

**LOCAL GOVERNMENT REVISIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill enacts provisions related to local government.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
  - ▶ provides population classification for a municipal township;
  - ▶ allows for the reclassification of a municipal township as a planning district if a municipal services district is dissolved;
  - ▶ amends and repeals municipal annexation provisions;
  - ▶ enacts "Municipal Incorporation," including:
    - general provisions;
    - incorporation of a city provisions;
    - incorporation of a town provisions; and
    - incorporation provisions of municipal townships 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, or municipal township;
- and
- whether an unincorporated area other than a planning township should be



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

59 **Money Appropriated in this Bill:**

60 None

61 **Other Special Clauses:**

62 This bill provides revisor instructions.

63 **Utah Code Sections Affected:**

64 AMENDS:

- 65 **10-1-104**, as last amended by Laws of Utah 2003, Chapter 292
- 66 **10-1-114**, as last amended by Laws of Utah 2014, Chapter 189
- 67 **10-2-302**, as last amended by Laws of Utah 2009, Chapter 350
- 68 **10-2-401**, as last amended by Laws of Utah 2009, Chapters 92, 205, and 230
- 69 **10-2-402**, as last amended by Laws of Utah 2011, Chapter 234
- 70 **10-2-403**, as last amended by Laws of Utah 2010, Chapter 378
- 71 **10-2-405**, as last amended by Laws of Utah 2009, Chapter 205
- 72 **10-2-407**, as last amended by Laws of Utah 2010, Chapters 90 and 218
- 73 **10-2-408**, as last amended by Laws of Utah 2009, Chapter 205
- 74 **10-2-408.5**, as enacted by Laws of Utah 2009, Chapter 205
- 75 **10-2-411**, as last amended by Laws of Utah 2004, Chapters 90 and 202
- 76 **10-2-413**, as last amended by Laws of Utah 2009, Chapter 230
- 77 **10-2-414**, as last amended by Laws of Utah 2009, Chapter 205
- 78 **10-2-415**, as last amended by Laws of Utah 2010, Chapter 90
- 79 **10-2-416**, as last amended by Laws of Utah 2001, Chapter 206
- 80 **10-2-425**, as last amended by Laws of Utah 2009, Chapter 350
- 81 **10-3-205.5**, as last amended by Laws of Utah 2003, Chapter 292
- 82 **10-3-1302**, as enacted by Laws of Utah 1981, Chapter 57
- 83 **10-3b-102**, as enacted by Laws of Utah 2008, Chapter 19
- 84 **10-3b-103**, as last amended by Laws of Utah 2011, Chapter 209
- 85 **10-3b-202**, as last amended by Laws of Utah 2011, Chapter 209
- 86 **10-6-106**, as last amended by Laws of Utah 2014, Chapters 176, 253, 377 and last
- 87 amended by Coordination Clause, Laws of Utah 2014, Chapter 253
- 88 **10-6-111**, as last amended by Laws of Utah 2010, Chapter 378
- 89 **15A-5-202.5**, as last amended by Laws of Utah 2014, Chapter 243

- 90 **17-23-17**, as last amended by Laws of Utah 2007, Chapter 329
- 91 **17-23-17.5**, as last amended by Laws of Utah 2014, Chapter 189
- 92 **17-27a-103**, as last amended by Laws of Utah 2014, Chapters 136 and 363
- 93 **17-27a-301**, as last amended by Laws of Utah 2014, Chapter 189
- 94 **17-27a-302**, as last amended by Laws of Utah 2012, Chapter 359
- 95 **17-27a-306**, as last amended by Laws of Utah 2010, Chapters 90 and 218
- 96 **17-27a-505**, as last amended by Laws of Utah 2013, Chapter 476
- 97 **17-34-3**, as last amended by Laws of Utah 2013, Chapter 371
- 98 **17-41-101**, as last amended by Laws of Utah 2014, Chapter 65
- 99 **17B-1-502**, as last amended by Laws of Utah 2014, Chapter 405
- 100 **17B-1-1002**, as last amended by Laws of Utah 2011, Chapter 282
- 101 **17B-1-1102**, as enacted by Laws of Utah 2007, Chapter 329
- 102 **17B-2a-1102**, as enacted by Laws of Utah 2014, Chapter 405
- 103 **17B-2a-1103**, as enacted by Laws of Utah 2014, Chapter 405
- 104 **17B-2a-1106**, as enacted by Laws of Utah 2014, Chapter 405
- 105 **17B-2a-1107**, as enacted by Laws of Utah 2014, Chapter 405
- 106 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 107 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320
- 108 **20A-1-203**, as last amended by Laws of Utah 2014, Chapter 158
- 109 **20A-1-204**, as last amended by Laws of Utah 2013, Chapters 295 and 415
- 110 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 111 **53-2a-208**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 112 **53-2a-802**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 113 **53A-2-118.1**, as last amended by Laws of Utah 2011, Chapter 300
- 114 **53A-2-402**, as enacted by Laws of Utah 2006, Chapter 339
- 115 **53B-21-107**, as enacted by Laws of Utah 1987, Chapter 167
- 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 **78A-7-202**, as last amended by Laws of Utah 2012, Chapter 205

120 ENACTS:

- 121 [10-2-301.5](#), Utah Code Annotated 1953
- 122 [10-2-307](#), Utah Code Annotated 1953
- 123 [10-2a-101](#), Utah Code Annotated 1953
- 124 [10-2a-201](#), Utah Code Annotated 1953
- 125 [10-2a-301](#), Utah Code Annotated 1953
- 126 [10-2a-401](#), Utah Code Annotated 1953
- 127 [10-2a-402](#), Utah Code Annotated 1953
- 128 [10-2a-403](#), Utah Code Annotated 1953
- 129 [10-2a-404](#), Utah Code Annotated 1953
- 130 [10-2a-405](#), Utah Code Annotated 1953
- 131 [10-2a-406](#), Utah Code Annotated 1953
- 132 [10-2a-407](#), Utah Code Annotated 1953
- 133 [10-2a-408](#), Utah Code Annotated 1953
- 134 [10-2a-409](#), Utah Code Annotated 1953
- 135 [10-2a-410](#), Utah Code Annotated 1953
- 136 [10-2a-411](#), Utah Code Annotated 1953
- 137 [10-2a-412](#), Utah Code Annotated 1953
- 138 [10-2a-413](#), Utah Code Annotated 1953
- 139 [10-2a-414](#), Utah Code Annotated 1953
- 140 [10-2a-415](#), Utah Code Annotated 1953
- 141 [10-3b-601](#), Utah Code Annotated 1953
- 142 [10-3b-602](#), Utah Code Annotated 1953
- 143 [10-3b-603](#), Utah Code Annotated 1953
- 144 [10-3b-604](#), Utah Code Annotated 1953
- 145 [10-3b-605](#), Utah Code Annotated 1953
- 146 [10-3b-606](#), Utah Code Annotated 1953
- 147 [10-3b-607](#), Utah Code Annotated 1953
- 148 [10-3c-101](#), Utah Code Annotated 1953
- 149 [10-3c-102](#), Utah Code Annotated 1953
- 150 [10-3c-103](#), Utah Code Annotated 1953
- 151 [10-3c-201](#), Utah Code Annotated 1953

152 **10-3c-202**, Utah Code Annotated 1953

153 **10-3c-203**, Utah Code Annotated 1953

154 **10-3c-204**, Utah Code Annotated 1953

155 **10-3c-205**, Utah Code Annotated 1953

156 **17B-2a-1110**, Utah Code Annotated 1953

157 **17B-2a-1111**, Utah Code Annotated 1953

158 REPEALS AND REENACTS:

159 **10-3b-501**, as enacted by Laws of Utah 2008, Chapter 19

160 **10-3b-502**, as enacted by Laws of Utah 2008, Chapter 19

161 **10-3b-503**, as last amended by Laws of Utah 2011, Chapter 209

162 RENUMBERS AND AMENDS:

163 **10-2a-102**, (Renumbered from 10-2-101, as last amended by Laws of Utah 2012,  
164 Chapter 359)

165 **10-2a-103**, (Renumbered from 10-2-102, as last amended by Laws of Utah 2012,  
166 Chapter 359)

167 **10-2a-104**, (Renumbered from 10-2-118, as enacted by Laws of Utah 1997, Chapter  
168 389)

169 **10-2a-105**, (Renumbered from 10-2-130, as enacted by Laws of Utah 2014, Chapter  
170 405)

171 **10-2a-202**, (Renumbered from 10-2-103, as last amended by Laws of Utah 2000,  
172 Chapter 184)

173 **10-2a-203**, (Renumbered from 10-2-104, as last amended by Laws of Utah 2012,  
174 Chapter 359)

175 **10-2a-204**, (Renumbered from 10-2-105, as last amended by Laws of Utah 2012,  
176 Chapter 359)

177 **10-2a-205**, (Renumbered from 10-2-106, as last amended by Laws of Utah 2012,  
178 Chapter 359)

179 **10-2a-206**, (Renumbered from 10-2-107, as last amended by Laws of Utah 2000,  
180 Chapter 184)

181 **10-2a-207**, (Renumbered from 10-2-108, as last amended by Laws of Utah 2012,  
182 Chapter 359)

183           **10-2a-208**, (Renumbered from 10-2-109, as last amended by Laws of Utah 2012,  
184 Chapter 359)  
185           **10-2a-209**, (Renumbered from 10-2-110, as last amended by Laws of Utah 1997,  
186 Second Special Session, Chapter 3)  
187           **10-2a-210**, (Renumbered from 10-2-111, as last amended by Laws of Utah 2014,  
188 Chapter 158)  
189           **10-2a-211**, (Renumbered from 10-2-112, as last amended by Laws of Utah 2008,  
190 Chapter 19)  
191           **10-2a-212**, (Renumbered from 10-2-113, as repealed and reenacted by Laws of Utah  
192 1997, Chapter 389)  
193           **10-2a-213**, (Renumbered from 10-2-114, as last amended by Laws of Utah 2010,  
194 Chapter 90)  
195           **10-2a-214**, (Renumbered from 10-2-115, as last amended by Laws of Utah 2009,  
196 Chapter 388)  
197           **10-2a-215**, (Renumbered from 10-2-116, as last amended by Laws of Utah 2012,  
198 Chapter 359)  
199           **10-2a-216**, (Renumbered from 10-2-117, as enacted by Laws of Utah 1997, Chapter  
200 389)  
201           **10-2a-217**, (Renumbered from 10-2-119, as last amended by Laws of Utah 2009,  
202 Chapter 350)  
203           **10-2a-218**, (Renumbered from 10-2-120, as last amended by Laws of Utah 2009,  
204 Chapter 350)  
205           **10-2a-219**, (Renumbered from 10-2-121, as last amended by Laws of Utah 2009,  
206 Chapter 350)  
207           **10-2a-220**, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter  
208 389)  
209           **10-2a-221**, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah  
210 2012, Chapter 359)  
211           **10-2a-302**, (Renumbered from 10-2-125, as last amended by Laws of Utah 2014,  
212 Chapter 189)  
213           **10-2a-303**, (Renumbered from 10-2-126, as last amended by Laws of Utah 2014,

214 Chapter 189)

215 **10-2a-304**, (Renumbered from 10-2-127, as last amended by Laws of Utah 2014,

216 Chapter 158)

217 **10-2a-305**, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter

218 359)

219 **10-2a-306**, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter

220 359)

221 REPEALS:

222 **10-2-418**, as last amended by Laws of Utah 2010, Chapter 90

223 **10-3b-504**, as enacted by Laws of Utah 2008, Chapter 19

224 **10-3b-505**, as enacted by Laws of Utah 2008, Chapter 19

225 **10-3b-506**, as enacted by Laws of Utah 2008, Chapter 19

226 **10-3b-507**, as enacted by Laws of Utah 2008, Chapter 19

227 **17-27a-307**, as last amended by Laws of Utah 2008, Chapter 250

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

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

231 **10-1-104. Definitions.**

232 As used in this title:

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

236 (2) "Contiguous" means:

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

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

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

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

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

245 [and]

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

247 (d) in a municipal township, the governing body is the municipal township council.

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

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

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

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

253 (iii) a municipal township as that term is defined in Section 10-2a-403 of the first or  
254 second class unless the term is used in the context of authorizing, governing, or otherwise  
255 regulating the provision of municipal services.

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

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

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

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

267 (10) "Town" means a municipality classified by population as a town under Section  
268 10-2-301.

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

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

271 **10-1-114. Repealer.**

272 Title 10, Chapter 1, General Provisions; Chapter 2, [~~Incorporation,~~] Classification,  
273 Boundaries, Consolidation, and Dissolution of Municipalities; Chapter 3, Municipal  
274 Government; Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; and Chapter 6,  
275 Uniform Fiscal Procedures Act for Utah Cities, are repealed, except as provided in Section

276 10-1-115.

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

278 **CHAPTER 2. CLASSIFICATION, BOUNDARIES, CONSOLIDATION, AND**  
279 **DISSOLUTION OF MUNICIPALITIES**

280 **10-2-301.5. Classification of municipal townships according to population.**

281 (1) Each municipal township, as defined in Section 10-2a-403, shall be classified  
282 according to its population, as provided in this section.

283 (2) A municipal township with a population of:

284 (a) 5,000 or more is a municipal township of the first class; and

285 (b) fewer than 5,000 is a municipal township of the second class.

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

287 **10-2-302. Change of class of municipality.**

288 (1) Each municipality shall retain its classification under Section 10-2-301 until  
289 changed as provided in this section or Subsection 67-1a-2(3).

290 (2) (a) If a municipality's population, as determined by the lieutenant governor under  
291 Subsection 67-1a-2(3), indicates that the municipality's population has decreased below the  
292 limit for its current class, the legislative body of the municipality may petition the lieutenant  
293 governor to prepare a certificate indicating the class in which the municipality belongs based  
294 on the decreased population figure.

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

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

299 Section 5. Section 10-2-307 is enacted to read:

300 **10-2-307. Municipal township reclassified as planning district.**

301 If a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal  
302 Services District Act, is dissolved:

303 (1) a municipal township, as defined in Section 10-2a-403, that is a member of the  
304 district is no longer a municipal township;

305 (2) all the real property within the municipal township is reclassified as a planning  
306 district as that term is defined in Section 17-27a-103; and

307 (3) the term of a municipal township council member shall terminate immediately.

308 Section 6. Section **10-2-401** is amended to read:

309 **10-2-401. Definitions -- Property owner provisions.**

310 (1) As used in this part:

311 (a) "Affected entity" means:

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

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

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

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

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

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

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

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

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

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

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

337 [~~(g)~~] (h) "Private," with respect to real property, means not owned by the United States

338 or any agency of the federal government, the state, a county, a municipality, a school district, a  
339 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a  
340 special service district under Title 17D, Chapter 1, Special Service District Act, or any other  
341 political subdivision or governmental entity of the state.

342 ~~[(h)]~~ (i) "Specified county" means a county of the second, third, fourth, fifth, or sixth  
343 class.

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

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

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

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

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

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

353 (k) "Urban development" means:

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

356 (ii) a commercial or industrial development for which cost projections exceed  
357 \$750,000 for all phases.

358 (2) For purposes of this part:

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

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

362 (ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed  
363 for annexation includes military land that is within a project area described in a project area  
364 plan adopted by the military installation development authority under Title 63H, Chapter 1,  
365 Military Installation Development Authority Act; and

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

368 (3) For purposes of each provision of this part that requires the owners of private real

369 property covering a percentage or majority of the total private land area within an area to sign a  
 370 petition or protest:

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

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

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

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

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

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

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

385 Section 7. Section **10-2-402** is amended to read:

386 **10-2-402. Annexation -- Limitations.**

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

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

390 (i) it is a contiguous area;

391 (ii) it is contiguous to the municipality;

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

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

397 (2) ~~[Except as provided in Section 10-2-418, a]~~ A municipality may not annex an  
 398 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

399 (3) (a) An annexation under this part may not include part of a parcel of real property

400 and exclude part of that same parcel unless the owner of that parcel has signed the annexation  
401 petition under Section 10-2-403.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

457 (A) the annexation process shall follow the requirements for a specified county; and  
458 (B) the provisions of Subsection 10-2-402(6) do not apply.

459 Section 8. Section 10-2-403 is amended to read:

460 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

461 (1) [~~Except as provided in Section 10-2-418, the~~] The process to annex an

462 unincorporated area to a municipality is initiated by a petition as provided in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

485 (A) be in writing;

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

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

488 Records show that you own property within an area that is intended to be included in a  
489 proposed annexation to (state the name of the proposed annexing municipality) or that is within  
490 300 feet of that area. If your property is within the area proposed for annexation, you may be  
491 asked to sign a petition supporting the annexation. You may choose whether or not to sign the  
492 petition. By signing the petition, you indicate your support of the proposed annexation. If you

493 sign the petition but later change your mind about supporting the annexation, you may  
494 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
495 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
496 of the proposed annexing municipality) receives notice that the petition has been certified.

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

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

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

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

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

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

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

523 (a) be filed with the city recorder or town clerk, as the case may be, of the proposed

524 annexing municipality;

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

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

529 ~~[(B)(+)]~~ (ii) (A) subject to Subsection (3)(b)~~[(+)(B)(+)]~~~~(ii)(C)~~, covers a majority of the  
530 private land area within the area proposed for annexation; ~~[and]~~

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

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

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

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

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

545 (d) be accompanied by:

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

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

550 (e) if the area proposed to be annexed is located in a county of the first class, contain  
551 on each signature page a notice in bold and conspicuous terms that states substantially the  
552 following:

553 "Notice:

- 554 • There will be no public election on the annexation proposed by this petition because

555 Utah law does not provide for an annexation to be approved by voters at a public election.

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

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

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

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

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

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

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

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

580 (a) along the boundaries of existing local districts and special service districts for  
581 sewer, water, and other services, along the boundaries of school districts whose boundaries  
582 follow city boundaries or school districts adjacent to school districts whose boundaries follow  
583 city boundaries, and along the boundaries of other taxing entities;

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

- 586 (c) to facilitate the consolidation of overlapping functions of local government;
- 587 (d) to promote the efficient delivery of services; and
- 588 (e) to encourage the equitable distribution of community resources and obligations.

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

- 591 (a) the clerk of the county in which the area proposed for annexation is located; and
- 592 (b) if any of the area proposed for annexation is within a [township] planning district:
- 593 (i) the legislative body of the county in which the [township] planning district is
- 594 located; and
- 595 (ii) the chair of the [township] planning district planning commission.

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

601 Section 9. Section 10-2-405 is amended to read:

602 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**  
 603 **process -- Modified petition.**

- 604 (1) (a) (i) A municipal legislative body may:
- 605 (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or
- 606 (B) accept the petition for further consideration under this part.

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

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

612 (B) in the case of a city of the third, fourth, or fifth class [~~or~~], a town, or a municipal  
 613 township, at the next regularly scheduled meeting of the municipal legislative body that is at  
 614 least 14 days after the date the petition was filed.

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

- 617 (i) the contact sponsor;
- 618 (ii) the clerk of the county in which the area proposed for annexation is located; and
- 619 (iii) if any of the area proposed for annexation is within a [township] planning district:
- 620 (A) the legislative body of the county in which the [township] planning district is
- 621 located; and
- 622 (B) the chair of the planning commission.
- 623 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is
- 624 considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town
- 625 clerk, as the case may be, shall, within 30 days after that acceptance:
- 626 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the
- 627 area proposed for annexation is located the records the city recorder or town clerk needs to
- 628 determine whether the petition meets the requirements of Subsections 10-2-403(3), (4), and (5);
- 629 (b) with the assistance of the municipal attorney, determine whether the petition meets
- 630 the requirements of Subsections 10-2-403(3), (4), and (5); and
- 631 (c) (i) if the city recorder or town clerk determines that the petition meets those
- 632 requirements, certify the petition and mail or deliver written notification of the certification to
- 633 the municipal legislative body, the contact sponsor, the county legislative body, and the chair of
- 634 the planning commission of each [township] planning district in which any part of the area
- 635 proposed for annexation is located; or
- 636 (ii) if the city recorder or town clerk determines that the petition fails to meet any of
- 637 those requirements, reject the petition and mail or deliver written notification of the rejection
- 638 and the reasons for the rejection to the municipal legislative body, the contact sponsor, the
- 639 county legislative body, and the chair of the planning commission of each [township] planning
- 640 district in which any part of the area proposed for annexation is located.
- 641 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii),
- 642 the petition may be modified to correct the deficiencies for which it was rejected and then
- 643 refiled with the city recorder or town clerk, as the case may be.
- 644 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used
- 645 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as
- 646 modified under Subsection (3)(a)(i).
- 647 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city

648 recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a  
649 newly filed petition under Subsection 10-2-403(1).

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

652 Section 10. Section 10-2-407 is amended to read:

653 **10-2-407. Protest to annexation petition -- Planning district planning commission**  
654 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

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

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

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

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

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

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

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

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

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

674 ~~[(B)]~~ At the time the recommendation is communicated to the county legislative body  
675 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy  
676 of the recommendation to the legislative body of the proposed annexing municipality and to the  
677 contact sponsor.]

678 (2) (a) Each protest under Subsection (1)~~[(a)]~~ shall:

679 (i) be filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

705 [~~(i) indicate the typed or printed name and current residence address of each owner  
706 signing the protest; and]~~

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

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

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

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

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

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

720 (B) the commission;

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

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

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

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

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

730 (A) hold a public hearing; and

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

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

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

737 (II) publish notice of the hearing on the Utah Public Notice Website created in Section  
738 63F-1-701.

739 (iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an area  
740 that is partly or entirely within a [township] planning district, the municipal legislative body

741 shall send notice of the approval to the legislative body of the county in which the [township]  
742 planning district is located.

743 Section 11. Section **10-2-408** is amended to read:

744 **10-2-408. Denying or approving the annexation petition -- Notice of approval.**

745 (1) (a) After receipt of the commission's decision on a protest under Subsection  
746 10-2-416(2), a municipal legislative body may:

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

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

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

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

757 Section 12. Section **10-2-408.5** is amended to read:

758 **10-2-408.5. Annexation of an area within a planning district -- Withdrawing the**  
759 **area from the planning district.**

760 (1) As used in this section:

761 (a) "Affected [township] planning district" means a [township] planning district some  
762 or all of which is proposed to be annexed to a municipality through an [~~intra-township~~]  
763 intra-planning district annexation.

764 (b) "Committee" means a committee appointed under Subsection (5)(a).

765 (c) "County legislative body" means the legislative body of the county in which an  
766 affected [township] planning district is located.

767 (d) "~~[Intra-township]~~ Intra-planning district annexation" means an annexation of an  
768 area that is partly or entirely within a [township] planning district.

769 (e) "Municipal legislative body" means the legislative body of the municipality to  
770 which an area within an affected [township] planning district is proposed to be annexed  
771 through an [~~intra-township~~] intra-planning district annexation.

- 772 (f) "[~~Township~~] Planning district withdrawal" means:
- 773 (i) for an [~~intra-township~~] intra-planning district annexation that proposes the  
774 annexation of part of the [~~township~~] planning district, the withdrawal of that area from the  
775 [~~township~~] planning district; or
- 776 (ii) for an [~~intra-township~~] intra-planning district annexation that proposes the  
777 annexation of the entire [~~township~~] planning district, the dissolution of the [~~township~~] planning  
778 district.
- 779 (2) An [~~intra-township~~] intra-planning district annexation requires:
- 780 (a) the municipal legislative body's approval of the annexation, as provided in this part;  
781 and
- 782 (b) the approval of the [~~township~~] planning district withdrawal by:
- 783 (i) the county legislative body; or
- 784 (ii) the committee as provided in Subsection (5), if the county legislative body does not  
785 approve the [~~township~~] planning district withdrawal.
- 786 (3) (a) No later than 30 days after receiving notice under Subsection 10-2-407(3)(b)(iii)  
787 or 10-2-408(2) of the municipal legislative body's approval of a proposed [~~intra-township~~]  
788 intra-planning district annexation, the county legislative body shall hold a public hearing on the  
789 proposed [~~township~~] planning district withdrawal that meets the requirements of Subsection  
790 17-27a-306(3)(f)(ii).
- 791 (b) Before holding a public hearing under Subsection (3)(a), the county legislative  
792 body shall provide notice that meets the requirements of Subsection 17-27a-306(3)(f)(iii).
- 793 (c) (i) A public hearing required under Subsection (3)(a) may be combined with:
- 794 (A) the public hearing required under Subsection 10-2-407(3)(b)(ii), with the  
795 municipal legislative body's approval; or
- 796 (B) the public hearing required under Section 10-2-415, with the boundary  
797 commission's approval.
- 798 (ii) If public hearings are combined under Subsection (3)(c)(i), notice of the combined  
799 public hearing shall be given as provided in Subsection (3)(b).
- 800 (4) (a) No later than 60 days after receiving notice under Subsection 10-2-407(3)(b)(iii)  
801 or 10-2-408(2) of the municipal legislative body's approval of a proposed [~~intra-township~~]  
802 intra-planning district annexation, the county legislative body shall make and issue a written

803 decision approving or disapproving the [township] planning district withdrawal.

804 (b) In making its decision under Subsection (4)(a), the county legislative body shall, as  
805 applicable, consider the factors listed in Subsection 17-27a-306(3)(g)(ii).

806 (5) (a) (i) If the county legislative body, in its written decision under Subsection (4)(a),  
807 disapproves the [township] planning district withdrawal, a committee shall be appointed  
808 consisting of:

809 (A) one elected official, other than a member of the municipal legislative body or the  
810 municipality's mayor, appointed by the municipal legislative body;

811 (B) one elected official, other than a member of the county legislative body or the  
812 county executive, appointed by the county legislative body; and

813 (C) one person who is:

814 (I) an elected official;

815 (II) a resident of the county in which the [township] planning district is located; and

816 (III) appointed by the two committee members specified in Subsections (5)(a)(i)(A)  
817 and (B).

818 (ii) (A) The municipal legislative body and county legislative body shall each appoint  
819 its respective appointee within 10 business days after the county legislative body issues its  
820 written decision under Subsection (4)(a).

821 (B) The committee members under Subsections (5)(a)(i)(A) and (B) shall, within 20  
822 days after their appointment, appoint the remaining member.

823 (b) Committee members shall serve without compensation.

824 (c) At the committee's request, the county shall provide the committee with necessary  
825 staff assistance.

826 (d) The committee may, in its discretion and with reasonable advance public notice,  
827 hold one or more public hearings on the proposed [township] planning district withdrawal.

828 (e) In making its decision to approve or disapprove the [township] planning district  
829 withdrawal, the committee may consider the issue of [township] planning district withdrawal  
830 anew without:

831 (i) considering the proceedings before the county legislative body; or

832 (ii) giving the county legislative body's decision any deference.

833 (f) Within 45 days after the appointment of the committee member under Subsection

834 (5)(a)(i)(C), the committee shall make and issue a written decision approving or disapproving  
835 the [~~township~~] planning district withdrawal.

836 (6) The municipal legislative body may adopt an ordinance approving the  
837 [~~intra-township~~] intra-planning district annexation if:

838 (a) the county legislative body, in its written decision under Subsection (4)(a),  
839 approves the [~~township~~] planning district withdrawal; or

840 (b) the committee, in its written decision under Subsection (5)(e), approves the  
841 [~~township~~] planning district withdrawal.

842 Section 13. Section **10-2-411** is amended to read:

843 **10-2-411. Disqualification of commission member -- Alternate member.**

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

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

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

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

851 or

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

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

857 Section 14. Section **10-2-413** is amended to read:

858 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
859 **study.**

860 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
861 a proposed annexing municipality denies an annexation petition under Subsection  
862 **10-2-407(3)(a)(i)(A)** and except as provided in Subsection (1)(b), the commission shall choose  
863 and engage a feasibility consultant within 45 days of:

864 (i) the commission's receipt of a protest under Section **10-2-407**, if the commission had

- 865 been created before the filing of the protest; or
- 866 (ii) the commission's creation, if the commission is created after the filing of a protest.
- 867 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility
- 868 study with respect to a petition that proposes the annexation of an area that:
- 869 (i) is undeveloped; and
- 870 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private
- 871 real property within the municipality.
- 872 (2) The commission shall require the feasibility consultant to:
- 873 (a) complete a feasibility study on the proposed annexation and submit written results
- 874 of the study to the commission no later than 75 days after the feasibility consultant is engaged
- 875 to conduct the study;
- 876 (b) submit with the full written results of the feasibility study a summary of the results
- 877 no longer than a page in length; and
- 878 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility
- 879 study results and respond to questions at that hearing.
- 880 (3) (a) Subject to Subsection (4), the feasibility study shall consider:
- 881 (i) the population and population density within the area proposed for annexation, the
- 882 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries
- 883 within 1/2 mile of the area proposed for annexation, that municipality;
- 884 (ii) the geography, geology, and topography of and natural boundaries within the area
- 885 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a
- 886 municipality with boundaries within 1/2 mile of the area proposed for annexation, that
- 887 municipality;
- 888 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated
- 889 island or unincorporated peninsula;
- 890 (iv) whether the proposed annexation will hinder or prevent a future and more logical
- 891 and beneficial annexation or a future logical and beneficial incorporation;
- 892 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,
- 893 other municipalities, local districts, special service districts, school districts, and other
- 894 governmental entities;
- 895 (vi) current and five-year projections of demographics and economic base in the area

896 proposed for annexation and surrounding unincorporated area, including household size and  
897 income, commercial and industrial development, and public facilities;

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

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

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

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

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

909 (xii) the extension during the past 10 years of the boundaries of each other municipality  
910 near the area proposed for annexation, the willingness of the other municipality to annex the  
911 area proposed for annexation, and the probability that another municipality would annex some  
912 or all of the area proposed for annexation during the next five years if the annexation did not  
913 occur;

914 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
915 surrounding area;

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

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

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

925 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that  
926 the level and quality of governmental services that will be provided to the area proposed for

927 annexation in the future is essentially comparable to the level and quality of governmental  
928 services being provided within the proposed annexing municipality at the time of the feasibility  
929 study.

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

- 933 (i) the size of the area proposed for annexation;  
934 (ii) the size of the proposed annexing municipality;  
935 (iii) the extent to which the area proposed for annexation is developed;  
936 (iv) the degree to which the area proposed for annexation is expected to develop and  
937 the type of development expected; and  
938 (v) the number and type of protests filed against the proposed annexation.

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

942 (5) If the results of the feasibility study do not meet the requirements of Subsection  
943 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
944 recommendations as to how the boundaries of the area proposed for annexation may be altered  
945 so that the requirements of Subsection 10-2-416(3) may be met.

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

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

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

955 Section 15. Section 10-2-414 is amended to read:

956 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

957 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of

958 an area located in a county of the first class do not meet the requirements of Subsection  
959 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility  
960 consultant's submission of the results of the study, file with the city recorder or town clerk of  
961 the proposed annexing municipality a modified annexation petition altering the boundaries of  
962 the proposed annexation.

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

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

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

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

975 (i) the commission;

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

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

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

983 (ii) If the area proposed for annexation in the modified annexation petition is within  
984 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the  
985 area proposed for annexation in the original annexation petition, the city recorder or town  
986 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
987 petition to the legislative body of that municipality.

988 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),

989 the commission shall engage the feasibility consultant that conducted the feasibility study to  
990 supplement the feasibility study to take into account the information in the modified  
991 annexation petition that was not included in the original annexation petition.

992 (4) The commission shall require the feasibility consultant to complete the  
993 supplemental feasibility study and to submit written results of the supplemental study to the  
994 commission no later than 30 days after the feasibility consultant is engaged to conduct the  
995 supplemental feasibility study.

996 Section 16. Section **10-2-415** is amended to read:

997 **10-2-415. Public hearing -- Notice.**

998 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet  
999 the requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area  
1000 located in a county of the first class, the commission shall hold a public hearing within 30 days  
1001 of receipt of the feasibility study or supplemental feasibility study results.

1002 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1003 (A) require the feasibility consultant to present the results of the feasibility study and, if  
1004 applicable, the supplemental feasibility study;

1005 (B) allow those present to ask questions of the feasibility consultant regarding the study  
1006 results; and

1007 (C) allow those present to speak to the issue of annexation.

1008 (iii) (A) The commission shall:

1009 (I) publish notice of each hearing under Subsection (1)(a)(i):

1010 (Aa) at least once a week for two successive weeks in a newspaper of general  
1011 circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated  
1012 area, and the proposed annexing municipality; and

1013 (Bb) on the Utah Public Notice Website created in Section **63F-1-701**, for two weeks;  
1014 and

1015 (II) send written notice of the hearing to the municipal legislative body of the proposed  
1016 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a  
1017 protest, and, if a protest was filed under Subsection **10-2-407(1)[(a)(ii)](c)**, the contact person.

1018 (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of  
1019 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the

1020 commission shall give the notice required under that subsection by posting notices, at least  
1021 seven days before the hearing, in conspicuous places within those areas that are most likely to  
1022 give notice of the hearing to the residents of those areas.

1023 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility  
1024 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study  
1025 is available for inspection and copying at the office of the commission.

1026 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest  
1027 has expired with respect to a proposed annexation of an area located in a specified county, the  
1028 boundary commission shall hold a hearing on all protests that were filed with respect to the  
1029 proposed annexation.

1030 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the  
1031 commission chair shall cause notice of the hearing to be published in a newspaper of general  
1032 circulation within the area proposed for annexation.

1033 (B) Each notice under Subsection (1)(b)(ii)(A) shall:

1034 (I) state the date, time, and place of the hearing;

1035 (II) briefly summarize the nature of the protest; and

1036 (III) state that a copy of the protest is on file at the commission's office.

1037 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to  
1038 time, but no continued hearing may be held later than 60 days after the original hearing date.

1039 (iv) In considering protests, the commission shall consider whether the proposed  
1040 annexation:

1041 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
1042 annexation policy plan of the proposed annexing municipality;

1043 (B) conflicts with the annexation policy plan of another municipality; and

1044 (C) if the proposed annexation includes urban development, will have an adverse tax  
1045 consequence on the remaining unincorporated area of the county.

1046 (2) (a) The commission shall record each hearing under this section by electronic  
1047 means.

1048 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if  
1049 applicable, information received at the hearing, and the written decision of the commission  
1050 shall constitute the record of the hearing.

1051 Section 17. Section 10-2-416 is amended to read:

1052 **10-2-416. Commission decision -- Time limit -- Limitation on approval of**  
1053 **annexation.**

1054 (1) Subject to Subsection (3), after the public hearing under Subsection 10-2-415(1) the  
1055 boundary commission may:

- 1056 (a) approve the proposed annexation, either with or without conditions;
- 1057 (b) make minor modifications to the proposed annexation and approve it, either with or  
1058 without conditions; or
- 1059 (c) disapprove the proposed annexation.

1060 (2) The commission shall issue a written decision on the proposed annexation within  
1061 30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the  
1062 decision to:

- 1063 (a) the legislative body of the county in which the area proposed for annexation is  
1064 located;
- 1065 (b) the legislative body of the proposed annexing municipality;
- 1066 (c) the contact person on the annexation petition;
- 1067 (d) the contact person of each entity that filed a protest; and
- 1068 (e) if a protest was filed under Subsection 10-2-407(1)[~~(a)(ii)~~](c) with respect to a  
1069 proposed annexation of an area located in a county of the first class, the contact person  
1070 designated in the protest.

1071 (3) Except for an annexation for which a feasibility study may not be required under  
1072 Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area  
1073 located within a county of the first class unless the results of the feasibility study under Section  
1074 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not  
1075 exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

1076 Section 18. Section 10-2-425 is amended to read:

1077 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**  
1078 **Effective date of annexation or boundary adjustment.**

1079 (1) The legislative body of each municipality that enacts an ordinance under this part  
1080 approving the annexation of an unincorporated area or the adjustment of a boundary shall:

- 1081 (a) within 30 days after enacting the ordinance or, in the case of a boundary

1082 adjustment, within 30 days after each of the municipalities involved in the boundary  
1083 adjustment has enacted an ordinance, file with the lieutenant governor:

- 1084 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
1085 meets the requirements of Subsection 67-1a-6.5(3); and
- 1086 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- 1087 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
1088 adjustment, as the case may be, under Section 67-1a-6.5:

- 1089 (i) (A) if the annexed area or area subject to the boundary adjustment is located within  
1090 the boundary of a single county, submit to the recorder of that county:
  - 1091 (I) the original:
  - 1092 (Aa) notice of an impending boundary action;
  - 1093 (Bb) certificate of annexation or boundary adjustment; and
  - 1094 (Cc) approved final local entity plat; and
  - 1095 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;
- 1096 or
- 1097 (B) if the annexed area or area subject to the boundary adjustment is located within the  
1098 boundaries of more than a single county:
  - 1099 (I) submit to the recorder of one of those counties:
    - 1100 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and  
1101 (Cc); and
    - 1102 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1103 adjustment; and
    - 1104 (II) submit to the recorder of each other county:
      - 1105 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),  
1106 and (Cc); and
      - 1107 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1108 adjustment;
  - 1109 (ii) send notice of the annexation or boundary adjustment to each affected entity; and
  - 1110 (iii) in accordance with Section 26-8a-414, file with the Department of Health:
    - 1111 (A) a certified copy of the ordinance approving the annexation of an unincorporated  
1112 area or the adjustment of a boundary; and

1113 (B) a copy of the approved final local entity plat.

1114 (2) If an annexation or boundary adjustment under this part also causes an automatic  
1115 annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local  
1116 district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as  
1117 practicable after the lieutenant governor issues a certificate of annexation or boundary  
1118 adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to  
1119 the local district to which the annexed area is automatically annexed or from which the  
1120 annexed area is automatically withdrawn.

1121 (3) Each notice required under Subsection (1) relating to an annexation or boundary  
1122 adjustment shall state the effective date of the annexation or boundary adjustment, as  
1123 determined under Subsection (4).

1124 (4) An annexation or boundary adjustment under this part is completed and takes  
1125 effect:

1126 (a) for the annexation of or boundary adjustment affecting an area located in a county  
1127 of the first class~~[-except for an annexation under Section 10-2-418]:~~

1128 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1129 certificate of annexation or boundary adjustment if:

1130 (A) the certificate is issued during the preceding November 1 through April 30; and

1131 (B) the requirements of Subsection (1) are met before that July 1; or

1132 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1133 certificate of annexation or boundary adjustment if:

1134 (A) the certificate is issued during the preceding May 1 through October 31; and

1135 (B) the requirements of Subsection (1) are met before that January 1; and

1136 (b) for all other annexations and boundary adjustments, the date of the lieutenant  
1137 governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary  
1138 adjustment.

1139 (5) (a) As used in this Subsection (5):

1140 (i) "Affected area" means:

1141 (A) in the case of an annexation, the annexed area; and

1142 (B) in the case of a boundary adjustment, any area that, as a result of the boundary  
1143 adjustment, is moved from within the boundary of one municipality to within the boundary of

1144 another municipality.

1145 (ii) "Annexing municipality" means:

1146 (A) in the case of an annexation, the municipality that annexes an unincorporated area;

1147 and

1148 (B) in the case of a boundary adjustment, a municipality whose boundary includes an  
1149 affected area as a result of a boundary adjustment.

1150 (b) The effective date of an annexation or boundary adjustment for purposes of  
1151 assessing property within an affected area is governed by Section 59-2-305.5.

1152 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
1153 recorder of each county in which the property is located, a municipality may not:

1154 (i) levy or collect a property tax on property within an affected area;

1155 (ii) levy or collect an assessment on property within an affected area; or

1156 (iii) charge or collect a fee for service provided to property within an affected area,

1157 unless the municipality was charging and collecting the fee within that area immediately before  
1158 annexation.

1159 Section 19. Section 10-2a-101 is enacted to read:

1160 **CHAPTER 2a. MUNICIPAL INCORPORATION**

1161 **Part 1. General Provisions**

1162 **10-2a-101. Title.**

1163 (1) This chapter is known as "Municipal Incorporation."

1164 (2) This part is known as "General Provisions."

1165 Section 20. Section 10-2a-102, which is renumbered from Section 10-2-101 is  
1166 renumbered and amended to read:

1167 ~~[10-2-101].~~ **10-2a-102. Definitions.**

1168 (1) As used in this part:

1169 (a) "Feasibility consultant" means a person or firm:

1170 (i) with expertise in the processes and economics of local government; and

1171 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
1172 incorporate.

1173 (b) "Private," with respect to real property, means taxable property.

1174 (2) For purposes of this part:

1175 (a) the owner of real property shall be the record title owner according to the records of  
1176 the county recorder on the date of the filing of the request or petition; and

1177 (b) the value of private real property shall be determined according to the last  
1178 assessment roll for county taxes before the filing of the request or petition.

1179 (3) For purposes of each provision of this part that requires the owners of private real  
1180 property covering a percentage or fraction of the total private land area within an area to sign a  
1181 request or petition:

1182 (a) a parcel of real property may not be included in the calculation of the required  
1183 percentage or fraction unless the request or petition is signed by:

1184 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1185 ownership interest in that parcel; or

1186 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1187 of owners of that parcel;

1188 (b) the signature of a person signing a request or petition in a representative capacity on  
1189 behalf of an owner is invalid unless:

1190 (i) the person's representative capacity and the name of the owner the person represents  
1191 are indicated on the request or petition with the person's signature; and

1192 (ii) the person provides documentation accompanying the request or petition that  
1193 substantiates the person's representative capacity; and

1194 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1195 request or petition on behalf of a deceased owner.

1196 Section 21. Section ~~10-2a-103~~, which is renumbered from Section 10-2-102 is  
1197 renumbered and amended to read:

1198 ~~[10-2-102].~~ **10-2a-103. Incorporation of a contiguous area.**

1199 [(+)] A contiguous area of a county not within a municipality may incorporate as a  
1200 municipality as provided in this [part] chapter.

1201 [~~(2) (a) Incorporation as a city is governed by Sections 10-2-103 through 10-2-124;~~]

1202 [~~(b) Incorporation as a town is governed by Sections 10-2-125 through 10-2-129;~~]

1203 Section 22. Section ~~10-2a-104~~, which is renumbered from Section 10-2-118 is  
1204 renumbered and amended to read:

1205 ~~[10-2-118].~~ **10-2a-104. Elections governed by the Election Code.**

1206 Except as otherwise provided in this ~~[part]~~ chapter, each election under this ~~[part]~~  
 1207 chapter shall be governed by the provisions of Title 20A, Election Code.

1208 Section 23. Section **10-2a-105**, which is renumbered from Section 10-2-130 is  
 1209 renumbered and amended to read:

1210 ~~[10-2-130]~~. **10-2a-105. Suspension of township incorporation and annexation**  
 1211 **procedures on or after January 1, 2014 -- Exceptions.**

1212 (1) As used in this section:

1213 (a) "Township incorporation procedure" means the following actions, the subject of  
 1214 which includes an area located in whole or in part in a township:

1215 (i) a request for incorporation described in Section ~~[10-2-103]~~ 10-2a-202;

1216 (ii) a feasibility study described in Section ~~[10-2-106]~~ 10-2a-205;

1217 (iii) a modified request and a supplemental feasibility study described in Section  
 1218 ~~[10-2-107]~~ 10-2a-206; or

1219 (iv) an incorporation petition described in Section ~~[10-2-109]~~ 10-2a-208 that is not  
 1220 certified under Section ~~[10-2-110]~~ 10-2a-109.

1221 (b) "Township annexation procedure" means one or more of the following actions, the  
 1222 subject of which includes an area located in whole or in part in a township:

1223 (i) a petition to annex described in Section 10-2-403;

1224 (ii) a feasibility study described in Section 10-2-413;

1225 (iii) a modified annexation petition or supplemental feasibility study described in  
 1226 Section 10-2-414; or

1227 (iv) a boundary commission decision described in Section 10-2-416~~[; or]~~.

1228 ~~[(v) any action described in Section 10-2-418 before the adoption of an ordinance to~~  
 1229 ~~approve annexation under Subsection 10-2-418(3)(b).]~~

1230 (2) (a) Except as provided in Subsections (3) and (4):

1231 (i) if a request for incorporation described in Section ~~[10-2-103]~~ 10-2a-202 is filed  
 1232 with the clerk of the county on or after January 1, 2014, a township incorporation procedure  
 1233 that is the subject of or otherwise relates to that request is suspended until November 15, 2015;  
 1234 and

1235 (ii) if a petition to annex described in Section 10-2-403 is filed with the city recorder or  
 1236 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of

1237 or otherwise relates to that petition is suspended until November 15, 2015.

1238 (b) (i) If a township incorporation procedure or township annexation procedure is  
1239 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and  
1240 on November 15, 2015.

1241 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection  
1242 (2)(b)(i):

1243 (A) may proceed and the period of time during the suspension does not toll against that  
1244 deadline or timeline; and

1245 (B) does not start over.

1246 (3) Subsection (2) does not apply to a township annexation procedure that:

1247 (a) includes any land area located in whole or in part in a township that is:

1248 (i) 50 acres or more; and

1249 (ii) primarily owned or controlled by a government entity; or

1250 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance  
1251 with Subsection 10-2-403(3) before January 1, 2014.

1252 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the  
1253 petition sponsors may continue to gather petition signatures and file them with the county clerk  
1254 as provided in Section ~~[10-2-103]~~ 10-2a-202.

1255 (b) The county clerk shall process the petition in accordance with Section ~~[10-2-105]~~  
1256 10-2a-204 and may issue a certification or rejection of the petition as provided in Section  
1257 ~~[10-2-105]~~ 10-2a-204.

1258 (c) Notwithstanding any other provision of ~~[Chapter 2, Incorporation, Classification,~~  
1259 ~~Boundaries, Consolidation, and Dissolution of Municipalities]~~ this chapter, any further  
1260 processing, including a feasibility study, public hearing, or an incorporation election, is  
1261 suspended until November 15, 2015.

1262 Section 24. Section 10-2a-201 is enacted to read:

1263 **Part 2. Incorporation of a City**

1264 **10-2a-201. Title.**

1265 This part is known as "Incorporation of a City."

1266 Section 25. Section 10-2a-202, which is renumbered from Section 10-2-103 is  
1267 renumbered and amended to read:

1268           ~~[10-2-103]~~.    10-2a-202. Request for feasibility study -- Requirements --

1269 **Limitations.**

1270           (1) The process to incorporate a contiguous area of a county as a city is initiated by a  
1271 request for a feasibility study filed with the clerk of the county in which the area is located.

1272           (2) Each request under Subsection (1) shall:

1273           (a) be signed by the owners of private real property that:

1274           (i) is located within the area proposed to be incorporated;

1275           (ii) covers at least 10% of the total private land area within the area; and

1276           (iii) is equal in value to at least 7% of the value of all private real property within the  
1277 area;

1278           (b) indicate the typed or printed name and current residence address of each owner  
1279 signing the request;

1280           (c) describe the contiguous area proposed to be incorporated as a city;

1281           (d) designate up to five signers of the request as sponsors, one of whom shall be  
1282 designated as the contact sponsor, with the mailing address and telephone number of each;

1283           (e) be accompanied by and circulated with an accurate map or plat, prepared by a  
1284 licensed surveyor, showing the boundaries of the proposed city; and

1285           (f) request the county legislative body to commission a study to determine the  
1286 feasibility of incorporating the area as a city.

1287           (3) A request for a feasibility study under this section may not propose for  
1288 incorporation an area that includes some or all of an area that is the subject of a completed  
1289 feasibility study or supplemental feasibility study whose results comply with Subsection  
1290 ~~[10-2-109]~~ 10-2a-208(3) unless:

1291           (a) the proposed incorporation that is the subject of the completed feasibility study or  
1292 supplemental feasibility study has been defeated by the voters at an election under Section  
1293 ~~[10-2-111]~~ 10-2a-210; or

1294           (b) the time provided under Subsection ~~[10-2-109]~~ 10-2a-208(1) for filing an  
1295 incorporation petition based on the completed feasibility study or supplemental feasibility study  
1296 has elapsed without the filing of a petition.

1297           (4) (a) Except as provided in Subsection (4)(b), a request under this section may not  
1298 propose for incorporation an area that includes some or all of an area proposed for annexation

1299 in an annexation petition under Section [10-2-403](#) that:

1300 (i) was filed before the filing of the request; and

1301 (ii) is still pending on the date the request is filed.

1302 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area  
1303 that includes some or all of an area proposed for annexation in an annexation petition described  
1304 in Subsection (4)(a) if:

1305 (i) the proposed annexation area that is part of the area proposed for incorporation does  
1306 not exceed 20% of the area proposed for incorporation;

1307 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed  
1308 for incorporation excluding the proposed annexation area; and

1309 (iii) excluding the area proposed for annexation from the area proposed for  
1310 incorporation would not cause the area proposed for incorporation to lose its contiguousness.

1311 (c) Except as provided in Section [~~10-2-107~~] [10-2a-206](#), each request to which  
1312 Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area  
1313 proposed for annexation.

1314 (5) At the time of filing the request for a feasibility study with the county clerk, the  
1315 sponsors of the request shall mail or deliver a copy of the request to the chair of the planning  
1316 commission of each [~~township~~] planning district in which any part of the area proposed for  
1317 incorporation is located.

1318 Section 26. Section **10-2a-203**, which is renumbered from Section 10-2-104 is  
1319 renumbered and amended to read:

1320 [~~10-2-104~~]. **10-2a-203. Notice to owner of property -- Exclusion of property**  
1321 **from proposed boundaries.**

1322 (1) As used in this section:

1323 (a) "Assessed value" with respect to property means the value at which the property  
1324 would be assessed without regard to a valuation for agricultural use under Section [59-2-503](#).

1325 (b) "Owner" means a person having an interest in real property, including an affiliate,  
1326 subsidiary, or parent company.

1327 (c) "Urban" means an area with a residential density of greater than one unit per acre.

1328 (2) Within seven calendar days of the date on which a request under Section [~~10-2-103~~]  
1329 [10-2a-202](#) is filed, the county clerk shall send written notice of the proposed incorporation to

1330 each record owner of real property owning more than:

1331 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;

1332 or

1333 (b) 10% of the total private land area within the proposed incorporation boundaries.

1334 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all  
1335 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more  
1336 of the total private land area in the proposed incorporation boundaries, the owner may exclude  
1337 all or part of the property owned, controlled, or managed by the owner from the proposed  
1338 boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar  
1339 days of receiving the clerk's notice under Subsection (2).

1340 (4) The county legislative body shall exclude the property identified by an owner in the  
1341 Notice of Exclusion from the proposed incorporation boundaries unless the county legislative  
1342 body finds by clear and convincing evidence in the record that:

1343 (a) the exclusion will leave an unincorporated island within the proposed municipality;

1344 and

1345 (b) the property to be excluded:

1346 (i) is urban; and

1347 (ii) currently receives from the county a majority of municipal-type services including:

1348 (A) culinary or irrigation water;

1349 (B) sewage collection or treatment;

1350 (C) storm drainage or flood control;

1351 (D) recreational facilities or parks;

1352 (E) electric generation or transportation;

1353 (F) construction or maintenance of local streets and roads;

1354 (G) curb and gutter or sidewalk maintenance;

1355 (H) garbage and refuse collection; and

1356 (I) street lighting.

1357 (5) This section applies only to counties of the first or second class.

1358 (6) If the county legislative body excludes property from the proposed boundaries  
1359 under Subsection (4), the county legislative body shall, within five days of the exclusion, send  
1360 written notice of the exclusion to the contact sponsor.

1361 Section 27. Section **10-2a-204**, which is renumbered from Section 10-2-105 is  
1362 renumbered and amended to read:

1363 ~~[10-2-105]~~. **10-2a-204. Processing a request for incorporation -- Certification or**  
1364 **rejection by county clerk -- Processing priority -- Limitations -- Planning district**  
1365 **planning commission recommendation.**

1366 (1) Within 45 days of the filing of a request under Section ~~[10-2-103]~~ 10-2a-202, the  
1367 county clerk shall:

1368 (a) with the assistance of other county officers from whom the clerk requests  
1369 assistance, determine whether the request complies with Section ~~[10-2-103]~~ 10-2a-202; and

1370 (b) (i) if the clerk determines that the request complies with Section ~~[10-2-103]~~  
1371 10-2a-202:

1372 (A) certify the request and deliver the certified request to the county legislative body;  
1373 and

1374 (B) mail or deliver written notification of the certification to:

1375 (I) the contact sponsor; and

1376 (II) the chair of the planning commission of each ~~[township]~~ planning district in which  
1377 any part of the area proposed for incorporation is located; or

1378 (ii) if the clerk determines that the request fails to comply with Section ~~[10-2-103]~~  
1379 10-2a-202 requirements, reject the request and notify the contact sponsor in writing of the  
1380 rejection and the reasons for the rejection.

1381 (2) The county clerk shall certify or reject requests under Subsection (1) in the order in  
1382 which they are filed.

1383 (3) (a) (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request  
1384 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
1385 county clerk.

1386 (ii) A signature on a request under Section ~~[10-2-103]~~ 10-2a-202 may be used toward  
1387 fulfilling the signature requirement of Subsection ~~[10-2-103]~~ 10-2a-202(2)(a) for the request as  
1388 modified under Subsection (3)(a)(i).

1389 (b) If a request is amended and refiled under Subsection (3)(a) after having been  
1390 rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed  
1391 request, and its processing priority is determined by the date on which it is refiled.

1392 Section 28. Section **10-2a-205**, which is renumbered from Section 10-2-106 is  
1393 renumbered and amended to read:

1394 ~~[10-2-106]~~. **10-2a-205. Feasibility study -- Feasibility study consultant.**

1395 (1) Within 60 days of receipt of a certified request under Subsection ~~[10-2-105]~~  
1396 10-2a-204(1)(b)(i), the county legislative body shall engage the feasibility consultant chosen  
1397 under Subsection (2) to conduct a feasibility study.

1398 (2) The feasibility consultant shall be chosen:

1399 (a) (i) by the contact sponsor of the incorporation petition with the consent of the  
1400 county; or

1401 (ii) by the county if the designated sponsors state, in writing, that the contact sponsor  
1402 defers selection of the feasibility consultant to the county; and

1403 (b) in accordance with applicable county procurement procedures.

1404 (3) The county legislative body shall require the feasibility consultant to:

1405 (a) complete the feasibility study and submit the written results to the county legislative  
1406 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to  
1407 conduct the study;

1408 (b) submit with the full written results of the feasibility study a summary of the results  
1409 no longer than one page in length; and

1410 (c) attend the public hearings under Subsection ~~[10-2-108]~~ 10-2a-207(1) and present  
1411 the feasibility study results and respond to questions from the public at those hearings.

1412 (4) (a) The feasibility study shall consider:

1413 (i) population and population density within the area proposed for incorporation and  
1414 the surrounding area;

1415 (ii) current and five-year projections of demographics and economic base in the  
1416 proposed city and surrounding area, including household size and income, commercial and  
1417 industrial development, and public facilities;

1418 (iii) projected growth in the proposed city and in adjacent areas during the next five  
1419 years;

1420 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
1421 including overhead, of governmental services in the proposed city, including:

1422 (A) culinary water;

- 1423 (B) secondary water;
- 1424 (C) sewer;
- 1425 (D) law enforcement;
- 1426 (E) fire protection;
- 1427 (F) roads and public works;
- 1428 (G) garbage;
- 1429 (H) weeds; and
- 1430 (I) government offices;
- 1431 (v) assuming the same tax categories and tax rates as currently imposed by the county
- 1432 and all other current service providers, the present and five-year projected revenue for the
- 1433 proposed city;
- 1434 (vi) a projection of any new taxes per household that may be levied within the
- 1435 incorporated area within five years of incorporation; and
- 1436 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,
- 1437 special service districts, and other governmental entities in the county.
- 1438 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
- 1439 level and quality of governmental services to be provided to the proposed city in the future that
- 1440 fairly and reasonably approximate the level and quality of governmental services being
- 1441 provided to the proposed city at the time of the feasibility study.
- 1442 (ii) In determining the present cost of a governmental service, the feasibility consultant
- 1443 shall consider:
- 1444 (A) the amount it would cost the proposed city to provide governmental service for the
- 1445 first five years after incorporation; and
- 1446 (B) the county's present and five-year projected cost of providing governmental
- 1447 service.
- 1448 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation
- 1449 and anticipated growth.
- 1450 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year
- 1451 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall
- 1452 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
- 1453 governor.

1454 (6) If the results of the feasibility study or revised feasibility study do not meet the  
1455 requirements of Subsection [~~10-2-109~~] 10-2a-208(3), the feasibility consultant shall, as part of  
1456 the feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1457 make recommendations as to how the boundaries of the proposed city may be altered so that  
1458 the requirements of Subsection [~~10-2-109~~] 10-2a-208(3) may be met.

1459 (7) (a) For purposes of this Subsection (7), "pending" means that the process to  
1460 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1461 study under Section [~~10-2-103~~] 10-2a-202 but that, as of May 8, 2012, a petition under Section  
1462 [~~10-2-109~~] 10-2a-208 has not yet been filed.

1463 (b) The amendments to Subsection (4) that become effective upon the effective date of  
1464 this Subsection (7):

1465 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1466 area; and

1467 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1468 petition under Section [~~10-2-109~~] 10-2a-208 has been filed.

1469 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of  
1470 May 8, 2012, already completed the feasibility study, the county legislative body shall, within  
1471 20 days after the effective date of this Subsection (7) and except as provided in Subsection  
1472 (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account  
1473 the amendments to Subsection (4) that became effective on the effective date of this Subsection  
1474 (7).

1475 (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall  
1476 require the feasibility consultant to complete the revised feasibility study under Subsection  
1477 (7)(c)(i) within 20 days after being engaged to do so.

1478 (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not  
1479 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1480 after the effective date of this Subsection (7), the request sponsors file with the county clerk a  
1481 written withdrawal of the request signed by all the request sponsors.

1482 (d) All provisions of this part that set forth the incorporation process following the  
1483 completion of a feasibility study shall apply with equal force following the completion of a  
1484 revised feasibility study under this Subsection (7), except that, if a petition under Section

1485 [~~10-2-109~~] [10-2a-208](#) has already been filed based on the feasibility study that is revised under  
1486 this Subsection (7):

1487 (i) the notice required by Section [~~10-2-108~~] [10-2a-207](#) for the revised feasibility study  
1488 shall include a statement informing signers of the petition of their right to withdraw their  
1489 signatures from the petition and of the process and deadline for withdrawing a signature from  
1490 the petition;

1491 (ii) a signer of the petition may withdraw the signer's signature by filing with the  
1492 county clerk a written withdrawal within 30 days after the final notice under Subsection

1493 [~~10-2-108~~] [10-2a-207](#)(3) has been given with respect to the revised feasibility study; and

1494 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
1495 signature requirements under Subsection [~~10-2-109~~] [10-2a-208](#)(2)(a) for a petition based on the  
1496 revised feasibility study.

1497 Section 29. Section **10-2a-206**, which is renumbered from Section 10-2-107 is  
1498 renumbered and amended to read:

1499 [~~10-2-107~~]. **10-2a-206**. **Modified request for feasibility study -- Supplemental**  
1500 **feasibility study.**

1501 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of  
1502 the proposed city and then refile the request, as modified, with the county clerk if:

1503 (A) the results of the feasibility study do not meet the requirements of Subsection  
1504 [~~10-2-109~~] [10-2a-208](#)(3); or

1505 (B) (I) the request meets the conditions of Subsection [~~10-2-103~~] [10-2a-202](#)(4)(b);

1506 (II) the annexation petition that proposed the annexation of an area that is part of the  
1507 area proposed for incorporation has been denied; and

1508 (III) an incorporation petition based on the request has not been filed.

1509 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than  
1510 90 days after the feasibility consultant's submission of the results of the study.

1511 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18  
1512 months after the filing of the original request under Section [~~10-2-103~~] [10-2a-202](#).

1513 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)  
1514 shall comply with the requirements of Subsections [~~10-2-103~~] [10-2a-202](#)(2), (3), (4), and (5).

1515 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section

1516 [~~10-2-103~~] 10-2a-202 may be used toward fulfilling the signature requirement of Subsection  
1517 [~~10-2-103~~] 10-2a-202(2)(a) for the request as modified under Subsection (1)(a), unless the  
1518 modified request proposes the incorporation of an area that is more than 20% greater or smaller  
1519 than the area described by the original request in terms of:

- 1520 (A) private land area; or
- 1521 (B) value of private real property.

1522 (2) Within 20 days after the county clerk's receipt of the modified request, the county  
1523 clerk shall follow the same procedure for the modified request as provided under Subsection  
1524 [~~10-2-105~~] 10-2a-204(1) for an original request.

1525 (3) The timely filing of a modified request under Subsection (1) gives the modified  
1526 request the same processing priority under Subsection [~~10-2-105~~] 10-2a-204(2) as the original  
1527 request.

1528 (4) Within 10 days after the county legislative body's receipt of a certified modified  
1529 request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection  
1530 (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the  
1531 county legislative body shall commission the feasibility consultant who conducted the  
1532 feasibility study to supplement the feasibility study to take into account the information in the  
1533 modified request that was not included in the original request.

1534 (5) The county legislative body shall require the feasibility consultant to complete the  
1535 supplemental feasibility study and to submit written results of the supplemental study to the  
1536 county legislative body and to the contact sponsor no later than 30 days after the feasibility  
1537 consultant is commissioned to conduct the supplemental feasibility study.

1538 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study  
1539 do not meet the requirements of Subsection [~~10-2-109~~] 10-2a-208(3):

- 1540 (i) the sponsors may file a further modified request as provided in Subsection (1); and
- 1541 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection  
1542 (6)(a)(i).

1543 (b) A further modified request under Subsection (6)(a) shall, for purposes of its  
1544 processing priority, be considered as an original request for a feasibility study under Section  
1545 [~~10-2-103~~] 10-2a-202.

1546 Section 30. Section **10-2a-207**, which is renumbered from Section 10-2-108 is

1547 renumbered and amended to read:

1548 ~~[10-2-108]~~. **10-2a-207. Public hearings on feasibility study results -- Notice of**  
1549 **hearings.**

1550 (1) If the results of the feasibility study or supplemental feasibility study meet the  
1551 requirements of Subsection ~~[10-2-109]~~ [10-2a-208](#)(3), the county legislative body shall, at its  
1552 next regular meeting after receipt of the results of the feasibility study or supplemental  
1553 feasibility study, schedule at least two public hearings to be held:

1554 (a) within the following 60 days;

1555 (b) at least seven days apart;

1556 (c) in geographically diverse locations within the proposed city; and

1557 (d) for the purpose of allowing:

1558 (i) the feasibility consultant to present the results of the study; and

1559 (ii) the public to become informed about the feasibility study results and to ask  
1560 questions about those results of the feasibility consultant.

1561 (2) At a public hearing described in Subsection (1), the county legislative body shall:

1562 (a) provide a map or plat of the boundary of the proposed city;

1563 (b) provide a copy of the feasibility study for public review; and

1564 (c) allow the public to express its views about the proposed incorporation, including its  
1565 view about the proposed boundary.

1566 (3) (a) (i) The county clerk shall publish notice of the public hearings required under  
1567 Subsection (1):

1568 (A) at least once a week for three successive weeks in a newspaper of general  
1569 circulation within the proposed city; and

1570 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

1571 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at  
1572 least three days before the first public hearing required under Subsection (1).

1573 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation  
1574 within the proposed city, the county clerk shall post at least one notice of the hearings per  
1575 1,000 population in conspicuous places within the proposed city that are most likely to give  
1576 notice of the hearings to the residents of the proposed city.

1577 (ii) The clerk shall post the notices under Subsection (3)(b)(i) at least seven days before

1578 the first hearing under Subsection (1).

1579 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study  
1580 summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and shall indicate that a full copy of the  
1581 study is available for inspection and copying at the office of the county clerk.

1582 Section 31. Section **10-2a-208**, which is renumbered from Section 10-2-109 is  
1583 renumbered and amended to read:

1584 [~~10-2-109~~]. **10-2a-208. Incorporation petition -- Requirements and form.**

1585 (1) At any time within one year of the completion of the public hearings required under  
1586 Subsection [~~10-2-108~~] 10-2a-207(1), a petition for incorporation of the area proposed to be  
1587 incorporated as a city may be filed in the office of the clerk of the county in which the area is  
1588 located.

1589 (2) Each petition under Subsection (1) shall:

1590 (a) be signed by:

1591 (i) 10% of all registered voters within the area proposed to be incorporated as a city,  
1592 according to the official voter registration list maintained by the county on the date the petition  
1593 is filed; and

1594 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting  
1595 precincts within the area proposed to be incorporated as a city, according to the official voter  
1596 registration list maintained by the county on the date the petition is filed;

1597 (b) indicate the typed or printed name and current residence address of each owner  
1598 signing the petition;

1599 (c) describe the area proposed to be incorporated as a city, as described in the  
1600 feasibility study request or modified request that meets the requirements of Subsection (3);

1601 (d) state the proposed name for the proposed city;

1602 (e) designate five signers of the petition as petition sponsors, one of whom shall be  
1603 designated as the contact sponsor, with the mailing address and telephone number of each;

1604 (f) state that the signers of the petition appoint the sponsors, if the incorporation  
1605 measure passes, to represent the signers in the process of:

1606 (i) selecting the number of commission or council members the new city will have; and

1607 (ii) drawing district boundaries for the election of commission or council members, if  
1608 the voters decide to elect commission or council members by district;

1609 (g) be accompanied by and circulated with an accurate plat or map, prepared by a  
1610 licensed surveyor, showing the boundaries of the proposed city; and

1611 (h) substantially comply with and be circulated in the following form:

1612 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
1613 city)

1614 To the Honorable County Legislative Body of (insert the name of the county in which  
1615 the proposed city is located) County, Utah:

1616 We, the undersigned owners of real property within the area described in this petition,  
1617 respectfully petition the county legislative body to submit to the registered voters residing  
1618 within the area described in this petition, at the next regular general election, the question of  
1619 whether the area should incorporate as a city. Each of the undersigned affirms that each has  
1620 personally signed this petition and is an owner of real property within the described area, and  
1621 that the current residence address of each is correctly written after the signer's name. The area  
1622 proposed to be incorporated as a city is described as follows: (insert an accurate description of  
1623 the area proposed to be incorporated).

1624 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless  
1625 the results of the feasibility study or supplemental feasibility study show that the average  
1626 annual amount of revenue under Subsection [~~10-2-106~~] [10-2a-205\(4\)\(a\)\(v\)](#) does not exceed the  
1627 average annual amount of cost under Subsection [~~10-2-106~~] [10-2a-205\(4\)\(a\)\(iv\)](#) by more than  
1628 5%.

1629 (4) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) or a modified request  
1630 under Section [~~10-2-107~~] [10-2a-206](#) may be used toward fulfilling the signature requirement of  
1631 Subsection (2)(a):

1632 (a) if the request under Section [~~10-2-103~~] [10-2a-202](#) or modified request under  
1633 Section [~~10-2-107~~] [10-2a-206](#) notified the signer in conspicuous language that the signature,  
1634 unless withdrawn, would also be used for purposes of a petition for incorporation under this  
1635 section; and

1636 (b) unless the signer files with the county clerk a written withdrawal of the signature  
1637 before the petition under this section is filed with the clerk.

1638 (5) (a) A signature does not qualify as a signature to meet the requirement described in  
1639 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

- 1640 (i) is not located entirely within the boundaries of the proposed city; or
- 1641 (ii) includes less than 50 registered voters.
- 1642 (b) A voting precinct that is not located entirely within the boundaries of the proposed
- 1643 city does not qualify as a voting precinct to meet the precinct requirements of Subsection
- 1644 (2)(a)(ii).

1645 Section 32. Section **10-2a-209**, which is renumbered from Section 10-2-110 is

1646 renumbered and amended to read:

1647 ~~[10-2-110]~~. **10-2a-209. Processing of petition by county clerk -- Certification or**

1648 **rejection -- Processing priority.**

1649 (1) Within 45 days of the filing of a petition under Section [~~10-2-109~~] 10-2a-208, the

1650 county clerk shall:

1651 (a) with the assistance of other county officers from whom the clerk requests

1652 assistance, determine whether the petition meets the requirements of Section [~~10-2-109~~]

1653 10-2a-208; and

1654 (b) (i) if the clerk determines that the petition meets those requirements, certify the

1655 petition, deliver it to the county legislative body, and notify in writing the contact sponsor of

1656 the certification; or

1657 (ii) if the clerk determines that the petition fails to meet any of those requirements,

1658 reject the petition and notify the contact sponsor in writing of the rejection and the reasons for

1659 the rejection.

1660 (2) (a) If the county clerk rejects a petition under Subsection (1)(b)(ii), the petition may

1661 be modified to correct the deficiencies for which it was rejected and then refiled with the

1662 county clerk.

1663 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days

1664 after the county clerk notifies the contact sponsor under Subsection (1)(b)(ii), even though the

1665 modified petition is filed after the expiration of the deadline provided in Subsection [~~10-2-109~~]

1666 10-2a-208(1).

1667 (c) A signature on an incorporation petition under Section [~~10-2-109~~] 10-2a-208 may

1668 be used toward fulfilling the signature requirement of Subsection [~~10-2-109~~] 10-2a-208(2)(a)

1669 for the petition as modified under Subsection (2)(a).

1670 (3) (a) Within 20 days of the county clerk's receipt of a modified petition under

1671 Subsection (2)(a), the county clerk shall follow the same procedure for the modified petition as  
1672 provided under Subsection (1) for an original petition.

1673 (b) If a county clerk rejects a modified petition under Subsection (1)(b)(ii), no further  
1674 modification of that petition may be filed.

1675 Section 33. Section **10-2a-210**, which is renumbered from Section 10-2-111 is  
1676 renumbered and amended to read:

1677 ~~[10-2-111]~~. **10-2a-210. Incorporation election.**

1678 (1) (a) Upon receipt of a certified petition under Subsection ~~[10-2-110]~~  
1679 [10-2a-209](#)(1)(b)(i) or a certified modified petition under Subsection ~~[10-2-110]~~ [10-2a-209](#)(3),  
1680 the county legislative body shall determine and set an election date for the incorporation  
1681 election that is:

1682 (i) (A) on a general election date under Section [20A-1-201](#); or  
1683 (B) on a local special election date under Section [20A-1-203](#); and  
1684 (ii) at least 65 days after the day that the legislative body receives the certified petition.

1685 (b) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),  
1686 within the boundaries of the proposed city, the person may not vote on the proposed  
1687 incorporation.

1688 (2) (a) The county clerk shall publish notice of the election:

1689 (i) in a newspaper of general circulation within the area proposed to be incorporated at  
1690 least once a week for three successive weeks; and

1691 (ii) in accordance with Section [45-1-101](#) for three weeks.

1692 (b) The notice required by Subsection (2)(a) shall contain:

1693 (i) a statement of the contents of the petition;

1694 (ii) a description of the area proposed to be incorporated as a city;

1695 (iii) a statement of the date and time of the election and the location of polling places;

1696 and

1697 (iv) the feasibility study summary under Subsection ~~[10-2-106]~~ [10-2a-205](#)(3)(b) and a  
1698 statement that a full copy of the study is available for inspection and copying at the office of  
1699 the county clerk.

1700 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
1701 one day but no more than seven days before the election.

1702 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
1703 circulation within the proposed city, the county clerk shall post at least one notice of the  
1704 election per 1,000 population in conspicuous places within the proposed city that are most  
1705 likely to give notice of the election to the voters of the proposed city.

1706 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
1707 the election under Subsection (1).

1708 (3) If a majority of those casting votes within the area boundaries of the proposed city  
1709 vote to incorporate as a city, the area shall incorporate.

1710 Section 34. Section **10-2a-211**, which is renumbered from Section 10-2-112 is  
1711 renumbered and amended to read:

1712 ~~[10-2-112]~~. **10-2a-211. Ballot used at the incorporation election.**

1713 (1) The ballot at the incorporation election under Subsection ~~[10-2-111]~~ 10-2a-210(1)  
1714 shall pose the incorporation question substantially as follows:

1715 Shall the area described as (insert a description of the proposed city) be incorporated as  
1716 the city of (insert the proposed name of the proposed city)?

1717 (2) The ballot shall provide a space for the voter to answer yes or no to the question in  
1718 Subsection (1).

1719 (3) (a) The ballot at the incorporation election shall also pose the question relating to  
1720 the form of government substantially as follows:

1721 If the above incorporation proposal passes, under what form of municipal government  
1722 shall (insert the name of the proposed city) operate? Vote for one:

1723 Five-member council form

1724 Six-member council form

1725 Five-member council-mayor form

1726 Seven-member council-mayor form.

1727 (b) The ballot shall provide a space for the voter to vote for one form of government.

1728 (4) (a) The ballot at the incorporation election shall also pose the question of whether  
1729 to elect city council members by district substantially as follows:

1730 If the above incorporation proposal passes, shall members of the city council of (insert  
1731 the name of the proposed city) be elected by district?

1732 (b) The ballot shall provide a space for the voter to answer yes or no to the question in

1733 Subsection (4)(a).

1734 Section 35. Section **10-2a-212**, which is renumbered from Section 10-2-113 is  
1735 renumbered and amended to read:

1736 ~~[10-2-113]~~. **10-2a-212. Notification to lieutenant governor of incorporation**  
1737 **election results.**

1738 Within 10 days of the canvass of the incorporation election, the county clerk shall send  
1739 written notice to the lieutenant governor of:

1740 (1) the results of the election; and

1741 (2) if the incorporation measure passes:

1742 (a) the name of the city; and

1743 (b) the class of the city as provided under Section [10-2-301](#).

1744 Section 36. Section **10-2a-213**, which is renumbered from Section 10-2-114 is  
1745 renumbered and amended to read:

1746 ~~[10-2-114]~~. **10-2a-213. Determination of number of council members --**  
1747 **Determination of election districts -- Hearings and notice.**

1748 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
1749 the canvass of the election under Section ~~[10-2-111]~~ [10-2a-210](#):

1750 (a) if the voters at the incorporation election choose the council-mayor form of  
1751 government, determine the number of council members that will constitute the council of the  
1752 future city;

1753 (b) if the voters at the incorporation election vote to elect council members by district,  
1754 determine the number of council members to be elected by district and draw the boundaries of  
1755 those districts, which shall be substantially equal in population;

1756 (c) determine the initial terms of the mayor and members of the city council so that:

1757 (i) the mayor and approximately half the members of the city council are elected to  
1758 serve an initial term, of no less than one year, that allows their successors to serve a full  
1759 four-year term that coincides with the schedule established in Subsection [10-3-205\(1\)](#); and

1760 (ii) the remaining members of the city council are elected to serve an initial term, of no  
1761 less than one year, that allows their successors to serve a full four-year term that coincides with  
1762 the schedule established in Subsection [10-3-205\(2\)](#); and

1763 (d) submit in writing to the county legislative body the results of the sponsors'

1764 determinations under Subsections (1)(a), (b), and (c).

1765 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition  
1766 sponsors shall hold a public hearing within the future city on the applicable issues under  
1767 Subsections (1)(a), (b), and (c).

1768 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection  
1769 (2)(a):

1770 (A) in a newspaper of general circulation within the future city at least once a week for  
1771 two successive weeks before the hearing; and

1772 (B) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
1773 before the hearing.

1774 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three  
1775 days before the public hearing under Subsection (2)(a).

1776 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general  
1777 circulation within the future city, the petition sponsors shall post at least one notice of the  
1778 hearing per 1,000 population in conspicuous places within the future city that are most likely to  
1779 give notice of the hearing to the residents of the future city.

1780 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven  
1781 days before the hearing under Subsection (2)(a).

1782 Section 37. Section 10-2a-214, which is renumbered from Section 10-2-115 is  
1783 renumbered and amended to read:

1784 ~~[10-2-115]~~. **10-2a-214. Notice of number of commission or council members to**  
1785 **be elected and of district boundaries -- Declaration of candidacy for city office.**

1786 (1) (a) Within 20 days of the county legislative body's receipt of the information under  
1787 Subsection ~~[10-2-114]~~ 10-2a-213(1)(d), the county clerk shall publish, in accordance with  
1788 Subsection (1)(b), notice containing:

1789 (i) the number of commission or council members to be elected for the new city;

1790 (ii) if some or all of the commission or council members are to be elected by district, a  
1791 description of the boundaries of those districts as designated by the petition sponsors under  
1792 Subsection ~~[10-2-114]~~ 10-2a-213(1)(b);

1793 (iii) information about the deadline for filing a declaration of candidacy for those  
1794 seeking to become candidates for mayor or city commission or council; and

- 1795 (iv) information about the length of the initial term of each of the city officers, as  
1796 determined by the petition sponsors under Subsection [~~10-2-114~~] [10-2a-213](#)(1)(c).
- 1797 (b) The notice under Subsection (1)(a) shall be published:
- 1798 (i) in a newspaper of general circulation within the future city at least once a week for  
1799 two successive weeks; and
- 1800 (ii) in accordance with Section [45-1-101](#) for two weeks.
- 1801 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general  
1802 circulation within the future city, the county clerk shall post at least one notice per 1,000  
1803 population in conspicuous places within the future city that are most likely to give notice to the  
1804 residents of the future city.
- 1805 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under  
1806 Subsection (1)(a).
- 1807 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least  
1808 seven days before the deadline for filing a declaration of candidacy under Subsection (2).
- 1809 (2) Notwithstanding Subsection [20A-9-203](#)(2)(a), each person seeking to become a  
1810 candidate for mayor or city commission or council of a city incorporating under this part shall,  
1811 within 45 days of the incorporation election under Section [~~10-2-111~~] [10-2a-210](#), file a  
1812 declaration of candidacy with the clerk of the county in which the future city is located.
- 1813 Section 38. Section **10-2a-215**, which is renumbered from Section 10-2-116 is  
1814 renumbered and amended to read:
- 1815 **~~[10-2-116]~~. [10-2a-215](#). Election of officers of new city.**
- 1816 (1) For the election of city officers, the county legislative body shall:
- 1817 (a) unless a primary election is prohibited by Subsection [20A-9-404](#)(2), hold a primary  
1818 election; and
- 1819 (b) hold a final election.
- 1820 (2) Each election under Subsection (1) shall be:
- 1821 (a) appropriate to the form of government chosen by the voters at the incorporation  
1822 election;
- 1823 (b) consistent with the voters' decision about whether to elect commission or council  
1824 members by district and, if applicable, consistent with the boundaries of those districts as  
1825 determined by the petition sponsors; and

1826 (c) consistent with the sponsors' determination of the number of commission or council  
1827 members to be elected and the length of their initial term.

1828 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1829 be held at the earliest of the next:

1830 (i) regular general election under Section [20A-1-201](#);

1831 (ii) municipal primary election under Section [20A-9-404](#);

1832 (iii) municipal general election under Section [20A-1-202](#); or

1833 (iv) special election under Section [20A-1-204](#).

1834 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)  
1835 may not be held until 75 days after the incorporation election under Section [~~10-2-111~~]  
1836 [10-2a-210](#).

1837 (4) The final election under Subsection (1)(b) shall be held at the next special election  
1838 date under Section [20A-1-204](#):

1839 (a) after the primary election; or

1840 (b) if there is no primary election, more than 75 days after the incorporation election  
1841 under Section [~~10-2-111~~] [10-2a-210](#).

1842 (5) (a) (i) The county clerk shall publish notice of an election under this section:

1843 (A) at least once a week for two successive weeks in a newspaper of general circulation  
1844 within the future city; and

1845 (B) in accordance with Section [45-1-101](#) for two weeks.

1846 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more  
1847 than seven days before the election.

1848 (b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general  
1849 circulation within the future city, the county clerk shall post at least one notice of the election  
1850 per 1,000 population in conspicuous places within the future city that are most likely to give  
1851 notice of the election to the voters.

1852 (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven  
1853 days before each election under Subsection (1).

1854 (6) Until the city is incorporated, the county clerk is the election officer for all purposes  
1855 in an election of officers of the city approved at an incorporation election.

1856 Section 39. Section [10-2a-216](#), which is renumbered from Section 10-2-117 is

1857 renumbered and amended to read:

1858           ~~[10-2-117]~~.    **10-2a-216. Notification to lieutenant governor of election of city**  
1859 **officers.**

1860           Within 10 days of the canvass of the final election of city officers under Section  
1861 ~~[10-2-116]~~ [10-2a-215](#), the county clerk shall send written notice to the lieutenant governor of  
1862 the name and position of each officer elected and the term for which each has been elected.

1863           Section 40. Section **10-2a-217**, which is renumbered from Section 10-2-119 is  
1864 renumbered and amended to read:

1865           ~~[10-2-119]~~.    **10-2a-217. Filing of notice and approved final local entity plat with**  
1866 **lieutenant governor -- Effective date of incorporation -- Necessity of recording documents**  
1867 **and effect of not recording.**

1868           (1) The mayor-elect of the future city shall:

1869           (a) within 30 days after the canvass of the final election of city officers under Section  
1870 ~~[10-2-116]~~ [10-2a-215](#), file with the lieutenant governor:

1871           (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
1872 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

1873           (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

1874           (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
1875 Section [67-1a-6.5](#):

1876           (i) if the city is located within the boundary of a single county, submit to the recorder  
1877 of that county the original:

1878           (A) notice of an impending boundary action;

1879           (B) certificate of incorporation; and

1880           (C) approved final local entity plat; or

1881           (ii) if the city is located within the boundaries of more than a single county, submit the  
1882 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
1883 counties and a certified copy of those documents to each other county.

1884           (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a  
1885 certificate of incorporation under Section [67-1a-6.5](#).

1886           (b) Notwithstanding any other provision of law, a city is conclusively presumed to be  
1887 lawfully incorporated and existing if, for two years following the city's incorporation:

1888 (i) (A) the city has levied and collected a property tax; or  
1889 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use  
1890 tax; and

1891 (ii) no challenge to the existence or incorporation of the city has been filed in the  
1892 district court for the county in which the city is located.

1893 (3) (a) The effective date of an incorporation for purposes of assessing property within  
1894 the new city is governed by Section [59-2-305.5](#).

1895 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
1896 recorder of each county in which the property is located, a newly incorporated city may not:

1897 (i) levy or collect a property tax on property within the city;

1898 (ii) levy or collect an assessment on property within the city; or

1899 (iii) charge or collect a fee for service provided to property within the city.

1900 Section 41. Section **10-2a-218**, which is renumbered from Section 10-2-120 is  
1901 renumbered and amended to read:

1902 ~~[10-2-120]~~. **10-2a-218. Powers of officers-elect.**

1903 (1) Upon the canvass of the final election of city officers under Section ~~[10-2-116]~~  
1904 [10-2a-215](#) and until the future city becomes legally incorporated, the officers of the future city  
1905 may:

1906 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,  
1907 a proposed budget and compilation of ordinances;

1908 (b) negotiate and make personnel contracts and hirings;

1909 (c) negotiate and make service contracts;

1910 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1911 (e) borrow funds from the county in which the future city is located under Subsection  
1912 ~~[10-2-121]~~ [10-2a-219](#)(3);

1913 (f) borrow funds for startup expenses of the future city;

1914 (g) issue tax anticipation notes in the name of the future city; and

1915 (h) make appointments to the city's planning commission.

1916 (2) The city's legislative body shall review and ratify each contract made by the  
1917 officers-elect under Subsection (1) within 30 days after the effective date of incorporation  
1918 under Section ~~[10-2-119]~~ [10-2a-217](#).

1919 Section 42. Section **10-2a-219**, which is renumbered from Section 10-2-121 is  
1920 renumbered and amended to read:

1921 ~~[10-2-121]~~. **10-2a-219. Division of municipal-type services revenues -- County**  
1922 **may provide startup funds.**

1923 (1) The county in which an area incorporating under this part is located shall, until the  
1924 date of the city's incorporation under Section ~~[10-2-119]~~ [10-2a-217](#), continue:

1925 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to  
1926 the future city; and

1927 (b) except as otherwise agreed by the county and the officers-elect of the city, to  
1928 provide the same services to the future city as the county provided before the commencement  
1929 of the incorporation proceedings.

1930 (2) (a) The legislative body of the county in which a newly incorporated city is located  
1931 shall share pro rata with the new city, based on the date of incorporation, the taxes and service  
1932 charges or fees levied and collected by the county under Section [17-34-3](#) during the year of the  
1933 new city's incorporation if and to the extent that the new city provides, by itself or by contract,  
1934 the same services for which the county levied and collected the taxes and service charges or  
1935 fees.

1936 (b) (i) The legislative body of a county in which a city incorporated after January 1,  
1937 2004, is located may share with the new city taxes and service charges or fees that were levied  
1938 and collected by the county under Section [17-34-3](#):

1939 (A) before the year of the new city's incorporation;

1940 (B) from the previously unincorporated area that, because of the city's incorporation, is  
1941 located within the boundaries of the newly incorporated city; and

1942 (C) for the purpose of providing services to the area that before the new city's  
1943 incorporation was unincorporated.

1944 (ii) A county legislative body may share taxes and service charges or fees under  
1945 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts  
1946 due under a contract for municipal-type services provided by the county to the new city.

1947 (3) (a) The legislative body of a county in which an area incorporating under this part is  
1948 located may appropriate county funds to:

1949 (i) before incorporation but after the canvass of the final election of city officers under

1950 Section [~~10-2-116~~] [10-2a-215](#), the officers-elect of the future city to pay startup expenses of the  
1951 future city; or

1952 (ii) after incorporation, the new city.

1953 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a  
1954 grant, a loan, or as an advance against future distributions under Subsection (2).

1955 Section 43. Section **10-2a-220**, which is renumbered from Section 10-2-123 is  
1956 renumbered and amended to read:

1957 ~~[10-2-123]~~. **10-2a-220. Costs of incorporation.**

1958 (1) Subject to Subsection (2), all costs of the incorporation proceeding, including  
1959 request certification, feasibility study, petition certification, publication of notices, public  
1960 hearings, and elections, shall be paid by the county in which the proposed city is located.

1961 (2) If incorporation occurs, the new municipality shall reimburse the county for the  
1962 costs of the notices and hearing under Section [~~10-2-114~~] [10-2a-213](#), the notices and elections  
1963 under Section [~~10-2-116~~] [10-2a-215](#), and all other incorporation activities occurring after the  
1964 elections under Section [~~10-2-116~~] [10-2a-215](#).

1965 Section 44. Section **10-2a-221**, which is renumbered from Section 10-2-124 is  
1966 renumbered and amended to read:

1967 ~~[10-2-124]~~. **10-2a-221. Incorporation petition or feasibility study before May 8,**  
1968 **2012.**

1969 (1) A party with a petition in process as of January 1, 2012, and not yet filed for final  
1970 certification with the county clerk in accordance with Section [~~10-2-110~~] [10-2a-209](#) as of May  
1971 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as  
1972 provided in Subsection (3).

1973 (2) A party described in Subsection (1) may use a signature on a petition in process as  
1974 of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012.

1975 (3) If on or before May 8, 2012, a feasibility study has been completed for a party  
1976 described in Subsection (1):

1977 (a) the completed feasibility study shall fulfill the requirements of this section; and

1978 (b) the party is not required to request a new feasibility study.

1979 Section 45. Section **10-2a-301** is enacted to read:

1980 **Part 3. Incorporation of a Town**

1981 **10-2a-301. Title.**

1982 This part is known as "Incorporation of a Town."

1983 Section 46. Section **10-2a-302**, which is renumbered from Section 10-2-125 is  
1984 renumbered and amended to read:

1985 ~~[10-2-125].~~ **10-2a-302. Incorporation of a town -- Petition.**

1986 (1) As used in this section:

1987 (a) "Assessed value," with respect to agricultural land, means the value at which the  
1988 land would be assessed without regard to a valuation for agricultural use under Section

1989 [59-2-503](#).

1990 ~~[(c)]~~ (b) "Feasibility consultant" means a person or firm:

1991 (i) with expertise in the processes and economics of local government; and

1992 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
1993 incorporate.

1994 ~~[(b)]~~ (c) "Financial feasibility study" means a study described in Subsection (7).

1995 (d) "Municipal service" means a publicly provided service that is not provided on a  
1996 countywide basis.

1997 (e) "Nonurban" means having a residential density of less than one unit per acre.

1998 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of  
1999 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

2000 (ii) An area within a county of the first class is not contiguous for purposes of

2001 Subsection (2)(a)(i) if:

2002 (A) the area includes a strip of land that connects geographically separate areas; and

2003 (B) the distance between the geographically separate areas is greater than the average  
2004 width of the strip of land connecting the geographically separate areas.

2005 (b) The population figure under Subsection (2)(a) shall be determined:

2006 (i) as of the date the incorporation petition is filed; and

2007 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's  
2008 certification under Subsection (6) of a petition filed under Subsection (4).

2009 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to  
2010 incorporate the area as a town with the clerk of the county in which the area is located.

2011 (b) A petition under Subsection (3)(a) shall:

- 2012 (i) be signed by:
- 2013 (A) the owners of private real property that:
- 2014 (I) is located within the area proposed to be incorporated; and
- 2015 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real
- 2016 property within the area; and
- 2017 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,
- 2018 according to the official voter registration list maintained by the county on the date the petition
- 2019 is filed;
- 2020 (ii) designate as sponsors at least five of the property owners who have signed the
- 2021 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
- 2022 each owner signing as a sponsor;
- 2023 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
- 2024 licensed surveyor, showing a legal description of the boundary of the proposed town; and
- 2025 (iv) substantially comply with and be circulated in the following form:
- 2026 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
- 2027 town)
- 2028 To the Honorable County Legislative Body of (insert the name of the county in which
- 2029 the proposed town is located) County, Utah:
- 2030 We, the undersigned owners of real property and registered voters within the area
- 2031 described in this petition, respectfully petition the county legislative body to submit to the
- 2032 registered voters residing within the area described in this petition, at the next regular general
- 2033 election, the question of whether the area should incorporate as a town. Each of the
- 2034 undersigned affirms that each has personally signed this petition and is an owner of real
- 2035 property or a registered voter residing within the described area, and that the current residence
- 2036 address of each is correctly written after the signer's name. The area proposed to be
- 2037 incorporated as a town is described as follows: (insert an accurate description of the area
- 2038 proposed to be incorporated).
- 2039 (c) A petition under this Subsection (3) may not describe an area that includes some or
- 2040 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:
- 2041 (i) was filed before the filing of the petition; and
- 2042 (ii) is still pending on the date the petition is filed.

2043 (d) A petition may not be filed under this section if the private real property owned by  
2044 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the  
2045 total private land area within the area proposed to be incorporated as a town.

2046 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,  
2047 reinstate the signer's signature on the petition:

2048 (i) at any time until the county clerk certifies the petition under Subsection (5); and

2049 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

2050 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town  
2051 an area located within a county of the first class, the county clerk shall deliver written notice of  
2052 the proposed incorporation:

2053 (i) to each owner of private real property owning more than 1% of the assessed value  
2054 of all private real property within the area proposed to be incorporated as a town; and

2055 (ii) within seven calendar days after the date on which the petition is filed.

2056 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or  
2057 part of the owner's property from the area proposed to be incorporated as a town by filing a  
2058 notice of exclusion:

2059 (i) with the county clerk; and

2060 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

2061 (c) The county legislative body shall exclude from the area proposed to be incorporated  
2062 as a town the property identified in the notice of exclusion under Subsection (4)(b) if:

2063 (i) the property:

2064 (A) is nonurban; and

2065 (B) does not and will not require a municipal service; and

2066 (ii) exclusion will not leave an unincorporated island within the proposed town.

2067 (d) If the county legislative body excludes property from the area proposed to be  
2068 incorporated as a town, the county legislative body shall send written notice of the exclusion to  
2069 the contact sponsor within five days after the exclusion.

2070 (5) No later than 20 days after the filing of a petition under Subsection (3), the county  
2071 clerk shall:

2072 (a) with the assistance of other county officers from whom the clerk requests  
2073 assistance, determine whether the petition complies with the requirements of Subsection (3);

2074 and

2075 (b) (i) if the clerk determines that the petition complies with those requirements:

2076 (A) certify the petition and deliver the certified petition to the county legislative body;

2077 and

2078 (B) mail or deliver written notification of the certification to:

2079 (I) the contact sponsor;

2080 (II) if applicable, the chair of the planning commission of each [township] planning  
2081 district in which any part of the area proposed for incorporation is located; and

2082 (III) the Utah Population Estimates Committee; or

2083 (ii) if the clerk determines that the petition fails to comply with any of those  
2084 requirements, reject the petition and notify the contact sponsor in writing of the rejection and  
2085 the reasons for the rejection.

2086 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to  
2087 correct a deficiency for which it was rejected and then refiled with the county clerk.

2088 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward  
2089 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended  
2090 under Subsection (6)(a)(i) and then refiled with the county clerk.

2091 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been  
2092 rejected by the county clerk under Subsection (5)(b)(ii):

2093 (i) the amended petition shall be considered as a newly filed petition; and

2094 (ii) the amended petition's processing priority is determined by the date on which it is  
2095 refiled.

2096 (7) (a) (i) The legislative body of a county with which a petition is filed under  
2097 Subsection (4) and certified under Subsection (6) shall commission and pay for a financial  
2098 feasibility study.

2099 (ii) The feasibility consultant shall be chosen:

2100 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection  
2101 (3)(b)(ii), with the consent of the county; or

2102 (II) by the county if the contact sponsor states, in writing, that the sponsor defers  
2103 selection of the feasibility consultant to the county; and

2104 (B) in accordance with applicable county procurement procedure.

2105 (iii) The county legislative body shall require the feasibility consultant to complete the  
2106 financial feasibility study and submit written results of the study to the county legislative body  
2107 no later than 30 days after the feasibility consultant is engaged to conduct the financial  
2108 feasibility study.

2109 (b) The financial feasibility study shall consider the:

2110 (i) population and population density within the area proposed for incorporation and  
2111 the surrounding area;

2112 (ii) current and five-year projections of demographics and economic base in the  
2113 proposed town and surrounding area, including household size and income, commercial and  
2114 industrial development, and public facilities;

2115 (iii) projected growth in the proposed town and in adjacent areas during the next five  
2116 years;

2117 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,  
2118 including overhead, of governmental services in the proposed town, including:

2119 (A) culinary water;

2120 (B) secondary water;

2121 (C) sewer;

2122 (D) law enforcement;

2123 (E) fire protection;

2124 (F) roads and public works;

2125 (G) garbage;

2126 (H) weeds; and

2127 (I) government offices;

2128 (v) assuming the same tax categories and tax rates as currently imposed by the county  
2129 and all other current service providers, the present and five-year projected revenue for the  
2130 proposed town; and

2131 (vi) a projection of any new taxes per household that may be levied within the  
2132 incorporated area within five years of incorporation.

2133 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a  
2134 level and quality of governmental services to be provided to the proposed town in the future  
2135 that fairly and reasonably approximate the level and quality of governmental services being

2136 provided to the proposed town at the time of the feasibility study.

2137 (ii) In determining the present cost of a governmental service, the feasibility consultant  
2138 shall consider:

2139 (A) the amount it would cost the proposed town to provide governmental service for  
2140 the first five years after incorporation; and

2141 (B) the county's present and five-year projected cost of providing governmental  
2142 service.

2143 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation  
2144 and anticipated growth.

2145 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year  
2146 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall  
2147 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
2148 governor.

2149 (e) The county legislative body shall approve a certified petition proposing the  
2150 incorporation of a town and hold a public hearing as provided in Section [~~10-2-126~~] 10-2a-303.

2151 Section 47. Section **10-2a-303**, which is renumbered from Section 10-2-126 is  
2152 renumbered and amended to read:

2153 [~~10-2-126~~]. **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

2154 (1) If, in accordance with Section [~~10-2-125~~] 10-2a-302, the county clerk certifies a  
2155 petition for incorporation or an amended petition for incorporation, the county legislative body  
2156 shall, at its next regular meeting after completion of the feasibility study, schedule a public  
2157 hearing to:

2158 (a) be held no later than 60 days after the day on which the feasibility study is  
2159 completed; and

2160 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for  
2161 the proposed town.

2162 (2) The county legislative body shall give notice of the public hearing on the proposed  
2163 incorporation by:

2164 (a) posting notice of the public hearing on the county's Internet website, if the county  
2165 has an Internet website;

2166 (b) (i) publishing notice of the public hearing at least once a week for two consecutive

2167 weeks in a newspaper of general circulation within the proposed town; or

2168 (ii) if there is no newspaper of general circulation within the proposed town, posting  
2169 notice of the public hearing in at least five conspicuous public places within the proposed  
2170 town; and

2171 (c) publishing notice of the public hearing on the Utah Public Notice Website created  
2172 in Section [63F-1-701](#).

2173 (3) At the public hearing scheduled in accordance with Subsection (1), the county  
2174 legislative body shall:

2175 (a) (i) provide a copy of the feasibility study; and

2176 (ii) present the results of the feasibility study to the public; and

2177 (b) allow the public to:

2178 (i) review the map or plat of the boundary of the proposed town;

2179 (ii) ask questions and become informed about the proposed incorporation; and

2180 (iii) express its views about the proposed incorporation, including their views about the  
2181 boundary of the area proposed to be incorporated.

2182 (4) A county may not hold an election on the incorporation of a town in accordance  
2183 with Section [~~10-2-127~~] [10-2a-304](#) if the results of the feasibility study show that the five-year  
2184 projected revenues under Subsection [~~10-2-125~~] [10-2a-302\(7\)\(b\)\(v\)](#) exceed the five-year  
2185 projected costs under Subsection [~~10-2-125~~] [10-2a-302\(7\)\(b\)\(iv\)](#) by more than 10%.

2186 Section 48. Section **10-2a-304**, which is renumbered from Section 10-2-127 is  
2187 renumbered and amended to read:

2188 [~~10-2-127~~]. **10-2a-304. Incorporation of a town -- Election to incorporate --**  
2189 **Ballot form.**

2190 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a  
2191 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] [Section 10-2a-302](#), the  
2192 county legislative body shall determine and set an election date for the incorporation election  
2193 that is:

2194 (i) (A) on a general election date under Section [20A-1-201](#); or

2195 (B) on a local special election date under Section [20A-1-203](#); and

2196 (ii) at least 65 days after the day that the legislative body receives the certified petition.

2197 (b) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),

2198 within the boundaries of the proposed town, the person may not vote on the proposed  
2199 incorporation.

2200 (2) (a) The county clerk shall publish notice of the election:

2201 (i) in a newspaper of general circulation, within the area proposed to be incorporated,  
2202 at least once a week for three successive weeks; and

2203 (ii) in accordance with Section 45-1-101 for three weeks.

2204 (b) The notice required by Subsection (2)(a) shall contain:

2205 (i) a statement of the contents of the petition;

2206 (ii) a description of the area proposed to be incorporated as a town;

2207 (iii) a statement of the date and time of the election and the location of polling places;

2208 and

2209 (iv) the county Internet website address, if applicable, and the address of the county  
2210 office where the feasibility study is available for review.

2211 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
2212 one day but no more than seven days before the election.

2213 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
2214 circulation within the proposed town, the county clerk shall post at least one notice of the  
2215 election per 100 population in conspicuous places within the proposed town that are most  
2216 likely to give notice of the election to the voters of the proposed town.

2217 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
2218 the election under Subsection (1)(a).

2219 (3) The ballot at the incorporation election shall pose the incorporation question  
2220 substantially as follows:

2221 Shall the area described as (insert a description of the proposed town) be incorporated  
2222 as the town of (insert the proposed name of the proposed town)?

2223 (4) The ballot shall provide a space for the voter to answer yes or no to the question in  
2224 Subsection (3).

2225 (5) If a majority of those casting votes within the area boundaries of the proposed town  
2226 vote to incorporate as a town, the area shall incorporate.

2227 Section 49. Section **10-2a-305**, which is renumbered from Section 10-2-128 is  
2228 renumbered and amended to read:

2229 ~~[10-2-128]~~. 10-2a-305. **Form of government -- Election of officers of new town.**

2230 (1) A newly incorporated town shall operate under the five-member council form of  
2231 government as defined in Section 10-3b-102.

2232 (2) (a) The county legislative body of the county in which a newly incorporated town is  
2233 located shall hold an election for town officers at the next special election after the regular  
2234 general election in which the town incorporation is approved.

2235 (b) The officers elected at an election described in Subsection (2)(a) shall take office at  
2236 noon on the first Monday in January next following the special election described in  
2237 Subsection (2)(a).

2238 Section 50. Section **10-2a-306**, which is renumbered from Section 10-2-129 is  
2239 renumbered and amended to read:

2240 ~~[10-2-129]~~. 10-2a-306. **Notice to lieutenant governor -- Effective date of**  
2241 **incorporation -- Effect of recording documents.**

2242 (1) The mayor-elect of the future town shall:

2243 (a) within 30 days after the canvass of the election of town officers under Section  
2244 ~~[10-2-128]~~ 10-2a-305, file with the lieutenant governor:

2245 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
2246 that meets the requirements of Subsection 67-1a-6.5(3); and

2247 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2248 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
2249 Section 67-1a-6.5:

2250 (i) if the town is located within the boundary of a single county, submit to the recorder  
2251 of that county the original:

2252 (A) notice of an impending boundary action;

2253 (B) certificate of incorporation; and

2254 (C) approved final local entity plat; or

2255 (ii) if the town is located within the boundaries of more than a single county, submit  
2256 the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
2257 counties and a certified copy of those documents to each other county.

2258 (2) (a) A new town is incorporated:

2259 (i) on December 31 of the year in which the lieutenant governor issues a certificate of

2260 incorporation under Section 67-1a-6.5, if the election of town officers under Section [~~10-2-128~~  
2261 10-2a-305 is held on a regular general or municipal general election date; or

2262 (ii) on the last day of the month during which the lieutenant governor issues a  
2263 certificate of incorporation under Section 67-1a-6.5, if the election of town officers under  
2264 Section [~~10-2-128~~] 10-2a-305 is held on any other date.

2265 (b) (i) The effective date of an incorporation for purposes of assessing property within  
2266 the new town is governed by Section 59-2-305.5.

2267 (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
2268 recorder of each county in which the property is located, a newly incorporated town may not:

2269 (A) levy or collect a property tax on property within the town;

2270 (B) levy or collect an assessment on property within the town; or

2271 (C) charge or collect a fee for service provided to property within the town.

2272 Section 51. Section 10-2a-401 is enacted to read:

2273 **Part 4. Incorporation of Municipal Townships and Unincorporated**

2274 **Areas in a County of the First Class on and after May 12, 2015**

2275 **10-2a-401. Title.**

2276 This part is known as "Incorporation of Municipal Townships and Unincorporated  
2277 Areas in a County of the First Class on and after May 12, 2015."

2278 Section 52. Section 10-2a-402 is enacted to read:

2279 **10-2a-402. Application.**

2280 (1) The provisions of this part apply to the following located in a county of the first  
2281 class:

2282 (a) a planning township established before May 12, 2015; and

2283 (b) subject to Subsections (2)(a) and (b), an unincorporated area located in a county of  
2284 the first class on or after May 12, 2015, and before November 4, 2015.

2285 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a  
2286 Town, apply to an unincorporated area described in Subsection (1)(b) for an incorporation as a  
2287 city after November 3, 2015.

2288 (b) The provisions of Section 10-2a-410 apply to an unincorporated area described in  
2289 Subsection (1)(b) for an incorporation as a municipal township after November 3, 2015.

2290 (c) The provisions of Chapter 2, Part 4, Annexation:

2291 (i) do not apply to an unincorporated area for purposes of annexation before November  
2292 4, 2015, unless otherwise indicated; and

2293 (ii) apply to an unincorporated area for purposes of annexation on or after November 4,  
2294 2015.

2295 Section 53. Section **10-2a-403** is enacted to read:

2296 **10-2a-403. Definitions.**

2297 As used in this section:

2298 (1) "Ballot proposition" means the same as that term is defined in Section [20A-1-102](#).

2299 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to  
2300 annex a selected unincorporated area.

2301 (3) "Local special election" means the same as that term is defined in Section  
2302 [20A-1-102](#).

2303 (4) (a) "Municipal township" means, except as provided in Subsection (4)(b), a  
2304 planning township that is incorporated in accordance with this part.

2305 (b) "Municipal township" does not include a township as that term is used in the  
2306 context of identifying a geographic area in common surveyor practice.

2307 (5) (a) "Planning township" means an area located in a county of the first class that is  
2308 established as a township as defined in and established in accordance with law before the  
2309 enactment of this bill.

2310 (b) "Planning township" does not include rural real property unless the owner of the  
2311 rural real property provides written consent in accordance with Section [10-2a-405](#).

2312 (6) (a) "Selected unincorporated area" means:

2313 (i) an unincorporated island in the county as identified in accordance with Subsection  
2314 [10-2a-405\(1\)\(c\)\(i\)\(A\)](#) for annexation by an eligible city; and

2315 (ii) an unincorporated area that is identified by the county legislative body in  
2316 accordance with Subsection [10-2a-405\(1\)\(c\)\(i\)\(B\)](#) for annexation by an eligible city.

2317 (b) "Selected unincorporated area" does not include:

2318 (i) a planning township; or

2319 (ii) rural real property unless the owner of the rural real property provides written  
2320 consent in accordance with Section [10-2a-405](#).

2321 (7) "Unincorporated area" means real property located in a county of the first class that

2322 is not located in a city or a planning township.

2323 (8) "Unincorporated island" means an unincorporated area that is completely  
2324 surrounded by one or more municipalities.

2325 Section 54. Section **10-2a-404** is enacted to read:

2326 **10-2a-404. Election.**

2327 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local  
2328 special election on November 3, 2015, on the following ballot propositions:

2329 (i) for registered voters residing within a planning township, whether the planning  
2330 township should be incorporated as a municipal township or, according to the classifications of  
2331 Section 10-2-301, a city or town; and

2332 (ii) for registered voters residing within a selected unincorporated area, whether the  
2333 area should maintain its unincorporated status or be annexed into an eligible city.

2334 (b) (i) A municipal township incorporated under this part shall be governed by the  
2335 five-member council or the three-member council, depending on the municipal township  
2336 population in accordance with Section 10-3b-503.

2337 (ii) A city or town incorporated under this part shall be governed by the five-member  
2338 council form of government as defined in Section 10-3b-102.

2339 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
2340 within the boundaries of a planning township or a selected unincorporated area, the person may  
2341 not vote on the proposed incorporation or annexation.

2342 (3) The county clerk shall publish notice of the election:

2343 (a) in a newspaper of general circulation within the planning township or  
2344 unincorporated areas at least once a week for three successive weeks; and

2345 (b) in accordance with Section 45-1-101 for three weeks.

2346 (4) The notice required by Subsection (3) shall contain:

2347 (a) for residents of a planning township:

2348 (i) a statement that the voters will vote either to incorporate as a municipal township  
2349 or, according to the classifications of Section 10-2-301, as a city or town;

2350 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the  
2351 planning township boundaries that would be effective upon incorporation;

2352 (iii) a statement that if the residents of the planning township elect to incorporate:

2353 (A) as a municipal township, the municipal township shall be governed by a council  
2354 and the number of council members appropriate to that municipal township in accordance with  
2355 Section 10-3b-503; or

2356 (B) as a city or town, the city or town shall be governed by the five-member council  
2357 form of government as defined in Section 10-3b-102; and

2358 (iv) a statement of the date and time of the election and the location of polling places;

2359 (b) for residents of a selected unincorporated area:

2360 (i) a statement that the voters will vote either to be annexed into an eligible city or  
2361 maintain unincorporated area status; and

2362 (ii) a statement of the eligible city, as determined by the county legislative body in  
2363 accordance with Section 10-2a-405, the selected unincorporated area may elect to be annexed  
2364 into; and

2365 (c) a statement of the date and time of the election and the location of polling places.

2366 (5) The last publication of notice required under Subsection (3) shall occur at least one  
2367 day but no more than seven days before the election.

2368 (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general  
2369 circulation within the proposed municipal township or unincorporated area, the county clerk  
2370 shall post at least one notice of the election per 1,000 population in conspicuous places within  
2371 the planning township or unincorporated area that are most likely to give notice of the election  
2372 to the voters of the proposed incorporation or annexation.

2373 (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before  
2374 the election under Subsection (1).

2375 (7) (a) In a planning township, if a majority of those casting votes within the planning  
2376 township vote to incorporate:

2377 (i) as a municipal township, the planning township shall incorporate as a municipal  
2378 township; or

2379 (ii) as a city or town, the planning township shall incorporate as a city or town,  
2380 respectively.

2381 (b) In a selected unincorporated area, if a majority of those casting votes within the  
2382 selected unincorporated area vote to:

2383 (i) be annexed by the eligible city, the area is annexed by the eligible city; or

2384 (ii) remain an unincorporated area, the area shall remain unincorporated.

2385 Section 55. Section **10-2a-405** is enacted to read:

2386 **10-2a-405. Duties of county legislative body -- Resolution identifying selected**  
2387 **unincorporated areas and planning townships -- Public hearing -- Notice -- Other election**  
2388 **and incorporation issues -- Rural real property excluded.**

2389 (1) The legislative body of a county of the first class shall before an election described  
2390 in Section [10-2a-404](#):

2391 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
2392 Subsection (1)(b);

2393 (b) hold a public hearing; and

2394 (c) at the public hearing, adopt a resolution:

2395 (i) (A) identifying, including a map prepared by the county surveyor, all unincorporated  
2396 islands within the county; and

2397 (B) selecting and identifying, including a map prepared by the county surveyor, one or  
2398 more unincorporated areas in addition to the unincorporated islands that the county legislative  
2399 body proposes for annexation;

2400 (ii) identifying each eligible city that will annex each unincorporated island and  
2401 unincorporated area, as applicable, if approved by the residents at an election under Section  
2402 [10-2a-404](#); and

2403 (iii) identifying, including a map prepared by the county surveyor, the planning  
2404 townships within the county and any changes to the boundaries of a planning township that the  
2405 county legislative body proposes under Subsection (5).

2406 (2) The county legislative body shall exclude from a resolution adopted under  
2407 Subsection (1)(c) rural real property unless the owner of the rural real property provides written  
2408 consent to include the property in accordance with Subsection (6).

2409 (3) (a) The county clerk shall publish notice of the public hearing described in  
2410 Subsection (1)(b):

2411 (i) by mailing notice to each owner of real property located in a selected  
2412 unincorporated area or planning township no later than 15 days before the day of the public  
2413 hearing;

2414 (ii) at least once a week for three successive weeks in a newspaper of general

2415 circulation within each selected unincorporated area, each eligible city, and each planning  
2416 township; and

2417 (iii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
2418 before the day of the public hearing.

2419 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
2420 three days before the first public hearing required under Subsection (1)(b).

2421 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
2422 within a selected unincorporated area, eligible city, or planning township, the county clerk shall  
2423 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
2424 selected unincorporated area, eligible city, or planning township, as applicable, that are most  
2425 likely to give notice of the hearing to the residents of the selected unincorporated area, eligible  
2426 city, or planning township.

2427 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
2428 the hearing under Subsection (1)(b).

2429 (d) The notice under Subsection (3)(a) or (c) shall include:

2430 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
2431 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by  
2432 an eligible city and the name of the eligible city;

2433 (B) for a resident of an unincorporated area, a statement that the county legislative  
2434 body is proposing that the unincorporated area be annexed by an eligible city, if approved at an  
2435 election under Section [10-2a-404](#), and the name of the eligible city; or

2436 (C) for a resident of a planning township, a statement that the property in the planning  
2437 township may be, if approved at an election under Section [10-2a-404](#), incorporated as a  
2438 municipal township or as a city or town;

2439 (ii) the location and time of the public hearing; and

2440 (iii) the county website where a map may be accessed showing:

2441 (A) how the unincorporated island or unincorporated area boundaries will change if  
2442 annexed by an eligible city; or

2443 (B) how the planning township area boundaries will change, if applicable under  
2444 Subsection (5), if the planning township incorporates as a municipal township or as a city or  
2445 town.

2446 (e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the  
2447 county website.

2448 (4) The county legislative body may, by ordinance or resolution adopted at a public  
2449 meeting, resolve an issue that arises with an election held in accordance with this part or the  
2450 incorporation and establishment of a municipal township in accordance with this part.

2451 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
2452 meeting, change the boundaries of a planning township.

2453 (b) A change to a planning township boundary under this Subsection (5) is effective  
2454 only upon the vote of the residents of the planning township at an election under Section  
2455 10-2a-404 to incorporate as a municipal township or as a city or town and does not affect the  
2456 boundaries of the planning township before the election.

2457 (c) The county legislative body may alter a planning township boundary under  
2458 Subsection (5)(a) only if the alteration affects less than 5% of the residents residing within the  
2459 planning district.

2460 (6) (a) As used in this Subsection (6), "rural real property" means an area:

2461 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

2462 (ii) that does not include residential units with a density greater than one unit per acre.

2463 (b) Unless an owner of rural real property gives written consent to a county legislative  
2464 body, rural real property described in Subsection (6)(c) may not be:

2465 (i) included in an unincorporated area identified under Subsection (1)(c)(i)(B);

2466 (ii) included in a planning township identified under Subsection (1)(c); or

2467 (iii) incorporated as part of a municipal township in accordance with this part.

2468 (c) The following rural real property is subject to an owner's written consent under  
2469 Subsection (6)(b):

2470 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
2471 consisting of one or more tax parcels;

2472 (ii) rural real property that is not contiguous to, but used in connection with, rural real  
2473 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
2474 more tax parcels;

2475 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
2476 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more

2477 contiguous acres of rural real property consisting of one or more tax parcels; or  
 2478 (iv) rural real property that is located in whole or in part in one of the following as  
 2479 defined in Section 17-41-101:

2480 (A) an agricultural protection area;  
 2481 (B) an industrial protection area; or  
 2482 (C) a mining protection area.

2483 Section 56. Section **10-2a-406** is enacted to read:

2484 **10-2a-406. Ballot used at municipal township incorporation election.**

2485 (1) The ballot at the election to incorporate a planning township as a municipal  
 2486 township or as a city or town, respectively, shall pose the incorporation question substantially  
 2487 as follows:

2488 "Shall [insert name of planning township] be incorporated as a municipal township  
 2489 [insert the proposed name of the proposed municipal township, which is the formal name of the  
 2490 planning township with words "municipal township" immediately after the formal name] or as  
 2491 the [insert the appropriate designation of city or town based on population classification] of  
 2492 [insert the proposed name of the proposed city or town, respectively, which is the formal name  
 2493 of the planning township with, if the area qualifies as a city under the population  
 2494 classifications, the word "city" immediately after the formal name or if the area qualifies as a  
 2495 town under the population classification, the words "town of" immediately preceding the  
 2496 formal name]."

2497 (2) The ballot shall provide a space for the voter to indicate either the municipal  
 2498 township or the city or town, respectively, as described in Subsection (1).

2499 Section 57. Section **10-2a-407** is enacted to read:

2500 **10-2a-407. Ballot used at unincorporated area annexation election.**

2501 (1) The ballot at the election to either annex an unincorporated area into an eligible city  
 2502 or to remain an unincorporated area shall pose the question substantially as follows:

2503 "Shall [insert description of the selected unincorporated area identified in the resolution  
 2504 adopted under Section 10-2a-405] be annexed by [insert name of eligible city identified in the  
 2505 resolution adopted under Section 10-2a-405] or remain unincorporated?"

2506 (2) The ballot shall provide:

2507 (a) a map of the selected unincorporated area and the eligible city; and

2508 (b) a space for the voter to indicate either the annexation into the eligible city or to  
2509 remain an unincorporated area as described in Subsection (1).

2510 Section 58. Section **10-2a-408** is enacted to read:

2511 **10-2a-408. Notification to lieutenant governor of incorporation election results.**

2512 Within 10 days of the canvass of the incorporation and annexation election, the county  
2513 clerk shall send written notice to the lieutenant governor of:

2514 (1) the results of the election;

2515 (2) for a planning township:

2516 (a) if the incorporation of a planning township as a municipal township passes:

2517 (i) the name of the municipal township; and

2518 (ii) the class of the municipal township as provided under Section [10-2-301.5](#); and

2519 (b) if the incorporation of a planning township as a city or town passes:

2520 (i) the name of the city or town; and

2521 (ii) if the incorporated area is a city, the class of the city as defined in Section

2522 [10-2-301](#); and

2523 (3) for an unincorporated area, whether the unincorporated area is annexed into the  
2524 eligible city.

2525 Section 59. Section **10-2a-409** is enacted to read:

2526 **10-2a-409. Unincorporated area annexation -- Notice and recording-- Applicable**  
2527 **provisions.**

2528 (1) If the annexation of an unincorporated area into an eligible city passes, the  
2529 legislative body of the eligible city shall comply with Section [10-2-425](#).

2530 (2) The following provisions apply to an annexation under this part:

2531 (a) Section [10-2-420](#);

2532 (b) Section [10-2-421](#);

2533 (c) Section [10-2-422](#);

2534 (d) Section [10-2-426](#); and

2535 (e) Section [10-2-428](#).

2536 Section 60. Section **10-2a-410** is enacted to read:

2537 **10-2a-410. Incorporation of municipal townships after November 3, 2015.**

2538 (1) (a) An area located in a county of the first class that is unincorporated after the

2539 results of the election held in accordance with Section 10-2a-404 may, after November 3, 2015,  
2540 incorporate as a municipal township in accordance with this section.

2541 (b) An unincorporated area other than an area described in Subsection (1)(a) may not  
2542 incorporate as a municipal township under this section.

2543 (2) A municipal township may not be established unless the area to be included within  
2544 the proposed municipal township:

2545 (a) is unincorporated;

2546 (b) is contiguous; and

2547 (c) (i) contains:

2548 (A) at least 20% but not more than 80% of the total private land area in the  
2549 unincorporated county or the total value of locally assessed taxable property in the  
2550 unincorporated county; or

2551 (B) at least 5% of the total population of the unincorporated county; or

2552 (ii) has been declared by the United States Census Bureau as a census designated place.

2553 (3) (a) The process to establish a municipal township is initiated by the filing of a  
2554 petition with the clerk of the county in which the proposed municipal township is located.

2555 (b) A petition to establish a municipal township may not be filed if it proposes the  
2556 establishment of a municipal township that includes an area within a proposed municipal  
2557 township in a petition that has previously been certified under Subsection (9)(a)(i), until after  
2558 the canvass of an election on the proposed municipal township under Subsection (11).

2559 (4) A petition under Subsection (3) to establish a municipal township shall:

2560 (a) be signed by the owners of private real property that:

2561 (i) is located within the proposed municipal township;

2562 (ii) covers at least 10% of the total private land area within the proposed municipal  
2563 township; and

2564 (iii) is equal in value to at least 10% of the value of all private real property within the  
2565 proposed municipal township;

2566 (b) be accompanied by an accurate plat or map showing the boundary of the contiguous  
2567 area proposed to be established as a municipal township;

2568 (c) indicate the typed or printed name and current residence address of each owner  
2569 signing the petition;

2570 (d) designate up to five signers of the petition as petition sponsors, one of whom shall  
2571 be designated as the contact sponsor, with the mailing address and telephone number of each  
2572 petition sponsor;

2573 (e) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
2574 petition for purposes of the petition; and

2575 (f) request the county legislative body to provide notice of the petition and of a public  
2576 hearing, hold a public hearing, and conduct an election on the proposal to establish a municipal  
2577 township.

2578 (5) Subsection 10-2a-102(3) applies to a petition to establish a municipal township to  
2579 the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Part 2,  
2580 Incorporation of a City.

2581 (6) Within seven days after the filing of a petition under Subsection (3) proposing the  
2582 establishment of a municipal township, the county clerk shall provide notice of the filing of the  
2583 petition to:

2584 (a) each owner of real property owning more than 1% of the assessed value of all real  
2585 property within the proposed municipal township; and

2586 (b) each owner of real property owning more than 850 acres of real property within the  
2587 proposed municipal township.

2588 (7) A property owner may exclude all or part of the property owner's property from a  
2589 proposed municipal township:

2590 (a) if:

2591 (i) (A) the property owner owns more than 1% of the assessed value of all property  
2592 within the proposed township, the property is nonurban, and the property does not or will not  
2593 require municipal provision of municipal-type services or the property owner owns more than  
2594 850 acres of real property within the proposed municipal township; and

2595 (B) exclusion of the property will not leave within the municipal township an island of  
2596 property that is not part of the municipal township; or

2597 (ii) the property owner owns rural real property as that term is defined in Section  
2598 17B-2a-1107; and

2599 (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under  
2600 Subsection (6).

2601 (8) (a) The county legislative body shall exclude from the proposed municipal  
2602 township the property identified in a notice of exclusion timely filed under Subsection (7)(b) if  
2603 the property meets the applicable requirements of Subsection (7)(a).

2604 (b) If the county legislative body excludes property from a proposed municipal  
2605 township under Subsection (8)(a), the county legislative body shall, within five days after the  
2606 exclusion, send written notice of its action to the contact sponsor.

2607 (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county  
2608 clerk shall:

2609 (i) with the assistance of other county officers from whom the clerk requests assistance,  
2610 determine whether the petition complies with the requirements of Subsection (4); and

2611 (ii) if the clerk determines that the petition:

2612 (A) complies with the requirements of Subsection (4), certify the petition, deliver the  
2613 certified petition to the county legislative body, and mail or deliver written notification of the  
2614 certification to the contact sponsor; or

2615 (B) fails to comply with any of the requirements of Subsection (4), reject the petition  
2616 and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

2617 (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may  
2618 be amended to correct the deficiencies for which it was rejected and then refiled with the  
2619 county clerk.

2620 (10) (a) Within 90 days after a petition to establish a municipal township is certified,  
2621 the county legislative body shall hold a public hearing on the proposal to establish a municipal  
2622 township.

2623 (b) A public hearing under Subsection (10)(a) shall be:

2624 (i) within the boundary of the proposed municipal township; or

2625 (ii) if holding a public hearing in that area is not practicable, as close to that area as  
2626 practicable.

2627 (c) At least one week before holding a public hearing under Subsection (10)(a), the  
2628 county legislative body shall publish notice of the petition and the time, date, and place of the  
2629 public hearing:

2630 (i) at least once in a newspaper of general circulation in the county; and

2631 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#).

2632 (11) (a) Following the public hearing under Subsection (10)(b), the county legislative  
2633 body shall arrange for the proposal to establish a municipal township to be submitted to voters  
2634 residing within the proposed municipal township at the next regular general election that is  
2635 more than 90 days after the public hearing.

2636 (b) For the election required under Subsection (11)(a), the county and county clerk  
2637 shall, except as provided in Subsection (11)(c), follow the provisions of Section 10-2a-404 that  
2638 govern an election by residents of a planning district to incorporate as a municipal township as  
2639 if the area described in Subsection (1) was the planning district.

2640 (c) Notwithstanding Subsection 10-2a-404(1)(a), the election shall be held on a date  
2641 that complies with Subsection (11)(a).

2642 (12) The provisions of Section 10-2a-411 govern the election of municipal township  
2643 officers.

2644 Section 61. Section 10-2a-411 is enacted to read:

2645 **10-2a-411. Determination of municipal township districts -- Determination of**  
2646 **municipal township or city initial officer terms -- Adoption of proposed districts.**

2647 (1) If a municipal township incorporated in accordance with Section 10-2a-404 or  
2648 10-2a-410 meets, according to the most recent population estimates by the Utah Population  
2649 Estimates Committee, the population requirements for:

2650 (a) a five-member governing body as described in Section 10-3b-503:

2651 (i) each of the five municipal township council members shall be elected by district;

2652 and

2653 (ii) the boundaries of the five council districts for election and the initial terms shall be  
2654 designated and determined in accordance with this section; or

2655 (b) a three-member governing body as described in Section 10-3b-503, the three  
2656 municipal township council members shall be elected at large for terms as determined in  
2657 accordance with this section.

2658 (2) If a city or town is incorporated at an election in accordance with Section  
2659 10-2a-404, the five council members shall be elected at large for terms as determined in  
2660 accordance with this section.

2661 (3) (a) No later than 30 days after the election day on which the municipal township or  
2662 city is successfully incorporated under this part, the legislative body of the county in which the

2663 municipal township is located shall adopt by resolution:

2664 (i) subject to Subsection (3)(b), for each incorporated municipal township, city, or  
2665 town, the council terms for a length of time in accordance with this section; and

2666 (ii) for a municipal township of the first class, if applicable, the boundaries of the five  
2667 council districts.

2668 (b) For each municipal township, city, or town, the county legislative body shall:

2669 (i) set the initial terms of the members of the municipal township council, city council,  
2670 or town council so that:

2671 (A) approximately half the members of the council are elected to serve an initial term,  
2672 of no less than one year, that allows their successors to serve a full four-year term that  
2673 coincides with the schedule established in Subsection 10-3-205(1); and

2674 (B) the remaining members of the council are elected to serve an initial term, of no less  
2675 than one year, that allows their successors to serve a full four-year term that coincides with the  
2676 schedule established in Subsection 10-3-205(2); and

2677 (ii) for a municipal township of the first class, divide the municipal township into five  
2678 council districts that comply with Section 10-3-205.5.

2679 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under  
2680 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice  
2681 containing:

2682 (i) if applicable, a description of the boundaries of the municipal township council  
2683 districts as designated in the resolution;

2684 (ii) information about the deadline for filing a declaration of candidacy for those  
2685 seeking to become candidates for municipal township council, city council, or town council,  
2686 respectively; and

2687 (iii) information about the length of the initial term of each of the municipal township,  
2688 city, or town council offices, as described in the resolution.

2689 (b) The notice under Subsection (4)(a) shall be published:

2690 (i) in a newspaper of general circulation within the municipal township, city, or town at  
2691 least once a week for two successive weeks; and

2692 (ii) in accordance with Section 45-1-101 for two weeks.

2693 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general

2694 circulation within the future municipal township, city, or town, the county clerk shall post at  
2695 least one notice per 1,000 population in conspicuous places within the future municipal  
2696 township, city, or town that are most likely to give notice to the residents of the future  
2697 municipal township, city, or town.

2698 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under  
2699 Subsection (4)(a).

2700 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven  
2701 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2702 (d) A person seeking to become a candidate for municipal township, city, or town  
2703 council shall, in accordance with Section 20A-9-202, file a declaration of candidacy with the  
2704 clerk of the county in which the municipal township, city, or town is located for an election  
2705 described in Section 10-2a-412.

2706 Section 62. Section **10-2a-412** is enacted to read:

2707 **10-2a-412. Election of officers of new city, town, or municipal township.**

2708 (1) For the election of officers of a municipal township, city, or town, respectively,  
2709 incorporated under Section 10-2a-404, the county legislative body shall:

2710 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary  
2711 election at the next regular primary election, as described in Section 20A-1-201.5, following  
2712 the election to incorporate; and

2713 (b) hold a final election at the next regular general election date following the election  
2714 to incorporate.

2715 (2) An election under Subsection (1) for the officers of:

2716 (a) a municipal township shall be consistent with the number of council members  
2717 based on the population of the municipal township as described in Subsection

2718 10-2a-404(1)(b)(i) or (ii); and

2719 (b) a city or town shall be consistent with the number of council members described in  
2720 Subsection 10-2a-404(1)(b)(ii).

2721 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2722 (A) at least once a week for two successive weeks in a newspaper of general circulation  
2723 within the future municipal township, city, or town; and

2724 (B) in accordance with Section 45-1-101 for two weeks.

2725 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more  
2726 than seven days before the election.

2727 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general  
2728 circulation within the future municipal township, city, or town, the county clerk shall post at  
2729 least one notice of the election per 1,000 population in conspicuous places within the future  
2730 municipal township, city, or town that are most likely to give notice of the election to the  
2731 voters.

2732 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven  
2733 days before each election under Subsection (1).

2734 (4) (a) Until the municipal township, city, or town is incorporated, the county clerk is  
2735 the election officer for all purposes in an election of officers of the municipal township, city, or  
2736 town.

2737 (b) The county clerk is responsible to ensure that:

2738 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date  
2739 described in Subsection (1)(a);

2740 (ii) the final election described in Subsection (1)(b) is held on the date described in  
2741 Subsection (1)(b); and

2742 (iii) the ballot for each election includes each office that is required to be included for  
2743 officials in the municipal township, city, or town, and the length of term of each office.

2744 (5) The officers elected at an election described in Subsection (1)(b) shall take office at  
2745 noon on the first Monday in January next following the election.

2746 Section 63. Section **10-2a-413** is enacted to read:

2747 **10-2a-413. Notification to lieutenant governor of election of officers.**

2748 Within 10 days of the canvass of final election of municipal township, city, or town  
2749 officers under Section [10-2a-412](#), the county clerk shall send written notice to the lieutenant  
2750 governor of the name and position of each officer elected and the term for which each has been  
2751 elected.

2752 Section 64. Section **10-2a-414** is enacted to read:

2753 **10-2a-414. Transfer of property in municipal township.**

2754 (1) As used in this section, "municipal services district" means a local district created  
2755 in accordance with Title 17B, Chapter 2a, Part 11, Municipal Services District Act, and in

2756 whose boundaries a municipal township is located.

2757 (2) After the effective day of incorporation of a municipal township in accordance with  
2758 Section 10-2a-217, the municipal township and the municipal services district, if one exists,  
2759 shall enter into an agreement for the transfer of real property from the municipal township to  
2760 the municipal services district.

2761 Section 65. Section 10-2a-415 is enacted to read:

2762 **10-2a-415. Incorporation under this part subject to other provisions.**

2763 (1) An incorporation of a municipal township, city, or town under this part is subject to  
2764 the following provisions to the same extent as the incorporation of a city under Part 2,  
2765 Incorporation of a City:

2766 (a) Section 10-2a-217;

2767 (b) Section 10-2a-219; and

2768 (c) Section 10-2a-220.

2769 (2) An incorporation of a city or town under this part is subject to Section 10-2a-218 to  
2770 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2771 Section 66. Section 10-3-205.5 is amended to read:

2772 **10-3-205.5. At-large election of officers -- Election of commissioners or council**  
2773 **members.**

2774 (1) Except as provided in [~~Subsection (2)~~] Subsections (2) and (3), the officers of each  
2775 city shall be elected in an at-large election held at the time and in the manner provided for  
2776 electing municipal officers.

2777 (2) (a) [~~Notwithstanding Subsection (1), the~~] The governing body of a city may by  
2778 ordinance provide for the election of some or all commissioners or council members, as the  
2779 case may be, by district equal in number to the number of commissioners or council members  
2780 elected by district.

2781 (b) (i) Each district shall be of substantially equal population as the other districts.

2782 (ii) Within six months after the Legislature completes its redistricting process, the  
2783 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make  
2784 any adjustments in the boundaries of the districts as may be required to maintain districts of  
2785 substantially equal population.

2786 (3) (a) The municipal council members of a municipal township, as defined in Section

2787 10-2a-403, are elected:

2788 (i) by district in accordance with Subsection 10-2a-411(1)(a)(i); or

2789 (ii) at large in accordance with Subsection 10-2a-411(1)(b).

2790 (b) The council districts in a municipal township shall comply with the requirements of

2791 Subsections (2)(b)(i) and (ii).

2792 Section 67. Section **10-3-1302** is amended to read:

2793 **10-3-1302. Purpose.**

2794 (1) The purposes of this part are to establish standards of conduct for municipal  
2795 officers and employees and to require these persons to disclose actual or potential conflicts of  
2796 interest between their public duties and their personal interests.

2797 (2) In a municipal township, as defined in Section 10-2a-403, the provisions of this  
2798 part may not be applied to an employee who is paid a salary or otherwise reimbursed by  
2799 another political subdivision for services required by law to be provided to the municipal  
2800 township.

2801 Section 68. Section **10-3b-102** is amended to read:

2802 **10-3b-102. Definitions.**

2803 As used in this chapter:

2804 (1) "Council-mayor form of government" means the form of municipal government  
2805 that:

2806 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

2807 (ii) may not be adopted without voter approval; and

2808 (iii) consists of two separate, independent, and equal branches of municipal  
2809 government; and

2810 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal  
2811 Government.

2812 (2) "Five-member council form of government" means the form of municipal  
2813 government described in Part 4, Five-Member Council Form of Municipal Government.

2814 (3) "Municipal township" means the same as that term is defined in Section 10-2a-403.

2815 (4) "Municipal township council form of government" means the form of municipal  
2816 township government described in Part 5, Municipal Township Council Form of Municipal  
2817 Government.

2818            [~~3~~] (5) "Six-member council form of government" means the form of municipal  
2819 government described in Part 3, Six-Member Council Form of Municipal Government.

2820            Section 69. Section **10-3b-103** is amended to read:

2821            **10-3b-103. Forms of municipal government -- Form of government for towns --**  
2822 **Former council-manager form.**

2823            (1) A municipality operating on May 4, 2008, under the council-mayor form of  
2824 government:

2825            (a) shall, on and after May 5, 2008:

2826            (i) operate under a council-mayor form of government, as defined in Section  
2827 **10-3b-102**; and

2828            (ii) be subject to:

2829            (A) this part;

2830            (B) Part 2, Council-mayor Form of Municipal Government;

2831            (C) Part [~~5~~] 6, Changing to Another Form of Municipal Government; and

2832            (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

2833 and

2834            (b) is not subject to:

2835            (i) Part 3, Six-member Council Form of Municipal Government; [~~or~~]

2836            (ii) Part 4, Five-member Council Form of Municipal Government[~~;~~]; or

2837            (iii) Part 5, Municipal Township Council Form of Municipal Government.

2838            (2) A municipality operating on May 4, 2008 under a form of government known under  
2839 the law then in effect as the six-member council form:

2840            (a) shall, on and after May 5, 2008, and whether or not the council has adopted an  
2841 ordinance appointing a manager for the municipality:

2842            (i) operate under a six-member council form of government, as defined in Section  
2843 **10-3b-102**;

2844            (ii) be subject to:

2845            (A) this part;

2846            (B) Part 3, Six-member Council Form of Municipal Government;

2847            (C) Part [~~5~~] 6, Changing to Another Form of Municipal Government; and

2848            (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

2849 and

2850 (b) is not subject to:

2851 (i) Part 2, Council-mayor Form of Municipal Government; [~~or~~]

2852 (ii) Part 4, Five-member Council Form of Municipal Government[~~;~~]; or

2853 (iii) Part 5, Municipal Township Council Form of Municipal Government.

2854 (3) A municipality operating on May 4, 2008, under a form of government known

2855 under the law then in effect as the five-member council form:

2856 (a) shall, on and after May 5, 2008:

2857 (i) operate under a five-member council form of government, as defined in Section

2858 [10-3b-102](#);

2859 (ii) be subject to:

2860 (A) this part;

2861 (B) Part 4, Five-member Council Form of Municipal Government;

2862 (C) Part [~~5~~] 6, Changing to Another Form of Municipal Government; and

2863 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

2864 and

2865 (b) is not subject to:

2866 (i) Part 2, Council-mayor Form of Municipal Government; [~~or~~]

2867 (ii) Part 3, Six-member Council Form of Municipal Government[~~;~~]; or

2868 (iii) Part 5, Municipal Township Council Form of Municipal Government.

2869 (4) Subject to Subsection (5), each municipality other than a municipal township

2870 incorporated on or after May 5, 2008, shall operate under:

2871 (a) the council-mayor form of government, with a five-member council;

2872 (b) the council-mayor form of government, with a seven-member council;

2873 (c) the six-member council form of government; or

2874 (d) the five-member council form of government.

2875 (5) Each town shall operate under a five-member council form of government unless:

2876 (a) before May 5, 2008, the town has changed to another form of municipal

2877 government; or

2878 (b) on or after May 5, 2008, the town changes its form of government as provided in

2879 Part [~~5~~] 6, Changing to Another Form of Municipal Government.

- 2880 (6) Each municipal township:
- 2881 (a) shall operate under a municipal township council form of government;
- 2882 (b) is subject to:
- 2883 (i) this part;
- 2884 (ii) Part 5, Municipal Township Council Form of Municipal Government; and
- 2885 (iii) except as provided in Subsection (6)(c), other applicable provisions of this title;

2886 and

- 2887 (c) is not subject to:
- 2888 (i) Part 2, Council-mayor Form of Municipal Government;
- 2889 (ii) Part 3, Six-member Council Form of Municipal Government; or
- 2890 (iii) Part 4, Five-Member Council Form of Municipal Government.

2891 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "council-manager form of  
2892 government" means the form of municipal government:

- 2893 (i) provided for in Laws of Utah 1977, Chapter 48;
- 2894 (ii) that cannot be adopted without voter approval; and
- 2895 (iii) that provides for, subject to Subsections ~~[(7)]~~ (8) and ~~[(8)]~~ (9), an appointed  
2896 manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.

2897 (b) A municipality operating on May 4, 2008, under the council-manager form of  
2898 government:

- 2899 (i) shall:
- 2900 (A) continue to operate, on and after May 5, 2008, under the council-manager form of  
2901 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and
- 2902 (B) be subject to:
- 2903 (I) this Subsection ~~[(6)]~~ (7) and other applicable provisions of this part;
- 2904 (II) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and
- 2905 (III) except as provided in Subsection ~~[(6)]~~ (7)(b)(ii), other applicable provisions of

2906 this title; and

- 2907 (ii) is not subject to:
- 2908 (A) Part 2, Council-mayor Form of Municipal Government;
- 2909 (B) Part 3, Six-member Council Form of Municipal Government; ~~[or]~~
- 2910 (C) Part 4, Five-member Council Form of Municipal Government~~[-];~~ or

2911 (D) Part 5, Municipal Township Council Form of Municipal Government.

2912 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "interim vacancy period" means the  
2913 period of time that:

2914 (i) begins on the day on which a municipal general election described in Section  
2915 10-3-201 is held to elect a council member; and

2916 (ii) ends on the day on which the council member-elect begins the council member's  
2917 term.

2918 (b) (i) The council may not appoint a manager during an interim vacancy period.

2919 (ii) Notwithstanding Subsection [~~(7)~~] (8)(b)(i):

2920 (A) except for a municipal township council, the council may appoint an interim  
2921 manager during an interim vacancy period; and

2922 (B) the interim manager's term shall expire once a new manager is appointed by the  
2923 new administration after the interim vacancy period has ended.

2924 (c) Subsection [~~(7)~~] (8)(b) does not apply if all the council members who held office on  
2925 the day of the municipal general election whose term of office was vacant for the election are  
2926 re-elected to the council for the following term.

2927 [~~(8)~~] (9) A council that appoints a manager in accordance with this section may not, on  
2928 or after May 10, 2011, enter into an employment contract that contains an automatic renewal  
2929 provision with the manager.

2930 [~~(9)~~] (10) Nothing in this section may be construed to prevent or limit a municipality  
2931 operating under any form of municipal government from changing to another form of  
2932 government as provided in Part [5] 6, Changing to Another Form of Municipal Government.

2933 Section 70. Section **10-3b-202** is amended to read:

2934 **10-3b-202. Mayor in council-mayor form of government.**

2935 (1) The mayor in a municipality operating under the council-mayor form of  
2936 government:

2937 (a) is the chief executive and administrative officer of the municipality;

2938 (b) exercises the executive and administrative powers and performs or supervises the  
2939 performance of the executive and administrative duties and functions of the municipality;

2940 (c) shall:

2941 (i) keep the peace and enforce the laws of the municipality;

- 2942 (ii) execute the policies adopted by the council;
- 2943 (iii) appoint, with the council's advice and consent, a qualified person for each of the
- 2944 following positions:
  - 2945 (A) subject to Subsection (3), chief administrative officer, if required under the
  - 2946 resolution or petition under Subsection [~~10-3b-503~~] 10-3b-603(1)(a) that proposed the change
  - 2947 to a council-mayor form of government;
  - 2948 (B) recorder;
  - 2949 (C) treasurer;
  - 2950 (D) engineer; and
  - 2951 (E) attorney;
- 2952 (iv) provide to the council, at intervals provided by ordinance, a written report to the
- 2953 council setting forth:
  - 2954 (A) the amount of budget appropriations;
  - 2955 (B) total disbursements from the appropriations;
  - 2956 (C) the amount of indebtedness incurred or contracted against each appropriation,
  - 2957 including disbursements and indebtedness incurred and not paid; and
  - 2958 (D) the percentage of the appropriations encumbered;
  - 2959 (v) report to the council the condition and needs of the municipality;
  - 2960 (vi) report to the council any release granted under Subsection (1)(d)(xiii);
  - 2961 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the
  - 2962 remittance to the council at the council's next meeting after the remittance;
  - 2963 (viii) perform each other duty:
    - 2964 (A) prescribed by statute; or
    - 2965 (B) required by a municipal ordinance that is not inconsistent with statute;
    - 2966 (d) may:
      - 2967 (i) subject to budget constraints:
        - 2968 (A) appoint:
          - 2969 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and
          - 2970 (II) one or more deputies or administrative assistants to the mayor; and
          - 2971 (B) (I) create any other administrative office that the mayor considers necessary for
          - 2972 good government of the municipality; and

- 2973 (II) appoint a person to the office;
- 2974 (ii) with the council's advice and consent and except as otherwise specifically limited
- 2975 by statute, appoint:
  - 2976 (A) each department head of the municipality;
  - 2977 (B) each statutory officer of the municipality; and
  - 2978 (C) each member of a statutory commission, board, or committee of the municipality;
- 2979 (iii) dismiss any person appointed by the mayor;
- 2980 (iv) as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation
- 2981 passed by the council;
- 2982 (v) exercise control of and supervise each executive or administrative department,
- 2983 division, or office of the municipality;
- 2984 (vi) within the general provisions of statute and ordinance, regulate and prescribe the
- 2985 powers and duties of each other executive or administrative officer or employee of the
- 2986 municipality;
- 2987 (vii) attend each council meeting, take part in council meeting discussions, and freely
- 2988 give advice to the council;
- 2989 (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill
- 2990 in all other respects the requirements of, as the case may be:
  - 2991 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or
  - 2992 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
- 2993 (ix) execute an agreement on behalf of the municipality, or delegate, by written
- 2994 executive order, the authority to execute an agreement on behalf of the municipality:
  - 2995 (A) if the obligation under the agreement is within certified budget appropriations; and
  - 2996 (B) subject to Section 10-6-138;
- 2997 (x) at any reasonable time, examine and inspect the official books, papers, records, or
- 2998 documents of:
  - 2999 (A) the municipality; or
  - 3000 (B) any officer, employee, or agent of the municipality;
- 3001 (xi) remit fines and forfeitures;
- 3002 (xii) if necessary, call on residents of the municipality over the age of 21 years to assist
- 3003 in enforcing the laws of the state and ordinances of the municipality; and

3004 (xiii) release a person imprisoned for a violation of a municipal ordinance; and  
3005 (e) may not vote on any matter before the council.

3006 (2) (a) The first mayor elected under a newly established mayor-council form of  
3007 government shall, within six months after taking office, draft and submit to the council a  
3008 proposed ordinance:

3009 (i) providing for the division of the municipality's administrative service into  
3010 departments, divisions, and bureaus; and  
3011 (ii) defining the functions and duties of each department, division, and bureau.

3012 (b) Before the council adopts an ordinance on the municipality's administrative service,  
3013 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness  
3014 in the divisions of the municipal government.

3015 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
3016 time that:

3017 (i) begins on the day on which a municipal general election described in Section  
3018 [10-3-201](#) is held to elect a mayor; and  
3019 (ii) ends on the day on which the mayor-elect begins the mayor's term.

3020 (b) Each person appointed as chief administrative officer under Subsection  
3021 (1)(c)(iii)(A) shall be appointed on the basis of:

3022 (i) the person's ability and prior experience in the field of public administration; and  
3023 (ii) any other qualification prescribed by ordinance.

3024 (c) (i) The mayor may not appoint a chief administrative officer during an interim  
3025 vacancy period.  
3026 (ii) Notwithstanding Subsection (3)(c)(i):  
3027 (A) the mayor may appoint an interim chief administrative officer during an interim  
3028 vacancy period; and  
3029 (B) the interim chief administrative officer's term shall expire once a new chief  
3030 administrative officer is appointed by the new mayor after the interim vacancy period has  
3031 ended.

3032 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the  
3033 municipal general election is re-elected to the mayor's office for the following term.

3034 (4) A mayor who appoints a chief administrative officer in accordance with this section

3035 may not, on or after May 10, 2011, enter into an employment contract that contains an  
3036 automatic renewal provision with the chief administrative officer.

3037 Section 71. Section **10-3b-501** is repealed and reenacted to read:

3038 **Part 5. Municipal Township Council Form of Municipal Government**

3039 **10-3b-501. Municipal township government powers vested in a five-member**  
3040 **council.**

3041 The powers of municipal government in a municipal township, as defined in Section  
3042 10-2a-403, are vested in a council consisting of, subject to Section 10-3b-503, three or five  
3043 members, one of which is the chair.

3044 Section 72. Section **10-3b-502** is repealed and reenacted to read:

3045 **10-3b-502. Chair in a municipal township council form of government.**

3046 (1) The chair in a municipal township:

3047 (a) is a regular and voting member of the council;

3048 (b) is elected by the members of the council from among the council members;

3049 (c) is the chair of the council and presides at all council meetings;

3050 (d) exercises ceremonial functions for the municipality;

3051 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken  
3052 by the council;

3053 (f) represents the municipal township on the board of a municipal services district; and

3054 (g) has other powers and duties described in this section and otherwise authorized by  
3055 law except as modified by ordinance under Subsection 10-3b-503(3).

3056 (2) Except as provided in Subsection (3), the chair in a municipal township:

3057 (a) shall:

3058 (i) keep the peace and enforce the laws of the municipal township;

3059 (ii) ensure that all applicable statutes and municipal township ordinances and  
3060 resolutions are faithfully executed and observed;

3061 (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the  
3062 remittance to the council at the council's next meeting after the remittance;

3063 (iv) perform all duties prescribed by statute or municipal township ordinance or  
3064 resolution;

3065 (v) report to the council the condition and needs of the municipal township;

- 3066 (vi) report to the council any release granted under Subsection (2)(g)(iv); and  
3067 (b) may:  
3068 (i) recommend for council consideration any measure that the chair considers to be in  
3069 the best interests of the municipality;  
3070 (ii) remit fines and forfeitures;  
3071 (iii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3072 in enforcing the laws of the state and ordinances of the municipality;  
3073 (iv) release a person imprisoned for a violation of a municipal ordinance;  
3074 (v) with the council's advice and consent appoint a person to fill a municipal office or a  
3075 vacancy on a commission or committee of the municipality; and  
3076 (vi) at any reasonable time, examine and inspect the official books, papers, records, or  
3077 documents of:  
3078 (A) the municipality; or  
3079 (B) any officer, employee, or agency of the municipality.  
3080 (3) The powers and duties in Subsection (1) are subject to the council's authority to  
3081 limit or expand the chair's powers and duties under Section [10-3b-503\(3\)](#).  
3082 (4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member  
3083 of the council as chair pro tempore, to:  
3084 (i) preside at a council meeting; and  
3085 (ii) perform during the chair's absence, disability, or refusal to act, the duties and  
3086 functions of chair.  
3087 (b) In accordance with Section [10-3c-203](#), the county clerk of the county in which the  
3088 municipal township is located shall enter in the minutes of the council meeting the election of a  
3089 council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).  
3090 Section 73. Section **10-3b-503** is repealed and reenacted to read:  
3091 **10-3b-503. Council in a municipal township council form of government.**  
3092 (1) Based on the most recent population data available from the Utah Population  
3093 Estimates Committee and the classifications in Section [10-2-301.5](#), a municipal township:  
3094 (a) of the second class has a council consisting of three members elected at large; and  
3095 (b) of the first class has a council consisting of five members elected by district.  
3096 (2) The council in a municipal township:

3097 (a) exercises any executive or administrative power and performs or supervises the  
3098 performance of any executive or administrative power, duty, or function that has not been  
3099 given to the chair under Section 10-3b-502 unless the council removes that power, duty, or  
3100 function from the chair in accordance with Subsection (3);

3101 (b) may:

3102 (i) subject to Subsections (2)(c) and (3), adopt an ordinance:

3103 (A) removing from the chair any power, duty, or function of the chair; and

3104 (B) reinstating to the chair any power, duty, or function previously removed under  
3105 Subsection (2)(b)(i)(A); and

3106 (ii) adopt an ordinance delegating to the chair any executive or administrative power,  
3107 duty, or function that the council has under Subsection (2)(a); and

3108 (c) may not remove from the chair or delegate:

3109 (i) any of the chair's legislative or judicial powers or ceremonial functions;

3110 (ii) the chair's position as chair of the council; or

3111 (iii) any ex officio position that the chair holds.

3112 (3) Adopting an ordinance under Subsection (2)(b)(i) removing from or reinstating to  
3113 the chair a power, duty, or function provided for in Section 10-3b-502 requires the affirmative  
3114 vote of:

3115 (a) the chair and a majority of all other council members; or

3116 (b) all council members except the chair.

3117 (4) The municipal township council:

3118 (a) shall:

3119 (i) by ordinance, provide for the manner in which a subdivision is approved,  
3120 disapproved, or otherwise regulated;

3121 (ii) review municipal administration, and, subject to Subsection (6), pass ordinances;

3122 (iii) perform all duties that the law imposes on the council; and

3123 (iv) elect one of its members to be chair of the municipal township and the chair of the  
3124 council;

3125 (b) may:

3126 (i) (A) notwithstanding Subsection (4)(c), appoint a committee of council members or  
3127 citizens to conduct an investigation into an officer, department, or agency of the municipality,

3128 or any other matter relating to the welfare of the municipality; and

3129 (B) delegate to an appointed committee powers of inquiry that the council considers  
3130 necessary;

3131 (ii) make and enforce any additional rule or regulation for the government of the  
3132 council, the preservation of order, and the transaction of the council's business that the council  
3133 considers necessary; and

3134 (iii) subject to the limitations provided in Subsection (6), take any action allowed under  
3135 Section 10-8-84 that is reasonably related to the safety, health, morals, and welfare of the  
3136 municipal township inhabitants; and

3137 (c) may not:

3138 (i) direct or request, other than in writing, the appointment of a person to or the  
3139 removal of a person from an executive municipal office;

3140 (ii) interfere in any way with an executive officer's performance of the officer's duties;

3141 or

3142 (iii) publicly or privately give orders to a subordinate of the chair.

3143 (5) A member of a municipal township council may not have any other compensated  
3144 employment with the municipal township.

3145 (6) The council may not adopt an ordinance or resolution that authorizes, provides, or  
3146 otherwise governs a municipal service, as defined in Section 17B-2a-1102, that is provided by  
3147 a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services  
3148 District Act.

3149 Section 74. Section **10-3b-601** is enacted to read:

3150 **Part 6. Changing to Another Form of Municipal Government**

3151 **10-3b-601. Authority to change to another form of municipal government.**

3152 (1) As provided in this part, a municipality may change from the form of government  
3153 under which it operates to:

3154 (a) the council-mayor form of government with a five-member council;

3155 (b) the council-mayor form of government with a seven-member council;

3156 (c) the six-member council form of government; or

3157 (d) the five-member council form of government.

3158 (2) (a) A municipal township that changes from the municipal township council form

3159 of government to a form described in Subsection (1):

3160 (i) is no longer a municipal township; and

3161 (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority  
3162 of a city or town.

3163 (b) If a municipal township with a population that qualifies as a town in accordance  
3164 with Section [10-2-301](#) changes its form of government in accordance with this part, the  
3165 municipal township may only change to the five-member council form of government.

3166 (3) A municipality other than a municipal township may not operate under the  
3167 municipal township council form of government.

3168 Section 75. Section **10-3b-602** is enacted to read:

3169 **10-3b-602. Voter approval required for a change in the form of government.**

3170 A municipality may not change its form of government under this part unless voters of  
3171 the municipality approve the change at an election held for that purpose.

3172 Section 76. Section **10-3b-603** is enacted to read:

3173 **10-3b-603. Resolution or petition proposing a change in the form of government.**

3174 (1) The process to change the form of government under which a municipality operates  
3175 is initiated by:

3176 (a) the council's adoption of a resolution proposing a change; or

3177 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives  
3178 - Procedures, proposing a change.

3179 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the  
3180 declaring of a petition filed under Subsection (1)(b) as sufficient under Section [20A-7-507](#), the  
3181 council shall hold at least two public hearings on the proposed change.

3182 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on  
3183 the proposed change in the form of government at the next municipal general election or  
3184 regular general election that is more than 75 days after, as the case may be:

3185 (i) a resolution under Subsection (1)(a) is adopted; or

3186 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section  
3187 [20A-7-507](#).

3188 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of  
3189 government may not be held if:

3190 (i) in the case of a proposed change initiated by the council's adoption of a resolution  
3191 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

3192 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),  
3193 enough signatures are withdrawn from the petition within 60 days after the petition is declared  
3194 sufficient under Section [20A-7-507](#) that the petition is no longer sufficient.

3195 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection  
3196 (1)(b) shall:

3197 (a) state the method of election and initial terms of council members; and

3198 (b) specify the boundaries of districts substantially equal in population, if some or all  
3199 council members are to be elected by district.

3200 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing  
3201 a change to a council-mayor form of government may require that, if the change is adopted, the  
3202 mayor appoint, with the council's advice and consent and subject to Section [10-3b-202](#), a chief  
3203 administrative officer, to exercise the administrative powers and perform the duties that the  
3204 mayor prescribes.

3205 Section 77. Section **10-3b-604** is enacted to read:

3206 **10-3b-604. Limitations on adoption of a resolution and filing of a petition.**

3207 A resolution may not be adopted under Subsection [10-3b-603](#)(1)(a) and a petition may  
3208 not be filed under Subsection [10-3b-603](#)(1)(b) within:

3209 (1) two years after an election at which voters reject a proposal to change the  
3210 municipality's form of government, if the resolution or petition proposes changing to the same  
3211 form of government that voters rejected at the election; or

3212 (2) four years after the effective date of a change in the form of municipal government.

3213 Section 78. Section **10-3b-605** is enacted to read:

3214 **10-3b-605. Ballot form.**

3215 The ballot at an election on a proposal to change the municipality's form of government  
3216 shall:

3217 (1) state the ballot question substantially as follows: "Shall (state the municipality's  
3218 name), Utah, change its form of government to the (state "council-mayor form, with a  
3219 five-member council," "council-mayor form, with a seven-member council," "six-member  
3220 council form," or "five-member council form," as applicable)?"; and

3221 (2) provide a space or method for the voter to vote "yes" or "no."

3222 Section 79. Section **10-3b-606** is enacted to read:

3223 **10-3b-606. Election of officers after a change in the form of government.**

3224 (1) If voters approve a proposal to change the municipality's form of government at an  
3225 election held as provided in this part, an election of officers under the new form of government  
3226 shall be held on the municipal general election date following the election at which voters  
3227 approve the proposal.

3228 (2) If a municipality changes its form of government under this part resulting in the  
3229 elimination of an elected official's position, the municipality shall continue to pay that official  
3230 at the same rate until the date on which the official's term would have expired, unless under the  
3231 new form of government the official holds municipal office for which the official is regularly  
3232 compensated.

3233 (3) A council member whose term has not expired at the time the municipality changes  
3234 its form of government under this part may, at the council member's option, continue to serve  
3235 as a council member under the new form of government for the remainder of the member's  
3236 term.

3237 (4) The term of the mayor and each council member is four years or until a successor is  
3238 qualified, except that approximately half of the initial council members, chosen by lot, shall  
3239 serve a term of two years or until a successor is qualified.

3240 Section 80. Section **10-3b-607** is enacted to read:

3241 **10-3b-607. Effective date of change in the form of government.**

3242 A change in the form of government under this chapter takes effect at noon on the first  
3243 Monday of January next following the election of officers under Section [10-3b-606](#).

3244 Section 81. Section **10-3c-101** is enacted to read:

3245 **CHAPTER 3c. ADMINISTRATION OF MUNICIPAL TOWNSHIPS**

3246 **Part 1. General Provisions**

3247 **10-3c-101. Title.**

3248 (1) This chapter is known as "Administration of Municipal Townships."

3249 (2) This part is known as "General Provisions."

3250 Section 82. Section **10-3c-102** is enacted to read:

3251 **10-3c-102. Definitions.**

3252 As used in this chapter:

3253 (1) "Municipal services district" means a local district created in accordance with Title  
3254 17B, Chapter 2a, Part 11, Municipal Services District Act.

3255 (2) "Municipal township" means a municipal township incorporated in accordance with  
3256 Chapter 2a, Part 4, Incorporation of Municipal Townships and Unincorporated Areas in a  
3257 County of the First Class on and after May 12, 2015.

3258 Section 83. Section **10-3c-103** is enacted to read:

3259 **10-3c-103. Status and powers.**

3260 A municipal township:

3261 (1) is:

3262 (a) a body corporate and politic with perpetual succession;

3263 (b) a quasi-municipal corporation; and

3264 (c) a political subdivision of the state; and

3265 (2) may sue and be sued.

3266 Section 84. Section **10-3c-201** is enacted to read:

3267 **Part 2. Administration of Municipal Township**

3268 **10-3c-201. Title.**

3269 This part is known as "Administration of Municipal Township."

3270 Section 85. Section **10-3c-202** is enacted to read:

3271 **10-3c-202. Budget.**

3272 A municipal township is subject to and shall comply with Chapter 6, Uniform Fiscal  
3273 Procedures Act for Utah Cities.

3274 Section 86. Section **10-3c-203** is enacted to read:

3275 **10-3c-203. Administrative and operational services -- Staff provided by county or**  
3276 **municipal services district.**

3277 (1) Unless otherwise provided, a municipal township may not hire an executive  
3278 director or other municipal manager or employ staff or otherwise contract for personnel  
3279 services except for a contract for personnel services with a municipal services district.

3280 (2) (a) The following officials elected or appointed, or persons employed by, the county  
3281 in which a municipality township is located shall, for the purposes of interpreting and  
3282 complying with applicable law, fulfill the responsibilities and hold the following municipal

3283 township offices or positions:

3284 (i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the  
3285 municipal township;

3286 (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for  
3287 the municipal township;

3288 (iii) the county engineer shall fulfill the duties and hold the powers of engineer for the  
3289 municipal township; and

3290 (iv) subject to Subsection (2)(b), the county auditor shall fulfill the duties and hold the  
3291 powers of auditor for the municipal township.

3292 (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the  
3293 municipal township to the extent that the county auditor's powers and duties are described in  
3294 and delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor,  
3295 and a municipal auditor's powers and duties described in this title are the same.

3296 (ii) Notwithstanding Subsection (2)(b), in a municipal township, services described in  
3297 Sections [17-19a-203](#), [17-19a-204](#), and [17-19a-205](#), and services other than those described in  
3298 Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that  
3299 are required by law, shall be performed by county staff other than the county auditor.

3300 (3) (a) Nothing in Subsection (2) may be construed to relieve an official described in  
3301 Subsections (2)(a)(i) through (iv) of a duty to either the county or municipal township or a duty  
3302 to fulfill that official's position as required by law.

3303 (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other  
3304 person described in Subsections (2)(a)(i) through (iv):

3305 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of  
3306 Title 17, Counties, as applicable to that official's or person's county office;

3307 (ii) is paid a salary and benefits and subject to employment discipline in accordance  
3308 with the provisions of Title 17, Counties, as applicable to that official's or person's county  
3309 office;

3310 (iii) is not subject to:

3311 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

3312 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

3313 (iv) is not required to provide a bond for the applicable municipal office if a bond for

3314 the office is required by this title.

3315 (4) (a) The municipal township may establish a planning commission in accordance  
3316 with Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.

3317 (b) The municipal township may not employ staff to support a planning commission or  
3318 appeal authority.

3319 (c) A municipal township may not employ an attorney for purposes of providing legal  
3320 advice to the chair or municipal township council or any other municipal township purpose.

3321 (5) A municipal services district established in accordance with Section 17B, Chapter  
3322 2a, Part 11, Municipal Services District Act, and of which the municipal township is a member  
3323 shall provide:

3324 (a) staff to the planning commission and appeal authority; and

3325 (b) legal counsel to the municipal township.

3326 Section 87. Section **10-3c-204** is enacted to read:

3327 **10-3c-204. Taxing authority limited.**

3328 A municipal township may not:

3329 (1) impose a municipal energy sales and use tax as described in Chapter 1, Part 3,  
3330 Municipal Energy Sales and Use Tax Act; or

3331 (2) levy or impose a tax unless the Legislature expressly provides that a municipal  
3332 township may levy or impose the tax.

3333 Section 88. Section **10-3c-205** is enacted to read:

3334 **10-3c-205. Fees.**

3335 (1) A municipal township may impose a fine, fee, or charge.

3336 (2) A municipal services district of which a municipal township is a member shall,  
3337 unless otherwise provided by law, collect on behalf of the municipal township all fines, fees,  
3338 charges, levies, and other payments imposed by the municipal township.

3339 Section 89. Section **10-6-106** is amended to read:

3340 **10-6-106. Definitions.**

3341 As used in this chapter:

3342 (1) "Account group" is defined by generally accepted accounting principles as reflected  
3343 in the Uniform Accounting Manual for Utah Cities.

3344 (2) "Appropriation" means an allocation of money by the governing body for a specific

3345 purpose.

3346 (3) (a) "Budget" means a plan of financial operations for a fiscal period which  
3347 embodies estimates of proposed expenditures for given purposes and the proposed means of  
3348 financing them.

3349 (b) "Budget" may refer to the budget of a particular fund for which a budget is required  
3350 by law or it may refer collectively to the budgets for all such funds.

3351 (4) "Budgetary fund" means a fund for which a budget is required.

3352 (5) "Budget officer" means the city auditor in a city of the first and second class, the  
3353 mayor or some person appointed by the mayor with the approval of the city council in a city of  
3354 the third, fourth, or fifth class, the mayor in the council-mayor optional form of government,  
3355 the chair of the municipal township council in a municipal township, or the person designated  
3356 by the charter in a charter city.

3357 (6) "Budget period" means the fiscal period for which a budget is prepared.

3358 (7) "Check" means an order in a specific amount drawn upon a depository by an  
3359 authorized officer of a city.

3360 (8) "City" means a city or a municipal township as defined in Section [10-2a-403](#).

3361 ~~[(8)]~~ (9) "City general fund" means the general fund used by a city.

3362 ~~[(9)]~~ (10) "Current period" means the fiscal period in which a budget is prepared and  
3363 adopted, i.e., the fiscal period next preceding the budget period.

3364 ~~[(10)]~~ (11) "Department" means any functional unit within a fund that carries on a  
3365 specific activity, such as a fire or police department within a city general fund.

3366 ~~[(11)]~~ (12) "Encumbrance system" means a method of budgetary control in which part  
3367 of an appropriation is reserved to cover a specific expenditure by charging obligations, such as  
3368 purchase orders, contracts, or salary commitments to an appropriation account at their time of  
3369 origin. Such obligations cease to be encumbrances when paid or when the actual liability is  
3370 entered on the city's books of account.

3371 ~~[(12)]~~ (13) "Enterprise fund" means a fund as defined by the Governmental Accounting  
3372 Standards Board that is used by a municipality to report an activity for which a fee is charged to  
3373 users for goods or services.

3374 ~~[(13)]~~ (14) "Estimated revenue" means the amount of revenue estimated to be received  
3375 from all sources during the budget period in each fund for which a budget is being prepared.

3376            [~~(14)~~] (15) "Financial officer" means the mayor in the council-mayor optional form of  
3377 government or the city official as authorized by Section [10-6-158](#).

3378            [~~(15)~~] (16) "Fiscal period" means the annual or biennial period for accounting for fiscal  
3379 operations in each city.

3380            [~~(16)~~] (17) "Fund" is as defined by generally accepted accounting principles as  
3381 reflected in the Uniform Accounting Manual for Utah Cities.

3382            [~~(17)~~] (18) "Fund balance," "retained earnings," and "deficit" have the meanings  
3383 commonly accorded such terms under generally accepted accounting principles as reflected in  
3384 the Uniform Accounting Manual for Utah Cities.

3385            [~~(18)~~] (19) "General fund" is as defined by the Governmental Accounting Standards  
3386 Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by  
3387 the Office of the Utah State Auditor.

3388            [~~(19)~~] (20) "Governing body" means a city council, or city commission, as the case  
3389 may be, but the authority to make any appointment to any position created by this chapter is  
3390 vested in the mayor in the council-mayor optional form of government.

3391            [~~(20)~~] (21) "Interfund loan" means a loan of cash from one fund to another, subject to  
3392 future repayment.

3393            [~~(21)~~] (22) "Last completed fiscal period" means the fiscal period next preceding the  
3394 current period.

3395            [~~(22)~~] (23) (a) "Public funds" means any money or payment collected or received by an  
3396 officer or employee of the city acting in an official capacity and includes money or payment to  
3397 the officer or employee for services or goods provided by the city, or the officer or employee  
3398 while acting within the scope of employment or duty.

3399            (b) "Public funds" does not include money or payments collected or received by an  
3400 officer or employee of a city for charitable purposes if the mayor or city council has consented  
3401 to the officer's or employee's participation in soliciting contributions for a charity.

3402            [~~(23)~~] (24) "Special fund" means any fund other than the city general fund.

3403            [~~(24)~~] (25) "Utility" means a utility owned by a city, in whole or in part, that provides  
3404 electricity, gas, water, or sewer, or any combination of them.

3405            [~~(25)~~] (26) "Warrant" means an order drawn upon the city treasurer, in the absence of  
3406 sufficient money in the city's depository, by an authorized officer of a city for the purpose of

3407 paying a specified amount out of the city treasury to the person named or to the bearer as  
3408 money becomes available.

3409 Section 90. Section **10-6-111** is amended to read:

3410 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**  
3411 **-- Budget message -- Review by governing body.**

3412 (1) (a) On or before the first regularly scheduled meeting of the governing body in the  
3413 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on  
3414 forms provided by the state auditor, and file with the governing body, a tentative budget for  
3415 each fund for which a budget is required.

3416 (b) The tentative budget of each fund shall set forth in tabular form:

3417 (i) the actual revenues and expenditures in the last completed fiscal period;

3418 (ii) the budget estimates for the current fiscal period;

3419 (iii) the actual revenues and expenditures for a period of 6 to 21 months, as  
3420 appropriate, of the current fiscal period;

3421 (iv) the estimated total revenues and expenditures for the current fiscal period;

3422 (v) the budget officer's estimates of revenues and expenditures for the budget period,  
3423 computed as provided in Subsection (1)(c); and

3424 (vi) if the governing body elects, the actual performance experience to the extent  
3425 established by Section [10-6-154](#) and available in work units, unit costs, man hours, or man  
3426 years for each budgeted fund on an actual basis for the last completed fiscal period, and  
3427 estimated for the current fiscal period and for the ensuing budget period.

3428 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),  
3429 the budget officer shall estimate:

3430 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

3431 (I) hearing each department head; and

3432 (II) reviewing the budget requests and estimates of the department heads; and

3433 (B) (I) the amount of revenue available to serve the needs of each fund;

3434 (II) the portion of revenue to be derived from all sources other than general property  
3435 taxes; and

3436 (III) the portion of revenue that shall be derived from general property taxes.

3437 (ii) The budget officer may revise any department's estimate under Subsection

3438 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to  
3439 the governing body.

3440 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall  
3441 compute and disclose in the budget the lowest rate of property tax levy that will raise the  
3442 required amount of revenue, calculating the levy upon the latest taxable value.

3443 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,  
3444 shall contain the estimates of expenditures submitted by department heads, together with  
3445 specific work programs and such other supporting data as this chapter requires or the governing  
3446 body may request. Each city of the first or second class shall, and a city of the third, fourth, or  
3447 fifth class may, submit a supplementary estimate of all capital projects which each department  
3448 head believes should be undertaken within the next three succeeding years.

3449 (b) Each tentative budget submitted by the budget officer to the governing body shall  
3450 be accompanied by a budget message, which shall explain the budget, contain an outline of the  
3451 proposed financial policies of the city for the budget period, and shall describe the important  
3452 features of the budgetary plan. It shall set forth the reasons for salient changes from the  
3453 previous fiscal period in appropriation and revenue items and shall explain any major changes  
3454 in financial policy.

3455 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the  
3456 governing body in any regular meeting or special meeting called for the purpose and may be  
3457 amended or revised in such manner as is considered advisable prior to public hearings, except  
3458 that no appropriation required for debt retirement and interest or reduction of any existing  
3459 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be  
3460 reduced below the minimums so required.

3461 (4) (a) If the municipality is acting pursuant to Section [~~10-2-120~~] 10-2a-218, the  
3462 tentative budget shall:

3463 (i) be submitted to the governing body-elect as soon as practicable; and

3464 (ii) cover each fund for which a budget is required from the date of incorporation to the  
3465 end of the fiscal year.

3466 (b) The governing body shall substantially comply with all other provisions of this  
3467 chapter, and the budget shall be passed upon incorporation.

3468 Section 91. Section 15A-5-202.5 is amended to read:

3469 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

3470 (1) For IFC, Chapter 3, General Requirements:

3471 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six  
3472 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for  
3473 Wildland Fire Ordinance".

3474 (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is  
3475 deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or  
3476 placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing  
3477 substance or object on any surface or article where it can cause an unwanted fire."

3478 (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted  
3479 and rewritten as follows: "When the fire code official determines that hazardous environmental  
3480 conditions necessitate controlled use of any ignition source, including fireworks, lighters,  
3481 matches, sky lanterns, and smoking materials, any of the following may occur:

3482 1. If the hazardous environmental conditions exist in a municipality, the legislative  
3483 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,  
3484 brush-covered, or forest-covered areas or the wildland urban interface area, which means the  
3485 line, area, or zone where structures or other human development meet or intermingle with  
3486 undeveloped wildland or land being used for an agricultural purpose.

3487 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist  
3488 in an unincorporated area, the state forester may prohibit the ignition or use of an ignition  
3489 source in all or part of the areas described in paragraph 1 that are within the unincorporated  
3490 area, after consulting with the county fire code official who has jurisdiction over that area.

3491 3. If the hazardous environmental conditions exist in a municipal township created  
3492 under [~~Section 17-27a-306 that is in a county of the first class, the county~~] Title 10, Chapter 2a,  
3493 Part 4, Incorporation of Municipal Townships and Unincorporated Areas in a County of the  
3494 First Class on and after May 12, 2015, the municipal township legislative body may prohibit  
3495 the ignition or use of an ignition source in all or part of the areas described in paragraph 1 that  
3496 are within the township."

3497 (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On  
3498 line 10 delete the words "International Property Maintenance Code and the".

3499 (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete

3500 the word "shall" and replace it with the word "may".

3501 (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
3502 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
3503 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler  
3504 heads in occupancies meeting classification as light or ordinary hazard."

3505 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

3506 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as  
3507 follows: After the word "buildings" add "to include sororities and fraternity houses".

3508 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following  
3509 footnotes:

3510 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation  
3511 drill for fire conducted at least every two months, to a total of four emergency evacuation drills  
3512 during the nine-month school year. The first emergency evacuation drill for fire shall be  
3513 conducted within 10 school days after the beginning of classes, and the third emergency  
3514 evacuation drill for fire shall be conducted 10 school days after the beginning of the next  
3515 calendar year. The second and fourth emergency evacuation drills may be substituted by a  
3516 security or safety drill to include shelter in place, earthquake drill, or lock down for violence."

3517 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the  
3518 monthly required emergency evacuation drill can be substituted by a security or safety drill to  
3519 include shelter in place, earthquake drill, or lock down for violence. The routine emergency  
3520 evacuation drill for fire must be conducted at least every other evacuation drill."

3521 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are  
3522 required to have one emergency evacuation drill per year, provided the following conditions are  
3523 met:

3524 (A) The building has a fire alarm system in accordance with Section 907.2.

3525 (B) The rooms classified as assembly shall have fire safety floor plans as required in  
3526 Section 404.3.2(4) posted.

3527 (C) The building is not classified a high-rise building.

3528 (D) The building does not contain hazardous materials over the allowable quantities by  
3529 code."

3530 Section 92. Section **17-23-17** is amended to read:

3531           **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
3532 **of monuments -- Record of corner changes -- Penalties.**

3533           (1) As used in this section[, "~~land~~]:

3534           (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3535 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3536 Surveyors Licensing Act.

3537           (b) (i) "Township" means a term used in the context of identifying a geographic area in  
3538 common surveyor practice.

3539           (ii) "Township" does not mean a municipal township as that term is defined in Section  
3540 [10-2a-403](#).

3541           (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
3542 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
3543 a boundary line shall file a map of the survey that meets the requirements of this section with  
3544 the county surveyor or designated office within 90 days of the establishment or reestablishment  
3545 of a boundary.

3546           (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
3547 (2)(a)(i) is guilty of a class C misdemeanor.

3548           (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
3549 separate violation.

3550           (b) The county surveyor or designated office shall file and index the map of the survey.

3551           (c) The map shall be a public record in the office of the county surveyor or designated  
3552 office.

3553           (3) This type of map shall show:

3554           (a) the location of survey by quarter section and township and range;

3555           (b) the date of survey;

3556           (c) the scale of drawing and north point;

3557           (d) the distance and course of all lines traced or established, giving the basis of bearing  
3558 and the distance and course to two or more section corners or quarter corners, including  
3559 township and range, or to identified monuments within a recorded subdivision;

3560           (e) all measured bearings, angles, and distances separately indicated from those of  
3561 record;

- 3562 (f) a written boundary description of property surveyed;
- 3563 (g) all monuments set and their relation to older monuments found;
- 3564 (h) a detailed description of monuments found and monuments set, indicated
- 3565 separately;
- 3566 (i) the surveyor's seal or stamp; and
- 3567 (j) the surveyor's business name and address.
- 3568 (4) (a) The map shall contain a written narrative that explains and identifies:
- 3569 (i) the purpose of the survey;
- 3570 (ii) the basis on which the lines were established; and
- 3571 (iii) the found monuments and deed elements that controlled the established or
- 3572 reestablished lines.
- 3573 (b) If the narrative is a separate document, it shall contain:
- 3574 (i) the location of the survey by quarter section and by township and range;
- 3575 (ii) the date of the survey;
- 3576 (iii) the surveyor's stamp or seal; and
- 3577 (iv) the surveyor's business name and address.
- 3578 (c) The map and narrative shall be referenced to each other if they are separate
- 3579 documents.
- 3580 (5) The map and narrative shall be created on material of a permanent nature on stable
- 3581 base reproducible material in the sizes required by the county surveyor.
- 3582 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
- 3583 a point on a property or land line shall be durably and visibly marked or tagged with the
- 3584 registered business name or the letters "L.S." followed by the registration number of the
- 3585 surveyor in charge.
- 3586 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall
- 3587 be marked with the official title of the office.
- 3588 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the
- 3589 section corner or quarter-section corner, or their accessories, the surveyor shall complete and
- 3590 submit to the county surveyor or designated office a record of the changes made.
- 3591 (b) The record shall be submitted within 45 days of the corner visits and shall include
- 3592 the surveyor's seal, business name, and address.

3593 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
3594 license of any land surveyor who fails to comply with the requirements of this section,  
3595 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and  
3596 Professional Licensing Act.

3597 (9) Each federal or state agency, board, or commission, local district, special service  
3598 district, or municipal corporation that makes a boundary survey of lands within this state shall  
3599 comply with this section.

3600 Section 93. Section 17-23-17.5 is amended to read:

3601 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**  
3602 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

3603 (1) As used in this section:

3604 (a) "Accessory to a corner" means any exclusively identifiable physical object whose  
3605 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing  
3606 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,  
3607 steel or wooden stakes, or other objects.

3608 (b) "Corner," unless otherwise qualified, means a property corner, a property  
3609 controlling corner, a public land survey corner, or any combination of these.

3610 (c) "Geographic coordinates" means mathematical values that designate a position on  
3611 the earth relative to a given reference system. Coordinates shall be established pursuant to  
3612 Title 57, Chapter 10, Utah Coordinate System.

3613 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3614 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3615 Surveyors Licensing Act.

3616 (e) "Monument" means an accessory that is presumed to occupy the exact position of a  
3617 corner.

3618 (f) "Property controlling corner" means a public land survey corner or any property  
3619 corner which does not lie on a property line of the property in question, but which controls the  
3620 location of one or more of the property corners of the property in question.

3621 (g) "Property corner" means a geographic point of known geographic coordinates on  
3622 the surface of the earth, and is on, a part of, and controls a property line.

3623 (h) "Public land survey corner" means any corner actually established and monumented

3624 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the  
3625 land to a private person from the United States government.

3626 (i) "Reference monument" means a special monument that does not occupy the same  
3627 geographical position as the corner itself, but whose spatial relationship to the corner is  
3628 recorded and which serves to witness the corner.

3629 (j) (i) "Township" means a term used in the context of identifying a geographic area in  
3630 common surveyor practice.

3631 (ii) "Township" does not mean a municipal township as that term is defined in Section  
3632 10-2a-403.

3633 (2) (a) Any land surveyor making a boundary survey of lands within this state and  
3634 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the  
3635 county where the corner is situated, a written record to be known as a corner file for every  
3636 public land survey corner and accessory to the corner which is used as control in any survey by  
3637 the surveyor, unless the corner and its accessories are already a matter of record in the county.

3638 (b) Where reasonably possible, the corner file shall include the geographic coordinates  
3639 of the corner.

3640 (c) A surveyor may file a corner record as to any property corner, reference monument,  
3641 or accessory to a corner.

3642 (d) Corner records may be filed concerning corners used before the effective date of  
3643 this section.

3644 (3) The county surveyor of the county containing the corners shall have on record as  
3645 part of the official files maps of each township within the county, the bearings and lengths of  
3646 the connecting lines to government corners, and government corners looked for and not found.

3647 (4) The county surveyor shall make these records available for public inspection at the  
3648 county facilities during normal business hours.

3649 (5) Filing fees for corner records shall be established by the county legislative body  
3650 consistent with existing fees for similar services. All corners, monuments, and their  
3651 accessories used prior to the effective date of this section shall be accepted and filed with the  
3652 county surveyor without requiring the payment of the fees.

3653 (6) When a corner record of a public land survey corner is required to be filed under  
3654 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the

3655 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

3656 (7) A corner record may not be filed unless it is signed by a land surveyor.

3657 (8) All filings relative to official cadastral surveys of the Bureau of Land Management  
3658 of the United States of America performed by authorized personnel shall be exempt from filing  
3659 fees.

3660 Section 94. Section 17-27a-103 is amended to read:

3661 **17-27a-103. Definitions.**

3662 As used in this chapter:

3663 (1) "Affected entity" means a county, municipality, local district, special service  
3664 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
3665 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
3666 property owner, property owners association, public utility, or the Utah Department of  
3667 Transportation, if:

3668 (a) the entity's services or facilities are likely to require expansion or significant  
3669 modification because of an intended use of land;

3670 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

3671 or

3672 (c) the entity has filed with the county a request for notice during the same calendar  
3673 year and before the county provides notice to an affected entity in compliance with a  
3674 requirement imposed under this chapter.

3675 (2) "Appeal authority" means the person, board, commission, agency, or other body  
3676 designated by ordinance to decide an appeal of a decision of a land use application or a  
3677 variance.

3678 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
3679 residential property if the sign is designed or intended to direct attention to a business, product,  
3680 or service that is not sold, offered, or existing on the property where the sign is located.

3681 (4) (a) "Charter school" means:

3682 (i) an operating charter school;

3683 (ii) a charter school applicant that has its application approved by a charter school  
3684 authorizer in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

3685 (iii) an entity that is working on behalf of a charter school or approved charter

3686 applicant to develop or construct a charter school building.

3687 (b) "Charter school" does not include a therapeutic school.

3688 (5) "Chief executive officer" means the person or body that exercises the executive  
3689 powers of the county.

3690 (6) "Conditional use" means a land use that, because of its unique characteristics or  
3691 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
3692 compatible in some areas or may be compatible only if certain conditions are required that  
3693 mitigate or eliminate the detrimental impacts.

3694 (7) "Constitutional taking" means a governmental action that results in a taking of  
3695 private property so that compensation to the owner of the property is required by the:

3696 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3697 (b) Utah Constitution Article I, Section 22.

3698 (8) "Culinary water authority" means the department, agency, or public entity with  
3699 responsibility to review and approve the feasibility of the culinary water system and sources for  
3700 the subject property.

3701 (9) "Development activity" means:

3702 (a) any construction or expansion of a building, structure, or use that creates additional  
3703 demand and need for public facilities;

3704 (b) any change in use of a building or structure that creates additional demand and need  
3705 for public facilities; or

3706 (c) any change in the use of land that creates additional demand and need for public  
3707 facilities.

3708 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
3709 one or more of a person's major life activities, including a person having a record of such an  
3710 impairment or being regarded as having such an impairment.

3711 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
3712 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
3713 802.

3714 (11) "Educational facility":

3715 (a) means:

3716 (i) a school district's building at which pupils assemble to receive instruction in a

3717 program for any combination of grades from preschool through grade 12, including  
3718 kindergarten and a program for children with disabilities;

3719 (ii) a structure or facility:

3720 (A) located on the same property as a building described in Subsection (11)(a)(i); and

3721 (B) used in support of the use of that building; and

3722 (iii) a building to provide office and related space to a school district's administrative  
3723 personnel; and

3724 (b) does not include:

3725 (i) land or a structure, including land or a structure for inventory storage, equipment  
3726 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

3727 (A) not located on the same property as a building described in Subsection (11)(a)(i);

3728 and

3729 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

3730 (ii) a therapeutic school.

3731 (12) "Fire authority" means the department, agency, or public entity with responsibility

3732 to review and approve the feasibility of fire protection and suppression services for the subject  
3733 property.

3734 (13) "Flood plain" means land that:

3735 (a) is within the 100-year flood plain designated by the Federal Emergency  
3736 Management Agency; or

3737 (b) has not been studied or designated by the Federal Emergency Management Agency  
3738 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
3739 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
3740 Federal Emergency Management Agency.

3741 (14) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

3742 (15) "General plan" means a document that a county adopts that sets forth general  
3743 guidelines for proposed future development of the unincorporated land within the county.

3744 (16) "Geologic hazard" means:

3745 (a) a surface fault rupture;

3746 (b) shallow groundwater;

3747 (c) liquefaction;

- 3748 (d) a landslide;
- 3749 (e) a debris flow;
- 3750 (f) unstable soil;
- 3751 (g) a rock fall; or
- 3752 (h) any other geologic condition that presents a risk:
- 3753 (i) to life;
- 3754 (ii) of substantial loss of real property; or
- 3755 (iii) of substantial damage to real property.
- 3756 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 3757 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 3758 system.
- 3759 (18) "Identical plans" means building plans submitted to a county that:
- 3760 (a) are clearly marked as "identical plans";
- 3761 (b) are substantially identical building plans that were previously submitted to and
- 3762 reviewed and approved by the county; and
- 3763 (c) describe a building that:
- 3764 (i) is located on land zoned the same as the land on which the building described in the
- 3765 previously approved plans is located;
- 3766 (ii) is subject to the same geological and meteorological conditions and the same law
- 3767 as the building described in the previously approved plans;
- 3768 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 3769 and approved by the county; and
- 3770 (iv) does not require any additional engineering or analysis.
- 3771 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 3772 Impact Fees Act.
- 3773 (20) "Improvement completion assurance" means a surety bond, letter of credit, cash,
- 3774 or other security required by a county to guaranty the proper completion of landscaping or
- 3775 infrastructure that the land use authority has required as a condition precedent to:
- 3776 (a) recording a subdivision plat; or
- 3777 (b) beginning development activity.
- 3778 (21) "Improvement warranty" means an applicant's unconditional warranty that the

3779 accepted landscaping or infrastructure:

3780 (a) complies with the county's written standards for design, materials, and  
3781 workmanship; and

3782 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
3783 within the improvement warranty period.

3784 (22) "Improvement warranty period" means a period:

3785 (a) no later than one year after a county's acceptance of required landscaping; or

3786 (b) no later than one year after a county's acceptance of required infrastructure, unless  
3787 the county:

3788 (i) determines for good cause that a one-year period would be inadequate to protect the  
3789 public health, safety, and welfare; and

3790 (ii) has substantial evidence, on record:

3791 (A) of prior poor performance by the applicant; or

3792 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
3793 and the county has not otherwise required the applicant to mitigate the suspect soil.

3794 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
3795 designation that:

3796 (a) runs with the land; and

3797 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
3798 the plat; or

3799 (ii) designates a development condition that is enclosed within the perimeter of a lot  
3800 described on the plat.

3801 (24) "Interstate pipeline company" means a person or entity engaged in natural gas  
3802 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
3803 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3804 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas  
3805 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
3806 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3807 (26) "Land use application" means an application required by a county's land use  
3808 ordinance.

3809 (27) "Land use authority" means:

3810 (a) a person, board, commission, agency, or body, including the local legislative body,  
3811 designated by the local legislative body to act upon a land use application; or

3812 (b) if the local legislative body has not designated a person, board, commission,  
3813 agency, or body, the local legislative body.

3814 (28) "Land use ordinance" means a planning, zoning, development, or subdivision  
3815 ordinance of the county, but does not include the general plan.

3816 (29) "Land use permit" means a permit issued by a land use authority.

3817 (30) "Legislative body" means the county legislative body, or for a county that has  
3818 adopted an alternative form of government, the body exercising legislative powers.

3819 (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
3820 Government Entities - Local Districts, and any other governmental or quasi-governmental  
3821 entity that is not a county, municipality, school district, or the state.

3822 (32) "Lot line adjustment" means the relocation of the property boundary line in a  
3823 subdivision between two adjoining lots with the consent of the owners of record.

3824 (33) "Moderate income housing" means housing occupied or reserved for occupancy  
3825 by households with a gross household income equal to or less than 80% of the median gross  
3826 income for households of the same size in the county in which the housing is located.

3827 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
3828 and expenses incurred in:

3829 (a) verifying that building plans are identical plans; and

3830 (b) reviewing and approving those minor aspects of identical plans that differ from the  
3831 previously reviewed and approved building plans.

3832 (35) "Noncomplying structure" means a structure that:

3833 (a) legally existed before its current land use designation; and

3834 (b) because of one or more subsequent land use ordinance changes, does not conform  
3835 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
3836 the use of land.

3837 (36) "Nonconforming use" means a use of land that:

3838 (a) legally existed before its current land use designation;

3839 (b) has been maintained continuously since the time the land use ordinance regulation  
3840 governing the land changed; and

3841 (c) because of one or more subsequent land use ordinance changes, does not conform  
3842 to the regulations that now govern the use of the land.

3843 (37) "Official map" means a map drawn by county authorities and recorded in the  
3844 county recorder's office that:

3845 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
3846 highways and other transportation facilities;

3847 (b) provides a basis for restricting development in designated rights-of-way or between  
3848 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
3849 the land; and

3850 (c) has been adopted as an element of the county's general plan.

3851 (38) "Parcel boundary adjustment" means a recorded agreement between owners of  
3852 adjoining properties adjusting their mutual boundary if:

3853 (a) no additional parcel is created; and

3854 (b) each property identified in the agreement is unsubdivided land, including a  
3855 remainder of subdivided land.

3856 (39) "Person" means an individual, corporation, partnership, organization, association,  
3857 trust, governmental agency, or any other legal entity.

3858 (40) "Plan for moderate income housing" means a written document adopted by a  
3859 county legislative body that includes:

3860 (a) an estimate of the existing supply of moderate income housing located within the  
3861 county;

3862 (b) an estimate of the need for moderate income housing in the county for the next five  
3863 years as revised biennially;

3864 (c) a survey of total residential land use;

3865 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
3866 income housing; and

3867 (e) a description of the county's program to encourage an adequate supply of moderate  
3868 income housing.

3869 (41) "Planning district" means a contiguous, geographically defined portion of the  
3870 unincorporated area of a county established under this part with planning and zoning functions  
3871 as exercised through the planning district planning commission, as provided in this chapter, but

3872 with no legal or political identity separate from the county and no taxing authority.

3873 [~~(41)~~] (42) "Plat" means a map or other graphical representation of lands being laid out  
3874 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

3875 [~~(42)~~] (43) "Potential geologic hazard area" means an area that:

3876 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
3877 relevant map or report as needing further study to determine the area's potential for geologic  
3878 hazard; or

3879 (b) has not been studied by the Utah Geological Survey or a county geologist but  
3880 presents the potential of geologic hazard because the area has characteristics similar to those of  
3881 a designated geologic hazard area.

3882 [~~(43)~~] (44) "Public agency" means:

3883 (a) the federal government;

3884 (b) the state;

3885 (c) a county, municipality, school district, local district, special service district, or other  
3886 political subdivision of the state; or

3887 (d) a charter school.

3888 [~~(44)~~] (45) "Public hearing" means a hearing at which members of the public are  
3889 provided a reasonable opportunity to comment on the subject of the hearing.

3890 [~~(45)~~] (46) "Public meeting" means a meeting that is required to be open to the public  
3891 under Title 52, Chapter 4, Open and Public Meetings Act.

3892 [~~(46)~~] (47) "Receiving zone" means an unincorporated area of a county that the county  
3893 designates, by ordinance, as an area in which an owner of land may receive a transferable  
3894 development right.

3895 [~~(47)~~] (48) "Record of survey map" means a map of a survey of land prepared in  
3896 accordance with Section 17-23-17.

3897 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

3898 (a) in which more than one person with a disability resides; and

3899 (b) (i) which is licensed or certified by the Department of Human Services under Title  
3900 62A, Chapter 2, Licensure of Programs and Facilities; or

3901 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
3902 21, Health Care Facility Licensing and Inspection Act.

3903            [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and  
3904 prescribe in a public meeting:

3905            (a) parliamentary order and procedure;

3906            (b) ethical behavior; and

3907            (c) civil discourse.

3908            [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity  
3909 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
3910 wastewater systems.

3911            [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county  
3912 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
3913 development right.

3914            [~~(52)~~] (53) "Site plan" means a document or map that may be required by a county  
3915 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
3916 owner's or developer's proposed development activity meets a land use requirement.

3917            [~~(53)~~] (54) "Specified public agency" means:

3918            (a) the state;

3919            (b) a school district; or

3920            (c) a charter school.

3921            [~~(54)~~] (55) "Specified public utility" means an electrical corporation, gas corporation,  
3922 or telephone corporation, as those terms are defined in Section [54-2-1](#).

3923            [~~(55)~~] (56) "State" includes any department, division, or agency of the state.

3924            [~~(56)~~] (57) "Street" means a public right-of-way, including a highway, avenue,  
3925 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
3926 or other way.

3927            [~~(57)~~] (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
3928 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
3929 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
3930 installment plan or upon any and all other plans, terms, and conditions.

3931            (b) "Subdivision" includes:

3932            (i) the division or development of land whether by deed, metes and bounds description,  
3933 devise and testacy, map, plat, or other recorded instrument; and

3934 (ii) except as provided in Subsection [~~(57)~~] (58)(c), divisions of land for residential and  
3935 nonresidential uses, including land used or to be used for commercial, agricultural, and  
3936 industrial purposes.

3937 (c) "Subdivision" does not include:

3938 (i) a bona fide division or partition of agricultural land for agricultural purposes;

3939 (ii) a recorded agreement between owners of adjoining properties adjusting their  
3940 mutual boundary if:

3941 (A) no new lot is created; and

3942 (B) the adjustment does not violate applicable land use ordinances;

3943 (iii) a recorded document, executed by the owner of record:

3944 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
3945 property into one legal description encompassing all such parcels of property; or

3946 (B) joining a subdivided parcel of property to another parcel of property that has not  
3947 been subdivided, if the joinder does not violate applicable land use ordinances;

3948 (iv) a bona fide division or partition of land in a county other than a first class county  
3949 for the purpose of siting, on one or more of the resulting separate parcels:

3950 (A) an electrical transmission line or a substation;

3951 (B) a natural gas pipeline or a regulation station; or

3952 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
3953 utility service regeneration, transformation, retransmission, or amplification facility;

3954 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
3955 their mutual boundary if:

3956 (A) no new dwelling lot or housing unit will result from the adjustment; and

3957 (B) the adjustment will not violate any applicable land use ordinance;

3958 (vi) a bona fide division or partition of land by deed or other instrument where the land  
3959 use authority expressly approves in writing the division in anticipation of further land use  
3960 approvals on the parcel or parcels; or

3961 (vii) a parcel boundary adjustment.

3962 (d) The joining of a subdivided parcel of property to another parcel of property that has  
3963 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (58) as to  
3964 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's

3965 subdivision ordinance.

3966 [(58)] (59) "Suspect soil" means soil that has:

3967 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
3968 3% swell potential;

3969 (b) bedrock units with high shrink or swell susceptibility; or

3970 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
3971 commonly associated with dissolution and collapse features.

3972 [(59)] (60) "Therapeutic school" means a residential group living facility:

3973 (a) for four or more individuals who are not related to:

3974 (i) the owner of the facility; or

3975 (ii) the primary service provider of the facility;

3976 (b) that serves students who have a history of failing to function:

3977 (i) at home;

3978 (ii) in a public school; or

3979 (iii) in a nonresidential private school; and

3980 (c) that offers:

3981 (i) room and board; and

3982 (ii) an academic education integrated with:

3983 (A) specialized structure and supervision; or

3984 (B) services or treatment related to a disability, an emotional development, a  
3985 behavioral development, a familial development, or a social development.

3986 [~~(60) "Township" means a contiguous, geographically defined portion of the~~  
3987 ~~unincorporated area of a county, established under this part or reconstituted or reinstated under~~  
3988 ~~Section 17-27a-306, with planning and zoning functions as exercised through the township~~  
3989 ~~planning commission, as provided in this chapter, but with no legal or political identity~~  
3990 ~~separate from the county and no taxing authority, except that "township" means a former~~  
3991 ~~township under Laws of Utah 1996, Chapter 308, where the context so indicates.]~~

3992 (61) "Transferable development right" means a right to develop and use land that  
3993 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
3994 land use rights from a designated sending zone to a designated receiving zone.

3995 (62) "Unincorporated" means the area outside of the incorporated area of a

3996 municipality.

3997 (63) "Water interest" means any right to the beneficial use of water, including:

3998 (a) each of the rights listed in Section 73-1-11; and

3999 (b) an ownership interest in the right to the beneficial use of water represented by:

4000 (i) a contract; or

4001 (ii) a share in a water company, as defined in Section 73-3-3.5.

4002 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
4003 land use zones, overlays, or districts.

4004 Section 95. Section 17-27a-301 is amended to read:

4005 **17-27a-301. Ordinance establishing planning commission required -- Exception --**  
4006 **Ordinance requirements -- Planning district planning commission -- Compensation.**

4007 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
4008 establishing a countywide planning commission for the unincorporated areas of the county not  
4009 within a [township] planning district.

4010 (b) Subsection (1)(a) does not apply if all of the county is included within any  
4011 combination of:

4012 (i) municipalities; and

4013 (ii) [townships] planning districts with their own planning commissions.

4014 (2) (a) The ordinance shall define:

4015 (i) the number and terms of the members and, if the county chooses, alternate  
4016 members;

4017 (ii) the mode of appointment;

4018 (iii) the procedures for filling vacancies and removal from office;

4019 (iv) the authority of the planning commission;

4020 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the  
4021 planning commission in a public meeting; and

4022 (vi) other details relating to the organization and procedures of the planning  
4023 commission.

4024 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with  
4025 Title 52, Chapter 4, Open and Public Meetings Act.

4026 (3) (a) (i) If the county establishes a [township] planning district planning commission,

4027 the county legislative body shall enact an ordinance that defines:

4028 (A) appointment procedures;

4029 (B) procedures for filling vacancies and removing members from office;

4030 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the

4031 ~~[township]~~ planning district planning commission in a public meeting; and

4032 (D) details relating to the organization and procedures of each ~~[township]~~ planning

4033 district planning commission.

4034 (ii) Subsection (3)(a)(i)(C) does not affect the ~~[township]~~ planning district planning

4035 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

4036 (b) The planning commission for each ~~[township]~~ planning district shall consist of

4037 seven members who ~~[, except as provided in Subsection (4),]~~ shall be appointed by:

4038 (i) in a county operating under a form of government in which the executive and  
4039 legislative functions of the governing body are separated, the county executive with the advice  
4040 and consent of the county legislative body; or

4041 (ii) in a county operating under a form of government in which the executive and  
4042 legislative functions of the governing body are not separated, the county legislative body.

4043 (c) (i) Members shall serve four-year terms and until their successors are appointed ~~[or,~~  
4044 ~~as provided in Subsection (4), elected]~~ and qualified.

4045 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) ~~[and except as provided in~~  
4046 ~~Subsection (4)],~~ members of the first planning commissions shall be appointed so that, for each  
4047 commission, the terms of at least one member and no more than two members expire each  
4048 year.

4049 (d) (i) ~~[Except as provided in Subsection (3)(d)(ii), each]~~ Each member of a ~~[township]~~  
4050 planning district planning commission shall be a registered voter residing within the ~~[township]~~  
4051 planning district.

4052 ~~[(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission~~  
4053 ~~of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4054 ~~under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter~~  
4055 ~~residing outside the township if that member:]~~

4056 ~~[(f) is an owner of real property located within the township; and]~~

4057 ~~[(H) resides within the county in which the township is located.]~~

4058 ~~[(B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township~~  
4059 ~~planning commission from a list of three persons submitted by the county legislative body.]~~

4060 ~~[(H) If the township planning commission has not notified the county legislative body~~  
4061 ~~of its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning~~  
4062 ~~commission's receipt of the list, the county legislative body may appoint one of the three~~  
4063 ~~persons on the list or a registered voter residing within the township as a member of the~~  
4064 ~~township planning commission.]~~

4065 ~~[(4) (a) The legislative body of each county in which a township reconstituted under~~  
4066 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~  
4067 ~~17-27a-306(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that~~  
4068 ~~provides for the election of at least three members of the planning commission of that~~  
4069 ~~township.]~~

4070 ~~[(b) (i) Beginning with the 2012 general election, the election of planning commission~~  
4071 ~~members under Subsection (4)(a) shall coincide with the election of other county officers~~  
4072 ~~during even-numbered years.]~~

4073 ~~[(ii) Approximately half the elected planning commission members shall be elected~~  
4074 ~~every four years during elections held on even-numbered years, and the remaining elected~~  
4075 ~~members shall be elected every four years on alternating even-numbered years.]~~

4076 ~~[(c) If no person files a declaration of candidacy in accordance with Section 20A-9-202~~  
4077 ~~for an open township planning commission member position:]~~

4078 ~~[(i) the position may be appointed in accordance with Subsection (3)(b); and]~~

4079 ~~[(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time~~  
4080 ~~that exceeds the elected term for which there was no candidate.]~~

4081 ~~[(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,~~  
4082 ~~2012, enact an ordinance that:]~~

4083 ~~[(i) designates the seats to be elected; and]~~

4084 ~~[(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board~~  
4085 ~~of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the~~  
4086 ~~planning commission of the reconstituted or reinstated township.]~~

4087 ~~[(b) A member appointed under Subsection (5)(a) is considered an elected member.]~~

4088 ~~[(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed~~

4089 under Subsection (5)(a) shall continue until the time that the member's term as an elected  
4090 member of the former township planning and zoning board would have expired.]

4091 [(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the  
4092 terms of the members appointed under Subsection (5)(a) so that the terms of those members  
4093 coincide with the schedule under Subsection (4)(b) for elected members.]

4094 [(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a  
4095 township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established  
4096 under Subsection ~~17-27a-306~~(1)(k)(i) is located may enact an ordinance allowing each  
4097 appointed member of the planning and zoning board of the former township, established under  
4098 Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning  
4099 commission of the reconstituted or reinstated township until the time that the member's term as  
4100 a member of the former township's planning and zoning board would have expired.]

4101 [(iii) If a planning commission of a township reconstituted under Laws of Utah 1997,  
4102 Chapter 389, or reinstated or established under Subsection ~~17-27a-306~~(1)(k)(i) has more than  
4103 one appointed member who resides outside the township, the legislative body of the county in  
4104 which that township is located shall, within 15 days of the effective date of this Subsection  
4105 (6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a  
4106 new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed  
4107 member.]

4108 [(7) (a) Except as provided in Subsection (7)(b), upon]

4109 (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if  
4110 that member was, prior to May 12, 2015, authorized to reside outside of the planning district.

4111 (4) (a) A member of a planning commission who was elected to and served on a  
4112 planning commission on May 12, 2015, shall serve out the term to which the member was  
4113 elected.

4114 (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant  
4115 seat shall be filled by appointment in accordance with this section.

4116 (5) Upon the appointment [or election] of all members of a [township] planning district  
4117 planning commission, each [township] planning district planning commission under this  
4118 section shall begin to exercise the powers and perform the duties provided in Section  
4119 17-27a-302 with respect to all matters then pending that previously had been under the

4120 jurisdiction of the countywide planning commission or ~~[township] planning district~~ planning  
4121 and zoning board.

4122 ~~[(b) Notwithstanding Subsection (7)(a), if the members of a former township planning  
4123 and zoning board continue to hold office as members of the planning commission of the  
4124 township planning district under an ordinance enacted under Subsection (5)(a), the township  
4125 planning commission shall immediately begin to exercise the powers and perform the duties  
4126 provided in Section 17-27a-302 with respect to all matters then pending that had previously  
4127 been under the jurisdiction of the township planning and zoning board.]~~

4128 ~~[(8) (6) The legislative body may fix per diem compensation for the members of the  
4129 planning commission, based on necessary and reasonable expenses and on meetings actually  
4130 attended.~~

4131 Section 96. Section 17-27a-302 is amended to read:

4132 **17-27a-302. Planning commission powers and duties.**

4133 ~~[(1)]~~ Each countywide or ~~[township] planning district~~ planning commission shall, with  
4134 respect to the unincorporated area of the county, or the township, make a recommendation to  
4135 the county legislative body for:

4136 ~~[(a)]~~ (1) a general plan and amendments to the general plan;

4137 ~~[(b)]~~ (2) land use ordinances, zoning maps, official maps, and amendments;

4138 ~~[(c)]~~ (3) an appropriate delegation of power to at least one designated land use  
4139 authority to hear and act on a land use application;

4140 ~~[(d)]~~ (4) an appropriate delegation of power to at least one appeal authority to hear and  
4141 act on an appeal from a decision of the land use authority; and

4142 ~~[(e)]~~ (5) application processes that:

4143 ~~[(i)]~~ (a) may include a designation of routine land use matters that, upon application  
4144 and proper notice, will receive informal streamlined review and action if the application is  
4145 uncontested; and

4146 ~~[(ii)]~~ (b) shall protect the right of each:

4147 ~~[(A)]~~ (i) applicant and third party to require formal consideration of any application by  
4148 a land use authority;

4149 ~~[(B)]~~ (ii) applicant, adversely affected party, or county officer or employee to appeal a  
4150 land use authority's decision to a separate appeal authority; and

4151 [(C)] (iii) participant to be heard in each public hearing on a contested application.

4152 [~~2~~] The planning commission of a township under this part may recommend to the

4153 legislative body of the county in which the township is located that the legislative body file a

4154 protest to a proposed annexation of an area located within the township, as provided in

4155 Subsection ~~10-2-407~~(1)(b).]

4156 Section 97. Section ~~17-27a-306~~ is amended to read:

4157 **17-27a-306. Planning districts.**

4158 (1) (a) A [township] planning district may be established:

4159 (i) in a county other than a county of the first class as provided in this Subsection (1)[:];

4160 or

4161 (ii) in a county of the first class as described in Section 10-2-307.

4162 (b) A [township] planning district may not be established unless the area to be included

4163 within the proposed [township] planning district:

4164 (i) is unincorporated;

4165 (ii) is contiguous; and

4166 (iii) (A) contains:

4167 (I) at least 20% but not more than 80% of:

4168 (Aa) the total private land area in the unincorporated county; or

4169 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4170 or

4171 (II) (Aa) in a county of the [~~first,~~] second[;] or third class, at least 5% of the total

4172 population of the unincorporated county; or

4173 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population

4174 of the unincorporated county; or

4175 (B) has been declared by the United States Census Bureau as a census designated

4176 place.

4177 (c) (i) The process to establish a [township] planning district is initiated by the filing of

4178 a petition with the clerk of the county in which the proposed [township] planning district is

4179 located.

4180 (ii) A petition to establish a [township] planning district may not be filed if it proposes

4181 the establishment of a [township] planning district that includes an area within a proposed

4182 [township] planning district in a petition that has previously been certified under Subsection  
4183 (1)(g), until after the canvass of an election on the proposed [township] planning district under  
4184 Subsection (1)(j).

4185 (d) A petition under Subsection (1)(c) to establish a [township] planning district shall:

4186 (i) be signed by the owners of private real property that:

4187 (A) is located within the proposed [township] planning district;

4188 (B) covers at least 10% of the total private land area within the proposed [township]  
4189 planning district; and

4190 (C) is equal in value to at least 10% of the value of all private real property within the  
4191 proposed [township] planning district;

4192 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
4193 area proposed to be established as a [township] planning district;

4194 (iii) indicate the typed or printed name and current residence address of each owner  
4195 signing the petition;

4196 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4197 be designated as the contact sponsor, with the mailing address and telephone number of each  
4198 petition sponsor;

4199 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4200 petition for purposes of the petition; and

4201 (vi) request the county legislative body to provide notice of the petition and of a public  
4202 hearing, hold a public hearing, and conduct an election on the proposal to establish a  
4203 [township] planning district.

4204 (e) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to establish a [township]  
4205 planning district to the same extent as if it were an incorporation petition under Title 10,  
4206 Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4207 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing  
4208 the establishment of a [township] planning district in a county of the [~~first or~~] second class, the  
4209 county clerk shall provide notice of the filing of the petition to:

4210 (A) each owner of real property owning more than 1% of the assessed value of all real  
4211 property within the proposed [township] planning district; and

4212 (B) each owner of real property owning more than 850 acres of real property within the

4213 proposed [township] planning district.

4214 (ii) A property owner may exclude all or part of the property owner's property from a  
4215 proposed [township] planning district in a county of the [~~first or~~] second class:

4216 (A) if:

4217 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
4218 property within the proposed [township] planning district;

4219 (IIii) the property is nonurban; and

4220 (IIIiii) the property does not or will not require municipal provision of municipal-type  
4221 services; or

4222 (Bb) the property owner owns more than 850 acres of real property within the proposed  
4223 [township] planning district; and

4224 (II) exclusion of the property will not leave within the [township] planning district an  
4225 island of property that is not part of the [township] planning district; and

4226 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
4227 under Subsection (1)(f)(i).

4228 (iii) (A) The county legislative body shall exclude from the proposed [township]  
4229 planning district the property identified in a notice of exclusion timely filed under Subsection  
4230 (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

4231 (B) If the county legislative body excludes property from a proposed [township]  
4232 planning district under Subsection (1)(f)(iii), the county legislative body shall, within five days  
4233 after the exclusion, send written notice of its action to the contact sponsor.

4234 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
4235 clerk shall:

4236 (A) with the assistance of other county officers from whom the clerk requests  
4237 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
4238 and

4239 (B) (I) if the clerk determines that the petition complies with the requirements of  
4240 Subsection (1)(d):

4241 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4242 and

4243 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4244 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4245 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
4246 rejection and the reasons for the rejection.

4247 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
4248 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4249 county clerk.

4250 (h) (i) Within 90 days after a petition to establish a [township] planning district is  
4251 certified, the county legislative body shall hold a public hearing on the proposal to establish a  
4252 [township] planning district.

4253 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4254 (A) within the boundary of the proposed [township] planning district; or

4255 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4256 practicable.

4257 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
4258 county legislative body shall publish notice of the petition and the time, date, and place of the  
4259 public hearing:

4260 (A) at least once in a newspaper of general circulation in the county; and

4261 (B) on the Utah Public Notice Website created in Section [63F-1-701](#).

4262 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
4263 shall arrange for the proposal to establish a [township] planning district to be submitted to  
4264 voters residing within the proposed [township] planning district at the next regular general  
4265 election that is more than 90 days after the public hearing.

4266 (j) A [township] planning district is established at the time of the canvass of the results  
4267 of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting  
4268 on the proposal to establish a [township] planning district voted in favor of the proposal.

4269 ~~[(k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is~~  
4270 ~~reinstated as a township under this part with the same boundaries and name as before the~~  
4271 ~~dissolution, if the former township consisted of a single, contiguous land area.]~~

4272 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an~~  
4273 ~~ordinance establishing as a township under this part a former township that was dissolved~~  
4274 ~~under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be~~

4275 ~~reinstated under Subsection (1)(k)(i).]~~

4276 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection~~  
4277 ~~(1)(k)(ii) is subject to the provisions of this part.]~~

4278 ~~[(f) A township established under this section on or after May 5, 1997, may use the~~  
4279 ~~word "township" in its name.]~~

4280 (k) An area that is an established township before May 12, 2015, in a county other than  
4281 a county of the first class:

4282 (i) is, as of May 12, 2015, a planning district; and

4283 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4284 and

4285 (B) may use the word "planning district" in its name.

4286 (2) The county legislative body may:

4287 (a) assign to the countywide planning commission the duties established in this part  
4288 that would have been assumed by a [~~township~~] planning district planning commission  
4289 designated under Subsection (2)(b); or

4290 (b) designate and appoint a planning commission for the [~~township~~] planning district.

4291 (3) (a) An area within the boundary of a [~~township~~] planning district may be withdrawn  
4292 from the [~~township~~] planning district as provided in this Subsection (3).

4293 (b) The process to withdraw an area from a [~~township~~] planning district is initiated by  
4294 the filing of a petition with the clerk of the county in which the [~~township~~] planning district is  
4295 located.

4296 (c) A petition under Subsection (3)(b) shall:

4297 (i) be signed by the owners of private real property that:

4298 (A) is located within the area proposed to be withdrawn from the [~~township~~] planning  
4299 district;

4300 (B) covers at least 50% of the total private land area within the area proposed to be  
4301 withdrawn from the [~~township~~] planning district; and

4302 (C) is equal in value to at least 33% of the value of all private real property within the  
4303 area proposed to be withdrawn from the [~~township~~] planning district;

4304 (ii) state the reason or reasons for the proposed withdrawal;

4305 (iii) be accompanied by an accurate plat or map showing the boundary of the

4306 contiguous area proposed to be withdrawn from the [township] planning district;

4307 (iv) indicate the typed or printed name and current residence address of each owner  
4308 signing the petition;

4309 (v) designate up to five signers of the petition as petition sponsors, one of whom shall  
4310 be designated as the contact sponsor, with the mailing address and telephone number of each  
4311 petition sponsor;

4312 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4313 petition for purposes of the petition; and

4314 (vii) request the county legislative body to withdraw the area from the [township]  
4315 planning district.

4316 (d) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to withdraw an area from  
4317 a [township] planning district to the same extent as if it were an incorporation petition under  
4318 Title 10, Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4319 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county  
4320 clerk shall:

4321 (A) with the assistance of other county officers from whom the clerk requests  
4322 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);  
4323 and

4324 (B) (I) if the clerk determines that the petition complies with the requirements of  
4325 Subsection (3)(c):

4326 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4327 and

4328 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4329 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4330 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4331 and the reasons for the rejection.

4332 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
4333 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4334 county clerk.

4335 (f) (i) Within 60 days after a petition to withdraw an area from a [township] planning  
4336 district is certified, the county legislative body shall hold a public hearing on the proposal to

4337 withdraw the area from the [township] planning district.

4338 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

4339 (A) within the area proposed to be withdrawn from the [township] planning district; or

4340 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4341 practicable.

4342 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
4343 body shall:

4344 (A) publish notice of the petition and the time, date, and place of the public hearing:

4345 (I) at least once a week for three consecutive weeks in a newspaper of general  
4346 circulation in the [township] planning district; and

4347 (II) on the Utah Public Notice Website created in Section [63F-1-701](#), for three  
4348 consecutive weeks; and

4349 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
4350 each owner of private real property within the area proposed to be withdrawn.

4351 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
4352 legislative body shall make a written decision on the proposal to withdraw the area from the  
4353 [township] planning district.

4354 (ii) In making its decision as to whether to withdraw the area from the [township]  
4355 planning district, the county legislative body shall consider:

4356 (A) whether the withdrawal would leave the remaining [township] planning district in  
4357 a situation where the future incorporation of an area within the [township] planning district or  
4358 the annexation of an area within the [township] planning district to an adjoining municipality  
4359 would be economically or practically not feasible;

4360 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
4361 area:

4362 (I) whether the proposed subsequent incorporation or withdrawal:

4363 (Aa) will leave or create an unincorporated island or peninsula; or

4364 (Bb) will leave the county with an area within its unincorporated area for which the  
4365 cost, requirements, or other burdens of providing municipal services would materially increase  
4366 over previous years; and

4367 (II) whether the municipality to be created or the municipality into which the

4368 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of  
4369 providing service to the withdrawn area that the county will no longer provide due to the  
4370 incorporation or annexation;

4371 (C) the effects of a withdrawal on adjoining property owners, existing or projected  
4372 county streets or other public improvements, law enforcement, and zoning and other municipal  
4373 services provided by the county; and

4374 (D) whether justice and equity favor the withdrawal.

4375 (h) Upon the written decision of the county legislative body approving the withdrawal  
4376 of an area from a [township] planning district, the area is withdrawn from the [township]  
4377 planning district and the [township] planning district continues as a [township] planning  
4378 district with a boundary that excludes the withdrawn area.

4379 (4) (a) A [township] planning district may be dissolved as provided in this Subsection  
4380 (4).

4381 (b) The process to dissolve a [township] planning district is initiated by the filing of a  
4382 petition with the clerk of the county in which the [township] planning district is located.

4383 (c) A petition under Subsection (4)(b) shall:

4384 (i) be signed by registered voters within the [township] planning district equal in  
4385 number to at least 25% of all votes cast by voters within the [township] planning district at the  
4386 last congressional election;

4387 (ii) state the reason or reasons for the proposed dissolution;

4388 (iii) indicate the typed or printed name and current residence address of each person  
4389 signing the petition;

4390 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4391 be designated as the contact sponsor, with the mailing address and telephone number of each  
4392 petition sponsor;

4393 (v) authorize the petition sponsors to act on behalf of all persons signing the petition  
4394 for purposes of the petition; and

4395 (vi) request the county legislative body to provide notice of the petition and of a public  
4396 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the  
4397 [township] planning district.

4398 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county

4399 clerk shall:

4400 (A) with the assistance of other county officers from whom the clerk requests  
4401 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
4402 and

4403 (B) (I) if the clerk determines that the petition complies with the requirements of  
4404 Subsection (4)(c):

4405 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4406 and

4407 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4408 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4409 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4410 and the reasons for the rejection.

4411 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
4412 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4413 county clerk.

4414 (e) (i) Within 60 days after a petition to dissolve the [township] planning district is  
4415 certified, the county legislative body shall hold a public hearing on the proposal to dissolve the  
4416 [township] planning district.

4417 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4418 (A) within the boundary of the [township] planning district; or

4419 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4420 practicable.

4421 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
4422 body shall publish notice of the petition and the time, date, and place of the public hearing:

4423 (A) at least once a week for three consecutive weeks in a newspaper of general  
4424 circulation in the [township] planning district; and

4425 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4426 consecutive weeks immediately before the public hearing.

4427 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
4428 shall arrange for the proposal to dissolve the [township] planning district to be submitted to  
4429 voters residing within the [township] planning district at the next regular general election that

4430 is more than 90 days after the public hearing.

4431 (g) A [~~township~~] planning district is dissolved at the time of the canvass of the results  
4432 of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting  
4433 on the proposal to dissolve the [~~township~~] planning district voted in favor of the proposal.

4434 Section 98. Section **17-27a-505** is amended to read:

4435 **17-27a-505. Zoning districts.**

4436 (1) (a) The legislative body may divide the territory over which it has jurisdiction into  
4437 zoning districts of a number, shape, and area that it considers appropriate to carry out the  
4438 purposes of this chapter.

4439 (b) Within those zoning districts, the legislative body may regulate and restrict the  
4440 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and  
4441 the use of land.

4442 (c) A county may enact an ordinance regulating land use and development in a flood  
4443 plain or potential geologic hazard area to:

4444 (i) protect life; and

4445 (ii) prevent:

4446 (A) the substantial loss of real property; or

4447 (B) substantial damage to real property.

4448 (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use  
4449 ordinance requiring a property owner to revegetate or landscape a single family dwelling  
4450 disturbance area unless the property is located in a flood zone or geologic hazard except as  
4451 required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water  
4452 pollution.

4453 (2) The legislative body shall ensure that the regulations are uniform for each class or  
4454 kind of buildings throughout each zone, but the regulations in one zone may differ from those  
4455 in other zones.

4456 (3) (a) There is no minimum area or diversity of ownership requirement for a zone  
4457 designation.

4458 (b) Neither the size of a zoning district nor the number of landowners within the  
4459 district may be used as evidence of the illegality of a zoning district or of the invalidity of a  
4460 county decision.

4461 Section 99. Section 17-34-3 is amended to read:

4462 **17-34-3. Taxes or service charges.**

4463 (1) (a) If a county furnishes the municipal-type services and functions described in  
4464 Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the  
4465 entire cost of the services or functions so furnished shall be defrayed from funds that the county  
4466 has derived from:

4467 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated  
4468 towns or cities;

4469 (ii) service charges or fees the county may impose upon the persons benefited in any  
4470 way by the services or functions; or

4471 (iii) a combination of these sources.

4472 (b) As the taxes or service charges or fees are levied and collected, they shall be placed  
4473 in a special revenue fund of the county and shall be disbursed only for the rendering of the  
4474 services or functions established in Section 17-34-1 within the unincorporated areas of the  
4475 county or as provided in Subsection [~~10-2-121~~] 10-2a-219(2).

4476 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this  
4477 section, the county legislative body may establish a district or districts in the unincorporated  
4478 areas of the county.

4479 (b) A district established by a county as provided in Subsection (2)(a) may be  
4480 reorganized as a local district in accordance with the procedures set forth in Sections  
4481 17D-1-601, 17D-1-603, and 17D-1-604.

4482 (3) Nothing contained in this chapter may be construed to authorize counties to impose  
4483 or levy taxes not otherwise allowed by law.

4484 (4) Notwithstanding any other provision of this chapter, a county providing fire,  
4485 paramedic, and police protection services in a designated recreational area, as provided in  
4486 Subsection 17-34-1(5), may fund those services from the county general fund with revenues  
4487 derived from both inside and outside the limits of cities and towns, and the funding of those  
4488 services is not limited to unincorporated area revenues.

4489 Section 100. Section 17-41-101 is amended to read:

4490 **17-41-101. Definitions.**

4491 As used in this chapter:

4492 (1) "Advisory board" means:

4493 (a) for an agriculture protection area, the agriculture protection area advisory board  
4494 created as provided in Section 17-41-201; and

4495 (b) for an industrial protection area, the industrial protection area advisory board  
4496 created as provided in Section 17-41-201.

4497 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
4498 livestock, and livestock products.

4499 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
4500 livestock, and livestock products when more than 50% of the processed or merchandised  
4501 products are produced by the farm operator.

4502 (3) "Agriculture protection area" means a geographic area created under the authority  
4503 of this chapter that is granted the specific legal protections contained in this chapter.

4504 (4) "Applicable legislative body" means:

4505 (a) with respect to a proposed agriculture protection area or industrial protection area:

4506 (i) the legislative body of the county in which the land proposed to be included in an  
4507 agriculture protection area or industrial protection area is located, if the land is within the  
4508 unincorporated part of the county; or

4509 (ii) the legislative body of the city or town in which the land proposed to be included in  
4510 an agriculture protection area or industrial protection area is located; and

4511 (b) with respect to an existing agriculture protection area or industrial protection area:

4512 (i) the legislative body of the county in which the agriculture protection area or  
4513 industrial protection area is located, if the agriculture protection area or industrial protection  
4514 area is within the unincorporated part of the county; or

4515 (ii) the legislative body of the city or town in which the agriculture protection area or  
4516 industrial protection area is located.

4517 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.

4518 (6) "Crops, livestock, and livestock products" includes:

4519 (a) land devoted to the raising of useful plants and animals with a reasonable  
4520 expectation of profit, including:

4521 (i) forages and sod crops;

4522 (ii) grains and feed crops;

- 4523 (iii) livestock as defined in Section 59-2-102;
- 4524 (iv) trees and fruits; or
- 4525 (v) vegetables, nursery, floral, and ornamental stock; or
- 4526 (b) land devoted to and meeting the requirements and qualifications for payments or  
4527 other compensation under a crop-land retirement program with an agency of the state or federal  
4528 government.
- 4529 (7) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
- 4530 (8) "Industrial protection area" means a geographic area created under the authority of  
4531 this chapter that is granted the specific legal protections contained in this chapter.
- 4532 (9) "Mine operator" means a natural person, corporation, association, partnership,  
4533 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or  
4534 representative, either public or private, including a successor, assign, affiliate, subsidiary, and  
4535 related parent company, that, as of January 1, 2009:
- 4536 (a) owns, controls, or manages a mining use under a large mine permit issued by the  
4537 division or the board; and
- 4538 (b) has produced commercial quantities of a mineral deposit from the mining use.
- 4539 (10) "Mineral deposit" has the same meaning as defined in Section 40-8-4, but  
4540 excludes:
- 4541 (a) building stone, decorative rock, and landscaping rock; and
- 4542 (b) consolidated rock that:
- 4543 (i) is not associated with another deposit of minerals;
- 4544 (ii) is or may be extracted from land; and
- 4545 (iii) is put to uses similar to the uses of sand, gravel, and other aggregates.
- 4546 (11) "Mining protection area" means land where a vested mining use occurs, including  
4547 each surface or subsurface land or mineral estate that a mine operator with a vested mining use  
4548 owns or controls.
- 4549 (12) "Mining use":
- 4550 (a) means:
- 4551 (i) the full range of activities, from prospecting and exploration to reclamation and  
4552 closure, associated with the exploitation of a mineral deposit; and
- 4553 (ii) the use of the surface and subsurface and groundwater and surface water of an area

4554 in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or  
4555 will be conducted; and

4556 (b) includes, whether conducted on-site or off-site:

4557 (i) any sampling, staking, surveying, exploration, or development activity;

4558 (ii) any drilling, blasting, excavating, or tunneling;

4559 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,  
4560 development rock, tailings, and other waste material;

4561 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;

4562 (v) any smelting, refining, autoclaving, or other primary or secondary processing  
4563 operation;

4564 (vi) the recovery of any mineral left in residue from a previous extraction or processing  
4565 operation;

4566 (vii) a mining activity that is identified in a work plan or permitting document;

4567 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,  
4568 structure, facility, equipment, machine, tool, or other material or property that results from or is  
4569 used in a surface or subsurface mining operation or activity;

4570 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,  
4571 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,  
4572 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use  
4573 area, buffer zone, and power production facility;

4574 (x) the construction of a storage, factory, processing, or maintenance facility; and

4575 (xi) any activity described in Subsection 40-8-4(14)(a).

4576 (13) (a) "Municipal" means of or relating to a city or town.

4577 (b) "Municipality" means a city or town.

4578 (14) "New land" means surface or subsurface land or mineral estate that a mine  
4579 operator gains ownership or control of, whether or not that land or mineral estate is included in  
4580 the mine operator's large mine permit.

4581 (15) "Off-site" has the same meaning as provided in Section 40-8-4.

4582 (16) "On-site" has the same meaning as provided in Section 40-8-4.

4583 (17) "Planning commission" means:

4584 (a) a countywide planning commission if the land proposed to be included in the

4585 agriculture protection area or industrial protection area is within the unincorporated part of the  
4586 county and not within a [township] planning district;

4587 (b) a [township] planning district planning commission if the land proposed to be  
4588 included in the agriculture protection area or industrial protection area is within a [township]  
4589 planning district; or

4590 (c) a planning commission of a city or town if the land proposed to be included in the  
4591 agriculture protection area or industrial protection area is within a city or town.

4592 (18) "Political subdivision" means a county, city, town, school district, local district, or  
4593 special service district.

4594 (19) "Proposal sponsors" means the owners of land in agricultural production or  
4595 industrial use who are sponsoring the proposal for creating an agriculture protection area or  
4596 industrial protection area, respectively.

4597 (20) "State agency" means each department, commission, board, council, agency,  
4598 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
4599 unit, bureau, panel, or other administrative unit of the state.

4600 (21) "Unincorporated" means not within a city or town.

4601 (22) "Vested mining use" means a mining use:

4602 (a) by a mine operator; and

4603 (b) that existed or was conducted or otherwise engaged in before a political subdivision  
4604 prohibits, restricts, or otherwise limits a mining use.

4605 Section 101. Section **17B-1-502** is amended to read:

4606 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**  
4607 **certain circumstances.**

4608 (1) (a) An area within the boundaries of a local district may be withdrawn from the  
4609 local district only as provided in this part.

4610 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
4611 district within a municipality because of a municipal incorporation under Title 10, Chapter [2,  
4612 ~~Part 1,~~] 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under  
4613 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the  
4614 process of withdrawing that area from the local district.

4615 (2) (a) An area within the boundaries of a local district is automatically withdrawn

4616 from the local district by the annexation of the area to a municipality or the adding of the area  
4617 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

4618 (i) the local district provides:

4619 (A) fire protection, paramedic, and emergency services; or

4620 (B) law enforcement service;

4621 (ii) an election for the creation of the local district was not required because of

4622 Subsection [17B-1-214\(3\)\(d\)](#); and

4623 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
4624 not include any of the annexing municipality.

4625 (b) The effective date of a withdrawal under this Subsection (2) is governed by

4626 Subsection [17B-1-512\(2\)\(b\)](#).

4627 (3) (a) Except as provided in Subsection (3)(c), an area within the boundaries of a local  
4628 district located in a county of the first class is automatically withdrawn from the local district  
4629 by the incorporation of a municipality whose boundaries include the area if:

4630 (i) the local district provides:

4631 (A) fire protection, paramedic, and emergency services;

4632 (B) law enforcement service; or

4633 (C) municipal services, as defined in Section [17B-2a-1102](#);

4634 (ii) an election for the creation of the local district was not required because of

4635 Subsection [17B-1-214\(3\)\(d\)](#) or (g); and

4636 (iii) the legislative body of the newly incorporated municipality:

4637 (A) for a city incorporated under Title 10, Chapter 2a, Part 4, Incorporation of  
4638 Municipal Townships and Unincorporated Areas in a County of the First Class on and after  
4639 May 12, 2015, complies with the feasibility study requirements of Section [17B-2a-1110](#);

4640 ~~(A)~~ (B) adopts a resolution no later than 180 days after the effective date of  
4641 incorporation approving the withdrawal that includes the legal description of the area to be  
4642 withdrawn; and

4643 ~~(B)~~ (C) delivers a copy of the resolution to the board of trustees of the local district.

4644 (b) The effective date of a withdrawal under this Subsection (3) is governed by

4645 Subsection [17B-1-512\(2\)\(a\)](#).

4646 (c) Section [17B-1-505](#) shall govern the withdrawal of an incorporated area within a

4647 county of the first class if:

4648 (i) the local district from which the area is withdrawn provides:

4649 (A) fire protection, paramedic, and emergency services; or

4650 (B) law enforcement service; and

4651 (ii) an election for the creation of the local district was not required under Subsection

4652 [17B-1-214](#)(3)(d).

4653 Section 102. Section **17B-1-1002** is amended to read:

4654 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

4655 (1) The rate at which a local district levies a property tax for district operation and

4656 maintenance expenses on the taxable value of taxable property within the district may not

4657 exceed:

4658 (a) .0008, for a basic local district;

4659 (b) .0004, for a cemetery maintenance district;

4660 (c) .0004, for a drainage district;

4661 (d) .0008, for a fire protection district;

4662 (e) .0008, for an improvement district;

4663 (f) .0005, for a metropolitan water district;

4664 (g) .0004, for a mosquito abatement district;

4665 (h) .0004, for a public transit district;

4666 (i) (i) .0023, for a service area that:

4667 (A) is located in a county of the first or second class; and

4668 (B) (I) provides fire protection, paramedic, and emergency services; or

4669 (II) subject to Subsection (3), provides law enforcement services; or

4670 (ii) .0014, for each other service area; [~~or~~]

4671 (j) the rates provided in Section [17B-2a-1006](#), for a water conservancy district[-]; or

4672 (k) .0023 for a municipal services district.

4673 (2) Property taxes levied by a local district are excluded from the limit applicable to

4674 that district under Subsection (1) if the taxes are:

4675 (a) levied under Section [17B-1-1103](#) by a local district, other than a water conservancy  
4676 district, to pay principal of and interest on general obligation bonds issued by the district;

4677 (b) levied to pay debt and interest owed to the United States; or

4678 (c) levied to pay assessments or other amounts due to a water users association or other  
4679 public cooperative or private entity from which the district procures water.

4680 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax  
4681 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a  
4682 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses  
4683 on or after November 30 in the year in which the tax is first collected and each subsequent year  
4684 that the tax is collected:

4685 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement  
4686 services; or

4687 (b) any other generally assessed fee for law enforcement services.

4688 Section 103. Section 17B-1-1102 is amended to read:

4689 **17B-1-1102. General obligation bonds.**

4690 (1) Except as provided in Subsection (3), if a district intends to issue general obligation  
4691 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at  
4692 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
4693 Bonding Act.

4694 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
4695 the district, subject, for a water conservancy district, to the property tax levy limits of Section  
4696 17B-2a-1006.

4697 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
4698 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

4699 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
4700 bonds will cause the outstanding principal amount of all of the district's general obligation  
4701 bonds to exceed the amount that results from multiplying the fair market value of the taxable  
4702 property within the district, as determined under Subsection 11-14-301(3)(b), by a number that  
4703 is:

4704 (i) .05, for a basic local district;

4705 (ii) .004, for a cemetery maintenance district;

4706 (iii) .002, for a drainage district;

4707 (iv) .004, for a fire protection district;

4708 (v) .024, for an improvement district;

- 4709 (vi) .1, for an irrigation district;  
 4710 (vii) .1, for a metropolitan water district;  
 4711 (viii) .0004, for a mosquito abatement district;  
 4712 (ix) .03, for a public transit district; ~~[or]~~  
 4713 (x) .12, for a service area~~[-];~~ or  
 4714 (xi) .0023 for a municipal services district.

4715 (b) Bonds or other obligations of a local district that are not general obligation bonds  
 4716 are not included in the limit stated in Subsection (4)(a).

4717 (5) A district may not be considered to be a municipal corporation for purposes of the  
 4718 debt limitation of the Utah Constitution, Article XIV, Section 4.

4719 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter  
 4720 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that  
 4721 participates in the agreement creating the administrative or legal entity.

4722 Section 104. Section **17B-2a-1102** is amended to read:

4723 **17B-2a-1102. Definitions.**

4724 As used in this part~~[-,"municipal"]~~:

4725 (1) "Municipal services" means:

4726 ~~[(1)]~~ (a) one or more of the services identified in Section [17-34-1](#) or [17-36-3](#); and

4727 ~~[(2)]~~ (b) any other municipal-type service provided in the district that is in the interest  
 4728 of the district.

4729 (2) "Municipal township" means the same as that term is defined in Section [10-2a-403](#).

4730 Section 105. Section **17B-2a-1103** is amended to read:

4731 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**  
 4732 **municipal services districts.**

4733 (1) (a) ~~[A]~~ Except as provided in Subsection (1)(b) and Section [17B-2a-1110](#), a  
 4734 municipal services district may be created only in unincorporated areas in a county of the first  
 4735 class.

4736 (b) ~~[Notwithstanding Subsection (1)(a) and subject]~~ Subject to Subsection (1)(c), after  
 4737 the initial creation of a municipal services district, an area may be annexed into the municipal  
 4738 services district in accordance with Chapter 1, Part 4, Annexation, whether that area is  
 4739 unincorporated or incorporated.

4740 (c) An area annexed under Subsection (1)(b) may not be located outside of the  
4741 originating county of the first class.

4742 (2) Each municipal services district is governed by the powers stated in:  
4743 (a) this part; and  
4744 (b) Chapter 1, Provisions Applicable to All Local Districts.  
4745 (3) This part applies only to a municipal services district.  
4746 (4) A municipal services district is not subject to the provisions of any other part of this  
4747 chapter.

4748 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
4749 Local Districts, and a provision in this part, the provisions in this part govern.

4750 Section 106. Section **17B-2a-1106** is amended to read:  
4751 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

4752 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
4753 law regarding the membership of a local district board of trustees, the initial board of trustees  
4754 of a municipal services district shall consist of the county legislative body.

4755 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
4756 district board of trustees or the governance of a local district, if a municipal services district is  
4757 created in a county of the first class with the county executive-council form of government, the  
4758 initial governance of the municipal services district is as follows:

4759 (i) subject to Subsection (2)(b), the county council is the municipal services district  
4760 board of trustees; and

4761 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
4762 services district.

4763 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
4764 services district described in Subsection (2)(a) shall:

4765 (i) act as the legislative body of the district; and  
4766 (ii) exercise legislative branch powers and responsibilities established for county  
4767 legislative bodies in:

4768 (A) Title 17, Counties; and  
4769 (B) an optional plan, as defined in Section [17-52-101](#), adopted for a county  
4770 executive-council form of county government as described in Section [17-52-504](#).

4771 (c) Notwithstanding any other provision of law, in a municipal services district  
4772 described in Subsection (2)(a), the executive of the district shall:

4773 (i) act as the executive of the district; and

4774 (ii) exercise executive branch powers and responsibilities established for a county  
4775 executive in:

4776 (A) Title 17, Counties; and

4777 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
4778 executive-council form of county government as described in Section 17-52-504.

4779 (3) If, after the initial creation of a municipal services district, an area within the  
4780 district is incorporated as a municipality and the area is not withdrawn from the district in  
4781 accordance with Section 17B-1-502, or an area within a municipality is annexed into the  
4782 municipal services district in accordance with Section 17B-2a-1103:

4783 (a) the district's board of trustees shall include a member of that municipality's  
4784 governing body; [~~and~~]

4785 (b) the member described in Subsection (3)(a) shall be:

4786 (i) (A) for a municipality other than a municipal township, designated by the  
4787 municipality; and

4788 (B) for a municipal township, the chair of the municipal township; and

4789 (ii) a member with powers and duties of other board of trustees members as described  
4790 in Subsection (2)(b)[~~;~~]; and

4791 (c) subject to Subsection (4):

4792 (i) two members of the county council of the county in which the municipal services  
4793 district is located shall be members of the board; and

4794 (ii) the total number of board members shall be an odd number.

4795 (4) (a) The number of county council members may be increased or decreased to meet  
4796 the membership requirements of Subsection (3)(c)(ii) but may not be less than one.

4797 (b) The number of county council members described in Subsection (3)(c) does not  
4798 include the county mayor.

4799 (5) For a board of trustees described in Subsection (3), each board member's vote is  
4800 weighted using the proportion of the municipal services district population that resides within  
4801 that member's municipality or, for each member described in Subsection (3)(c)(i), the total

4802 population that resides in the unincorporated county.

4803 [~~(4)~~] (6) The board may adopt a resolution providing for future board members to be  
4804 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

4805 [~~(5)~~] (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of  
4806 trustees may adopt a resolution to determine the internal governance of the board.

4807 (b) A resolution adopted under Subsection [~~(5)~~] (7)(a) may not alter or impair the board  
4808 of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
4809 duties, powers, or responsibilities described in Subsection (2)(c).

4810 Section 107. Section 17B-2a-1107 is amended to read:

4811 **17B-2a-1107. Exclusion of rural real property.**

4812 (1) As used in this section, "rural real property" means an area:

4813 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

4814 (b) that does not include residential units with a density greater than one unit per acre.

4815 (2) Unless an owner gives written consent, rural real property may not be included in a  
4816 municipal services district if the rural real property:

4817 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one  
4818 or more tax parcels;

4819 (b) is not contiguous to but is used in connection with rural real property that consists  
4820 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

4821 (c) is owned, managed, or controlled by a person, company, or association, including a  
4822 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural  
4823 real property consisting of one or more tax parcels; or

4824 (d) is located in whole or in part in one of the following as defined in Section

4825 17-41-101:

4826 (i) an agricultural protection area;

4827 (ii) a mining protection area; or

4828 (iii) an industrial protection area.

4829 (3) (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw  
4830 consent to inclusion in a municipal services district at any time.

4831 (b) An owner may withdraw consent by submitting a written and signed request to the  
4832 municipal services district board of trustees that:

- 4833 (i) identifies and describes the rural real property to be withdrawn; and  
4834 (ii) requests that the rural real property be withdrawn.  
4835 (c) (i) No later than 30 days after the day on which the municipal services district board  
4836 of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a  
4837 resolution withdrawing the rural real property as identified and described in the request.  
4838 (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the  
4839 municipal services district upon adoption of the resolution.  
4840 Section 108. Section **17B-2a-1110** is enacted to read:  
4841 **17B-2a-1110. Municipal townships and certain cities included in district --**  
4842 **Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
4843 **transferred to municipal services district.**  
4844 (1) (a) A city, town, or municipal township that is located in a county of the first class  
4845 and incorporated in accordance with Title 10, Chapter 2a, Part 4, Incorporation of Municipal  
4846 Townships and Unincorporated Areas in a County of the First Class on and after May 12, 2015,  
4847 is, except as provided in Subsection (1)(c), included in a municipal services district.  
4848 (b) A municipal township may not withdraw from a municipal services district.  
4849 (c) A city or town described in Subsection (1)(a) may withdraw from the municipal  
4850 services district if the city or town complies with the requirements of Section [17B-1-502](#) and  
4851 this section.  
4852 (2) (a) If the city or town described in Subsection (1) decides to withdraw from a  
4853 municipal services district, the city or town council shall, before adopting a resolution under  
4854 Section [17B-1-502](#), engage a feasibility consultant to conduct a feasibility study.  
4855 (b) The feasibility consultant shall be chosen:  
4856 (i) by the city or town council; and  
4857 (ii) in accordance with applicable municipal procurement procedures.  
4858 (3) The city or town council shall require the feasibility consultant to:  
4859 (a) complete the feasibility study and submit the written results to the city or town  
4860 council before the council adopts a resolution under Section [17B-1-502](#);  
4861 (b) submit with the full written results of the feasibility study a summary of the results  
4862 no longer than one page in length; and  
4863 (c) attend the public hearings under Subsection (5).

- 4864 (4) (a) The feasibility study shall consider:
- 4865 (i) population and population density within the withdrawing city or town;
- 4866 (ii) current and five-year projections of demographics and economic base in the
- 4867 withdrawing city or town, including household size and income, commercial and industrial
- 4868 development, and public facilities;
- 4869 (iii) projected growth in the withdrawing city or town during the next five years;
- 4870 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
- 4871 including overhead, of municipal services in the withdrawing city or town;
- 4872 (v) assuming the same tax categories and tax rates as currently imposed by the
- 4873 municipal services district and all other current service providers, the present and five-year
- 4874 projected revenue for the withdrawing city or town;
- 4875 (vi) a projection of any new taxes per household that may be levied within the
- 4876 withdrawing city or town within five years of the withdrawal; and
- 4877 (vii) the fiscal impact on other municipalities serviced by the municipal services
- 4878 district.
- 4879 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
- 4880 level and quality of municipal services to be provided to the withdrawing city or town in the
- 4881 future that fairly and reasonably approximate the level and quality of municipal services being
- 4882 provided to the withdrawing city or town at the time of the feasibility study.
- 4883 (ii) In determining the present cost of a municipal service, the feasibility consultant
- 4884 shall consider:
- 4885 (A) the amount it would cost the withdrawing city or town to provide municipal
- 4886 services for the first five years after withdrawing; and
- 4887 (B) the municipal services district's present and five-year projected cost of providing
- 4888 municipal services.
- 4889 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
- 4890 and anticipated growth.
- 4891 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
- 4892 city or town council shall, at its next regular meeting after receipt of the results of the
- 4893 feasibility study, schedule at least one public hearing to be held:
- 4894 (a) within the following 60 days; and

- 4895 (b) for the purpose of allowing:  
4896 (i) the feasibility consultant to present the results of the study; and  
4897 (ii) the public to become informed about the feasibility study results, including the  
4898 requirement that if the city or town withdraws from the municipal services district, the city or  
4899 town must comply with Subsection (9), and to ask questions about those results of the  
4900 feasibility consultant.
- 4901 (6) At a public hearing described in Subsection (5), the city or town council shall:  
4902 (a) provide a copy of the feasibility study for public review; and  
4903 (b) allow the public to express its views about the proposed withdrawal from the  
4904 municipal services district.
- 4905 (7) (a) (i) The city or town clerk or recorder shall publish notice of the public hearings  
4906 required under Subsection (5):  
4907 (A) at least once a week for three successive weeks in a newspaper of general  
4908 circulation within the city or town; and  
4909 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.  
4910 (ii) The city or town clerk or recorder shall publish the last publication of notice  
4911 required under Subsection (7)(a)(i)(A) at least three days before the first public hearing  
4912 required under Subsection (5).
- 4913 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation  
4914 within the proposed city or town, the city or town clerk or recorder shall post at least one notice  
4915 of the hearings per 1,000 population in conspicuous places within the city or town that are most  
4916 likely to give notice of the hearings to the residents.
- 4917 (ii) The city or town clerk or recorder shall post the notices under Subsection (7)(b)(i)  
4918 at least seven days before the first hearing under Subsection (5).
- 4919 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
4920 summary and shall indicate that a full copy of the study is available for inspection and copying  
4921 at the office of the city or town clerk or recorder.
- 4922 (8) At a public meeting held after the public hearing required under Subsection (5), the  
4923 city or town council may adopt a resolution under Section [17B-1-502](#) if the city or town is in  
4924 compliance with the other requirements of that section.
- 4925 (9) The city or town shall pay revenues in excess of 5% to the municipal services

4926 district for 10 years beginning on the next fiscal year immediately following the city or town  
4927 council vote if:

4928 (a) the results of the feasibility study show that the average annual amount of revenue  
4929 under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
4930 (4)(a)(iv) by more than 5%; and

4931 (b) the city or town council adopts a resolution to withdraw under Section [17B-1-502](#).  
4932 Section 109. Section **17B-2a-1111** is enacted to read:

4933 **17B-2a-1111. Audit.**

4934 The board of trustees shall provide a copy of an accounting report, as defined in Section  
4935 [51-2a-102](#), to each political subdivision that is provided municipal services by the municipal  
4936 services district that is filed with the state auditor on behalf of the municipal services district in  
4937 accordance with Section [51-2a-203](#).

4938 Section 110. Section **20A-1-102** is amended to read:

4939 **20A-1-102. Definitions.**

4940 As used in this title:

4941 (1) "Active voter" means a registered voter who has not been classified as an inactive  
4942 voter by the county clerk.

4943 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
4944 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

4945 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
4946 upon which a voter records the voter's votes.

4947 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
4948 envelopes.

4949 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

4950 (a) contain the names of offices and candidates and statements of ballot propositions to  
4951 be voted on; and

4952 (b) are used in conjunction with ballot sheets that do not display that information.

4953 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
4954 on the ballot for their approval or rejection including:

4955 (a) an opinion question specifically authorized by the Legislature;

4956 (b) a constitutional amendment;

- 4957 (c) an initiative;
- 4958 (d) a referendum;
- 4959 (e) a bond proposition;
- 4960 (f) a judicial retention question;
- 4961 (g) an incorporation of a city or town; or
- 4962 (h) any other ballot question specifically authorized by the Legislature.
- 4963 (6) "Ballot sheet":
- 4964 (a) means a ballot that:
- 4965 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 4966 (ii) can be counted using automatic tabulating equipment; and
- 4967 (b) includes punch card ballots and other ballots that are machine-countable.
- 4968 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 4969 together with a staple or stitch in at least three places across the top of the paper in the blank
- 4970 space reserved for securing the paper.
- 4971 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 4972 [20A-4-306](#) to canvass election returns.
- 4973 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 4974 the proposed issuance of bonds by a government entity.
- 4975 (10) "Book voter registration form" means voter registration forms contained in a
- 4976 bound book that are used by election officers and registration agents to register persons to vote.
- 4977 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 4978 charge by the sender.
- 4979 (12) "By-mail voter registration form" means a voter registration form designed to be
- 4980 completed by the voter and mailed to the election officer.
- 4981 (13) "Canvass" means the review of election returns and the official declaration of
- 4982 election results by the board of canvassers.
- 4983 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 4984 the canvass.
- 4985 (15) "Contracting election officer" means an election officer who enters into a contract
- 4986 or interlocal agreement with a provider election officer.
- 4987 (16) "Convention" means the political party convention at which party officers and

4988 delegates are selected.

4989 (17) "Counting center" means one or more locations selected by the election officer in  
4990 charge of the election for the automatic counting of ballots.

4991 (18) "Counting judge" means a poll worker designated to count the ballots during  
4992 election day.

4993 (19) "Counting poll watcher" means a person selected as provided in Section  
4994 [20A-3-201](#) to witness the counting of ballots.

4995 (20) "Counting room" means a suitable and convenient private place or room,  
4996 immediately adjoining the place where the election is being held, for use by the poll workers  
4997 and counting judges to count ballots during election day.

4998 (21) "County officers" means those county officers that are required by law to be  
4999 elected.

5000 (22) "Date of the election" or "election day" or "day of the election":

5001 (a) means the day that is specified in the calendar year as the day that the election  
5002 occurs; and

5003 (b) does not include:

5004 (i) deadlines established for absentee voting; or

5005 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
5006 Voting.

5007 (23) "Elected official" means:

5008 (a) a person elected to an office under Section [20A-1-303](#);

5009 (b) a person who is considered to be elected to a municipal office in accordance with  
5010 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

5011 (c) a person who is considered to be elected to a local district office in accordance with  
5012 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

5013 (24) "Election" means a regular general election, a municipal general election, a  
5014 statewide special election, a local special election, a regular primary election, a municipal  
5015 primary election, and a local district election.

5016 (25) "Election Assistance Commission" means the commission established by Public  
5017 Law 107-252, the Help America Vote Act of 2002.

5018 (26) "Election cycle" means the period beginning on the first day persons are eligible to

- 5019 file declarations of candidacy and ending when the canvass is completed.
- 5020 (27) "Election judge" means a poll worker that is assigned to:
- 5021 (a) preside over other poll workers at a polling place;
- 5022 (b) act as the presiding election judge; or
- 5023 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 5024 (28) "Election officer" means:
- 5025 (a) the lieutenant governor, for all statewide ballots and elections;
- 5026 (b) the county clerk for:
- 5027 (i) a county ballot and election; and
- 5028 (ii) a ballot and election as a provider election officer as provided in Section
- 5029 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5030 (c) the municipal clerk for:
- 5031 (i) a municipal ballot and election; and
- 5032 (ii) a ballot and election as a provider election officer as provided in Section
- 5033 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5034 (d) the local district clerk or chief executive officer for:
- 5035 (i) a local district ballot and election; and
- 5036 (ii) a ballot and election as a provider election officer as provided in Section
- 5037 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 5038 (e) the business administrator or superintendent of a school district for:
- 5039 (i) a school district ballot and election; and
- 5040 (ii) a ballot and election as a provider election officer as provided in Section
- 5041 [20A-5-400.1](#) or [20A-5-400.5](#).
- 5042 (29) "Election official" means any election officer, election judge, or poll worker.
- 5043 (30) "Election results" means:
- 5044 (a) for an election other than a bond election, the count of votes cast in the election and
- 5045 the election returns requested by the board of canvassers; or
- 5046 (b) for bond elections, the count of those votes cast for and against the bond
- 5047 proposition plus any or all of the election returns that the board of canvassers may request.
- 5048 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 5049 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all

5050 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
5051 form, and the total votes cast form.

5052 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
5053 device or other voting device that records and stores ballot information by electronic means.

5054 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
5055 or logically associated with a record and executed or adopted by a person with the intent to sign  
5056 the record.

5057 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

5058 (b) "Electronic voting device" includes a direct recording electronic voting device.

5059 (35) "Inactive voter" means a registered voter who has:

5060 (a) been sent the notice required by Section [20A-2-306](#); and

5061 (b) failed to respond to that notice.

5062 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
5063 witness the receipt and safe deposit of voted and counted ballots.

5064 (37) "Judicial office" means the office filled by any judicial officer.

5065 (38) "Judicial officer" means any justice or judge of a court of record or any county  
5066 court judge.

5067 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
5068 Local Government Entities - Local Districts, and includes a special service district under Title  
5069 17D, Chapter 1, Special Service District Act.

5070 (40) "Local district officers" means those local district board members that are required  
5071 by law to be elected.

5072 (41) "Local election" means a regular county election, a regular municipal election, a  
5073 municipal primary election, a local special election, a local district election, and a bond  
5074 election.

5075 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
5076 local school district.

5077 (43) "Local special election" means a special election called by the governing body of a  
5078 local political subdivision in which all registered voters of the local political subdivision may  
5079 vote.

5080 (44) "Municipal executive" means:

5081 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);  
5082 [or]

5083 (b) the mayor in the council-manager form of government defined in Subsection  
5084 [10-3b-103](#)~~(6)~~(7); or

5085 (c) the chair of a municipal township form of government defined in Section  
5086 [10-3b-102](#).

5087 (45) "Municipal general election" means the election held in municipalities and, as  
5088 applicable, local districts on the first Tuesday after the first Monday in November of each  
5089 odd-numbered year for the purposes established in Section [20A-1-202](#).

5090 (46) "Municipal legislative body" means:

5091 (a) the council of the city or town in any form of municipal government~~[-];~~ or

5092 (b) the council of a municipal township.

5093 (47) "Municipal office" means an elective office in a municipality.

5094 (48) "Municipal officers" means those municipal officers that are required by law to be  
5095 elected.

5096 (49) "Municipal primary election" means an election held to nominate candidates for  
5097 municipal office.

5098 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
5099 workers to be given to voters to record their votes.

5100 (51) "Official endorsement" means:

5101 (a) the information on the ballot that identifies:

5102 (i) the ballot as an official ballot;

5103 (ii) the date of the election; and

5104 (iii) the facsimile signature of the election officer; and

5105 (b) the information on the ballot stub that identifies:

5106 (i) the poll worker's initials; and

5107 (ii) the ballot number.

5108 (52) "Official register" means the official record furnished to election officials by the  
5109 election officer that contains the information required by Section [20A-5-401](#).

5110 (53) "Paper ballot" means a paper that contains:

5111 (a) the names of offices and candidates and statements of ballot propositions to be

5112 voted on; and

5113 (b) spaces for the voter to record the voter's vote for each office and for or against each  
5114 ballot proposition.

5115 (54) "Pilot project" means the election day voter registration pilot project created in  
5116 Section [20A-4-108](#).

5117 (55) "Political party" means an organization of registered voters that has qualified to  
5118 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
5119 and Procedures.

5120 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
5121 cast votes.

5122 (57) "Polling place" means the building where voting is conducted.

5123 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
5124 election, voting, or counting votes.

5125 (b) "Poll worker" includes election judges.

5126 (c) "Poll worker" does not include a watcher.

5127 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
5128 in which the voter marks the voter's choice.

5129 (60) "Primary convention" means the political party conventions held during the year  
5130 of the regular general election.

5131 (61) "Protective counter" means a separate counter, which cannot be reset, that:

5132 (a) is built into a voting machine; and

5133 (b) records the total number of movements of the operating lever.

5134 (62) "Provider election officer" means an election officer who enters into a contract or  
5135 interlocal agreement with a contracting election officer to conduct an election for the  
5136 contracting election officer's local political subdivision in accordance with Section  
5137 [20A-5-400.1](#).

5138 (63) "Provisional ballot" means a ballot voted provisionally by a person:

5139 (a) whose name is not listed on the official register at the polling place;

5140 (b) whose legal right to vote is challenged as provided in this title; or

5141 (c) whose identity was not sufficiently established by a poll worker.

5142 (64) "Provisional ballot envelope" means an envelope printed in the form required by

5143 Section 20A-6-105 that is used to identify provisional ballots and to provide information to  
5144 verify a person's legal right to vote.

5145 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
5146 duties of the position for which the person was elected.

5147 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
5148 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
5149 after the voter has voted.

5150 (67) "Registration form" means a book voter registration form and a by-mail voter  
5151 registration form.

5152 (68) "Regular ballot" means a ballot that is not a provisional ballot.

5153 (69) "Regular general election" means the election held throughout the state on the first  
5154 Tuesday after the first Monday in November of each even-numbered year for the purposes  
5155 established in Section 20A-1-201.

5156 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
5157 each even-numbered year, to nominate candidates of political parties and candidates for  
5158 nonpartisan local school board positions to advance to the regular general election.

5159 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

5160 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
5161 and distributed as provided in Section 20A-5-405.

5162 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
5163 punch the ballot for one or more candidates who are members of different political parties.

5164 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
5165 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
5166 the voter's vote.

5167 (75) "Special election" means an election held as authorized by Section 20A-1-203.

5168 (76) "Spoiled ballot" means each ballot that:

5169 (a) is spoiled by the voter;

5170 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5171 (c) lacks the official endorsement.

5172 (77) "Statewide special election" means a special election called by the governor or the  
5173 Legislature in which all registered voters in Utah may vote.

- 5174 (78) "Stub" means the detachable part of each ballot.
- 5175 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
5176 the poll workers when the official ballots are lost or stolen.
- 5177 (80) "Ticket" means each list of candidates for each political party or for each group of  
5178 petitioners.
- 5179 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
5180 counting center.
- 5181 (82) "Vacancy" means the absence of a person to serve in any position created by  
5182 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
5183 or other cause.
- 5184 (83) "Valid voter identification" means:
- 5185 (a) a form of identification that bears the name and photograph of the voter which may  
5186 include:
- 5187 (i) a currently valid Utah driver license;
- 5188 (ii) a currently valid identification card that is issued by:
- 5189 (A) the state; or
- 5190 (B) a branch, department, or agency of the United States;
- 5191 (iii) a currently valid Utah permit to carry a concealed weapon;
- 5192 (iv) a currently valid United States passport; or
- 5193 (v) a currently valid United States military identification card;
- 5194 (b) one of the following identification cards, whether or not the card includes a  
5195 photograph of the voter:
- 5196 (i) a valid tribal identification card;
- 5197 (ii) a Bureau of Indian Affairs card; or
- 5198 (iii) a tribal treaty card; or
- 5199 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
5200 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
5201 may include:
- 5202 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
5203 election;
- 5204 (ii) a bank or other financial account statement, or a legible copy thereof;

- 5205 (iii) a certified birth certificate;
- 5206 (iv) a valid Social Security card;
- 5207 (v) a check issued by the state or the federal government or a legible copy thereof;
- 5208 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 5209 (vii) a currently valid Utah hunting or fishing license;
- 5210 (viii) certified naturalization documentation;
- 5211 (ix) a currently valid license issued by an authorized agency of the United States;
- 5212 (x) a certified copy of court records showing the voter's adoption or name change;
- 5213 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 5214 (xii) a currently valid identification card issued by:
- 5215 (A) a local government within the state;
- 5216 (B) an employer for an employee; or
- 5217 (C) a college, university, technical school, or professional school located within the
- 5218 state; or
- 5219 (xiii) a current Utah vehicle registration.
- 5220 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 5221 candidate by following the procedures and requirements of this title.
- 5222 (85) "Voter" means a person who:
- 5223 (a) meets the requirements for voting in an election;
- 5224 (b) meets the requirements of election registration;
- 5225 (c) is registered to vote; and
- 5226 (d) is listed in the official register book.
- 5227 (86) "Voter registration deadline" means the registration deadline provided in Section
- 5228 [20A-2-102.5](#).
- 5229 (87) "Voting area" means the area within six feet of the voting booths, voting
- 5230 machines, and ballot box.
- 5231 (88) "Voting booth" means:
- 5232 (a) the space or compartment within a polling place that is provided for the preparation
- 5233 of ballots, including the voting machine enclosure or curtain; or
- 5234 (b) a voting device that is free standing.
- 5235 (89) "Voting device" means:

5236 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
5237 piercing the ballots by the voter;

5238 (b) a device for marking the ballots with ink or another substance;

5239 (c) an electronic voting device or other device used to make selections and cast a ballot  
5240 electronically, or any component thereof;

5241 (d) an automated voting system under Section [20A-5-302](#); or

5242 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
5243 by means of automatic tabulating equipment.

5244 (90) "Voting machine" means a machine designed for the sole purpose of recording  
5245 and tabulating votes cast by voters at an election.

5246 (91) "Voting poll watcher" means a person appointed as provided in this title to  
5247 witness the distribution of ballots and the voting process.

5248 (92) "Voting precinct" means the smallest voting unit established as provided by law  
5249 within which qualified voters vote at one polling place.

5250 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
5251 poll watcher, and a testing watcher.

5252 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
5253 Part 8, Western States Presidential Primary.

5254 (95) "Write-in ballot" means a ballot containing any write-in votes.

5255 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
5256 ballot according to the procedures established in this title.

5257 Section 111. Section **20A-1-201.5** is amended to read:

5258 **20A-1-201.5. Primary election dates.**

5259 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
5260 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons  
5261 for:

5262 (a) national, state, school board, and county offices[?]; and

5263 (b) offices for a municipal township, city, or town incorporated under Section  
5264 [10-2a-404](#).

5265 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
5266 following the first Monday in August before the regular municipal election to nominate persons

5267 for municipal offices.

5268 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
5269 election, the Western States Presidential Primary election shall be held throughout the state on  
5270 the first Tuesday in February in the year in which a presidential election will be held.

5271 Section 112. Section **20A-1-203** is amended to read:

5272 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
5273 **limitations.**

5274 (1) Statewide and local special elections may be held for any purpose authorized by  
5275 law.

5276 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
5277 general elections.

5278 (b) Except as otherwise provided in this title, local special elections shall be conducted  
5279 using the procedures for regular municipal elections.

5280 (3) The governor may call a statewide special election by issuing an executive order  
5281 that designates:

5282 (a) the date for the statewide special election; and

5283 (b) the purpose for the statewide special election.

5284 (4) The Legislature may call a statewide special election by passing a joint or  
5285 concurrent resolution that designates:

5286 (a) the date for the statewide special election; and

5287 (b) the purpose for the statewide special election.

5288 (5) (a) The legislative body of a local political subdivision may call a local special  
5289 election only for:

5290 (i) a vote on a bond or debt issue;

5291 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);

5292 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

5293 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

5294 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
5295 legal boundaries should be changed;

5296 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

5297 (vii) a vote to elect members to school district boards for a new school district and a

5298 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
5299 school district under Section [53A-2-118.1](#);

5300 (viii) an election of town officers of a newly incorporated town under Section  
5301 [~~10-2-128~~] [10-2a-305](#);

5302 (ix) an election of officers for a new city under Section [~~10-2-116~~] [10-2a-215](#);

5303 (x) a vote on a municipality providing cable television services or public  
5304 telecommunications services under Section [10-18-204](#);

5305 (xi) a vote to create a new county under Section [17-3-1](#);

5306 (xii) a vote on the creation of a study committee under Sections [17-52-202](#) and  
5307 [17-52-203.5](#);

5308 (xiii) a vote on a special property tax under Section [53A-16-110](#);

5309 (xiv) a vote on the incorporation of a city in accordance with Section [~~10-2-111~~]  
5310 [10-2a-210](#); [or]

5311 (xv) a vote on the incorporation of a town in accordance with Section [~~10-2-127~~]  
5312 [10-2a-304](#); or

5313 (xvi) a vote on incorporation or annexation as described in Section [10-2a-404](#).

5314 (b) The legislative body of a local political subdivision may call a local special election  
5315 by adopting an ordinance or resolution that designates:

5316 (i) the date for the local special election as authorized by Section [20A-1-204](#); and

5317 (ii) the purpose for the local special election.

5318 (c) A local political subdivision may not call a local special election unless the  
5319 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
5320 two-thirds majority of all members of the legislative body, if the local special election is for:

5321 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

5322 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

5323 (iii) a vote authorized or required for a sales tax issue as described in Subsection  
5324 (5)(a)(vi).

5325 Section 113. Section [20A-1-204](#) is amended to read:

5326 **20A-1-204. Date of special election -- Legal effect.**

5327 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the  
5328 legislative body of a local political subdivision calling a statewide special election or local

5329 special election under Section [20A-1-203](#) shall schedule the special election to be held on:

5330 (i) the fourth Tuesday in June;

5331 (ii) the first Tuesday after the first Monday in November; or

5332 (iii) for an election of town officers of a newly incorporated town under Section

5333 [~~10-2-128~~] [10-2a-305](#), on any date that complies with the requirements of that subsection.

5334 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative  
5335 body of a local political subdivision calling a statewide special election or local special election  
5336 under Section [20A-1-203](#) may not schedule a special election to be held on any other date.

5337 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative  
5338 body of a local political subdivision may call a local special election on a date other than those  
5339 specified in this section if the legislative body:

5340 (A) determines and declares that there is a disaster, as defined in Section [53-2a-102](#),  
5341 requiring that a special election be held on a date other than the ones authorized in statute;

5342 (B) identifies specifically the nature of the disaster, as defined in Section [53-2a-102](#),  
5343 and the reasons for holding the special election on that other date; and

5344 (C) votes unanimously to hold the special election on that other date.

5345 (ii) The legislative body of a local political subdivision may not call a local special  
5346 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for  
5347 Utah's Western States Presidential Primary.

5348 (d) The legislative body of a local political subdivision may only call a special election  
5349 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after  
5350 the first Monday in November.

5351 (e) Nothing in this section prohibits:

5352 (i) the governor or Legislature from submitting a matter to the voters at the regular  
5353 general election if authorized by law; or

5354 (ii) a local government from submitting a matter to the voters at the regular municipal  
5355 election if authorized by law.

5356 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
5357 special election within a county on the same day as:

5358 (i) another special election;

5359 (ii) a regular general election; or

- 5360 (iii) a municipal general election.
- 5361 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:
- 5362 (i) polling places;
- 5363 (ii) ballots;
- 5364 (iii) election officials; and
- 5365 (iv) other administrative and procedural matters connected with the election.

5366 Section 114. Section **20A-11-101** is amended to read:

5367 **20A-11-101. Definitions.**

5368 As used in this chapter:

5369 (1) "Address" means the number and street where an individual resides or where a  
5370 reporting entity has its principal office.

5371 (2) "Agent of a reporting entity" means:

5372 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
5373 entity;

5374 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
5375 reporting entity;

5376 (c) the personal campaign committee of a candidate or officeholder;

5377 (d) a member of the personal campaign committee of a candidate or officeholder in the  
5378 member's capacity as a member of the personal campaign committee of the candidate or  
5379 officeholder; or

5380 (e) a political consultant of a reporting entity.

5381 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
5382 amendments, and any other ballot propositions submitted to the voters that are authorized by  
5383 the Utah Code Annotated 1953.

5384 (4) "Candidate" means any person who:

5385 (a) files a declaration of candidacy for a public office; or

5386 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5387 receive contributions or make expenditures to bring about the person's nomination or election  
5388 to a public office.

5389 (5) "Chief election officer" means:

5390 (a) the lieutenant governor for state office candidates, legislative office candidates,

5391 officeholders, political parties, political action committees, corporations, political issues  
5392 committees, state school board candidates, judges, and labor organizations, as defined in  
5393 Section 20A-11-1501; and

5394 (b) the county clerk for local school board candidates.

5395 (6) (a) "Contribution" means any of the following when done for political purposes:

5396 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
5397 value given to the filing entity;

5398 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
5399 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
5400 anything of value to the filing entity;

5401 (iii) any transfer of funds from another reporting entity to the filing entity;

5402 (iv) compensation paid by any person or reporting entity other than the filing entity for  
5403 personal services provided without charge to the filing entity;

5404 (v) remuneration from:

5405 (A) any organization or its directly affiliated organization that has a registered lobbyist;

5406 or

5407 (B) any agency or subdivision of the state, including school districts;

5408 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

5409 (vii) in-kind contributions.

5410 (b) "Contribution" does not include:

5411 (i) services provided by individuals volunteering a portion or all of their time on behalf  
5412 of the filing entity if the services are provided without compensation by the filing entity or any  
5413 other person;

5414 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
5415 business; or

5416 (iii) goods or services provided for the benefit of a candidate or political party at less  
5417 than fair market value that are not authorized by or coordinated with the candidate or political  
5418 party.

5419 (7) "Coordinated with" means that goods or services provided for the benefit of a  
5420 candidate or political party are provided:

5421 (a) with the candidate's or political party's prior knowledge, if the candidate or political

5422 party does not object;

5423 (b) by agreement with the candidate or political party;

5424 (c) in coordination with the candidate or political party; or

5425 (d) using official logos, slogans, and similar elements belonging to a candidate or

5426 political party.

5427 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
5428 organization that is registered as a corporation or is authorized to do business in a state and  
5429 makes any expenditure from corporate funds for:

5430 (i) the purpose of expressly advocating for political purposes; or

5431 (ii) the purpose of expressly advocating the approval or the defeat of any ballot

5432 proposition.

5433 (b) "Corporation" does not mean:

5434 (i) a business organization's political action committee or political issues committee; or

5435 (ii) a business entity organized as a partnership or a sole proprietorship.

5436 (9) "County political party" means, for each registered political party, all of the persons  
5437 within a single county who, under definitions established by the political party, are members of  
5438 the registered political party.

5439 (10) "County political party officer" means a person whose name is required to be  
5440 submitted by a county political party to the lieutenant governor in accordance with Section  
5441 [20A-8-402](#).

5442 (11) "Detailed listing" means:

5443 (a) for each contribution or public service assistance:

5444 (i) the name and address of the individual or source making the contribution or public  
5445 service assistance;

5446 (ii) the amount or value of the contribution or public service assistance; and

5447 (iii) the date the contribution or public service assistance was made; and

5448 (b) for each expenditure:

5449 (i) the amount of the expenditure;

5450 (ii) the person or entity to whom it was disbursed;

5451 (iii) the specific purpose, item, or service acquired by the expenditure; and

5452 (iv) the date the expenditure was made.

5453 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
5454 for membership in the corporation, to a corporation without receiving full and adequate  
5455 consideration for the money.

5456 (b) "Donor" does not include a person that signs a statement that the corporation may  
5457 not use the money for an expenditure or political issues expenditure.

5458 (13) "Election" means each:

5459 (a) regular general election;

5460 (b) regular primary election; and

5461 (c) special election at which candidates are eliminated and selected.

5462 (14) "Electioneering communication" means a communication that:

5463 (a) has at least a value of \$10,000;

5464 (b) clearly identifies a candidate or judge; and

5465 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
5466 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
5467 identified candidate's or judge's election date.

5468 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
5469 agent of a reporting entity on behalf of the reporting entity:

5470 (i) any disbursement from contributions, receipts, or from the separate bank account  
5471 required by this chapter;

5472 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
5473 or anything of value made for political purposes;

5474 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5475 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
5476 value for political purposes;

5477 (iv) compensation paid by a filing entity for personal services rendered by a person  
5478 without charge to a reporting entity;

5479 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
5480 committee; or

5481 (vi) goods or services provided by the filing entity to or for the benefit of another  
5482 reporting entity for political purposes at less than fair market value.

5483 (b) "Expenditure" does not include:

5484 (i) services provided without compensation by individuals volunteering a portion or all  
5485 of their time on behalf of a reporting entity;

5486 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
5487 business; or

5488 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
5489 candidates for office or officeholders in states other than Utah.

5490 (16) "Federal office" means the office of president of the United States, United States  
5491 Senator, or United States Representative.

5492 (17) "Filing entity" means the reporting entity that is required to file a financial  
5493 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

5494 (18) "Financial statement" includes any summary report, interim report, verified  
5495 financial statement, or other statement disclosing contributions, expenditures, receipts,  
5496 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
5497 Retention Elections.

5498 (19) "Governing board" means the individual or group of individuals that determine the  
5499 candidates and committees that will receive expenditures from a political action committee,  
5500 political party, or corporation.

5501 (20) "Incorporation" means the process established by Title 10, Chapter ~~[2, Part 1,]~~ 2a,  
5502 Municipal Incorporation, by which a geographical area becomes legally recognized as a city  
5503 ~~[or],~~ town, or municipal township.

5504 (21) "Incorporation election" means the election authorized by Section ~~[10-2-111 or~~  
5505 ~~10-2-127]~~ 10-2a-210, 10-2a-304, or 10-2a-404.

5506 (22) "Incorporation petition" means a petition authorized by Section ~~[10-2-109]~~  
5507 10-2a-208 or ~~[10-2-125]~~ 10-2a-302.

5508 (23) "Individual" means a natural person.

5509 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
5510 by or coordinated with a filing entity.

5511 (25) "Interim report" means a report identifying the contributions received and  
5512 expenditures made since the last report.

5513 (26) "Legislative office" means the office of state senator, state representative, speaker  
5514 of the House of Representatives, president of the Senate, and the leader, whip, and assistant

5515 whip of any party caucus in either house of the Legislature.

5516 (27) "Legislative office candidate" means a person who:

5517 (a) files a declaration of candidacy for the office of state senator or state representative;

5518 (b) declares oneself to be a candidate for, or actively campaigns for, the position of

5519 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

5520 assistant whip of any party caucus in either house of the Legislature; or

5521 (c) receives contributions, makes expenditures, or gives consent for any other person to

5522 receive contributions or make expenditures to bring about the person's nomination, election, or

5523 appointment to a legislative office.

5524 (28) "Major political party" means either of the two registered political parties that

5525 have the greatest number of members elected to the two houses of the Legislature.

5526 (29) "Officeholder" means a person who holds a public office.

5527 (30) "Party committee" means any committee organized by or authorized by the

5528 governing board of a registered political party.

5529 (31) "Person" means both natural and legal persons, including individuals, business

5530 organizations, personal campaign committees, party committees, political action committees,

5531 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

5532 (32) "Personal campaign committee" means the committee appointed by a candidate to

5533 act for the candidate as provided in this chapter.

5534 (33) "Personal use expenditure" has the same meaning as provided under Section

5535 [20A-11-104](#).

5536 (34) (a) "Political action committee" means an entity, or any group of individuals or

5537 entities within or outside this state, a major purpose of which is to:

5538 (i) solicit or receive contributions from any other person, group, or entity for political

5539 purposes; or

5540 (ii) make expenditures to expressly advocate for any person to refrain from voting or to

5541 vote for or against any candidate or person seeking election to a municipal or county office.

5542 (b) "Political action committee" includes groups affiliated with a registered political

5543 party but not authorized or organized by the governing board of the registered political party

5544 that receive contributions or makes expenditures for political purposes.

5545 (c) "Political action committee" does not mean:

- 5546 (i) a party committee;
  - 5547 (ii) any entity that provides goods or services to a candidate or committee in the regular
  - 5548 course of its business at the same price that would be provided to the general public;
  - 5549 (iii) an individual;
  - 5550 (iv) individuals who are related and who make contributions from a joint checking
  - 5551 account;
  - 5552 (v) a corporation, except a corporation a major purpose of which is to act as a political
  - 5553 action committee; or
  - 5554 (vi) a personal campaign committee.
- 5555 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
- 5556 by another person on behalf of and with the knowledge of the reporting entity, to provide
- 5557 political advice to the reporting entity.
- 5558 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
- 5559 where the person:
- 5560 (i) has already been paid, with money or other consideration;
  - 5561 (ii) expects to be paid in the future, with money or other consideration; or
  - 5562 (iii) understands that the person may, in the discretion of the reporting entity or another
  - 5563 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
  - 5564 money or other consideration.
- 5565 (36) "Political convention" means a county or state political convention held by a
- 5566 registered political party to select candidates.
- 5567 (37) (a) "Political issues committee" means an entity, or any group of individuals or
- 5568 entities within or outside this state, a major purpose of which is to:
- 5569 (i) solicit or receive donations from any other person, group, or entity to assist in
  - 5570 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
  - 5571 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
  - 5572 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
  - 5573 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
  - 5574 proposed ballot proposition or an incorporation in an incorporation election; or
  - 5575 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
  - 5576 ballot or to assist in keeping a ballot proposition off the ballot.

- 5577 (b) "Political issues committee" does not mean:
- 5578 (i) a registered political party or a party committee;
- 5579 (ii) any entity that provides goods or services to an individual or committee in the
- 5580 regular course of its business at the same price that would be provided to the general public;
- 5581 (iii) an individual;
- 5582 (iv) individuals who are related and who make contributions from a joint checking
- 5583 account; or
- 5584 (v) a corporation, except a corporation a major purpose of which is to act as a political
- 5585 issues committee.
- 5586 (38) (a) "Political issues contribution" means any of the following:
- 5587 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
- 5588 anything of value given to a political issues committee;
- 5589 (ii) an express, legally enforceable contract, promise, or agreement to make a political
- 5590 issues donation to influence the approval or defeat of any ballot proposition;
- 5591 (iii) any transfer of funds received by a political issues committee from a reporting
- 5592 entity;
- 5593 (iv) compensation paid by another reporting entity for personal services rendered
- 5594 without charge to a political issues committee; and
- 5595 (v) goods or services provided to or for the benefit of a political issues committee at
- 5596 less than fair market value.
- 5597 (b) "Political issues contribution" does not include:
- 5598 (i) services provided without compensation by individuals volunteering a portion or all
- 5599 of their time on behalf of a political issues committee; or
- 5600 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 5601 course of business.
- 5602 (39) (a) "Political issues expenditure" means any of the following when made by a
- 5603 political issues committee or on behalf of a political issues committee by an agent of the
- 5604 reporting entity:
- 5605 (i) any payment from political issues contributions made for the purpose of influencing
- 5606 the approval or the defeat of:
- 5607 (A) a ballot proposition; or

5608 (B) an incorporation petition or incorporation election;  
5609 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
5610 the express purpose of influencing the approval or the defeat of:  
5611 (A) a ballot proposition; or  
5612 (B) an incorporation petition or incorporation election;  
5613 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5614 political issues expenditure;  
5615 (iv) compensation paid by a reporting entity for personal services rendered by a person  
5616 without charge to a political issues committee; or  
5617 (v) goods or services provided to or for the benefit of another reporting entity at less  
5618 than fair market value.  
5619 (b) "Political issues expenditure" does not include:  
5620 (i) services provided without compensation by individuals volunteering a portion or all  
5621 of their time on behalf of a political issues committee; or  
5622 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5623 course of business.  
5624 (40) "Political purposes" means an act done with the intent or in a way to influence or  
5625 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
5626 against any candidate or a person seeking a municipal or county office at any caucus, political  
5627 convention, or election.  
5628 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
5629 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
5630 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
5631 person or by telephone, facsimile, Internet, postal mail, or email.  
5632 (b) "Poll" does not include:  
5633 (i) a ballot; or  
5634 (ii) an interview of a focus group that is conducted, in person, by one individual, if:  
5635 (A) the focus group consists of more than three, and less than thirteen, individuals; and  
5636 (B) all individuals in the focus group are present during the interview.  
5637 (42) "Primary election" means any regular primary election held under the election  
5638 laws.

5639            [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more  
5640 individuals sharing a common occupation, interest, or association that contribute to a political  
5641 action committee or political issues committee and whose names can be obtained by contacting  
5642 the political action committee or political issues committee upon whose financial statement the  
5643 individuals are listed.

5644            [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state  
5645 auditor, state treasurer, attorney general, state school board member, state senator, state  
5646 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
5647 whip, and assistant whip of any party caucus in either house of the Legislature.

5648            [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided  
5649 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
5650 communicate with the officeholder's constituents:

5651            (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
5652 money or anything of value to an officeholder; or

5653            (ii) goods or services provided at less than fair market value to or for the benefit of the  
5654 officeholder.

5655            (b) "Public service assistance" does not include:

5656            (i) anything provided by the state;

5657            (ii) services provided without compensation by individuals volunteering a portion or all  
5658 of their time on behalf of an officeholder;

5659            (iii) money lent to an officeholder by a financial institution in the ordinary course of  
5660 business;

5661            (iv) news coverage or any publication by the news media; or

5662            (v) any article, story, or other coverage as part of any regular publication of any  
5663 organization unless substantially all the publication is devoted to information about the  
5664 officeholder.

5665            (46) "Receipts" means contributions and public service assistance.

5666            (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
5667 Lobbyist Disclosure and Regulation Act.

5668            (48) "Registered political action committee" means any political action committee that  
5669 is required by this chapter to file a statement of organization with the Office of the Lieutenant

5670 Governor.

5671 (49) "Registered political issues committee" means any political issues committee that  
5672 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5673 Governor.

5674 (50) "Registered political party" means an organization of voters that:

5675 (a) participated in the last regular general election and polled a total vote equal to 2%  
5676 or more of the total votes cast for all candidates for the United States House of Representatives  
5677 for any of its candidates for any office; or

5678 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
5679 Party Formation and Procedures.

5680 (51) (a) "Remuneration" means a payment:

5681 (i) made to a legislator for the period the Legislature is in session; and

5682 (ii) that is approximately equivalent to an amount a legislator would have earned  
5683 during the period the Legislature is in session in the legislator's ordinary course of business.

5684 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

5685 (i) the legislator's primary employer in the ordinary course of business; or

5686 (ii) a person or entity in the ordinary course of business:

5687 (A) because of the legislator's ownership interest in the entity; or

5688 (B) for services rendered by the legislator on behalf of the person or entity.

5689 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
5690 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
5691 action committee, a political issues committee, a corporation, or a labor organization, as  
5692 defined in Section [20A-11-1501](#).

5693 (53) "School board office" means the office of state school board.

5694 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
5695 intangible asset that comprises the contribution.

5696 (b) "Source" means, for political action committees and corporations, the political  
5697 action committee and the corporation as entities, not the contributors to the political action  
5698 committee or the owners or shareholders of the corporation.

5699 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
5700 state auditor, and state treasurer.

- 5701 (56) "State office candidate" means a person who:  
5702 (a) files a declaration of candidacy for a state office; or  
5703 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5704 receive contributions or make expenditures to bring about the person's nomination, election, or  
5705 appointment to a state office.
- 5706 (57) "Summary report" means the year end report containing the summary of a  
5707 reporting entity's contributions and expenditures.
- 5708 (58) "Supervisory board" means the individual or group of individuals that allocate  
5709 expenditures from a political issues committee.
- 5710 Section 115. Section **53-2a-208** is amended to read:  
5711 **53-2a-208. Local emergency -- Declarations.**
- 5712 (1) (a) A local emergency may be declared by proclamation of the chief executive  
5713 officer of a municipality or county.
- 5714 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
5715 days except by or with the consent of the governing body of the municipality or county.
- 5716 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
5717 shall be filed promptly with the office of the clerk of the affected municipality or county.
- 5718 (2) A declaration of a local emergency:  
5719 (a) constitutes an official recognition that a disaster situation exists within the affected  
5720 municipality or county;  
5721 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
5722 from other political subdivisions or from the state or federal government;  
5723 (c) activates the response and recovery aspects of any and all applicable local disaster  
5724 emergency plans; and  
5725 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.
- 5726 (3) A local emergency proclamation issued under this section shall state:  
5727 (a) the nature of the local emergency;  
5728 (b) the area or areas that are affected or threatened; and  
5729 (c) the conditions which caused the emergency.
- 5730 (4) The emergency declaration process within the state shall be as follows:  
5731 (a) a city, town, [~~or~~] municipal township, or planning district shall declare to the

5732 county;

5733 (b) a county shall declare to the state;

5734 (c) the state shall declare to the federal government; and

5735 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the

5736 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

5737 (5) Nothing in this part affects:

5738 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

5739 (b) the duties, requests, reimbursements, or other actions taken by a political

5740 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,

5741 Part 3, Statewide Mutual Aid Act.

5742 Section 116. Section 53-2a-802 is amended to read:

5743 **53-2a-802. Definitions.**

5744 (1) (a) "Absent" means:

5745 (i) not physically present or not able to be communicated with for 48 hours; or

5746 (ii) for local government officers, as defined by local ordinances.

5747 (b) "Absent" does not include a person who can be communicated with via telephone,

5748 radio, or telecommunications.

5749 (2) "Department" means the Department of Administrative Services, the Department of

5750 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of

5751 Commerce, the Department of Heritage and Arts, the Department of Corrections, the

5752 Department of Environmental Quality, the Department of Financial Institutions, the

5753 Department of Health, the Department of Human Resource Management, the Department of

5754 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,

5755 the Department of Natural Resources, the Department of Public Safety, the Public Service

5756 Commission, the Department of Human Services, the State Tax Commission, the Department

5757 of Technology Services, the Department of Transportation, any other major administrative

5758 subdivisions of state government, the State Board of Education, the State Board of Regents, the

5759 Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and

5760 each institution of higher education within the system of higher education.

5761 (3) "Division" means the Division of Emergency Management established in Title 53,

5762 Chapter 2a, Part 1, Emergency Management Act.

5763 (4) "Emergency interim successor" means a person designated by this part to exercise  
5764 the powers and discharge the duties of an office when the person legally exercising the powers  
5765 and duties of the office is unavailable.

5766 (5) "Executive director" means the person with ultimate responsibility for managing  
5767 and overseeing the operations of each department, however denominated.

5768 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
5769 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

5770 (b) "Office" does not include the office of governor or the legislative or judicial offices.

5771 (7) "Place of governance" means the physical location where the powers of an office  
5772 are being exercised.

5773 (8) "Political subdivision" includes counties, cities, towns, municipal townships,  
5774 planning districts, districts, authorities, and other public corporations and entities whether  
5775 organized and existing under charter or general law.

5776 (9) "Political subdivision officer" means a person holding an office in a political  
5777 subdivision.

5778 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
5779 the executive director of each department.

5780 (11) "Unavailable" means:

5781 (a) absent from the place of governance during a disaster that seriously disrupts normal  
5782 governmental operations, whether or not that absence or inability would give rise to a vacancy  
5783 under existing constitutional or statutory provisions; or

5784 (b) as otherwise defined by local ordinance.

5785 Section 117. Section **53A-2-118.1** is amended to read:

5786 **53A-2-118.1. Proposal initiated by a city or interlocal agreement participants to**  
5787 **create a school district -- Boundaries -- Election of local school board members --**  
5788 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

5789 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,  
5790 as determined by the lieutenant governor using the process described in Subsection [67-1a-2\(3\)](#),  
5791 may by majority vote of the legislative body, submit for voter approval a measure to create a  
5792 new school district with boundaries contiguous with that city's boundaries, in accordance with  
5793 Section [53A-2-118](#).

5794 (b) (i) The determination of all matters relating to the scope, adequacy, and other  
5795 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the  
5796 city's legislative body.

5797 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of  
5798 a legal action or other challenge to:

5799 (A) an election for voter approval of the creation of a new school district; or

5800 (B) the creation of the new school district.

5801 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,  
5802 may, together with one or more other cities, towns, or the county enter into an interlocal  
5803 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose  
5804 of submitting for voter approval a measure to create a new school district.

5805 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under  
5806 Subsection (2)(a) may submit a proposal for voter approval if:

5807 (A) the interlocal agreement participants conduct a feasibility study prior to submitting  
5808 the proposal to the county;

5809 (B) the combined population within the proposed new school district boundaries is at  
5810 least 50,000;

5811 (C) the new school district boundaries:

5812 (I) are contiguous;

5813 (II) do not completely surround or otherwise completely geographically isolate a  
5814 portion of an existing school district that is not part of the proposed new school district from  
5815 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

5816 (III) include the entire boundaries of each participant city or town, except as provided  
5817 in Subsection (2)(d)(ii); and

5818 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

5819 (D) the combined population within the proposed new school district of interlocal  
5820 agreement participants that have entered into an interlocal agreement proposing to create a new  
5821 school district is at least 80% of the total population of the proposed new school district.

5822 (ii) The determination of all matters relating to the scope, adequacy, and other aspects  
5823 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new  
5824 feasibility study or revise a previous feasibility study due to a change in the proposed new

5825 school district boundaries, is within the exclusive discretion of the legislative bodies of the  
5826 interlocal agreement participants that enter into an interlocal agreement to submit for voter  
5827 approval a measure to create a new school district.

5828 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the  
5829 basis of a legal action or other challenge to:

5830 (A) an election for voter approval of the creation of a new school district; or

5831 (B) the creation of the new school district.

5832 (iv) For purposes of determining whether the boundaries of a proposed new school  
5833 district cross county lines under Subsection (2)(b)(i)(C)(IV):

5834 (A) a municipality located in more than one county and entirely within the boundaries  
5835 of a single school district is considered to be entirely within the same county as other  
5836 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's  
5837 land area and population is located in that same county than outside the county; and

5838 (B) a municipality located in more than one county that participates in an interlocal  
5839 agreement under Subsection (2)(a) with respect to some but not all of the area within the  
5840 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may  
5841 not be considered to cross county lines.

5842 (c) (i) A county may only participate in an interlocal agreement under this Subsection  
5843 (2) for the unincorporated areas of the county.

5844 (ii) Boundaries of a new school district created under this section may include:

5845 (A) a portion of one or more existing school districts; and

5846 (B) a portion of the unincorporated area of a county, including a portion of a  
5847 [township] planning district.

5848 (d) (i) As used in this Subsection (2)(d):

5849 (A) "Isolated area" means an area that:

5850 (I) is entirely within the boundaries of a municipality that, except for that area, is  
5851 entirely within a school district different than the school district in which the area is located;  
5852 and

5853 (II) would, because of the creation of a new school district from the existing district in  
5854 which the area is located, become completely geographically isolated.

5855 (B) "Municipality's school district" means the school district that includes all of the

5856 municipality in which the isolated area is located except the isolated area.

5857 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in  
5858 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
5859 within the municipality's boundaries if:

5860 (A) the portion of the municipality proposed to be included in the new school district  
5861 would, if not included, become an isolated area upon the creation of the new school district; or

5862 (B) (I) the portion of the municipality proposed to be included in the new school  
5863 district is within the boundaries of the same school district that includes the other interlocal  
5864 agreement participants; and

5865 (II) the portion of the municipality proposed to be excluded from the new school  
5866 district is within the boundaries of a school district other than the school district that includes  
5867 the other interlocal agreement participants.

5868 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school  
5869 district may be submitted for voter approval pursuant to an interlocal agreement under  
5870 Subsection (2)(a), even though the new school district boundaries would create an isolated  
5871 area, if:

5872 (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
5873 participants;

5874 (II) the interlocal participants submit a written request to the municipality in which the  
5875 potential isolated area is located, requesting the municipality to enter into an interlocal  
5876 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to  
5877 create a new school district that includes the potential isolated area; and

5878 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the  
5879 municipality has not entered into an interlocal agreement as requested in the request.

5880 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold  
5881 one or more public hearings to allow input from the public and affected school districts  
5882 regarding whether or not the municipality should enter into an interlocal agreement with  
5883 respect to the potential isolated area.

5884 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

5885 (Aa) a new school district is created under this section after a measure is submitted to  
5886 voters based on the authority of Subsection (2)(d)(iii)(A); and

- 5887 (Bb) the creation of the new school district results in an isolated area.
- 5888 (II) The isolated area shall, on July 1 of the second calendar year following the local  
5889 school board general election date described in Subsection (3)(a)(i), become part of the  
5890 municipality's school district.
- 5891 (III) Unless the isolated area is the only remaining part of the existing district, the  
5892 process described in Subsection (4) shall be modified to:
- 5893 (Aa) include a third transition team, appointed by the local school board of the  
5894 municipality's school district, to represent that school district; and
- 5895 (Bb) require allocation of the existing district's assets and liabilities among the new  
5896 district, the remaining district, and the municipality's school district.
- 5897 (IV) The existing district shall continue to provide educational services to the isolated  
5898 area until July 1 of the second calendar year following the local school board general election  
5899 date described in Subsection (3)(a)(i).
- 5900 (3) (a) If a proposal under this section is approved by voters:
- 5901 (i) an election shall be held at the next regular general election to elect:
- 5902 (A) members to the local school board of the existing school district whose terms are  
5903 expiring;
- 5904 (B) all members to the local school board of the new school district; and
- 5905 (C) all members to the local school board of the remaining district;
- 5906 (ii) the assets and liabilities of the existing school district shall be divided between the  
5907 remaining school district and the new school district as provided in Subsection (5) and Section  
5908 [53A-2-121](#);
- 5909 (iii) transferred employees shall be treated in accordance with Sections [53A-2-116](#) and  
5910 [53A-2-122](#);
- 5911 (iv) (A) an individual residing within the boundaries of a new school district at the  
5912 time the new school district is created may, for six school years after the creation of the new  
5913 school district, elect to enroll in a secondary school located outside the boundaries of the new  
5914 school district if:
- 5915 (I) the individual resides within the boundaries of that secondary school as of the day  
5916 before the new school district is created; and
- 5917 (II) the individual would have been eligible to enroll in that secondary school had the

5918 new school district not been created; and

5919 (B) the school district in which the secondary school is located shall provide  
5920 educational services, including, if provided before the creation of the new school district,  
5921 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school  
5922 year for which the individual makes the election; and

5923 (v) within one year after the new district begins providing educational services, the  
5924 superintendent of each remaining district affected and the superintendent of the new district  
5925 shall meet, together with the Superintendent of Public Instruction, to determine if further  
5926 boundary changes should be proposed in accordance with Section [53A-2-104](#).

5927 (b) (i) The terms of the initial members of the local school board of the new district and  
5928 remaining district shall be staggered and adjusted by the county legislative body so that  
5929 approximately half of the local school board is elected every two years.

5930 (ii) The term of a member of the existing local school board, including a member  
5931 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local  
5932 school board general election date described in Subsection (3)(a)(i), regardless of when the  
5933 term would otherwise have terminated.

5934 (iii) Notwithstanding the existence of a local school board for the new district and a  
5935 local school board for the remaining district under Subsection (3)(a)(i), the local school board  
5936 of the existing district shall continue, until the time specified in Subsection  
5937 [53A-2-118\(5\)\(b\)\(ii\)\(A\)](#), to function and exercise authority as a local school board to the extent  
5938 necessary to continue to provide educational services to the entire existing district.

5939 (iv) A person may simultaneously serve as or be elected to be a member of the local  
5940 school board of an existing district and a member of the local school board of:

5941 (A) a new district; or

5942 (B) a remaining district.

5943 (4) (a) Within 45 days after the canvass date for the election at which voters approve  
5944 the creation of a new district:

5945 (i) a transition team to represent the remaining district shall be appointed by the  
5946 members of the existing local school board who reside within the area of the remaining district,  
5947 in consultation with:

5948 (A) the legislative bodies of all municipalities in the area of the remaining district; and

5949 (B) the legislative body of the county in which the remaining district is located, if the  
5950 remaining district includes one or more unincorporated areas of the county; and

5951 (ii) another transition team to represent the new district shall be appointed by:

5952 (A) for a new district located entirely within the boundaries of a single city, the  
5953 legislative body of that city; or

5954 (B) for each other new district, the legislative bodies of all interlocal agreement  
5955 participants.

5956 (b) The local school board of the existing school district shall, within 60 days after the  
5957 canvass date for the election at which voters approve the creation of a new district:

5958 (i) prepare an inventory of the existing district's:

5959 (A) assets, both tangible and intangible, real and personal; and

5960 (B) liabilities; and

5961 (ii) deliver a copy of the inventory to each of the transition teams.

5962 (c) The transition teams appointed under Subsection (4)(a) shall:

5963 (i) determine the allocation of the existing district's assets and, except for indebtedness  
5964 under Section 53A-2-121, liabilities between the remaining district and the new district in  
5965 accordance with Subsection (5);

5966 (ii) prepare a written report detailing how the existing district's assets and, except for  
5967 indebtedness under Section 53A-2-121, liabilities are to be allocated; and

5968 (iii) deliver a copy of the written report to:

5969 (A) the local school board of the existing district;

5970 (B) the local school board of the remaining district; and

5971 (C) the local school board of the new district.

5972 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and  
5973 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the  
5974 election at which voters approve the creation of a new district, unless that deadline is extended  
5975 by the mutual agreement of:

5976 (i) the local school board of the existing district; and

5977 (ii) (A) the legislative body of the city in which the new district is located, for a new  
5978 district located entirely within a single city; or

5979 (B) the legislative bodies of all interlocal agreement participants, for each other new

5980 district.

5981 (e) (i) All costs and expenses of the transition team that represents a remaining district  
5982 shall be borne by the remaining district.

5983 (ii) All costs and expenses of the transition team that represents a new district shall  
5984 initially be borne by:

5985 (A) the city whose legislative body appoints the transition team, if the transition team  
5986 is appointed by the legislative body of a single city; or

5987 (B) the interlocal agreement participants, if the transition team is appointed by the  
5988 legislative bodies of interlocal agreement participants.

5989 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal  
5990 agreement participants for:

5991 (A) transition team costs and expenses; and

5992 (B) startup costs and expenses incurred by the city or interlocal agreement participants  
5993 on behalf of the new district.

5994 (5) (a) As used in this Subsection (5):

5995 (i) "Associated property" means furniture, equipment, or supplies located in or  
5996 specifically associated with a physical asset.

5997 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection  
5998 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or  
5999 employee by law or school district accounting practice.

6000 (B) "Discretionary asset or liability" does not include a physical asset, associated  
6001 property, a vehicle, or bonded indebtedness.

6002 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection  
6003 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee  
6004 by law or school district accounting practice.

6005 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated  
6006 property, a vehicle, or bonded indebtedness.

6007 (iv) "Physical asset" means a building, land, or water right together with revenue  
6008 derived from the lease or use of the building, land, or water right.

6009 (b) Except as provided in Subsection (5)(c), the transition teams appointed under  
6010 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the

6011 allocation date, both tangible and intangible, real and personal, to the new district and  
6012 remaining district as follows:

6013 (i) a physical asset and associated property shall be allocated to the school district in  
6014 which the physical asset is located;

6015 (ii) a discretionary asset or liability shall be allocated between the new district and  
6016 remaining district in proportion to the student populations of the school districts;

6017 (iii) a nondiscretionary asset shall be allocated to the school district where the project,  
6018 school, student, or employee to which the nondiscretionary asset is tied will be located;

6019 (iv) vehicles used for pupil transportation shall be allocated:

6020 (A) according to the transportation needs of schools, as measured by the number and  
6021 assortment of vehicles used to serve transportation routes serving schools within the new  
6022 district and remaining district; and

6023 (B) in a manner that gives each school district a fleet of vehicles for pupil  
6024 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;  
6025 and

6026 (v) other vehicles shall be allocated:

6027 (A) in proportion to the student populations of the school districts; and

6028 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,  
6029 condition, and carrying capacities.

6030 (c) By mutual agreement, the transition teams may allocate an asset or liability in a  
6031 manner different than the allocation method specified in Subsection (5)(b).

6032 (6) (a) As used in this Subsection (6):

6033 (i) "New district startup costs" means:

6034 (A) costs and expenses incurred by a new district in order to prepare to begin providing  
6035 educational services on July 1 of the second calendar year following the local school board  
6036 general election date described in Subsection (3)(a)(i); and

6037 (B) the costs and expenses of the transition team that represents the new district.

6038 (ii) "Remaining district startup costs" means:

6039 (A) costs and expenses incurred by a remaining district in order to:

6040 (I) make necessary adjustments to deal with the impacts resulting from the creation of  
6041 the new district; and

6042 (II) prepare to provide educational services within the remaining district once the new  
6043 district begins providing educational services within the new district; and

6044 (B) the costs and expenses of the transition team that represents the remaining district.

6045 (b) (i) By January 1 of the year following the local school board general election date  
6046 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed  
6047 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the  
6048 remaining district and the new district, as provided in this Subsection (6).

6049 (ii) The existing district may make additional funds available for the use of the  
6050 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)  
6051 through an interlocal agreement.

6052 (c) The existing district shall make the money under Subsection (6)(b) available to the  
6053 remaining district and the new district proportionately based on student population.

6054 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

6055 (i) for the remaining district, the local school board of the remaining district; and

6056 (ii) for the new district, the local school board of the new district.

6057 (e) (i) The remaining district may use its portion of the money made available under  
6058 Subsection (6)(b) to pay for remaining district startup costs.

6059 (ii) The new district may use its portion of the money made available under Subsection  
6060 (6)(b) to pay for new district startup costs.

6061 (7) (a) The existing district shall transfer title or, if applicable, partial title of property  
6062 to the new school district in accordance with the allocation of property by the transition teams,  
6063 as stated in the report under Subsection (4)(c)(ii).

6064 (b) The existing district shall complete each transfer of title or, if applicable, partial  
6065 title to real property and vehicles by July 1 of the second calendar year following the local  
6066 school board general election date described in Subsection (3)(a)(i), except as that date is  
6067 changed by the mutual agreement of:

6068 (i) the local school board of the existing district;

6069 (ii) the local school board of the remaining district; and

6070 (iii) the local school board of the new district.

6071 (c) The existing district shall complete the transfer of all property not included in  
6072 Subsection (7)(b) by November 1 of the second calendar year after the local school board

6073 general election date described in Subsection (3)(a)(i).

6074 (8) Except as provided in Subsections (6) and (7), after the creation election date an  
6075 existing school district may not transfer or agree to transfer title to district property without the  
6076 prior consent of:

6077 (a) the legislative body of the city in which the new district is located, for a new district  
6078 located entirely within a single city; or

6079 (b) the legislative bodies of all interlocal agreement participants, for each other new  
6080 district.

6081 (9) This section does not apply to the creation of a new district initiated through a  
6082 citizens' initiative petition or at the request of a local school board under Section 53A-2-118.

6083 Section 118. Section 53A-2-402 is amended to read:

6084 **53A-2-402. Definitions.**

6085 As used in this part:

6086 (1) "Eligible entity" means:

6087 (a) a city or town with a population density of 3,000 or more people per square mile; or

6088 (b) a county whose unincorporated area includes a qualifying [township] planning  
6089 district.

6090 (2) "Purchase price" means the greater of:

6091 (a) an amount that is the average of:

6092 (i) the appraised value of the surplus property, based on the predominant zone in the  
6093 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

6094 (ii) the appraised value of the surplus property, based on the predominant zone in the  
6095 surrounding area, as indicated in an appraisal obtained by the school district; and

6096 (b) the amount the school district paid to acquire the surplus property.

6097 (3) "Qualifying [township] planning district" means a [township] planning district  
6098 under Section 17-27a-306 that has a population density of 3,000 or more people per square  
6099 mile within the boundaries of the [township] planning district.

6100 (4) "Surplus property" means land owned by a school district that:

6101 (a) was purchased with taxpayer money;

6102 (b) is located within a city or town that is an eligible entity or within a qualifying  
6103 [township] planning district;

6104 (c) consists of one contiguous tract at least three acres in size; and

6105 (d) has been declared by the school district to be surplus.

6106 Section 119. Section **53B-21-107** is amended to read:

6107 **53B-21-107. Investment in bonds by private and public entities -- Approval as**  
6108 **collateral security.**

6109 (1) Any bank, savings and loan association, trust, or insurance company organized  
6110 under the laws of this state or federal law may invest its capital and surplus in bonds issued  
6111 under this chapter.

6112 (2) The officers having charge of a sinking fund or any county, city, town, [township]  
6113 planning district, or school district may invest the sinking fund in bonds issued under this  
6114 chapter.

6115 (3) The bonds shall also be approved as collateral security for the deposit of any public  
6116 funds and for the investment of trust funds.

6117 Section 120. Section **63I-2-210** is amended to read:

6118 **63I-2-210. Repeal dates -- Title 10.**

6119 (1) Section [~~10-2-130~~] 10-2a-105 is repealed July 1, 2016.

6120 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

6121 Section 121. Section **67-1a-2** is amended to read:

6122 **67-1a-2. Duties enumerated.**

6123 (1) The lieutenant governor shall:

6124 (a) perform duties delegated by the governor, including assignments to serve in any of  
6125 the following capacities:

6126 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
6127 and, upon appointment at the pleasure of the governor and without additional compensation;

6128 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
6129 law for the purpose of advising the governor or coordinating intergovernmental or  
6130 interdepartmental policies or programs;

6131 (iii) as liaison between the governor and the state Legislature to coordinate and  
6132 facilitate the governor's programs and budget requests;

6133 (iv) as liaison between the governor and other officials of local, state, federal, and  
6134 international governments or any other political entities to coordinate, facilitate, and protect the

- 6135 interests of the state;
- 6136 (v) as personal advisor to the governor, including advice on policies, programs,  
6137 administrative and personnel matters, and fiscal or budgetary matters; and
- 6138 (vi) as chairperson or member of any temporary or permanent boards, councils,  
6139 commissions, committees, task forces, or other group appointed by the governor;
- 6140 (b) serve on all boards and commissions in lieu of the governor, whenever so  
6141 designated by the governor;
- 6142 (c) serve as the chief election officer of the state as required by Subsection (2);
- 6143 (d) keep custody of the Great Seal of Utah;
- 6144 (e) keep a register of, and attest, the official acts of the governor;
- 6145 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
6146 which the official signature of the governor is required; and
- 6147 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
6148 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
6149 it and pays the fee.
- 6150 (2) (a) As the chief election officer, the lieutenant governor shall:
- 6151 (i) exercise general supervisory authority over all elections;
- 6152 (ii) exercise direct authority over the conduct of elections for federal, state, and  
6153 multicounty officers and statewide or multicounty ballot propositions and any recounts  
6154 involving those races;
- 6155 (iii) assist county clerks in unifying the election ballot;
- 6156 (iv) (A) prepare election information for the public as required by statute and as  
6157 determined appropriate by the lieutenant governor; and
- 6158 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
6159 news media on the Internet and in other forms as required by statute or as determined  
6160 appropriate by the lieutenant governor;
- 6161 (v) receive and answer election questions and maintain an election file on opinions  
6162 received from the attorney general;
- 6163 (vi) maintain a current list of registered political parties as defined in Section  
6164 [20A-8-101](#);
- 6165 (vii) maintain election returns and statistics;

6166 (viii) certify to the governor the names of those persons who have received the highest  
6167 number of votes for any office;

6168 (ix) ensure that all voting equipment purchased by the state complies with the  
6169 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7;

6170 (x) conduct the study described in Section 67-1a-14;

6171 (xi) during a declared emergency, to the extent that the lieutenant governor determines  
6172 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location  
6173 relating to:

6174 (A) voting on election day;

6175 (B) early voting;

6176 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

6177 (D) the counting of an absentee ballot or military-overseas ballot; or

6178 (E) the canvassing of election returns; and

6179 (xii) perform other election duties as provided in Title 20A, Election Code.

6180 (b) As chief election officer, the lieutenant governor may not assume the  
6181 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
6182 officials by Title 20A, Election Code.

6183 (3) (a) The lieutenant governor shall:

6184 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's  
6185 incorporation under Title 10, Chapter [~~2, Part 1, Incorporation,~~] 2a, Part 2, Incorporation of a  
6186 City, based on the city's population using the population estimate from the Utah Population  
6187 Estimates Committee; and

6188 (B) (I) prepare a certificate indicating the class in which the new city belongs based on  
6189 the city's population; and

6190 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6191 city's legislative body;

6192 (ii) (A) determine the classification under Section 10-2-301 of a consolidated  
6193 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part  
6194 6, Consolidation of Municipalities, using population information from:

6195 (I) each official census or census estimate of the United States Bureau of the Census;

6196 or

6197 (II) the population estimate from the Utah Population Estimates Committee, if the  
6198 population of a municipality is not available from the United States Bureau of the Census; and

6199 (B) (I) prepare a certificate indicating the class in which the consolidated municipality  
6200 belongs based on the municipality's population; and

6201 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6202 consolidated municipality's legislative body; ~~and~~

6203 (iii) (A) determine a new municipal township's classification under Section 10-2-301.5  
6204 upon the municipal township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation  
6205 of Municipal Townships and Unincorporated Areas in a County of the First Class on and after  
6206 May 12, 2015, based on the municipal township's population using the population estimates  
6207 from the Utah Population Estimates Committee; and

6208 (B) prepare a certificate indicating the class in which the new municipal township  
6209 belongs based on the municipal township's population and, within 10 days after preparing the  
6210 certificate, deliver a copy of the certificate to the municipal township's legislative body; and

6211 ~~(iii)~~ (iv) monitor the population of each municipality using population information  
6212 from:

6213 (A) each official census or census estimate of the United States Bureau of the Census;

6214 or

6215 (B) the population estimate from the Utah Population Estimates Committee, if the  
6216 population of a municipality is not available from the United States Bureau of the Census.

6217 (b) If the applicable population figure under Subsection (3)(a)(ii) or ~~(iii)~~ (iv) indicates  
6218 that a municipality's population has increased beyond the population for its current class, the  
6219 lieutenant governor shall:

6220 (i) prepare a certificate indicating the class in which the municipality belongs based on  
6221 the increased population figure; and

6222 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6223 legislative body of the municipality whose class has changed.

6224 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or ~~(iii)~~ (iv)  
6225 indicates that a municipality's population has decreased below the population for its current  
6226 class, the lieutenant governor shall send written notification of that fact to the municipality's  
6227 legislative body.

6228 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
6229 population has decreased below the population for its current class, the lieutenant governor  
6230 shall:

6231 (A) prepare a certificate indicating the class in which the municipality belongs based  
6232 on the decreased population figure; and

6233 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6234 legislative body of the municipality whose class has changed.

6235 Section 122. Section 78A-7-202 is amended to read:

6236 **78A-7-202. Justice court judges to be appointed -- Procedure.**

6237 (1) As used in this section:

6238 (a) "Local government executive" means:

6239 (i) for a county:

6240 (A) the chair of the county commission in a county operating under the county  
6241 commission or expanded county commission form of county government;

6242 (B) the county executive in a county operating under the county executive-council form  
6243 of county government; and

6244 (C) the county manager in a county operating under the council-manager form of  
6245 county government; [~~and~~]

6246 (ii) for a city or town:

6247 (A) the mayor of the city or town; or

6248 (B) the city manager, in the council-manager form of government described in  
6249 Subsection 10-3b-103[~~(6)~~](7); and

6250 (iii) for a municipal township, the chair of the municipal township council.

6251 (b) "Local legislative body" means:

6252 (i) for a county, the county commission or county council; and

6253 (ii) for a city or town, the council of the city or town.

6254 (2) There is created in each county a county justice court nominating commission to  
6255 review applicants and make recommendations to the appointing authority for a justice court  
6256 position. The commission shall be convened when a new justice court judge position is created  
6257 or when a vacancy in an existing court occurs for a justice court located within the county.

6258 (a) Membership of the justice court nominating commission shall be as follows:

- 6259 (i) one member appointed by:
- 6260 (A) the county commission if the county has a county commission form of
- 6261 government; or
- 6262 (B) the county executive if the county has an executive-council form of government;
- 6263 (ii) one member appointed by the municipalities in the counties as follows:
- 6264 (A) if the county has only one municipality, appointment shall be made by the
- 6265 governing authority of that municipality; or
- 6266 (B) if the county has more than one municipality, appointment shall be made by a
- 6267 municipal selection committee composed of the mayors of each municipality and the chairs of
- 6268 each municipal township in the county;
- 6269 (iii) one member appointed by the county bar association; and
- 6270 (iv) two members appointed by the governing authority of the jurisdiction where the
- 6271 judicial office is located.
- 6272 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be
- 6273 appointed by the regional bar association. If no regional bar association exists, the state bar
- 6274 association shall make the appointment.
- 6275 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing
- 6276 authority or an elected official of a county or municipality.
- 6277 (d) The nominating commission shall submit at least two names to the appointing
- 6278 authority of the jurisdiction expected to be served by the judge. The local government
- 6279 executive shall appoint a judge from the list submitted and the appointment ratified by the local
- 6280 legislative body.
- 6281 (e) The state court administrator shall provide staff to the commission. The Judicial
- 6282 Council shall establish rules and procedures for the conduct of the commission.
- 6283 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through
- 6284 the Utah State Bar, and other appropriate means.
- 6285 (4) Selection of candidates shall be based on compliance with the requirements for
- 6286 office and competence to serve as a judge.
- 6287 (5) Once selected, every prospective justice court judge shall attend an orientation
- 6288 seminar conducted under the direction of the Judicial Council. Upon completion of the
- 6289 orientation program, the Judicial Council shall certify the justice court judge as qualified to

6290 hold office.

6291 (6) The selection of a person to fill the office of justice court judge is effective upon  
6292 certification of the judge by the Judicial Council. A justice court judge may not perform  
6293 judicial duties until certified by the Judicial Council.

6294 **Section 123. Repealer.**

6295 This bill repeals:

6296 Section **10-2-418, Annexation of an island or peninsula without a petition -- Notice**  
6297 **-- Hearing.**

6298 Section **10-3b-504, Limitations on adoption of a resolution and filing of a petition.**

6299 Section **10-3b-505, Ballot form.**

6300 Section **10-3b-506, Election of officers after a change in the form of government.**

6301 Section **10-3b-507, Effective date of change in the form of government.**

6302 Section **17-27a-307, Certain township planning and zoning board dissolved.**

6303 Section 124. **Revisor instructions.**

6304 The Legislature intends that the Office of Legislative Research and General Counsel, in  
6305 preparing the Utah Code database for publication, replace the language "this bill" in Subsection  
6306 10-2a-403(5)(a) to the bill's designated chapter and section number in the Laws of Utah.

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**Legislative Review Note**  
as of 2-12-15 7:42 AM

**Office of Legislative Research and General Counsel**