

422 (b) Each county legislative body that declines to adopt a resolution approving a
423 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its
424 reasons for declining to approve the proposed annexation.

425 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation
426 Administration has, by a record of decision, approved for the construction or operation of a
427 Class I, II, or III commercial service airport, as designated by the Federal Aviation
428 Administration in 14 C.F.R. Part 139.

429 (b) A municipality may not annex an unincorporated area within 5,000 feet of the
430 center line of any runway of an airport operated or to be constructed and operated by another
431 municipality unless the legislative body of the other municipality adopts a resolution
432 consenting to the annexation.

433 (c) A municipality that operates or intends to construct and operate an airport and does
434 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)
435 may not deny an annexation petition proposing the annexation of that same area to that
436 municipality.

437 (8) An annexation petition may not be filed if it proposes the annexation of an area that
438 is within a proposed [~~township~~] planning district in a petition to establish a [~~township~~]
439 planning district under Subsection 17-27a-306(1)(c) that has been certified under Subsection
440 17-27a-306(1)(~~f~~)(g), until after the canvass of an election on the proposed [~~township~~]
441 planning district under Subsection 17-27a-306(1)(~~h~~)(i).

442 (9) (a) A municipality may not annex an unincorporated area located within a project
443 area described in a project area plan adopted by the military installation development authority
444 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the
445 authority's approval.

446 (b) (i) Except as provided in Subsection (9)(b)(ii), the Military Installation
447 Development Authority may petition for annexation of a project area and contiguous
448 surrounding land to a municipality as if it was the sole private property owner of the project
449 area and surrounding land, if the area to be annexed is entirely contained within the boundaries
450 of a military installation.

451 (ii) Before petitioning for annexation under Subsection (9)(b)(i), the Military
452 Installation Development Authority shall provide the military installation with a copy of the
453 petition for annexation. The military installation may object to the petition for annexation
454 within 14 days of receipt of the copy of the annexation petition. If the military installation
455 objects under this Subsection (9)(b)(ii), the Military Installation Development Authority may
456 not petition for the annexation as if it was the sole private property owner.

457 (iii) If any portion of an area annexed under a petition for annexation filed by a
458 Military Installation Development Authority is located in a specified county:

459 (A) the annexation process shall follow the requirements for a specified county; and

460 (B) the provisions of Subsection 10-2-402(6) do not apply.

461 Section 7. Section 10-2-403 is amended to read:

462 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

463 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated
464 area to a municipality is initiated by a petition as provided in this section.

465 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed
466 annexation of an area located in a county of the first class, the person or persons intending to
467 file a petition shall:

468 (A) file with the city recorder or town clerk of the proposed annexing municipality a
469 notice of intent to file a petition; and

470 (B) send a copy of the notice of intent to each affected entity.

471 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the
472 area that is proposed to be annexed.

473 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
474 annexed is located shall:

475 (A) mail the notice described in Subsection (2)(b)(iii) to:

476 (I) each owner of real property located within the area proposed to be annexed; and

477 (II) each owner of real property located within 300 feet of the area proposed to be
478 annexed; and

479 (B) send to the proposed annexing municipality a copy of the notice and a certificate
480 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

481 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
482 days after receiving from the person or persons who filed the notice of intent:

483 (A) a written request to mail the required notice; and

484 (B) payment of an amount equal to the county's expected actual cost of mailing the
485 notice.

486 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

487 (A) be in writing;

488 (B) state, in bold and conspicuous terms, substantially the following:

489 "Attention: Your property may be affected by a proposed annexation.

490 Records show that you own property within an area that is intended to be included in a

491 proposed annexation to (state the name of the proposed annexing municipality) or that is within
492 300 feet of that area. If your property is within the area proposed for annexation, you may be
493 asked to sign a petition supporting the annexation. You may choose whether or not to sign the
494 petition. By signing the petition, you indicate your support of the proposed annexation. If you
495 sign the petition but later change your mind about supporting the annexation, you may
496 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
497 of (state the name of the proposed annexing municipality) within 30 days after (state the name
498 of the proposed annexing municipality) receives notice that the petition has been certified.

499 There will be no public election on the proposed annexation because Utah law does not
500 provide for an annexation to be approved by voters at a public election. Signing or not signing
501 the annexation petition is the method under Utah law for the owners of property within the area
502 proposed for annexation to demonstrate their support of or opposition to the proposed
503 annexation.

504 You may obtain more information on the proposed annexation by contacting (state the
505 name, mailing address, telephone number, and email address of the official or employee of the
506 proposed annexing municipality designated to respond to questions about the proposed
507 annexation), (state the name, mailing address, telephone number, and email address of the
508 county official or employee designated to respond to questions about the proposed annexation),
509 or (state the name, mailing address, telephone number, and email address of the person who
510 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
511 notice of intent, one of those persons). Once filed, the annexation petition will be available for
512 inspection and copying at the office of (state the name of the proposed annexing municipality)
513 located at (state the address of the municipal offices of the proposed annexing municipality).";
514 and

515 (C) be accompanied by an accurate map identifying the area proposed for annexation.

516 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
517 other information or materials related or unrelated to the proposed annexation.

518 (c) (i) After receiving the certificate from the county as provided in Subsection
519 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
520 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for
521 the annexation proposed in the notice of intent.

522 (ii) An annexation petition provided by the proposed annexing municipality may be
523 duplicated for circulation for signatures.

524 (3) Each petition under Subsection (1) shall:

525 (a) be filed with the city recorder or town clerk, as the case may be, of the proposed
526 annexing municipality;

527 (b) contain the signatures of~~[(i)]~~, if all the real property within the area proposed for
528 annexation is owned by a public entity other than the federal government, the owners of all the
529 publicly owned real property, or the owners of private real property that:

530 ~~[(A)]~~ (i) is located within the area proposed for annexation;

531 ~~[(B)-(F)]~~ (ii) (A) subject to Subsection (3)(b)~~[(i)(B)(H)]~~(ii)(C), covers a majority of the
532 private land area within the area proposed for annexation; ~~[and]~~

533 (B) covers 100% of rural real property as that term is defined in Section [17B-2a-1107](#)
534 within the area proposed for annexation; and

535 ~~[(H)]~~ (C) covers 100% of the private land area within the area proposed for annexation,
536 if the area is within~~[(Aa)]~~ an agriculture protection area created under Title 17, Chapter 41,
537 Agriculture and Industrial Protection Areas~~[(Bb)]~~, or a migratory bird production area
538 created under Title 23, Chapter 28, Migratory Bird Production Area; and

539 ~~[(E)]~~ (iii) is equal in value to at least 1/3 of the value of all private real property within
540 the area proposed for annexation; ~~[or]~~

541 ~~[(ii) if all the real property within the area proposed for annexation is owned by a~~
542 ~~public entity other than the federal government, the owner of all the publicly owned real~~
543 ~~property;]~~

544 (c) if the petition proposes the annexation of an area located within a ~~[township]~~
545 planning district, explain that if the annexation petition is granted, the area will also be
546 withdrawn from the ~~[township]~~ planning district;

547 (d) be accompanied by:

548 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area
549 proposed for annexation; and

550 (ii) a copy of the notice sent to affected entities as required under Subsection
551 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

552 (e) if the area proposed to be annexed is located in a county of the first class, contain

553 on each signature page a notice in bold and conspicuous terms that states substantially the
554 following:

555 "Notice:

556 • There will be no public election on the annexation proposed by this petition because
557 Utah law does not provide for an annexation to be approved by voters at a public election.

558 • If you sign this petition and later decide that you do not support the petition, you may
559 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
560 of (state the name of the proposed annexing municipality). If you choose to withdraw your
561 signature, you shall do so no later than 30 days after (state the name of the proposed annexing
562 municipality) receives notice that the petition has been certified.";

563 (f) if the petition proposes the annexation of an area located in a county that is not the
564 county in which the proposed annexing municipality is located, be accompanied by a copy of
565 the resolution, required under Subsection [10-2-402\(6\)](#), of the legislative body of the county in
566 which the area is located; and

567 (g) designate up to five of the signers of the petition as sponsors, one of whom shall be
568 designated as the contact sponsor, and indicate the mailing address of each sponsor.

569 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
570 area proposed for annexation to a municipality in a previously filed petition that has not been
571 denied, rejected, or granted.

572 (5) A petition under Subsection (1) proposing the annexation of an area located in a
573 county of the first class may not propose the annexation of an area that includes some or all of
574 an area proposed to be incorporated in a request for a feasibility study under Section [~~10-2-103~~]
575 [10-2a-202](#) or a petition under Section [~~10-2-125~~] [10-2a-302](#) if:

576 (a) the request or petition was filed before the filing of the annexation petition; and

577 (b) the request, a petition under Section [~~10-2-109~~] [10-2a-208](#) based on that request, or
578 a petition under Section [~~10-2-125~~] [10-2a-302](#) is still pending on the date the annexation
579 petition is filed.

580 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall
581 be drawn:

582 (a) along the boundaries of existing local districts and special service districts for
583 sewer, water, and other services, along the boundaries of school districts whose boundaries

584 follow city boundaries or school districts adjacent to school districts whose boundaries follow
585 city boundaries, and along the boundaries of other taxing entities;

586 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
587 services;

588 (c) to facilitate the consolidation of overlapping functions of local government;

589 (d) to promote the efficient delivery of services; and

590 (e) to encourage the equitable distribution of community resources and obligations.

591 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the
592 petition to:

593 (a) the clerk of the county in which the area proposed for annexation is located; and

594 (b) if any of the area proposed for annexation is within a [township] planning district:

595 (i) the legislative body of the county in which the [township] planning district is
596 located; and

597 (ii) the chair of the [township] planning district planning commission.

598 (8) A property owner who signs an annexation petition proposing to annex an area
599 located in a county of the first class may withdraw the owner's signature by filing a written
600 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30
601 days after the municipal legislative body's receipt of the notice of certification under
602 Subsection 10-2-405(2)(c)(i).

603 Section 8. Section 10-2-405 is amended to read:

604 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**
605 **process -- Modified petition.**

606 (1) (a) (i) A municipal legislative body may:

607 (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or

608 (B) accept the petition for further consideration under this part.

609 (ii) A petition shall be considered to have been accepted for further consideration under
610 this part if a municipal legislative body fails to act to deny or accept the petition under
611 Subsection (1)(a)(i):

612 (A) in the case of a city of the first or second class, within 14 days after the filing of the
613 petition; or

614 (B) in the case of a city of the third, fourth, or fifth class ~~[or]~~, a town, or a metro

615 township, at the next regularly scheduled meeting of the municipal legislative body that is at
616 least 14 days after the date the petition was filed.

617 (b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall,
618 within five days after the denial, mail written notice of the denial to:

619 (i) the contact sponsor;

620 (ii) the clerk of the county in which the area proposed for annexation is located; and

621 (iii) if any of the area proposed for annexation is within a [township] planning district:

622 (A) the legislative body of the county in which the [township] planning district is
623 located; and

624 (B) the chair of the planning commission.

625 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is
626 considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town
627 clerk, as the case may be, shall, within 30 days after that acceptance:

628 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the
629 area proposed for annexation is located the records the city recorder or town clerk needs to
630 determine whether the petition meets the requirements of Subsections 10-2-403(3), (4), and (5);

631 (b) with the assistance of the municipal attorney, determine whether the petition meets
632 the requirements of Subsections 10-2-403(3), (4), and (5); and

633 (c) (i) if the city recorder or town clerk determines that the petition meets those
634 requirements, certify the petition and mail or deliver written notification of the certification to
635 the municipal legislative body, the contact sponsor, the county legislative body, and the chair of
636 the planning commission of each [township] planning district in which any part of the area
637 proposed for annexation is located; or

638 (ii) if the city recorder or town clerk determines that the petition fails to meet any of
639 those requirements, reject the petition and mail or deliver written notification of the rejection
640 and the reasons for the rejection to the municipal legislative body, the contact sponsor, the
641 county legislative body, and the chair of the planning commission of each [township] planning
642 district in which any part of the area proposed for annexation is located.

643 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii),
644 the petition may be modified to correct the deficiencies for which it was rejected and then
645 refiled with the city recorder or town clerk, as the case may be.

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

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

652 (4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records
653 that a city recorder or town clerk requests under Subsection (2)(a).

654 Section 9. Section 10-2-407 is amended to read:

655 **10-2-407. Protest to annexation petition -- Planning district planning commission**
656 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

657 (1) ~~[(a)]~~ A protest to an annexation petition under Section 10-2-403 may be filed by:

658 ~~[(i)]~~ (a) the legislative body or governing board of an affected entity; ~~[or]~~

659 (b) the owner of rural real property as defined in Section 17B-2a-1107; or

660 ~~[(ii)]~~ (c) for a proposed annexation of an area within a county of the first class, the
661 owners of private real property that:

662 ~~[(A)]~~ (i) is located in the unincorporated area within 1/2 mile of the area proposed for
663 annexation;

664 ~~[(B)]~~ (ii) covers at least 25% of the private land area located in the unincorporated area
665 within 1/2 mile of the area proposed for annexation; and

666 ~~[(C)]~~ (iii) is equal in value to at least 15% of all real property located in the
667 unincorporated area within 1/2 mile of the area proposed for annexation.

668 ~~[(b) (i)]~~ A planning commission of a township located in a county of the first class may
669 recommend to the legislative body of the county in which the township is located that the
670 county legislative body file a protest against a proposed annexation under this part of an area
671 located within the township.]

672 ~~[(ii) (A)]~~ The township planning commission shall communicate each recommendation
673 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the city
674 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)
675 (c)(i).]

676 ~~[(B)]~~ At the time the recommendation is communicated to the county legislative body

677 ~~under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy~~
678 ~~of the recommendation to the legislative body of the proposed annexing municipality and to the~~
679 ~~contact sponsor.]~~

680 (2) (a) Each protest under Subsection (1)~~(a)~~ shall:

681 (i) be filed:

682 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
683 certification under Subsection 10-2-405(2)(c)(i); and

684 (B) (I) in a county that has already created a commission under Section 10-2-409, with
685 the commission; or

686 (II) in a county that has not yet created a commission under Section 10-2-409, with the
687 clerk of the county in which the area proposed for annexation is located;

688 (ii) state each reason for the protest of the annexation petition and, if the area proposed
689 to be annexed is located in a specified county, justification for the protest under the standards
690 established in this chapter;

691 (iii) if the area proposed to be annexed is located in a specified county, contain other
692 information that the commission by rule requires or that the party filing the protest considers
693 pertinent; and

694 (iv) contain the name and address of a contact person who is to receive notices sent by
695 the commission with respect to the protest proceedings.

696 (b) The party filing a protest under this section shall on the same date deliver or mail a
697 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

698 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

699 (i) immediately notify the county legislative body of the protest; and

700 (ii) deliver the protest to the boundary commission within five days after:

701 (A) receipt of the protest, if the boundary commission has previously been created; or

702 (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
703 boundary commission has not previously been created.

704 ~~[(d) Each protest of a proposed annexation of an area located in a county of the first~~
705 ~~class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and~~
706 ~~(b):]~~

707 ~~[(i) indicate the typed or printed name and current residence address of each owner~~

708 signing the protest; and]

709 [~~(ii) designate one of the signers of the protest as the contact person and state the~~
710 ~~mailing address of the contact person.]~~

711 (3) (a) (i) If a protest is filed under this section:

712 (A) the municipal legislative body may, at its next regular meeting after expiration of
713 the deadline under Subsection (2)(a)(i)(A), deny the annexation petition; or

714 (B) if the municipal legislative body does not deny the annexation petition under
715 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
716 annexation petition until after receipt of the commission's notice of its decision on the protest
717 under Section 10-2-416.

718 (ii) If a municipal legislative body denies an annexation petition under Subsection
719 (3)(a)(i)(A), the municipal legislative body shall, within five days after the denial, send notice
720 of the denial in writing to:

721 (A) the contact sponsor of the annexation petition;

722 (B) the commission;

723 (C) each entity that filed a protest; and

724 [~~(D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an~~
725 ~~area located in a county of the first class, the contact person; and]~~

726 [~~(E)~~] (D) if any of the area proposed for annexation is within a [township] planning
727 district, the legislative body of the county in which the [township] planning district is located.

728 (b) (i) If no timely protest is filed under this section, the municipal legislative body
729 may, subject to Subsection (3)(b)(ii), approve the petition.

730 (ii) Before approving an annexation petition under Subsection (3)(b)(i), the municipal
731 legislative body shall:

732 (A) hold a public hearing; and

733 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

734 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the
735 municipality and the area proposed for annexation; or

736 (Bb) if there is no newspaper of general circulation in those areas, post written notices
737 of the hearing in conspicuous places within those areas that are most likely to give notice to
738 residents within those areas; and

739 (II) publish notice of the hearing on the Utah Public Notice Website created in Section
740 63F-1-701.

741 (iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an area
742 that is partly or entirely within a [township] planning district, the municipal legislative body
743 shall send notice of the approval to the legislative body of the county in which the [township]
744 planning district is located.

745 Section 10. Section **10-2-408** is amended to read:

746 **10-2-408. Denying or approving the annexation petition -- Notice of approval.**

747 (1) (a) After receipt of the commission's decision on a protest under Subsection
748 10-2-416(2), a municipal legislative body may:

749 [~~a~~] (i) deny the annexation petition; or

750 [~~b~~] (ii) subject to Subsection (1)(b), if the commission approves the annexation,
751 approve the annexation petition consistent with the commission's decision.

752 (b) A municipal legislative body shall exclude rural real property, as that term is
753 defined in Section 17B-2a-1107, unless the owner of the rural real property gives written
754 consent to include the rural real property.

755 (2) Within 10 days after approving an annexation under Subsection (1)(b) of an area
756 that is partly or entirely within a [township] planning district, the municipal legislative body
757 shall send notice of the approval to the legislative body of the county in which the [township]
758 planning district is located.

759 Section 11. Section **10-2-411** is amended to read:

760 **10-2-411. Disqualification of commission member -- Alternate member.**

761 (1) A member of the boundary commission is disqualified with respect to a protest
762 before the commission if that member owns property:

763 (a) for a proposed annexation of an area located within a county of the first class:

764 (i) within the area proposed for annexation in a petition that is the subject of the
765 protest; or

766 (ii) that is in the unincorporated area within 1/2 mile of the area proposed for
767 annexation in a petition that is the subject of a protest under Subsection 10-2-407(1)[~~a~~](ii)(c);

768 or

769 (b) for a proposed annexation of an area located in a specified county, within the area

770 proposed for annexation.

771 (2) If a member is disqualified under Subsection (1), the body that appointed the
772 disqualified member shall appoint an alternate member to serve on the commission for
773 purposes of the protest as to which the member is disqualified.

774 Section 12. Section **10-2-413** is amended to read:

775 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**
776 **study.**

777 (1) (a) For a proposed annexation of an area located in a county of the first class, unless
778 a proposed annexing municipality denies an annexation petition under Subsection
779 [10-2-407\(3\)\(a\)\(i\)\(A\)](#) and except as provided in Subsection (1)(b), the commission shall choose
780 and engage a feasibility consultant within 45 days of:

781 (i) the commission's receipt of a protest under Section [10-2-407](#), if the commission had
782 been created before the filing of the protest; or

783 (ii) the commission's creation, if the commission is created after the filing of a protest.

784 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility
785 study with respect to a petition that proposes the annexation of an area that:

786 (i) is undeveloped; and

787 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private
788 real property within the municipality.

789 (2) The commission shall require the feasibility consultant to:

790 (a) complete a feasibility study on the proposed annexation and submit written results
791 of the study to the commission no later than 75 days after the feasibility consultant is engaged
792 to conduct the study;

793 (b) submit with the full written results of the feasibility study a summary of the results
794 no longer than a page in length; and

795 (c) attend the public hearing under Subsection [10-2-415\(1\)](#) and present the feasibility
796 study results and respond to questions at that hearing.

797 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

798 (i) the population and population density within the area proposed for annexation, the
799 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries
800 within 1/2 mile of the area proposed for annexation, that municipality;

801 (ii) the geography, geology, and topography of and natural boundaries within the area
802 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a
803 municipality with boundaries within 1/2 mile of the area proposed for annexation, that
804 municipality;

805 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated
806 island or unincorporated peninsula;

807 (iv) whether the proposed annexation will hinder or prevent a future and more logical
808 and beneficial annexation or a future logical and beneficial incorporation;

809 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,
810 other municipalities, local districts, special service districts, school districts, and other
811 governmental entities;

812 (vi) current and five-year projections of demographics and economic base in the area
813 proposed for annexation and surrounding unincorporated area, including household size and
814 income, commercial and industrial development, and public facilities;

815 (vii) projected growth in the area proposed for annexation and the surrounding
816 unincorporated area during the next five years;

817 (viii) the present and five-year projections of the cost of governmental services in the
818 area proposed for annexation;

819 (ix) the present and five-year projected revenue to the proposed annexing municipality
820 from the area proposed for annexation;

821 (x) the projected impact the annexation will have over the following five years on the
822 amount of taxes that property owners within the area proposed for annexation, the proposed
823 annexing municipality, and the remaining unincorporated county will pay;

824 (xi) past expansion in terms of population and construction in the area proposed for
825 annexation and the surrounding unincorporated area;

826 (xii) the extension during the past 10 years of the boundaries of each other municipality
827 near the area proposed for annexation, the willingness of the other municipality to annex the
828 area proposed for annexation, and the probability that another municipality would annex some
829 or all of the area proposed for annexation during the next five years if the annexation did not
830 occur;

831 (xiii) the history, culture, and social aspects of the area proposed for annexation and

832 surrounding area;

833 (xiv) the method of providing and the entity that has provided municipal-type services
834 in the past to the area proposed for incorporation and the feasibility of municipal-type services
835 being provided by the proposed annexing municipality; and

836 (xv) the effect on each school district whose boundaries include part or all of the area
837 proposed for annexation or the proposed annexing municipality.

838 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad
839 valorem property tax rates on residential property within the area proposed for annexation at
840 the same level that residential property within the proposed annexing municipality would be
841 without the annexation.

842 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that
843 the level and quality of governmental services that will be provided to the area proposed for
844 annexation in the future is essentially comparable to the level and quality of governmental
845 services being provided within the proposed annexing municipality at the time of the feasibility
846 study.

847 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth
848 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant
849 in conducting the feasibility study depending upon:

850 (i) the size of the area proposed for annexation;

851 (ii) the size of the proposed annexing municipality;

852 (iii) the extent to which the area proposed for annexation is developed;

853 (iv) the degree to which the area proposed for annexation is expected to develop and
854 the type of development expected; and

855 (v) the number and type of protests filed against the proposed annexation.

856 (b) Notwithstanding Subsection (4)(a), the commission may not modify the
857 requirement that the feasibility consultant provide a full and complete analysis of the items
858 listed in Subsections (3)(a)(viii), (ix), and (xv).

859 (5) If the results of the feasibility study do not meet the requirements of Subsection
860 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make
861 recommendations as to how the boundaries of the area proposed for annexation may be altered
862 so that the requirements of Subsection 10-2-416(3) may be met.

863 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and
864 expenses shall be shared equally by the proposed annexing municipality and each entity or
865 group under Subsection 10-2-407(1) that files a protest.

866 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property
867 owners under Subsection 10-2-407(1)[~~(a)~~(ii)](c), the county in which the area proposed for
868 annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

869 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners
870 file a protest, the county and the proposed annexing municipality shall equally share the
871 property owners' share of the feasibility consultant's fees and expenses.

872 Section 13. Section 10-2-414 is amended to read:

873 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

874 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of
875 an area located in a county of the first class do not meet the requirements of Subsection
876 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility
877 consultant's submission of the results of the study, file with the city recorder or town clerk of
878 the proposed annexing municipality a modified annexation petition altering the boundaries of
879 the proposed annexation.

880 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the
881 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation
882 petition to the clerk of the county in which the area proposed for annexation is located.

883 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the
884 requirements of Subsections 10-2-403(3), (4), and (5).

885 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified
886 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same
887 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and
888 (3)(a) for an original annexation petition.

889 (b) If the city recorder or town clerk certifies the modified annexation petition under
890 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send
891 written notice of the certification to:

892 (i) the commission;

893 (ii) each entity that filed a protest to the annexation petition; and

894 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii)(c), the contact person.

895 (c) (i) If the modified annexation petition proposes the annexation of an area that
896 includes part or all of a local district, special service district, or school district that was not
897 included in the area proposed for annexation in the original petition, the city recorder or town
898 clerk, as the case may be, shall also send notice of the certification of the modified annexation
899 petition to the board of the local district, special service district, or school district.

900 (ii) If the area proposed for annexation in the modified annexation petition is within
901 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
902 area proposed for annexation in the original annexation petition, the city recorder or town
903 clerk, as the case may be, shall also send notice of the certification of the modified annexation
904 petition to the legislative body of that municipality.

905 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),
906 the commission shall engage the feasibility consultant that conducted the feasibility study to
907 supplement the feasibility study to take into account the information in the modified
908 annexation petition that was not included in the original annexation petition.

909 (4) The commission shall require the feasibility consultant to complete the
910 supplemental feasibility study and to submit written results of the supplemental study to the
911 commission no later than 30 days after the feasibility consultant is engaged to conduct the
912 supplemental feasibility study.

913 Section 14. Section 10-2-415 is amended to read:

914 **10-2-415. Public hearing -- Notice.**

915 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet
916 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
917 located in a county of the first class, the commission shall hold a public hearing within 30 days
918 of receipt of the feasibility study or supplemental feasibility study results.

919 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

920 (A) require the feasibility consultant to present the results of the feasibility study and, if
921 applicable, the supplemental feasibility study;

922 (B) allow those present to ask questions of the feasibility consultant regarding the study
923 results; and

924 (C) allow those present to speak to the issue of annexation.

925 (iii) (A) The commission shall:
926 (I) publish notice of each hearing under Subsection (1)(a)(i):
927 (Aa) at least once a week for two successive weeks in a newspaper of general
928 circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated
929 area, and the proposed annexing municipality; and
930 (Bb) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;
931 and
932 (II) send written notice of the hearing to the municipal legislative body of the proposed
933 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a
934 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii)(c), the contact person.
935 (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of
936 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the
937 commission shall give the notice required under that subsection by posting notices, at least
938 seven days before the hearing, in conspicuous places within those areas that are most likely to
939 give notice of the hearing to the residents of those areas.
940 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility
941 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study
942 is available for inspection and copying at the office of the commission.
943 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest
944 has expired with respect to a proposed annexation of an area located in a specified county, the
945 boundary commission shall hold a hearing on all protests that were filed with respect to the
946 proposed annexation.
947 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the
948 commission chair shall cause notice of the hearing to be published in a newspaper of general
949 circulation within the area proposed for annexation.
950 (B) Each notice under Subsection (1)(b)(ii)(A) shall:
951 (I) state the date, time, and place of the hearing;
952 (II) briefly summarize the nature of the protest; and
953 (III) state that a copy of the protest is on file at the commission's office.
954 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to
955 time, but no continued hearing may be held later than 60 days after the original hearing date.

956 (iv) In considering protests, the commission shall consider whether the proposed
957 annexation:

958 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
959 annexation policy plan of the proposed annexing municipality;

960 (B) conflicts with the annexation policy plan of another municipality; and

961 (C) if the proposed annexation includes urban development, will have an adverse tax
962 consequence on the remaining unincorporated area of the county.

963 (2) (a) The commission shall record each hearing under this section by electronic
964 means.

965 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if
966 applicable, information received at the hearing, and the written decision of the commission
967 shall constitute the record of the hearing.

968 Section 15. Section 10-2-416 is amended to read:

969 **10-2-416. Commission decision -- Time limit -- Limitation on approval of**
970 **annexation.**

971 (1) Subject to Subsection (3), after the public hearing under Subsection 10-2-415(1) the
972 boundary commission may:

973 (a) approve the proposed annexation, either with or without conditions;

974 (b) make minor modifications to the proposed annexation and approve it, either with or
975 without conditions; or

976 (c) disapprove the proposed annexation.

977 (2) The commission shall issue a written decision on the proposed annexation within
978 30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the
979 decision to:

980 (a) the legislative body of the county in which the area proposed for annexation is
981 located;

982 (b) the legislative body of the proposed annexing municipality;

983 (c) the contact person on the annexation petition;

984 (d) the contact person of each entity that filed a protest; and

985 (e) if a protest was filed under Subsection 10-2-407(1)[(a)(ii)](c) with respect to a
986 proposed annexation of an area located in a county of the first class, the contact person

987 designated in the protest.

988 (3) Except for an annexation for which a feasibility study may not be required under
989 Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area
990 located within a county of the first class unless the results of the feasibility study under Section
991 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not
992 exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

993 Section 16. Section 10-2-418 is amended to read:

994 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
995 **Hearing.**

996 (1) For purposes of an annexation conducted in accordance with this section of an area
997 located within a county of the first class, "municipal-type services" for purposes of Subsection
998 (2)(a)(ii)(B) does not include a service provided by a municipality pursuant to a contract that
999 the municipality has with another political subdivision as "political subdivision" is defined in
1000 Section 17B-1-102.

1001 [(+)] (2) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
1002 unincorporated area under this section without an annexation petition if:

1003 (i) (A) the area to be annexed consists of one or more unincorporated islands within or
1004 unincorporated peninsulas contiguous to the municipality;

1005 (B) the majority of each island or peninsula consists of residential or commercial
1006 development;

1007 (C) the area proposed for annexation requires the delivery of municipal-type services;
1008 and

1009 (D) the municipality has provided most or all of the municipal-type services to the area
1010 for more than one year;

1011 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
1012 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
1013 residents; and

1014 (B) the municipality has provided one or more municipal-type services to the area for
1015 at least one year; or

1016 (iii) (A) the area consists of:

1017 (I) an unincorporated island within or an unincorporated peninsula contiguous to the

1018 municipality; and

1019 (II) for an area outside of the county of the first class proposed for annexation, no more
1020 than 50 acres; and

1021 (B) the county in which the area is located, subject to Subsection (3)(b), and the
1022 municipality agree that the area should be included within the municipality.

1023 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
1024 portion of an unincorporated island or unincorporated peninsula under this section, leaving
1025 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

1026 (i) in adopting the resolution under Subsection [~~(2)~~] (4)(a)(i), the municipal legislative
1027 body determines that not annexing the entire unincorporated island or unincorporated peninsula
1028 is in the municipality's best interest; and

1029 (ii) for an annexation of one or more unincorporated islands under Subsection [~~(+)~~]
1030 (2)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,
1031 complies with the requirement of Subsection [~~(+)~~] (2)(a)(ii)(A) relating to the number of
1032 residents.

1033 (3) (a) This Subsection (3) applies only to an annexation within a county of the first
1034 class.

1035 (b) A county of the first class shall agree to the annexation if the majority of private
1036 property owners within the area to be annexed has indicated in writing, subject to Subsection
1037 (3)(d), to the city or town recorder of the annexing city or town the private property owners'
1038 consent to be annexed into the municipality.

1039 (c) For purposes of Subsection (3)(b), the majority of private property owners is
1040 property owners who own:

1041 (i) the majority of the total private land area within the area proposed for annexation;
1042 and

1043 (ii) private real property equal to at least one half the value of private real property
1044 within the area proposed for annexation.

1045 (d) (i) A property owner consenting to annexation shall indicate the property owner's
1046 consent on a form which includes language in substantially the following form:

1047 "Notice: If this written consent is used to proceed with an annexation of your property
1048 in accordance with Utah Code Section 10-2-418, no public election is required by law to

1049 approve the annexation. If you sign this consent and later decide you do not want to support
1050 the annexation of your property, you may withdraw your signature by submitting a signed,
1051 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
1052 choose to withdraw your signature, you must do so no later than the close of the public hearing
1053 on the annexation conducted in accordance with Utah Code Subsection [10-2-418\(4\)\(a\)\(iv\)](#)."

1054 (e) A private property owner may withdraw the property owner's signature indicating
1055 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
1056 close of the public hearing held in accordance with Subsection (4)(a)(iv).

1057 ~~[(2)]~~ (4) (a) The legislative body of each municipality intending to annex an area under
1058 this section shall:

1059 (i) adopt a resolution indicating the municipal legislative body's intent to annex the
1060 area, describing the area proposed to be annexed;

1061 (ii) publish notice:

1062 (A) (I) at least once a week for three successive weeks in a newspaper of general
1063 circulation within the municipality and the area proposed for annexation; or

1064 (II) if there is no newspaper of general circulation in the areas described in Subsection
1065 ~~[(2)]~~ (4)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that
1066 are most likely to give notice to the residents of those areas; and

1067 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks;

1068 (iii) send written notice to the board of each local district and special service district
1069 whose boundaries contain some or all of the area proposed for annexation and to the legislative
1070 body of the county in which the area proposed for annexation is located; and

1071 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the
1072 adoption of the resolution under Subsection ~~[(2)]~~ (4)(a)(i).

1073 (b) Each notice under Subsections ~~[(2)]~~ (4)(a)(ii) and (iii) shall:

1074 (i) state that the municipal legislative body has adopted a resolution indicating its intent
1075 to annex the area proposed for annexation;

1076 (ii) state the date, time, and place of the public hearing under Subsection ~~[(2)]~~

1077 ~~(4)~~(a)(iv);

1078 (iii) describe the area proposed for annexation; and

1079 (iv) except for an annexation that meets the property owner consent requirements of

1080 Subsection [~~(3)~~] (5)(b), state in conspicuous and plain terms that the municipal legislative body
1081 will annex the area unless, at or before the public hearing under Subsection [~~(2)~~] (4)(a)(iv),
1082 written protests to the annexation are filed by the owners of private real property that:

1083 (A) is located within the area proposed for annexation;

1084 (B) covers a majority of the total private land area within the entire area proposed for
1085 annexation; and

1086 (C) is equal in value to at least 1/2 the value of all private real property within the
1087 entire area proposed for annexation.

1088 (c) The first publication of the notice required under Subsection [~~(2)~~] (4)(a)(ii)(A) shall
1089 be within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1090 [~~(2)~~] (4)(a)(i).

1091 [~~(3)~~] (5) (a) Upon conclusion of the public hearing under Subsection [~~(2)~~] (4)(a)(iv),
1092 the municipal legislative body may adopt an ordinance approving the annexation of the area
1093 proposed for annexation under this section unless, at or before the hearing, written protests to
1094 the annexation have been filed with the city recorder or town clerk, as the case may be, by the
1095 owners of private real property that:

1096 (i) is located within the area proposed for annexation;

1097 (ii) covers a majority of the total private land area within the entire area proposed for
1098 annexation; and

1099 (iii) is equal in value to at least 1/2 the value of all private real property within the
1100 entire area proposed for annexation.

1101 (b) (i) Upon conclusion of the public hearing under Subsection [~~(2)~~] (4)(a)(iv), a
1102 municipality may adopt an ordinance approving the annexation of the area proposed for
1103 annexation under this section without allowing or considering protests under Subsection [~~(3)~~]
1104 (5)(a) if the owners of at least 75% of the total private land area within the entire area proposed
1105 for annexation, representing at least 75% of the value of the private real property within the
1106 entire area proposed for annexation, have consented in writing to the annexation.

1107 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an
1108 ordinance adopted under Subsection [~~(3)~~] (5)(b)(i), the area annexed shall be conclusively
1109 presumed to be validly annexed.

1110 [~~(4)~~] (6) (a) If protests are timely filed that comply with Subsection [~~(3)~~] (5), the

1111 municipal legislative body may not adopt an ordinance approving the annexation of the area
1112 proposed for annexation, and the annexation proceedings under this section shall be considered
1113 terminated.

1114 (b) Subsection [~~(4)~~] (6)(a) may not be construed to prohibit the municipal legislative
1115 body from excluding from a proposed annexation under Subsection [~~(1)~~] (2)(a)(ii) the property
1116 within an unincorporated island regarding which protests have been filed and proceeding under
1117 Subsection [~~(1)~~] (2)(b) to annex some or all of the remaining portion of the unincorporated
1118 island.

1119 Section 17. Section **10-2-425** is amended to read:

1120 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**
1121 **Effective date of annexation or boundary adjustment.**

1122 (1) The legislative body of each municipality that enacts an ordinance under this part
1123 approving the annexation of an unincorporated area or the adjustment of a boundary, or the
1124 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an
1125 unincorporated island upon the results of an election held in accordance with Section
1126 10-2a-404, shall:

1127 (a) within 30 days after enacting the ordinance or the day of the election or, in the case
1128 of a boundary adjustment, within 30 days after each of the municipalities involved in the
1129 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

1130 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
1131 meets the requirements of Subsection 67-1a-6.5(3); and

1132 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1133 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
1134 adjustment, as the case may be, under Section 67-1a-6.5:

1135 (i) (A) if the annexed area or area subject to the boundary adjustment is located within
1136 the boundary of a single county, submit to the recorder of that county:

1137 (I) the original:

1138 (Aa) notice of an impending boundary action;

1139 (Bb) certificate of annexation or boundary adjustment; and

1140 (Cc) approved final local entity plat; and

1141 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;

1142 or
1143 (B) if the annexed area or area subject to the boundary adjustment is located within the
1144 boundaries of more than a single county:
1145 (I) submit to the recorder of one of those counties:
1146 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and
1147 (Cc); and
1148 (Bb) a certified copy of the ordinance approving the annexation or boundary
1149 adjustment; and
1150 (II) submit to the recorder of each other county:
1151 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),
1152 and (Cc); and
1153 (Bb) a certified copy of the ordinance approving the annexation or boundary
1154 adjustment;
1155 (ii) send notice of the annexation or boundary adjustment to each affected entity; and
1156 (iii) in accordance with Section 26-8a-414, file with the Department of Health:
1157 (A) a certified copy of the ordinance approving the annexation of an unincorporated
1158 area or the adjustment of a boundary; and
1159 (B) a copy of the approved final local entity plat.
1160 (2) If an annexation or boundary adjustment under this part or Part 4, Incorporation of
1161 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
1162 12, 2015, also causes an automatic annexation to a local district under Section 17B-1-416 or an
1163 automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal
1164 legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of
1165 annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or
1166 boundary adjustment to the local district to which the annexed area is automatically annexed or
1167 from which the annexed area is automatically withdrawn.
1168 (3) Each notice required under Subsection (1) relating to an annexation or boundary
1169 adjustment shall state the effective date of the annexation or boundary adjustment, as
1170 determined under Subsection (4).
1171 (4) An annexation or boundary adjustment under this part is completed and takes
1172 effect:

1173 (a) for the annexation of or boundary adjustment affecting an area located in a county
1174 of the first class, except for an annexation under Section 10-2-418:

1175 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
1176 certificate of annexation or boundary adjustment if:

1177 (A) the certificate is issued during the preceding November 1 through April 30; and

1178 (B) the requirements of Subsection (1) are met before that July 1; or

1179 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
1180 certificate of annexation or boundary adjustment if:

1181 (A) the certificate is issued during the preceding May 1 through October 31; and

1182 (B) the requirements of Subsection (1) are met before that January 1; and

1183 (b) except for an annexation described in Subsection (5), for all other annexations and
1184 boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5,
1185 of a certificate of annexation or boundary adjustment.

1186 (5) An annexation of an unincorporated island based upon the results of an election
1187 held in accordance with Section 10-2a-404 is completed and takes effect on a date agreed to by
1188 the county and the annexing municipality.

1189 ~~[(5)]~~ (6) (a) As used in this Subsection ~~[(5)]~~ (6):

1190 (i) "Affected area" means:

1191 (A) in the case of an annexation, the annexed area; and

1192 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
1193 adjustment, is moved from within the boundary of one municipality to within the boundary of
1194 another municipality.

1195 (ii) "Annexing municipality" means:

1196 (A) in the case of an annexation, the municipality that annexes an unincorporated area;
1197 and

1198 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
1199 affected area as a result of a boundary adjustment.

1200 (b) The effective date of an annexation or boundary adjustment for purposes of
1201 assessing property within an affected area is governed by Section 59-2-305.5.

1202 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
1203 recorder of each county in which the property is located, a municipality may not:

- 1204 (i) levy or collect a property tax on property within an affected area;
- 1205 (ii) levy or collect an assessment on property within an affected area; or
- 1206 (iii) charge or collect a fee for service provided to property within an affected area,
- 1207 unless the municipality was charging and collecting the fee within that area immediately before
- 1208 annexation.

1209 Section 18. Section **10-2a-101** is enacted to read:

1210 **CHAPTER 2a. MUNICIPAL INCORPORATION**

1211 **Part 1. General Provisions**

1212 **10-2a-101. Title.**

1213 (1) This chapter is known as "Municipal Incorporation."

1214 (2) This part is known as "General Provisions."

1215 Section 19. Section **10-2a-102**, which is renumbered from Section 10-2-101 is
1216 renumbered and amended to read:

1217 ~~[10-2-101].~~ **10-2a-102. Definitions.**

1218 (1) As used in this part:

1219 (a) "Feasibility consultant" means a person or firm:

1220 (i) with expertise in the processes and economics of local government; and

1221 (ii) who is independent of and not affiliated with a county or sponsor of a petition to
1222 incorporate.

1223 (b) "Private," with respect to real property, means taxable property.

1224 (2) For purposes of this part:

1225 (a) the owner of real property shall be the record title owner according to the records of
1226 the county recorder on the date of the filing of the request or petition; and

1227 (b) the value of private real property shall be determined according to the last
1228 assessment roll for county taxes before the filing of the request or petition.

1229 (3) For purposes of each provision of this part that requires the owners of private real
1230 property covering a percentage or fraction of the total private land area within an area to sign a
1231 request or petition:

1232 (a) a parcel of real property may not be included in the calculation of the required
1233 percentage or fraction unless the request or petition is signed by:

1234 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority

1235 ownership interest in that parcel; or

1236 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
1237 of owners of that parcel;

1238 (b) the signature of a person signing a request or petition in a representative capacity on
1239 behalf of an owner is invalid unless:

1240 (i) the person's representative capacity and the name of the owner the person represents
1241 are indicated on the request or petition with the person's signature; and

1242 (ii) the person provides documentation accompanying the request or petition that
1243 substantiates the person's representative capacity; and

1244 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
1245 request or petition on behalf of a deceased owner.

1246 Section 20. Section **10-2a-103**, which is renumbered from Section 10-2-102 is
1247 renumbered and amended to read:

1248 ~~[10-2-102].~~ **10-2a-103. Incorporation of a contiguous area.**

1249 [(+) A contiguous area of a county not within a municipality may incorporate as a
1250 municipality as provided in this [part] chapter.

1251 [(2) (a) Incorporation as a city is governed by Sections ~~10-2-103~~ through ~~10-2-124~~.]

1252 [(b) Incorporation as a town is governed by Sections ~~10-2-125~~ through ~~10-2-129~~.]

1253 Section 21. Section **10-2a-104**, which is renumbered from Section 10-2-118 is
1254 renumbered and amended to read:

1255 ~~[10-2-118].~~ **10-2a-104. Elections governed by the Election Code.**

1256 Except as otherwise provided in this [part] chapter, each election under this [part]
1257 chapter shall be governed by the provisions of Title 20A, Election Code.

1258 Section 22. Section **10-2a-105**, which is renumbered from Section 10-2-130 is
1259 renumbered and amended to read:

1260 ~~[10-2-130].~~ **10-2a-105. Suspension of township incorporation and annexation
1261 procedures on or after January 1, 2014 -- Exceptions.**

1262 (1) As used in this section:

1263 (a) "Township incorporation procedure" means the following actions, the subject of
1264 which includes an area located in whole or in part in a township:

1265 (i) a request for incorporation described in Section ~~[10-2-103]~~ 10-2a-202;

- 1266 (ii) a feasibility study described in Section [~~10-2-106~~] [10-2a-205](#);
- 1267 (iii) a modified request and a supplemental feasibility study described in Section
- 1268 [~~10-2-107~~] [10-2a-206](#); or
- 1269 (iv) an incorporation petition described in Section [~~10-2-109~~] [10-2a-208](#) that is not
- 1270 certified under Section [~~10-2-110~~] [10-2a-109](#).
- 1271 (b) "Township annexation procedure" means one or more of the following actions, the
- 1272 subject of which includes an area located in whole or in part in a township:
- 1273 (i) a petition to annex described in Section [10-2-403](#);
- 1274 (ii) a feasibility study described in Section [10-2-413](#);
- 1275 (iii) a modified annexation petition or supplemental feasibility study described in
- 1276 Section [10-2-414](#);
- 1277 (iv) a boundary commission decision described in Section [10-2-416](#); or
- 1278 (v) any action described in Section [10-2-418](#) before the adoption of an ordinance to
- 1279 approve annexation under Subsection [10-2-418](#)~~(3)~~[\(5\)](#)(b).
- 1280 (2) (a) Except as provided in Subsections (3) and (4):
- 1281 (i) if a request for incorporation described in Section [~~10-2-103~~] [10-2a-202](#) is filed
- 1282 with the clerk of the county on or after January 1, 2014, a township incorporation procedure
- 1283 that is the subject of or otherwise relates to that request is suspended until November 15, 2015;
- 1284 and
- 1285 (ii) if a petition to annex described in Section [10-2-403](#) is filed with the city recorder or
- 1286 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of
- 1287 or otherwise relates to that petition is suspended until November 15, 2015.
- 1288 (b) (i) If a township incorporation procedure or township annexation procedure is
- 1289 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and
- 1290 on November 15, 2015.
- 1291 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection
- 1292 (2)(b)(i):
- 1293 (A) may proceed and the period of time during the suspension does not toll against that
- 1294 deadline or timeline; and
- 1295 (B) does not start over.
- 1296 (3) Subsection (2) does not apply to a township annexation procedure that:

1297 (a) includes any land area located in whole or in part in a township that is:
 1298 (i) 50 acres or more; and
 1299 (ii) primarily owned or controlled by a government entity; or
 1300 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance
 1301 with Subsection 10-2-403(3) before January 1, 2014.

1302 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the
 1303 petition sponsors may continue to gather petition signatures and file them with the county clerk
 1304 as provided in Section [~~10-2-103~~] 10-2a-202.

1305 (b) The county clerk shall process the petition in accordance with Section [~~10-2-105~~]
 1306 10-2a-204 and may issue a certification or rejection of the petition as provided in Section
 1307 [~~10-2-105~~] 10-2a-204.

1308 (c) Notwithstanding any other provision of [~~Chapter 2, Incorporation, Classification,~~
 1309 ~~Boundaries, Consolidation, and Dissolution of Municipalities~~] this chapter, any further
 1310 processing, including a feasibility study, public hearing, or an incorporation election, is
 1311 suspended until November 15, 2015.

1312 Section 23. Section **10-2a-201** is enacted to read:

1313 **Part 2. Incorporation of a City**

1314 **10-2a-201. Title.**

1315 This part is known as "Incorporation of a City."

1316 Section 24. Section **10-2a-202**, which is renumbered from Section 10-2-103 is
 1317 renumbered and amended to read:

1318 [~~10-2-103~~]. **10-2a-202. Request for feasibility study -- Requirements --**
 1319 **Limitations.**

1320 (1) The process to incorporate a contiguous area of a county as a city is initiated by a
 1321 request for a feasibility study filed with the clerk of the county in which the area is located.

1322 (2) Each request under Subsection (1) shall:

- 1323 (a) be signed by the owners of private real property that:
 - 1324 (i) is located within the area proposed to be incorporated;
 - 1325 (ii) covers at least 10% of the total private land area within the area; and
 - 1326 (iii) is equal in value to at least 7% of the value of all private real property within the
- 1327 area;

1328 (b) indicate the typed or printed name and current residence address of each owner
1329 signing the request;

1330 (c) describe the contiguous area proposed to be incorporated as a city;

1331 (d) designate up to five signers of the request as sponsors, one of whom shall be
1332 designated as the contact sponsor, with the mailing address and telephone number of each;

1333 (e) be accompanied by and circulated with an accurate map or plat, prepared by a
1334 licensed surveyor, showing the boundaries of the proposed city; and

1335 (f) request the county legislative body to commission a study to determine the
1336 feasibility of incorporating the area as a city.

1337 (3) A request for a feasibility study under this section may not propose for
1338 incorporation an area that includes some or all of an area that is the subject of a completed
1339 feasibility study or supplemental feasibility study whose results comply with Subsection
1340 ~~[10-2-109]~~ [10-2a-208](#)(3) unless:

1341 (a) the proposed incorporation that is the subject of the completed feasibility study or
1342 supplemental feasibility study has been defeated by the voters at an election under Section
1343 ~~[10-2-111]~~ [10-2a-210](#); or

1344 (b) the time provided under Subsection ~~[10-2-109]~~ [10-2a-208](#)(1) for filing an
1345 incorporation petition based on the completed feasibility study or supplemental feasibility study
1346 has elapsed without the filing of a petition.

1347 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not
1348 propose for incorporation an area that includes some or all of an area proposed for annexation
1349 in an annexation petition under Section [10-2-403](#) that:

1350 (i) was filed before the filing of the request; and
1351 (ii) is still pending on the date the request is filed.

1352 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area
1353 that includes some or all of an area proposed for annexation in an annexation petition described
1354 in Subsection (4)(a) if:

1355 (i) the proposed annexation area that is part of the area proposed for incorporation does
1356 not exceed 20% of the area proposed for incorporation;

1357 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed
1358 for incorporation excluding the proposed annexation area; and

1359 (iii) excluding the area proposed for annexation from the area proposed for
1360 incorporation would not cause the area proposed for incorporation to lose its contiguosness.

1361 (c) Except as provided in Section [~~10-2-107~~] 10-2a-206, each request to which
1362 Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area
1363 proposed for annexation.

1364 (5) At the time of filing the request for a feasibility study with the county clerk, the
1365 sponsors of the request shall mail or deliver a copy of the request to the chair of the planning
1366 commission of each [~~township~~] planning district in which any part of the area proposed for
1367 incorporation is located.

1368 Section 25. Section **10-2a-203**, which is renumbered from Section 10-2-104 is
1369 renumbered and amended to read:

1370 [~~10-2-104~~]. **10-2a-203. Notice to owner of property -- Exclusion of property**
1371 **from proposed boundaries.**

1372 (1) As used in this section:

1373 (a) "Assessed value" with respect to property means the value at which the property
1374 would be assessed without regard to a valuation for agricultural use under Section 59-2-503.

1375 (b) "Owner" means a person having an interest in real property, including an affiliate,
1376 subsidiary, or parent company.

1377 (c) "Urban" means an area with a residential density of greater than one unit per acre.

1378 (2) Within seven calendar days of the date on which a request under Section [~~10-2-103~~]
1379 10-2a-202 is filed, the county clerk shall send written notice of the proposed incorporation to
1380 each record owner of real property owning more than:

1381 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;
1382 or

1383 (b) 10% of the total private land area within the proposed incorporation boundaries.

1384 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all
1385 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more
1386 of the total private land area in the proposed incorporation boundaries, the owner may exclude
1387 all or part of the property owned, controlled, or managed by the owner from the proposed
1388 boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar
1389 days of receiving the clerk's notice under Subsection (2).

1390 (4) The county legislative body shall exclude the property identified by an owner in the
1391 Notice of Exclusion from the proposed incorporation boundaries unless the county legislative
1392 body finds by clear and convincing evidence in the record that:

1393 (a) the exclusion will leave an unincorporated island within the proposed municipality;

1394 and

1395 (b) the property to be excluded:

1396 (i) is urban; and

1397 (ii) currently receives from the county a majority of municipal-type services including:

1398 (A) culinary or irrigation water;

1399 (B) sewage collection or treatment;

1400 (C) storm drainage or flood control;

1401 (D) recreational facilities or parks;

1402 (E) electric generation or transportation;

1403 (F) construction or maintenance of local streets and roads;

1404 (G) curb and gutter or sidewalk maintenance;

1405 (H) garbage and refuse collection; and

1406 (I) street lighting.

1407 (5) This section applies only to counties of the first or second class.

1408 (6) If the county legislative body excludes property from the proposed boundaries
1409 under Subsection (4), the county legislative body shall, within five days of the exclusion, send
1410 written notice of the exclusion to the contact sponsor.

1411 Section 26. Section **10-2a-204**, which is renumbered from Section 10-2-105 is
1412 renumbered and amended to read:

1413 ~~[10-2-105]~~. **10-2a-204**. **Processing a request for incorporation -- Certification or**
1414 **rejection by county clerk -- Processing priority -- Limitations -- Planning district**
1415 **planning commission recommendation.**

1416 (1) Within 45 days of the filing of a request under Section ~~[10-2-103]~~ 10-2a-202, the
1417 county clerk shall:

1418 (a) with the assistance of other county officers from whom the clerk requests
1419 assistance, determine whether the request complies with Section ~~[10-2-103]~~ 10-2a-202; and

1420 (b) (i) if the clerk determines that the request complies with Section ~~[10-2-103]~~

1421 [10-2a-202](#):

1422 (A) certify the request and deliver the certified request to the county legislative body;

1423 and

1424 (B) mail or deliver written notification of the certification to:

1425 (I) the contact sponsor; and

1426 (II) the chair of the planning commission of each [~~township~~] planning district in which
1427 any part of the area proposed for incorporation is located; or

1428 (ii) if the clerk determines that the request fails to comply with Section [~~10-2-103~~]

1429 [10-2a-202](#) requirements, reject the request and notify the contact sponsor in writing of the
1430 rejection and the reasons for the rejection.

1431 (2) The county clerk shall certify or reject requests under Subsection (1) in the order in
1432 which they are filed.

1433 (3) (a) (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request
1434 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1435 county clerk.

1436 (ii) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) may be used toward
1437 fulfilling the signature requirement of Subsection [~~10-2-103~~] [10-2a-202](#)(2)(a) for the request as
1438 modified under Subsection (3)(a)(i).

1439 (b) If a request is amended and refiled under Subsection (3)(a) after having been
1440 rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed
1441 request, and its processing priority is determined by the date on which it is refiled.

1442 Section 27. Section **10-2a-205**, which is renumbered from Section 10-2-106 is
1443 renumbered and amended to read:

1444 [~~10-2-106~~]. **10-2a-205. Feasibility study -- Feasibility study consultant.**

1445 (1) Within 60 days of receipt of a certified request under Subsection [~~10-2-105~~]
1446 [10-2a-204](#)(1)(b)(i), the county legislative body shall engage the feasibility consultant chosen
1447 under Subsection (2) to conduct a feasibility study.

1448 (2) The feasibility consultant shall be chosen:

1449 (a) (i) by the contact sponsor of the incorporation petition with the consent of the
1450 county; or

1451 (ii) by the county if the designated sponsors state, in writing, that the contact sponsor

1452 defers selection of the feasibility consultant to the county; and
1453 (b) in accordance with applicable county procurement procedures.
1454 (3) The county legislative body shall require the feasibility consultant to:
1455 (a) complete the feasibility study and submit the written results to the county legislative
1456 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to
1457 conduct the study;
1458 (b) submit with the full written results of the feasibility study a summary of the results
1459 no longer than one page in length; and
1460 (c) attend the public hearings under Subsection [~~10-2-108~~] [10-2a-207\(1\)](#) and present
1461 the feasibility study results and respond to questions from the public at those hearings.
1462 (4) (a) The feasibility study shall consider:
1463 (i) population and population density within the area proposed for incorporation and
1464 the surrounding area;
1465 (ii) current and five-year projections of demographics and economic base in the
1466 proposed city and surrounding area, including household size and income, commercial and
1467 industrial development, and public facilities;
1468 (iii) projected growth in the proposed city and in adjacent areas during the next five
1469 years;
1470 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
1471 including overhead, of governmental services in the proposed city, including:
1472 (A) culinary water;
1473 (B) secondary water;
1474 (C) sewer;
1475 (D) law enforcement;
1476 (E) fire protection;
1477 (F) roads and public works;
1478 (G) garbage;
1479 (H) weeds; and
1480 (I) government offices;
1481 (v) assuming the same tax categories and tax rates as currently imposed by the county
1482 and all other current service providers, the present and five-year projected revenue for the

1483 proposed city;

1484 (vi) a projection of any new taxes per household that may be levied within the
1485 incorporated area within five years of incorporation; and

1486 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,
1487 special service districts, and other governmental entities in the county.

1488 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
1489 level and quality of governmental services to be provided to the proposed city in the future that
1490 fairly and reasonably approximate the level and quality of governmental services being
1491 provided to the proposed city at the time of the feasibility study.

1492 (ii) In determining the present cost of a governmental service, the feasibility consultant
1493 shall consider:

1494 (A) the amount it would cost the proposed city to provide governmental service for the
1495 first five years after incorporation; and

1496 (B) the county's present and five-year projected cost of providing governmental
1497 service.

1498 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation
1499 and anticipated growth.

1500 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year
1501 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall
1502 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
1503 governor.

1504 (6) If the results of the feasibility study or revised feasibility study do not meet the
1505 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the feasibility consultant shall, as part of
1506 the feasibility study or revised feasibility study and if requested by the sponsors of the request,
1507 make recommendations as to how the boundaries of the proposed city may be altered so that
1508 the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3) may be met.

1509 (7) (a) For purposes of this Subsection (7), "pending" means that the process to
1510 incorporate an unincorporated area has been initiated by the filing of a request for feasibility
1511 study under Section [~~10-2-103~~] [10-2a-202](#) but that, as of May 8, 2012, a petition under Section
1512 [~~10-2-109~~] [10-2a-208](#) has not yet been filed.

1513 (b) The amendments to Subsection (4) that become effective upon the effective date of

1514 this Subsection (7):

1515 (i) apply to each pending proceeding proposing the incorporation of an unincorporated
1516 area; and

1517 (ii) do not apply to a municipal incorporation proceeding under this part in which a
1518 petition under Section [~~10-2-109~~] [10-2a-208](#) has been filed.

1519 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of
1520 May 8, 2012, already completed the feasibility study, the county legislative body shall, within
1521 20 days after the effective date of this Subsection (7) and except as provided in Subsection
1522 (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account
1523 the amendments to Subsection (4) that became effective on the effective date of this Subsection
1524 (7).

1525 (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall
1526 require the feasibility consultant to complete the revised feasibility study under Subsection
1527 (7)(c)(i) within 20 days after being engaged to do so.

1528 (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not
1529 required to engage the feasibility consultant to revise the feasibility study if, within 15 days
1530 after the effective date of this Subsection (7), the request sponsors file with the county clerk a
1531 written withdrawal of the request signed by all the request sponsors.

1532 (d) All provisions of this part that set forth the incorporation process following the
1533 completion of a feasibility study shall apply with equal force following the completion of a
1534 revised feasibility study under this Subsection (7), except that, if a petition under Section
1535 [~~10-2-109~~] [10-2a-208](#) has already been filed based on the feasibility study that is revised under
1536 this Subsection (7):

1537 (i) the notice required by Section [~~10-2-108~~] [10-2a-207](#) for the revised feasibility study
1538 shall include a statement informing signers of the petition of their right to withdraw their
1539 signatures from the petition and of the process and deadline for withdrawing a signature from
1540 the petition;

1541 (ii) a signer of the petition may withdraw the signer's signature by filing with the
1542 county clerk a written withdrawal within 30 days after the final notice under Subsection
1543 [~~10-2-108~~] [10-2a-207](#)(3) has been given with respect to the revised feasibility study; and

1544 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the

1545 signature requirements under Subsection [~~10-2-109~~] [10-2a-208](#)(2)(a) for a petition based on the
1546 revised feasibility study.

1547 Section 28. Section **10-2a-206**, which is renumbered from Section 10-2-107 is
1548 renumbered and amended to read:

1549 ~~[10-2-107]~~. **10-2a-206. Modified request for feasibility study -- Supplemental**
1550 **feasibility study.**

1551 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of
1552 the proposed city and then refile the request, as modified, with the county clerk if:

1553 (A) the results of the feasibility study do not meet the requirements of Subsection
1554 [~~10-2-109~~] [10-2a-208](#)(3); or

1555 (B) (I) the request meets the conditions of Subsection [~~10-2-103~~] [10-2a-202](#)(4)(b);

1556 (II) the annexation petition that proposed the annexation of an area that is part of the
1557 area proposed for incorporation has been denied; and

1558 (III) an incorporation petition based on the request has not been filed.

1559 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than
1560 90 days after the feasibility consultant's submission of the results of the study.

1561 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18
1562 months after the filing of the original request under Section [~~10-2-103~~] [10-2a-202](#).

1563 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)
1564 shall comply with the requirements of Subsections [~~10-2-103~~] [10-2a-202](#)(2), (3), (4), and (5).

1565 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section
1566 [~~10-2-103~~] [10-2a-202](#) may be used toward fulfilling the signature requirement of Subsection

1567 [~~10-2-103~~] [10-2a-202](#)(2)(a) for the request as modified under Subsection (1)(a), unless the
1568 modified request proposes the incorporation of an area that is more than 20% greater or smaller

1569 than the area described by the original request in terms of:

1570 (A) private land area; or

1571 (B) value of private real property.

1572 (2) Within 20 days after the county clerk's receipt of the modified request, the county
1573 clerk shall follow the same procedure for the modified request as provided under Subsection
1574 [~~10-2-105~~] [10-2a-204](#)(1) for an original request.

1575 (3) The timely filing of a modified request under Subsection (1) gives the modified

1576 request the same processing priority under Subsection [~~10-2-105~~] [10-2a-204](#)(2) as the original
1577 request.

1578 (4) Within 10 days after the county legislative body's receipt of a certified modified
1579 request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection
1580 (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the
1581 county legislative body shall commission the feasibility consultant who conducted the
1582 feasibility study to supplement the feasibility study to take into account the information in the
1583 modified request that was not included in the original request.

1584 (5) The county legislative body shall require the feasibility consultant to complete the
1585 supplemental feasibility study and to submit written results of the supplemental study to the
1586 county legislative body and to the contact sponsor no later than 30 days after the feasibility
1587 consultant is commissioned to conduct the supplemental feasibility study.

1588 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study
1589 do not meet the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3):

1590 (i) the sponsors may file a further modified request as provided in Subsection (1); and

1591 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection
1592 (6)(a)(i).

1593 (b) A further modified request under Subsection (6)(a) shall, for purposes of its
1594 processing priority, be considered as an original request for a feasibility study under Section
1595 [~~10-2-103~~] [10-2a-202](#).

1596 Section 29. Section **10-2a-207**, which is renumbered from Section 10-2-108 is
1597 renumbered and amended to read:

1598 [~~10-2-108~~]. **10-2a-207. Public hearings on feasibility study results -- Notice of**
1599 **hearings.**

1600 (1) If the results of the feasibility study or supplemental feasibility study meet the
1601 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the county legislative body shall, at its
1602 next regular meeting after receipt of the results of the feasibility study or supplemental
1603 feasibility study, schedule at least two public hearings to be held:

1604 (a) within the following 60 days;

1605 (b) at least seven days apart;

1606 (c) in geographically diverse locations within the proposed city; and

1607 (d) for the purpose of allowing:
1608 (i) the feasibility consultant to present the results of the study; and
1609 (ii) the public to become informed about the feasibility study results and to ask
1610 questions about those results of the feasibility consultant.
1611 (2) At a public hearing described in Subsection (1), the county legislative body shall:
1612 (a) provide a map or plat of the boundary of the proposed city;
1613 (b) provide a copy of the feasibility study for public review; and
1614 (c) allow the public to express its views about the proposed incorporation, including its
1615 view about the proposed boundary.
1616 (3) (a) (i) The county clerk shall publish notice of the public hearings required under
1617 Subsection (1):
1618 (A) at least once a week for three successive weeks in a newspaper of general
1619 circulation within the proposed city; and
1620 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.
1621 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at
1622 least three days before the first public hearing required under Subsection (1).
1623 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation
1624 within the proposed city, the county clerk shall post at least one notice of the hearings per
1625 1,000 population in conspicuous places within the proposed city that are most likely to give
1626 notice of the hearings to the residents of the proposed city.
1627 (ii) The clerk shall post the notices under Subsection (3)(b)(i) at least seven days before
1628 the first hearing under Subsection (1).
1629 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study
1630 summary under Subsection [~~10-2-106~~] [10-2a-205](#)(3)(b) and shall indicate that a full copy of the
1631 study is available for inspection and copying at the office of the county clerk.
1632 Section 30. Section **10-2a-208**, which is renumbered from Section 10-2-109 is
1633 renumbered and amended to read:
1634 [~~10-2-109~~]. **10-2a-208. Incorporation petition -- Requirements and form.**
1635 (1) At any time within one year of the completion of the public hearings required under
1636 Subsection [~~10-2-108~~] [10-2a-207](#)(1), a petition for incorporation of the area proposed to be
1637 incorporated as a city may be filed in the office of the clerk of the county in which the area is

1638 located.

1639 (2) Each petition under Subsection (1) shall:

1640 (a) be signed by:

1641 (i) 10% of all registered voters within the area proposed to be incorporated as a city,
1642 according to the official voter registration list maintained by the county on the date the petition
1643 is filed; and

1644 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting
1645 precincts within the area proposed to be incorporated as a city, according to the official voter
1646 registration list maintained by the county on the date the petition is filed;

1647 (b) indicate the typed or printed name and current residence address of each owner
1648 signing the petition;

1649 (c) describe the area proposed to be incorporated as a city, as described in the
1650 feasibility study request or modified request that meets the requirements of Subsection (3);

1651 (d) state the proposed name for the proposed city;

1652 (e) designate five signers of the petition as petition sponsors, one of whom shall be
1653 designated as the contact sponsor, with the mailing address and telephone number of each;

1654 (f) state that the signers of the petition appoint the sponsors, if the incorporation
1655 measure passes, to represent the signers in the process of:

1656 (i) selecting the number of commission or council members the new city will have; and

1657 (ii) drawing district boundaries for the election of commission or council members, if
1658 the voters decide to elect commission or council members by district;

1659 (g) be accompanied by and circulated with an accurate plat or map, prepared by a
1660 licensed surveyor, showing the boundaries of the proposed city; and

1661 (h) substantially comply with and be circulated in the following form:

1662 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
1663 city)

1664 To the Honorable County Legislative Body of (insert the name of the county in which
1665 the proposed city is located) County, Utah:

1666 We, the undersigned owners of real property within the area described in this petition,
1667 respectfully petition the county legislative body to submit to the registered voters residing
1668 within the area described in this petition, at the next regular general election, the question of

1669 whether the area should incorporate as a city. Each of the undersigned affirms that each has
1670 personally signed this petition and is an owner of real property within the described area, and
1671 that the current residence address of each is correctly written after the signer's name. The area
1672 proposed to be incorporated as a city is described as follows: (insert an accurate description of
1673 the area proposed to be incorporated).

1674 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless
1675 the results of the feasibility study or supplemental feasibility study show that the average
1676 annual amount of revenue under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(v) does not exceed the
1677 average annual amount of cost under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(iv) by more than
1678 5%.

1679 (4) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) or a modified request
1680 under Section [~~10-2-107~~] [10-2a-206](#) may be used toward fulfilling the signature requirement of
1681 Subsection (2)(a):

1682 (a) if the request under Section [~~10-2-103~~] [10-2a-202](#) or modified request under
1683 Section [~~10-2-107~~] [10-2a-206](#) notified the signer in conspicuous language that the signature,
1684 unless withdrawn, would also be used for purposes of a petition for incorporation under this
1685 section; and

1686 (b) unless the signer files with the county clerk a written withdrawal of the signature
1687 before the petition under this section is filed with the clerk.

1688 (5) (a) A signature does not qualify as a signature to meet the requirement described in
1689 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

1690 (i) is not located entirely within the boundaries of the proposed city; or

1691 (ii) includes less than 50 registered voters.

1692 (b) A voting precinct that is not located entirely within the boundaries of the proposed
1693 city does not qualify as a voting precinct to meet the precinct requirements of Subsection
1694 (2)(a)(ii).

1695 Section 31. Section **10-2a-209**, which is renumbered from Section 10-2-110 is
1696 renumbered and amended to read:

1697 [~~10-2-110~~]. **10-2a-209. Processing of petition by county clerk -- Certification or**
1698 **rejection -- Processing priority.**

1699 (1) Within 45 days of the filing of a petition under Section [~~10-2-109~~] [10-2a-208](#), the

1700 county clerk shall:

1701 (a) with the assistance of other county officers from whom the clerk requests
1702 assistance, determine whether the petition meets the requirements of Section [~~10-2-109~~]
1703 [10-2a-208](#); and

1704 (b) (i) if the clerk determines that the petition meets those requirements, certify the
1705 petition, deliver it to the county legislative body, and notify in writing the contact sponsor of
1706 the certification; or

1707 (ii) if the clerk determines that the petition fails to meet any of those requirements,
1708 reject the petition and notify the contact sponsor in writing of the rejection and the reasons for
1709 the rejection.

1710 (2) (a) If the county clerk rejects a petition under Subsection (1)(b)(ii), the petition may
1711 be modified to correct the deficiencies for which it was rejected and then refiled with the
1712 county clerk.

1713 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days
1714 after the county clerk notifies the contact sponsor under Subsection (1)(b)(ii), even though the
1715 modified petition is filed after the expiration of the deadline provided in Subsection [~~10-2-109~~]
1716 [10-2a-208](#)(1).

1717 (c) A signature on an incorporation petition under Section [~~10-2-109~~] [10-2a-208](#) may
1718 be used toward fulfilling the signature requirement of Subsection [~~10-2-109~~] [10-2a-208](#)(2)(a)
1719 for the petition as modified under Subsection (2)(a).

1720 (3) (a) Within 20 days of the county clerk's receipt of a modified petition under
1721 Subsection (2)(a), the county clerk shall follow the same procedure for the modified petition as
1722 provided under Subsection (1) for an original petition.

1723 (b) If a county clerk rejects a modified petition under Subsection (1)(b)(ii), no further
1724 modification of that petition may be filed.

1725 Section 32. Section **10-2a-210**, which is renumbered from Section 10-2-111 is
1726 renumbered and amended to read:

1727 [~~10-2-111~~]. **10-2a-210. Incorporation election.**

1728 (1) (a) Upon receipt of a certified petition under Subsection [~~10-2-110~~]
1729 [10-2a-209](#)(1)(b)(i) or a certified modified petition under Subsection [~~10-2-110~~] [10-2a-209](#)(3),
1730 the county legislative body shall determine and set an election date for the incorporation

1731 election that is:

1732 (i) (A) on a general election date under Section 20A-1-201; or

1733 (B) on a local special election date under Section 20A-1-203; and

1734 (ii) at least 65 days after the day that the legislative body receives the certified petition.

1735 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,

1736 within the boundaries of the proposed city, the person may not vote on the proposed

1737 incorporation.

1738 (2) (a) The county clerk shall publish notice of the election:

1739 (i) in a newspaper of general circulation within the area proposed to be incorporated at
1740 least once a week for three successive weeks; and

1741 (ii) in accordance with Section 45-1-101 for three weeks.

1742 (b) The notice required by Subsection (2)(a) shall contain:

1743 (i) a statement of the contents of the petition;

1744 (ii) a description of the area proposed to be incorporated as a city;

1745 (iii) a statement of the date and time of the election and the location of polling places;

1746 and

1747 (iv) the feasibility study summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and a
1748 statement that a full copy of the study is available for inspection and copying at the office of
1749 the county clerk.

1750 (c) The last publication of notice required under Subsection (2)(a) shall occur at least
1751 one day but no more than seven days before the election.

1752 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
1753 circulation within the proposed city, the county clerk shall post at least one notice of the
1754 election per 1,000 population in conspicuous places within the proposed city that are most
1755 likely to give notice of the election to the voters of the proposed city.

1756 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before
1757 the election under Subsection (1).

1758 (3) If a majority of those casting votes within the area boundaries of the proposed city
1759 vote to incorporate as a city, the area shall incorporate.

1760 Section 33. Section 10-2a-211, which is renumbered from Section 10-2-112 is
1761 renumbered and amended to read:

1762 ~~[10-2-112]~~. 10-2a-211. **Ballot used at the incorporation election.**

1763 (1) The ballot at the incorporation election under Subsection ~~[10-2-111]~~ 10-2a-210(1)
1764 shall pose the incorporation question substantially as follows:

1765 Shall the area described as (insert a description of the proposed city) be incorporated as
1766 the city of (insert the proposed name of the proposed city)?

1767 (2) The ballot shall provide a space for the voter to answer yes or no to the question in
1768 Subsection (1).

1769 (3) (a) The ballot at the incorporation election shall also pose the question relating to
1770 the form of government substantially as follows:

1771 If the above incorporation proposal passes, under what form of municipal government
1772 shall (insert the name of the proposed city) operate? Vote for one:

1773 Five-member council form

1774 Six-member council form

1775 Five-member council-mayor form

1776 Seven-member council-mayor form.

1777 (b) The ballot shall provide a space for the voter to vote for one form of government.

1778 (4) (a) The ballot at the incorporation election shall also pose the question of whether
1779 to elect city council members by district substantially as follows:

1780 If the above incorporation proposal passes, shall members of the city council of (insert
1781 the name of the proposed city) be elected by district?

1782 (b) The ballot shall provide a space for the voter to answer yes or no to the question in
1783 Subsection (4)(a).

1784 Section 34. Section **10-2a-212**, which is renumbered from Section 10-2-113 is
1785 renumbered and amended to read:

1786 ~~[10-2-113]~~. 10-2a-212. **Notification to lieutenant governor of incorporation**
1787 **election results.**

1788 Within 10 days of the canvass of the incorporation election, the county clerk shall send
1789 written notice to the lieutenant governor of:

1790 (1) the results of the election; and

1791 (2) if the incorporation measure passes:

1792 (a) the name of the city; and

1793 (b) the class of the city as provided under Section [10-2-301](#).

1794 Section 35. Section **10-2a-213**, which is renumbered from Section 10-2-114 is
1795 renumbered and amended to read:

1796 ~~[10-2-114]~~. **10-2a-213. Determination of number of council members --**
1797 **Determination of election districts -- Hearings and notice.**

1798 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of
1799 the canvass of the election under Section ~~[10-2-114]~~ [10-2a-210](#):

1800 (a) if the voters at the incorporation election choose the council-mayor form of
1801 government, determine the number of council members that will constitute the council of the
1802 future city;

1803 (b) if the voters at the incorporation election vote to elect council members by district,
1804 determine the number of council members to be elected by district and draw the boundaries of
1805 those districts, which shall be substantially equal in population;

1806 (c) determine the initial terms of the mayor and members of the city council so that:

1807 (i) the mayor and approximately half the members of the city council are elected to
1808 serve an initial term, of no less than one year, that allows their successors to serve a full
1809 four-year term that coincides with the schedule established in Subsection [10-3-205\(1\)](#); and

1810 (ii) the remaining members of the city council are elected to serve an initial term, of no
1811 less than one year, that allows their successors to serve a full four-year term that coincides with
1812 the schedule established in Subsection [10-3-205\(2\)](#); and

1813 (d) submit in writing to the county legislative body the results of the sponsors'
1814 determinations under Subsections (1)(a), (b), and (c).

1815 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition
1816 sponsors shall hold a public hearing within the future city on the applicable issues under
1817 Subsections (1)(a), (b), and (c).

1818 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection
1819 (2)(a):

1820 (A) in a newspaper of general circulation within the future city at least once a week for
1821 two successive weeks before the hearing; and

1822 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks
1823 before the hearing.

1824 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three
1825 days before the public hearing under Subsection (2)(a).

1826 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general
1827 circulation within the future city, the petition sponsors shall post at least one notice of the
1828 hearing per 1,000 population in conspicuous places within the future city that are most likely to
1829 give notice of the hearing to the residents of the future city.

1830 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven
1831 days before the hearing under Subsection (2)(a).

1832 Section 36. Section **10-2a-214**, which is renumbered from Section 10-2-115 is
1833 renumbered and amended to read:

1834 ~~[10-2-115]~~. **10-2a-214. Notice of number of commission or council members to**
1835 **be elected and of district boundaries -- Declaration of candidacy for city office.**

1836 (1) (a) Within 20 days of the county legislative body's receipt of the information under
1837 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(d), the county clerk shall publish, in accordance with
1838 Subsection (1)(b), notice containing:

1839 (i) the number of commission or council members to be elected for the new city;

1840 (ii) if some or all of the commission or council members are to be elected by district, a
1841 description of the boundaries of those districts as designated by the petition sponsors under
1842 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(b);

1843 (iii) information about the deadline for filing a declaration of candidacy for those
1844 seeking to become candidates for mayor or city commission or council; and

1845 (iv) information about the length of the initial term of each of the city officers, as
1846 determined by the petition sponsors under Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(c).

1847 (b) The notice under Subsection (1)(a) shall be published:

1848 (i) in a newspaper of general circulation within the future city at least once a week for
1849 two successive weeks; and

1850 (ii) in accordance with Section [45-1-101](#) for two weeks.

1851 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general
1852 circulation within the future city, the county clerk shall post at least one notice per 1,000
1853 population in conspicuous places within the future city that are most likely to give notice to the
1854 residents of the future city.

1855 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
1856 Subsection (1)(a).

1857 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
1858 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

1859 (2) Notwithstanding Subsection [20A-9-203\(2\)\(a\)](#), each person seeking to become a
1860 candidate for mayor or city commission or council of a city incorporating under this part shall,
1861 within 45 days of the incorporation election under Section ~~[10-2-111]~~ [10-2a-210](#), file a
1862 declaration of candidacy with the clerk of the county in which the future city is located.

1863 Section 37. Section **10-2a-215**, which is renumbered from Section 10-2-116 is
1864 renumbered and amended to read:

1865 ~~[10-2-116]~~. **10-2a-215. Election of officers of new city.**

1866 (1) For the election of city officers, the county legislative body shall:

1867 (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary
1868 election; and

1869 (b) hold a final election.

1870 (2) Each election under Subsection (1) shall be:

1871 (a) appropriate to the form of government chosen by the voters at the incorporation
1872 election;

1873 (b) consistent with the voters' decision about whether to elect commission or council
1874 members by district and, if applicable, consistent with the boundaries of those districts as
1875 determined by the petition sponsors; and

1876 (c) consistent with the sponsors' determination of the number of commission or council
1877 members to be elected and the length of their initial term.

1878 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
1879 be held at the earliest of the next:

1880 (i) regular general election under Section [20A-1-201](#);

1881 (ii) municipal primary election under Section [20A-9-404](#);

1882 (iii) municipal general election under Section [20A-1-202](#); or

1883 (iv) special election under Section [20A-1-204](#).

1884 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)
1885 may not be held until 75 days after the incorporation election under Section ~~[10-2-111]~~

1886 [10-2a-210](#).

1887 (4) The final election under Subsection (1)(b) shall be held at the next special election
1888 date under Section [20A-1-204](#):

1889 (a) after the primary election; or

1890 (b) if there is no primary election, more than 75 days after the incorporation election
1891 under Section [~~10-2-111~~] [10-2a-210](#).

1892 (5) (a) (i) The county clerk shall publish notice of an election under this section:

1893 (A) at least once a week for two successive weeks in a newspaper of general circulation
1894 within the future city; and

1895 (B) in accordance with Section [45-1-101](#) for two weeks.

1896 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more
1897 than seven days before the election.

1898 (b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general
1899 circulation within the future city, the county clerk shall post at least one notice of the election
1900 per 1,000 population in conspicuous places within the future city that are most likely to give
1901 notice of the election to the voters.

1902 (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven
1903 days before each election under Subsection (1).

1904 (6) Until the city is incorporated, the county clerk is the election officer for all purposes
1905 in an election of officers of the city approved at an incorporation election.

1906 Section 38. Section [10-2a-216](#), which is renumbered from Section 10-2-117 is
1907 renumbered and amended to read:

1908 [~~10-2-117~~]. **[10-2a-216](#). Notification to lieutenant governor of election of city**
1909 **officers.**

1910 Within 10 days of the canvass of the final election of city officers under Section
1911 [~~10-2-116~~] [10-2a-215](#), the county clerk shall send written notice to the lieutenant governor of
1912 the name and position of each officer elected and the term for which each has been elected.

1913 Section 39. Section [10-2a-217](#), which is renumbered from Section 10-2-119 is
1914 renumbered and amended to read:

1915 [~~10-2-119~~]. **[10-2a-217](#). Filing of notice and approved final local entity plat with**
1916 **lieutenant governor -- Effective date of incorporation -- Necessity of recording documents**

1917 **and effect of not recording.**

1918 (1) The mayor-elect of the future city shall:

1919 (a) within 30 days after the canvass of the final election of city officers under Section
1920 ~~[10-2-116]~~ 10-2a-215, file with the lieutenant governor:

1921 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1922 that meets the requirements of Subsection 67-1a-6.5(3); and

1923 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1924 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
1925 Section 67-1a-6.5:

1926 (i) if the city is located within the boundary of a single county, submit to the recorder
1927 of that county the original:

1928 (A) notice of an impending boundary action;

1929 (B) certificate of incorporation; and

1930 (C) approved final local entity plat; or

1931 (ii) if the city is located within the boundaries of more than a single county, submit the
1932 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those
1933 counties and a certified copy of those documents to each other county.

1934 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a
1935 certificate of incorporation under Section 67-1a-6.5.

1936 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be
1937 lawfully incorporated and existing if, for two years following the city's incorporation:

1938 (i) (A) the city has levied and collected a property tax; or

1939 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use
1940 tax; and

1941 (ii) no challenge to the existence or incorporation of the city has been filed in the
1942 district court for the county in which the city is located.

1943 (3) (a) The effective date of an incorporation for purposes of assessing property within
1944 the new city is governed by Section 59-2-305.5.

1945 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the
1946 recorder of each county in which the property is located, a newly incorporated city may not:

1947 (i) levy or collect a property tax on property within the city;

- 1948 (ii) levy or collect an assessment on property within the city; or
- 1949 (iii) charge or collect a fee for service provided to property within the city.

1950 Section 40. Section **10-2a-218**, which is renumbered from Section 10-2-120 is
1951 renumbered and amended to read:

1952 ~~[10-2-120]~~. **10-2a-218. Powers of officers-elect.**

1953 (1) Upon the canvass of the final election of city officers under Section ~~[10-2-116]~~
1954 [10-2a-215](#) and until the future city becomes legally incorporated, the officers of the future city
1955 may:

- 1956 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,
1957 a proposed budget and compilation of ordinances;
- 1958 (b) negotiate and make personnel contracts and hirings;
- 1959 (c) negotiate and make service contracts;
- 1960 (d) negotiate and make contracts to purchase equipment, materials, and supplies;
- 1961 (e) borrow funds from the county in which the future city is located under Subsection
1962 ~~[10-2-121]~~ [10-2a-219](#)(3);
- 1963 (f) borrow funds for startup expenses of the future city;
- 1964 (g) issue tax anticipation notes in the name of the future city; and
- 1965 (h) make appointments to the city's planning commission.

1966 (2) The city's legislative body shall review and ratify each contract made by the
1967 officers-elect under Subsection (1) within 30 days after the effective date of incorporation
1968 under Section ~~[10-2-119]~~ [10-2a-217](#).

1969 Section 41. Section **10-2a-219**, which is renumbered from Section 10-2-121 is
1970 renumbered and amended to read:

1971 ~~[10-2-121]~~. **10-2a-219. Division of municipal-type services revenues -- County**
1972 **may provide startup funds.**

1973 (1) The county in which an area incorporating under this part is located shall, until the
1974 date of the city's incorporation under Section ~~[10-2-119]~~ [10-2a-217](#), continue:

- 1975 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to
1976 the future city; and
- 1977 (b) except as otherwise agreed by the county and the officers-elect of the city, to
1978 provide the same services to the future city as the county provided before the commencement

1979 of the incorporation proceedings.

1980 (2) (a) The legislative body of the county in which a newly incorporated city is located
1981 shall share pro rata with the new city, based on the date of incorporation, the taxes and service
1982 charges or fees levied and collected by the county under Section 17-34-3 during the year of the
1983 new city's incorporation if and to the extent that the new city provides, by itself or by contract,
1984 the same services for which the county levied and collected the taxes and service charges or
1985 fees.

1986 (b) (i) The legislative body of a county in which a city incorporated after January 1,
1987 2004, is located may share with the new city taxes and service charges or fees that were levied
1988 and collected by the county under Section 17-34-3:

1989 (A) before the year of the new city's incorporation;

1990 (B) from the previously unincorporated area that, because of the city's incorporation, is
1991 located within the boundaries of the newly incorporated city; and

1992 (C) for the purpose of providing services to the area that before the new city's
1993 incorporation was unincorporated.

1994 (ii) A county legislative body may share taxes and service charges or fees under
1995 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts
1996 due under a contract for municipal-type services provided by the county to the new city.

1997 (3) (a) The legislative body of a county in which an area incorporating under this part is
1998 located may appropriate county funds to:

1999 (i) before incorporation but after the canvass of the final election of city officers under
2000 Section [~~10-2-116~~] 10-2a-215, the officers-elect of the future city to pay startup expenses of the
2001 future city; or

2002 (ii) after incorporation, the new city.

2003 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a
2004 grant, a loan, or as an advance against future distributions under Subsection (2).

2005 Section 42. Section **10-2a-220**, which is renumbered from Section 10-2-123 is
2006 renumbered and amended to read:

2007 ~~[10-2-123]~~. **10-2a-220. Costs of incorporation.**

2008 (1) Subject to Subsection (2), all costs of the incorporation proceeding, including
2009 request certification, feasibility study, petition certification, publication of notices, public

2010 hearings, and elections, shall be paid by the county in which the proposed city is located.

2011 (2) If incorporation occurs, the new municipality shall reimburse the county for the
2012 costs of the notices and hearing under Section [~~10-2-114~~] [10-2a-213](#), the notices and elections
2013 under Section [~~10-2-116~~] [10-2a-215](#), and all other incorporation activities occurring after the
2014 elections under Section [~~10-2-116~~] [10-2a-215](#).

2015 Section 43. Section **10-2a-221**, which is renumbered from Section 10-2-124 is
2016 renumbered and amended to read:

2017 [~~10-2-124~~]. **10-2a-221. Incorporation petition or feasibility study before May 8,**
2018 **2012.**

2019 (1) A party with a petition in process as of January 1, 2012, and not yet filed for final
2020 certification with the county clerk in accordance with Section [~~10-2-110~~] [10-2a-209](#) as of May
2021 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as
2022 provided in Subsection (3).

2023 (2) A party described in Subsection (1) may use a signature on a petition in process as
2024 of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012.

2025 (3) If on or before May 8, 2012, a feasibility study has been completed for a party
2026 described in Subsection (1):

- 2027 (a) the completed feasibility study shall fulfill the requirements of this section; and
- 2028 (b) the party is not required to request a new feasibility study.

2029 Section 44. Section **10-2a-301** is enacted to read:

2030 **Part 3. Incorporation of a Town**

2031 **10-2a-301. Title.**

2032 This part is known as "Incorporation of a Town."

2033 Section 45. Section **10-2a-302**, which is renumbered from Section 10-2-125 is
2034 renumbered and amended to read:

2035 [~~10-2-125~~]. **10-2a-302. Incorporation of a town -- Petition.**

2036 (1) As used in this section:

2037 (a) "Assessed value," with respect to agricultural land, means the value at which the
2038 land would be assessed without regard to a valuation for agricultural use under Section
2039 [59-2-503](#).

2040 [~~(c)~~] (b) "Feasibility consultant" means a person or firm:

- 2041 (i) with expertise in the processes and economics of local government; and
- 2042 (ii) who is independent of and not affiliated with a county or sponsor of a petition to
- 2043 incorporate.
- 2044 ~~[(b)]~~ (c) "Financial feasibility study" means a study described in Subsection (7).
- 2045 (d) "Municipal service" means a publicly provided service that is not provided on a
- 2046 countywide basis.
- 2047 (e) "Nonurban" means having a residential density of less than one unit per acre.
- 2048 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of
- 2049 at least 100 but less than 1,000, may incorporate as a town as provided in this section.
- 2050 (ii) An area within a county of the first class is not contiguous for purposes of
- 2051 Subsection (2)(a)(i) if:
- 2052 (A) the area includes a strip of land that connects geographically separate areas; and
- 2053 (B) the distance between the geographically separate areas is greater than the average
- 2054 width of the strip of land connecting the geographically separate areas.
- 2055 (b) The population figure under Subsection (2)(a) shall be determined:
- 2056 (i) as of the date the incorporation petition is filed; and
- 2057 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's
- 2058 certification under Subsection (6) of a petition filed under Subsection (4).
- 2059 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to
- 2060 incorporate the area as a town with the clerk of the county in which the area is located.
- 2061 (b) A petition under Subsection (3)(a) shall:
- 2062 (i) be signed by:
- 2063 (A) the owners of private real property that:
- 2064 (I) is located within the area proposed to be incorporated; and
- 2065 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real
- 2066 property within the area; and
- 2067 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,
- 2068 according to the official voter registration list maintained by the county on the date the petition
- 2069 is filed;
- 2070 (ii) designate as sponsors at least five of the property owners who have signed the
- 2071 petition, one of whom shall be designated as the contact sponsor, with the mailing address of

2072 each owner signing as a sponsor;

2073 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
2074 licensed surveyor, showing a legal description of the boundary of the proposed town; and

2075 (iv) substantially comply with and be circulated in the following form:

2076 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
2077 town)

2078 To the Honorable County Legislative Body of (insert the name of the county in which
2079 the proposed town is located) County, Utah:

2080 We, the undersigned owners of real property and registered voters within the area
2081 described in this petition, respectfully petition the county legislative body to submit to the
2082 registered voters residing within the area described in this petition, at the next regular general
2083 election, the question of whether the area should incorporate as a town. Each of the
2084 undersigned affirms that each has personally signed this petition and is an owner of real
2085 property or a registered voter residing within the described area, and that the current residence
2086 address of each is correctly written after the signer's name. The area proposed to be
2087 incorporated as a town is described as follows: (insert an accurate description of the area
2088 proposed to be incorporated).

2089 (c) A petition under this Subsection (3) may not describe an area that includes some or
2090 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

2091 (i) was filed before the filing of the petition; and

2092 (ii) is still pending on the date the petition is filed.

2093 (d) A petition may not be filed under this section if the private real property owned by
2094 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the
2095 total private land area within the area proposed to be incorporated as a town.

2096 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,
2097 reinstate the signer's signature on the petition:

2098 (i) at any time until the county clerk certifies the petition under Subsection (5); and

2099 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

2100 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town
2101 an area located within a county of the first class, the county clerk shall deliver written notice of
2102 the proposed incorporation:

2103 (i) to each owner of private real property owning more than 1% of the assessed value
2104 of all private real property within the area proposed to be incorporated as a town; and

2105 (ii) within seven calendar days after the date on which the petition is filed.

2106 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or
2107 part of the owner's property from the area proposed to be incorporated as a town by filing a
2108 notice of exclusion:

2109 (i) with the county clerk; and

2110 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

2111 (c) The county legislative body shall exclude from the area proposed to be incorporated
2112 as a town the property identified in the notice of exclusion under Subsection (4)(b) if:

2113 (i) the property:

2114 (A) is nonurban; and

2115 (B) does not and will not require a municipal service; and

2116 (ii) exclusion will not leave an unincorporated island within the proposed town.

2117 (d) If the county legislative body excludes property from the area proposed to be
2118 incorporated as a town, the county legislative body shall send written notice of the exclusion to
2119 the contact sponsor within five days after the exclusion.

2120 (5) No later than 20 days after the filing of a petition under Subsection (3), the county
2121 clerk shall:

2122 (a) with the assistance of other county officers from whom the clerk requests
2123 assistance, determine whether the petition complies with the requirements of Subsection (3);
2124 and

2125 (b) (i) if the clerk determines that the petition complies with those requirements:

2126 (A) certify the petition and deliver the certified petition to the county legislative body;
2127 and

2128 (B) mail or deliver written notification of the certification to:

2129 (I) the contact sponsor;

2130 (II) if applicable, the chair of the planning commission of each [township] planning
2131 district in which any part of the area proposed for incorporation is located; and

2132 (III) the Utah Population Estimates Committee; or

2133 (ii) if the clerk determines that the petition fails to comply with any of those

2134 requirements, reject the petition and notify the contact sponsor in writing of the rejection and
2135 the reasons for the rejection.

2136 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to
2137 correct a deficiency for which it was rejected and then refiled with the county clerk.

2138 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward
2139 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended
2140 under Subsection (6)(a)(i) and then refiled with the county clerk.

2141 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been
2142 rejected by the county clerk under Subsection (5)(b)(ii):

2143 (i) the amended petition shall be considered as a newly filed petition; and

2144 (ii) the amended petition's processing priority is determined by the date on which it is
2145 refiled.

2146 (7) (a) (i) The legislative body of a county with which a petition is filed under
2147 Subsection (4) and certified under Subsection (6) shall commission and pay for a financial
2148 feasibility study.

2149 (ii) The feasibility consultant shall be chosen:

2150 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection
2151 (3)(b)(ii), with the consent of the county; or

2152 (II) by the county if the contact sponsor states, in writing, that the sponsor defers
2153 selection of the feasibility consultant to the county; and

2154 (B) in accordance with applicable county procurement procedure.

2155 (iii) The county legislative body shall require the feasibility consultant to complete the
2156 financial feasibility study and submit written results of the study to the county legislative body
2157 no later than 30 days after the feasibility consultant is engaged to conduct the financial
2158 feasibility study.

2159 (b) The financial feasibility study shall consider the:

2160 (i) population and population density within the area proposed for incorporation and
2161 the surrounding area;

2162 (ii) current and five-year projections of demographics and economic base in the
2163 proposed town and surrounding area, including household size and income, commercial and
2164 industrial development, and public facilities;

2165 (iii) projected growth in the proposed town and in adjacent areas during the next five
2166 years;

2167 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,
2168 including overhead, of governmental services in the proposed town, including:

2169 (A) culinary water;

2170 (B) secondary water;

2171 (C) sewer;

2172 (D) law enforcement;

2173 (E) fire protection;

2174 (F) roads and public works;

2175 (G) garbage;

2176 (H) weeds; and

2177 (I) government offices;

2178 (v) assuming the same tax categories and tax rates as currently imposed by the county
2179 and all other current service providers, the present and five-year projected revenue for the
2180 proposed town; and

2181 (vi) a projection of any new taxes per household that may be levied within the
2182 incorporated area within five years of incorporation.

2183 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a
2184 level and quality of governmental services to be provided to the proposed town in the future
2185 that fairly and reasonably approximate the level and quality of governmental services being
2186 provided to the proposed town at the time of the feasibility study.

2187 (ii) In determining the present cost of a governmental service, the feasibility consultant
2188 shall consider:

2189 (A) the amount it would cost the proposed town to provide governmental service for
2190 the first five years after incorporation; and

2191 (B) the county's present and five-year projected cost of providing governmental
2192 service.

2193 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation
2194 and anticipated growth.

2195 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year

2196 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall
2197 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
2198 governor.

2199 (e) The county legislative body shall approve a certified petition proposing the
2200 incorporation of a town and hold a public hearing as provided in Section [~~10-2-126~~] 10-2a-303.
2201 Section 46. Section **10-2a-303**, which is renumbered from Section 10-2-126 is
2202 renumbered and amended to read:

2203 ~~[10-2-126]~~. **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

2204 (1) If, in accordance with Section [~~10-2-125~~] 10-2a-302, the county clerk certifies a
2205 petition for incorporation or an amended petition for incorporation, the county legislative body
2206 shall, at its next regular meeting after completion of the feasibility study, schedule a public
2207 hearing to:

2208 (a) be held no later than 60 days after the day on which the feasibility study is
2209 completed; and

2210 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for
2211 the proposed town.

2212 (2) The county legislative body shall give notice of the public hearing on the proposed
2213 incorporation by:

2214 (a) posting notice of the public hearing on the county's Internet website, if the county
2215 has an Internet website;

2216 (b) (i) publishing notice of the public hearing at least once a week for two consecutive
2217 weeks in a newspaper of general circulation within the proposed town; or

2218 (ii) if there is no newspaper of general circulation within the proposed town, posting
2219 notice of the public hearing in at least five conspicuous public places within the proposed
2220 town; and

2221 (c) publishing notice of the public hearing on the Utah Public Notice Website created
2222 in Section 63F-1-701.

2223 (3) At the public hearing scheduled in accordance with Subsection (1), the county
2224 legislative body shall:

2225 (a) (i) provide a copy of the feasibility study; and

2226 (ii) present the results of the feasibility study to the public; and

2227 (b) allow the public to:
 2228 (i) review the map or plat of the boundary of the proposed town;
 2229 (ii) ask questions and become informed about the proposed incorporation; and
 2230 (iii) express its views about the proposed incorporation, including their views about the
 2231 boundary of the area proposed to be incorporated.

2232 (4) A county may not hold an election on the incorporation of a town in accordance
 2233 with Section [~~10-2-127~~] 10-2a-304 if the results of the feasibility study show that the five-year
 2234 projected revenues under Subsection [~~10-2-125~~] 10-2a-302(7)(b)(v) exceed the five-year
 2235 projected costs under Subsection [~~10-2-125~~] 10-2a-302(7)(b)(iv) by more than 10%.

2236 Section 47. Section **10-2a-304**, which is renumbered from Section 10-2-127 is
 2237 renumbered and amended to read:

2238 [~~10-2-127~~]. **10-2a-304. Incorporation of a town -- Election to incorporate --**
 2239 **Ballot form.**

2240 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a
 2241 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] Section 10-2a-302, the
 2242 county legislative body shall determine and set an election date for the incorporation election
 2243 that is:

2244 (i) (A) on a general election date under Section 20A-1-201; or
 2245 (B) on a local special election date under Section 20A-1-203; and
 2246 (ii) at least 65 days after the day that the legislative body receives the certified petition.
 2247 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,
 2248 within the boundaries of the proposed town, the person may not vote on the proposed
 2249 incorporation.

2250 (2) (a) The county clerk shall publish notice of the election:

2251 (i) in a newspaper of general circulation, within the area proposed to be incorporated,
 2252 at least once a week for three successive weeks; and

2253 (ii) in accordance with Section 45-1-101 for three weeks.

2254 (b) The notice required by Subsection (2)(a) shall contain:

2255 (i) a statement of the contents of the petition;

2256 (ii) a description of the area proposed to be incorporated as a town;

2257 (iii) a statement of the date and time of the election and the location of polling places;

2258 and

2259 (iv) the county Internet website address, if applicable, and the address of the county
2260 office where the feasibility study is available for review.

2261 (c) The last publication of notice required under Subsection (2)(a) shall occur at least
2262 one day but no more than seven days before the election.

2263 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
2264 circulation within the proposed town, the county clerk shall post at least one notice of the
2265 election per 100 population in conspicuous places within the proposed town that are most
2266 likely to give notice of the election to the voters of the proposed town.

2267 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before
2268 the election under Subsection (1)(a).

2269 (3) The ballot at the incorporation election shall pose the incorporation question
2270 substantially as follows:

2271 Shall the area described as (insert a description of the proposed town) be incorporated
2272 as the town of (insert the proposed name of the proposed town)?

2273 (4) The ballot shall provide a space for the voter to answer yes or no to the question in
2274 Subsection (3).

2275 (5) If a majority of those casting votes within the area boundaries of the proposed town
2276 vote to incorporate as a town, the area shall incorporate.

2277 Section 48. Section **10-2a-305**, which is renumbered from Section 10-2-128 is
2278 renumbered and amended to read:

2279 ~~**10-2-128**~~. **10-2a-305. Form of government -- Election of officers of new town.**

2280 (1) A newly incorporated town shall operate under the five-member council form of
2281 government as defined in Section [10-3b-102](#).

2282 (2) (a) The county legislative body of the county in which a newly incorporated town is
2283 located shall hold an election for town officers at the next special election after the regular
2284 general election in which the town incorporation is approved.

2285 (b) The officers elected at an election described in Subsection (2)(a) shall take office at
2286 noon on the first Monday in January next following the special election described in
2287 Subsection (2)(a).

2288 Section 49. Section **10-2a-306**, which is renumbered from Section 10-2-129 is

2289 renumbered and amended to read:

2290 ~~[10-2-129]~~. **10-2a-306. Notice to lieutenant governor -- Effective date of**
 2291 **incorporation -- Effect of recording documents.**

2292 (1) The mayor-elect of the future town shall:

2293 (a) within 30 days after the canvass of the election of town officers under Section
 2294 ~~[10-2-128]~~ 10-2a-305, file with the lieutenant governor:

2295 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2296 that meets the requirements of Subsection 67-1a-6.5(3); and

2297 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2298 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
 2299 Section 67-1a-6.5:

2300 (i) if the town is located within the boundary of a single county, submit to the recorder
 2301 of that county the original:

2302 (A) notice of an impending boundary action;

2303 (B) certificate of incorporation; and

2304 (C) approved final local entity plat; or

2305 (ii) if the town is located within the boundaries of more than a single county, submit
 2306 the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those
 2307 counties and a certified copy of those documents to each other county.

2308 (2) (a) A new town is incorporated:

2309 (i) on December 31 of the year in which the lieutenant governor issues a certificate of
 2310 incorporation under Section 67-1a-6.5, if the election of town officers under Section ~~[10-2-128]~~
 2311 10-2a-305 is held on a regular general or municipal general election date; or

2312 (ii) on the last day of the month during which the lieutenant governor issues a
 2313 certificate of incorporation under Section 67-1a-6.5, if the election of town officers under
 2314 Section ~~[10-2-128]~~ 10-2a-305 is held on any other date.

2315 (b) (i) The effective date of an incorporation for purposes of assessing property within
 2316 the new town is governed by Section 59-2-305.5.

2317 (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
 2318 recorder of each county in which the property is located, a newly incorporated town may not:

2319 (A) levy or collect a property tax on property within the town;

2320 (B) levy or collect an assessment on property within the town; or
2321 (C) charge or collect a fee for service provided to property within the town.

2322 Section 50. Section **10-2a-401** is enacted to read:

2323 **Part 4. Incorporation of Metro Townships and Unincorporated**
2324 **Islands in a County of the First Class on and after May 12, 2015**
2325 **10-2a-401. Title.**

2326 This part is known as "Incorporation of Metro Townships and Unincorporated Islands
2327 in a County of the First Class on and after May 12, 2015."

2328 Section 51. Section **10-2a-402** is enacted to read:

2329 **10-2a-402. Application.**

2330 (1) The provisions of this part:

2331 (a) apply to the following located in a county of the first class:

2332 (i) a planning township established before May 12, 2015; and

2333 (ii) subject to Subsection (2), an unincorporated island located in a county of the first
2334 class on or after May 12, 2015, and before November 4, 2015; and

2335 (b) do not apply to a planning district, as defined in Section [17-27a-103](#), or any other
2336 unincorporated area located outside of a county of the first class.

2337 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a
2338 Town, apply to an unincorporated area described in Subsection (1) for an incorporation as a
2339 city after November 3, 2015.

2340 (b) The provisions of Section [10-2a-410](#) apply to an unincorporated area described in
2341 Subsection (1) for an incorporation as a metro township after November 3, 2015.

2342 (c) The provisions of Chapter 2, Part 4, Annexation:

2343 (i) do not apply to an unincorporated island for purposes of annexation before
2344 November 4, 2015, unless:

2345 (A) otherwise indicated; or

2346 (B) before July 1, 2015, an annexation petition is filed in accordance with Section
2347 [10-2-403](#) or an intent to annex resolution is adopted in accordance with Subsection

2348 [10-2-418\(2\)\(a\)\(i\)](#); and

2349 (ii) apply to an unincorporated island that is not annexed at an election under this part
2350 for purposes of annexation on or after November 4, 2015.

2351 Section 52. Section **10-2a-403** is enacted to read:

2352 **10-2a-403. Definitions.**

2353 As used in this section:

2354 (1) "Ballot proposition" means the same as that term is defined in Section [20A-1-102](#).

2355 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to
2356 annex an unincorporated island.

2357 (3) "Local special election" means the same as that term is defined in Section
2358 [20A-1-102](#).

2359 (4) "Municipal services district" means a district created in accordance with Title ~~§~~ **11**

2359a **17B** ~~←~~ ~~§~~ **2**

2360 Chapter 2a, Part 11, Municipal Services District Act.

2361 (5) (a) "Metro township" means, except as provided in Subsection (5)(b), a planning
2362 township that is incorporated in accordance with this part.

2363 (b) "Metro township" does not include a township as that term is used in the context of
2364 identifying a geographic area in common surveyor practice.

2365 (6) (a) "Planning township" means an area located in a county of the first class that is
2366 established as a township as defined in and established in accordance with law before the
2367 enactment of this bill.

2368 (b) "Planning township" does not include rural real property unless the owner of the
2369 rural real property provides written consent in accordance with Section [10-2a-405](#).

2370 (7) (a) "Unincorporated island" means an unincorporated area that is completely
2371 surrounded by one or more municipalities.

2372 (b) "Unincorporated island" does not include a planning township.

2373 Section 53. Section **10-2a-404** is enacted to read:

2374 **10-2a-404. Election.**

2375 (1) (a) Notwithstanding Section [20A-1-203](#), a county of the first class shall hold a local
2376 special election on November 3, 2015, on the following ballot propositions:

2377 (i) for registered voters residing within a planning township:

2378 (A) whether the planning township shall be incorporated as a city or town, according to
2379 the classifications of Section [10-2-301](#), or as a metro township; and

2380 (B) if the planning township incorporates as a metro township, whether the metro
2381 township is included in a municipal services district; and

2382 (ii) for registered voters residing within an unincorporated island, whether the island
2383 should maintain its unincorporated status or be annexed into an eligible city.

2384 (b) (i) A metro township incorporated under this part shall be governed by the
2385 five-member council or the three-member council, depending on the metro township
2386 population and in accordance with Chapter 3b, Part 5, Metro Township Council Form of
2387 Municipal Government.

2388 (ii) A city or town incorporated under this part shall be governed by the five-member
2389 council form of government as defined in Section [10-3b-102](#).

2390 (2) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),
2391 within the boundaries of a planning township or an unincorporated island, the person may not
2392 vote on the proposed incorporation or annexation.

2393 (3) The county clerk shall publish notice of the election:

2394 (a) in a newspaper of general circulation within the planning township or
2395 unincorporated island at least once a week for three successive weeks; and

2396 (b) in accordance with Section [45-1-101](#) for three weeks.

2397 (4) The notice required by Subsection (3) shall contain:

2398 (a) for residents of a planning township:

2399 (i) a statement that the voters will vote:

2400 (A) to incorporate as a city or town, according to the classifications of Section
2401 [10-2-301](#), or as a metro township; and

2402 (B) if the planning township incorporates as a metro township, whether the metro
2403 township is included in a municipal services district;

2404 (ii) if applicable under Subsection [10-2a-405](#)(5), a map showing the alteration to the
2405 planning township boundaries that would be effective upon incorporation;

2406 (iii) a statement that if the residents of the planning township elect to incorporate:

2407 (A) as a metro township, the metro township shall be governed by a metro township
2408 council and the number of council members appropriate to that metro township in accordance
2409 with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government; or

2410 (B) as a city or town, the city or town shall be governed by the five-member council
2411 form of government as defined in Section [10-3b-102](#); and

2412 (iv) a statement of the date and time of the election and the location of polling places;

- 2413 (b) for residents of an unincorporated island:
- 2414 (i) a statement that the voters will vote either to be annexed into an eligible city or
- 2415 maintain unincorporated status; and
- 2416 (ii) a statement of the eligible city, as determined by the county legislative body in
- 2417 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and
- 2418 (c) a statement of the date and time of the election and the location of polling places.
- 2419 (5) The last publication of notice required under Subsection (3) shall occur at least one
- 2420 day but no more than seven days before the election.
- 2421 (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general
- 2422 circulation within the proposed metro township or unincorporated island, the county clerk shall
- 2423 post at least one notice of the election per 1,000 population in conspicuous places within the
- 2424 planning township or unincorporated island that are most likely to give notice of the election to
- 2425 the voters of the proposed incorporation or annexation.
- 2426 (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before
- 2427 the election under Subsection (1).
- 2428 (7) (a) In a planning township, if a majority of those casting votes within the planning
- 2429 township vote to:
- 2430 (i) incorporate as a city or town, the planning township shall incorporate as a city or
- 2431 town, respectively; or
- 2432 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
- 2433 township.
- 2434 (b) If a majority of those casting votes within the planning township vote to incorporate
- 2435 as a metro township, and a majority of those casting votes vote to include the metro township
- 2436 in a municipal services district and limit the metro township's municipal powers, the metro
- 2437 township shall be included in a municipal services district and have limited municipal powers.
- 2438 (c) In an unincorporated island, if a majority of those casting a vote within the selected
- 2439 unincorporated island vote to:
- 2440 (i) be annexed by the eligible city, the area is annexed by the eligible city; or
- 2441 (ii) remain an unincorporated area, the area shall remain unincorporated.
- 2442 (8) The county shall, in consultation with interested parties, prepare and provide
- 2443 information on an annexation or incorporation subject to this part and an election held in

2444 accordance with this section.

2445 Section 54. Section **10-2a-405** is enacted to read:

2446 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
2447 **election and incorporation issues -- Rural real property excluded.**

2448 (1) The legislative body of a county of the first class shall before an election described
2449 in Section [10-2a-404](#):

2450 (a) in accordance with Subsection (3), publish notice of the public hearing described in
2451 Subsection (1)(b);

2452 (b) hold a public hearing; and

2453 (c) at the public hearing, adopt a resolution:

2454 (i) identifying, including a map prepared by the county surveyor, all unincorporated
2455 islands within the county;

2456 (ii) identifying each eligible city that will annex each unincorporated island, including
2457 whether the unincorporated island may be annexed by one eligible city or divided and annexed
2458 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);
2459 and

2460 (iii) identifying, including a map prepared by the county surveyor, the planning
2461 townships within the county and any changes to the boundaries of a planning township that the
2462 county legislative body proposes under Subsection (5).

2463 (2) The county legislative body shall exclude from a resolution adopted under
2464 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
2465 consent to include the property in accordance with Subsection (6).

2466 (3) (a) The county clerk shall publish notice of the public hearing described in
2467 Subsection (1)(b):

2468 (i) by mailing notice to each owner of real property located in an unincorporated island
2469 or planning township no later than 15 days before the day of the public hearing;

2470 (ii) at least once a week for three successive weeks in a newspaper of general
2471 circulation within each unincorporated island, each eligible city, and each planning township;
2472 and

2473 (iii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks
2474 before the day of the public hearing.

2475 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least
2476 three days before the first public hearing required under Subsection (1)(b).

2477 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation
2478 within an unincorporated island, an eligible city, or a planning township, the county clerk shall
2479 post at least one notice of the hearing per 1,000 population in conspicuous places within the
2480 selected unincorporated island, eligible city, or planning township, as applicable, that are most
2481 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or
2482 planning township.

2483 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before
2484 the hearing under Subsection (1)(b).

2485 (d) The notice under Subsection (3)(a) or (c) shall include:

2486 (i) (A) for a resident of an unincorporated island, a statement that the property in the
2487 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by
2488 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
2489 the eligible city or cities; or

2490 (B) for residents of a planning township, a statement that the property in the planning
2491 township shall be, pending the results of the election held under Section [10-2a-404](#),
2492 incorporated as a city, town, or metro township;

2493 (ii) the location and time of the public hearing; and

2494 (iii) the county website where a map may be accessed showing:

2495 (A) how the unincorporated island boundaries will change if annexed by an eligible
2496 city; or

2497 (B) how the planning township area boundaries will change, if applicable under
2498 Subsection (5), when the planning township incorporates as a metro township or as a city or
2499 town.

2500 (e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the
2501 county website.

2502 (4) The county legislative body may, by ordinance or resolution adopted at a public
2503 meeting and in accordance with applicable law, resolve an issue that arises with an election
2504 held in accordance with this part or the incorporation and establishment of a metro township in
2505 accordance with this part.

2506 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
2507 meeting, change the boundaries of a planning township.

2508 (b) A change to a planning township boundary under this Subsection (5) is effective
2509 only upon the vote of the residents of the planning township at an election under Section
2510 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the
2511 boundaries of the planning township before the election.

2512 (c) The county legislative body may alter a planning township boundary under
2513 Subsection (5)(a) only if the alteration affects less than 5% of the residents residing within the
2514 planning district.

2515 (6) (a) As used in this Subsection (6), "rural real property" means an area:

2516 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

2517 (ii) that does not include residential units with a density greater than one unit per acre.

2518 (b) Unless an owner of rural real property gives written consent to a county legislative
2519 body, rural real property described in Subsection (6)(c) may not be:

2520 (i) included in a planning township identified under Subsection (1)(c); or

2521 (ii) incorporated as part of a metro township, city, or town, in accordance with this
2522 part.

2523 (c) The following rural real property is subject to an owner's written consent under
2524 Subsection (6)(b):

2525 (i) rural real property that consists of 1,500 or more contiguous acres of real property
2526 consisting of one or more tax parcels;

2527 (ii) rural real property that is not contiguous to, but used in connection with, rural real
2528 property that consists of 1,500 or more contiguous acres of real property consisting of one or
2529 more tax parcels;

2530 (iii) rural real property that is owned, managed, or controlled by a person, company, or
2531 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
2532 contiguous acres of rural real property consisting of one or more tax parcels; or

2533 (iv) rural real property that is located in whole or in part in one of the following as
2534 defined in Section 17-41-101:

2535 (A) an agricultural protection area;

2536 (B) an industrial protection area; or

2537 (C) a mining protection area.

2538 Section 55. Section **10-2a-406** is enacted to read:

2539 **10-2a-406. Ballot used at metro township incorporation election.**

2540 (1) The ballot at the election to incorporate a planning township as a metro township or
2541 as a city or town, respectively, shall pose:

2542 (a) the incorporation question substantially as follows:

2543 "Shall [insert name of planning township] be incorporated as a metro township [insert
2544 the proposed name of the proposed metro township, which is the formal name of the planning
2545 township with the words "metro township" immediately after the formal name] or as the [insert
2546 the appropriate designation of city or town based on population classification] of [insert the
2547 proposed name of the proposed city or town, respectively, which is the formal name of the
2548 planning township with, if the area qualifies as a city under the population classifications, the
2549 word "city" immediately after the formal name or if the area qualifies as a town under the
2550 population classification, the words "town of" immediately preceding the formal name]?"; and

2551 (b) the question, if a metro township is incorporated, of whether a metro township shall
2552 be a metro township with limited municipal powers that is included in a municipal services
2553 district substantially as follows:

2554 "If the majority of voters voting in this election vote to incorporate as a metro township,
2555 shall the metro township be a metro township with limited municipal powers that is included in
2556 a municipal services district?";

2557 (2) The ballot shall provide a space for the voter to indicate:

2558 (a) either the metro township or the city or town, respectively, as described in
2559 Subsection (1)(a); and

2560 (b) whether the metro township shall be a metro township with limited municipal
2561 powers that is included in a municipal services district.

2562 Section 56. Section **10-2a-407** is enacted to read:

2563 **10-2a-407. Ballot used at unincorporated island annexation election.**

2564 (1) The ballot at the election to either annex an unincorporated island into an eligible
2565 city or to remain an unincorporated island shall pose the question substantially as follows:

2566 "Shall [insert description of the unincorporated island or part of an island identified in
2567 the resolution adopted under Section 10-2a-405] be annexed by [insert name of eligible city

2568 identified in the resolution adopted under Section 10-2a-405] or remain unincorporated?".

2569 (2) The ballot shall provide:

2570 (a) a map of the selected unincorporated island and the eligible city; and

2571 (b) a space for the voter to indicate either to annex into the eligible city or to remain an

2572 unincorporated area as described in Subsection (1).

2573 Section 57. Section **10-2a-408** is enacted to read:

2574 **10-2a-408. Notification to lieutenant governor of incorporation election results.**

2575 Within 10 days of the canvass of the incorporation and annexation election, the county

2576 clerk shall send written notice to the lieutenant governor of:

2577 (1) the results of the election;

2578 (2) for a planning township:

2579 (a) if the incorporation of a planning township as a metro township passes:

2580 (i) the name of the metro township; and

2581 (ii) the class of the metro township as provided under Section [10-2-301.5](#); and

2582 (b) if the incorporation of a planning township as a city or town passes:

2583 (i) the name of the city or town; and

2584 (ii) if the incorporated area is a city, the class of the city as defined in Section

2585 [10-2-301](#); and

2586 (3) for an unincorporated island, whether the unincorporated island or a portion of the

2587 island is annexed into an eligible city.

2588 Section 58. Section **10-2a-409** is enacted to read:

2589 **10-2a-409. Unincorporated island annexation -- Notice and recording-- Applicable**
2590 **provisions.**

2591 (1) If the annexation of an unincorporated island into an eligible city passes, the

2592 legislative body of the eligible city shall comply with Section [10-2-425](#).

2593 (2) The following provisions apply to an annexation under this part:

2594 (a) Section [10-2-420](#);

2595 (b) Section [10-2-421](#);

2596 (c) Section [10-2-422](#);

2597 (d) Section [10-2-426](#); and

2598 (e) Section [10-2-428](#).

2599 Section 59. Section **10-2a-410** is enacted to read:

2600 **10-2a-410. Incorporation of metro townships after November 3, 2015.**

2601 (1) (a) An area located in a county of the first class that is unincorporated after the
2602 results of the election held in accordance with Section [10-2a-404](#) may, after November 3, 2015,
2603 incorporate as a metro township in accordance with this section.

2604 (b) An unincorporated area other than an area described in Subsection (1)(a) may not
2605 incorporate as a metro township under this section.

2606 (2) A metro township may not be established unless the area to be included within the
2607 proposed metro township:

2608 (a) is unincorporated;

2609 (b) is contiguous; and

2610 (c) (i) contains:

2611 (A) at least 20% but not more than 80% of the total private land area in the
2612 unincorporated county or the total value of locally assessed taxable property in the
2613 unincorporated county; or

2614 (B) at least 5% of the total population of the unincorporated county, but no less than
2615 300 residents; or

2616 (ii) has been declared by the United States Census Bureau as a census designated place.

2617 (3) (a) The process to establish a metro township is initiated by the filing of a petition
2618 with the clerk of the county in which the proposed metro township is located.

2619 (b) A petition to establish a metro township may not be filed if it proposes the
2620 establishment of a metro township that includes an area within a proposed metro township in a
2621 petition that has previously been certified under Subsection (9)(a)(i), until after the canvass of
2622 an election on the proposed metro township under Subsection (11).

2623 (4) A petition under Subsection (3) to establish a metro township shall:

2624 (a) be signed by the owners of private real property that:

2625 (i) is located within the proposed metro township;

2626 (ii) covers at least 10% of the total private land area within the proposed metro
2627 township; and

2628 (iii) is equal in value to at least 10% of the value of all private real property within the
2629 proposed metro township;

2630 (b) be accompanied by an accurate plat or map showing the boundary of the contiguous
2631 area proposed to be established as a metro township;

2632 (c) indicate the typed or printed name and current residence address of each owner
2633 signing the petition;

2634 (d) designate up to five signers of the petition as petition sponsors, one of whom shall
2635 be designated as the contact sponsor, with the mailing address and telephone number of each
2636 petition sponsor;

2637 (e) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
2638 petition for purposes of the petition; and

2639 (f) request the county legislative body to provide notice of the petition and of a public
2640 hearing, hold a public hearing, and conduct an election on the proposal to establish a metro
2641 township.

2642 (5) Subsection 10-2a-102(3) applies to a petition to establish a metro township to the
2643 same extent as if it were an incorporation petition under Title 10, Chapter 2a, Part 2,
2644 Incorporation of a City.

2645 (6) Within seven days after the filing of a petition under Subsection (3) proposing the
2646 establishment of a metro township, the county clerk shall provide notice of the filing of the
2647 petition to:

2648 (a) each owner of real property owning more than 1% of the assessed value of all real
2649 property within the proposed metro township; and

2650 (b) each owner of real property owning more than 850 acres of real property within the
2651 proposed metro township.

2652 (7) A property owner may exclude all or part of the property owner's property from a
2653 proposed metro township:

2654 (a) if:

2655 (i) (A) the property owner owns more than 1% of the assessed value of all property
2656 within the proposed township, the property is nonurban, and the property does not or will not
2657 require municipal provision of municipal-type services or the property owner owns more than
2658 850 acres of real property within the proposed metro township; and

2659 (B) exclusion of the property will not leave within the metro township an island of
2660 property that is not part of the metro township; or

- 2661 (ii) the property owner owns rural real property as that term is defined in Section
2662 17B-2a-1107; and
- 2663 (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under
2664 Subsection (6).
- 2665 (8) (a) The county legislative body shall exclude from the proposed metro township the
2666 property identified in a notice of exclusion timely filed under Subsection (7)(b) if the property
2667 meets the applicable requirements of Subsection (7)(a).
- 2668 (b) If the county legislative body excludes property from a proposed metro township
2669 under Subsection (8)(a), the county legislative body shall, within five days after the exclusion,
2670 send written notice of its action to the contact sponsor.
- 2671 (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county
2672 clerk shall:
- 2673 (i) with the assistance of other county officers from whom the clerk requests assistance,
2674 determine whether the petition complies with the requirements of Subsection (4); and
- 2675 (ii) if the clerk determines that the petition:
- 2676 (A) complies with the requirements of Subsection (4), certify the petition, deliver the
2677 certified petition to the county legislative body, and mail or deliver written notification of the
2678 certification to the contact sponsor; or
- 2679 (B) fails to comply with any of the requirements of Subsection (4), reject the petition
2680 and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- 2681 (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may
2682 be amended to correct the deficiencies for which it was rejected and then refiled with the
2683 county clerk.
- 2684 (10) (a) Within 90 days after a petition to establish a metro township is certified, the
2685 county legislative body shall hold a public hearing on the proposal to establish a metro
2686 township.
- 2687 (b) A public hearing under Subsection (10)(a) shall be:
- 2688 (i) within the boundary of the proposed metro township; or
- 2689 (ii) if holding a public hearing in that area is not practicable, as close to that area as
2690 practicable.
- 2691 (c) At least one week before holding a public hearing under Subsection (10)(a), the

2692 county legislative body shall publish notice of the petition and the time, date, and place of the
2693 public hearing:

2694 (i) at least once in a newspaper of general circulation in the county; and

2695 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

2696 (11) (a) Following the public hearing under Subsection (10)(b), the county legislative
2697 body shall arrange for the proposal to establish a metro township to be submitted to voters
2698 residing within the proposed metro township at the next regular general election that is more
2699 than 90 days after the public hearing.

2700 (b) For the election required under Subsection (11)(a), the county and county clerk
2701 shall, except as provided in Subsection (11)(c), follow the provisions of Section 10-2a-404 that
2702 govern an election by residents of a planning district to incorporate as a metro township as if
2703 the area described in Subsection (1) was the planning district, but excluding any action or
2704 information that includes a requirement applicable to the option of incorporating as a city or
2705 town under Section 10-2a-404 or the question on a ballot under Section 10-2a-406.

2706 (c) Notwithstanding Subsection 10-2a-404(1)(a), the election shall be held on a date
2707 that complies with Subsection (11)(a).

2708 (12) The provisions of Section 10-2a-411 govern the election of metro township
2709 officers.

2710 Section 60. Section 10-2a-411 is enacted to read:

2711 **10-2a-411. Determination of metro township districts -- Determination of metro**
2712 **township or city initial officer terms -- Adoption of proposed districts.**

2713 (1) If a metro township incorporated in accordance with an election held under Section
2714 10-2a-404 or 10-2a-410 meets, according to the most recent population estimates by the Utah
2715 Population Estimates Committee, the population requirements for:

2716 (a) a five-member governing body as described in Section 10-3b-501:

2717 (i) each of the five metro township council members shall be elected by district; and

2718 (ii) the boundaries of the five council districts for election and the terms of office shall
2719 be designated and determined in accordance with this section; or

2720 (b) a three-member governing body as described in Section 10-3b-501, the three metro
2721 township council members shall be elected at large for terms as designated and determined in
2722 accordance with this section.

2723 (2) (a) If a town is incorporated at an election held in accordance with Section
2724 10-2a-404, the five council members shall be elected at large for terms as designated and
2725 determined in accordance with this section.

2726 (b) If a city is incorporated at an election held in accordance with Section 10-2a-404:
2727 (i) (A) the four members of the council district who are not the mayor shall be elected
2728 by district; and

2729 (B) the boundaries of the four council districts for election and the term of office shall
2730 be designated and determined in accordance with this section; and

2731 (ii) the mayor shall be elected at large for a term designated and determined in
2732 accordance with this section.

2733 (3) (a) No later than 90 days after the election day on which the metro township, city,
2734 or town is successfully incorporated under this part, the legislative body of the county in which
2735 the metro township is located shall adopt by resolution:

2736 (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town,
2737 the council terms for a length of time in accordance with this section; and

2738 (ii) (A) for a metro township of the first class, if applicable, the boundaries of the five
2739 council districts; and

2740 (B) for a city, the boundaries of the four council districts.

2741 (b) (i) For each metro township, city, or town, the county legislative body shall set the
2742 initial terms of the members of the metro township council, city council, or town council so
2743 that:

2744 (A) approximately half the members of the council, including the mayor in the case of
2745 a city, are elected to serve an initial term, of no less than one year, that allows their successors
2746 to serve a full four-year term that coincides with the schedule established in Subsection
2747 10-3-205(1); and

2748 (B) the remaining members of the council are elected to serve an initial term, of no less
2749 than one year, that allows their successors to serve a full four-year term that coincides with the
2750 schedule established in Subsection 10-3-205(2).

2751 (ii) For a metro township of the first class, the county legislative body shall divide the
2752 metro township into five council districts that comply with Section 10-3-205.5.

2753 (iii) For a city, the county legislative body shall divide the city into four council

2754 districts that comply with Section 10-3-205.5.

2755 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under
2756 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice
2757 containing:

2758 (i) if applicable, a description of the boundaries of the metro township council or city
2759 council districts as designated in the resolution;

2760 (ii) information about the deadline for filing a declaration of candidacy for those
2761 seeking to become candidates for metro township council, city council, town council, or city
2762 mayor, respectively; and

2763 (iii) information about the length of the initial term of city mayor or each of the metro
2764 township, city, or town council offices, as described in the resolution.

2765 (b) The notice under Subsection (4)(a) shall be published:

2766 (i) in a newspaper of general circulation within the metro township, city, or town at
2767 least once a week for two successive weeks; and

2768 (ii) in accordance with Section 45-1-101 for two weeks.

2769 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general
2770 circulation within the future metro township, city, or town, the county clerk shall post at least
2771 one notice per 1,000 population in conspicuous places within the future metro township, city,
2772 or town that are most likely to give notice to the residents of the future metro township, city, or
2773 town.

2774 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under
2775 Subsection (4)(a).

2776 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven
2777 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2778 (d) A person seeking to become a candidate for metro township, city, or town council
2779 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with
2780 the clerk of the county in which the metro township, city, or town is located for an election
2781 described in Section 10-2a-412.

2782 Section 61. Section 10-2a-412 is enacted to read:

2783 **10-2a-412. Election of officers of new city, town, or metro township.**

2784 (1) For the election of the initial office holders of a metro township, city, or town,

2785 respectively, incorporated under Section 10-2a-404, the county legislative body shall:

2786 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
2787 election at the next regular primary election, as described in Section 20A-1-201.5, following
2788 the November 3, 2015, election to incorporate; and

2789 (b) hold a final election at the next regular general election date following the election
2790 to incorporate.

2791 (2) An election under Subsection (1) for the officers of:

2792 (a) a metro township shall be consistent with the number of council members based on
2793 the population of the metro township as described in Subsection 10-2a-404(1)(b)(i); and

2794 (b) a city or town shall be consistent with the number of council members, including
2795 the city mayor as a member of a city council, described in Subsection 10-2a-404(1)(b)(ii).

2796 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2797 (A) at least once a week for two successive weeks in a newspaper of general circulation
2798 within the future metro township, city, or town; and

2799 (B) in accordance with Section 45-1-101 for two weeks.

2800 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more
2801 than seven days before the election.

2802 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general
2803 circulation within the future metro township, city, or town, the county clerk shall post at least
2804 one notice of the election per 1,000 population in conspicuous places within the future metro
2805 township, city, or town that are most likely to give notice of the election to the voters.

2806 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven
2807 days before each election under Subsection (1).

2808 (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the
2809 election officer for all purposes in an election of officers of the metro township, city, or town.

2810 (b) The county clerk is responsible to ensure that:

2811 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date
2812 described in Subsection (1)(a);

2813 (ii) the final election described in Subsection (1)(b) is held on the date described in
2814 Subsection (1)(b); and

2815 (iii) the ballot for each election includes each office that is required to be included for

2816 officials in the metro township, city, or town, and the length of term of each office.

2817 (5) The officers elected at an election described in Subsection (1)(b) shall take office at
2818 noon on the first Monday in January next following the election.

2819 Section 62. Section **10-2a-413** is enacted to read:

2820 **10-2a-413. Notification to lieutenant governor of election of officers.**

2821 Within 10 days of the canvass of final election of metro township, city, or town officers
2822 under Section [10-2a-412](#), the county clerk shall send written notice to the lieutenant governor
2823 of the name and position of each officer elected and the term for which each has been elected.

2824 Section 63. Section **10-2a-414** is enacted to read:

2825 **10-2a-414. Incorporation under this part subject to other provisions.**

2826 (1) An incorporation of a metro township, city, or town under this part is subject to the
2827 following provisions to the same extent as the incorporation of a city under Part 2,

2828 Incorporation of a City:

2829 (a) Section [10-2a-217](#);

2830 (b) Section [10-2a-219](#); and

2831 (c) Section [10-2a-220](#).

2832 (2) An incorporation of a city or town under this part is subject to Section [10-2a-218](#) to
2833 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2834 Section 64. Section **10-3-205.5** is amended to read:

2835 **10-3-205.5. At-large election of officers -- Election of commissioners or council**
2836 **members.**

2837 (1) Except as provided in [~~Subsection (2)~~] [Subsection \(2\)](#), (3), or (4), the officers of
2838 each city shall be elected in an at-large election held at the time and in the manner provided for
2839 electing municipal officers.

2840 (2) (a) [~~Notwithstanding Subsection (1), the~~] The governing body of a city may by
2841 ordinance provide for the election of some or all commissioners or council members, as the
2842 case may be, by district equal in number to the number of commissioners or council members
2843 elected by district.

2844 (b) (i) Each district shall be of substantially equal population as the other districts.

2845 (ii) Within six months after the Legislature completes its redistricting process, the
2846 governing body of each city that has adopted an ordinance under [Subsection \(2\)\(a\)](#) shall make

2847 any adjustments in the boundaries of the districts as may be required to maintain districts of
2848 substantially equal population.

2849 (3) (a) The municipal council members of a metro township, as defined in Section
2850 10-2a-403, are elected:

2851 (i) by district in accordance with Subsection 10-2a-411(1)(a)(i); or

2852 (ii) at large in accordance with Subsection 10-2a-411(1)(b).

2853 (b) The council districts in a metro township shall comply with the requirements of
2854 Subsections (2)(b)(i) and (ii).

2855 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of
2856 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
2857 12, 2015:

2858 (i) the council members are elected by district in accordance with Section 10-2a-411;

2859 and

2860 (ii) the mayor is elected at large in accordance with Section 10-2a-411.

2861 (b) The council districts in a city described in Subsection (4)(a) shall comply with the
2862 requirements of Subsections (2)(b)(i) and (ii).

2863 Section 65. Section **10-3-1302** is amended to read:

2864 **10-3-1302. Purpose.**

2865 (1) The purposes of this part are to establish standards of conduct for municipal
2866 officers and employees and to require these persons to disclose actual or potential conflicts of
2867 interest between their public duties and their personal interests.

2868 (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part
2869 may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a
2870 county employee who is required by law to provide services to the metro township.

2871 Section 66. Section **10-3b-102** is amended to read:

2872 **10-3b-102. Definitions.**

2873 As used in this chapter:

2874 (1) "Council-mayor form of government" means the form of municipal government

2875 that:

2876 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

2877 (ii) may not be adopted without voter approval; and

2878 (iii) consists of two separate, independent, and equal branches of municipal
2879 government; and

2880 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal
2881 Government.

2882 (2) "Five-member council form of government" means the form of municipal
2883 government described in Part 4, Five-Member Council Form of Municipal Government.

2884 (3) "Metro township" means the same as that term is defined in Section 10-2a-403.

2885 (4) "Metro township council form of government" means the form of metro township
2886 government described in Part 5, Metro Township Council Form of Municipal Government.

2887 [~~3~~] (5) "Six-member council form of government" means the form of municipal
2888 government described in Part 3, Six-Member Council Form of Municipal Government.

2889 Section 67. Section **10-3b-103** is amended to read:

2890 **10-3b-103. Forms of municipal government -- Form of government for towns --**
2891 **Former council-manager form.**

2892 (1) A municipality operating on May 4, 2008, under the council-mayor form of
2893 government:

2894 (a) shall, on and after May 5, 2008:

2895 (i) operate under a council-mayor form of government, as defined in Section
2896 10-3b-102; and

2897 (ii) be subject to:

2898 (A) this part;

2899 (B) Part 2, Council-mayor Form of Municipal Government;

2900 (C) Part [~~5~~] 6, Changing to Another Form of Municipal Government; and

2901 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

2902 and

2903 (b) is not subject to:

2904 (i) Part 3, Six-member Council Form of Municipal Government; [~~or~~]

2905 (ii) Part 4, Five-member Council Form of Municipal Government[~~-~~]; or

2906 (iii) Part 5, Metro Township Council Form of Municipal Government.

2907 (2) A municipality operating on May 4, 2008 under a form of government known under
2908 the law then in effect as the six-member council form:

2909 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an
2910 ordinance appointing a manager for the municipality:

2911 (i) operate under a six-member council form of government, as defined in Section
2912 10-3b-102;

2913 (ii) be subject to:

2914 (A) this part;

2915 (B) Part 3, Six-member Council Form of Municipal Government;

2916 (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2917 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

2918 and

2919 (b) is not subject to:

2920 (i) Part 2, Council-mayor Form of Municipal Government; ~~[or]~~

2921 (ii) Part 4, Five-member Council Form of Municipal Government~~[-]~~; or

2922 (iii) Part 5, Metro Township Council Form of Municipal Government.

2923 (3) A municipality operating on May 4, 2008, under a form of government known
2924 under the law then in effect as the five-member council form:

2925 (a) shall, on and after May 5, 2008:

2926 (i) operate under a five-member council form of government, as defined in Section
2927 10-3b-102;

2928 (ii) be subject to:

2929 (A) this part;

2930 (B) Part 4, Five-member Council Form of Municipal Government;

2931 (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2932 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

2933 and

2934 (b) is not subject to:

2935 (i) Part 2, Council-mayor Form of Municipal Government; ~~[or]~~

2936 (ii) Part 3, Six-member Council Form of Municipal Government~~[-]~~; or

2937 (iii) Part 5, Metro Township Council Form of Municipal Government.

2938 (4) Subject to Subsection (5), each municipality other than a metro township

2939 incorporated on or after May 5, 2008, shall operate under:

- 2940 (a) the council-mayor form of government, with a five-member council;
- 2941 (b) the council-mayor form of government, with a seven-member council;
- 2942 (c) the six-member council form of government; or
- 2943 (d) the five-member council form of government.
- 2944 (5) Each town shall operate under a five-member council form of government unless:
- 2945 (a) before May 5, 2008, the town has changed to another form of municipal
- 2946 government; or
- 2947 (b) on or after May 5, 2008, the town changes its form of government as provided in
- 2948 Part ~~[5]~~ 6, Changing to Another Form of Municipal Government.
- 2949 (6) Each metro township:
- 2950 (a) shall operate under a metro township council form of government;
- 2951 (b) is subject to:
- 2952 (i) this part;
- 2953 (ii) Part 5, Metro Township Council Form of Municipal Government; and
- 2954 (iii) except as provided in Subsection (6)(c), other applicable provisions of this title;
- 2955 and
- 2956 (c) is not subject to:
- 2957 (i) Part 2, Council-mayor Form of Municipal Government;
- 2958 (ii) Part 3, Six-member Council Form of Municipal Government; or
- 2959 (iii) Part 4, Five-Member Council Form of Municipal Government.
- 2960 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "council-manager form of
- 2961 government" means the form of municipal government:
- 2962 (i) provided for in Laws of Utah 1977, Chapter 48;
- 2963 (ii) that cannot be adopted without voter approval; and
- 2964 (iii) that provides for, subject to Subsections ~~[(7)]~~ (8) and ~~[(8)]~~ (9), an appointed
- 2965 manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.
- 2966 (b) A municipality operating on May 4, 2008, under the council-manager form of
- 2967 government:
- 2968 (i) shall:
- 2969 (A) continue to operate, on and after May 5, 2008, under the council-manager form of
- 2970 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

2971 (B) be subject to:

2972 (I) this Subsection [~~(6)~~] (7) and other applicable provisions of this part;

2973 (II) Part [5] 6, Changing to Another Form of Municipal Government; and

2974 (III) except as provided in Subsection [~~(6)~~] (7)(b)(ii), other applicable provisions of

2975 this title; and

2976 (ii) is not subject to:

2977 (A) Part 2, Council-mayor Form of Municipal Government;

2978 (B) Part 3, Six-member Council Form of Municipal Government; [~~or~~]

2979 (C) Part 4, Five-member Council Form of Municipal Government[~~;~~]; or

2980 (D) Part 5, Metro Township Council Form of Municipal Government.

2981 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "interim vacancy period" means the

2982 period of time that:

2983 (i) begins on the day on which a municipal general election described in Section

2984 10-3-201 is held to elect a council member; and

2985 (ii) ends on the day on which the council member-elect begins the council member's

2986 term.

2987 (b) (i) The council may not appoint a manager during an interim vacancy period.

2988 (ii) Notwithstanding Subsection [~~(7)~~] (8)(b)(i):

2989 (A) the council may appoint an interim manager during an interim vacancy period; and

2990 (B) the interim manager's term shall expire once a new manager is appointed by the

2991 new administration after the interim vacancy period has ended.

2992 (c) Subsection [~~(7)~~] (8)(b) does not apply if all the council members who held office on

2993 the day of the municipal general election whose term of office was vacant for the election are

2994 re-elected to the council for the following term.

2995 [~~(8)~~] (9) A council that appoints a manager in accordance with this section may not, on

2996 or after May 10, 2011, enter into an employment contract that contains an automatic renewal

2997 provision with the manager.

2998 [~~(9)~~] (10) Nothing in this section may be construed to prevent or limit a municipality

2999 operating under any form of municipal government from changing to another form of

3000 government as provided in Part [5] 6, Changing to Another Form of Municipal Government.

3001 Section 68. Section 10-3b-202 is amended to read:

3002 **10-3b-202. Mayor in council-mayor form of government.**

3003 (1) The mayor in a municipality operating under the council-mayor form of
3004 government:

3005 (a) is the chief executive and administrative officer of the municipality;

3006 (b) exercises the executive and administrative powers and performs or supervises the
3007 performance of the executive and administrative duties and functions of the municipality;

3008 (c) shall:

3009 (i) keep the peace and enforce the laws of the municipality;

3010 (ii) execute the policies adopted by the council;

3011 (iii) appoint, with the council's advice and consent, a qualified person for each of the
3012 following positions:

3013 (A) subject to Subsection (3), chief administrative officer, if required under the
3014 resolution or petition under Subsection [~~10-3b-503~~] [10-3b-603](#)(1)(a) that proposed the change
3015 to a council-mayor form of government;

3016 (B) recorder;

3017 (C) treasurer;

3018 (D) engineer; and

3019 (E) attorney;

3020 (iv) provide to the council, at intervals provided by ordinance, a written report to the
3021 council setting forth:

3022 (A) the amount of budget appropriations;

3023 (B) total disbursements from the appropriations;

3024 (C) the amount of indebtedness incurred or contracted against each appropriation,
3025 including disbursements and indebtedness incurred and not paid; and

3026 (D) the percentage of the appropriations encumbered;

3027 (v) report to the council the condition and needs of the municipality;

3028 (vi) report to the council any release granted under Subsection (1)(d)(xiii);

3029 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the
3030 remittance to the council at the council's next meeting after the remittance;

3031 (viii) perform each other duty:

3032 (A) prescribed by statute; or

- 3033 (B) required by a municipal ordinance that is not inconsistent with statute;
- 3034 (d) may:
- 3035 (i) subject to budget constraints:
- 3036 (A) appoint:
- 3037 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and
- 3038 (II) one or more deputies or administrative assistants to the mayor; and
- 3039 (B) (I) create any other administrative office that the mayor considers necessary for
- 3040 good government of the municipality; and
- 3041 (II) appoint a person to the office;
- 3042 (ii) with the council's advice and consent and except as otherwise specifically limited
- 3043 by statute, appoint:
- 3044 (A) each department head of the municipality;
- 3045 (B) each statutory officer of the municipality; and
- 3046 (C) each member of a statutory commission, board, or committee of the municipality;
- 3047 (iii) dismiss any person appointed by the mayor;
- 3048 (iv) as provided in Section [10-3b-204](#), veto an ordinance, tax levy, or appropriation
- 3049 passed by the council;
- 3050 (v) exercise control of and supervise each executive or administrative department,
- 3051 division, or office of the municipality;
- 3052 (vi) within the general provisions of statute and ordinance, regulate and prescribe the
- 3053 powers and duties of each other executive or administrative officer or employee of the
- 3054 municipality;
- 3055 (vii) attend each council meeting, take part in council meeting discussions, and freely
- 3056 give advice to the council;
- 3057 (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill
- 3058 in all other respects the requirements of, as the case may be:
- 3059 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or
- 3060 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
- 3061 (ix) execute an agreement on behalf of the municipality, or delegate, by written
- 3062 executive order, the authority to execute an agreement on behalf of the municipality:
- 3063 (A) if the obligation under the agreement is within certified budget appropriations; and

- 3064 (B) subject to Section 10-6-138;
- 3065 (x) at any reasonable time, examine and inspect the official books, papers, records, or
- 3066 documents of:
- 3067 (A) the municipality; or
- 3068 (B) any officer, employee, or agent of the municipality;
- 3069 (xi) remit fines and forfeitures;
- 3070 (xii) if necessary, call on residents of the municipality over the age of 21 years to assist
- 3071 in enforcing the laws of the state and ordinances of the municipality; and
- 3072 (xiii) release a person imprisoned for a violation of a municipal ordinance; and
- 3073 (e) may not vote on any matter before the council.
- 3074 (2) (a) The first mayor elected under a newly established mayor-council form of
- 3075 government shall, within six months after taking office, draft and submit to the council a
- 3076 proposed ordinance:
- 3077 (i) providing for the division of the municipality's administrative service into
- 3078 departments, divisions, and bureaus; and
- 3079 (ii) defining the functions and duties of each department, division, and bureau.
- 3080 (b) Before the council adopts an ordinance on the municipality's administrative service,
- 3081 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness
- 3082 in the divisions of the municipal government.
- 3083 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of
- 3084 time that:
- 3085 (i) begins on the day on which a municipal general election described in Section
- 3086 10-3-201 is held to elect a mayor; and
- 3087 (ii) ends on the day on which the mayor-elect begins the mayor's term.
- 3088 (b) Each person appointed as chief administrative officer under Subsection
- 3089 (1)(c)(iii)(A) shall be appointed on the basis of:
- 3090 (i) the person's ability and prior experience in the field of public administration; and
- 3091 (ii) any other qualification prescribed by ordinance.
- 3092 (c) (i) The mayor may not appoint a chief administrative officer during an interim
- 3093 vacancy period.
- 3094 (ii) Notwithstanding Subsection (3)(c)(i):

3095 (A) the mayor may appoint an interim chief administrative officer during an interim
3096 vacancy period; and

3097 (B) the interim chief administrative officer's term shall expire once a new chief
3098 administrative officer is appointed by the new mayor after the interim vacancy period has
3099 ended.

3100 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the
3101 municipal general election is re-elected to the mayor's office for the following term.

3102 (4) A mayor who appoints a chief administrative officer in accordance with this section
3103 may not, on or after May 10, 2011, enter into an employment contract that contains an
3104 automatic renewal provision with the chief administrative officer.

3105 Section 69. Section [10-3b-501](#) is repealed and reenacted to read:

3106 **Part 5. Metro Township Council Form of Municipal Government**

3107 **10-3b-501. Metro township government powers vested in a five-member council.**

3108 (1) The powers of municipal government in a metro township, as defined in Section
3109 [10-2a-403](#), are vested in a council consisting of three or five members, one of which is the
3110 chair.

3111 (2) Based on the most recent population data available from the Utah Population
3112 Estimates Committee and the classifications in Section [10-2-301.5](#), a metro township:

3113 (a) of the second class has a council consisting of three members elected at large; and

3114 (b) of the first class has a council consisting of five members elected by district.

3115 Section 70. Section [10-3b-502](#) is repealed and reenacted to read:

3116 **10-3b-502. Governance of metro townships that are not in a municipal services**
3117 **district.**

3118 For a metro township in which the voters at an election held in accordance with Section
3119 [10-2a-404](#) do not choose a metro township with limited municipal powers that is included in a
3120 municipal services district:

3121 (1) (a) the council, regardless of whether the council has five or three members under
3122 Section [10-3b-501](#):

3123 (i) has the same powers, authority, and duties as a council described in Section
3124 [10-3b-403](#); and

3125 (ii) is not subject to Section [10-3b-504](#); and

3126 (b) the chair:
3127 (i) has the same powers, authority, and duties as a mayor described in Section
3128 10-3b-402; and
3129 (ii) is not subject to Section 10-3b-503.
3130 Section 71. Section **10-3b-503** is repealed and reenacted to read:
3131 **10-3b-503. Chair in a metro township included in a municipal services district.**
3132 (1) The chair in a metro township that is included in a municipal services district:
3133 (a) is a regular and voting member of the council;
3134 (b) is elected by the members of the council from among the council members;
3135 (c) is the chair of the council and presides at all council meetings;
3136 (d) exercises ceremonial functions for the municipality;
3137 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken
3138 by the council;
3139 (f) represents the metro township on the board of a municipal services district; and
3140 (g) has other powers and duties described in this section and otherwise authorized by
3141 law except as modified by ordinance under Subsection 10-3b-504(2).
3142 (2) Except as provided in Subsection (3), the chair in a metro township that is included
3143 in a municipal services district:
3144 (a) shall:
3145 (i) keep the peace and enforce the laws of the metro township;
3146 (ii) ensure that all applicable statutes and metro township ordinances and resolutions
3147 are faithfully executed and observed;
3148 (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the
3149 remittance to the council at the council's next meeting after the remittance;
3150 (iv) perform all duties prescribed by statute or metro township ordinance or resolution;
3151 (v) report to the council the condition and needs of the metro township;
3152 (vi) report to the council any release granted under Subsection (2)(g)(iv); and
3153 (b) may:
3154 (i) recommend for council consideration any measure that the chair considers to be in
3155 the best interests of the municipality;
3156 (ii) remit fines and forfeitures;

3157 (iii) if necessary, call on residents of the municipality over the age of 21 years to assist
3158 in enforcing the laws of the state and ordinances of the municipality;
3159 (iv) release a person imprisoned for a violation of a municipal ordinance;
3160 (v) with the council's advice and consent appoint a person to fill a municipal office or a
3161 vacancy on a commission or committee of the municipality; and
3162 (vi) at any reasonable time, examine and inspect the official books, papers, records, or
3163 documents of:
3164 (A) the municipality; or
3165 (B) any officer, employee, or agency of the municipality.
3166 (3) The powers and duties in Subsection (1) are subject to the council's authority to
3167 limit or expand the chair's powers and duties under Section [10-3b-504\(2\)](#).
3168 (4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member
3169 of the council as chair pro tempore, to:
3170 (i) preside at a council meeting; and
3171 (ii) perform during the chair's absence, disability, or refusal to act, the duties and
3172 functions of chair.
3173 (b) In accordance with Section [10-3c-203](#), the county clerk of the county in which the
3174 metro township is located shall enter in the minutes of the council meeting the election of a
3175 council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).
3176 Section 72. Section [10-3b-504](#) is repealed and reenacted to read:
3177 **[10-3b-504](#). Council in a metro township included in a municipal services district.**
3178 (1) The council in a metro township that is included in a municipal services district:
3179 (a) exercises any executive or administrative power and performs or supervises the
3180 performance of any executive or administrative power, duty, or function that has not been
3181 given to the chair under Section [10-3b-503](#) unless the council removes that power, duty, or
3182 function from the chair in accordance with Subsection (2);
3183 (b) may:
3184 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:
3185 (A) removing from the chair any power, duty, or function of the chair; and
3186 (B) reinstating to the chair any power, duty, or function previously removed under
3187 Subsection (1)(b)(i)(A); and

3188 (ii) adopt an ordinance delegating to the chair any executive or administrative power,
3189 duty, or function that the council has under Subsection (1)(a); and

3190 (c) may not remove from the chair or delegate:

3191 (i) any of the chair's legislative or judicial powers or ceremonial functions;

3192 (ii) the chair's position as chair of the council; or

3193 (iii) any ex officio position that the chair holds.

3194 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to
3195 the chair a power, duty, or function provided for in Section [10-3b-503](#) requires the affirmative
3196 vote of:

3197 (a) the chair and a majority of all other council members; or

3198 (b) all council members except the chair.

3199 (3) The metro township council of a metro township that is included in a municipal
3200 services district:

3201 (a) shall:

3202 (i) by ordinance, provide for the manner in which a subdivision is approved,
3203 disapproved, or otherwise regulated;

3204 (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;

3205 (iii) perform all duties that the law imposes on the council; and

3206 (iv) elect one of its members to be chair of the metro township and the chair of the
3207 council;

3208 (b) may:

3209 (i) (A) notwithstanding Subsection (3)(c), appoint a committee of council members or
3210 citizens to conduct an investigation into an officer, department, or agency of the municipality,
3211 or any other matter relating to the welfare of the municipality; and

3212 (B) delegate to an appointed committee powers of inquiry that the council considers
3213 necessary;

3214 (ii) make and enforce any additional rule or regulation for the government of the
3215 council, the preservation of order, and the transaction of the council's business that the council
3216 considers necessary; and

3217 (iii) subject to the limitations provided in Subsection (5), take any action allowed under
3218 Section [10-8-84](#) that is reasonably related to the safety, health, morals, and welfare of the metro

3219 township inhabitants; and

3220 (c) may not:

3221 (i) direct or request, other than in writing, the appointment of a person to or the
3222 removal of a person from an executive municipal office;

3223 (ii) interfere in any way with an executive officer's performance of the officer's duties;

3224 or

3225 (iii) publicly or privately give orders to a subordinate of the chair.

3226 (4) A member of a metro township council as described in this section may not have
3227 any other compensated employment with the metro township.

3228 (5) The council of a metro township that is included in a municipal services district
3229 may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a
3230 municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services
3231 district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

3232 Section 73. Section **10-3b-601** is enacted to read:

3233 **Part 6. Changing to Another Form of Municipal Government**

3234 **10-3b-601. Authority to change to another form of municipal government.**

3235 (1) As provided in this part, a municipality may change from the form of government
3236 under which it operates to:

3237 (a) the council-mayor form of government with a five-member council;

3238 (b) the council-mayor form of government with a seven-member council;

3239 (c) the six-member council form of government; or

3240 (d) the five-member council form of government.

3241 (2) (a) A metro township that changes from the metro township council form of
3242 government to a form described in Subsection (1):

3243 (i) is no longer a metro township; and

3244 (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority
3245 of a city or town.

3246 (b) If a metro township with a population that qualifies as a town in accordance with
3247 Section 10-2-301 changes the metro township's form of government in accordance with this
3248 part, the metro township may only change to the five-member council form of government.

3249 (3) A municipality other than a metro township may not operate under the metro

3250 township council form of government.

3251 Section 74. Section **10-3b-602** is enacted to read:

3252 **10-3b-602. Voter approval required for a change in the form of government.**

3253 A municipality may not change its form of government under this part unless voters of
3254 the municipality approve the change at an election held for that purpose.

3255 Section 75. Section **10-3b-603** is enacted to read:

3256 **10-3b-603. Resolution or petition proposing a change in the form of government.**

3257 (1) The process to change the form of government under which a municipality operates
3258 is initiated by:

3259 (a) the council's adoption of a resolution proposing a change; or

3260 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives
3261 - Procedures, proposing a change.

3262 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the
3263 declaring of a petition filed under Subsection (1)(b) as sufficient under Section [20A-7-507](#), the
3264 council shall hold at least two public hearings on the proposed change.

3265 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on
3266 the proposed change in the form of government at the next municipal general election or
3267 regular general election that is more than 75 days after, as the case may be:

3268 (i) a resolution under Subsection (1)(a) is adopted; or

3269 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section
3270 [20A-7-507](#).

3271 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of
3272 government may not be held if:

3273 (i) in the case of a proposed change initiated by the council's adoption of a resolution
3274 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

3275 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),
3276 enough signatures are withdrawn from the petition within 60 days after the petition is declared
3277 sufficient under Section [20A-7-507](#) that the petition is no longer sufficient.

3278 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection
3279 (1)(b) shall:

3280 (a) state the method of election and initial terms of council members; and

3281 (b) specify the boundaries of districts substantially equal in population, if some or all
3282 council members are to be elected by district.

3283 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing
3284 a change to a council-mayor form of government may require that, if the change is adopted, the
3285 mayor appoint, with the council's advice and consent and subject to Section [10-3b-202](#), a chief
3286 administrative officer, to exercise the administrative powers and perform the duties that the
3287 mayor prescribes.

3288 Section 76. Section **10-3b-604** is enacted to read:

3289 **10-3b-604. Limitations on adoption of a resolution and filing of a petition.**

3290 A resolution may not be adopted under Subsection [10-3b-603](#)(1)(a) and a petition may
3291 not be filed under Subsection [10-3b-603](#)(1)(b) within:

3292 (1) four years after an election at which voters reject a proposal to change the
3293 municipality's form of government, if the resolution or petition proposes changing to the same
3294 form of government that voters rejected at the election; or

3295 (2) four years after the effective date of a change in the form of municipal government
3296 or an incorporation as a municipality.

3297 Section 77. Section **10-3b-605** is enacted to read:

3298 **10-3b-605. Ballot form.**

3299 The ballot at an election on a proposal to change the municipality's form of government
3300 shall:

3301 (1) state the ballot question substantially as follows: "Shall (state the municipality's
3302 name), Utah, change its form of government to the (state "council-mayor form, with a
3303 five-member council," "council-mayor form, with a seven-member council," "six-member
3304 council form," or "five-member council form," as applicable)?"; and

3305 (2) provide a space or method for the voter to vote "yes" or "no."

3306 Section 78. Section **10-3b-606** is enacted to read:

3307 **10-3b-606. Election of officers after a change in the form of government.**

3308 (1) If voters approve a proposal to change the municipality's form of government at an
3309 election held as provided in this part, an election of officers under the new form of government
3310 shall be held on the municipal general election date following the election at which voters
3311 approve the proposal.

3312 (2) If a municipality changes its form of government under this part resulting in the
3313 elimination of an elected official's position, the municipality shall continue to pay that official
3314 at the same rate until the date on which the official's term would have expired, unless under the
3315 new form of government the official holds municipal office for which the official is regularly
3316 compensated.

3317 (3) A council member whose term has not expired at the time the municipality changes
3318 its form of government under this part may, at the council member's option, continue to serve
3319 as a council member under the new form of government for the remainder of the member's
3320 term.

3321 (4) The term of the mayor and each council member is four years or until a successor is
3322 qualified, except that approximately half of the initial council members, chosen by lot, shall
3323 serve a term of two years or until a successor is qualified.

3324 Section 79. Section **10-3b-607** is enacted to read:

3325 **10-3b-607. Effective date of change in the form of government.**

3326 A change in the form of government under this chapter takes effect at noon on the first
3327 Monday of January next following the election of officers under Section [10-3b-606](#).

3328 Section 80. Section **10-3c-101** is enacted to read:

3329 **CHAPTER 3c. ADMINISTRATION OF METRO TOWNSHIPS**

3330 **Part 1. General Provisions**

3331 **10-3c-101. Title.**

3332 (1) This chapter is known as "Administration of Metro Townships."

3333 (2) This part is known as "General Provisions."

3334 Section 81. Section **10-3c-102** is enacted to read:

3335 **10-3c-102. Definitions.**

3336 As used in this chapter:

3337 (1) "Municipal services district" means a local district created in accordance with Title
3338 17B, Chapter 2a, Part 11, Municipal Services District Act.

3339 (2) "Metro township" means a metro township incorporated in accordance with
3340 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County
3341 of the First Class on and after May 12, 2015.

3342 Section 82. Section **10-3c-103** is enacted to read:

3343 **10-3c-103. Status and powers.**

3344 A metro township:

3345 (1) is:

3346 (a) a body corporate and politic with perpetual succession;

3347 (b) a quasi-municipal corporation; and

3348 (c) a political subdivision of the state; and

3349 (2) may sue and be sued.

3350 Section 83. Section **10-3c-201** is enacted to read:

3351 **Part 2. Administration of Metro Township**

3352 **10-3c-201. Title.**

3353 This part is known as "Administration of Metro Township."

3354 Section 84. Section **10-3c-202** is enacted to read:

3355 **10-3c-202. Budget.**

3356 A metro township is subject to and shall comply with Chapter 6, Uniform Fiscal

3357 Procedures Act for Utah Cities.

3358 Section 85. Section **10-3c-203** is enacted to read:

3359 **10-3c-203. Administrative and operational services -- Staff provided by county or**
3360 **municipal services district.**

3361 (1) Unless otherwise provided, a metro township may not hire an executive director or
3362 other municipal manager or employ staff or otherwise contract for personnel services except
3363 for a contract for personnel services with a municipal services district.

3364 (2) (a) The following officials elected or appointed, or persons employed by, the county
3365 in which a municipality township is located shall, for the purposes of interpreting and
3366 complying with applicable law, fulfill the responsibilities and hold the following metro
3367 township offices or positions:

3368 (i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the
3369 metro township;

3370 (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for
3371 the metro township;

3372 (iii) the county surveyor shall fulfill, on behalf of the metro township, all surveyor
3373 duties imposed by law;

3374 (iv) the county engineer shall fulfill the duties and hold the powers of engineer for the
3375 metro township;

3376 (v) the district attorney shall provide legal counsel to the metro township; and

3377 (vi) subject to Subsection (2)(b), the county auditor shall fulfill the duties and hold the
3378 powers of auditor for the metro township.

3379 (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the
3380 metro township to the extent that the county auditor's powers and duties are described in and
3381 delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and
3382 a municipal auditor's powers and duties described in this title are the same.

3383 (ii) Notwithstanding Subsection (2)(b), in a metro township, services described in
3384 Sections [17-19a-203](#), [17-19a-204](#), and [17-19a-205](#), and services other than those described in
3385 Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that
3386 are required by law, shall be performed by county staff other than the county auditor.

3387 (3) (a) Nothing in Subsection (2) may be construed to relieve an official described in
3388 Subsections (2)(a)(i) through (iv) of a duty to either the county or metro township or a duty to
3389 fulfill that official's position as required by law.

3390 (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other
3391 person described in Subsections (2)(a)(i) through (iv):

3392 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of
3393 Title 17, Counties, as applicable to that official's or person's county office;

3394 (ii) is paid a salary and benefits and subject to employment discipline in accordance
3395 with the provisions of Title 17, Counties, as applicable to that official's or person's county
3396 office;

3397 (iii) is not subject to:

3398 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

3399 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

3400 (iv) is not required to provide a bond for the applicable municipal office if a bond for
3401 the office is required by this title.

3402 (4) (a) The metro township may establish a planning commission in accordance with
3403 Section [10-9a-301](#) and an appeal authority in accordance with Section [10-9a-701](#).

3404 (b) The metro township may not employ staff to support a planning commission or

3405 appeal authority.

3406 (5) A municipal services district established in accordance with Section 17B, Chapter
3407 2a, Part 11, Municipal Services District Act, and of which the metro township is a part, shall
3408 provide staff to the metro township planning commission and appeal authority.

3409 (6) (a) This section applies only to a metro township in which:

3410 (i) the electors at an election under Section 10-2a-404 chose a metro township that is
3411 included in a municipal services district and has limited municipal powers; or

3412 (ii) the metro township subsequently joins a municipal services district.

3413 (b) This section does not apply to a metro township described in Subsection (6)(a) if
3414 the municipal services district is dissolved.

3415 Section 86. Section **10-3c-204** is enacted to read:

3416 **10-3c-204. Taxing authority limited.**

3417 (1) A metro township may not impose:

3418 (a) a municipal energy sales and use tax as described in Chapter 1, Part 3, Municipal
3419 Energy Sales and Use Tax Act; or

3420 (b) a municipal telecommunication's license tax as described in Chapter 1, Part 4,
3421 Municipal Telecommunications License Tax.

3422 (2) (a) If the electors at an election under Section 10-2a-404 chose a metro township
3423 that is included in a municipal services district and has limited municipal powers, or a metro
3424 township subsequently joins a municipal services district, the metro township may not levy or
3425 impose a tax unless the Legislature expressly provides that the metro township may levy or
3426 impose the tax.

3427 (b) Subsection (2)(a) does not apply if a municipal services district is dissolved.

3428 Section 87. Section **10-3c-205** is enacted to read:

3429 **10-3c-205. Fees.**

3430 (1) A metro township may impose a fine, fee, or charge.

3431 (2) For a metro township of which the electors at an election under Section 10-2a-404
3432 chose a metro township that is included in a municipal services district and has limited
3433 municipal powers, or if a metro township subsequently joins a municipal services district, the
3434 municipal services district of which a metro township is a part shall, upon request by the metro
3435 township, collect on behalf of the metro township all fines, fees, charges, levies, and other

3436 payments imposed by the metro township.

3437 Section 88. Section **10-6-106** is amended to read:

3438 **10-6-106. Definitions.**

3439 As used in this chapter:

3440 (1) "Account group" is defined by generally accepted accounting principles as reflected
3441 in the Uniform Accounting Manual for Utah Cities.

3442 (2) "Appropriation" means an allocation of money by the governing body for a specific
3443 purpose.

3444 (3) (a) "Budget" means a plan of financial operations for a fiscal period which
3445 embodies estimates of proposed expenditures for given purposes and the proposed means of
3446 financing them.

3447 (b) "Budget" may refer to the budget of a particular fund for which a budget is required
3448 by law or it may refer collectively to the budgets for all such funds.

3449 (4) "Budgetary fund" means a fund for which a budget is required.

3450 (5) "Budget officer" means the city auditor in a city of the first and second class, the
3451 mayor or some person appointed by the mayor with the approval of the city council in a city of
3452 the third, fourth, or fifth class, the mayor in the council-mayor optional form of government,
3453 the chair of the metro township council in a metro township, or the person designated by the
3454 charter in a charter city.

3455 (6) "Budget period" means the fiscal period for which a budget is prepared.

3456 (7) "Check" means an order in a specific amount drawn upon a depository by an
3457 authorized officer of a city.

3458 (8) "City" means:

3459 (a) a city; or

3460 (b) for purposes of this chapter, a metro township as defined in Section [10-2a-403](#).

3461 [~~(8)~~] (9) "City general fund" means the general fund used by a city.

3462 [~~(9)~~] (10) "Current period" means the fiscal period in which a budget is prepared and
3463 adopted, i.e., the fiscal period next preceding the budget period.

3464 [~~(10)~~] (11) "Department" means any functional unit within a fund that carries on a
3465 specific activity, such as a fire or police department within a city general fund.

3466 [~~(11)~~] (12) "Encumbrance system" means a method of budgetary control in which part

3467 of an appropriation is reserved to cover a specific expenditure by charging obligations, such as
3468 purchase orders, contracts, or salary commitments to an appropriation account at their time of
3469 origin. Such obligations cease to be encumbrances when paid or when the actual liability is
3470 entered on the city's books of account.

3471 ~~[(12)]~~ (13) "Enterprise fund" means a fund as defined by the Governmental Accounting
3472 Standards Board that is used by a municipality to report an activity for which a fee is charged to
3473 users for goods or services.

3474 ~~[(13)]~~ (14) "Estimated revenue" means the amount of revenue estimated to be received
3475 from all sources during the budget period in each fund for which a budget is being prepared.

3476 ~~[(14)]~~ (15) "Financial officer" means the mayor in the council-mayor optional form of
3477 government or the city official as authorized by Section [10-6-158](#).

3478 ~~[(15)]~~ (16) "Fiscal period" means the annual or biennial period for accounting for fiscal
3479 operations in each city.

3480 ~~[(16)]~~ (17) "Fund" is as defined by generally accepted accounting principles as
3481 reflected in the Uniform Accounting Manual for Utah Cities.

3482 ~~[(17)]~~ (18) "Fund balance," "retained earnings," and "deficit" have the meanings
3483 commonly accorded such terms under generally accepted accounting principles as reflected in
3484 the Uniform Accounting Manual for Utah Cities.

3485 ~~[(18)]~~ (19) "General fund" is as defined by the Governmental Accounting Standards
3486 Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by
3487 the Office of the Utah State Auditor.

3488 ~~[(19)]~~ (20) "Governing body" means a city council, or city commission, as the case
3489 may be, but the authority to make any appointment to any position created by this chapter is
3490 vested in the mayor in the council-mayor optional form of government.

3491 ~~[(20)]~~ (21) "Interfund loan" means a loan of cash from one fund to another, subject to
3492 future repayment.

3493 ~~[(21)]~~ (22) "Last completed fiscal period" means the fiscal period next preceding the
3494 current period.

3495 ~~[(22)]~~ (23) (a) "Public funds" means any money or payment collected or received by an
3496 officer or employee of the city acting in an official capacity and includes money or payment to
3497 the officer or employee for services or goods provided by the city, or the officer or employee

3498 while acting within the scope of employment or duty.

3499 (b) "Public funds" does not include money or payments collected or received by an
3500 officer or employee of a city for charitable purposes if the mayor or city council has consented
3501 to the officer's or employee's participation in soliciting contributions for a charity.

3502 [~~(23)~~] (24) "Special fund" means any fund other than the city general fund.

3503 [~~(24)~~] (25) "Utility" means a utility owned by a city, in whole or in part, that provides
3504 electricity, gas, water, or sewer, or any combination of them.

3505 [~~(25)~~] (26) "Warrant" means an order drawn upon the city treasurer, in the absence of
3506 sufficient money in the city's depository, by an authorized officer of a city for the purpose of
3507 paying a specified amount out of the city treasury to the person named or to the bearer as
3508 money becomes available.

3509 Section 89. Section **10-6-111** is amended to read:

3510 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**
3511 **-- Budget message -- Review by governing body.**

3512 (1) (a) On or before the first regularly scheduled meeting of the governing body in the
3513 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on
3514 forms provided by the state auditor, and file with the governing body, a tentative budget for
3515 each fund for which a budget is required.

3516 (b) The tentative budget of each fund shall set forth in tabular form:

3517 (i) the actual revenues and expenditures in the last completed fiscal period;

3518 (ii) the budget estimates for the current fiscal period;

3519 (iii) the actual revenues and expenditures for a period of 6 to 21 months, as
3520 appropriate, of the current fiscal period;

3521 (iv) the estimated total revenues and expenditures for the current fiscal period;

3522 (v) the budget officer's estimates of revenues and expenditures for the budget period,
3523 computed as provided in Subsection (1)(c); and

3524 (vi) if the governing body elects, the actual performance experience to the extent
3525 established by Section **10-6-154** and available in work units, unit costs, man hours, or man
3526 years for each budgeted fund on an actual basis for the last completed fiscal period, and
3527 estimated for the current fiscal period and for the ensuing budget period.

3528 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),

3529 the budget officer shall estimate:

3530 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

3531 (I) hearing each department head; and

3532 (II) reviewing the budget requests and estimates of the department heads; and

3533 (B) (I) the amount of revenue available to serve the needs of each fund;

3534 (II) the portion of revenue to be derived from all sources other than general property
3535 taxes; and

3536 (III) the portion of revenue that shall be derived from general property taxes.

3537 (ii) The budget officer may revise any department's estimate under Subsection

3538 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to
3539 the governing body.

3540 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall
3541 compute and disclose in the budget the lowest rate of property tax levy that will raise the
3542 required amount of revenue, calculating the levy upon the latest taxable value.

3543 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,
3544 shall contain the estimates of expenditures submitted by department heads, together with
3545 specific work programs and such other supporting data as this chapter requires or the governing
3546 body may request. Each city of the first or second class shall, and a city of the third, fourth, or
3547 fifth class may, submit a supplementary estimate of all capital projects which each department
3548 head believes should be undertaken within the next three succeeding years.

3549 (b) Each tentative budget submitted by the budget officer to the governing body shall
3550 be accompanied by a budget message, which shall explain the budget, contain an outline of the
3551 proposed financial policies of the city for the budget period, and shall describe the important
3552 features of the budgetary plan. It shall set forth the reasons for salient changes from the
3553 previous fiscal period in appropriation and revenue items and shall explain any major changes
3554 in financial policy.

3555 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the
3556 governing body in any regular meeting or special meeting called for the purpose and may be
3557 amended or revised in such manner as is considered advisable prior to public hearings, except
3558 that no appropriation required for debt retirement and interest or reduction of any existing
3559 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be

3560 reduced below the minimums so required.

3561 (4) (a) If the municipality is acting pursuant to Section [~~10-2-120~~] [10-2a-218](#), the
3562 tentative budget shall:

3563 (i) be submitted to the governing body-elect as soon as practicable; and

3564 (ii) cover each fund for which a budget is required from the date of incorporation to the
3565 end of the fiscal year.

3566 (b) The governing body shall substantially comply with all other provisions of this
3567 chapter, and the budget shall be passed upon incorporation.

3568 Section 90. Section **15A-5-202.5** is amended to read:

3569 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

3570 (1) For IFC, Chapter 3, General Requirements:

3571 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six
3572 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for
3573 Wildland Fire Ordinance".

3574 (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is
3575 deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or
3576 placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing
3577 substance or object on any surface or article where it can cause an unwanted fire."

3578 (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted
3579 and rewritten as follows: "When the fire code official determines that hazardous environmental
3580 conditions necessitate controlled use of any ignition source, including fireworks, lighters,
3581 matches, sky lanterns, and smoking materials, any of the following may occur:

3582 1. If the hazardous environmental conditions exist in a municipality, the legislative
3583 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,
3584 brush-covered, or forest-covered areas or the wildland urban interface area, which means the
3585 line, area, or zone where structures or other human development meet or intermingle with
3586 undeveloped wildland or land being used for an agricultural purpose.

3587 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist
3588 in an unincorporated area, the state forester may prohibit the ignition or use of an ignition
3589 source in all or part of the areas described in paragraph 1 that are within the unincorporated
3590 area, after consulting with the county fire code official who has jurisdiction over that area.

3591 3. If the hazardous environmental conditions exist in a metro township created under
3592 [~~Section 17-27a-306 that is in a county of the first class, the county~~] Title 10, Chapter 2a, Part
3593 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class
3594 on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use
3595 of an ignition source in all or part of the areas described in paragraph 1 that are within the
3596 township."

3597 (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On
3598 line 10 delete the words "International Property Maintenance Code and the".

3599 (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete
3600 the word "shall" and replace it with the word "may".

3601 (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the
3602 following: "Exception: Where storage is not directly below the sprinkler heads, storage is
3603 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler
3604 heads in occupancies meeting classification as light or ordinary hazard."

3605 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

3606 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as
3607 follows: After the word "buildings" add "to include sororities and fraternity houses".

3608 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following
3609 footnotes:

3610 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation
3611 drill for fire conducted at least every two months, to a total of four emergency evacuation drills
3612 during the nine-month school year. The first emergency evacuation drill for fire shall be
3613 conducted within 10 school days after the beginning of classes, and the third emergency
3614 evacuation drill for fire shall be conducted 10 school days after the beginning of the next
3615 calendar year. The second and fourth emergency evacuation drills may be substituted by a
3616 security or safety drill to include shelter in place, earthquake drill, or lock down for violence."

3617 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the
3618 monthly required emergency evacuation drill can be substituted by a security or safety drill to
3619 include shelter in place, earthquake drill, or lock down for violence. The routine emergency
3620 evacuation drill for fire must be conducted at least every other evacuation drill."

3621 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are

3622 required to have one emergency evacuation drill per year, provided the following conditions are
3623 met:

3624 (A) The building has a fire alarm system in accordance with Section 907.2.

3625 (B) The rooms classified as assembly shall have fire safety floor plans as required in
3626 Section 404.3.2(4) posted.

3627 (C) The building is not classified a high-rise building.

3628 (D) The building does not contain hazardous materials over the allowable quantities by
3629 code."

3630 Section 91. Section 17-23-17 is amended to read:

3631 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**
3632 **of monuments -- Record of corner changes -- Penalties.**

3633 (1) As used in this section[~~,"land~~]:

3634 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
3635 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land
3636 Surveyors Licensing Act.

3637 (b) (i) "Township" means a term used in the context of identifying a geographic area in
3638 common surveyor practice.

3639 (ii) "Township" does not mean a metro township as that term is defined in Section
3640 [10-2a-403](#).

3641 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to
3642 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing
3643 a boundary line shall file a map of the survey that meets the requirements of this section with
3644 the county surveyor or designated office within 90 days of the establishment or reestablishment
3645 of a boundary.

3646 (ii) A land surveyor who fails to file a map of the survey as required by Subsection
3647 (2)(a)(i) is guilty of a class C misdemeanor.

3648 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a
3649 separate violation.

3650 (b) The county surveyor or designated office shall file and index the map of the survey.

3651 (c) The map shall be a public record in the office of the county surveyor or designated
3652 office.

- 3653 (3) This type of map shall show:
- 3654 (a) the location of survey by quarter section and township and range;
- 3655 (b) the date of survey;
- 3656 (c) the scale of drawing and north point;
- 3657 (d) the distance and course of all lines traced or established, giving the basis of bearing
- 3658 and the distance and course to two or more section corners or quarter corners, including
- 3659 township and range, or to identified monuments within a recorded subdivision;
- 3660 (e) all measured bearings, angles, and distances separately indicated from those of
- 3661 record;
- 3662 (f) a written boundary description of property surveyed;
- 3663 (g) all monuments set and their relation to older monuments found;
- 3664 (h) a detailed description of monuments found and monuments set, indicated
- 3665 separately;
- 3666 (i) the surveyor's seal or stamp; and
- 3667 (j) the surveyor's business name and address.
- 3668 (4) (a) The map shall contain a written narrative that explains and identifies:
- 3669 (i) the purpose of the survey;
- 3670 (ii) the basis on which the lines were established; and
- 3671 (iii) the found monuments and deed elements that controlled the established or
- 3672 reestablished lines.
- 3673 (b) If the narrative is a separate document, it shall contain:
- 3674 (i) the location of the survey by quarter section and by township and range;
- 3675 (ii) the date of the survey;
- 3676 (iii) the surveyor's stamp or seal; and
- 3677 (iv) the surveyor's business name and address.
- 3678 (c) The map and narrative shall be referenced to each other if they are separate
- 3679 documents.
- 3680 (5) The map and narrative shall be created on material of a permanent nature on stable
- 3681 base reproducible material in the sizes required by the county surveyor.
- 3682 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
- 3683 a point on a property or land line shall be durably and visibly marked or tagged with the

3684 registered business name or the letters "L.S." followed by the registration number of the
3685 surveyor in charge.

3686 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall
3687 be marked with the official title of the office.

3688 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the
3689 section corner or quarter-section corner, or their accessories, the surveyor shall complete and
3690 submit to the county surveyor or designated office a record of the changes made.

3691 (b) The record shall be submitted within 45 days of the corner visits and shall include
3692 the surveyor's seal, business name, and address.

3693 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
3694 license of any land surveyor who fails to comply with the requirements of this section,
3695 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and
3696 Professional Licensing Act.

3697 (9) Each federal or state agency, board, or commission, local district, special service
3698 district, or municipal corporation that makes a boundary survey of lands within this state shall
3699 comply with this section.

3700 Section 92. Section 17-23-17.5 is amended to read:

3701 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**
3702 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

3703 (1) As used in this section:

3704 (a) "Accessory to a corner" means any exclusively identifiable physical object whose
3705 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing
3706 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,
3707 steel or wooden stakes, or other objects.

3708 (b) "Corner," unless otherwise qualified, means a property corner, a property
3709 controlling corner, a public land survey corner, or any combination of these.

3710 (c) "Geographic coordinates" means mathematical values that designate a position on
3711 the earth relative to a given reference system. Coordinates shall be established pursuant to
3712 Title 57, Chapter 10, Utah Coordinate System.

3713 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
3714 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land

3715 Surveyors Licensing Act.

3716 (e) "Monument" means an accessory that is presumed to occupy the exact position of a
3717 corner.

3718 (f) "Property controlling corner" means a public land survey corner or any property
3719 corner which does not lie on a property line of the property in question, but which controls the
3720 location of one or more of the property corners of the property in question.

3721 (g) "Property corner" means a geographic point of known geographic coordinates on
3722 the surface of the earth, and is on, a part of, and controls a property line.

3723 (h) "Public land survey corner" means any corner actually established and monumented
3724 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the
3725 land to a private person from the United States government.

3726 (i) "Reference monument" means a special monument that does not occupy the same
3727 geographical position as the corner itself, but whose spatial relationship to the corner is
3728 recorded and which serves to witness the corner.

3729 (j) (i) "Township" means a term used in the context of identifying a geographic area in
3730 common surveyor practice.

3731 (ii) "Township" does not mean a metro township as that term is defined in Section
3732 [10-2a-403](#).

3733 (2) (a) Any land surveyor making a boundary survey of lands within this state and
3734 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the
3735 county where the corner is situated, a written record to be known as a corner file for every
3736 public land survey corner and accessory to the corner which is used as control in any survey by
3737 the surveyor, unless the corner and its accessories are already a matter of record in the county.

3738 (b) Where reasonably possible, the corner file shall include the geographic coordinates
3739 of the corner.

3740 (c) A surveyor may file a corner record as to any property corner, reference monument,
3741 or accessory to a corner.

3742 (d) Corner records may be filed concerning corners used before the effective date of
3743 this section.

3744 (3) The county surveyor of the county containing the corners shall have on record as
3745 part of the official files maps of each township within the county, the bearings and lengths of

3746 the connecting lines to government corners, and government corners looked for and not found.

3747 (4) The county surveyor shall make these records available for public inspection at the
3748 county facilities during normal business hours.

3749 (5) Filing fees for corner records shall be established by the county legislative body
3750 consistent with existing fees for similar services. All corners, monuments, and their
3751 accessories used prior to the effective date of this section shall be accepted and filed with the
3752 county surveyor without requiring the payment of the fees.

3753 (6) When a corner record of a public land survey corner is required to be filed under
3754 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the
3755 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

3756 (7) A corner record may not be filed unless it is signed by a land surveyor.

3757 (8) All filings relative to official cadastral surveys of the Bureau of Land Management
3758 of the United States of America performed by authorized personnel shall be exempt from filing
3759 fees.

3760 Section 93. Section 17-27a-103 is amended to read:

3761 **17-27a-103. Definitions.**

3762 As used in this chapter:

3763 (1) "Affected entity" means a county, municipality, local district, special service
3764 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
3765 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
3766 property owner, property owners association, public utility, or the Utah Department of
3767 Transportation, if:

3768 (a) the entity's services or facilities are likely to require expansion or significant
3769 modification because of an intended use of land;

3770 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
3771 or

3772 (c) the entity has filed with the county a request for notice during the same calendar
3773 year and before the county provides notice to an affected entity in compliance with a
3774 requirement imposed under this chapter.

3775 (2) "Appeal authority" means the person, board, commission, agency, or other body
3776 designated by ordinance to decide an appeal of a decision of a land use application or a

3777 variance.

3778 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
3779 residential property if the sign is designed or intended to direct attention to a business, product,
3780 or service that is not sold, offered, or existing on the property where the sign is located.

3781 (4) (a) "Charter school" means:

3782 (i) an operating charter school;

3783 (ii) a charter school applicant that has its application approved by a charter school
3784 authorizer in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

3785 (iii) an entity that is working on behalf of a charter school or approved charter
3786 applicant to develop or construct a charter school building.

3787 (b) "Charter school" does not include a therapeutic school.

3788 (5) "Chief executive officer" means the person or body that exercises the executive
3789 powers of the county.

3790 (6) "Conditional use" means a land use that, because of its unique characteristics or
3791 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
3792 compatible in some areas or may be compatible only if certain conditions are required that
3793 mitigate or eliminate the detrimental impacts.

3794 (7) "Constitutional taking" means a governmental action that results in a taking of
3795 private property so that compensation to the owner of the property is required by the:

3796 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3797 (b) Utah Constitution Article I, Section 22.

3798 (8) "Culinary water authority" means the department, agency, or public entity with
3799 responsibility to review and approve the feasibility of the culinary water system and sources for
3800 the subject property.

3801 (9) "Development activity" means:

3802 (a) any construction or expansion of a building, structure, or use that creates additional
3803 demand and need for public facilities;

3804 (b) any change in use of a building or structure that creates additional demand and need
3805 for public facilities; or

3806 (c) any change in the use of land that creates additional demand and need for public
3807 facilities.

3808 (10) (a) "Disability" means a physical or mental impairment that substantially limits
3809 one or more of a person's major life activities, including a person having a record of such an
3810 impairment or being regarded as having such an impairment.

3811 (b) "Disability" does not include current illegal use of, or addiction to, any federally
3812 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
3813 802.

3814 (11) "Educational facility":

3815 (a) means:

3816 (i) a school district's building at which pupils assemble to receive instruction in a
3817 program for any combination of grades from preschool through grade 12, including
3818 kindergarten and a program for children with disabilities;

3819 (ii) a structure or facility:

3820 (A) located on the same property as a building described in Subsection (11)(a)(i); and

3821 (B) used in support of the use of that building; and

3822 (iii) a building to provide office and related space to a school district's administrative
3823 personnel; and

3824 (b) does not include:

3825 (i) land or a structure, including land or a structure for inventory storage, equipment
3826 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

3827 (A) not located on the same property as a building described in Subsection (11)(a)(i);

3828 and

3829 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

3830 (ii) a therapeutic school.

3831 (12) "Fire authority" means the department, agency, or public entity with responsibility
3832 to review and approve the feasibility of fire protection and suppression services for the subject
3833 property.

3834 (13) "Flood plain" means land that:

3835 (a) is within the 100-year flood plain designated by the Federal Emergency
3836 Management Agency; or

3837 (b) has not been studied or designated by the Federal Emergency Management Agency
3838 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

3839 the land has characteristics that are similar to those of a 100-year flood plain designated by the
3840 Federal Emergency Management Agency.

3841 (14) "Gas corporation" has the same meaning as defined in Section 54-2-1.

3842 (15) "General plan" means a document that a county adopts that sets forth general
3843 guidelines for proposed future development of the unincorporated land within the county.

3844 (16) "Geologic hazard" means:

3845 (a) a surface fault rupture;

3846 (b) shallow groundwater;

3847 (c) liquefaction;

3848 (d) a landslide;

3849 (e) a debris flow;

3850 (f) unstable soil;

3851 (g) a rock fall; or

3852 (h) any other geologic condition that presents a risk:

3853 (i) to life;

3854 (ii) of substantial loss of real property; or

3855 (iii) of substantial damage to real property.

3856 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
3857 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
3858 system.

3859 (18) "Identical plans" means building plans submitted to a county that:

3860 (a) are clearly marked as "identical plans";

3861 (b) are substantially identical building plans that were previously submitted to and
3862 reviewed and approved by the county; and

3863 (c) describe a building that:

3864 (i) is located on land zoned the same as the land on which the building described in the
3865 previously approved plans is located;

3866 (ii) is subject to the same geological and meteorological conditions and the same law
3867 as the building described in the previously approved plans;

3868 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
3869 and approved by the county; and

3870 (iv) does not require any additional engineering or analysis.

3871 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
3872 Impact Fees Act.

3873 (20) "Improvement completion assurance" means a surety bond, letter of credit, cash,
3874 or other security required by a county to guaranty the proper completion of landscaping or
3875 infrastructure that the land use authority has required as a condition precedent to:

3876 (a) recording a subdivision plat; or

3877 (b) beginning development activity.

3878 (21) "Improvement warranty" means an applicant's unconditional warranty that the
3879 accepted landscaping or infrastructure:

3880 (a) complies with the county's written standards for design, materials, and
3881 workmanship; and

3882 (b) will not fail in any material respect, as a result of poor workmanship or materials,
3883 within the improvement warranty period.

3884 (22) "Improvement warranty period" means a period:

3885 (a) no later than one year after a county's acceptance of required landscaping; or

3886 (b) no later than one year after a county's acceptance of required infrastructure, unless
3887 the county:

3888 (i) determines for good cause that a one-year period would be inadequate to protect the
3889 public health, safety, and welfare; and

3890 (ii) has substantial evidence, on record:

3891 (A) of prior poor performance by the applicant; or

3892 (B) that the area upon which the infrastructure will be constructed contains suspect soil
3893 and the county has not otherwise required the applicant to mitigate the suspect soil.

3894 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted
3895 designation that:

3896 (a) runs with the land; and

3897 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
3898 the plat; or

3899 (ii) designates a development condition that is enclosed within the perimeter of a lot
3900 described on the plat.

3901 (24) "Interstate pipeline company" means a person or entity engaged in natural gas
3902 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
3903 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3904 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas
3905 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
3906 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3907 (26) "Land use application" means an application required by a county's land use
3908 ordinance.

3909 (27) "Land use authority" means:

3910 (a) a person, board, commission, agency, or body, including the local legislative body,
3911 designated by the local legislative body to act upon a land use application; or

3912 (b) if the local legislative body has not designated a person, board, commission,
3913 agency, or body, the local legislative body.

3914 (28) "Land use ordinance" means a planning, zoning, development, or subdivision
3915 ordinance of the county, but does not include the general plan.

3916 (29) "Land use permit" means a permit issued by a land use authority.

3917 (30) "Legislative body" means the county legislative body, or for a county that has
3918 adopted an alternative form of government, the body exercising legislative powers.

3919 (31) "Local district" means any entity under Title 17B, Limited Purpose Local
3920 Government Entities - Local Districts, and any other governmental or quasi-governmental
3921 entity that is not a county, municipality, school district, or the state.

3922 (32) "Lot line adjustment" means the relocation of the property boundary line in a
3923 subdivision between two adjoining lots with the consent of the owners of record.

3924 (33) "Moderate income housing" means housing occupied or reserved for occupancy
3925 by households with a gross household income equal to or less than 80% of the median gross
3926 income for households of the same size in the county in which the housing is located.

3927 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
3928 and expenses incurred in:

3929 (a) verifying that building plans are identical plans; and

3930 (b) reviewing and approving those minor aspects of identical plans that differ from the
3931 previously reviewed and approved building plans.

3932 (35) "Noncomplying structure" means a structure that:
3933 (a) legally existed before its current land use designation; and
3934 (b) because of one or more subsequent land use ordinance changes, does not conform
3935 to the setback, height restrictions, or other regulations, excluding those regulations that govern
3936 the use of land.

3937 (36) "Nonconforming use" means a use of land that:
3938 (a) legally existed before its current land use designation;
3939 (b) has been maintained continuously since the time the land use ordinance regulation
3940 governing the land changed; and
3941 (c) because of one or more subsequent land use ordinance changes, does not conform
3942 to the regulations that now govern the use of the land.

3943 (37) "Official map" means a map drawn by county authorities and recorded in the
3944 county recorder's office that:
3945 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
3946 highways and other transportation facilities;
3947 (b) provides a basis for restricting development in designated rights-of-way or between
3948 designated setbacks to allow the government authorities time to purchase or otherwise reserve
3949 the land; and
3950 (c) has been adopted as an element of the county's general plan.

3951 (38) "Parcel boundary adjustment" means a recorded agreement between owners of
3952 adjoining properties adjusting their mutual boundary if:
3953 (a) no additional parcel is created; and
3954 (b) each property identified in the agreement is unsubdivided land, including a
3955 remainder of subdivided land.

3956 (39) "Person" means an individual, corporation, partnership, organization, association,
3957 trust, governmental agency, or any other legal entity.

3958 (40) "Plan for moderate income housing" means a written document adopted by a
3959 county legislative body that includes:
3960 (a) an estimate of the existing supply of moderate income housing located within the
3961 county;
3962 (b) an estimate of the need for moderate income housing in the county for the next five

3963 years as revised biennially;

3964 (c) a survey of total residential land use;

3965 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
3966 income housing; and

3967 (e) a description of the county's program to encourage an adequate supply of moderate
3968 income housing.

3969 (41) "Planning district" means a contiguous, geographically defined portion of the
3970 unincorporated area of a county established under this part with planning and zoning functions
3971 as exercised through the planning district planning commission, as provided in this chapter, but
3972 with no legal or political identity separate from the county and no taxing authority.

3973 [~~(41)~~] (42) "Plat" means a map or other graphical representation of lands being laid out
3974 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

3975 [~~(42)~~] (43) "Potential geologic hazard area" means an area that:

3976 (a) is designated by a Utah Geological Survey map, county geologist map, or other
3977 relevant map or report as needing further study to determine the area's potential for geologic
3978 hazard; or

3979 (b) has not been studied by the Utah Geological Survey or a county geologist but
3980 presents the potential of geologic hazard because the area has characteristics similar to those of
3981 a designated geologic hazard area.

3982 [~~(43)~~] (44) "Public agency" means:

3983 (a) the federal government;

3984 (b) the state;

3985 (c) a county, municipality, school district, local district, special service district, or other
3986 political subdivision of the state; or

3987 (d) a charter school.

3988 [~~(44)~~] (45) "Public hearing" means a hearing at which members of the public are
3989 provided a reasonable opportunity to comment on the subject of the hearing.

3990 [~~(45)~~] (46) "Public meeting" means a meeting that is required to be open to the public
3991 under Title 52, Chapter 4, Open and Public Meetings Act.

3992 [~~(46)~~] (47) "Receiving zone" means an unincorporated area of a county that the county
3993 designates, by ordinance, as an area in which an owner of land may receive a transferable

3994 development right.

3995 [~~(47)~~] (48) "Record of survey map" means a map of a survey of land prepared in
3996 accordance with Section [17-23-17](#).

3997 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

3998 (a) in which more than one person with a disability resides; and

3999 (b) (i) which is licensed or certified by the Department of Human Services under Title
4000 62A, Chapter 2, Licensure of Programs and Facilities; or

4001 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
4002 21, Health Care Facility Licensing and Inspection Act.

4003 [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and
4004 prescribe in a public meeting:

4005 (a) parliamentary order and procedure;

4006 (b) ethical behavior; and

4007 (c) civil discourse.

4008 [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity
4009 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
4010 wastewater systems.

4011 [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county
4012 designates, by ordinance, as an area from which an owner of land may transfer a transferable
4013 development right.

4014 [~~(52)~~] (53) "Site plan" means a document or map that may be required by a county
4015 during a preliminary review preceding the issuance of a building permit to demonstrate that an
4016 owner's or developer's proposed development activity meets a land use requirement.

4017 [~~(53)~~] (54) "Specified public agency" means:

4018 (a) the state;

4019 (b) a school district; or

4020 (c) a charter school.

4021 [~~(54)~~] (55) "Specified public utility" means an electrical corporation, gas corporation,
4022 or telephone corporation, as those terms are defined in Section [54-2-1](#).

4023 [~~(55)~~] (56) "State" includes any department, division, or agency of the state.

4024 [~~(56)~~] (57) "Street" means a public right-of-way, including a highway, avenue,

4025 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
4026 or other way.

4027 [~~(57)~~] (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed
4028 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
4029 purpose, whether immediate or future, for offer, sale, lease, or development either on the
4030 installment plan or upon any and all other plans, terms, and conditions.

4031 (b) "Subdivision" includes:

4032 (i) the division or development of land whether by deed, metes and bounds description,
4033 devise and testacy, map, plat, or other recorded instrument; and

4034 (ii) except as provided in Subsection [~~(57)~~] (58)(c), divisions of land for residential and
4035 nonresidential uses, including land used or to be used for commercial, agricultural, and
4036 industrial purposes.

4037 (c) "Subdivision" does not include:

4038 (i) a bona fide division or partition of agricultural land for agricultural purposes;

4039 (ii) a recorded agreement between owners of adjoining properties adjusting their
4040 mutual boundary if:

4041 (A) no new lot is created; and

4042 (B) the adjustment does not violate applicable land use ordinances;

4043 (iii) a recorded document, executed by the owner of record:

4044 (A) revising the legal description of more than one contiguous unsubdivided parcel of
4045 property into one legal description encompassing all such parcels of property; or

4046 (B) joining a subdivided parcel of property to another parcel of property that has not
4047 been subdivided, if the joinder does not violate applicable land use ordinances;

4048 (iv) a bona fide division or partition of land in a county other than a first class county
4049 for the purpose of siting, on one or more of the resulting separate parcels:

4050 (A) an electrical transmission line or a substation;

4051 (B) a natural gas pipeline or a regulation station; or

4052 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
4053 utility service regeneration, transformation, retransmission, or amplification facility;

4054 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
4055 their mutual boundary if:

4056 (A) no new dwelling lot or housing unit will result from the adjustment; and
4057 (B) the adjustment will not violate any applicable land use ordinance;
4058 (vi) a bona fide division or partition of land by deed or other instrument where the land
4059 use authority expressly approves in writing the division in anticipation of further land use
4060 approvals on the parcel or parcels; or
4061 (vii) a parcel boundary adjustment.
4062 (d) The joining of a subdivided parcel of property to another parcel of property that has
4063 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (58) as to
4064 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
4065 subdivision ordinance.
4066 [~~(58)~~] (59) "Suspect soil" means soil that has:
4067 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
4068 3% swell potential;
4069 (b) bedrock units with high shrink or swell susceptibility; or
4070 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
4071 commonly associated with dissolution and collapse features.
4072 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:
4073 (a) for four or more individuals who are not related to:
4074 (i) the owner of the facility; or
4075 (ii) the primary service provider of the facility;
4076 (b) that serves students who have a history of failing to function:
4077 (i) at home;
4078 (ii) in a public school; or
4079 (iii) in a nonresidential private school; and
4080 (c) that offers:
4081 (i) room and board; and
4082 (ii) an academic education integrated with:
4083 (A) specialized structure and supervision; or
4084 (B) services or treatment related to a disability, an emotional development, a
4085 behavioral development, a familial development, or a social development.
4086 [~~(60)~~] "~~Township~~" means a contiguous, geographically defined portion of the

4087 ~~unincorporated area of a county, established under this part or reconstituted or reinstated under~~
 4088 ~~Section 17-27a-306, with planning and zoning functions as exercised through the township~~
 4089 ~~planning commission, as provided in this chapter, but with no legal or political identity~~
 4090 ~~separate from the county and no taxing authority, except that "township" means a former~~
 4091 ~~township under Laws of Utah 1996, Chapter 308, where the context so indicates.]~~

4092 (61) "Transferable development right" means a right to develop and use land that
 4093 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 4094 land use rights from a designated sending zone to a designated receiving zone.

4095 (62) "Unincorporated" means the area outside of the incorporated area of a
 4096 municipality.

4097 (63) "Water interest" means any right to the beneficial use of water, including:

4098 (a) each of the rights listed in Section 73-1-11; and

4099 (b) an ownership interest in the right to the beneficial use of water represented by:

4100 (i) a contract; or

4101 (ii) a share in a water company, as defined in Section 73-3-3.5.

4102 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
 4103 land use zones, overlays, or districts.

4104 Section 94. Section 17-27a-301 is amended to read:

4105 **17-27a-301. Ordinance establishing planning commission required -- Exception --**
 4106 **Ordinance requirements -- Planning district planning commission -- Compensation.**

4107 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance
 4108 establishing a countywide planning commission for the unincorporated areas of the county not
 4109 within a ~~[township]~~ planning district.

4110 (b) Subsection (1)(a) does not apply if all of the county is included within any
 4111 combination of:

4112 (i) municipalities; and

4113 (ii) ~~[townships]~~ planning districts with their own planning commissions.

4114 (2) (a) The ordinance shall define:

4115 (i) the number and terms of the members and, if the county chooses, alternate
 4116 members;

4117 (ii) the mode of appointment;

- 4118 (iii) the procedures for filling vacancies and removal from office;
- 4119 (iv) the authority of the planning commission;
- 4120 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the
- 4121 planning commission in a public meeting; and
- 4122 (vi) other details relating to the organization and procedures of the planning
- 4123 commission.

4124 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with

4125 Title 52, Chapter 4, Open and Public Meetings Act.

4126 (3) (a) (i) If the county establishes a [~~township~~] planning district planning commission,

4127 the county legislative body shall enact an ordinance that defines:

- 4128 (A) appointment procedures;
- 4129 (B) procedures for filling vacancies and removing members from office;
- 4130 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the
- 4131 [~~township~~] planning district planning commission in a public meeting; and
- 4132 (D) details relating to the organization and procedures of each [~~township~~] planning
- 4133 district planning commission.

4134 (ii) Subsection (3)(a)(i)(C) does not affect the [~~township~~] planning district planning

4135 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

4136 (b) The planning commission for each [~~township~~] planning district shall consist of

4137 seven members who [~~except as provided in Subsection (4),~~] shall be appointed by:

4138 (i) in a county operating under a form of government in which the executive and

4139 legislative functions of the governing body are separated, the county executive with the advice

4140 and consent of the county legislative body; or

4141 (ii) in a county operating under a form of government in which the executive and

4142 legislative functions of the governing body are not separated, the county legislative body.

4143 (c) (i) Members shall serve four-year terms and until their successors are appointed [~~or,~~

4144 ~~as provided in Subsection (4), elected~~] and qualified.

4145 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) [~~and except as provided in~~

4146 ~~Subsection (4)~~], members of the first planning commissions shall be appointed so that, for each

4147 commission, the terms of at least one member and no more than two members expire each

4148 year.

4149 (d) (i) [~~Except as provided in Subsection (3)(d)(ii), each~~] Each member of a [~~township~~
4150 planning district planning commission shall be a registered voter residing within the [~~township~~
4151 planning district.

4152 [~~(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission~~
4153 ~~of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~
4154 ~~under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter~~
4155 ~~residing outside the township if that member:]~~

4156 [~~(I) is an owner of real property located within the township; and]~~

4157 [~~(H) resides within the county in which the township is located:]~~

4158 [~~(B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township~~
4159 ~~planning commission from a list of three persons submitted by the county legislative body:]~~

4160 [~~(H) If the township planning commission has not notified the county legislative body~~
4161 ~~of its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning~~
4162 ~~commission's receipt of the list, the county legislative body may appoint one of the three~~
4163 ~~persons on the list or a registered voter residing within the township as a member of the~~
4164 ~~township planning commission:]~~

4165 [~~(4) (a) The legislative body of each county in which a township reconstituted under~~
4166 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~
4167 ~~17-27a-306(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that~~
4168 ~~provides for the election of at least three members of the planning commission of that~~
4169 ~~township:]~~

4170 [~~(b) (i) Beginning with the 2012 general election, the election of planning commission~~
4171 ~~members under Subsection (4)(a) shall coincide with the election of other county officers~~
4172 ~~during even-numbered years:]~~

4173 [~~(ii) Approximately half the elected planning commission members shall be elected~~
4174 ~~every four years during elections held on even-numbered years, and the remaining elected~~
4175 ~~members shall be elected every four years on alternating even-numbered years:]~~

4176 [~~(c) If no person files a declaration of candidacy in accordance with Section 20A-9-202~~
4177 ~~for an open township planning commission member position:]~~

4178 [~~(i) the position may be appointed in accordance with Subsection (3)(b); and]~~

4179 [~~(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time~~

4180 that exceeds the elected term for which there was no candidate.]

4181 ~~[(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,~~
4182 ~~2012, enact an ordinance that:]~~

4183 ~~[(i) designates the seats to be elected; and]~~

4184 ~~[(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board~~
4185 ~~of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the~~
4186 ~~planning commission of the reconstituted or reinstated township:]~~

4187 ~~[(b) A member appointed under Subsection (5)(a) is considered an elected member.]~~

4188 ~~[(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed~~
4189 ~~under Subsection (5)(a) shall continue until the time that the member's term as an elected~~
4190 ~~member of the former township planning and zoning board would have expired.]~~

4191 ~~[(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the~~
4192 ~~terms of the members appointed under Subsection (5)(a) so that the terms of those members~~
4193 ~~coincide with the schedule under Subsection (4)(b) for elected members:]~~

4194 ~~[(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a~~
4195 ~~township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~
4196 ~~under Subsection [17-27a-306](#)(1)(k)(i) is located may enact an ordinance allowing each~~
4197 ~~appointed member of the planning and zoning board of the former township, established under~~
4198 ~~Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning~~
4199 ~~commission of the reconstituted or reinstated township until the time that the member's term as~~
4200 ~~a member of the former township's planning and zoning board would have expired.]~~

4201 ~~[(iii) If a planning commission of a township reconstituted under Laws of Utah 1997,~~
4202 ~~Chapter 389, or reinstated or established under Subsection [17-27a-306](#)(1)(k)(i) has more than~~
4203 ~~one appointed member who resides outside the township, the legislative body of the county in~~
4204 ~~which that township is located shall, within 15 days of the effective date of this Subsection~~
4205 ~~(6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a~~
4206 ~~new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed~~
4207 ~~member.]~~

4208 ~~[(7) (a) Except as provided in Subsection (7)(b), upon]~~

4209 ~~(ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if~~
4210 ~~that member was, prior to May 12, 2015, authorized to reside outside of the planning district.~~

4211 (4) (a) A member of a planning commission who was elected to and served on a
4212 planning commission on May 12, 2015, shall serve out the term to which the member was
4213 elected.

4214 (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant
4215 seat shall be filled by appointment in accordance with this section.

4216 (5) Upon the appointment [or election] of all members of a [township] planning district
4217 planning commission, each [township] planning district planning commission under this
4218 section shall begin to exercise the powers and perform the duties provided in Section
4219 17-27a-302 with respect to all matters then pending that previously had been under the
4220 jurisdiction of the countywide planning commission or [township] planning district planning
4221 and zoning board.

4222 ~~[(b) Notwithstanding Subsection (7)(a), if the members of a former township planning~~
4223 ~~and zoning board continue to hold office as members of the planning commission of the~~
4224 ~~township planning district under an ordinance enacted under Subsection (5)(a), the township~~
4225 ~~planning commission shall immediately begin to exercise the powers and perform the duties~~
4226 ~~provided in Section 17-27a-302 with respect to all matters then pending that had previously~~
4227 ~~been under the jurisdiction of the township planning and zoning board.]~~

4228 ~~[(8)]~~ (6) The legislative body may fix per diem compensation for the members of the
4229 planning commission, based on necessary and reasonable expenses and on meetings actually
4230 attended.

4231 Section 95. Section 17-27a-302 is amended to read:

4232 **17-27a-302. Planning commission powers and duties.**

4233 ~~[(1)]~~ Each countywide or [township] planning district planning commission shall, with
4234 respect to the unincorporated area of the county[;] or the [township] planning district, make a
4235 recommendation to the county legislative body for:

4236 ~~[(a)]~~ (1) a general plan and amendments to the general plan;

4237 ~~[(b)]~~ (2) land use ordinances, zoning maps, official maps, and amendments;

4238 ~~[(c)]~~ (3) an appropriate delegation of power to at least one designated land use
4239 authority to hear and act on a land use application;

4240 ~~[(d)]~~ (4) an appropriate delegation of power to at least one appeal authority to hear and
4241 act on an appeal from a decision of the land use authority; and

4242 [(e)] (5) application processes that:

4243 [(f)] (a) may include a designation of routine land use matters that, upon application
4244 and proper notice, will receive informal streamlined review and action if the application is
4245 uncontested; and

4246 [(f)] (b) shall protect the right of each:

4247 [(A)] (i) applicant and third party to require formal consideration of any application by
4248 a land use authority;

4249 [(B)] (ii) applicant, adversely affected party, or county officer or employee to appeal a
4250 land use authority's decision to a separate appeal authority; and

4251 [(C)] (iii) participant to be heard in each public hearing on a contested application.

4252 [(2)] ~~The planning commission of a township under this part may recommend to the~~
4253 ~~legislative body of the county in which the township is located that the legislative body file a~~
4254 ~~protest to a proposed annexation of an area located within the township, as provided in~~
4255 ~~Subsection 10-2-407(1)(b).]~~

4256 Section 96. Section 17-27a-306 is amended to read:

4257 **17-27a-306. Planning districts.**

4258 (1) (a) A [township] planning district may be established in a county other than a
4259 county of the first class as provided in this Subsection (1).

4260 (b) A [township] planning district may not be established unless the area to be included
4261 within the proposed [township] planning district:

4262 (i) is unincorporated;

4263 (ii) is contiguous; and

4264 (iii) (A) contains:

4265 (I) at least 20% but not more than 80% of:

4266 (Aa) the total private land area in the unincorporated county; or

4267 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4268 or

4269 (II) (Aa) in a county of the [first,] second[,] or third class, at least 5% of the total
4270 population of the unincorporated county, but not less than 300 residents; or

4271 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
4272 of the unincorporated county; or

4273 (B) has been declared by the United States Census Bureau as a census designated
4274 place.

4275 (c) (i) The process to establish a [township] planning district is initiated by the filing of
4276 a petition with the clerk of the county in which the proposed [township] planning district is
4277 located.

4278 (ii) A petition to establish a [township] planning district may not be filed if it proposes
4279 the establishment of a [township] planning district that includes an area within a proposed
4280 [township] planning district in a petition that has previously been certified under Subsection
4281 (1)(g), until after the canvass of an election on the proposed [township] planning district under
4282 Subsection (1)(j).

4283 (d) A petition under Subsection (1)(c) to establish a [township] planning district shall:

4284 (i) be signed by the owners of private real property that:

4285 (A) is located within the proposed [township] planning district;

4286 (B) covers at least 10% of the total private land area within the proposed [township]
4287 planning district; and

4288 (C) is equal in value to at least 10% of the value of all private real property within the
4289 proposed [township] planning district;

4290 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
4291 area proposed to be established as a [township] planning district;

4292 (iii) indicate the typed or printed name and current residence address of each owner
4293 signing the petition;

4294 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
4295 be designated as the contact sponsor, with the mailing address and telephone number of each
4296 petition sponsor;

4297 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
4298 petition for purposes of the petition; and

4299 (vi) request the county legislative body to provide notice of the petition and of a public
4300 hearing, hold a public hearing, and conduct an election on the proposal to establish a
4301 [township] planning district.

4302 (e) Subsection ~~[10-2-101]~~ 10-2a-102(3) applies to a petition to establish a [township]
4303 planning district to the same extent as if it were an incorporation petition under Title 10,

4304 Chapter [2, ~~Part 1,~~] 2a, Municipal Incorporation.

4305 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
4306 the establishment of a [township] planning district in a county of the [~~first or~~] second class, the
4307 county clerk shall provide notice of the filing of the petition to:

4308 (A) each owner of real property owning more than 1% of the assessed value of all real
4309 property within the proposed [township] planning district; and

4310 (B) each owner of real property owning more than 850 acres of real property within the
4311 proposed [township] planning district.

4312 (ii) A property owner may exclude all or part of the property owner's property from a
4313 proposed [township] planning district in a county of the [~~first or~~] second class:

4314 (A) if:

4315 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
4316 property within the proposed [township] planning district;

4317 (IIIii) the property is nonurban; and

4318 (IIIiii) the property does not or will not require municipal provision of municipal-type
4319 services; or

4320 (Bb) the property owner owns more than 850 acres of real property within the proposed
4321 [township] planning district; and

4322 (II) exclusion of the property will not leave within the [township] planning district an
4323 island of property that is not part of the [township] planning district; and

4324 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
4325 under Subsection (1)(f)(i).

4326 (iii) (A) The county legislative body shall exclude from the proposed [township]
4327 planning district the property identified in a notice of exclusion timely filed under Subsection
4328 (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

4329 (B) If the county legislative body excludes property from a proposed [township]
4330 planning district under Subsection (1)(f)(iii), the county legislative body shall, within five days
4331 after the exclusion, send written notice of its action to the contact sponsor.

4332 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
4333 clerk shall:

4334 (A) with the assistance of other county officers from whom the clerk requests

4335 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
4336 and

4337 (B) (I) if the clerk determines that the petition complies with the requirements of
4338 Subsection (1)(d):

4339 (Aa) certify the petition and deliver the certified petition to the county legislative body;
4340 and

4341 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4342 (II) if the clerk determines that the petition fails to comply with any of the requirements
4343 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
4344 rejection and the reasons for the rejection.

4345 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
4346 may be amended to correct the deficiencies for which it was rejected and then refiled with the
4347 county clerk.

4348 (h) (i) Within 90 days after a petition to establish a [township] planning district is
4349 certified, the county legislative body shall hold a public hearing on the proposal to establish a
4350 [township] planning district.

4351 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4352 (A) within the boundary of the proposed [township] planning district; or

4353 (B) if holding a public hearing in that area is not practicable, as close to that area as
4354 practicable.

4355 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
4356 county legislative body shall publish notice of the petition and the time, date, and place of the
4357 public hearing:

4358 (A) at least once in a newspaper of general circulation in the county; and

4359 (B) on the Utah Public Notice Website created in Section [63F-1-701](#).

4360 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
4361 shall arrange for the proposal to establish a [township] planning district to be submitted to
4362 voters residing within the proposed [township] planning district at the next regular general
4363 election that is more than 90 days after the public hearing.

4364 (j) A [township] planning district is established at the time of the canvass of the results
4365 of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting

4366 on the proposal to establish a [township] planning district voted in favor of the proposal.

4367 ~~[(k)(i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is~~
4368 ~~reinstated as a township under this part with the same boundaries and name as before the~~
4369 ~~dissolution, if the former township consisted of a single, contiguous land area.]~~

4370 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an~~
4371 ~~ordinance establishing as a township under this part a former township that was dissolved~~
4372 ~~under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be~~
4373 ~~reinstated under Subsection (1)(k)(i).]~~

4374 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection~~
4375 ~~(1)(k)(ii) is subject to the provisions of this part.]~~

4376 ~~[(l) A township established under this section on or after May 5, 1997, may use the~~
4377 ~~word "township" in its name.]~~

4378 (k) An area that is an established township before May 12, 2015, in a county other than
4379 a county of the first class:

4380 (i) is, as of May 12, 2015, a planning district; and

4381 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4382 and

4383 (B) may use the word "planning district" in its name.

4384 (2) The county legislative body may:

4385 (a) assign to the countywide planning commission the duties established in this part
4386 that would have been assumed by a [township] planning district planning commission
4387 designated under Subsection (2)(b); or

4388 (b) designate and appoint a planning commission for the [township] planning district.

4389 (3) (a) An area within the boundary of a [township] planning district may be withdrawn
4390 from the [township] planning district as provided in this Subsection (3).

4391 (b) The process to withdraw an area from a [township] planning district is initiated by
4392 the filing of a petition with the clerk of the county in which the [township] planning district is
4393 located.

4394 (c) A petition under Subsection (3)(b) shall:

4395 (i) be signed by the owners of private real property that:

4396 (A) is located within the area proposed to be withdrawn from the [township] planning

4397 district;

4398 (B) covers at least 50% of the total private land area within the area proposed to be
4399 withdrawn from the [township] planning district; and

4400 (C) is equal in value to at least 33% of the value of all private real property within the
4401 area proposed to be withdrawn from the [township] planning district;

4402 (ii) state the reason or reasons for the proposed withdrawal;

4403 (iii) be accompanied by an accurate plat or map showing the boundary of the
4404 contiguous area proposed to be withdrawn from the [township] planning district;

4405 (iv) indicate the typed or printed name and current residence address of each owner
4406 signing the petition;

4407 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
4408 be designated as the contact sponsor, with the mailing address and telephone number of each
4409 petition sponsor;

4410 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
4411 petition for purposes of the petition; and

4412 (vii) request the county legislative body to withdraw the area from the [township]
4413 planning district.

4414 (d) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to withdraw an area from
4415 a [township] planning district to the same extent as if it were an incorporation petition under
4416 Title 10, Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4417 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
4418 clerk shall:

4419 (A) with the assistance of other county officers from whom the clerk requests
4420 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
4421 and

4422 (B) (I) if the clerk determines that the petition complies with the requirements of
4423 Subsection (3)(c):

4424 (Aa) certify the petition and deliver the certified petition to the county legislative body;
4425 and

4426 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4427 (II) if the clerk determines that the petition fails to comply with any of the requirements

4428 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
4429 and the reasons for the rejection.

4430 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
4431 may be amended to correct the deficiencies for which it was rejected and then refiled with the
4432 county clerk.

4433 (f) (i) Within 60 days after a petition to withdraw an area from a [township] planning
4434 district is certified, the county legislative body shall hold a public hearing on the proposal to
4435 withdraw the area from the [township] planning district.

4436 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

4437 (A) within the area proposed to be withdrawn from the [township] planning district; or

4438 (B) if holding a public hearing in that area is not practicable, as close to that area as
4439 practicable.

4440 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
4441 body shall:

4442 (A) publish notice of the petition and the time, date, and place of the public hearing:

4443 (I) at least once a week for three consecutive weeks in a newspaper of general
4444 circulation in the [township] planning district; and

4445 (II) on the Utah Public Notice Website created in Section 63F-1-701, for three
4446 consecutive weeks; and

4447 (B) mail a notice of the petition and the time, date, and place of the public hearing to
4448 each owner of private real property within the area proposed to be withdrawn.

4449 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
4450 legislative body shall make a written decision on the proposal to withdraw the area from the
4451 [township] planning district.

4452 (ii) In making its decision as to whether to withdraw the area from the [township]
4453 planning district, the county legislative body shall consider:

4454 (A) whether the withdrawal would leave the remaining [township] planning district in
4455 a situation where the future incorporation of an area within the [township] planning district or
4456 the annexation of an area within the [township] planning district to an adjoining municipality
4457 would be economically or practically not feasible;

4458 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn

4459 area:

4460 (I) whether the proposed subsequent incorporation or withdrawal:

4461 (Aa) will leave or create an unincorporated island or peninsula; or

4462 (Bb) will leave the county with an area within its unincorporated area for which the
4463 cost, requirements, or other burdens of providing municipal services would materially increase
4464 over previous years; and

4465 (II) whether the municipality to be created or the municipality into which the
4466 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
4467 providing service to the withdrawn area that the county will no longer provide due to the
4468 incorporation or annexation;

4469 (C) the effects of a withdrawal on adjoining property owners, existing or projected
4470 county streets or other public improvements, law enforcement, and zoning and other municipal
4471 services provided by the county; and

4472 (D) whether justice and equity favor the withdrawal.

4473 (h) Upon the written decision of the county legislative body approving the withdrawal
4474 of an area from a [township] planning district, the area is withdrawn from the [township]
4475 planning district and the [township] planning district continues as a [township] planning
4476 district with a boundary that excludes the withdrawn area.

4477 (4) (a) A [township] planning district may be dissolved as provided in this Subsection
4478 (4).

4479 (b) The process to dissolve a [township] planning district is initiated by the filing of a
4480 petition with the clerk of the county in which the [township] planning district is located.

4481 (c) A petition under Subsection (4)(b) shall:

4482 (i) be signed by registered voters within the [township] planning district equal in
4483 number to at least 25% of all votes cast by voters within the [township] planning district at the
4484 last congressional election;

4485 (ii) state the reason or reasons for the proposed dissolution;

4486 (iii) indicate the typed or printed name and current residence address of each person
4487 signing the petition;

4488 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
4489 be designated as the contact sponsor, with the mailing address and telephone number of each

4490 petition sponsor;

4491 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
4492 for purposes of the petition; and

4493 (vi) request the county legislative body to provide notice of the petition and of a public
4494 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the
4495 [~~township~~] planning district.

4496 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
4497 clerk shall:

4498 (A) with the assistance of other county officers from whom the clerk requests
4499 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
4500 and

4501 (B) (I) if the clerk determines that the petition complies with the requirements of
4502 Subsection (4)(c):

4503 (Aa) certify the petition and deliver the certified petition to the county legislative body;
4504 and

4505 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4506 (II) if the clerk determines that the petition fails to comply with any of the requirements
4507 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
4508 and the reasons for the rejection.

4509 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
4510 may be amended to correct the deficiencies for which it was rejected and then refiled with the
4511 county clerk.

4512 (e) (i) Within 60 days after a petition to dissolve the [~~township~~] planning district is
4513 certified, the county legislative body shall hold a public hearing on the proposal to dissolve the
4514 [~~township~~] planning district.

4515 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4516 (A) within the boundary of the [~~township~~] planning district; or

4517 (B) if holding a public hearing in that area is not practicable, as close to that area as
4518 practicable.

4519 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
4520 body shall publish notice of the petition and the time, date, and place of the public hearing:

4521 (A) at least once a week for three consecutive weeks in a newspaper of general
4522 circulation in the [township] planning district; and

4523 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three
4524 consecutive weeks immediately before the public hearing.

4525 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
4526 shall arrange for the proposal to dissolve the [township] planning district to be submitted to
4527 voters residing within the [township] planning district at the next regular general election that
4528 is more than 90 days after the public hearing.

4529 (g) A [township] planning district is dissolved at the time of the canvass of the results
4530 of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting
4531 on the proposal to dissolve the [township] planning district voted in favor of the proposal.

4532 Section 97. Section 17-27a-505 is amended to read:

4533 **17-27a-505. Zoning districts.**

4534 (1) (a) The legislative body may divide the territory over which it has jurisdiction into
4535 zoning districts of a number, shape, and area that it considers appropriate to carry out the
4536 purposes of this chapter.

4537 (b) Within those zoning districts, the legislative body may regulate and restrict the
4538 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and
4539 the use of land.

4540 (c) A county may enact an ordinance regulating land use and development in a flood
4541 plain or potential geologic hazard area to:

4542 (i) protect life; and

4543 (ii) prevent:

4544 (A) the substantial loss of real property; or

4545 (B) substantial damage to real property.

4546 (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use
4547 ordinance requiring a property owner to revegetate or landscape a single family dwelling
4548 disturbance area unless the property is located in a flood zone or geologic hazard except as
4549 required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water
4550 pollution.

4551 (2) The legislative body shall ensure that the regulations are uniform for each class or

4552 kind of buildings throughout each zone, but the regulations in one zone may differ from those
4553 in other zones.

4554 (3) (a) There is no minimum area or diversity of ownership requirement for a zone
4555 designation.

4556 (b) Neither the size of a zoning district nor the number of landowners within the
4557 district may be used as evidence of the illegality of a zoning district or of the invalidity of a
4558 county decision.

4559 Section 98. Section 17-34-3 is amended to read:

4560 **17-34-3. Taxes or service charges.**

4561 (1) (a) If a county furnishes the municipal-type services and functions described in
4562 Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the
4563 entire cost of the services or functions so furnished shall be defrayed from funds that the county
4564 has derived from:

4565 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated
4566 towns or cities;

4567 (ii) service charges or fees the county may impose upon the persons benefited in any
4568 way by the services or functions; or

4569 (iii) a combination of these sources.

4570 (b) As the taxes or service charges or fees are levied and collected, they shall be placed
4571 in a special revenue fund of the county and shall be disbursed only for the rendering of the
4572 services or functions established in Section 17-34-1 within the unincorporated areas of the
4573 county or as provided in Subsection [~~10-2-121~~] 10-2a-219(2).

4574 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this
4575 section, the county legislative body may establish a district or districts in the unincorporated
4576 areas of the county.

4577 (b) A district established by a county as provided in Subsection (2)(a) may be
4578 reorganized as a local district in accordance with the procedures set forth in Sections
4579 17D-1-601, 17D-1-603, and 17D-1-604.

4580 (3) Nothing contained in this chapter may be construed to authorize counties to impose
4581 or levy taxes not otherwise allowed by law.

4582 (4) Notwithstanding any other provision of this chapter, a county providing fire,

4583 paramedic, and police protection services in a designated recreational area, as provided in
4584 Subsection 17-34-1(5), may fund those services from the county general fund with revenues
4585 derived from both inside and outside the limits of cities and towns, and the funding of those
4586 services is not limited to unincorporated area revenues.

4587 Section 99. Section 17-41-101 is amended to read:

4588 **17-41-101. Definitions.**

4589 As used in this chapter:

4590 (1) "Advisory board" means:

4591 (a) for an agriculture protection area, the agriculture protection area advisory board
4592 created as provided in Section 17-41-201; and

4593 (b) for an industrial protection area, the industrial protection area advisory board
4594 created as provided in Section 17-41-201.

4595 (2) (a) "Agriculture production" means production for commercial purposes of crops,
4596 livestock, and livestock products.

4597 (b) "Agriculture production" includes the processing or retail marketing of any crops,
4598 livestock, and livestock products when more than 50% of the processed or merchandised
4599 products are produced by the farm operator.

4600 (3) "Agriculture protection area" means a geographic area created under the authority
4601 of this chapter that is granted the specific legal protections contained in this chapter.

4602 (4) "Applicable legislative body" means:

4603 (a) with respect to a proposed agriculture protection area or industrial protection area:

4604 (i) the legislative body of the county in which the land proposed to be included in an
4605 agriculture protection area or industrial protection area is located, if the land is within the
4606 unincorporated part of the county; or

4607 (ii) the legislative body of the city or town in which the land proposed to be included in
4608 an agriculture protection area or industrial protection area is located; and

4609 (b) with respect to an existing agriculture protection area or industrial protection area:

4610 (i) the legislative body of the county in which the agriculture protection area or
4611 industrial protection area is located, if the agriculture protection area or industrial protection
4612 area is within the unincorporated part of the county; or

4613 (ii) the legislative body of the city or town in which the agriculture protection area or

- 4614 industrial protection area is located.
- 4615 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.
- 4616 (6) "Crops, livestock, and livestock products" includes:
- 4617 (a) land devoted to the raising of useful plants and animals with a reasonable
- 4618 expectation of profit, including:
- 4619 (i) forages and sod crops;
- 4620 (ii) grains and feed crops;
- 4621 (iii) livestock as defined in Section 59-2-102;
- 4622 (iv) trees and fruits; or
- 4623 (v) vegetables, nursery, floral, and ornamental stock; or
- 4624 (b) land devoted to and meeting the requirements and qualifications for payments or
- 4625 other compensation under a crop-land retirement program with an agency of the state or federal
- 4626 government.
- 4627 (7) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
- 4628 (8) "Industrial protection area" means a geographic area created under the authority of
- 4629 this chapter that is granted the specific legal protections contained in this chapter.
- 4630 (9) "Mine operator" means a natural person, corporation, association, partnership,
- 4631 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or
- 4632 representative, either public or private, including a successor, assign, affiliate, subsidiary, and
- 4633 related parent company, that, as of January 1, 2009:
- 4634 (a) owns, controls, or manages a mining use under a large mine permit issued by the
- 4635 division or the board; and
- 4636 (b) has produced commercial quantities of a mineral deposit from the mining use.
- 4637 (10) "Mineral deposit" has the same meaning as defined in Section 40-8-4, but
- 4638 excludes:
- 4639 (a) building stone, decorative rock, and landscaping rock; and
- 4640 (b) consolidated rock that:
- 4641 (i) is not associated with another deposit of minerals;
- 4642 (ii) is or may be extracted from land; and
- 4643 (iii) is put to uses similar to the uses of sand, gravel, and other aggregates.
- 4644 (11) "Mining protection area" means land where a vested mining use occurs, including

4645 each surface or subsurface land or mineral estate that a mine operator with a vested mining use
4646 owns or controls.

4647 (12) "Mining use":

4648 (a) means:

4649 (i) the full range of activities, from prospecting and exploration to reclamation and
4650 closure, associated with the exploitation of a mineral deposit; and

4651 (ii) the use of the surface and subsurface and groundwater and surface water of an area
4652 in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or
4653 will be conducted; and

4654 (b) includes, whether conducted on-site or off-site:

4655 (i) any sampling, staking, surveying, exploration, or development activity;

4656 (ii) any drilling, blasting, excavating, or tunneling;

4657 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,
4658 development rock, tailings, and other waste material;

4659 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;

4660 (v) any smelting, refining, autoclaving, or other primary or secondary processing
4661 operation;

4662 (vi) the recovery of any mineral left in residue from a previous extraction or processing
4663 operation;

4664 (vii) a mining activity that is identified in a work plan or permitting document;

4665 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,

4666 structure, facility, equipment, machine, tool, or other material or property that results from or is

4667 used in a surface or subsurface mining operation or activity;

4668 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,

4669 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,

4670 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use

4671 area, buffer zone, and power production facility;

4672 (x) the construction of a storage, factory, processing, or maintenance facility; and

4673 (xi) any activity described in Subsection [40-8-4\(14\)\(a\)](#).

4674 (13) (a) "Municipal" means of or relating to a city or town.

4675 (b) "Municipality" means a city or town.

4676 (14) "New land" means surface or subsurface land or mineral estate that a mine
4677 operator gains ownership or control of, whether or not that land or mineral estate is included in
4678 the mine operator's large mine permit.

4679 (15) "Off-site" has the same meaning as provided in Section 40-8-4.

4680 (16) "On-site" has the same meaning as provided in Section 40-8-4.

4681 (17) "Planning commission" means:

4682 (a) a countywide planning commission if the land proposed to be included in the
4683 agriculture protection area or industrial protection area is within the unincorporated part of the
4684 county and not within a [township] planning district;

4685 (b) a [township] planning district planning commission if the land proposed to be
4686 included in the agriculture protection area or industrial protection area is within a [township]
4687 planning district; or

4688 (c) a planning commission of a city or town if the land proposed to be included in the
4689 agriculture protection area or industrial protection area is within a city or town.

4690 (18) "Political subdivision" means a county, city, town, school district, local district, or
4691 special service district.

4692 (19) "Proposal sponsors" means the owners of land in agricultural production or
4693 industrial use who are sponsoring the proposal for creating an agriculture protection area or
4694 industrial protection area, respectively.

4695 (20) "State agency" means each department, commission, board, council, agency,
4696 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
4697 unit, bureau, panel, or other administrative unit of the state.

4698 (21) "Unincorporated" means not within a city or town.

4699 (22) "Vested mining use" means a mining use:

4700 (a) by a mine operator; and

4701 (b) that existed or was conducted or otherwise engaged in before a political subdivision
4702 prohibits, restricts, or otherwise limits a mining use.

4703 Section 100. Section 17B-1-502 is amended to read:

4704 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**
4705 **certain circumstances.**

4706 (1) (a) An area within the boundaries of a local district may be withdrawn from the

4707 local district only as provided in this part or, if applicable, as provided in Part 11, Municipal
4708 Services District Act.

4709 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local
4710 district within a municipality because of a municipal incorporation under Title 10, Chapter [2,
4711 ~~Part 1,~~] 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under
4712 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the
4713 process of withdrawing that area from the local district.

4714 (2) (a) An area within the boundaries of a local district is automatically withdrawn
4715 from the local district by the annexation of the area to a municipality or the adding of the area
4716 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

4717 (i) the local district provides:

4718 (A) fire protection, paramedic, and emergency services; or

4719 (B) law enforcement service;

4720 (ii) an election for the creation of the local district was not required because of
4721 Subsection 17B-1-214(3)(d); and

4722 (iii) before annexation or boundary adjustment, the boundaries of the local district do
4723 not include any of the annexing municipality.

4724 (b) The effective date of a withdrawal under this Subsection (2) is governed by
4725 Subsection 17B-1-512(2)(b).

4726 (3) (a) Except as provided in [~~Subsection~~] Subsection (3)(c) or (d), an area within the
4727 boundaries of a local district located in a county of the first class is automatically withdrawn
4728 from the local district by the incorporation of a municipality whose boundaries include the area
4729 if:

4730 (i) the local district provides:

4731 (A) fire protection, paramedic, and emergency services;

4732 (B) law enforcement service; or

4733 (C) municipal services, as defined in Section 17B-2a-1102;

4734 (ii) an election for the creation of the local district was not required because of
4735 Subsection 17B-1-214(3)(d) or (g); and

4736 (iii) the legislative body of the newly incorporated municipality:

4737 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of

4738 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
4739 12, 2015, complies with the feasibility study requirements of Section [17B-2a-1110](#);

4740 [~~(A)~~] (B) adopts a resolution no later than 180 days after the effective date of
4741 incorporation approving the withdrawal that includes the legal description of the area to be
4742 withdrawn; and

4743 [~~(B)~~] (C) delivers a copy of the resolution to the board of trustees of the local district.

4744 (b) The effective date of a withdrawal under this Subsection (3) is governed by
4745 Subsection [17B-1-512\(2\)\(a\)](#).

4746 (c) Section [17B-1-505](#) shall govern the withdrawal of an incorporated area within a
4747 county of the first class [~~if~~] after the expiration of the 180-day period described in Subsection
4748 (3)(a)(iii)(B):

4749 (i) the local district from which the area is withdrawn provides:

4750 (A) fire protection, paramedic, and emergency services; [~~or~~]

4751 (B) law enforcement service; [~~and~~] or

4752 (C) municipal services, as defined in Section [17B-2a-1102](#); and

4753 (ii) an election for the creation of the local district was not required under Subsection
4754 [17B-1-214\(3\)\(d\)](#) or (g).

4755 (d) An area within the boundaries of a local district that is incorporated as a metro
4756 township and for which the residents of the metro township at an election to incorporate chose
4757 to be included in a municipal services district is not subject to the provisions of this Subsection
4758 (3).

4759 Section 101. Section [17B-1-505](#) is amended to read:

4760 **[17B-1-505. Withdrawal of municipality in certain districts providing fire](#)**
4761 **[protection, paramedic, and emergency services or law enforcement service.](#)**

4762 (1) (a) The process to withdraw an area from a local district may be initiated by a
4763 resolution adopted by the legislative body of a municipality, subject to Subsection (1)(b), that is
4764 entirely within the boundaries of a local district:

4765 (i) that provides:

4766 (A) fire protection, paramedic, and emergency services; [~~or~~]

4767 (B) law enforcement service; [~~and~~] or

4768 (C) municipal services, as defined in Section [17B-2a-1102](#); and

4769 (ii) in the creation of which an election was not required because of Subsection
4770 [17B-1-214](#)(3)(d) or (g).

4771 (b) A municipal legislative body of a municipality that is within a municipal services
4772 district established under Chapter 2a, Part 11, Municipal Services District Act, may not adopt a
4773 resolution under Subsection (1)(a) to withdraw from the municipal services district unless the
4774 municipality has conducted a feasibility study in accordance with Section [17B-2a-1110](#).

4775 [~~(b)~~] (c) Within 10 days after adopting a resolution under Subsection (1)(a), the
4776 municipal legislative body shall submit to the board of trustees of the local district written
4777 notice of the adoption of the resolution, accompanied by a copy of the resolution.

4778 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body
4779 shall hold an election at the next municipal general election that is more than 60 days after
4780 adoption of the resolution on the question of whether the municipality should withdraw from
4781 the local district.

4782 (3) If a majority of those voting on the question of withdrawal at an election held under
4783 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local
4784 district.

4785 (4) (a) Within 10 days after the canvass of an election at which a withdrawal under this
4786 section is submitted to voters, the municipal legislative body shall send written notice to the
4787 board of the local district from which the municipality is proposed to withdraw.

4788 (b) Each notice under Subsection (4)(a) shall:

4789 (i) state the results of the withdrawal election; and

4790 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal
4791 description of the area to be withdrawn, adequate for purposes of the county assessor and
4792 recorder.

4793 (5) The effective date of a withdrawal under this section is governed by Subsection
4794 [17B-1-512](#)(2)(a).

4795 Section 102. Section **17B-1-1002** is amended to read:

4796 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

4797 (1) The rate at which a local district levies a property tax for district operation and
4798 maintenance expenses on the taxable value of taxable property within the district may not
4799 exceed:

- 4800 (a) .0008, for a basic local district;
- 4801 (b) .0004, for a cemetery maintenance district;
- 4802 (c) .0004, for a drainage district;
- 4803 (d) .0008, for a fire protection district;
- 4804 (e) .0008, for an improvement district;
- 4805 (f) .0005, for a metropolitan water district;
- 4806 (g) .0004, for a mosquito abatement district;
- 4807 (h) .0004, for a public transit district;
- 4808 (i) (i) .0023, for a service area that:
- 4809 (A) is located in a county of the first or second class; and
- 4810 (B) (I) provides fire protection, paramedic, and emergency services; or
- 4811 (II) subject to Subsection (3), provides law enforcement services; or
- 4812 (ii) .0014, for each other service area; [~~or~~]
- 4813 (j) the rates provided in Section [17B-2a-1006](#), for a water conservancy district~~[-];~~ or
- 4814 (k) .0023 for a municipal services district.
- 4815 (2) Property taxes levied by a local district are excluded from the limit applicable to
- 4816 that district under Subsection (1) if the taxes are:
- 4817 (a) levied under Section [17B-1-1103](#) by a local district, other than a water conservancy
- 4818 district, to pay principal of and interest on general obligation bonds issued by the district;
- 4819 (b) levied to pay debt and interest owed to the United States; or
- 4820 (c) levied to pay assessments or other amounts due to a water users association or other
- 4821 public cooperative or private entity from which the district procures water.
- 4822 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax
- 4823 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a
- 4824 member to the board of trustees of the service area under Subsection [17B-2a-905](#)(2) assesses
- 4825 on or after November 30 in the year in which the tax is first collected and each subsequent year
- 4826 that the tax is collected:
- 4827 (a) a generally assessed fee imposed under Section [17B-1-643](#) for law enforcement
- 4828 services; or
- 4829 (b) any other generally assessed fee for law enforcement services.
- 4830 Section 103. Section **17B-1-1102** is amended to read:

4831 **17B-1-1102. General obligation bonds.**

4832 (1) Except as provided in Subsection (3), if a district intends to issue general obligation
 4833 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at
 4834 an election held for that purpose as provided in Title 11, Chapter 14, Local Government
 4835 Bonding Act.

4836 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
 4837 the district, subject, for a water conservancy district, to the property tax levy limits of Section
 4838 [17B-2a-1006](#).

4839 (3) A district may issue refunding general obligation bonds, as provided in Title 11,
 4840 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

4841 (4) (a) A local district may not issue general obligation bonds if the issuance of the
 4842 bonds will cause the outstanding principal amount of all of the district's general obligation
 4843 bonds to exceed the amount that results from multiplying the fair market value of the taxable
 4844 property within the district, as determined under Subsection [11-14-301\(3\)\(b\)](#), by a number that
 4845 is:

- 4846 (i) .05, for a basic local district;
- 4847 (ii) .004, for a cemetery maintenance district;
- 4848 (iii) .002, for a drainage district;
- 4849 (iv) .004, for a fire protection district;
- 4850 (v) .024, for an improvement district;
- 4851 (vi) .1, for an irrigation district;
- 4852 (vii) .1, for a metropolitan water district;
- 4853 (viii) .0004, for a mosquito abatement district;
- 4854 (ix) .03, for a public transit district; [~~or~~]
- 4855 (x) .12, for a service area[-]; or
- 4856 (xi) .0023 for a municipal services district.

4857 (b) Bonds or other obligations of a local district that are not general obligation bonds
 4858 are not included in the limit stated in Subsection (4)(a).

4859 (5) A district may not be considered to be a municipal corporation for purposes of the
 4860 debt limitation of the Utah Constitution, Article XIV, Section 4.

4861 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter

4862 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that
4863 participates in the agreement creating the administrative or legal entity.

4864 Section 104. Section **17B-2a-1102** is amended to read:

4865 **17B-2a-1102. Definitions.**

4866 As used in this part~~[-"municipal"]~~:

4867 (1) "Municipal services" means~~[:(1)]~~ one or more of the services identified in Section
4868 17-34-1 ~~[or]~~₂ 17-36-3~~[; and]~~, or 17B-1-202.

4869 ~~[(2) any other municipal-type service provided in the district that is in the interest of~~
4870 ~~the district.]~~

4871 (2) "Metro township" means:

4872 (a) a metro township for which the electors at an election under Section 10-2a-404
4873 chose a metro township that is included in a municipal services district; or

4874 (b) a metro township that subsequently joins a municipal services district.

4875 Section 105. Section **17B-2a-1103** is amended to read:

4876 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**
4877 **municipal services districts.**

4878 (1) (a) ~~[A]~~ Except as provided in Subsection (1)(b) and Section 17B-2a-1110, a
4879 municipal services district may be created only in unincorporated areas in a county of the first
4880 class.

4881 (b) ~~[Notwithstanding Subsection (1)(a) and subject]~~ Subject to Subsection (1)(c), after
4882 the initial creation of a municipal services district, an area may be annexed into the municipal
4883 services district in accordance with Chapter 1, Part 4, Annexation, whether that area is
4884 unincorporated or incorporated.

4885 (c) An area annexed under Subsection (1)(b) may not be located outside of the
4886 originating county of the first class.

4887 (2) Each municipal services district is governed by the powers stated in:

4888 (a) this part; and

4889 (b) Chapter 1, Provisions Applicable to All Local Districts.

4890 (3) This part applies only to a municipal services district.

4891 (4) A municipal services district is not subject to the provisions of any other part of this
4892 chapter.

4893 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
 4894 Local Districts, and a provision in this part, the ~~Ŝ~~→ [~~provisions~~] provision ←~~Ŝ~~ in this part
 4894a ~~Ŝ~~→ [~~govern~~] governs ←~~Ŝ~~ .

4895 Section 106. Section **17B-2a-1104** is amended to read:

4896 **17B-2a-1104. Additional municipal services district powers.**

4897 In addition to the powers conferred on a municipal services district under Section
 4898 **17B-1-103**, a municipal services district may:

4899 (1) notwithstanding Subsection **17B-1-202**(3), provide [~~one or multiple~~] no more than
 4900 six municipal services; and

4901 (2) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
 4902 to carry out the purposes of the district.

4903 Section 107. Section **17B-2a-1106** is amended to read:

4904 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

4905 (1) Except as provided in Subsection (2), and notwithstanding any other provision of
 4906 law regarding the membership of a local district board of trustees, the initial board of trustees
 4907 of a municipal services district shall consist of the county legislative body.

4908 (2) (a) Notwithstanding any provision of law regarding the membership of a local
 4909 district board of trustees or the governance of a local district, and, except as provided in
 4910 Subsection (3), if a municipal services district is created in a county of the first class with the
 4911 county executive-council form of government, the initial governance of the municipal services
 4912 district is as follows:

4913 (i) subject to Subsection (2)(b), the county council is the municipal services district
 4914 board of trustees; and

4915 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal
 4916 services district.

4917 (b) Notwithstanding any other provision of law, the board of trustees of a municipal
 4918 services district described in Subsection (2)(a) shall:

4919 (i) act as the legislative body of the district; and

4920 (ii) exercise legislative branch powers and responsibilities established for county
 4921 legislative bodies in:

4922 (A) Title 17, Counties; and

4923 (B) an optional plan, as defined in Section **17-52-101**, adopted for a county

4924 executive-council form of county government as described in Section 17-52-504.

4925 (c) Notwithstanding any other provision of law, in a municipal services district
4926 described in Subsection (2)(a), the executive of the district shall:

4927 (i) act as the executive of the district; and

4928 (ii) exercise executive branch powers and responsibilities established for a county
4929 executive in:

4930 (A) Title 17, Counties; and

4931 (B) an optional plan, as defined in Section 17-52-101, adopted for a county
4932 executive-council form of county government as described in Section 17-52-504.

4933 [~~(3) If, after the initial creation of a municipal services district, an area within the
4934 district is incorporated as a municipality and the area is not withdrawn from the district in
4935 accordance with Section 17B-1-502, or an area within a municipality is annexed into the
4936 municipal services district in accordance with Section 17B-2a-1103:~~]

4937 [~~(a) the district's board of trustees shall include a member of that municipality's
4938 governing body; and]~~

4939 [~~(b) the member described in Subsection (3)(a) shall be:~~]

4940 [~~(i) designated by the municipality; and]~~

4941 [~~(ii) a member with powers and duties of other board of trustees members as described
4942 in Subsection (2)(b):]~~

4943 (3) (a) If, after the initial creation of a municipal services district, an area within the
4944 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not
4945 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area
4946 within the municipality is annexed into the municipal services district in accordance with
4947 Section 17B-2a-1103, the district's board of trustees shall be as follows:

4948 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

4949 (ii) subject to Subsection (4), two members of the county council of the county in
4950 which the municipal services district is located; and

4951 (iii) the total number of board members shall be an odd number.

4952 (b) A member described in Subsection (3)(a)(i) shall be:

4953 (i) for a municipality other than a metro township, designated by the municipal
4954 legislative body; and

4955 (ii) for a metro township, the chair of the metro township.

4956 (c) A member of the board of trustees has the powers and duties described in

4957 Subsection (2)(b).

4958 (d) The county executive is the executive and has the powers and duties as described in

4959 Subsection (2)(c).

4960 (4) (a) The number of county council members may be increased or decreased to meet
4961 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

4962 (b) The number of county council members described in Subsection (3)(a)(ii) does not
4963 include the county mayor.

4964 (5) For a board of trustees described in Subsection (3), each board member's vote is
4965 weighted using the proportion of the municipal services district population that resides:

4966 (a) for each member described in Subsection (3)(a)(i), within that member's
4967 municipality; and

4968 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated
4969 county, with the members' weighted vote divided evenly if there is more than one member on
4970 the board described in Subsection (3)(a)(ii).

4971 ~~[(4)]~~ (6) The board may adopt a resolution providing for future board members to be
4972 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

4973 ~~[(5)]~~ (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of
4974 trustees may adopt a resolution to determine the internal governance of the board.

4975 (b) A resolution adopted under Subsection ~~[(5)]~~ (7)(a) may not alter or impair the board
4976 of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's
4977 duties, powers, or responsibilities described in Subsection (2)(c).

4978 Section 108. Section **17B-2a-1107** is amended to read:

4979 **17B-2a-1107. Exclusion of rural real property.**

4980 (1) As used in this section, "rural real property" means an area:

4981 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

4982 (b) that does not include residential units with a density greater than one unit per acre.

4983 (2) Unless an owner gives written consent, rural real property may not be included in a
4984 municipal services district if the rural real property:

4985 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one

4986 or more tax parcels;

4987 (b) is not contiguous to but is used in connection with rural real property that consists
4988 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

4989 (c) is owned, managed, or controlled by a person, company, or association, including a
4990 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural
4991 real property consisting of one or more tax parcels; or

4992 (d) is located in whole or in part in one of the following as defined in Section
4993 [17-41-101](#):

4994 (i) an agricultural protection area;

4995 (ii) a mining protection area; or

4996 (iii) an industrial protection area.

4997 (3) (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw
4998 consent to inclusion in a municipal services district at any time.

4999 (b) An owner may withdraw consent by submitting a written and signed request to the
5000 municipal services district board of trustees that:

5001 (i) identifies and describes the rural real property to be withdrawn; and

5002 (ii) requests that the rural real property be withdrawn.

5003 (c) (i) No later than 30 days after the day on which the municipal services district board
5004 of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a
5005 resolution withdrawing the rural real property as identified and described in the request.

5006 (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the
5007 municipal services district upon adoption of the resolution.

5008 Section 109. Section **17B-2a-1110** is enacted to read:

5009 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
5010 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**
5011 **transferred to municipal services district.**

5012 (1) A municipality may withdraw from a municipal services district in accordance with
5013 Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

5014 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
5015 under Section (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(A) is tolled
5016 from the day that the municipality engages the feasibility consultant to the day on which the

5017 municipality holds the final public hearing under Subsection (5).

5018 (2) (a) If a municipality decides to withdraw from a municipal services district, the
5019 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or
5020 [17B-1-505](#), as applicable, engage a feasibility consultant to conduct a feasibility study.

5021 (b) The feasibility consultant shall be chosen:

5022 (i) by the municipal legislative body; and

5023 (ii) in accordance with applicable municipal procurement procedures.

5024 (3) The municipal legislative body shall require the feasibility consultant to:

5025 (a) complete the feasibility study and submit the written results to the municipal
5026 legislative body before the council adopts a resolution under Section [17B-1-502](#);

5027 (b) submit with the full written results of the feasibility study a summary of the results
5028 no longer than one page in length; and

5029 (c) attend the public hearings under Subsection (5).

5030 (4) (a) The feasibility study shall consider:

5031 (i) population and population density within the withdrawing municipality;

5032 (ii) current and five-year projections of demographics and economic base in the
5033 withdrawing municipality, including household size and income, commercial and industrial
5034 development, and public facilities;

5035 (iii) projected growth in the withdrawing municipality during the next five years;

5036 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
5037 including overhead, of municipal services in the withdrawing municipality;

5038 (v) assuming the same tax categories and tax rates as currently imposed by the
5039 municipal services district and all other current service providers, the present and five-year
5040 projected revenue for the withdrawing municipality;

5041 (vi) a projection of any new taxes per household that may be levied within the
5042 withdrawing municipality within five years of the withdrawal; and

5043 (vii) the fiscal impact on other municipalities serviced by the municipal services
5044 district.

5045 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
5046 level and quality of municipal services to be provided to the withdrawing municipality in the
5047 future that fairly and reasonably approximate the level and quality of municipal services being

5048 provided to the withdrawing municipality at the time of the feasibility study.

5049 (ii) In determining the present cost of a municipal service, the feasibility consultant
5050 shall consider:

5051 (A) the amount it would cost the withdrawing municipality to provide municipal
5052 services for the first five years after withdrawing; and

5053 (B) the municipal services district's present and five-year projected cost of providing
5054 municipal services.

5055 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
5056 and anticipated growth.

5057 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
5058 municipal legislative body council shall, at its next regular meeting after receipt of the results
5059 of the feasibility study, schedule at least one public hearing to be held:

5060 (a) within the following 60 days; and

5061 (b) for the purpose of allowing:

5062 (i) the feasibility consultant to present the results of the study; and

5063 (ii) the public to become informed about the feasibility study results, including the
5064 requirement that if the municipality withdraws from the municipal services district, the
5065 municipality must comply with Subsection (9), and to ask questions about those results of the
5066 feasibility consultant.

5067 (6) At a public hearing described in Subsection (5), the municipal legislative body
5068 shall:

5069 (a) provide a copy of the feasibility study for public review; and

5070 (b) allow the public to express its views about the proposed withdrawal from the
5071 municipal services district.

5072 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings
5073 required under Subsection (5):

5074 (A) at least once a week for three successive weeks in a newspaper of general
5075 circulation within the municipality; and

5076 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

5077 (ii) The municipal clerk or recorder shall publish the last publication of notice required
5078 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under

5079 Subsection (5).

5080 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation
5081 within the proposed municipality, the municipal clerk or recorder shall post at least one notice
5082 of the hearings per 1,000 population in conspicuous places within the municipality that are
5083 most likely to give notice of the hearings to the residents.

5084 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at
5085 least seven days before the first hearing under Subsection (5).

5086 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study
5087 summary and shall indicate that a full copy of the study is available for inspection and copying
5088 at the office of the municipal clerk or recorder.

5089 (8) At a public meeting held after the public hearing required under Subsection (5), the
5090 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as
5091 applicable, if the municipality is in compliance with the other requirements of that section.

5092 (9) The municipality shall pay revenues in excess of 5% to the municipal services
5093 district for 10 years beginning on the next fiscal year immediately following the municipal
5094 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)
5095 or [17B-1-505](#) if the results of the feasibility study show that the average annual amount of
5096 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
5097 (4)(a)(iv) by more than 5%.

5098 Section 110. Section **17B-2a-1111** is enacted to read:

5099 **17B-2a-1111. Withdrawal of a municipality that changes form of government.**

5100 If a municipality after the 180-day period described in Subsection
5101 [17B-1-502](#)(3)(a)(iii)(A) changes form of government in accordance with Title 10, Chapter 2b,
5102 Part 6, Changing to Another Form of Municipal Government, the municipality under the new
5103 form of government may withdraw from a municipal services district only in accordance with
5104 the provisions of Section [17B-1-505](#).

5105 Section 111. Section **17B-2a-1112** is enacted to read:

5106 **17B-2a-1112. Audit.**

5107 The board of trustees shall provide a copy of an accounting report, as defined in Section
5108 [51-2a-102](#), to each political subdivision that is provided municipal services by the municipal
5109 services district that is filed with the state auditor on behalf of the municipal services district in

5110 accordance with Section [51-2a-203](#).

5111 Section 112. Section **20A-1-102** is amended to read:

5112 **20A-1-102. Definitions.**

5113 As used in this title:

5114 (1) "Active voter" means a registered voter who has not been classified as an inactive
5115 voter by the county clerk.

5116 (2) "Automatic tabulating equipment" means apparatus that automatically examines
5117 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

5118 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
5119 upon which a voter records the voter's votes.

5120 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
5121 envelopes.

5122 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

5123 (a) contain the names of offices and candidates and statements of ballot propositions to
5124 be voted on; and

5125 (b) are used in conjunction with ballot sheets that do not display that information.

5126 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
5127 on the ballot for their approval or rejection including:

5128 (a) an opinion question specifically authorized by the Legislature;

5129 (b) a constitutional amendment;

5130 (c) an initiative;

5131 (d) a referendum;

5132 (e) a bond proposition;

5133 (f) a judicial retention question;

5134 (g) an incorporation of a city or town; or

5135 (h) any other ballot question specifically authorized by the Legislature.

5136 (6) "Ballot sheet":

5137 (a) means a ballot that:

5138 (i) consists of paper or a card where the voter's votes are marked or recorded; and

5139 (ii) can be counted using automatic tabulating equipment; and

5140 (b) includes punch card ballots and other ballots that are machine-countable.

5141 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
5142 together with a staple or stitch in at least three places across the top of the paper in the blank
5143 space reserved for securing the paper.

5144 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
5145 [20A-4-306](#) to canvass election returns.

5146 (9) "Bond election" means an election held for the purpose of approving or rejecting
5147 the proposed issuance of bonds by a government entity.

5148 (10) "Book voter registration form" means voter registration forms contained in a
5149 bound book that are used by election officers and registration agents to register persons to vote.

5150 (11) "Business reply mail envelope" means an envelope that may be mailed free of
5151 charge by the sender.

5152 (12) "By-mail voter registration form" means a voter registration form designed to be
5153 completed by the voter and mailed to the election officer.

5154 (13) "Canvass" means the review of election returns and the official declaration of
5155 election results by the board of canvassers.

5156 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
5157 the canvass.

5158 (15) "Contracting election officer" means an election officer who enters into a contract
5159 or interlocal agreement with a provider election officer.

5160 (16) "Convention" means the political party convention at which party officers and
5161 delegates are selected.

5162 (17) "Counting center" means one or more locations selected by the election officer in
5163 charge of the election for the automatic counting of ballots.

5164 (18) "Counting judge" means a poll worker designated to count the ballots during
5165 election day.

5166 (19) "Counting poll watcher" means a person selected as provided in Section
5167 [20A-3-201](#) to witness the counting of ballots.

5168 (20) "Counting room" means a suitable and convenient private place or room,
5169 immediately adjoining the place where the election is being held, for use by the poll workers
5170 and counting judges to count ballots during election day.

5171 (21) "County officers" means those county officers that are required by law to be

5172 elected.

5173 (22) "Date of the election" or "election day" or "day of the election":

5174 (a) means the day that is specified in the calendar year as the day that the election
5175 occurs; and

5176 (b) does not include:

5177 (i) deadlines established for absentee voting; or

5178 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
5179 Voting.

5180 (23) "Elected official" means:

5181 (a) a person elected to an office under Section 20A-1-303;

5182 (b) a person who is considered to be elected to a municipal office in accordance with
5183 Subsection 20A-1-206(1)(c)(ii); or

5184 (c) a person who is considered to be elected to a local district office in accordance with
5185 Subsection 20A-1-206(3)(c)(ii).

5186 (24) "Election" means a regular general election, a municipal general election, a
5187 statewide special election, a local special election, a regular primary election, a municipal
5188 primary election, and a local district election.

5189 (25) "Election Assistance Commission" means the commission established by Public
5190 Law 107-252, the Help America Vote Act of 2002.

5191 (26) "Election cycle" means the period beginning on the first day persons are eligible to
5192 file declarations of candidacy and ending when the canvass is completed.

5193 (27) "Election judge" means a poll worker that is assigned to:

5194 (a) preside over other poll workers at a polling place;

5195 (b) act as the presiding election judge; or

5196 (c) serve as a canvassing judge, counting judge, or receiving judge.

5197 (28) "Election officer" means:

5198 (a) the lieutenant governor, for all statewide ballots and elections;

5199 (b) the county clerk for:

5200 (i) a county ballot and election; and

5201 (ii) a ballot and election as a provider election officer as provided in Section
5202 20A-5-400.1 or 20A-5-400.5;

- 5203 (c) the municipal clerk for:
- 5204 (i) a municipal ballot and election; and
- 5205 (ii) a ballot and election as a provider election officer as provided in Section
- 5206 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5207 (d) the local district clerk or chief executive officer for:
- 5208 (i) a local district ballot and election; and
- 5209 (ii) a ballot and election as a provider election officer as provided in Section
- 5210 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 5211 (e) the business administrator or superintendent of a school district for:
- 5212 (i) a school district ballot and election; and
- 5213 (ii) a ballot and election as a provider election officer as provided in Section
- 5214 [20A-5-400.1](#) or [20A-5-400.5](#).
- 5215 (29) "Election official" means any election officer, election judge, or poll worker.
- 5216 (30) "Election results" means:
- 5217 (a) for an election other than a bond election, the count of votes cast in the election and
- 5218 the election returns requested by the board of canvassers; or
- 5219 (b) for bond elections, the count of those votes cast for and against the bond
- 5220 proposition plus any or all of the election returns that the board of canvassers may request.
- 5221 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 5222 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 5223 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 5224 form, and the total votes cast form.
- 5225 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 5226 device or other voting device that records and stores ballot information by electronic means.
- 5227 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 5228 or logically associated with a record and executed or adopted by a person with the intent to sign
- 5229 the record.
- 5230 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 5231 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 5232 (35) "Inactive voter" means a registered voter who has:
- 5233 (a) been sent the notice required by Section [20A-2-306](#); and

5234 (b) failed to respond to that notice.

5235 (36) "Inspecting poll watcher" means a person selected as provided in this title to
5236 witness the receipt and safe deposit of voted and counted ballots.

5237 (37) "Judicial office" means the office filled by any judicial officer.

5238 (38) "Judicial officer" means any justice or judge of a court of record or any county
5239 court judge.

5240 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
5241 Local Government Entities - Local Districts, and includes a special service district under Title
5242 17D, Chapter 1, Special Service District Act.

5243 (40) "Local district officers" means those local district board members that are required
5244 by law to be elected.

5245 (41) "Local election" means a regular county election, a regular municipal election, a
5246 municipal primary election, a local special election, a local district election, and a bond
5247 election.

5248 (42) "Local political subdivision" means a county, a municipality, a local district, or a
5249 local school district.

5250 (43) "Local special election" means a special election called by the governing body of a
5251 local political subdivision in which all registered voters of the local political subdivision may
5252 vote.

5253 (44) "Municipal executive" means:

5254 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);
5255 [or]

5256 (b) the mayor in the council-manager form of government defined in Subsection
5257 [10-3b-103](#)~~(6)~~(7); or

5258 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).

5259 (45) "Municipal general election" means the election held in municipalities and, as
5260 applicable, local districts on the first Tuesday after the first Monday in November of each
5261 odd-numbered year for the purposes established in Section [20A-1-202](#).

5262 (46) "Municipal legislative body" means:

5263 (a) the council of the city or town in any form of municipal government~~[-];~~ or

5264 (b) the council of a metro township.

- 5265 (47) "Municipal office" means an elective office in a municipality.
- 5266 (48) "Municipal officers" means those municipal officers that are required by law to be
5267 elected.
- 5268 (49) "Municipal primary election" means an election held to nominate candidates for
5269 municipal office.
- 5270 (50) "Official ballot" means the ballots distributed by the election officer to the poll
5271 workers to be given to voters to record their votes.
- 5272 (51) "Official endorsement" means:
- 5273 (a) the information on the ballot that identifies:
- 5274 (i) the ballot as an official ballot;
- 5275 (ii) the date of the election; and
- 5276 (iii) the facsimile signature of the election officer; and
- 5277 (b) the information on the ballot stub that identifies:
- 5278 (i) the poll worker's initials; and
- 5279 (ii) the ballot number.
- 5280 (52) "Official register" means the official record furnished to election officials by the
5281 election officer that contains the information required by Section [20A-5-401](#).
- 5282 (53) "Paper ballot" means a paper that contains:
- 5283 (a) the names of offices and candidates and statements of ballot propositions to be
5284 voted on; and
- 5285 (b) spaces for the voter to record the voter's vote for each office and for or against each
5286 ballot proposition.
- 5287 (54) "Pilot project" means the election day voter registration pilot project created in
5288 Section [20A-4-108](#).
- 5289 (55) "Political party" means an organization of registered voters that has qualified to
5290 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
5291 and Procedures.
- 5292 (56) "Pollbook" means a record of the names of voters in the order that they appear to
5293 cast votes.
- 5294 (57) "Polling place" means the building where voting is conducted.
- 5295 (58) (a) "Poll worker" means a person assigned by an election official to assist with an

5296 election, voting, or counting votes.

5297 (b) "Poll worker" includes election judges.

5298 (c) "Poll worker" does not include a watcher.

5299 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
5300 in which the voter marks the voter's choice.

5301 (60) "Primary convention" means the political party conventions held during the year
5302 of the regular general election.

5303 (61) "Protective counter" means a separate counter, which cannot be reset, that:

5304 (a) is built into a voting machine; and

5305 (b) records the total number of movements of the operating lever.

5306 (62) "Provider election officer" means an election officer who enters into a contract or
5307 interlocal agreement with a contracting election officer to conduct an election for the
5308 contracting election officer's local political subdivision in accordance with Section
5309 [20A-5-400.1](#).

5310 (63) "Provisional ballot" means a ballot voted provisionally by a person:

5311 (a) whose name is not listed on the official register at the polling place;

5312 (b) whose legal right to vote is challenged as provided in this title; or

5313 (c) whose identity was not sufficiently established by a poll worker.

5314 (64) "Provisional ballot envelope" means an envelope printed in the form required by
5315 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
5316 verify a person's legal right to vote.

5317 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the
5318 duties of the position for which the person was elected.

5319 (66) "Receiving judge" means the poll worker that checks the voter's name in the
5320 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
5321 after the voter has voted.

5322 (67) "Registration form" means a book voter registration form and a by-mail voter
5323 registration form.

5324 (68) "Regular ballot" means a ballot that is not a provisional ballot.

5325 (69) "Regular general election" means the election held throughout the state on the first
5326 Tuesday after the first Monday in November of each even-numbered year for the purposes

5327 established in Section [20A-1-201](#).

5328 (70) "Regular primary election" means the election on the fourth Tuesday of June of
5329 each even-numbered year, to nominate candidates of political parties and candidates for
5330 nonpartisan local school board positions to advance to the regular general election.

5331 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

5332 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed
5333 and distributed as provided in Section [20A-5-405](#).

5334 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or
5335 punch the ballot for one or more candidates who are members of different political parties.

5336 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into
5337 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
5338 the voter's vote.

5339 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

5340 (76) "Spoiled ballot" means each ballot that:

5341 (a) is spoiled by the voter;

5342 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5343 (c) lacks the official endorsement.

5344 (77) "Statewide special election" means a special election called by the governor or the
5345 Legislature in which all registered voters in Utah may vote.

5346 (78) "Stub" means the detachable part of each ballot.

5347 (79) "Substitute ballots" means replacement ballots provided by an election officer to
5348 the poll workers when the official ballots are lost or stolen.

5349 (80) "Ticket" means each list of candidates for each political party or for each group of
5350 petitioners.

5351 (81) "Transfer case" means the sealed box used to transport voted ballots to the
5352 counting center.

5353 (82) "Vacancy" means the absence of a person to serve in any position created by
5354 statute, whether that absence occurs because of death, disability, disqualification, resignation,
5355 or other cause.

5356 (83) "Valid voter identification" means:

5357 (a) a form of identification that bears the name and photograph of the voter which may

5358 include:

- 5359 (i) a currently valid Utah driver license;
- 5360 (ii) a currently valid identification card that is issued by:
 - 5361 (A) the state; or
 - 5362 (B) a branch, department, or agency of the United States;
- 5363 (iii) a currently valid Utah permit to carry a concealed weapon;
- 5364 (iv) a currently valid United States passport; or
- 5365 (v) a currently valid United States military identification card;
- 5366 (b) one of the following identification cards, whether or not the card includes a
5367 photograph of the voter:
 - 5368 (i) a valid tribal identification card;
 - 5369 (ii) a Bureau of Indian Affairs card; or
 - 5370 (iii) a tribal treaty card; or
 - 5371 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
5372 the name of the voter and provide evidence that the voter resides in the voting precinct, which
5373 may include:
 - 5374 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
5375 election;
 - 5376 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 5377 (iii) a certified birth certificate;
 - 5378 (iv) a valid Social Security card;
 - 5379 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 5380 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 5381 (vii) a currently valid Utah hunting or fishing license;
 - 5382 (viii) certified naturalization documentation;
 - 5383 (ix) a currently valid license issued by an authorized agency of the United States;
 - 5384 (x) a certified copy of court records showing the voter's adoption or name change;
 - 5385 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 5386 (xii) a currently valid identification card issued by:
 - 5387 (A) a local government within the state;
 - 5388 (B) an employer for an employee; or

5389 (C) a college, university, technical school, or professional school located within the
5390 state; or

5391 (xiii) a current Utah vehicle registration.

5392 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
5393 candidate by following the procedures and requirements of this title.

5394 (85) "Voter" means a person who:

5395 (a) meets the requirements for voting in an election;

5396 (b) meets the requirements of election registration;

5397 (c) is registered to vote; and

5398 (d) is listed in the official register book.

5399 (86) "Voter registration deadline" means the registration deadline provided in Section
5400 [20A-2-102.5](#).

5401 (87) "Voting area" means the area within six feet of the voting booths, voting
5402 machines, and ballot box.

5403 (88) "Voting booth" means:

5404 (a) the space or compartment within a polling place that is provided for the preparation
5405 of ballots, including the voting machine enclosure or curtain; or

5406 (b) a voting device that is free standing.

5407 (89) "Voting device" means:

5408 (a) an apparatus in which ballot sheets are used in connection with a punch device for
5409 piercing the ballots by the voter;

5410 (b) a device for marking the ballots with ink or another substance;

5411 (c) an electronic voting device or other device used to make selections and cast a ballot
5412 electronically, or any component thereof;

5413 (d) an automated voting system under Section [20A-5-302](#); or

5414 (e) any other method for recording votes on ballots so that the ballot may be tabulated
5415 by means of automatic tabulating equipment.

5416 (90) "Voting machine" means a machine designed for the sole purpose of recording
5417 and tabulating votes cast by voters at an election.

5418 (91) "Voting poll watcher" means a person appointed as provided in this title to
5419 witness the distribution of ballots and the voting process.

5420 (92) "Voting precinct" means the smallest voting unit established as provided by law
5421 within which qualified voters vote at one polling place.

5422 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
5423 poll watcher, and a testing watcher.

5424 (94) "Western States Presidential Primary" means the election established in Chapter 9,
5425 Part 8, Western States Presidential Primary.

5426 (95) "Write-in ballot" means a ballot containing any write-in votes.

5427 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the
5428 ballot according to the procedures established in this title.

5429 Section 113. Section **20A-1-201.5** is amended to read:

5430 **20A-1-201.5. Primary election dates.**

5431 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
5432 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons
5433 for:

5434 (a) national, state, school board, and county offices[?]; and

5435 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

5436 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
5437 following the first Monday in August before the regular municipal election to nominate persons
5438 for municipal offices.

5439 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
5440 election, the Western States Presidential Primary election shall be held throughout the state on
5441 the first Tuesday in February in the year in which a presidential election will be held.

5442 Section 114. Section **20A-1-203** is amended to read:

5443 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
5444 **limitations.**

5445 (1) Statewide and local special elections may be held for any purpose authorized by
5446 law.

5447 (2) (a) Statewide special elections shall be conducted using the procedure for regular
5448 general elections.

5449 (b) Except as otherwise provided in this title, local special elections shall be conducted
5450 using the procedures for regular municipal elections.

- 5451 (3) The governor may call a statewide special election by issuing an executive order
5452 that designates:
- 5453 (a) the date for the statewide special election; and
5454 (b) the purpose for the statewide special election.
- 5455 (4) The Legislature may call a statewide special election by passing a joint or
5456 concurrent resolution that designates:
- 5457 (a) the date for the statewide special election; and
5458 (b) the purpose for the statewide special election.
- 5459 (5) (a) The legislative body of a local political subdivision may call a local special
5460 election only for:
- 5461 (i) a vote on a bond or debt issue;
5462 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);
5463 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
5464 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
5465 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
5466 legal boundaries should be changed;
- 5467 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
5468 (vii) a vote to elect members to school district boards for a new school district and a
5469 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new
5470 school district under Section [53A-2-118.1](#);
- 5471 (viii) an election of town officers of a newly incorporated town under Section
5472 ~~[10-2-128]~~ [10-2a-305](#);
- 5473 (ix) an election of officers for a new city under Section ~~[10-2-116]~~ [10-2a-215](#);
- 5474 (x) a vote on a municipality providing cable television services or public
5475 telecommunications services under Section [10-18-204](#);
- 5476 (xi) a vote to create a new county under Section [17-3-1](#);
- 5477 (xii) a vote on the creation of a study committee under Sections [17-52-202](#) and
5478 [17-52-203.5](#);
- 5479 (xiii) a vote on a special property tax under Section [53A-16-110](#);
- 5480 (xiv) a vote on the incorporation of a city in accordance with Section ~~[10-2-111]~~
5481 [10-2a-210](#); ~~[or]~~

5482 (xv) a vote on the incorporation of a town in accordance with Section [~~10-2-127~~]
5483 10-2a-304; or

5484 (xvi) a vote on incorporation or annexation as described in Section 10-2a-404.

5485 (b) The legislative body of a local political subdivision may call a local special election
5486 by adopting an ordinance or resolution that designates:

5487 (i) the date for the local special election as authorized by Section 20A-1-204; and

5488 (ii) the purpose for the local special election.

5489 (c) A local political subdivision may not call a local special election unless the
5490 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
5491 two-thirds majority of all members of the legislative body, if the local special election is for:

5492 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

5493 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

5494 (iii) a vote authorized or required for a sales tax issue as described in Subsection
5495 (5)(a)(vi).

5496 Section 115. Section **20A-1-204** is amended to read:

5497 **20A-1-204. Date of special election -- Legal effect.**

5498 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
5499 legislative body of a local political subdivision calling a statewide special election or local
5500 special election under Section 20A-1-203 shall schedule the special election to be held on:

5501 (i) the fourth Tuesday in June;

5502 (ii) the first Tuesday after the first Monday in November; or

5503 (iii) for an election of town officers of a newly incorporated town under Section
5504 [~~10-2-128~~] 10-2a-305, on any date that complies with the requirements of that subsection.

5505 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
5506 body of a local political subdivision calling a statewide special election or local special election
5507 under Section 20A-1-203 may not schedule a special election to be held on any other date.

5508 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
5509 body of a local political subdivision may call a local special election on a date other than those
5510 specified in this section if the legislative body:

5511 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,
5512 requiring that a special election be held on a date other than the ones authorized in statute;

5513 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,
5514 and the reasons for holding the special election on that other date; and

5515 (C) votes unanimously to hold the special election on that other date.

5516 (ii) The legislative body of a local political subdivision may not call a local special
5517 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for
5518 Utah's Western States Presidential Primary.

5519 (d) The legislative body of a local political subdivision may only call a special election
5520 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after
5521 the first Monday in November.

5522 (e) Nothing in this section prohibits:

5523 (i) the governor or Legislature from submitting a matter to the voters at the regular
5524 general election if authorized by law; or

5525 (ii) a local government from submitting a matter to the voters at the regular municipal
5526 election if authorized by law.

5527 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
5528 special election within a county on the same day as:

5529 (i) another special election;

5530 (ii) a regular general election; or

5531 (iii) a municipal general election.

5532 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

5533 (i) polling places;

5534 (ii) ballots;

5535 (iii) election officials; and

5536 (iv) other administrative and procedural matters connected with the election.

5537 Section 116. Section **20A-11-101** is amended to read:

5538 **20A-11-101. Definitions.**

5539 As used in this chapter:

5540 (1) "Address" means the number and street where an individual resides or where a
5541 reporting entity has its principal office.

5542 (2) "Agent of a reporting entity" means:

5543 (a) a person acting on behalf of a reporting entity at the direction of the reporting

5544 entity;

5545 (b) a person employed by a reporting entity in the reporting entity's capacity as a
5546 reporting entity;

5547 (c) the personal campaign committee of a candidate or officeholder;

5548 (d) a member of the personal campaign committee of a candidate or officeholder in the
5549 member's capacity as a member of the personal campaign committee of the candidate or
5550 officeholder; or

5551 (e) a political consultant of a reporting entity.

5552 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
5553 amendments, and any other ballot propositions submitted to the voters that are authorized by
5554 the Utah Code Annotated 1953.

5555 (4) "Candidate" means any person who:

5556 (a) files a declaration of candidacy for a public office; or

5557 (b) receives contributions, makes expenditures, or gives consent for any other person to
5558 receive contributions or make expenditures to bring about the person's nomination or election
5559 to a public office.

5560 (5) "Chief election officer" means:

5561 (a) the lieutenant governor for state office candidates, legislative office candidates,
5562 officeholders, political parties, political action committees, corporations, political issues
5563 committees, state school board candidates, judges, and labor organizations, as defined in
5564 Section [20A-11-1501](#); and

5565 (b) the county clerk for local school board candidates.

5566 (6) (a) "Contribution" means any of the following when done for political purposes:

5567 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
5568 value given to the filing entity;

5569 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
5570 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
5571 anything of value to the filing entity;

5572 (iii) any transfer of funds from another reporting entity to the filing entity;

5573 (iv) compensation paid by any person or reporting entity other than the filing entity for
5574 personal services provided without charge to the filing entity;

- 5575 (v) remuneration from:
- 5576 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 5577 or
- 5578 (B) any agency or subdivision of the state, including school districts;
- 5579 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 5580 (vii) in-kind contributions.
- 5581 (b) "Contribution" does not include:
- 5582 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 5583 of the filing entity if the services are provided without compensation by the filing entity or any
- 5584 other person;
- 5585 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 5586 business; or
- 5587 (iii) goods or services provided for the benefit of a candidate or political party at less
- 5588 than fair market value that are not authorized by or coordinated with the candidate or political
- 5589 party.
- 5590 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 5591 candidate or political party are provided:
- 5592 (a) with the candidate's or political party's prior knowledge, if the candidate or political
- 5593 party does not object;
- 5594 (b) by agreement with the candidate or political party;
- 5595 (c) in coordination with the candidate or political party; or
- 5596 (d) using official logos, slogans, and similar elements belonging to a candidate or
- 5597 political party.
- 5598 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 5599 organization that is registered as a corporation or is authorized to do business in a state and
- 5600 makes any expenditure from corporate funds for:
- 5601 (i) the purpose of expressly advocating for political purposes; or
- 5602 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 5603 proposition.
- 5604 (b) "Corporation" does not mean:
- 5605 (i) a business organization's political action committee or political issues committee; or

- 5606 (ii) a business entity organized as a partnership or a sole proprietorship.
- 5607 (9) "County political party" means, for each registered political party, all of the persons
- 5608 within a single county who, under definitions established by the political party, are members of
- 5609 the registered political party.
- 5610 (10) "County political party officer" means a person whose name is required to be
- 5611 submitted by a county political party to the lieutenant governor in accordance with Section
- 5612 [20A-8-402](#).
- 5613 (11) "Detailed listing" means:
- 5614 (a) for each contribution or public service assistance:
- 5615 (i) the name and address of the individual or source making the contribution or public
- 5616 service assistance;
- 5617 (ii) the amount or value of the contribution or public service assistance; and
- 5618 (iii) the date the contribution or public service assistance was made; and
- 5619 (b) for each expenditure:
- 5620 (i) the amount of the expenditure;
- 5621 (ii) the person or entity to whom it was disbursed;
- 5622 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 5623 (iv) the date the expenditure was made.
- 5624 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 5625 for membership in the corporation, to a corporation without receiving full and adequate
- 5626 consideration for the money.
- 5627 (b) "Donor" does not include a person that signs a statement that the corporation may
- 5628 not use the money for an expenditure or political issues expenditure.
- 5629 (13) "Election" means each:
- 5630 (a) regular general election;
- 5631 (b) regular primary election; and
- 5632 (c) special election at which candidates are eliminated and selected.
- 5633 (14) "Electioneering communication" means a communication that:
- 5634 (a) has at least a value of \$10,000;
- 5635 (b) clearly identifies a candidate or judge; and
- 5636 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

5637 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
5638 identified candidate's or judge's election date.

5639 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
5640 agent of a reporting entity on behalf of the reporting entity:

5641 (i) any disbursement from contributions, receipts, or from the separate bank account
5642 required by this chapter;

5643 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
5644 or anything of value made for political purposes;

5645 (iii) an express, legally enforceable contract, promise, or agreement to make any
5646 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
5647 value for political purposes;

5648 (iv) compensation paid by a filing entity for personal services rendered by a person
5649 without charge to a reporting entity;

5650 (v) a transfer of funds between the filing entity and a candidate's personal campaign
5651 committee; or

5652 (vi) goods or services provided by the filing entity to or for the benefit of another
5653 reporting entity for political purposes at less than fair market value.

5654 (b) "Expenditure" does not include:

5655 (i) services provided without compensation by individuals volunteering a portion or all
5656 of their time on behalf of a reporting entity;

5657 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
5658 business; or

5659 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
5660 candidates for office or officeholders in states other than Utah.

5661 (16) "Federal office" means the office of president of the United States, United States
5662 Senator, or United States Representative.

5663 (17) "Filing entity" means the reporting entity that is required to file a financial
5664 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

5665 (18) "Financial statement" includes any summary report, interim report, verified
5666 financial statement, or other statement disclosing contributions, expenditures, receipts,
5667 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial

5668 Retention Elections.

5669 (19) "Governing board" means the individual or group of individuals that determine the
5670 candidates and committees that will receive expenditures from a political action committee,
5671 political party, or corporation.

5672 (20) "Incorporation" means the process established by Title 10, Chapter ~~[2, Part 1,]~~ 2a,
5673 Municipal Incorporation, by which a geographical area becomes legally recognized as a city
5674 ~~[or],~~ town, or metro township.

5675 (21) "Incorporation election" means the election authorized by Section ~~[10-2-111 or~~
5676 ~~10-2-127]~~ 10-2a-210, 10-2a-304, or 10-2a-404.

5677 (22) "Incorporation petition" means a petition authorized by Section ~~[10-2-109]~~
5678 10-2a-208 or ~~[10-2-125]~~ 10-2a-302.

5679 (23) "Individual" means a natural person.

5680 (24) "In-kind contribution" means anything of value, other than money, that is accepted
5681 by or coordinated with a filing entity.

5682 (25) "Interim report" means a report identifying the contributions received and
5683 expenditures made since the last report.

5684 (26) "Legislative office" means the office of state senator, state representative, speaker
5685 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
5686 whip of any party caucus in either house of the Legislature.

5687 (27) "Legislative office candidate" means a person who:

5688 (a) files a declaration of candidacy for the office of state senator or state representative;

5689 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
5690 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
5691 assistant whip of any party caucus in either house of the Legislature; or

5692 (c) receives contributions, makes expenditures, or gives consent for any other person to
5693 receive contributions or make expenditures to bring about the person's nomination, election, or
5694 appointment to a legislative office.

5695 (28) "Major political party" means either of the two registered political parties that
5696 have the greatest number of members elected to the two houses of the Legislature.

5697 (29) "Officeholder" means a person who holds a public office.

5698 (30) "Party committee" means any committee organized by or authorized by the

5699 governing board of a registered political party.

5700 (31) "Person" means both natural and legal persons, including individuals, business
5701 organizations, personal campaign committees, party committees, political action committees,
5702 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

5703 (32) "Personal campaign committee" means the committee appointed by a candidate to
5704 act for the candidate as provided in this chapter.

5705 (33) "Personal use expenditure" has the same meaning as provided under Section
5706 20A-11-104.

5707 (34) (a) "Political action committee" means an entity, or any group of individuals or
5708 entities within or outside this state, a major purpose of which is to:

5709 (i) solicit or receive contributions from any other person, group, or entity for political
5710 purposes; or

5711 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
5712 vote for or against any candidate or person seeking election to a municipal or county office.

5713 (b) "Political action committee" includes groups affiliated with a registered political
5714 party but not authorized or organized by the governing board of the registered political party
5715 that receive contributions or makes expenditures for political purposes.

5716 (c) "Political action committee" does not mean:

5717 (i) a party committee;

5718 (ii) any entity that provides goods or services to a candidate or committee in the regular
5719 course of its business at the same price that would be provided to the general public;

5720 (iii) an individual;

5721 (iv) individuals who are related and who make contributions from a joint checking
5722 account;

5723 (v) a corporation, except a corporation a major purpose of which is to act as a political
5724 action committee; or

5725 (vi) a personal campaign committee.

5726 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
5727 by another person on behalf of and with the knowledge of the reporting entity, to provide
5728 political advice to the reporting entity.

5729 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),

5730 where the person:

5731 (i) has already been paid, with money or other consideration;

5732 (ii) expects to be paid in the future, with money or other consideration; or

5733 (iii) understands that the person may, in the discretion of the reporting entity or another
5734 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
5735 money or other consideration.

5736 (36) "Political convention" means a county or state political convention held by a
5737 registered political party to select candidates.

5738 (37) (a) "Political issues committee" means an entity, or any group of individuals or
5739 entities within or outside this state, a major purpose of which is to:

5740 (i) solicit or receive donations from any other person, group, or entity to assist in
5741 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
5742 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

5743 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
5744 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
5745 proposed ballot proposition or an incorporation in an incorporation election; or

5746 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
5747 ballot or to assist in keeping a ballot proposition off the ballot.

5748 (b) "Political issues committee" does not mean:

5749 (i) a registered political party or a party committee;

5750 (ii) any entity that provides goods or services to an individual or committee in the
5751 regular course of its business at the same price that would be provided to the general public;

5752 (iii) an individual;

5753 (iv) individuals who are related and who make contributions from a joint checking
5754 account; or

5755 (v) a corporation, except a corporation a major purpose of which is to act as a political
5756 issues committee.

5757 (38) (a) "Political issues contribution" means any of the following:

5758 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
5759 anything of value given to a political issues committee;

5760 (ii) an express, legally enforceable contract, promise, or agreement to make a political

5761 issues donation to influence the approval or defeat of any ballot proposition;
5762 (iii) any transfer of funds received by a political issues committee from a reporting
5763 entity;
5764 (iv) compensation paid by another reporting entity for personal services rendered
5765 without charge to a political issues committee; and
5766 (v) goods or services provided to or for the benefit of a political issues committee at
5767 less than fair market value.
5768 (b) "Political issues contribution" does not include:
5769 (i) services provided without compensation by individuals volunteering a portion or all
5770 of their time on behalf of a political issues committee; or
5771 (ii) money lent to a political issues committee by a financial institution in the ordinary
5772 course of business.
5773 (39) (a) "Political issues expenditure" means any of the following when made by a
5774 political issues committee or on behalf of a political issues committee by an agent of the
5775 reporting entity:
5776 (i) any payment from political issues contributions made for the purpose of influencing
5777 the approval or the defeat of:
5778 (A) a ballot proposition; or
5779 (B) an incorporation petition or incorporation election;
5780 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
5781 the express purpose of influencing the approval or the defeat of:
5782 (A) a ballot proposition; or
5783 (B) an incorporation petition or incorporation election;
5784 (iii) an express, legally enforceable contract, promise, or agreement to make any
5785 political issues expenditure;
5786 (iv) compensation paid by a reporting entity for personal services rendered by a person
5787 without charge to a political issues committee; or
5788 (v) goods or services provided to or for the benefit of another reporting entity at less
5789 than fair market value.
5790 (b) "Political issues expenditure" does not include:
5791 (i) services provided without compensation by individuals volunteering a portion or all

5792 of their time on behalf of a political issues committee; or

5793 (ii) money lent to a political issues committee by a financial institution in the ordinary
5794 course of business.

5795 (40) "Political purposes" means an act done with the intent or in a way to influence or
5796 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
5797 against any candidate or a person seeking a municipal or county office at any caucus, political
5798 convention, or election.

5799 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
5800 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
5801 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
5802 person or by telephone, facsimile, Internet, postal mail, or email.

5803 (b) "Poll" does not include:

5804 (i) a ballot; or

5805 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

5806 (A) the focus group consists of more than three, and less than thirteen, individuals; and

5807 (B) all individuals in the focus group are present during the interview.

5808 (42) "Primary election" means any regular primary election held under the election
5809 laws.

5810 [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more
5811 individuals sharing a common occupation, interest, or association that contribute to a political
5812 action committee or political issues committee and whose names can be obtained by contacting
5813 the political action committee or political issues committee upon whose financial statement the
5814 individuals are listed.

5815 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state
5816 auditor, state treasurer, attorney general, state school board member, state senator, state
5817 representative, speaker of the House of Representatives, president of the Senate, and the leader,
5818 whip, and assistant whip of any party caucus in either house of the Legislature.

5819 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided
5820 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
5821 communicate with the officeholder's constituents:

5822 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of

5823 money or anything of value to an officeholder; or

5824 (ii) goods or services provided at less than fair market value to or for the benefit of the
5825 officeholder.

5826 (b) "Public service assistance" does not include:

5827 (i) anything provided by the state;

5828 (ii) services provided without compensation by individuals volunteering a portion or all
5829 of their time on behalf of an officeholder;

5830 (iii) money lent to an officeholder by a financial institution in the ordinary course of
5831 business;

5832 (iv) news coverage or any publication by the news media; or

5833 (v) any article, story, or other coverage as part of any regular publication of any
5834 organization unless substantially all the publication is devoted to information about the
5835 officeholder.

5836 (46) "Receipts" means contributions and public service assistance.

5837 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
5838 Lobbyist Disclosure and Regulation Act.

5839 (48) "Registered political action committee" means any political action committee that
5840 is required by this chapter to file a statement of organization with the Office of the Lieutenant
5841 Governor.

5842 (49) "Registered political issues committee" means any political issues committee that
5843 is required by this chapter to file a statement of organization with the Office of the Lieutenant
5844 Governor.

5845 (50) "Registered political party" means an organization of voters that:

5846 (a) participated in the last regular general election and polled a total vote equal to 2%
5847 or more of the total votes cast for all candidates for the United States House of Representatives
5848 for any of its candidates for any office; or

5849 (b) has complied with the petition and organizing procedures of Chapter 8, Political
5850 Party Formation and Procedures.

5851 (51) (a) "Remuneration" means a payment:

5852 (i) made to a legislator for the period the Legislature is in session; and

5853 (ii) that is approximately equivalent to an amount a legislator would have earned

5854 during the period the Legislature is in session in the legislator's ordinary course of business.

5855 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

5856 (i) the legislator's primary employer in the ordinary course of business; or

5857 (ii) a person or entity in the ordinary course of business:

5858 (A) because of the legislator's ownership interest in the entity; or

5859 (B) for services rendered by the legislator on behalf of the person or entity.

5860 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,

5861 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political

5862 action committee, a political issues committee, a corporation, or a labor organization, as

5863 defined in Section [20A-11-1501](#).

5864 (53) "School board office" means the office of state school board.

5865 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or

5866 intangible asset that comprises the contribution.

5867 (b) "Source" means, for political action committees and corporations, the political

5868 action committee and the corporation as entities, not the contributors to the political action

5869 committee or the owners or shareholders of the corporation.

5870 (55) "State office" means the offices of governor, lieutenant governor, attorney general,

5871 state auditor, and state treasurer.

5872 (56) "State office candidate" means a person who:

5873 (a) files a declaration of candidacy for a state office; or

5874 (b) receives contributions, makes expenditures, or gives consent for any other person to

5875 receive contributions or make expenditures to bring about the person's nomination, election, or

5876 appointment to a state office.

5877 (57) "Summary report" means the year end report containing the summary of a

5878 reporting entity's contributions and expenditures.

5879 (58) "Supervisory board" means the individual or group of individuals that allocate

5880 expenditures from a political issues committee.

5881 Section 117. Section **53-2a-208** is amended to read:

5882 **53-2a-208. Local emergency -- Declarations.**

5883 (1) (a) A local emergency may be declared by proclamation of the chief executive

5884 officer of a municipality or county.

5885 (b) A local emergency shall not be continued or renewed for a period in excess of 30
5886 days except by or with the consent of the governing body of the municipality or county.

5887 (c) Any order or proclamation declaring, continuing, or terminating a local emergency
5888 shall be filed promptly with the office of the clerk of the affected municipality or county.

5889 (2) A declaration of a local emergency:

5890 (a) constitutes an official recognition that a disaster situation exists within the affected
5891 municipality or county;

5892 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
5893 from other political subdivisions or from the state or federal government;

5894 (c) activates the response and recovery aspects of any and all applicable local disaster
5895 emergency plans; and

5896 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

5897 (3) A local emergency proclamation issued under this section shall state:

5898 (a) the nature of the local emergency;

5899 (b) the area or areas that are affected or threatened; and

5900 (c) the conditions which caused the emergency.

5901 (4) The emergency declaration process within the state shall be as follows:

5902 (a) a city, town, [~~or~~] metro township, or planning district shall declare to the county;

5903 (b) a county shall declare to the state;

5904 (c) the state shall declare to the federal government; and

5905 (d) a tribe, as defined in Section [23-13-12.5](#), shall declare as determined under the
5906 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

5907 (5) Nothing in this part affects:

5908 (a) the governor's authority to declare a state of emergency under Section [53-2a-206](#); or

5909 (b) the duties, requests, reimbursements, or other actions taken by a political
5910 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
5911 Part 3, Statewide Mutual Aid Act.

5912 Section 118. Section **53-2a-802** is amended to read:

5913 **53-2a-802. Definitions.**

5914 (1) (a) "Absent" means:

5915 (i) not physically present or not able to be communicated with for 48 hours; or

5916 (ii) for local government officers, as defined by local ordinances.

5917 (b) "Absent" does not include a person who can be communicated with via telephone,
5918 radio, or telecommunications.

5919 (2) "Department" means the Department of Administrative Services, the Department of
5920 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of
5921 Commerce, the Department of Heritage and Arts, the Department of Corrections, the
5922 Department of Environmental Quality, the Department of Financial Institutions, the
5923 Department of Health, the Department of Human Resource Management, the Department of
5924 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,
5925 the Department of Natural Resources, the Department of Public Safety, the Public Service
5926 Commission, the Department of Human Services, the State Tax Commission, the Department
5927 of Technology Services, the Department of Transportation, any other major administrative
5928 subdivisions of state government, the State Board of Education, the State Board of Regents, the
5929 Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and
5930 each institution of higher education within the system of higher education.

5931 (3) "Division" means the Division of Emergency Management established in Title 53,
5932 Chapter 2a, Part 1, Emergency Management Act.

5933 (4) "Emergency interim successor" means a person designated by this part to exercise
5934 the powers and discharge the duties of an office when the person legally exercising the powers
5935 and duties of the office is unavailable.

5936 (5) "Executive director" means the person with ultimate responsibility for managing
5937 and overseeing the operations of each department, however denominated.

5938 (6) (a) "Office" includes all state and local offices, the powers and duties of which are
5939 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

5940 (b) "Office" does not include the office of governor or the legislative or judicial offices.

5941 (7) "Place of governance" means the physical location where the powers of an office
5942 are being exercised.

5943 (8) "Political subdivision" includes counties, cities, towns, metro townships, planning
5944 districts, districts, authorities, and other public corporations and entities whether organized and
5945 existing under charter or general law.

5946 (9) "Political subdivision officer" means a person holding an office in a political

5947 subdivision.

5948 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and
5949 the executive director of each department.

5950 (11) "Unavailable" means:

5951 (a) absent from the place of governance during a disaster that seriously disrupts normal
5952 governmental operations, whether or not that absence or inability would give rise to a vacancy
5953 under existing constitutional or statutory provisions; or

5954 (b) as otherwise defined by local ordinance.

5955 Section 119. Section **53A-2-118.1** is amended to read:

5956 **53A-2-118.1. Proposal initiated by a city or interlocal agreement participants to**
5957 **create a school district -- Boundaries -- Election of local school board members --**
5958 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

5959 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
5960 as determined by the lieutenant governor using the process described in Subsection [67-1a-2\(3\)](#),
5961 may by majority vote of the legislative body, submit for voter approval a measure to create a
5962 new school district with boundaries contiguous with that city's boundaries, in accordance with
5963 Section [53A-2-118](#).

5964 (b) (i) The determination of all matters relating to the scope, adequacy, and other
5965 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
5966 city's legislative body.

5967 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
5968 a legal action or other challenge to:

5969 (A) an election for voter approval of the creation of a new school district; or

5970 (B) the creation of the new school district.

5971 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
5972 may, together with one or more other cities, towns, or the county enter into an interlocal
5973 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
5974 of submitting for voter approval a measure to create a new school district.

5975 (b) (i) In accordance with Section [53A-2-118](#), interlocal agreement participants under
5976 Subsection (2)(a) may submit a proposal for voter approval if:

5977 (A) the interlocal agreement participants conduct a feasibility study prior to submitting

5978 the proposal to the county;

5979 (B) the combined population within the proposed new school district boundaries is at
5980 least 50,000;

5981 (C) the new school district boundaries:

5982 (I) are contiguous;

5983 (II) do not completely surround or otherwise completely geographically isolate a
5984 portion of an existing school district that is not part of the proposed new school district from
5985 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

5986 (III) include the entire boundaries of each participant city or town, except as provided
5987 in Subsection (2)(d)(ii); and

5988 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

5989 (D) the combined population within the proposed new school district of interlocal
5990 agreement participants that have entered into an interlocal agreement proposing to create a new
5991 school district is at least 80% of the total population of the proposed new school district.

5992 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
5993 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
5994 feasibility study or revise a previous feasibility study due to a change in the proposed new
5995 school district boundaries, is within the exclusive discretion of the legislative bodies of the
5996 interlocal agreement participants that enter into an interlocal agreement to submit for voter
5997 approval a measure to create a new school district.

5998 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
5999 basis of a legal action or other challenge to:

6000 (A) an election for voter approval of the creation of a new school district; or

6001 (B) the creation of the new school district.

6002 (iv) For purposes of determining whether the boundaries of a proposed new school
6003 district cross county lines under Subsection (2)(b)(i)(C)(IV):

6004 (A) a municipality located in more than one county and entirely within the boundaries
6005 of a single school district is considered to be entirely within the same county as other
6006 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
6007 land area and population is located in that same county than outside the county; and

6008 (B) a municipality located in more than one county that participates in an interlocal

6009 agreement under Subsection (2)(a) with respect to some but not all of the area within the
6010 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(i)(B) may
6011 not be considered to cross county lines.

6012 (c) (i) A county may only participate in an interlocal agreement under this Subsection
6013 (2) for the unincorporated areas of the county.

6014 (ii) Boundaries of a new school district created under this section may include:

6015 (A) a portion of one or more existing school districts; and

6016 (B) a portion of the unincorporated area of a county, including a portion of a

6017 [township] planning district.

6018 (d) (i) As used in this Subsection (2)(d):

6019 (A) "Isolated area" means an area that:

6020 (I) is entirely within the boundaries of a municipality that, except for that area, is
6021 entirely within a school district different than the school district in which the area is located;
6022 and

6023 (II) would, because of the creation of a new school district from the existing district in
6024 which the area is located, become completely geographically isolated.

6025 (B) "Municipality's school district" means the school district that includes all of the
6026 municipality in which the isolated area is located except the isolated area.

6027 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
6028 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
6029 within the municipality's boundaries if:

6030 (A) the portion of the municipality proposed to be included in the new school district
6031 would, if not included, become an isolated area upon the creation of the new school district; or

6032 (B) (I) the portion of the municipality proposed to be included in the new school
6033 district is within the boundaries of the same school district that includes the other interlocal
6034 agreement participants; and

6035 (II) the portion of the municipality proposed to be excluded from the new school
6036 district is within the boundaries of a school district other than the school district that includes
6037 the other interlocal agreement participants.

6038 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
6039 district may be submitted for voter approval pursuant to an interlocal agreement under

6040 Subsection (2)(a), even though the new school district boundaries would create an isolated
6041 area, if:

6042 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
6043 participants;

6044 (II) the interlocal participants submit a written request to the municipality in which the
6045 potential isolated area is located, requesting the municipality to enter into an interlocal
6046 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
6047 create a new school district that includes the potential isolated area; and

6048 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
6049 municipality has not entered into an interlocal agreement as requested in the request.

6050 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
6051 one or more public hearings to allow input from the public and affected school districts
6052 regarding whether or not the municipality should enter into an interlocal agreement with
6053 respect to the potential isolated area.

6054 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

6055 (Aa) a new school district is created under this section after a measure is submitted to
6056 voters based on the authority of Subsection (2)(d)(iii)(A); and

6057 (Bb) the creation of the new school district results in an isolated area.

6058 (II) The isolated area shall, on July 1 of the second calendar year following the local
6059 school board general election date described in Subsection (3)(a)(i), become part of the
6060 municipality's school district.

6061 (III) Unless the isolated area is the only remaining part of the existing district, the
6062 process described in Subsection (4) shall be modified to:

6063 (Aa) include a third transition team, appointed by the local school board of the
6064 municipality's school district, to represent that school district; and

6065 (Bb) require allocation of the existing district's assets and liabilities among the new
6066 district, the remaining district, and the municipality's school district.

6067 (IV) The existing district shall continue to provide educational services to the isolated
6068 area until July 1 of the second calendar year following the local school board general election
6069 date described in Subsection (3)(a)(i).

6070 (3) (a) If a proposal under this section is approved by voters:

- 6071 (i) an election shall be held at the next regular general election to elect:
6072 (A) members to the local school board of the existing school district whose terms are
6073 expiring;
6074 (B) all members to the local school board of the new school district; and
6075 (C) all members to the local school board of the remaining district;
6076 (ii) the assets and liabilities of the existing school district shall be divided between the
6077 remaining school district and the new school district as provided in Subsection (5) and Section
6078 [53A-2-121](#);
6079 (iii) transferred employees shall be treated in accordance with Sections [53A-2-116](#) and
6080 [53A-2-122](#);
6081 (iv) (A) an individual residing within the boundaries of a new school district at the
6082 time the new school district is created may, for six school years after the creation of the new
6083 school district, elect to enroll in a secondary school located outside the boundaries of the new
6084 school district if:
6085 (I) the individual resides within the boundaries of that secondary school as of the day
6086 before the new school district is created; and
6087 (II) the individual would have been eligible to enroll in that secondary school had the
6088 new school district not been created; and
6089 (B) the school district in which the secondary school is located shall provide
6090 educational services, including, if provided before the creation of the new school district,
6091 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
6092 year for which the individual makes the election; and
6093 (v) within one year after the new district begins providing educational services, the
6094 superintendent of each remaining district affected and the superintendent of the new district
6095 shall meet, together with the Superintendent of Public Instruction, to determine if further
6096 boundary changes should be proposed in accordance with Section [53A-2-104](#).
6097 (b) (i) The terms of the initial members of the local school board of the new district and
6098 remaining district shall be staggered and adjusted by the county legislative body so that
6099 approximately half of the local school board is elected every two years.
6100 (ii) The term of a member of the existing local school board, including a member
6101 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local

6102 school board general election date described in Subsection (3)(a)(i), regardless of when the
6103 term would otherwise have terminated.

6104 (iii) Notwithstanding the existence of a local school board for the new district and a
6105 local school board for the remaining district under Subsection (3)(a)(i), the local school board
6106 of the existing district shall continue, until the time specified in Subsection
6107 53A-2-118(5)(b)(ii)(A), to function and exercise authority as a local school board to the extent
6108 necessary to continue to provide educational services to the entire existing district.

6109 (iv) A person may simultaneously serve as or be elected to be a member of the local
6110 school board of an existing district and a member of the local school board of:

6111 (A) a new district; or

6112 (B) a remaining district.

6113 (4) (a) Within 45 days after the canvass date for the election at which voters approve
6114 the creation of a new district:

6115 (i) a transition team to represent the remaining district shall be appointed by the
6116 members of the existing local school board who reside within the area of the remaining district,
6117 in consultation with:

6118 (A) the legislative bodies of all municipalities in the area of the remaining district; and

6119 (B) the legislative body of the county in which the remaining district is located, if the
6120 remaining district includes one or more unincorporated areas of the county; and

6121 (ii) another transition team to represent the new district shall be appointed by:

6122 (A) for a new district located entirely within the boundaries of a single city, the
6123 legislative body of that city; or

6124 (B) for each other new district, the legislative bodies of all interlocal agreement
6125 participants.

6126 (b) The local school board of the existing school district shall, within 60 days after the
6127 canvass date for the election at which voters approve the creation of a new district:

6128 (i) prepare an inventory of the existing district's:

6129 (A) assets, both tangible and intangible, real and personal; and

6130 (B) liabilities; and

6131 (ii) deliver a copy of the inventory to each of the transition teams.

6132 (c) The transition teams appointed under Subsection (4)(a) shall:

6133 (i) determine the allocation of the existing district's assets and, except for indebtedness
6134 under Section 53A-2-121, liabilities between the remaining district and the new district in
6135 accordance with Subsection (5);

6136 (ii) prepare a written report detailing how the existing district's assets and, except for
6137 indebtedness under Section 53A-2-121, liabilities are to be allocated; and

6138 (iii) deliver a copy of the written report to:

6139 (A) the local school board of the existing district;

6140 (B) the local school board of the remaining district; and

6141 (C) the local school board of the new district.

6142 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and
6143 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
6144 election at which voters approve the creation of a new district, unless that deadline is extended
6145 by the mutual agreement of:

6146 (i) the local school board of the existing district; and

6147 (ii) (A) the legislative body of the city in which the new district is located, for a new
6148 district located entirely within a single city; or

6149 (B) the legislative bodies of all interlocal agreement participants, for each other new
6150 district.

6151 (e) (i) All costs and expenses of the transition team that represents a remaining district
6152 shall be borne by the remaining district.

6153 (ii) All costs and expenses of the transition team that represents a new district shall
6154 initially be borne by:

6155 (A) the city whose legislative body appoints the transition team, if the transition team
6156 is appointed by the legislative body of a single city; or

6157 (B) the interlocal agreement participants, if the transition team is appointed by the
6158 legislative bodies of interlocal agreement participants.

6159 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
6160 agreement participants for:

6161 (A) transition team costs and expenses; and

6162 (B) startup costs and expenses incurred by the city or interlocal agreement participants
6163 on behalf of the new district.

6164 (5) (a) As used in this Subsection (5):

6165 (i) "Associated property" means furniture, equipment, or supplies located in or
6166 specifically associated with a physical asset.

6167 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
6168 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
6169 employee by law or school district accounting practice.

6170 (B) "Discretionary asset or liability" does not include a physical asset, associated
6171 property, a vehicle, or bonded indebtedness.

6172 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
6173 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee
6174 by law or school district accounting practice.

6175 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
6176 property, a vehicle, or bonded indebtedness.

6177 (iv) "Physical asset" means a building, land, or water right together with revenue
6178 derived from the lease or use of the building, land, or water right.

6179 (b) Except as provided in Subsection (5)(c), the transition teams appointed under
6180 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the
6181 allocation date, both tangible and intangible, real and personal, to the new district and
6182 remaining district as follows:

6183 (i) a physical asset and associated property shall be allocated to the school district in
6184 which the physical asset is located;

6185 (ii) a discretionary asset or liability shall be allocated between the new district and
6186 remaining district in proportion to the student populations of the school districts;

6187 (iii) a nondiscretionary asset shall be allocated to the school district where the project,
6188 school, student, or employee to which the nondiscretionary asset is tied will be located;

6189 (iv) vehicles used for pupil transportation shall be allocated:

6190 (A) according to the transportation needs of schools, as measured by the number and
6191 assortment of vehicles used to serve transportation routes serving schools within the new
6192 district and remaining district; and

6193 (B) in a manner that gives each school district a fleet of vehicles for pupil
6194 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;

6195 and

6196 (v) other vehicles shall be allocated:

6197 (A) in proportion to the student populations of the school districts; and

6198 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,

6199 condition, and carrying capacities.

6200 (c) By mutual agreement, the transition teams may allocate an asset or liability in a

6201 manner different than the allocation method specified in Subsection (5)(b).

6202 (6) (a) As used in this Subsection (6):

6203 (i) "New district startup costs" means:

6204 (A) costs and expenses incurred by a new district in order to prepare to begin providing

6205 educational services on July 1 of the second calendar year following the local school board

6206 general election date described in Subsection (3)(a)(i); and

6207 (B) the costs and expenses of the transition team that represents the new district.

6208 (ii) "Remaining district startup costs" means:

6209 (A) costs and expenses incurred by a remaining district in order to:

6210 (I) make necessary adjustments to deal with the impacts resulting from the creation of

6211 the new district; and

6212 (II) prepare to provide educational services within the remaining district once the new

6213 district begins providing educational services within the new district; and

6214 (B) the costs and expenses of the transition team that represents the remaining district.

6215 (b) (i) By January 1 of the year following the local school board general election date

6216 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed

6217 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the

6218 remaining district and the new district, as provided in this Subsection (6).

6219 (ii) The existing district may make additional funds available for the use of the

6220 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)

6221 through an interlocal agreement.

6222 (c) The existing district shall make the money under Subsection (6)(b) available to the

6223 remaining district and the new district proportionately based on student population.

6224 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

6225 (i) for the remaining district, the local school board of the remaining district; and

6226 (ii) for the new district, the local school board of the new district.

6227 (e) (i) The remaining district may use its portion of the money made available under
6228 Subsection (6)(b) to pay for remaining district startup costs.

6229 (ii) The new district may use its portion of the money made available under Subsection
6230 (6)(b) to pay for new district startup costs.

6231 (7) (a) The existing district shall transfer title or, if applicable, partial title of property
6232 to the new school district in accordance with the allocation of property by the transition teams,
6233 as stated in the report under Subsection (4)(c)(ii).

6234 (b) The existing district shall complete each transfer of title or, if applicable, partial
6235 title to real property and vehicles by July 1 of the second calendar year following the local
6236 school board general election date described in Subsection (3)(a)(i), except as that date is
6237 changed by the mutual agreement of:

6238 (i) the local school board of the existing district;

6239 (ii) the local school board of the remaining district; and

6240 (iii) the local school board of the new district.

6241 (c) The existing district shall complete the transfer of all property not included in
6242 Subsection (7)(b) by November 1 of the second calendar year after the local school board
6243 general election date described in Subsection (3)(a)(i).

6244 (8) Except as provided in Subsections (6) and (7), after the creation election date an
6245 existing school district may not transfer or agree to transfer title to district property without the
6246 prior consent of:

6247 (a) the legislative body of the city in which the new district is located, for a new district
6248 located entirely within a single city; or

6249 (b) the legislative bodies of all interlocal agreement participants, for each other new
6250 district.

6251 (9) This section does not apply to the creation of a new district initiated through a
6252 citizens' initiative petition or at the request of a local school board under Section [53A-2-118](#).

6253 Section 120. Section **53A-2-402** is amended to read:

6254 **53A-2-402. Definitions.**

6255 As used in this part:

6256 (1) "Eligible entity" means:

6257 (a) a city or town with a population density of 3,000 or more people per square mile; or
6258 (b) a county whose unincorporated area includes a qualifying [township] planning
6259 district.

6260 (2) "Purchase price" means the greater of:

6261 (a) an amount that is the average of:

6262 (i) the appraised value of the surplus property, based on the predominant zone in the
6263 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

6264 (ii) the appraised value of the surplus property, based on the predominant zone in the
6265 surrounding area, as indicated in an appraisal obtained by the school district; and

6266 (b) the amount the school district paid to acquire the surplus property.

6267 (3) "Qualifying [township] planning district" means a [township] planning district
6268 under Section 17-27a-306 that has a population density of 3,000 or more people per square
6269 mile within the boundaries of the [township] planning district.

6270 (4) "Surplus property" means land owned by a school district that:

6271 (a) was purchased with taxpayer money;

6272 (b) is located within a city or town that is an eligible entity or within a qualifying
6273 [township] planning district;

6274 (c) consists of one contiguous tract at least three acres in size; and

6275 (d) has been declared by the school district to be surplus.

6276 Section 121. Section 53B-21-107 is amended to read:

6277 **53B-21-107. Investment in bonds by private and public entities -- Approval as**
6278 **collateral security.**

6279 (1) Any bank, savings and loan association, trust, or insurance company organized
6280 under the laws of this state or federal law may invest its capital and surplus in bonds issued
6281 under this chapter.

6282 (2) The officers having charge of a sinking fund or any county, city, town, [township]
6283 planning district, or school district may invest the sinking fund in bonds issued under this
6284 chapter.

6285 (3) The bonds shall also be approved as collateral security for the deposit of any public
6286 funds and for the investment of trust funds.

6287 Section 122. Section 59-12-203 is amended to read:

6288 **59-12-203. County, city, town, or metro township may levy tax -- Contracts**
 6289 **pursuant to Interlocal Cooperation Act.**

6290 [Any] (1) A county, city, [or] town, or metro township may [levy] impose a sales and
 6291 use tax under this part. [Any]

6292 (2) If a metro township imposes a tax under this part, the metro township is subject to
 6293 the same requirements a city is required to meet under this part.

6294 (3) (a) Except as provided in Subsection (3)(b) and notwithstanding any other
 6295 provision of this part, if a metro township imposes a tax under this part, the State Tax
 6296 Commission shall distribute the revenues collected from the tax to the metro township.

6297 (b) The State Tax Commission shall transfer the revenues collected within a metro
 6298 township under this part to a municipal services district created under Title 17B, Chapter 2a,
 6299 Part 11, Municipal Services District Act, if the metro township:

6300 (i) provides written notice to the State Tax Commission requesting the transfer; and

6301 (ii) designates the municipal services district to which the metro township requests the
 6302 State Tax Commission to transfer the revenues.

6303 (4) A county, city, [or] town [~~which elects to levy such~~], or metro township that
 6304 imposes a sales and use tax under this part may:

6305 (a) enter into agreements authorized by Title 11, Chapter 13, [the] Interlocal
 6306 Cooperation Act[;]; and [may]

6307 (b) use any or all of the [~~revenues derived from the imposition of such] revenue~~
 6308 collected from the tax for the mutual benefit of local governments [which] that elect to contract
 6309 with one another pursuant to [the] Title 11, Chapter 13, Interlocal Cooperation Act.

6310 Section 123. Section **63I-2-210** is amended to read:

6311 **63I-2-210. Repeal dates -- Title 10.**

6312 (1) Section [~~10-2-130~~] 10-2a-105 is repealed July 1, 2016.

6313 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

6314 Section 124. Section **67-1a-2** is amended to read:

6315 **67-1a-2. Duties enumerated.**

6316 (1) The lieutenant governor shall:

6317 (a) perform duties delegated by the governor, including assignments to serve in any of
 6318 the following capacities:

- 6319 (i) as the head of any one department, if so qualified, with the consent of the Senate,
6320 and, upon appointment at the pleasure of the governor and without additional compensation;
- 6321 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
6322 law for the purpose of advising the governor or coordinating intergovernmental or
6323 interdepartmental policies or programs;
- 6324 (iii) as liaison between the governor and the state Legislature to coordinate and
6325 facilitate the governor's programs and budget requests;
- 6326 (iv) as liaison between the governor and other officials of local, state, federal, and
6327 international governments or any other political entities to coordinate, facilitate, and protect the
6328 interests of the state;
- 6329 (v) as personal advisor to the governor, including advice on policies, programs,
6330 administrative and personnel matters, and fiscal or budgetary matters; and
- 6331 (vi) as chairperson or member of any temporary or permanent boards, councils,
6332 commissions, committees, task forces, or other group appointed by the governor;
- 6333 (b) serve on all boards and commissions in lieu of the governor, whenever so
6334 designated by the governor;
- 6335 (c) serve as the chief election officer of the state as required by Subsection (2);
- 6336 (d) keep custody of the Great Seal of Utah;
- 6337 (e) keep a register of, and attest, the official acts of the governor;
- 6338 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
6339 which the official signature of the governor is required; and
- 6340 (g) furnish a certified copy of all or any part of any law, record, or other instrument
6341 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
6342 it and pays the fee.
- 6343 (2) (a) As the chief election officer, the lieutenant governor shall:
- 6344 (i) exercise general supervisory authority over all elections;
- 6345 (ii) exercise direct authority over the conduct of elections for federal, state, and
6346 multicounty officers and statewide or multicounty ballot propositions and any recounts
6347 involving those races;
- 6348 (iii) assist county clerks in unifying the election ballot;
- 6349 (iv) (A) prepare election information for the public as required by statute and as

6350 determined appropriate by the lieutenant governor; and
6351 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
6352 news media on the Internet and in other forms as required by statute or as determined
6353 appropriate by the lieutenant governor;
6354 (v) receive and answer election questions and maintain an election file on opinions
6355 received from the attorney general;
6356 (vi) maintain a current list of registered political parties as defined in Section
6357 20A-8-101;
6358 (vii) maintain election returns and statistics;
6359 (viii) certify to the governor the names of those persons who have received the highest
6360 number of votes for any office;
6361 (ix) ensure that all voting equipment purchased by the state complies with the
6362 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7;
6363 (x) conduct the study described in Section 67-1a-14;
6364 (xi) during a declared emergency, to the extent that the lieutenant governor determines
6365 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location
6366 relating to:
6367 (A) voting on election day;
6368 (B) early voting;
6369 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
6370 (D) the counting of an absentee ballot or military-overseas ballot; or
6371 (E) the canvassing of election returns; and
6372 (xii) perform other election duties as provided in Title 20A, Election Code.
6373 (b) As chief election officer, the lieutenant governor may not assume the
6374 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
6375 officials by Title 20A, Election Code.
6376 (3) (a) The lieutenant governor shall:
6377 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's
6378 incorporation under Title 10, Chapter [~~2, Part 1, Incorporation;~~] 2a, Part 2, Incorporation of a
6379 City, based on the city's population using the population estimate from the Utah Population
6380 Estimates Committee; and

6381 (B) (I) prepare a certificate indicating the class in which the new city belongs based on
6382 the city's population; and

6383 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
6384 city's legislative body;

6385 (ii) (A) determine the classification under Section [10-2-301](#) of a consolidated
6386 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
6387 6, Consolidation of Municipalities, using population information from:

6388 (I) each official census or census estimate of the United States Bureau of the Census;

6389 or

6390 (II) the population estimate from the Utah Population Estimates Committee, if the
6391 population of a municipality is not available from the United States Bureau of the Census; and

6392 (B) (I) prepare a certificate indicating the class in which the consolidated municipality
6393 belongs based on the municipality's population; and

6394 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
6395 consolidated municipality's legislative body; ~~and~~

6396 (iii) (A) determine a new metro township's classification under Section [10-2-301.5](#)
6397 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of
6398 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
6399 12, 2015, based on the metro township's population using the population estimates from the
6400 Utah Population Estimates Committee; and

6401 (B) prepare a certificate indicating the class in which the new metro township belongs
6402 based on the metro township's population and, within 10 days after preparing the certificate,
6403 deliver a copy of the certificate to the metro township's legislative body; and

6404 ~~[(iii)]~~ (iv) monitor the population of each municipality using population information
6405 from:

6406 (A) each official census or census estimate of the United States Bureau of the Census;

6407 or

6408 (B) the population estimate from the Utah Population Estimates Committee, if the
6409 population of a municipality is not available from the United States Bureau of the Census.

6410 (b) If the applicable population figure under Subsection (3)(a)(ii) or ~~[(iii)]~~ (iv) indicates
6411 that a municipality's population has increased beyond the population for its current class, the

6412 lieutenant governor shall:

6413 (i) prepare a certificate indicating the class in which the municipality belongs based on
6414 the increased population figure; and

6415 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
6416 legislative body of the municipality whose class has changed.

6417 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or [~~(iii)~~] (iv)
6418 indicates that a municipality's population has decreased below the population for its current
6419 class, the lieutenant governor shall send written notification of that fact to the municipality's
6420 legislative body.

6421 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
6422 population has decreased below the population for its current class, the lieutenant governor
6423 shall:

6424 (A) prepare a certificate indicating the class in which the municipality belongs based
6425 on the decreased population figure; and

6426 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
6427 legislative body of the municipality whose class has changed.

6428 Section 125. Section 69-2-5 is amended to read:

6429 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

6430 (1) In providing funding of 911 emergency service, any public agency establishing a
6431 911 emergency service may:

6432 (a) seek assistance from the federal or state government, to the extent constitutionally
6433 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or
6434 indirectly;

6435 (b) seek funds appropriated by local governmental taxing authorities for the funding of
6436 public safety agencies; and

6437 (c) seek gifts, donations, or grants from individuals, corporations, or other private
6438 entities.

6439 (2) For purposes of providing funding of 911 emergency service, special service
6440 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur
6441 indebtedness as provided in Section 17D-1-103.

6442 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of

6443 this Subsection (3), a county, city, ~~[or]~~ town, or metro township within which 911 emergency
6444 service is provided may levy a monthly 911 emergency services charge on:

6445 ~~[(i)]~~ (A) each local exchange service switched access line within the boundaries of the
6446 county, city, ~~[or]~~ town, or metro township;

6447 ~~[(ii)]~~ (B) each revenue producing radio communications access line with a billing
6448 address within the boundaries of the county, city, ~~[or]~~ town, or metro township; and

6449 ~~[(iii)]~~ (C) any other service, including voice over Internet protocol, provided to a user
6450 within the boundaries of the county, city, ~~[or]~~ town, or metro township that allows the user to
6451 make calls to and receive calls from the public switched telecommunications network,
6452 including commercial mobile radio service networks.

6453 (ii) If a metro township levies a charge under this chapter, the metro township is
6454 subject to the same requirements a city is required to meet under this chapter.

6455 (iii) Except as provided in Subsection (3)(a)(iv) and notwithstanding any other
6456 provision of this chapter, if a metro township levies a charge described in Subsection (3)(a)(i)
6457 under this chapter, the State Tax Commission shall distribute the revenue collected from the
6458 charge to the metro township.

6459 (iv) The State Tax Commission shall transfer the revenues collected within a metro
6460 township under this chapter to a municipal services district created under Title 17B, Chapter
6461 2a, Part 11, Municipal Services District Act, if the metro township:

6462 (A) provides written notice to the State Tax Commission requesting the transfer; and

6463 (B) designates the municipal services district to which the metro township requests the
6464 State Tax Commission to transfer the revenues.

6465 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
6466 telecommunications service is exempt from 911 emergency service charges.

6467 (c) The amount of the charge levied under this section may not exceed:

6468 (i) 61 cents per month for each local exchange service switched access line;

6469 (ii) 61 cents per month for each radio communications access line; and

6470 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

6471 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
6472 provided in Section [59-12-102](#) or [59-12-215](#):

6473 (A) "mobile telecommunications service";

- 6474 (B) "place of primary use";
- 6475 (C) "service address"; and
- 6476 (D) "telecommunications service."
- 6477 (ii) An access line described in Subsection (3)(a) is considered to be within the
- 6478 boundaries of a county, city, or town if the telecommunications services provided over the
- 6479 access line are located within the county, city, or town:
- 6480 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
- 6481 Act; and
- 6482 (B) determined in accordance with Section [59-12-215](#).
- 6483 (iii) The rate imposed on an access line under this section shall be determined in
- 6484 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
- 6485 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
- 6486 city, or town in which is located:
- 6487 (A) for a telecommunications service, the purchaser's service address; or
- 6488 (B) for mobile telecommunications service, the purchaser's place of primary use.
- 6489 (iv) The rate imposed on an access line under this section shall be the lower of:
- 6490 (A) the rate imposed by the county, city, or town in which the access line is located
- 6491 under Subsection (3)(d)(ii); or
- 6492 (B) the rate imposed by the county, city, or town in which it is located:
- 6493 (I) for telecommunications service, the purchaser's service address; or
- 6494 (II) for mobile telecommunications service, the purchaser's place of primary use.
- 6495 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
- 6496 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
- 6497 charge being levied.
- 6498 (ii) For purposes of this Subsection (3)(e):
- 6499 (A) "Annexation" means an annexation to:
- 6500 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
- 6501 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.
- 6502 (B) "Annexing area" means an area that is annexed into a county, city, or town.
- 6503 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or
- 6504 town enacts or repeals a charge or changes the amount of the charge under this section, the

6505 enactment, repeal, or change shall take effect:

6506 (I) on the first day of a calendar quarter; and

6507 (II) after a 90-day period beginning on the date the State Tax Commission receives
6508 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

6509 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

6510 (I) that the county, city, or town will enact or repeal a charge or change the amount of
6511 the charge under this section;

6512 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

6513 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

6514 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
6515 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

6516 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge
6517 increase under this section shall take effect on the first day of the first billing period:

6518 (I) that begins after the effective date of the enactment of the charge or the charge
6519 increase; and

6520 (II) if the billing period for the charge begins before the effective date of the enactment
6521 of the charge or the charge increase imposed under this section.

6522 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
6523 decrease under this section shall take effect on the first day of the last billing period:

6524 (I) that began before the effective date of the repeal of the charge or the charge
6525 decrease; and

6526 (II) if the billing period for the charge begins before the effective date of the repeal of
6527 the charge or the charge decrease imposed under this section.

6528 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will
6529 result in the enactment, repeal, or a change in the amount of a charge imposed under this
6530 section for an annexing area, the enactment, repeal, or change shall take effect:

6531 (I) on the first day of a calendar quarter; and

6532 (II) after a 90-day period beginning on the date the State Tax Commission receives
6533 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
6534 annexes the annexing area.

6535 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

6536 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
6537 enactment, repeal, or a change in the charge being imposed under this section for the annexing
6538 area;

6539 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

6540 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

6541 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
6542 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

6543 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
6544 increase under this section shall take effect on the first day of the first billing period:

6545 (I) that begins after the effective date of the enactment of the charge or the charge
6546 increase; and

6547 (II) if the billing period for the charge begins before the effective date of the enactment
6548 of the charge or the charge increase imposed under this section.

6549 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
6550 decrease under this section shall take effect on the first day of the last billing period:

6551 (I) that began before the effective date of the repeal of the charge or the charge
6552 decrease; and

6553 (II) if the billing period for the charge begins before the effective date of the repeal of
6554 the charge or the charge decrease imposed under this section.

6555 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this
6556 section shall:

6557 (i) be billed and collected by the person that provides the:

6558 (A) local exchange service switched access line services; or

6559 (B) radio communications access line services; and

6560 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
6561 Commission.

6562 (g) A 911 emergency services charge on a mobile telecommunications service may be
6563 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications
6564 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6565 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

6566 (i) bill the charge imposed by this section in combination with the charge levied under

6567 Section 69-2-5.6 as one line item charge; and

6568 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
6569 reimbursement for the cost of billing, collecting, and remitting the levy.

6570 (i) The State Tax Commission shall collect, enforce, and administer the charge
6571 imposed under this Subsection (3) using the same procedures used in the administration,
6572 collection, and enforcement of the state sales and use taxes under:

6573 (i) Title 59, Chapter 1, General Taxation Policies; and

6574 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6575 (A) Section 59-12-104;

6576 (B) Section 59-12-104.1;

6577 (C) Section 59-12-104.2;

6578 (D) Section 59-12-104.6;

6579 (E) Section 59-12-107.1; and

6580 (F) Section 59-12-123.

6581 (j) The State Tax Commission shall transmit money collected under this Subsection (3)
6582 monthly by electronic funds transfer to the county, city, or town that imposes the charge.

6583 (k) A person that pays a charge under this section shall pay the charge to the
6584 commission:

6585 (i) monthly on or before the last day of the month immediately following the last day of
6586 the previous month if:

6587 (A) the person is required to file a sales and use tax return with the commission
6588 monthly under Section 59-12-108; or

6589 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
6590 12, Sales and Use Tax Act; or

6591 (ii) quarterly on or before the last day of the month immediately following the last day
6592 of the previous quarter if the person is required to file a sales and use tax return with the
6593 commission quarterly under Section 59-12-107.

6594 (l) A charge a person pays under this section shall be paid using a form prescribed by
6595 the State Tax Commission.

6596 (m) The State Tax Commission shall retain and deposit an administrative charge in
6597 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a

6598 charge under this section.

6599 (n) A charge under this section is subject to Section [69-2-5.8](#).

6600 (4) (a) Any money received by a public agency for the provision of 911 emergency
6601 service shall be deposited in a special emergency telecommunications service fund.

6602 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
6603 service fund shall be expended by the public agency to pay the costs of:

6604 (A) establishing, installing, maintaining, and operating a 911 emergency service
6605 system;

6606 (B) receiving and processing emergency communications from the 911 system or other
6607 communications or requests for emergency services;

6608 (C) integrating a 911 emergency service system into an established public safety
6609 dispatch center, including contracting with the providers of local exchange service, radio
6610 communications service, and vendors of appropriate terminal equipment as necessary to
6611 implement the 911 emergency services; or

6612 (D) indirect costs associated with the maintaining and operating of a 911 emergency
6613 services system.

6614 (ii) Revenues derived for the funding of 911 emergency service may be used by the
6615 public agency for personnel costs associated with receiving and processing communications
6616 and deploying emergency response resources when the system is integrated with any public
6617 safety dispatch system.

6618 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal
6619 year does not lapse, and must be carried forward to be used for the purposes described in this
6620 section.

6621 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
6622 Subsection (3) after the 2004 Annual General Session:

6623 (i) may be used by the public safety answering point for the purposes under Subsection
6624 (4)(b); and

6625 (ii) shall be deposited into the special 911 emergency service fund described in
6626 Subsection (4)(a).

6627 (b) Revenue received by a local entity from disbursements from the Utah 911
6628 Committee under Section [63H-7-306](#):

6629 (i) shall be deposited into the special 911 emergency service fund under Subsection
6630 (4)(a); and

6631 (ii) shall only be used for that portion of the costs related to the development and
6632 operation of wireless and land-based enhanced 911 emergency telecommunications service and
6633 the implementation of 911 services as provided in Subsection (5)(c).

6634 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering
6635 point's costs for:

6636 (i) acquisition, upgrade, modification, maintenance, and operation of public service
6637 answering point equipment capable of receiving 911 information;

6638 (ii) database development, operation, and maintenance; and

6639 (iii) personnel costs associated with establishing, installing, maintaining, and operating
6640 wireless 911 services, including training emergency service personnel regarding receipt and use
6641 of 911 wireless service information and educating consumers regarding the appropriate and
6642 responsible use of 911 wireless service.

6643 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
6644 2004 Annual General Session shall increase the levy to the maximum amount permitted by
6645 Subsection (3)(c).

6646 Section 126. Section **69-2-5.5** is amended to read:

6647 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**
6648 **Aided Dispatch Restricted Account -- Administrative charge.**

6649 (1) Subject to Subsection (7), there is imposed an emergency services
6650 telecommunications charge of 6 cents per month on each local exchange service switched
6651 access line and each revenue producing radio communications access line that is subject to an
6652 emergency services telecommunications charge levied by a county, city, ~~or~~ town, or metro
6653 township under Section [69-2-5](#).

6654 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge
6655 imposed under this section shall be billed and collected by the person that provides:

6656 (i) local exchange service switched access line services; or

6657 (ii) radio communications access line services.

6658 (b) A person that pays an emergency services telecommunications charge under this
6659 section shall pay the emergency services telecommunications charge to the commission:

6660 (i) monthly on or before the last day of the month immediately following the last day of
6661 the previous month if:

6662 (A) the person is required to file a sales and use tax return with the commission
6663 monthly under Section 59-12-108; or

6664 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
6665 12, Sales and Use Tax Act; or

6666 (ii) quarterly on or before the last day of the month immediately following the last day
6667 of the previous quarter if the person is required to file a sales and use tax return with the
6668 commission quarterly under Section 59-12-107.

6669 (c) An emergency services telecommunications charge imposed under this section shall
6670 be deposited into the Computer Aided Dispatch Restricted Account created in Section
6671 63H-7-310.

6672 (3) Emergency services telecommunications charges remitted to the State Tax
6673 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
6674 State Tax Commission.

6675 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge
6676 imposed under Subsection (1) according to the same procedures used in the administration,
6677 collection, and enforcement of the state sales and use tax under:

6678 (i) Title 59, Chapter 1, General Taxation Policies; and

6679 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6680 (A) Section 59-12-104;

6681 (B) Section 59-12-104.1;

6682 (C) Section 59-12-104.2;

6683 (D) Section 59-12-104.6;

6684 (E) Section 59-12-107.1; and

6685 (F) Section 59-12-123.

6686 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6687 State Tax Commission may make rules to administer, collect, and enforce the emergency
6688 services telecommunications charges imposed under this section.

6689 (c) The State Tax Commission shall retain and deposit an administrative charge in
6690 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from

6691 an emergency services telecommunications charge under this section.

6692 (d) A charge under this section is subject to Section 69-2-5.8.

6693 (5) A provider of local exchange service switched access line services or radio

6694 communications access line services who fails to comply with this section is subject to

6695 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

6696 (6) An emergency services telecommunications charge under this section on a mobile

6697 telecommunications service may be imposed, billed, and collected only to the extent permitted

6698 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6699 Section 127. Section 69-2-5.6 is amended to read:

6700 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**

6701 **Administrative charge.**

6702 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911

6703 emergency service charge of 9 cents per month on each local exchange service switched access

6704 line and each revenue producing radio communications access line that is subject to a 911

6705 emergency services charge levied by a county, city, [or] town, or metro township under Section

6706 69-2-5.

6707 (2) (a) A 911 emergency services charge imposed under this section shall be:

6708 (i) subject to Subsection 69-2-5(3)(g); and

6709 (ii) billed and collected by the person that provides:

6710 (A) local exchange service switched access line services;

6711 (B) radio communications access line services; or

6712 (C) service described in Subsection 69-2-5(3)(a)[(iii)](i)(C).

6713 (b) A person that pays a charge under this section shall pay the charge to the

6714 commission:

6715 (i) monthly on or before the last day of the month immediately following the last day of

6716 the previous month if:

6717 (A) the person is required to file a sales and use tax return with the commission

6718 monthly under Section 59-12-108; or

6719 (B) the person is not required to file a sales and use tax return under Title 59, Chapter

6720 12, Sales and Use Tax Act; or

6721 (ii) quarterly on or before the last day of the month immediately following the last day

6722 of the previous quarter if the person is required to file a sales and use tax return with the
6723 commission quarterly under Section 59-12-107.

6724 (c) A charge imposed under this section shall be deposited into the Unified Statewide
6725 911 Emergency Service Account created by Section 63H-7-304.

6726 (3) The person that bills and collects the charges levied by this section pursuant to
6727 Subsections (2)(b) and (c) may:

6728 (a) bill the charge imposed by this section in combination with the charge levied under
6729 Section 69-2-5 as one line item charge; and

6730 (b) retain an amount not to exceed 1.5% of the charges collected under this section as
6731 reimbursement for the cost of billing, collecting, and remitting the levy.

6732 (4) The State Tax Commission shall collect, enforce, and administer the charges
6733 imposed under Subsection (1) using the same procedures used in the administration, collection,
6734 and enforcement of the emergency services telecommunications charge to fund the Computer
6735 Aided Dispatch Restricted Account under Section 63H-7-310.

6736 (5) Notwithstanding Section 63H-7-304, the State Tax Commission shall retain and
6737 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the
6738 State Tax Commission collects from a charge under this section.

6739 (6) A charge under this section is subject to Section 69-2-5.8.

6740 (7) This section sunsets in accordance with Section 63I-1-269.

6741 Section 128. Section 69-2-5.7 is amended to read:

6742 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**
6743 **Administrative charge.**

6744 (1) As used in this section:

6745 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
6746 service in a transaction.

6747 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
6748 collected by a seller from a consumer in the amount established under Subsection (2).

6749 (c) (i) "Prepaid wireless telecommunications service" means a wireless
6750 telecommunications service that:

6751 (A) is paid for in advance;

6752 (B) is sold in predetermined units of time or dollars that decline with use in a known

- 6753 amount or provides unlimited use of the service for a fixed amount or time; and
6754 (C) allows a caller to access 911 emergency service.
6755 (ii) "Prepaid wireless telecommunications service" does not include a wireless
6756 telecommunications service that is billed:
6757 (A) to a customer on a recurring basis; and
6758 (B) in a manner that includes the emergency services telecommunications charges,
6759 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line
6760 assigned to the customer.
6761 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
6762 consumer.
6763 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
6764 from a seller.
6765 (f) "Wireless telecommunications service" means commercial mobile radio service as
6766 defined by 47 C.F.R. Sec. 20.3, as amended.
6767 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price
6768 per transaction.
6769 (3) The prepaid wireless 911 service charge shall be collected by the seller from the
6770 consumer for each transaction occurring in this state.
6771 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
6772 receipt, or similar document that is provided by the seller to the consumer.
6773 (5) For purposes of Subsection (3), the location of a transaction is determined in
6774 accordance with Sections 59-12-211 through 59-12-215.
6775 (6) When prepaid wireless telecommunications service is sold with one or more other
6776 products or services for a single non-itemized price, then the percentage specified in Section
6777 (2) shall apply to the entire non-itemized price.
6778 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
6779 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
6780 charge.
6781 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
6782 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
6783 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,

6784 Sales and Use Tax Act.

6785 (9) The State Tax Commission:

6786 (a) shall collect, enforce, and administer the charge imposed under this section using
6787 the same procedures used in the administration, collection, and enforcement of the state sales
6788 and use taxes under:

6789 (i) Title 59, Chapter 1, General Taxation Policies; and

6790 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6791 (A) Section 59-12-104;

6792 (B) Section 59-12-104.1;

6793 (C) Section 59-12-104.2;

6794 (D) Section 59-12-107.1; and

6795 (E) Section 59-12-123;

6796 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
6797 under Subsection (9)(a) as reimbursement for administering this section;

6798 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
6799 under Subsection (9)(b), as follows:

6800 (i) 80.3% of the revenue shall be distributed to each county, city, ~~town~~, or metro
6801 township in the same percentages and in the same manner as the entities receive money to fund
6802 911 emergency telecommunications services under Section 69-2-5;

6803 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch
6804 Restricted Account created in Section 63H-7-310; and

6805 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911
6806 emergency service as in Section 69-2-5.6; and

6807 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
6808 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

6809 (10) A charge under this section is subject to Section 69-2-5.8.

6810 Section 129. Section 78A-7-202 is amended to read:

6811 **78A-7-202. Justice court judges to be appointed -- Procedure.**

6812 (1) As used in this section:

6813 (a) "Local government executive" means:

6814 (i) for a county:

- 6815 (A) the chair of the county commission in a county operating under the county
6816 commission or expanded county commission form of county government;
- 6817 (B) the county executive in a county operating under the county executive-council form
6818 of county government; and
- 6819 (C) the county manager in a county operating under the council-manager form of
6820 county government; [~~and~~]
- 6821 (ii) for a city or town:
- 6822 (A) the mayor of the city or town; or
- 6823 (B) the city manager, in the council-manager form of government described in
6824 Subsection 10-3b-103~~[(6)].~~(7); and
- 6825 (iii) for a metro township, the chair of the metro township council.
- 6826 (b) "Local legislative body" means:
- 6827 (i) for a county, the county commission or county council; and
- 6828 (ii) for a city or town, the council of the city or town.
- 6829 (2) There is created in each county a county justice court nominating commission to
6830 review applicants and make recommendations to the appointing authority for a justice court
6831 position. The commission shall be convened when a new justice court judge position is created
6832 or when a vacancy in an existing court occurs for a justice court located within the county.
- 6833 (a) Membership of the justice court nominating commission shall be as follows:
- 6834 (i) one member appointed by:
- 6835 (A) the county commission if the county has a county commission form of
6836 government; or
- 6837 (B) the county executive if the county has an executive-council form of government;
- 6838 (ii) one member appointed by the municipalities in the counties as follows:
- 6839 (A) if the county has only one municipality, appointment shall be made by the
6840 governing authority of that municipality; or
- 6841 (B) if the county has more than one municipality, appointment shall be made by a
6842 municipal selection committee composed of the mayors of each municipality and the chairs of
6843 each metro township in the county;
- 6844 (iii) one member appointed by the county bar association; and
- 6845 (iv) two members appointed by the governing authority of the jurisdiction where the

6846 judicial office is located.

6847 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be
6848 appointed by the regional bar association. If no regional bar association exists, the state bar
6849 association shall make the appointment.

6850 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing
6851 authority or an elected official of a county or municipality.

6852 (d) The nominating commission shall submit at least two names to the appointing
6853 authority of the jurisdiction expected to be served by the judge. The local government
6854 executive shall appoint a judge from the list submitted and the appointment ratified by the local
6855 legislative body.

6856 (e) The state court administrator shall provide staff to the commission. The Judicial
6857 Council shall establish rules and procedures for the conduct of the commission.

6858 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through
6859 the Utah State Bar, and other appropriate means.

6860 (4) Selection of candidates shall be based on compliance with the requirements for
6861 office and competence to serve as a judge.

6862 (5) Once selected, every prospective justice court judge shall attend an orientation
6863 seminar conducted under the direction of the Judicial Council. Upon completion of the
6864 orientation program, the Judicial Council shall certify the justice court judge as qualified to
6865 hold office.

6866 (6) The selection of a person to fill the office of justice court judge is effective upon
6867 certification of the judge by the Judicial Council. A justice court judge may not perform
6868 judicial duties until certified by the Judicial Council.

6869 Section 130. **Repealer.**

6870 This bill repeals:

6871 Section **10-2-408.5, Annexation of an area within a township -- Withdrawing the**
6872 **area from the township.**

6873 Section **10-3b-505, Ballot form.**

6874 Section **10-3b-506, Election of officers after a change in the form of government.**

6875 Section **10-3b-507, Effective date of change in the form of government.**

6876 Section **17-27a-307, Certain township planning and zoning board dissolved.**

6877 Section 131. **Revisor instructions.**

6878 The Legislature intends that the Office of Legislative Research and General Counsel, in
6879 preparing the Utah Code database for publication, replace the language "this bill" in Subsection
6880 10-2a-403(6)(a) to the bill's designated chapter and section number in the Laws of Utah.

6881 Section 132. **Coordinating S.B. 199 with H.B. 97 -- Technical renumbering --**
6882 **Changing cross references.**

6883 If this S.B. 199 and H.B. 97, Election of Officials of New Municipality, both pass, it is
6884 the intent of the Legislature that the Office of Legislative Research and General Counsel in
6885 preparing the Utah Code database for publication:

6886 (1) renumber Section 10-2-128.1 enacted in H.B. 97 to Section 10-2a-305.1, and
6887 change any internal references to that section;

6888 (2) renumber Section 10-2-128.2 enacted in H.B. 97 to Section 10-2a-305.2, and
6889 change any internal references to that section;

6890 (3) change cross references in H.B. 97 from:

6891 (a) Section 10-2-116 to Section 10-2a-215;

6892 (b) Section 10-2-127 to Section 10-2a-304; and

6893 (c) Section 10-2-128.2 to Section 10-2a-305.2;

6894 (4) change any internal cross reference affected by the renumbering.

6895 Section 133. **Coordinating S.B. 199 with H.B. 245 -- Technical renumbering --**
6896 **Changing cross references.**

6897 If this S.B. 199 and H.B. 245, Incorporation Process for Cities and Towns, both pass, it
6898 is the intent of the Legislature that the Office of Legislative Research and General Counsel in
6899 preparing the Utah Code database for publication:

6900 (1) renumber Section 10-2-102.13 enacted in H.B. 245 to Section 10-2a-106, and
6901 change any internal references to that section;

6902 (2) renumber Section 10-2-131 enacted in H.B. 245 to Section 10-2a-307, and change
6903 any internal references to that section;

6904 (3) change cross references in H.B. 245 from Section 10-2-111 to Section 10-2a-210;

6905 and

6906 (4) renumber all internal cross references affected by the renumbering.