

**Senator Karen Mayne** proposes the following substitute bill:

**LOCAL GOVERNMENT REVISIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Eric K. Hutchings

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to local government.

**Highlighted Provisions:**

This bill:

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



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

**54 Money Appropriated in this Bill:**

55           None

**56 Other Special Clauses:**

57 This bill provides revisor instructions.

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

60 **Utah Code Sections Affected:**

61 AMENDS:

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

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

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

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

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

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

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

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

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

71 **10-2-408.5**, as enacted by Laws of Utah 2009, Chapter 205

72 **10-2-411**, as last amended by Laws of Utah 2004, Chapters 90 and 202

73 **10-2-413**, as last amended by Laws of Utah 2009, Chapter 230

74 **10-2-414**, as last amended by Laws of Utah 2009, Chapter 205

75 **10-2-415**, as last amended by Laws of Utah 2010, Chapter 90

76 **10-2-416**, as last amended by Laws of Utah 2001, Chapter 206

77 **10-2-418**, as last amended by Laws of Utah 2010, Chapter 90

78 **10-2-425**, as last amended by Laws of Utah 2009, Chapter 350

79 **10-3-205.5**, as last amended by Laws of Utah 2003, Chapter 292

80 **10-3-1302**, as enacted by Laws of Utah 1981, Chapter 57

81 **10-3b-102**, as enacted by Laws of Utah 2008, Chapter 19

82 **10-3b-103**, as last amended by Laws of Utah 2011, Chapter 209

83 **10-3b-202**, as last amended by Laws of Utah 2011, Chapter 209

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

86 **10-6-111**, as last amended by Laws of Utah 2010, Chapter 378

87 **15A-5-202.5**, as last amended by Laws of Utah 2014, Chapter 243

- 88 [17-23-17](#), as last amended by Laws of Utah 2007, Chapter 329
- 89 [17-23-17.5](#), as last amended by Laws of Utah 2014, Chapter 189
- 90 [17-27a-103](#), as last amended by Laws of Utah 2014, Chapters 136 and 363
- 91 [17-27a-301](#), as last amended by Laws of Utah 2014, Chapter 189
- 92 [17-27a-302](#), as last amended by Laws of Utah 2012, Chapter 359
- 93 [17-27a-306](#), as last amended by Laws of Utah 2010, Chapters 90 and 218
- 94 [17-27a-505](#), as last amended by Laws of Utah 2013, Chapter 476
- 95 [17-34-3](#), as last amended by Laws of Utah 2013, Chapter 371
- 96 [17-41-101](#), as last amended by Laws of Utah 2014, Chapter 65
- 97 [17B-1-502](#), as last amended by Laws of Utah 2014, Chapter 405
- 98 [17B-1-505](#), as last amended by Laws of Utah 2011, Chapter 68
- 99 [17B-1-1002](#), as last amended by Laws of Utah 2011, Chapter 282
- 100 [17B-1-1102](#), as enacted by Laws of Utah 2007, Chapter 329
- 101 [17B-2a-1102](#), as enacted by Laws of Utah 2014, Chapter 405
- 102 [17B-2a-1103](#), as enacted by Laws of Utah 2014, Chapter 405
- 103 [17B-2a-1104](#), 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 [59-12-203](#), as renumbered and amended by Laws of Utah 1987, Chapter 5
- 117 [63I-2-210](#), as last amended by Laws of Utah 2014, Chapter 405
- 118 [67-1a-2](#), as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last

119 amended by Coordination Clause, Laws of Utah 2013, Chapter 182  
120 **69-2-5**, as last amended by Laws of Utah 2014, Chapter 320  
121 **69-2-5.5**, as last amended by Laws of Utah 2014, Chapter 320  
122 **69-2-5.6**, as last amended by Laws of Utah 2014, Chapter 320  
123 **69-2-5.7**, as last amended by Laws of Utah 2014, Chapter 320  
124 **78A-7-202**, as last amended by Laws of Utah 2012, Chapter 205

125 ENACTS:

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

- 150 **10-3b-607**, Utah Code Annotated 1953
- 151 **10-3c-101**, Utah Code Annotated 1953
- 152 **10-3c-102**, Utah Code Annotated 1953
- 153 **10-3c-103**, Utah Code Annotated 1953
- 154 **10-3c-201**, Utah Code Annotated 1953
- 155 **10-3c-202**, Utah Code Annotated 1953
- 156 **10-3c-203**, Utah Code Annotated 1953
- 157 **10-3c-204**, Utah Code Annotated 1953
- 158 **10-3c-205**, Utah Code Annotated 1953
- 159 **17B-2a-1110**, Utah Code Annotated 1953
- 160 **17B-2a-1111**, Utah Code Annotated 1953
- 161 **17B-2a-1112**, Utah Code Annotated 1953

162 REPEALS AND REENACTS:

- 163 **10-3b-501**, as enacted by Laws of Utah 2008, Chapter 19
- 164 **10-3b-502**, as enacted by Laws of Utah 2008, Chapter 19
- 165 **10-3b-503**, as last amended by Laws of Utah 2011, Chapter 209
- 166 **10-3b-504**, as enacted by Laws of Utah 2008, Chapter 19

167 RENUMBERS AND AMENDS:

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

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

212 **10-2a-220**, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter  
213 389)

214 **10-2a-221**, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah  
215 2012, Chapter 359)

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

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

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

222 **10-2a-305**, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter  
223 359)

224 **10-2a-306**, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter  
225 359)

226 REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 As used in this title:

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

247 (2) "Contiguous" means:

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

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

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

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

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

256 [~~and~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 on the decreased population figure.

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

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

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

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

312 (1) As used in this part:

313 (a) "Affected entity" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

355 (k) "Urban development" means:

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

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

360 (2) For purposes of this part:

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

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

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

367 Military Installation Development Authority Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

392 (i) it is a contiguous area;

393 (ii) it is contiguous to the municipality;

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

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

398 area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

487 (A) be in writing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

547 (d) be accompanied by:

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

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

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

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

555 "Notice:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

592 petition to:

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

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

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

596 located; and

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

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

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

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

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

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

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

609 (ii) A petition shall be considered to have been accepted for further consideration under

610 this part if a municipal legislative body fails to act to deny or accept the petition under

611 Subsection (1)(a)(i):

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

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

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

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

619 (i) the contact sponsor;

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

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

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

624 (B) the chair of the planning commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

681 (i) be filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

708 signing the protest; and]

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

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

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

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

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

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

722 (B) the commission;

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

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

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

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

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

732 (A) hold a public hearing; and

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

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

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

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

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

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

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

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

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

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

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

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

759 Section 11. Section **10-2-408.5** is amended to read:

760 **10-2-408.5. Annexation of an area within a planning district -- Withdrawing the**  
761 **area from the planning district.**

762 (1) As used in this section:

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

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

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

769 (d) "[~~Intra-township~~] Intra-planning district annexation" means an annexation of an

770 area that is partly or entirely within a [township] planning district.

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

774 (f) "[Township] Planning district withdrawal" means:

775 (i) for an [intra-township] intra-planning district annexation that proposes the  
776 annexation of part of the [township] planning district, the withdrawal of that area from the  
777 [township] planning district; or

778 (ii) for an [intra-township] intra-planning district annexation that proposes the  
779 annexation of the entire [township] planning district, the dissolution of the [township] planning  
780 district.

781 (2) An [intra-township] intra-planning district annexation requires:

782 (a) the municipal legislative body's approval of the annexation, as provided in this part;  
783 and

784 (b) the approval of the [township] planning district withdrawal by:

785 (i) the county legislative body; or

786 (ii) the committee as provided in Subsection (5), if the county legislative body does not  
787 approve the [township] planning district withdrawal.

788 (3) (a) No later than 30 days after receiving notice under Subsection 10-2-407(3)(b)(iii)  
789 or 10-2-408(2) of the municipal legislative body's approval of a proposed [intra-township]  
790 intra-planning district annexation, the county legislative body shall hold a public hearing on the  
791 proposed [township] planning district withdrawal that meets the requirements of Subsection  
792 17-27a-306(3)(f)(ii).

793 (b) Before holding a public hearing under Subsection (3)(a), the county legislative  
794 body shall provide notice that meets the requirements of Subsection 17-27a-306(3)(f)(iii).

795 (c) (i) A public hearing required under Subsection (3)(a) may be combined with:

796 (A) the public hearing required under Subsection 10-2-407(3)(b)(ii), with the  
797 municipal legislative body's approval; or

798 (B) the public hearing required under Section 10-2-415, with the boundary  
799 commission's approval.

800 (ii) If public hearings are combined under Subsection (3)(c)(i), notice of the combined

801 public hearing shall be given as provided in Subsection (3)(b).

802 (4) (a) No later than 60 days after receiving notice under Subsection 10-2-407(3)(b)(iii)  
803 or 10-2-408(2) of the municipal legislative body's approval of a proposed [~~intra-township~~]  
804 intra-planning district annexation, the county legislative body shall make and issue a written  
805 decision approving or disapproving the [~~township~~] planning district withdrawal.

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

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

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

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

815 (C) one person who is:

816 (I) an elected official;

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

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

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

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

825 (b) Committee members shall serve without compensation.

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

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

830 (e) In making its decision to approve or disapprove the [~~township~~] planning district  
831 withdrawal, the committee may consider the issue of [~~township~~] planning district withdrawal

832 anew without:

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

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

835 (f) Within 45 days after the appointment of the committee member under Subsection  
836 (5)(a)(i)(C), the committee shall make and issue a written decision approving or disapproving  
837 the ~~[township]~~ planning district withdrawal.

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

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

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

844 Section 12. Section **10-2-411** is amended to read:

845 **10-2-411. Disqualification of commission member -- Alternate member.**

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

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

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

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

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

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

859 Section 13. Section **10-2-413** is amended to read:

860 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
861 **study.**

862 (1) (a) For a proposed annexation of an area located in a county of the first class, unless

863 a proposed annexing municipality denies an annexation petition under Subsection  
864 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose  
865 and engage a feasibility consultant within 45 days of:

866 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
867 been created before the filing of the protest; or

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

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

871 (i) is undeveloped; and

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

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

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

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

880 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility  
881 study results and respond to questions at that hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

923 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
924 valorem property tax rates on residential property within the area proposed for annexation at

925 the same level that residential property within the proposed annexing municipality would be  
926 without the annexation.

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

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

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

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

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

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

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

954 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners  
955 file a protest, the county and the proposed annexing municipality shall equally share the

956 property owners' share of the feasibility consultant's fees and expenses.

957 Section 14. Section **10-2-414** is amended to read:

958 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

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

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

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

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

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

- 977 (i) the commission;
- 978 (ii) each entity that filed a protest to the annexation petition; and
- 979 (iii) if a protest was filed under Subsection **10-2-407(1)[(a)(ii)](c)**, the contact person.

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

985 (ii) If the area proposed for annexation in the modified annexation petition is within  
986 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the

987 area proposed for annexation in the original annexation petition, the city recorder or town  
988 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
989 petition to the legislative body of that municipality.

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

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

998 Section 15. Section **10-2-415** is amended to read:

999 **10-2-415. Public hearing -- Notice.**

1000 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet  
1001 the requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area  
1002 located in a county of the first class, the commission shall hold a public hearing within 30 days  
1003 of receipt of the feasibility study or supplemental feasibility study results.

1004 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1005 (A) require the feasibility consultant to present the results of the feasibility study and, if  
1006 applicable, the supplemental feasibility study;

1007 (B) allow those present to ask questions of the feasibility consultant regarding the study  
1008 results; and

1009 (C) allow those present to speak to the issue of annexation.

1010 (iii) (A) The commission shall:

1011 (I) publish notice of each hearing under Subsection (1)(a)(i):

1012 (Aa) at least once a week for two successive weeks in a newspaper of general  
1013 circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated  
1014 area, and the proposed annexing municipality; and

1015 (Bb) on the Utah Public Notice Website created in Section **63F-1-701**, for two weeks;  
1016 and

1017 (II) send written notice of the hearing to the municipal legislative body of the proposed

1018 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a  
1019 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii)(c), the contact person.

1020 (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of  
1021 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the  
1022 commission shall give the notice required under that subsection by posting notices, at least  
1023 seven days before the hearing, in conspicuous places within those areas that are most likely to  
1024 give notice of the hearing to the residents of those areas.

1025 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility  
1026 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study  
1027 is available for inspection and copying at the office of the commission.

1028 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest  
1029 has expired with respect to a proposed annexation of an area located in a specified county, the  
1030 boundary commission shall hold a hearing on all protests that were filed with respect to the  
1031 proposed annexation.

1032 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the  
1033 commission chair shall cause notice of the hearing to be published in a newspaper of general  
1034 circulation within the area proposed for annexation.

1035 (B) Each notice under Subsection (1)(b)(ii)(A) shall:

1036 (I) state the date, time, and place of the hearing;

1037 (II) briefly summarize the nature of the protest; and

1038 (III) state that a copy of the protest is on file at the commission's office.

1039 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to  
1040 time, but no continued hearing may be held later than 60 days after the original hearing date.

1041 (iv) In considering protests, the commission shall consider whether the proposed  
1042 annexation:

1043 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
1044 annexation policy plan of the proposed annexing municipality;

1045 (B) conflicts with the annexation policy plan of another municipality; and

1046 (C) if the proposed annexation includes urban development, will have an adverse tax  
1047 consequence on the remaining unincorporated area of the county.

1048 (2) (a) The commission shall record each hearing under this section by electronic

1049 means.

1050 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if  
1051 applicable, information received at the hearing, and the written decision of the commission  
1052 shall constitute the record of the hearing.

1053 Section 16. Section **10-2-416** is amended to read:

1054 **10-2-416. Commission decision -- Time limit -- Limitation on approval of**  
1055 **annexation.**

1056 (1) Subject to Subsection (3), after the public hearing under Subsection 10-2-415(1) the  
1057 boundary commission may:

- 1058 (a) approve the proposed annexation, either with or without conditions;
- 1059 (b) make minor modifications to the proposed annexation and approve it, either with or  
1060 without conditions; or
- 1061 (c) disapprove the proposed annexation.

1062 (2) The commission shall issue a written decision on the proposed annexation within  
1063 30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the  
1064 decision to:

- 1065 (a) the legislative body of the county in which the area proposed for annexation is  
1066 located;
- 1067 (b) the legislative body of the proposed annexing municipality;
- 1068 (c) the contact person on the annexation petition;
- 1069 (d) the contact person of each entity that filed a protest; and
- 1070 (e) if a protest was filed under Subsection 10-2-407(1)[(a)(ii)](c) with respect to a  
1071 proposed annexation of an area located in a county of the first class, the contact person  
1072 designated in the protest.

1073 (3) Except for an annexation for which a feasibility study may not be required under  
1074 Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area  
1075 located within a county of the first class unless the results of the feasibility study under Section  
1076 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not  
1077 exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

1078 Section 17. Section **10-2-418** is amended to read:

1079 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**

1080 **Hearing.**

1081 (1) For purposes of an annexation conducted in accordance with this section of an area  
1082 located within a county of the first class, "municipal-type services" does not include a service  
1083 provided by a municipality pursuant to a contract that the municipality has with another  
1084 political subdivision as "political subdivision" is defined in Section [17B-1-102](#).

1085 ~~[(1)]~~ (2) (a) Notwithstanding Subsection [10-2-402](#)(2), a municipality may annex an  
1086 unincorporated area under this section without an annexation petition if:

1087 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
1088 unincorporated peninsulas contiguous to the municipality;

1089 (B) the majority of each island or peninsula consists of residential or commercial  
1090 development;

1091 (C) the area proposed for annexation requires the delivery of municipal-type services;  
1092 and

1093 (D) the municipality has provided most or all of the municipal-type services to the area  
1094 for more than one year;

1095 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or  
1096 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800  
1097 residents; and

1098 (B) the municipality has provided one or more municipal-type services to the area for  
1099 at least one year; or

1100 (iii) (A) the area consists of:

1101 (I) an unincorporated island within or an unincorporated peninsula contiguous to the  
1102 municipality; and

1103 (II) for an area outside of the county of the first class proposed for annexation, no more  
1104 than 50 acres; and

1105 (B) the county in which the area is located, subject to Subsection (3)(b), and the  
1106 municipality agree that the area should be included within the municipality.

1107 (b) Notwithstanding Subsection [10-2-402](#)(1)(b)(iii), a municipality may annex a  
1108 portion of an unincorporated island or unincorporated peninsula under this section, leaving  
1109 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

1110 (i) in adopting the resolution under Subsection ~~[(2)]~~ (4)(a)(i), the municipal legislative

1111 body determines that not annexing the entire unincorporated island or unincorporated peninsula  
1112 is in the municipality's best interest; and

1113 (ii) for an annexation of one or more unincorporated islands under Subsection [~~(1)~~]  
1114 (2)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1115 complies with the requirement of Subsection [~~(1)~~] (2)(a)(ii)(A) relating to the number of  
1116 residents.

1117 (3) (a) This Subsection (3) applies only to an annexation within a county of the first  
1118 class.

1119 (b) A county of the first class shall agree to the annexation if the majority of private  
1120 property owners within the area to be annexed has indicated in writing, subject to Subsection  
1121 (3)(d), to the city or town recorder of the annexing city or town the private property owners'  
1122 consent to be annexed into the municipality.

1123 (c) For purposes of Subsection (3)(b), the majority of private property owners is  
1124 property owners who own:

1125 (i) the majority of the total private land area within the area proposed for annexation;  
1126 and

1127 (ii) private real property equal to at least one half the value of private real property  
1128 within the area proposed for annexation.

1129 (d) (i) The city or town recorder shall provide for a private property owner to sign  
1130 indicating consent a form in substantially the following form:

1131 "Notice: If this written consent is used to proceed with an annexation of your property  
1132 in accordance with Utah Code Section [10-2-418](#), no public election is required by law to  
1133 approve the annexation. If you sign this consent and later decide you do not want to support  
1134 the annexation of your property, you may withdraw your signature by submitting a signed,  
1135 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you  
1136 choose to withdraw your signature, you must do so no later than the close of the public hearing  
1137 on the annexation conducted in accordance with Utah Code Subsection [10-2-418\(4\)\(a\)\(iv\)](#) for  
1138 which you will receive notice of no less than 21 days before the day of the public hearing."

1139 (e) A private property owner may withdraw the property owner's signature indicating  
1140 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the  
1141 close of the public hearing held in accordance with Subsection (4)(a)(iv).

1142           ~~[(2)]~~ (4) (a) The legislative body of each municipality intending to annex an area under  
1143 this section shall:

1144           (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1145 area, describing the area proposed to be annexed;

1146           (ii) publish notice:

1147           (A) (I) at least once a week for three successive weeks in a newspaper of general  
1148 circulation within the municipality and the area proposed for annexation; or

1149           (II) if there is no newspaper of general circulation in the areas described in Subsection  
1150 ~~[(2)]~~ (4)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that  
1151 are most likely to give notice to the residents of those areas; and

1152           (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks;

1153           (iii) send written notice to the board of each local district and special service district  
1154 whose boundaries contain some or all of the area proposed for annexation and to the legislative  
1155 body of the county in which the area proposed for annexation is located; and

1156           (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
1157 adoption of the resolution under Subsection ~~[(2)]~~ (4)(a)(i).

1158           (b) Each notice under Subsections ~~[(2)]~~ (4)(a)(ii) and (iii) shall:

1159           (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1160 to annex the area proposed for annexation;

1161           (ii) state the date, time, and place of the public hearing under Subsection ~~[(2)]~~  
1162 (4)(a)(iv);

1163           (iii) describe the area proposed for annexation; and

1164           (iv) except for an annexation that meets the property owner consent requirements of  
1165 Subsection ~~[(3)]~~ (5)(b), state in conspicuous and plain terms that the municipal legislative body  
1166 will annex the area unless, at or before the public hearing under Subsection ~~[(2)]~~ (4)(a)(iv),  
1167 written protests to the annexation are filed by the owners of private real property that:

1168           (A) is located within the area proposed for annexation;

1169           (B) covers a majority of the total private land area within the entire area proposed for  
1170 annexation; and

1171           (C) is equal in value to at least 1/2 the value of all private real property within the  
1172 entire area proposed for annexation.

1173 (c) The first publication of the notice required under Subsection [~~(2)~~] (4)(a)(ii)(A) shall  
1174 be within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1175 [~~(2)~~] (4)(a)(i).

1176 [~~(3)~~] (5) (a) Upon conclusion of the public hearing under Subsection [~~(2)~~] (4)(a)(iv),  
1177 the municipal legislative body may adopt an ordinance approving the annexation of the area  
1178 proposed for annexation under this section unless, at or before the hearing, written protests to  
1179 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
1180 owners of private real property that:

1181 (i) is located within the area proposed for annexation;

1182 (ii) covers a majority of the total private land area within the entire area proposed for  
1183 annexation; and

1184 (iii) is equal in value to at least 1/2 the value of all private real property within the  
1185 entire area proposed for annexation.

1186 (b) (i) Upon conclusion of the public hearing under Subsection [~~(2)~~] (4)(a)(iv), a  
1187 municipality may adopt an ordinance approving the annexation of the area proposed for  
1188 annexation under this section without allowing or ~~(3)~~ considering protests under Subsection [~~(3)~~]  
1189 (5)(a) if the owners of at least 75% of the total private land area within the entire area proposed  
1190 for annexation, representing at least 75% of the value of the private real property within the  
1191 entire area proposed for annexation, have consented in writing to the annexation.

1192 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an  
1193 ordinance adopted under Subsection [~~(3)~~] (5)(b)(i), the area annexed shall be conclusively  
1194 presumed to be validly annexed.

1195 [~~(4)~~] (6) (a) If protests are timely filed that comply with Subsection [~~(3)~~] (5), the  
1196 municipal legislative body may not adopt an ordinance approving the annexation of the area  
1197 proposed for annexation, and the annexation proceedings under this section shall be considered  
1198 terminated.

1199 (b) Subsection [~~(4)~~] (6)(a) may not be construed to prohibit the municipal legislative  
1200 body from excluding from a proposed annexation under Subsection [~~(1)~~] (2)(a)(ii) the property  
1201 within an unincorporated island regarding which protests have been filed and proceeding under  
1202 Subsection [~~(1)~~] (2)(b) to annex some or all of the remaining portion of the unincorporated  
1203 island.

1204 Section 18. Section **10-2-425** is amended to read:

1205 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**  
1206 **Effective date of annexation or boundary adjustment.**

1207 (1) The legislative body of each municipality that enacts an ordinance under this part  
1208 approving the annexation of an unincorporated area or the adjustment of a boundary, or the  
1209 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an  
1210 unincorporated island upon the results of an election held in accordance with Section  
1211 10-2a-404, shall:

1212 (a) within 30 days after enacting the ordinance or the day of the election or, in the case  
1213 of a boundary adjustment, within 30 days after each of the municipalities involved in the  
1214 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

1215 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
1216 meets the requirements of Subsection 67-1a-6.5(3); and

1217 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1218 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
1219 adjustment, as the case may be, under Section 67-1a-6.5:

1220 (i) (A) if the annexed area or area subject to the boundary adjustment is located within  
1221 the boundary of a single county, submit to the recorder of that county:

1222 (I) the original:

1223 (Aa) notice of an impending boundary action;

1224 (Bb) certificate of annexation or boundary adjustment; and

1225 (Cc) approved final local entity plat; and

1226 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;

1227 or

1228 (B) if the annexed area or area subject to the boundary adjustment is located within the  
1229 boundaries of more than a single county:

1230 (I) submit to the recorder of one of those counties:

1231 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and

1232 (Cc); and

1233 (Bb) a certified copy of the ordinance approving the annexation or boundary

1234 adjustment; and

- 1235 (II) submit to the recorder of each other county:
- 1236 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),  
1237 and (Cc); and
- 1238 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1239 adjustment;
- 1240 (ii) send notice of the annexation or boundary adjustment to each affected entity; and
- 1241 (iii) in accordance with Section 26-8a-414, file with the Department of Health:
- 1242 (A) a certified copy of the ordinance approving the annexation of an unincorporated  
1243 area or the adjustment of a boundary; and
- 1244 (B) a copy of the approved final local entity plat.
- 1245 (2) If an annexation or boundary adjustment under this part or Part 4, Incorporation of  
1246 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
1247 12, 2015, also causes an automatic annexation to a local district under Section 17B-1-416 or an  
1248 automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal  
1249 legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of  
1250 annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or  
1251 boundary adjustment to the local district to which the annexed area is automatically annexed or  
1252 from which the annexed area is automatically withdrawn.
- 1253 (3) Each notice required under Subsection (1) relating to an annexation or boundary  
1254 adjustment shall state the effective date of the annexation or boundary adjustment, as  
1255 determined under Subsection (4).
- 1256 (4) An annexation or boundary adjustment under this part is completed and takes  
1257 effect:
- 1258 (a) for the annexation of or boundary adjustment affecting an area located in a county  
1259 of the first class, except for an annexation under Section 10-2-418:
- 1260 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1261 certificate of annexation or boundary adjustment if:
- 1262 (A) the certificate is issued during the preceding November 1 through April 30; and
- 1263 (B) the requirements of Subsection (1) are met before that July 1; or
- 1264 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1265 certificate of annexation or boundary adjustment if:

1266 (A) the certificate is issued during the preceding May 1 through October 31; and

1267 (B) the requirements of Subsection (1) are met before that January 1; and

1268 (b) except for an annexation described in Subsection (5), for all other annexations and

1269 boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5,

1270 of a certificate of annexation or boundary adjustment.

1271 (5) An annexation of an unincorporated island based upon the results of an election

1272 held in accordance with Section 10-2a-404 is completed and takes effect on a date agreed to by

1273 the county and the annexing municipality.

1274 [~~5~~] (6) (a) As used in this Subsection [~~5~~] (6):

1275 (i) "Affected area" means:

1276 (A) in the case of an annexation, the annexed area; and

1277 (B) in the case of a boundary adjustment, any area that, as a result of the boundary

1278 adjustment, is moved from within the boundary of one municipality to within the boundary of

1279 another municipality.

1280 (ii) "Annexing municipality" means:

1281 (A) in the case of an annexation, the municipality that annexes an unincorporated area;

1282 and

1283 (B) in the case of a boundary adjustment, a municipality whose boundary includes an

1284 affected area as a result of a boundary adjustment.

1285 (b) The effective date of an annexation or boundary adjustment for purposes of

1286 assessing property within an affected area is governed by Section 59-2-305.5.

1287 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the

1288 recorder of each county in which the property is located, a municipality may not:

1289 (i) levy or collect a property tax on property within an affected area;

1290 (ii) levy or collect an assessment on property within an affected area; or

1291 (iii) charge or collect a fee for service provided to property within an affected area,

1292 unless the municipality was charging and collecting the fee within that area immediately before

1293 annexation.

1294 Section 19. Section **10-2a-101** is enacted to read:

1295 **CHAPTER 2a. MUNICIPAL INCORPORATION**

1296 **Part 1. General Provisions**

1297 **10-2a-101. Title.**

1298 (1) This chapter is known as "Municipal Incorporation."

1299 (2) This part is known as "General Provisions."

1300 Section 20. Section **10-2a-102**, which is renumbered from Section 10-2-101 is

1301 renumbered and amended to read:

1302 ~~[10-2-101].~~ **10-2a-102. Definitions.**

1303 (1) As used in this part:

1304 (a) "Feasibility consultant" means a person or firm:

1305 (i) with expertise in the processes and economics of local government; and

1306 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
1307 incorporate.

1308 (b) "Private," with respect to real property, means taxable property.

1309 (2) For purposes of this part:

1310 (a) the owner of real property shall be the record title owner according to the records of  
1311 the county recorder on the date of the filing of the request or petition; and

1312 (b) the value of private real property shall be determined according to the last  
1313 assessment roll for county taxes before the filing of the request or petition.

1314 (3) For purposes of each provision of this part that requires the owners of private real  
1315 property covering a percentage or fraction of the total private land area within an area to sign a  
1316 request or petition:

1317 (a) a parcel of real property may not be included in the calculation of the required  
1318 percentage or fraction unless the request or petition is signed by:

1319 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1320 ownership interest in that parcel; or

1321 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1322 of owners of that parcel;

1323 (b) the signature of a person signing a request or petition in a representative capacity on  
1324 behalf of an owner is invalid unless:

1325 (i) the person's representative capacity and the name of the owner the person represents  
1326 are indicated on the request or petition with the person's signature; and

1327 (ii) the person provides documentation accompanying the request or petition that

1328 substantiates the person's representative capacity; and

1329 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1330 request or petition on behalf of a deceased owner.

1331 Section 21. Section **10-2a-103**, which is renumbered from Section 10-2-102 is  
1332 renumbered and amended to read:

1333 ~~[10-2-102].~~ **10-2a-103. Incorporation of a contiguous area.**

1334 [(1)] A contiguous area of a county not within a municipality may incorporate as a  
1335 municipality as provided in this [part] chapter.

1336 [(2)(a) Incorporation as a city is governed by Sections ~~10-2-103~~ through ~~10-2-124~~.]

1337 [(b) Incorporation as a town is governed by Sections ~~10-2-125~~ through ~~10-2-129~~.]

1338 Section 22. Section **10-2a-104**, which is renumbered from Section 10-2-118 is  
1339 renumbered and amended to read:

1340 ~~[10-2-118].~~ **10-2a-104. Elections governed by the Election Code.**

1341 Except as otherwise provided in this [part] chapter, each election under this [part]  
1342 chapter shall be governed by the provisions of Title 20A, Election Code.

1343 Section 23. Section **10-2a-105**, which is renumbered from Section 10-2-130 is  
1344 renumbered and amended to read:

1345 ~~[10-2-130].~~ **10-2a-105. Suspension of township incorporation and annexation**  
1346 **procedures on or after January 1, 2014 -- Exceptions.**

1347 (1) As used in this section:

1348 (a) "Township incorporation procedure" means the following actions, the subject of  
1349 which includes an area located in whole or in part in a township:

1350 (i) a request for incorporation described in Section [~~10-2-103~~] 10-2a-202;

1351 (ii) a feasibility study described in Section [~~10-2-106~~] 10-2a-205;

1352 (iii) a modified request and a supplemental feasibility study described in Section  
1353 [~~10-2-107~~] 10-2a-206; or

1354 (iv) an incorporation petition described in Section [~~10-2-109~~] 10-2a-208 that is not  
1355 certified under Section [~~10-2-110~~] 10-2a-109.

1356 (b) "Township annexation procedure" means one or more of the following actions, the  
1357 subject of which includes an area located in whole or in part in a township:

1358 (i) a petition to annex described in Section 10-2-403;

- 1359 (ii) a feasibility study described in Section 10-2-413;
- 1360 (iii) a modified annexation petition or supplemental feasibility study described in
- 1361 Section 10-2-414;
- 1362 (iv) a boundary commission decision described in Section 10-2-416; or
- 1363 (v) any action described in Section 10-2-418 before the adoption of an ordinance to
- 1364 approve annexation under Subsection 10-2-418~~(3)~~(5)(b).
- 1365 (2) (a) Except as provided in Subsections (3) and (4):
- 1366 (i) if a request for incorporation described in Section ~~10-2-103~~ 10-2a-202 is filed
- 1367 with the clerk of the county on or after January 1, 2014, a township incorporation procedure
- 1368 that is the subject of or otherwise relates to that request is suspended until November 15, 2015;
- 1369 and
- 1370 (ii) if a petition to annex described in Section 10-2-403 is filed with the city recorder or
- 1371 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of
- 1372 or otherwise relates to that petition is suspended until November 15, 2015.
- 1373 (b) (i) If a township incorporation procedure or township annexation procedure is
- 1374 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and
- 1375 on November 15, 2015.
- 1376 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection
- 1377 (2)(b)(i):
- 1378 (A) may proceed and the period of time during the suspension does not toll against that
- 1379 deadline or timeline; and
- 1380 (B) does not start over.
- 1381 (3) Subsection (2) does not apply to a township annexation procedure that:
- 1382 (a) includes any land area located in whole or in part in a township that is:
- 1383 (i) 50 acres or more; and
- 1384 (ii) primarily owned or controlled by a government entity; or
- 1385 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance
- 1386 with Subsection 10-2-403(3) before January 1, 2014.
- 1387 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the
- 1388 petition sponsors may continue to gather petition signatures and file them with the county clerk
- 1389 as provided in Section ~~10-2-103~~ 10-2a-202.

1390 (b) The county clerk shall process the petition in accordance with Section [~~10-2-105~~]  
1391 [10-2a-204](#) and may issue a certification or rejection of the petition as provided in Section  
1392 [~~10-2-105~~] [10-2a-204](#).

1393 (c) Notwithstanding any other provision of [~~Chapter 2, Incorporation, Classification,~~  
1394 ~~Boundaries, Consolidation, and Dissolution of Municipalities~~] this chapter, any further  
1395 processing, including a feasibility study, public hearing, or an incorporation election, is  
1396 suspended until November 15, 2015.

1397 Section 24. Section **10-2a-201** is enacted to read:

1398 **Part 2. Incorporation of a City**

1399 **10-2a-201. Title.**

1400 This part is known as "Incorporation of a City."

1401 Section 25. Section **10-2a-202**, which is renumbered from Section 10-2-103 is  
1402 renumbered and amended to read:

1403 [~~10-2-103~~]. **10-2a-202. Request for feasibility study -- Requirements --**

1404 **Limitations.**

1405 (1) The process to incorporate a contiguous area of a county as a city is initiated by a  
1406 request for a feasibility study filed with the clerk of the county in which the area is located.

1407 (2) Each request under Subsection (1) shall:

1408 (a) be signed by the owners of private real property that:

1409 (i) is located within the area proposed to be incorporated;

1410 (ii) covers at least 10% of the total private land area within the area; and

1411 (iii) is equal in value to at least 7% of the value of all private real property within the  
1412 area;

1413 (b) indicate the typed or printed name and current residence address of each owner  
1414 signing the request;

1415 (c) describe the contiguous area proposed to be incorporated as a city;

1416 (d) designate up to five signers of the request as sponsors, one of whom shall be  
1417 designated as the contact sponsor, with the mailing address and telephone number of each;

1418 (e) be accompanied by and circulated with an accurate map or plat, prepared by a  
1419 licensed surveyor, showing the boundaries of the proposed city; and

1420 (f) request the county legislative body to commission a study to determine the

1421 feasibility of incorporating the area as a city.

1422 (3) A request for a feasibility study under this section may not propose for  
1423 incorporation an area that includes some or all of an area that is the subject of a completed  
1424 feasibility study or supplemental feasibility study whose results comply with Subsection  
1425 ~~[10-2-109]~~ [10-2a-208](#)(3) unless:

1426 (a) the proposed incorporation that is the subject of the completed feasibility study or  
1427 supplemental feasibility study has been defeated by the voters at an election under Section  
1428 ~~[10-2-111]~~ [10-2a-210](#); or

1429 (b) the time provided under Subsection ~~[10-2-109]~~ [10-2a-208](#)(1) for filing an  
1430 incorporation petition based on the completed feasibility study or supplemental feasibility study  
1431 has elapsed without the filing of a petition.

1432 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not  
1433 propose for incorporation an area that includes some or all of an area proposed for annexation  
1434 in an annexation petition under Section [10-2-403](#) that:

- 1435 (i) was filed before the filing of the request; and
- 1436 (ii) is still pending on the date the request is filed.

1437 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area  
1438 that includes some or all of an area proposed for annexation in an annexation petition described  
1439 in Subsection (4)(a) if:

- 1440 (i) the proposed annexation area that is part of the area proposed for incorporation does  
1441 not exceed 20% of the area proposed for incorporation;
- 1442 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed  
1443 for incorporation excluding the proposed annexation area; and
- 1444 (iii) excluding the area proposed for annexation from the area proposed for  
1445 incorporation would not cause the area proposed for incorporation to lose its contiguousness.

1446 (c) Except as provided in Section ~~[10-2-107]~~ [10-2a-206](#), each request to which  
1447 Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area  
1448 proposed for annexation.

1449 (5) At the time of filing the request for a feasibility study with the county clerk, the  
1450 sponsors of the request shall mail or deliver a copy of the request to the chair of the planning  
1451 commission of each ~~[township]~~ planning district in which any part of the area proposed for

1452 incorporation is located.

1453 Section 26. Section **10-2a-203**, which is renumbered from Section 10-2-104 is  
1454 renumbered and amended to read:

1455 ~~[10-2-104]~~. **10-2a-203**. **Notice to owner of property -- Exclusion of property**  
1456 **from proposed boundaries.**

1457 (1) As used in this section:

1458 (a) "Assessed value" with respect to property means the value at which the property  
1459 would be assessed without regard to a valuation for agricultural use under Section [59-2-503](#).

1460 (b) "Owner" means a person having an interest in real property, including an affiliate,  
1461 subsidiary, or parent company.

1462 (c) "Urban" means an area with a residential density of greater than one unit per acre.

1463 (2) Within seven calendar days of the date on which a request under Section ~~[10-2-103]~~  
1464 [10-2a-202](#) is filed, the county clerk shall send written notice of the proposed incorporation to  
1465 each record owner of real property owning more than:

1466 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;  
1467 or

1468 (b) 10% of the total private land area within the proposed incorporation boundaries.

1469 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all  
1470 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more  
1471 of the total private land area in the proposed incorporation boundaries, the owner may exclude  
1472 all or part of the property owned, controlled, or managed by the owner from the proposed  
1473 boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar  
1474 days of receiving the clerk's notice under Subsection (2).

1475 (4) The county legislative body shall exclude the property identified by an owner in the  
1476 Notice of Exclusion from the proposed incorporation boundaries unless the county legislative  
1477 body finds by clear and convincing evidence in the record that:

1478 (a) the exclusion will leave an unincorporated island within the proposed municipality;  
1479 and

1480 (b) the property to be excluded:

1481 (i) is urban; and

1482 (ii) currently receives from the county a majority of municipal-type services including:

- 1483 (A) culinary or irrigation water;
- 1484 (B) sewage collection or treatment;
- 1485 (C) storm drainage or flood control;
- 1486 (D) recreational facilities or parks;
- 1487 (E) electric generation or transportation;
- 1488 (F) construction or maintenance of local streets and roads;
- 1489 (G) curb and gutter or sidewalk maintenance;
- 1490 (H) garbage and refuse collection; and
- 1491 (I) street lighting.

1492 (5) This section applies only to counties of the first or second class.

1493 (6) If the county legislative body excludes property from the proposed boundaries  
1494 under Subsection (4), the county legislative body shall, within five days of the exclusion, send  
1495 written notice of the exclusion to the contact sponsor.

1496 Section 27. Section **10-2a-204**, which is renumbered from Section 10-2-105 is  
1497 renumbered and amended to read:

1498 ~~[10-2-105]~~. **10-2a-204. Processing a request for incorporation -- Certification or**  
1499 **rejection by county clerk -- Processing priority -- Limitations -- Planning district**  
1500 **planning commission recommendation.**

1501 (1) Within 45 days of the filing of a request under Section ~~[10-2-103]~~ 10-2a-202, the  
1502 county clerk shall:

1503 (a) with the assistance of other county officers from whom the clerk requests  
1504 assistance, determine whether the request complies with Section ~~[10-2-103]~~ 10-2a-202; and

1505 (b) (i) if the clerk determines that the request complies with Section ~~[10-2-103]~~  
1506 10-2a-202:

1507 (A) certify the request and deliver the certified request to the county legislative body;  
1508 and

1509 (B) mail or deliver written notification of the certification to:

1510 (I) the contact sponsor; and

1511 (II) the chair of the planning commission of each ~~[township]~~ planning district in which  
1512 any part of the area proposed for incorporation is located; or

1513 (ii) if the clerk determines that the request fails to comply with Section ~~[10-2-103]~~

1514 [10-2a-202](#) requirements, reject the request and notify the contact sponsor in writing of the  
1515 rejection and the reasons for the rejection.

1516 (2) The county clerk shall certify or reject requests under Subsection (1) in the order in  
1517 which they are filed.

1518 (3) (a) (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request  
1519 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
1520 county clerk.

1521 (ii) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) may be used toward  
1522 fulfilling the signature requirement of Subsection [~~10-2-103~~] [10-2a-202](#)(2)(a) for the request as  
1523 modified under Subsection (3)(a)(i).

1524 (b) If a request is amended and refiled under Subsection (3)(a) after having been  
1525 rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed  
1526 request, and its processing priority is determined by the date on which it is refiled.

1527 Section 28. Section **10-2a-205**, which is renumbered from Section 10-2-106 is  
1528 renumbered and amended to read:

1529 [~~10-2-106~~]. **10-2a-205. Feasibility study -- Feasibility study consultant.**

1530 (1) Within 60 days of receipt of a certified request under Subsection [~~10-2-105~~]  
1531 [10-2a-204](#)(1)(b)(i), the county legislative body shall engage the feasibility consultant chosen  
1532 under Subsection (2) to conduct a feasibility study.

1533 (2) The feasibility consultant shall be chosen:

1534 (a) (i) by the contact sponsor of the incorporation petition with the consent of the  
1535 county; or

1536 (ii) by the county if the designated sponsors state, in writing, that the contact sponsor  
1537 defers selection of the feasibility consultant to the county; and

1538 (b) in accordance with applicable county procurement procedures.

1539 (3) The county legislative body shall require the feasibility consultant to:

1540 (a) complete the feasibility study and submit the written results to the county legislative  
1541 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to  
1542 conduct the study;

1543 (b) submit with the full written results of the feasibility study a summary of the results  
1544 no longer than one page in length; and

1545 (c) attend the public hearings under Subsection [~~10-2-108~~] 10-2a-207(1) and present  
1546 the feasibility study results and respond to questions from the public at those hearings.

1547 (4) (a) The feasibility study shall consider:

1548 (i) population and population density within the area proposed for incorporation and  
1549 the surrounding area;

1550 (ii) current and five-year projections of demographics and economic base in the  
1551 proposed city and surrounding area, including household size and income, commercial and  
1552 industrial development, and public facilities;

1553 (iii) projected growth in the proposed city and in adjacent areas during the next five  
1554 years;

1555 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
1556 including overhead, of governmental services in the proposed city, including:

1557 (A) culinary water;

1558 (B) secondary water;

1559 (C) sewer;

1560 (D) law enforcement;

1561 (E) fire protection;

1562 (F) roads and public works;

1563 (G) garbage;

1564 (H) weeds; and

1565 (I) government offices;

1566 (v) assuming the same tax categories and tax rates as currently imposed by the county  
1567 and all other current service providers, the present and five-year projected revenue for the  
1568 proposed city;

1569 (vi) a projection of any new taxes per household that may be levied within the  
1570 incorporated area within five years of incorporation; and

1571 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,  
1572 special service districts, and other governmental entities in the county.

1573 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
1574 level and quality of governmental services to be provided to the proposed city in the future that  
1575 fairly and reasonably approximate the level and quality of governmental services being

1576 provided to the proposed city at the time of the feasibility study.

1577 (ii) In determining the present cost of a governmental service, the feasibility consultant  
1578 shall consider:

1579 (A) the amount it would cost the proposed city to provide governmental service for the  
1580 first five years after incorporation; and

1581 (B) the county's present and five-year projected cost of providing governmental  
1582 service.

1583 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation  
1584 and anticipated growth.

1585 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year  
1586 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall  
1587 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
1588 governor.

1589 (6) If the results of the feasibility study or revised feasibility study do not meet the  
1590 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the feasibility consultant shall, as part of  
1591 the feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1592 make recommendations as to how the boundaries of the proposed city may be altered so that  
1593 the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3) may be met.

1594 (7) (a) For purposes of this Subsection (7), "pending" means that the process to  
1595 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1596 study under Section [~~10-2-103~~] [10-2a-202](#) but that, as of May 8, 2012, a petition under Section  
1597 [~~10-2-109~~] [10-2a-208](#) has not yet been filed.

1598 (b) The amendments to Subsection (4) that become effective upon the effective date of  
1599 this Subsection (7):

1600 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1601 area; and

1602 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1603 petition under Section [~~10-2-109~~] [10-2a-208](#) has been filed.

1604 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of  
1605 May 8, 2012, already completed the feasibility study, the county legislative body shall, within  
1606 20 days after the effective date of this Subsection (7) and except as provided in Subsection

1607 (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account  
1608 the amendments to Subsection (4) that became effective on the effective date of this Subsection  
1609 (7).

1610 (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall  
1611 require the feasibility consultant to complete the revised feasibility study under Subsection  
1612 (7)(c)(i) within 20 days after being engaged to do so.

1613 (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not  
1614 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1615 after the effective date of this Subsection (7), the request sponsors file with the county clerk a  
1616 written withdrawal of the request signed by all the request sponsors.

1617 (d) All provisions of this part that set forth the incorporation process following the  
1618 completion of a feasibility study shall apply with equal force following the completion of a  
1619 revised feasibility study under this Subsection (7), except that, if a petition under Section  
1620 ~~[10-2-109]~~ [10-2a-208](#) has already been filed based on the feasibility study that is revised under  
1621 this Subsection (7):

1622 (i) the notice required by Section ~~[10-2-108]~~ [10-2a-207](#) for the revised feasibility study  
1623 shall include a statement informing signers of the petition of their right to withdraw their  
1624 signatures from the petition and of the process and deadline for withdrawing a signature from  
1625 the petition;

1626 (ii) a signer of the petition may withdraw the signer's signature by filing with the  
1627 county clerk a written withdrawal within 30 days after the final notice under Subsection  
1628 ~~[10-2-108]~~ [10-2a-207](#)(3) has been given with respect to the revised feasibility study; and

1629 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
1630 signature requirements under Subsection ~~[10-2-109]~~ [10-2a-208](#)(2)(a) for a petition based on the  
1631 revised feasibility study.

1632 Section 29. Section **10-2a-206**, which is renumbered from Section 10-2-107 is  
1633 renumbered and amended to read:

1634 ~~[10-2-107]~~. **10-2a-206**. **Modified request for feasibility study -- Supplemental**  
1635 **feasibility study.**

1636 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of  
1637 the proposed city and then refile the request, as modified, with the county clerk if:

1638 (A) the results of the feasibility study do not meet the requirements of Subsection  
1639 ~~[+0-2-109]~~ [10-2a-208](#)(3); or  
1640 (B) (I) the request meets the conditions of Subsection ~~[+0-2-103]~~ [10-2a-202](#)(4)(b);  
1641 (II) the annexation petition that proposed the annexation of an area that is part of the  
1642 area proposed for incorporation has been denied; and  
1643 (III) an incorporation petition based on the request has not been filed.  
1644 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than  
1645 90 days after the feasibility consultant's submission of the results of the study.  
1646 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18  
1647 months after the filing of the original request under Section ~~[+0-2-103]~~ [10-2a-202](#).  
1648 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)  
1649 shall comply with the requirements of Subsections ~~[+0-2-103]~~ [10-2a-202](#)(2), (3), (4), and (5).  
1650 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section  
1651 ~~[+0-2-103]~~ [10-2a-202](#) may be used toward fulfilling the signature requirement of Subsection  
1652 ~~[+0-2-103]~~ [10-2a-202](#)(2)(a) for the request as modified under Subsection (1)(a), unless the  
1653 modified request proposes the incorporation of an area that is more than 20% greater or smaller  
1654 than the area described by the original request in terms of:  
1655 (A) private land area; or  
1656 (B) value of private real property.  
1657 (2) Within 20 days after the county clerk's receipt of the modified request, the county  
1658 clerk shall follow the same procedure for the modified request as provided under Subsection  
1659 ~~[+0-2-105]~~ [10-2a-204](#)(1) for an original request.  
1660 (3) The timely filing of a modified request under Subsection (1) gives the modified  
1661 request the same processing priority under Subsection ~~[+0-2-105]~~ [10-2a-204](#)(2) as the original  
1662 request.  
1663 (4) Within 10 days after the county legislative body's receipt of a certified modified  
1664 request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection  
1665 (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the  
1666 county legislative body shall commission the feasibility consultant who conducted the  
1667 feasibility study to supplement the feasibility study to take into account the information in the  
1668 modified request that was not included in the original request.

1669 (5) The county legislative body shall require the feasibility consultant to complete the  
1670 supplemental feasibility study and to submit written results of the supplemental study to the  
1671 county legislative body and to the contact sponsor no later than 30 days after the feasibility  
1672 consultant is commissioned to conduct the supplemental feasibility study.

1673 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study  
1674 do not meet the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3):

1675 (i) the sponsors may file a further modified request as provided in Subsection (1); and

1676 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection  
1677 (6)(a)(i).

1678 (b) A further modified request under Subsection (6)(a) shall, for purposes of its  
1679 processing priority, be considered as an original request for a feasibility study under Section  
1680 [~~10-2-103~~] [10-2a-202](#).

1681 Section 30. Section **10-2a-207**, which is renumbered from Section 10-2-108 is  
1682 renumbered and amended to read:

1683 [~~10-2-108~~]. **10-2a-207. Public hearings on feasibility study results -- Notice of**  
1684 **hearings.**

1685 (1) If the results of the feasibility study or supplemental feasibility study meet the  
1686 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the county legislative body shall, at its  
1687 next regular meeting after receipt of the results of the feasibility study or supplemental  
1688 feasibility study, schedule at least two public hearings to be held:

1689 (a) within the following 60 days;

1690 (b) at least seven days apart;

1691 (c) in geographically diverse locations within the proposed city; and

1692 (d) for the purpose of allowing:

1693 (i) the feasibility consultant to present the results of the study; and

1694 (ii) the public to become informed about the feasibility study results and to ask

1695 questions about those results of the feasibility consultant.

1696 (2) At a public hearing described in Subsection (1), the county legislative body shall:

1697 (a) provide a map or plat of the boundary of the proposed city;

1698 (b) provide a copy of the feasibility study for public review; and

1699 (c) allow the public to express its views about the proposed incorporation, including its

1700 view about the proposed boundary.

1701 (3) (a) (i) The county clerk shall publish notice of the public hearings required under  
1702 Subsection (1):

1703 (A) at least once a week for three successive weeks in a newspaper of general  
1704 circulation within the proposed city; and

1705 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks.

1706 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at  
1707 least three days before the first public hearing required under Subsection (1).

1708 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation  
1709 within the proposed city, the county clerk shall post at least one notice of the hearings per  
1710 1,000 population in conspicuous places within the proposed city that are most likely to give  
1711 notice of the hearings to the residents of the proposed city.

1712 (ii) The clerk shall post the notices under Subsection (3)(b)(i) at least seven days before  
1713 the first hearing under Subsection (1).

1714 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study  
1715 summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and shall indicate that a full copy of the  
1716 study is available for inspection and copying at the office of the county clerk.

1717 Section 31. Section 10-2a-208, which is renumbered from Section 10-2-109 is  
1718 renumbered and amended to read:

1719 [~~10-2-109~~]. **10-2a-208. Incorporation petition -- Requirements and form.**

1720 (1) At any time within one year of the completion of the public hearings required under  
1721 Subsection [~~10-2-108~~] 10-2a-207(1), a petition for incorporation of the area proposed to be  
1722 incorporated as a city may be filed in the office of the clerk of the county in which the area is  
1723 located.

1724 (2) Each petition under Subsection (1) shall:

1725 (a) be signed by:

1726 (i) 10% of all registered voters within the area proposed to be incorporated as a city,  
1727 according to the official voter registration list maintained by the county on the date the petition  
1728 is filed; and

1729 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting  
1730 precincts within the area proposed to be incorporated as a city, according to the official voter

1731 registration list maintained by the county on the date the petition is filed;

1732 (b) indicate the typed or printed name and current residence address of each owner  
1733 signing the petition;

1734 (c) describe the area proposed to be incorporated as a city, as described in the  
1735 feasibility study request or modified request that meets the requirements of Subsection (3);

1736 (d) state the proposed name for the proposed city;

1737 (e) designate five signers of the petition as petition sponsors, one of whom shall be  
1738 designated as the contact sponsor, with the mailing address and telephone number of each;

1739 (f) state that the signers of the petition appoint the sponsors, if the incorporation  
1740 measure passes, to represent the signers in the process of:

1741 (i) selecting the number of commission or council members the new city will have; and  
1742 (ii) drawing district boundaries for the election of commission or council members, if  
1743 the voters decide to elect commission or council members by district;

1744 (g) be accompanied by and circulated with an accurate plat or map, prepared by a  
1745 licensed surveyor, showing the boundaries of the proposed city; and

1746 (h) substantially comply with and be circulated in the following form:

1747 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
1748 city)

1749 To the Honorable County Legislative Body of (insert the name of the county in which  
1750 the proposed city is located) County, Utah:

1751 We, the undersigned owners of real property within the area described in this petition,  
1752 respectfully petition the county legislative body to submit to the registered voters residing  
1753 within the area described in this petition, at the next regular general election, the question of  
1754 whether the area should incorporate as a city. Each of the undersigned affirms that each has  
1755 personally signed this petition and is an owner of real property within the described area, and  
1756 that the current residence address of each is correctly written after the signer's name. The area  
1757 proposed to be incorporated as a city is described as follows: (insert an accurate description of  
1758 the area proposed to be incorporated).

1759 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless  
1760 the results of the feasibility study or supplemental feasibility study show that the average  
1761 annual amount of revenue under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(v) does not exceed the

1762 average annual amount of cost under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(iv) by more than  
1763 5%.

1764 (4) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) or a modified request  
1765 under Section [~~10-2-107~~] [10-2a-206](#) may be used toward fulfilling the signature requirement of  
1766 Subsection (2)(a):

1767 (a) if the request under Section [~~10-2-103~~] [10-2a-202](#) or modified request under  
1768 Section [~~10-2-107~~] [10-2a-206](#) notified the signer in conspicuous language that the signature,  
1769 unless withdrawn, would also be used for purposes of a petition for incorporation under this  
1770 section; and

1771 (b) unless the signer files with the county clerk a written withdrawal of the signature  
1772 before the petition under this section is filed with the clerk.

1773 (5) (a) A signature does not qualify as a signature to meet the requirement described in  
1774 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

1775 (i) is not located entirely within the boundaries of the proposed city; or

1776 (ii) includes less than 50 registered voters.

1777 (b) A voting precinct that is not located entirely within the boundaries of the proposed  
1778 city does not qualify as a voting precinct to meet the precinct requirements of Subsection  
1779 (2)(a)(ii).

1780 Section 32. Section **10-2a-209**, which is renumbered from Section 10-2-110 is  
1781 renumbered and amended to read:

1782 [~~10-2-110~~]. **10-2a-209**. **Processing of petition by county clerk -- Certification or**  
1783 **rejection -- Processing priority.**

1784 (1) Within 45 days of the filing of a petition under Section [~~10-2-109~~] [10-2a-208](#), the  
1785 county clerk shall:

1786 (a) with the assistance of other county officers from whom the clerk requests  
1787 assistance, determine whether the petition meets the requirements of Section [~~10-2-109~~]  
1788 [10-2a-208](#); and

1789 (b) (i) if the clerk determines that the petition meets those requirements, certify the  
1790 petition, deliver it to the county legislative body, and notify in writing the contact sponsor of  
1791 the certification; or

1792 (ii) if the clerk determines that the petition fails to meet any of those requirements,

1793 reject the petition and notify the contact sponsor in writing of the rejection and the reasons for  
1794 the rejection.

1795 (2) (a) If the county clerk rejects a petition under Subsection (1)(b)(ii), the petition may  
1796 be modified to correct the deficiencies for which it was rejected and then refiled with the  
1797 county clerk.

1798 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days  
1799 after the county clerk notifies the contact sponsor under Subsection (1)(b)(ii), even though the  
1800 modified petition is filed after the expiration of the deadline provided in Subsection [~~10-2-109~~]  
1801 10-2a-208(1).

1802 (c) A signature on an incorporation petition under Section [~~10-2-109~~] 10-2a-208 may  
1803 be used toward fulfilling the signature requirement of Subsection [~~10-2-109~~] 10-2a-208(2)(a)  
1804 for the petition as modified under Subsection (2)(a).

1805 (3) (a) Within 20 days of the county clerk's receipt of a modified petition under  
1806 Subsection (2)(a), the county clerk shall follow the same procedure for the modified petition as  
1807 provided under Subsection (1) for an original petition.

1808 (b) If a county clerk rejects a modified petition under Subsection (1)(b)(ii), no further  
1809 modification of that petition may be filed.

1810 Section 33. Section **10-2a-210**, which is renumbered from Section 10-2-111 is  
1811 renumbered and amended to read:

1812 [~~10-2-111~~]. **10-2a-210. Incorporation election.**

1813 (1) (a) Upon receipt of a certified petition under Subsection [~~10-2-110~~]  
1814 10-2a-209(1)(b)(i) or a certified modified petition under Subsection [~~10-2-110~~] 10-2a-209(3),  
1815 the county legislative body shall determine and set an election date for the incorporation  
1816 election that is:

1817 (i) (A) on a general election date under Section 20A-1-201; or  
1818 (B) on a local special election date under Section 20A-1-203; and  
1819 (ii) at least 65 days after the day that the legislative body receives the certified petition.

1820 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
1821 within the boundaries of the proposed city, the person may not vote on the proposed  
1822 incorporation.

1823 (2) (a) The county clerk shall publish notice of the election:

1824 (i) in a newspaper of general circulation within the area proposed to be incorporated at  
1825 least once a week for three successive weeks; and

1826 (ii) in accordance with Section 45-1-101 for three weeks.

1827 (b) The notice required by Subsection (2)(a) shall contain:

1828 (i) a statement of the contents of the petition;

1829 (ii) a description of the area proposed to be incorporated as a city;

1830 (iii) a statement of the date and time of the election and the location of polling places;

1831 and

1832 (iv) the feasibility study summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and a  
1833 statement that a full copy of the study is available for inspection and copying at the office of  
1834 the county clerk.

1835 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
1836 one day but no more than seven days before the election.

1837 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
1838 circulation within the proposed city, the county clerk shall post at least one notice of the  
1839 election per 1,000 population in conspicuous places within the proposed city that are most  
1840 likely to give notice of the election to the voters of the proposed city.

1841 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
1842 the election under Subsection (1).

1843 (3) If a majority of those casting votes within the area boundaries of the proposed city  
1844 vote to incorporate as a city, the area shall incorporate.

1845 Section 34. Section 10-2a-211, which is renumbered from Section 10-2-112 is  
1846 renumbered and amended to read:

1847 ~~[10-2-112]~~. **10-2a-211. Ballot used at the incorporation election.**

1848 (1) The ballot at the incorporation election under Subsection [~~10-2-111~~] 10-2a-210(1)  
1849 shall pose the incorporation question substantially as follows:

1850 Shall the area described as (insert a description of the proposed city) be incorporated as  
1851 the city of (insert the proposed name of the proposed city)?

1852 (2) The ballot shall provide a space for the voter to answer yes or no to the question in  
1853 Subsection (1).

1854 (3) (a) The ballot at the incorporation election shall also pose the question relating to

1855 the form of government substantially as follows:

1856           If the above incorporation proposal passes, under what form of municipal government  
1857 shall (insert the name of the proposed city) operate? Vote for one:

1858           Five-member council form

1859           Six-member council form

1860           Five-member council-mayor form

1861           Seven-member council-mayor form.

1862           (b) The ballot shall provide a space for the voter to vote for one form of government.

1863           (4) (a) The ballot at the incorporation election shall also pose the question of whether  
1864 to elect city council members by district substantially as follows:

1865           If the above incorporation proposal passes, shall members of the city council of (insert  
1866 the name of the proposed city) be elected by district?

1867           (b) The ballot shall provide a space for the voter to answer yes or no to the question in  
1868 Subsection (4)(a).

1869           Section 35. Section **10-2a-212**, which is renumbered from Section 10-2-113 is  
1870 renumbered and amended to read:

1871           ~~[10-2-113]~~. **10-2a-212**. **Notification to lieutenant governor of incorporation**  
1872 **election results.**

1873           Within 10 days of the canvass of the incorporation election, the county clerk shall send  
1874 written notice to the lieutenant governor of:

1875           (1) the results of the election; and

1876           (2) if the incorporation measure passes:

1877           (a) the name of the city; and

1878           (b) the class of the city as provided under Section [10-2-301](#).

1879           Section 36. Section **10-2a-213**, which is renumbered from Section 10-2-114 is  
1880 renumbered and amended to read:

1881           ~~[10-2-114]~~. **10-2a-213**. **Determination of number of council members --**  
1882 **Determination of election districts -- Hearings and notice.**

1883           (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
1884 the canvass of the election under Section ~~[10-2-114]~~ [10-2a-210](#):

1885           (a) if the voters at the incorporation election choose the council-mayor form of

1886 government, determine the number of council members that will constitute the council of the  
1887 future city;

1888 (b) if the voters at the incorporation election vote to elect council members by district,  
1889 determine the number of council members to be elected by district and draw the boundaries of  
1890 those districts, which shall be substantially equal in population;

1891 (c) determine the initial terms of the mayor and members of the city council so that:

1892 (i) the mayor and approximately half the members of the city council are elected to  
1893 serve an initial term, of no less than one year, that allows their successors to serve a full  
1894 four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

1895 (ii) the remaining members of the city council are elected to serve an initial term, of no  
1896 less than one year, that allows their successors to serve a full four-year term that coincides with  
1897 the schedule established in Subsection 10-3-205(2); and

1898 (d) submit in writing to the county legislative body the results of the sponsors'  
1899 determinations under Subsections (1)(a), (b), and (c).

1900 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition  
1901 sponsors shall hold a public hearing within the future city on the applicable issues under  
1902 Subsections (1)(a), (b), and (c).

1903 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection  
1904 (2)(a):

1905 (A) in a newspaper of general circulation within the future city at least once a week for  
1906 two successive weeks before the hearing; and

1907 (B) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
1908 before the hearing.

1909 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three  
1910 days before the public hearing under Subsection (2)(a).

1911 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general  
1912 circulation within the future city, the petition sponsors shall post at least one notice of the  
1913 hearing per 1,000 population in conspicuous places within the future city that are most likely to  
1914 give notice of the hearing to the residents of the future city.

1915 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven  
1916 days before the hearing under Subsection (2)(a).

1917 Section 37. Section **10-2a-214**, which is renumbered from Section 10-2-115 is  
1918 renumbered and amended to read:

1919 ~~[10-2-115]~~. **10-2a-214. Notice of number of commission or council members to**  
1920 **be elected and of district boundaries -- Declaration of candidacy for city office.**

1921 (1) (a) Within 20 days of the county legislative body's receipt of the information under  
1922 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(d), the county clerk shall publish, in accordance with  
1923 Subsection (1)(b), notice containing:

1924 (i) the number of commission or council members to be elected for the new city;  
1925 (ii) if some or all of the commission or council members are to be elected by district, a  
1926 description of the boundaries of those districts as designated by the petition sponsors under  
1927 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(b);

1928 (iii) information about the deadline for filing a declaration of candidacy for those  
1929 seeking to become candidates for mayor or city commission or council; and

1930 (iv) information about the length of the initial term of each of the city officers, as  
1931 determined by the petition sponsors under Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(c).

1932 (b) The notice under Subsection (1)(a) shall be published:

1933 (i) in a newspaper of general circulation within the future city at least once a week for  
1934 two successive weeks; and

1935 (ii) in accordance with Section [45-1-101](#) for two weeks.

1936 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general  
1937 circulation within the future city, the county clerk shall post at least one notice per 1,000  
1938 population in conspicuous places within the future city that are most likely to give notice to the  
1939 residents of the future city.

1940 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under  
1941 Subsection (1)(a).

1942 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least  
1943 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

1944 (2) Notwithstanding Subsection [20A-9-203](#)(2)(a), each person seeking to become a  
1945 candidate for mayor or city commission or council of a city incorporating under this part shall,  
1946 within 45 days of the incorporation election under Section ~~[10-2-111]~~ [10-2a-210](#), file a  
1947 declaration of candidacy with the clerk of the county in which the future city is located.

1948 Section 38. Section **10-2a-215**, which is renumbered from Section 10-2-116 is  
1949 renumbered and amended to read:  
1950 ~~[10-2-116]~~. **10-2a-215. Election of officers of new city.**  
1951 (1) For the election of city officers, the county legislative body shall:  
1952 (a) unless a primary election is prohibited by Subsection **20A-9-404**(2), hold a primary  
1953 election; and  
1954 (b) hold a final election.  
1955 (2) Each election under Subsection (1) shall be:  
1956 (a) appropriate to the form of government chosen by the voters at the incorporation  
1957 election;  
1958 (b) consistent with the voters' decision about whether to elect commission or council  
1959 members by district and, if applicable, consistent with the boundaries of those districts as  
1960 determined by the petition sponsors; and  
1961 (c) consistent with the sponsors' determination of the number of commission or council  
1962 members to be elected and the length of their initial term.  
1963 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1964 be held at the earliest of the next:  
1965 (i) regular general election under Section **20A-1-201**;  
1966 (ii) municipal primary election under Section **20A-9-404**;  
1967 (iii) municipal general election under Section **20A-1-202**; or  
1968 (iv) special election under Section **20A-1-204**.  
1969 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)  
1970 may not be held until 75 days after the incorporation election under Section ~~[10-2-111]~~  
1971 **10-2a-210**.  
1972 (4) The final election under Subsection (1)(b) shall be held at the next special election  
1973 date under Section **20A-1-204**:  
1974 (a) after the primary election; or  
1975 (b) if there is no primary election, more than 75 days after the incorporation election  
1976 under Section ~~[10-2-111]~~ **10-2a-210**.  
1977 (5) (a) (i) The county clerk shall publish notice of an election under this section:  
1978 (A) at least once a week for two successive weeks in a newspaper of general circulation

1979 within the future city; and

1980 (B) in accordance with Section [45-1-101](#) for two weeks.

1981 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more  
1982 than seven days before the election.

1983 (b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general  
1984 circulation within the future city, the county clerk shall post at least one notice of the election  
1985 per 1,000 population in conspicuous places within the future city that are most likely to give  
1986 notice of the election to the voters.

1987 (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven  
1988 days before each election under Subsection (1).

1989 (6) Until the city is incorporated, the county clerk is the election officer for all purposes  
1990 in an election of officers of the city approved at an incorporation election.

1991 Section 39. Section **10-2a-216**, which is renumbered from Section 10-2-117 is  
1992 renumbered and amended to read:

1993 ~~[10-2-117]~~. **10-2a-216**. **Notification to lieutenant governor of election of city**  
1994 **officers.**

1995 Within 10 days of the canvass of the final election of city officers under Section  
1996 ~~[10-2-116]~~ [10-2a-215](#), the county clerk shall send written notice to the lieutenant governor of  
1997 the name and position of each officer elected and the term for which each has been elected.

1998 Section 40. Section **10-2a-217**, which is renumbered from Section 10-2-119 is  
1999 renumbered and amended to read:

2000 ~~[10-2-119]~~. **10-2a-217**. **Filing of notice and approved final local entity plat with**  
2001 **lieutenant governor -- Effective date of incorporation -- Necessity of recording documents**  
2002 **and effect of not recording.**

2003 (1) The mayor-elect of the future city shall:

2004 (a) within 30 days after the canvass of the final election of city officers under Section  
2005 ~~[10-2-116]~~ [10-2a-215](#), file with the lieutenant governor:

2006 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
2007 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

2008 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

2009 (b) upon the lieutenant governor's issuance of a certificate of incorporation under

2010 Section [67-1a-6.5](#):

2011 (i) if the city is located within the boundary of a single county, submit to the recorder  
2012 of that county the original:

2013 (A) notice of an impending boundary action;

2014 (B) certificate of incorporation; and

2015 (C) approved final local entity plat; or

2016 (ii) if the city is located within the boundaries of more than a single county, submit the  
2017 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
2018 counties and a certified copy of those documents to each other county.

2019 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a  
2020 certificate of incorporation under Section [67-1a-6.5](#).

2021 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be  
2022 lawfully incorporated and existing if, for two years following the city's incorporation:

2023 (i) (A) the city has levied and collected a property tax; or

2024 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use  
2025 tax; and

2026 (ii) no challenge to the existence or incorporation of the city has been filed in the  
2027 district court for the county in which the city is located.

2028 (3) (a) The effective date of an incorporation for purposes of assessing property within  
2029 the new city is governed by Section [59-2-305.5](#).

2030 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
2031 recorder of each county in which the property is located, a newly incorporated city may not:

2032 (i) levy or collect a property tax on property within the city;

2033 (ii) levy or collect an assessment on property within the city; or

2034 (iii) charge or collect a fee for service provided to property within the city.

2035 Section 41. Section **10-2a-218**, which is renumbered from Section 10-2-120 is  
2036 renumbered and amended to read:

2037 ~~[10-2-120]~~. **10-2a-218. Powers of officers-elect.**

2038 (1) Upon the canvass of the final election of city officers under Section [~~10-2-116~~]

2039 [10-2a-215](#) and until the future city becomes legally incorporated, the officers of the future city

2040 may:

- 2041 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,
- 2042 a proposed budget and compilation of ordinances;
- 2043 (b) negotiate and make personnel contracts and hirings;
- 2044 (c) negotiate and make service contracts;
- 2045 (d) negotiate and make contracts to purchase equipment, materials, and supplies;
- 2046 (e) borrow funds from the county in which the future city is located under Subsection
- 2047 [~~10-2-121~~] [10-2a-219](#)(3);
- 2048 (f) borrow funds for startup expenses of the future city;
- 2049 (g) issue tax anticipation notes in the name of the future city; and
- 2050 (h) make appointments to the city's planning commission.

2051 (2) The city's legislative body shall review and ratify each contract made by the

2052 officers-elect under Subsection (1) within 30 days after the effective date of incorporation

2053 under Section [~~10-2-119~~] [10-2a-217](#).

2054 Section 42. Section **10-2a-219**, which is renumbered from Section 10-2-121 is

2055 renumbered and amended to read:

2056 [~~10-2-121~~]. **10-2a-219. Division of municipal-type services revenues -- County**

2057 **may provide startup funds.**

2058 (1) The county in which an area incorporating under this part is located shall, until the

2059 date of the city's incorporation under Section [~~10-2-119~~] [10-2a-217](#), continue:

- 2060 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to
- 2061 the future city; and
- 2062 (b) except as otherwise agreed by the county and the officers-elect of the city, to
- 2063 provide the same services to the future city as the county provided before the commencement
- 2064 of the incorporation proceedings.

2065 (2) (a) The legislative body of the county in which a newly incorporated city is located

2066 shall share pro rata with the new city, based on the date of incorporation, the taxes and service

2067 charges or fees levied and collected by the county under Section [17-34-3](#) during the year of the

2068 new city's incorporation if and to the extent that the new city provides, by itself or by contract,

2069 the same services for which the county levied and collected the taxes and service charges or

2070 fees.

2071 (b) (i) The legislative body of a county in which a city incorporated after January 1,

2072 2004, is located may share with the new city taxes and service charges or fees that were levied  
2073 and collected by the county under Section [17-34-3](#):

2074 (A) before the year of the new city's incorporation;

2075 (B) from the previously unincorporated area that, because of the city's incorporation, is  
2076 located within the boundaries of the newly incorporated city; and

2077 (C) for the purpose of providing services to the area that before the new city's  
2078 incorporation was unincorporated.

2079 (ii) A county legislative body may share taxes and service charges or fees under  
2080 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts  
2081 due under a contract for municipal-type services provided by the county to the new city.

2082 (3) (a) The legislative body of a county in which an area incorporating under this part is  
2083 located may appropriate county funds to:

2084 (i) before incorporation but after the canvass of the final election of city officers under  
2085 Section ~~[10-2-116]~~ [10-2a-215](#), the officers-elect of the future city to pay startup expenses of the  
2086 future city; or

2087 (ii) after incorporation, the new city.

2088 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a  
2089 grant, a loan, or as an advance against future distributions under Subsection (2).

2090 Section 43. Section **10-2a-220**, which is renumbered from Section 10-2-123 is  
2091 renumbered and amended to read:

2092 ~~[10-2-123]~~. **10-2a-220. Costs of incorporation.**

2093 (1) Subject to Subsection (2), all costs of the incorporation proceeding, including  
2094 request certification, feasibility study, petition certification, publication of notices, public  
2095 hearings, and elections, shall be paid by the county in which the proposed city is located.

2096 (2) If incorporation occurs, the new municipality shall reimburse the county for the  
2097 costs of the notices and hearing under Section ~~[10-2-114]~~ [10-2a-213](#), the notices and elections  
2098 under Section ~~[10-2-116]~~ [10-2a-215](#), and all other incorporation activities occurring after the  
2099 elections under Section ~~[10-2-116]~~ [10-2a-215](#).

2100 Section 44. Section **10-2a-221**, which is renumbered from Section 10-2-124 is  
2101 renumbered and amended to read:

2102 ~~[10-2-124]~~. **10-2a-221. Incorporation petition or feasibility study before May 8,**

2103 **2012.**

2104 (1) A party with a petition in process as of January 1, 2012, and not yet filed for final  
2105 certification with the county clerk in accordance with Section [~~10-2-110~~] 10-2a-209 as of May  
2106 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as  
2107 provided in Subsection (3).

2108 (2) A party described in Subsection (1) may use a signature on a petition in process as  
2109 of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012.

2110 (3) If on or before May 8, 2012, a feasibility study has been completed for a party  
2111 described in Subsection (1):

2112 (a) the completed feasibility study shall fulfill the requirements of this section; and

2113 (b) the party is not required to request a new feasibility study.

2114 Section 45. Section **10-2a-301** is enacted to read:

2115 **Part 3. Incorporation of a Town**

2116 **10-2a-301. Title.**

2117 This part is known as "Incorporation of a Town."

2118 Section 46. Section **10-2a-302**, which is renumbered from Section 10-2-125 is  
2119 renumbered and amended to read:

2120 [~~10-2-125~~]. **10-2a-302. Incorporation of a town -- Petition.**

2121 (1) As used in this section:

2122 (a) "Assessed value," with respect to agricultural land, means the value at which the  
2123 land would be assessed without regard to a valuation for agricultural use under Section  
2124 59-2-503.

2125 [~~(c)~~] (b) "Feasibility consultant" means a person or firm:

2126 (i) with expertise in the processes and economics of local government; and

2127 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
2128 incorporate.

2129 [~~(b)~~] (c) "Financial feasibility study" means a study described in Subsection (7).

2130 (d) "Municipal service" means a publicly provided service that is not provided on a  
2131 countywide basis.

2132 (e) "Nonurban" means having a residential density of less than one unit per acre.

2133 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of

2134 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

2135 (ii) An area within a county of the first class is not contiguous for purposes of

2136 Subsection (2)(a)(i) if:

2137 (A) the area includes a strip of land that connects geographically separate areas; and

2138 (B) the distance between the geographically separate areas is greater than the average  
2139 width of the strip of land connecting the geographically separate areas.

2140 (b) The population figure under Subsection (2)(a) shall be determined:

2141 (i) as of the date the incorporation petition is filed; and

2142 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's  
2143 certification under Subsection (6) of a petition filed under Subsection (4).

2144 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to  
2145 incorporate the area as a town with the clerk of the county in which the area is located.

2146 (b) A petition under Subsection (3)(a) shall:

2147 (i) be signed by:

2148 (A) the owners of private real property that:

2149 (I) is located within the area proposed to be incorporated; and

2150 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real  
2151 property within the area; and

2152 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,  
2153 according to the official voter registration list maintained by the county on the date the petition  
2154 is filed;

2155 (ii) designate as sponsors at least five of the property owners who have signed the  
2156 petition, one of whom shall be designated as the contact sponsor, with the mailing address of  
2157 each owner signing as a sponsor;

2158 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a  
2159 licensed surveyor, showing a legal description of the boundary of the proposed town; and

2160 (iv) substantially comply with and be circulated in the following form:

2161 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
2162 town)

2163 To the Honorable County Legislative Body of (insert the name of the county in which  
2164 the proposed town is located) County, Utah:

2165 We, the undersigned owners of real property and registered voters within the area  
2166 described in this petition, respectfully petition the county legislative body to submit to the  
2167 registered voters residing within the area described in this petition, at the next regular general  
2168 election, the question of whether the area should incorporate as a town. Each of the  
2169 undersigned affirms that each has personally signed this petition and is an owner of real  
2170 property or a registered voter residing within the described area, and that the current residence  
2171 address of each is correctly written after the signer's name. The area proposed to be  
2172 incorporated as a town is described as follows: (insert an accurate description of the area  
2173 proposed to be incorporated).

2174 (c) A petition under this Subsection (3) may not describe an area that includes some or  
2175 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

- 2176 (i) was filed before the filing of the petition; and
- 2177 (ii) is still pending on the date the petition is filed.

2178 (d) A petition may not be filed under this section if the private real property owned by  
2179 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the  
2180 total private land area within the area proposed to be incorporated as a town.

2181 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,  
2182 reinstate the signer's signature on the petition:

- 2183 (i) at any time until the county clerk certifies the petition under Subsection (5); and
- 2184 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

2185 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town  
2186 an area located within a county of the first class, the county clerk shall deliver written notice of  
2187 the proposed incorporation:

- 2188 (i) to each owner of private real property owning more than 1% of the assessed value  
2189 of all private real property within the area proposed to be incorporated as a town; and
- 2190 (ii) within seven calendar days after the date on which the petition is filed.

2191 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or  
2192 part of the owner's property from the area proposed to be incorporated as a town by filing a  
2193 notice of exclusion:

- 2194 (i) with the county clerk; and
- 2195 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

2196 (c) The county legislative body shall exclude from the area proposed to be incorporated  
2197 as a town the property identified in the notice of exclusion under Subsection (4)(b) if:

2198 (i) the property:

2199 (A) is nonurban; and

2200 (B) does not and will not require a municipal service; and

2201 (ii) exclusion will not leave an unincorporated island within the proposed town.

2202 (d) If the county legislative body excludes property from the area proposed to be  
2203 incorporated as a town, the county legislative body shall send written notice of the exclusion to  
2204 the contact sponsor within five days after the exclusion.

2205 (5) No later than 20 days after the filing of a petition under Subsection (3), the county  
2206 clerk shall:

2207 (a) with the assistance of other county officers from whom the clerk requests  
2208 assistance, determine whether the petition complies with the requirements of Subsection (3);  
2209 and

2210 (b) (i) if the clerk determines that the petition complies with those requirements:

2211 (A) certify the petition and deliver the certified petition to the county legislative body;  
2212 and

2213 (B) mail or deliver written notification of the certification to:

2214 (I) the contact sponsor;

2215 (II) if applicable, the chair of the planning commission of each [township] planning  
2216 district in which any part of the area proposed for incorporation is located; and

2217 (III) the Utah Population Estimates Committee; or

2218 (ii) if the clerk determines that the petition fails to comply with any of those  
2219 requirements, reject the petition and notify the contact sponsor in writing of the rejection and  
2220 the reasons for the rejection.

2221 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to  
2222 correct a deficiency for which it was rejected and then refiled with the county clerk.

2223 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward  
2224 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended  
2225 under Subsection (6)(a)(i) and then refiled with the county clerk.

2226 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been

2227 rejected by the county clerk under Subsection (5)(b)(ii):

2228 (i) the amended petition shall be considered as a newly filed petition; and

2229 (ii) the amended petition's processing priority is determined by the date on which it is  
2230 refiled.

2231 (7) (a) (i) The legislative body of a county with which a petition is filed under  
2232 Subsection (4) and certified under Subsection (6) shall commission and pay for a financial  
2233 feasibility study.

2234 (ii) The feasibility consultant shall be chosen:

2235 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection  
2236 (3)(b)(ii), with the consent of the county; or

2237 (II) by the county if the contact sponsor states, in writing, that the sponsor defers  
2238 selection of the feasibility consultant to the county; and

2239 (B) in accordance with applicable county procurement procedure.

2240 (iii) The county legislative body shall require the feasibility consultant to complete the  
2241 financial feasibility study and submit written results of the study to the county legislative body  
2242 no later than 30 days after the feasibility consultant is engaged to conduct the financial  
2243 feasibility study.

2244 (b) The financial feasibility study shall consider the:

2245 (i) population and population density within the area proposed for incorporation and  
2246 the surrounding area;

2247 (ii) current and five-year projections of demographics and economic base in the  
2248 proposed town and surrounding area, including household size and income, commercial and  
2249 industrial development, and public facilities;

2250 (iii) projected growth in the proposed town and in adjacent areas during the next five  
2251 years;

2252 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,  
2253 including overhead, of governmental services in the proposed town, including:

2254 (A) culinary water;

2255 (B) secondary water;

2256 (C) sewer;

2257 (D) law enforcement;

2258 (E) fire protection;  
2259 (F) roads and public works;  
2260 (G) garbage;  
2261 (H) weeds; and  
2262 (I) government offices;  
2263 (v) assuming the same tax categories and tax rates as currently imposed by the county  
2264 and all other current service providers, the present and five-year projected revenue for the  
2265 proposed town; and  
2266 (vi) a projection of any new taxes per household that may be levied within the  
2267 incorporated area within five years of incorporation.  
2268 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a  
2269 level and quality of governmental services to be provided to the proposed town in the future  
2270 that fairly and reasonably approximate the level and quality of governmental services being  
2271 provided to the proposed town at the time of the feasibility study.  
2272 (ii) In determining the present cost of a governmental service, the feasibility consultant  
2273 shall consider:  
2274 (A) the amount it would cost the proposed town to provide governmental service for  
2275 the first five years after incorporation; and  
2276 (B) the county's present and five-year projected cost of providing governmental  
2277 service.  
2278 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation  
2279 and anticipated growth.  
2280 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year  
2281 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall  
2282 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
2283 governor.  
2284 (e) The county legislative body shall approve a certified petition proposing the  
2285 incorporation of a town and hold a public hearing as provided in Section [~~10-2-126~~] [10-2a-303](#).  
2286 Section 47. Section **10-2a-303**, which is renumbered from Section 10-2-126 is  
2287 renumbered and amended to read:  
2288 [~~10-2-126~~]. **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

2289 (1) If, in accordance with Section [~~10-2-125~~] [10-2a-302](#), the county clerk certifies a  
2290 petition for incorporation or an amended petition for incorporation, the county legislative body  
2291 shall, at its next regular meeting after completion of the feasibility study, schedule a public  
2292 hearing to:

2293 (a) be held no later than 60 days after the day on which the feasibility study is  
2294 completed; and

2295 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for  
2296 the proposed town.

2297 (2) The county legislative body shall give notice of the public hearing on the proposed  
2298 incorporation by:

2299 (a) posting notice of the public hearing on the county's Internet website, if the county  
2300 has an Internet website;

2301 (b) (i) publishing notice of the public hearing at least once a week for two consecutive  
2302 weeks in a newspaper of general circulation within the proposed town; or

2303 (ii) if there is no newspaper of general circulation within the proposed town, posting  
2304 notice of the public hearing in at least five conspicuous public places within the proposed  
2305 town; and

2306 (c) publishing notice of the public hearing on the Utah Public Notice Website created  
2307 in Section [63F-1-701](#).

2308 (3) At the public hearing scheduled in accordance with Subsection (1), the county  
2309 legislative body shall:

2310 (a) (i) provide a copy of the feasibility study; and

2311 (ii) present the results of the feasibility study to the public; and

2312 (b) allow the public to:

2313 (i) review the map or plat of the boundary of the proposed town;

2314 (ii) ask questions and become informed about the proposed incorporation; and

2315 (iii) express its views about the proposed incorporation, including their views about the  
2316 boundary of the area proposed to be incorporated.

2317 (4) A county may not hold an election on the incorporation of a town in accordance  
2318 with Section [~~10-2-127~~] [10-2a-304](#) if the results of the feasibility study show that the five-year  
2319 projected revenues under Subsection [~~10-2-125~~] [10-2a-302](#)(7)(b)(v) exceed the five-year

2320 projected costs under Subsection [~~10-2-125~~] [10-2a-302](#)(7)(b)(iv) by more than 10%.

2321 Section 48. Section **10-2a-304**, which is renumbered from Section 10-2-127 is  
2322 renumbered and amended to read:

2323 [~~10-2-127~~]. **10-2a-304. Incorporation of a town -- Election to incorporate --**  
2324 **Ballot form.**

2325 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a  
2326 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] [Section 10-2a-302](#), the  
2327 county legislative body shall determine and set an election date for the incorporation election  
2328 that is:

2329 (i) (A) on a general election date under Section [20A-1-201](#); or

2330 (B) on a local special election date under Section [20A-1-203](#); and

2331 (ii) at least 65 days after the day that the legislative body receives the certified petition.

2332 (b) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),  
2333 within the boundaries of the proposed town, the person may not vote on the proposed  
2334 incorporation.

2335 (2) (a) The county clerk shall publish notice of the election:

2336 (i) in a newspaper of general circulation, within the area proposed to be incorporated,  
2337 at least once a week for three successive weeks; and

2338 (ii) in accordance with Section [45-1-101](#) for three weeks.

2339 (b) The notice required by Subsection (2)(a) shall contain:

2340 (i) a statement of the contents of the petition;

2341 (ii) a description of the area proposed to be incorporated as a town;

2342 (iii) a statement of the date and time of the election and the location of polling places;

2343 and

2344 (iv) the county Internet website address, if applicable, and the address of the county  
2345 office where the feasibility study is available for review.

2346 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
2347 one day but no more than seven days before the election.

2348 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
2349 circulation within the proposed town, the county clerk shall post at least one notice of the  
2350 election per 100 population in conspicuous places within the proposed town that are most

2351 likely to give notice of the election to the voters of the proposed town.

2352 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
2353 the election under Subsection (1)(a).

2354 (3) The ballot at the incorporation election shall pose the incorporation question  
2355 substantially as follows:

2356 Shall the area described as (insert a description of the proposed town) be incorporated  
2357 as the town of (insert the proposed name of the proposed town)?

2358 (4) The ballot shall provide a space for the voter to answer yes or no to the question in  
2359 Subsection (3).

2360 (5) If a majority of those casting votes within the area boundaries of the proposed town  
2361 vote to incorporate as a town, the area shall incorporate.

2362 Section 49. Section **10-2a-305**, which is renumbered from Section 10-2-128 is  
2363 renumbered and amended to read:

2364 ~~[10-2-128]~~. **10-2a-305. Form of government -- Election of officers of new town.**

2365 (1) A newly incorporated town shall operate under the five-member council form of  
2366 government as defined in Section [10-3b-102](#).

2367 (2) (a) The county legislative body of the county in which a newly incorporated town is  
2368 located shall hold an election for town officers at the next special election after the regular  
2369 general election in which the town incorporation is approved.

2370 (b) The officers elected at an election described in Subsection (2)(a) shall take office at  
2371 noon on the first Monday in January next following the special election described in  
2372 Subsection (2)(a).

2373 Section 50. Section **10-2a-306**, which is renumbered from Section 10-2-129 is  
2374 renumbered and amended to read:

2375 ~~[10-2-129]~~. **10-2a-306. Notice to lieutenant governor -- Effective date of**  
2376 **incorporation -- Effect of recording documents.**

2377 (1) The mayor-elect of the future town shall:

2378 (a) within 30 days after the canvass of the election of town officers under Section  
2379 ~~[10-2-128]~~ [10-2a-305](#), file with the lieutenant governor:

2380 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
2381 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

2382 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2383 (b) upon the lieutenant governor's issuance of a certificate of incorporation under

2384 Section 67-1a-6.5:

2385 (i) if the town is located within the boundary of a single county, submit to the recorder

2386 of that county the original:

2387 (A) notice of an impending boundary action;

2388 (B) certificate of incorporation; and

2389 (C) approved final local entity plat; or

2390 (ii) if the town is located within the boundaries of more than a single county, submit

2391 the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those

2392 counties and a certified copy of those documents to each other county.

2393 (2) (a) A new town is incorporated:

2394 (i) on December 31 of the year in which the lieutenant governor issues a certificate of

2395 incorporation under Section 67-1a-6.5, if the election of town officers under Section [~~10-2-128~~]

2396 10-2a-305 is held on a regular general or municipal general election date; or

2397 (ii) on the last day of the month during which the lieutenant governor issues a

2398 certificate of incorporation under Section 67-1a-6.5, if the election of town officers under

2399 Section [~~10-2-128~~] 10-2a-305 is held on any other date.

2400 (b) (i) The effective date of an incorporation for purposes of assessing property within

2401 the new town is governed by Section 59-2-305.5.

2402 (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the

2403 recorder of each county in which the property is located, a newly incorporated town may not:

2404 (A) levy or collect a property tax on property within the town;

2405 (B) levy or collect an assessment on property within the town; or

2406 (C) charge or collect a fee for service provided to property within the town.

2407 Section 51. Section 10-2a-401 is enacted to read:

2408 **Part 4. Incorporation of Metro Townships and Unincorporated**

2409 **Islands in a County of the First Class on and after May 12, 2015**

2410 **10-2a-401. Title.**

2411 This part is known as "Incorporation of Metro Townships and Unincorporated Islands

2412 in a County of the First Class on and after May 12, 2015."

2413 Section 52. Section **10-2a-402** is enacted to read:

2414 **10-2a-402. Application.**

2415 (1) The provisions of this part:

2416 (a) apply to the following located in a county of the first class:

2417 (i) a planning township established before May 12, 2015; and

2418 (ii) subject to Subsection (2), an unincorporated island located in a county of the first  
2419 class on or after May 12, 2015, and before November 4, 2015; and

2420 (b) do not apply to a planning district, as defined in Section [17-27a-103](#), or any other  
2421 unincorporated area located outside of a county of the first class.

2422 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a  
2423 Town, apply to an unincorporated area described in Subsection (1) for an incorporation as a  
2424 city after November 3, 2015.

2425 (b) The provisions of Section [10-2a-410](#) apply to an unincorporated area described in  
2426 Subsection (1) for an incorporation as a metro township after November 3, 2015.

2427 (c) The provisions of Chapter 2, Part 4, Annexation:

2428 (i) do not apply to an unincorporated island for purposes of annexation before  
2429 November 4, 2015, unless:

2430 (A) otherwise indicated; or

2431 (B) before July 1, 2015, an annexation petition is filed in accordance with Section  
2432 [10-2-403](#) or an intent to annex resolution is adopted in accordance with Subsection

2433 [10-2-418\(2\)\(a\)\(i\)](#); and

2434 (ii) apply to an unincorporated island that is not annexed at an election under this part  
2435 for purposes of annexation on or after November 4, 2015.

2436 Section 53. Section **10-2a-403** is enacted to read:

2437 **10-2a-403. Definitions.**

2438 As used in this section:

2439 (1) "Ballot proposition" means the same as that term is defined in Section [20A-1-102](#).

2440 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to  
2441 annex an unincorporated island.

2442 (3) "Local special election" means the same as that term is defined in Section  
2443 [20A-1-102](#).

2444 (4) "Municipal services district" means a district created in accordance with Title 11,  
2445 Chapter 2a, Part 11, Municipal Services District Act.

2446 (5) (a) "Metro township" means, except as provided in Subsection (5)(b), a planning  
2447 township that is incorporated in accordance with this part.

2448 (b) "Metro township" does not include a township as that term is used in the context of  
2449 identifying a geographic area in common surveyor practice.

2450 (6) (a) "Planning township" means an area located in a county of the first class that is  
2451 established as a township as defined in and established in accordance with law before the  
2452 enactment of this bill.

2453 (b) "Planning township" does not include rural real property unless the owner of the  
2454 rural real property provides written consent in accordance with Section [10-2a-405](#).

2455 (7) (a) "Unincorporated island" means an unincorporated area that is completely  
2456 surrounded by one or more municipalities.

2457 (b) "Unincorporated island" does not include a planning township.

2458 Section 54. Section **10-2a-404** is enacted to read:

2459 **10-2a-404. Election.**

2460 (1) (a) Notwithstanding Section [20A-1-203](#), a county of the first class shall hold a local  
2461 special election on November 3, 2015, on the following ballot propositions:

2462 (i) for registered voters residing within a planning township:

2463 (A) whether the planning township shall be incorporated as a city or town, according to  
2464 the classifications of Section [10-2-301](#), or as a metro township; and

2465 (B) if the planning township incorporates as a metro township, whether the metro  
2466 township is included in a municipal services district; and

2467 (ii) for registered voters residing within an unincorporated island, whether the island  
2468 should maintain its unincorporated status or be annexed into an eligible city.

2469 (b) (i) A metro township incorporated under this part shall be governed by the  
2470 five-member council or the three-member council, depending on the metro township  
2471 population and in accordance with Chapter 3b, Part 5, Metro Township Council Form of  
2472 Municipal Government.

2473 (ii) A city or town incorporated under this part shall be governed by the five-member  
2474 council form of government as defined in Section [10-3b-102](#).

2475 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
2476 within the boundaries of a planning township or an unincorporated island, the person may not  
2477 vote on the proposed incorporation or annexation.

2478 (3) The county clerk shall publish notice of the election:

2479 (a) in a newspaper of general circulation within the planning township or  
2480 unincorporated island at least once a week for three successive weeks; and

2481 (b) in accordance with Section 45-1-101 for three weeks.

2482 (4) The notice required by Subsection (3) shall contain:

2483 (a) for residents of a planning township:

2484 (i) a statement that the voters will vote:

2485 (A) to incorporate as a city or town, according to the classifications of Section  
2486 10-2-301, or as a metro township; and

2487 (B) if the planning township incorporates as a metro township, whether the metro  
2488 township is included in a municipal services district;

2489 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the  
2490 planning township boundaries that would be effective upon incorporation;

2491 (iii) a statement that if the residents of the planning township elect to incorporate:

2492 (A) as a metro township, the metro township shall be governed by a metro township  
2493 council and the number of council members appropriate to that metro township in accordance  
2494 with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government; or

2495 (B) as a city or town, the city or town shall be governed by the five-member council  
2496 form of government as defined in Section 10-3b-102; and

2497 (iv) a statement of the date and time of the election and the location of polling places;

2498 (b) for residents of an unincorporated island:

2499 (i) a statement that the voters will vote either to be annexed into an eligible city or  
2500 maintain unincorporated status; and

2501 (ii) a statement of the eligible city, as determined by the county legislative body in  
2502 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

2503 (c) a statement of the date and time of the election and the location of polling places.

2504 (5) The last publication of notice required under Subsection (3) shall occur at least one  
2505 day but no more than seven days before the election.

2506 (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general  
2507 circulation within the proposed metro township or unincorporated island, the county clerk shall  
2508 post at least one notice of the election per 1,000 population in conspicuous places within the  
2509 planning township or unincorporated island that are most likely to give notice of the election to  
2510 the voters of the proposed incorporation or annexation.

2511 (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before  
2512 the election under Subsection (1).

2513 (7) (a) In a planning township, if a majority of those casting votes within the planning  
2514 township vote to:

2515 (i) incorporate as a city or town, the planning township shall incorporate as a city or  
2516 town, respectively; or

2517 (ii) incorporate as a metro township, the planning township shall incorporate as a metro  
2518 township.

2519 (b) If a majority of those casting votes within the planning township vote to incorporate  
2520 as a metro township, and a majority of those casting votes vote to include the metro township  
2521 in a municipal services district and limit the metro township's municipal powers, the metro  
2522 township shall be included in a municipal services district and have limited municipal powers.

2523 (c) In an unincorporated island, if a majority of those casting a vote within the selected  
2524 unincorporated island vote to:

2525 (i) be annexed by the eligible city, the area is annexed by the eligible city; or

2526 (ii) remain an unincorporated area, the area shall remain unincorporated.

2527 (8) Upon the successful election to incorporate as a metro township, city, or town, or to  
2528 be annexed by an eligible city, the boundaries of the future metro township, city, town, or area  
2529 annexed by an eligible city:

2530 (a) are fixed; and

2531 (b) may not be altered by an incorporation or annexation proposal after the election and  
2532 before the effective date of:

2533 (i) the metro township incorporation; or

2534 (ii) the annexation.

2535 Section 55. Section **10-2a-405** is enacted to read:

2536 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**

2537 **election and incorporation issues -- Rural real property excluded.**

2538 (1) The legislative body of a county of the first class shall before an election described  
2539 in Section [10-2a-404](#):

2540 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
2541 Subsection (1)(b);

2542 (b) hold a public hearing; and

2543 (c) at the public hearing, adopt a resolution:

2544 (i) identifying, including a map prepared by the county surveyor, all unincorporated  
2545 islands within the county;

2546 (ii) identifying each eligible city that will annex each unincorporated island, including  
2547 whether the unincorporated island may be annexed by one eligible city or divided and annexed  
2548 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);  
2549 and

2550 (iii) identifying, including a map prepared by the county surveyor, the planning  
2551 townships within the county and any changes to the boundaries of a planning township that the  
2552 county legislative body proposes under Subsection (5).

2553 (2) The county legislative body shall exclude from a resolution adopted under  
2554 Subsection (1)(c) rural real property unless the owner of the rural real property provides written  
2555 consent to include the property in accordance with Subsection (6).

2556 (3) (a) The county clerk shall publish notice of the public hearing described in  
2557 Subsection (1)(b):

2558 (i) by mailing notice to each owner of real property located in an unincorporated island  
2559 or planning township no later than 15 days before the day of the public hearing;

2560 (ii) at least once a week for three successive weeks in a newspaper of general  
2561 circulation within each unincorporated island, each eligible city, and each planning township;  
2562 and

2563 (iii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
2564 before the day of the public hearing.

2565 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
2566 three days before the first public hearing required under Subsection (1)(b).

2567 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation

2568 within an unincorporated island, an eligible city, or a planning township, the county clerk shall  
2569 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
2570 selected unincorporated island, eligible city, or planning township, as applicable, that are most  
2571 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or  
2572 planning township.

2573 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
2574 the hearing under Subsection (1)(b).

2575 (d) The notice under Subsection (3)(a) or (c) shall include:

2576 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
2577 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by  
2578 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
2579 the eligible city or cities; or

2580 (B) for residents of a planning township, a statement that the property in the planning  
2581 township shall be, pending the results of the election held under Section 10-2a-404,  
2582 incorporated as a city, town, or metro township;

2583 (ii) the location and time of the public hearing; and

2584 (iii) the county website where a map may be accessed showing:

2585 (A) how the unincorporated island boundaries will change if annexed by an eligible  
2586 city; or

2587 (B) how the planning township area boundaries will change, if applicable under  
2588 Subsection (5), when the planning township incorporates as a metro township or as a city or  
2589 town.

2590 (e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the  
2591 county website.

2592 (4) The county legislative body may, by ordinance or resolution adopted at a public  
2593 meeting and in accordance with applicable law, resolve an issue that arises with an election  
2594 held in accordance with this part or the incorporation and establishment of a metro township in  
2595 accordance with this part.

2596 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
2597 meeting, change the boundaries of a planning township.

2598 (b) A change to a planning township boundary under this Subsection (5) is effective

2599 only upon the vote of the residents of the planning township at an election under Section  
2600 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the  
2601 boundaries of the planning township before the election.

2602 (c) The county legislative body may alter a planning township boundary under  
2603 Subsection (5)(a) only if the alteration affects less than 5% of the residents residing within the  
2604 planning district.

2605 (6) (a) As used in this Subsection (6), "rural real property" means an area:

2606 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

2607 (ii) that does not include residential units with a density greater than one unit per acre.

2608 (b) Unless an owner of rural real property gives written consent to a county legislative  
2609 body, rural real property described in Subsection (6)(c) may not be:

2610 (i) included in a planning township identified under Subsection (1)(c); or

2611 (ii) incorporated as part of a metro township, city, or town, in accordance with this  
2612 part.

2613 (c) The following rural real property is subject to an owner's written consent under  
2614 Subsection (6)(b):

2615 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
2616 consisting of one or more tax parcels;

2617 (ii) rural real property that is not contiguous to, but used in connection with, rural real  
2618 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
2619 more tax parcels;

2620 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
2621 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more  
2622 contiguous acres of rural real property consisting of one or more tax parcels; or

2623 (iv) rural real property that is located in whole or in part in one of the following as  
2624 defined in Section 17-41-101:

2625 (A) an agricultural protection area;

2626 (B) an industrial protection area; or

2627 (C) a mining protection area.

2628 Section 56. Section **10-2a-406** is enacted to read:

2629 **10-2a-406. Ballot used at metro township incorporation election.**

2630 (1) The ballot at the election to incorporate a planning township as a metro township or  
2631 as a city or town, respectively, shall pose:

2632 (a) the incorporation question substantially as follows:

2633 "Shall [insert name of planning township] be incorporated as a metro township [insert  
2634 the proposed name of the proposed metro township, which is the formal name of the planning  
2635 township with the words "metro township" immediately after the formal name] or as the [insert  
2636 the appropriate designation of city or town based on population classification] of [insert the  
2637 proposed name of the proposed city or town, respectively, which is the formal name of the  
2638 planning township with, if the area qualifies as a city under the population classifications, the  
2639 word "city" immediately after the formal name or if the area qualifies as a town under the  
2640 population classification, the words "town of" immediately preceding the formal name]?"; and

2641 (b) the question, if a metro township is incorporated, of whether a metro township shall  
2642 be a metro township with limited municipal powers that is included in a municipal services  
2643 district substantially as follows:

2644 "If the majority of voters voting in this election vote to incorporate as a metro township,  
2645 shall the metro township be a metro township with limited municipal powers that is included in  
2646 a municipal services district?";

2647 (2) The ballot shall provide a space for the voter to indicate:

2648 (a) either the metro township or the city or town, respectively, as described in  
2649 Subsection (1)(a); and

2650 (b) whether the metro township shall be a metro township with limited municipal  
2651 powers that is included in a municipal services district.

2652 Section 57. Section **10-2a-407** is enacted to read:

2653 **10-2a-407. Ballot used at unincorporated island annexation election.**

2654 (1) The ballot at the election to either annex an unincorporated island into an eligible  
2655 city or to remain an unincorporated island shall pose the question substantially as follows:

2656 "Shall [insert description of the unincorporated island or part of an island identified in  
2657 the resolution adopted under Section 10-2a-405] be annexed by [insert name of eligible city  
2658 identified in the resolution adopted under Section 10-2a-405] or remain unincorporated?";

2659 (2) The ballot shall provide:

2660 (a) a map of the selected unincorporated island and the eligible city; and

2661 (b) a space for the voter to indicate either to annex into the eligible city or to remain an  
2662 unincorporated area as described in Subsection (1).

2663 Section 58. Section **10-2a-408** is enacted to read:

2664 **10-2a-408. Notification to lieutenant governor of incorporation election results.**

2665 Within 10 days of the canvass of the incorporation and annexation election, the county  
2666 clerk shall send written notice to the lieutenant governor of:

2667 (1) the results of the election;

2668 (2) for a planning township:

2669 (a) if the incorporation of a planning township as a metro township passes:

2670 (i) the name of the metro township; and

2671 (ii) the class of the metro township as provided under Section [10-2-301.5](#); and

2672 (b) if the incorporation of a planning township as a city or town passes:

2673 (i) the name of the city or town; and

2674 (ii) if the incorporated area is a city, the class of the city as defined in Section

2675 [10-2-301](#); and

2676 (3) for an unincorporated island, whether the unincorporated island or a portion of the  
2677 island is annexed into an eligible city.

2678 Section 59. Section **10-2a-409** is enacted to read:

2679 **10-2a-409. Unincorporated island annexation -- Notice and recording-- Applicable**  
2680 **provisions.**

2681 (1) If the annexation of an unincorporated island into an eligible city passes, the  
2682 legislative body of the eligible city shall comply with Section [10-2-425](#).

2683 (2) The following provisions apply to an annexation under this part:

2684 (a) Section [10-2-420](#);

2685 (b) Section [10-2-421](#);

2686 (c) Section [10-2-422](#);

2687 (d) Section [10-2-426](#); and

2688 (e) Section [10-2-428](#).

2689 Section 60. Section **10-2a-410** is enacted to read:

2690 **10-2a-410. Incorporation of metro townships after November 3, 2015.**

2691 (1) (a) An area located in a county of the first class that is unincorporated after the

2692 results of the election held in accordance with Section 10-2a-404 may, after November 3, 2015,  
2693 incorporate as a metro township in accordance with this section.

2694 (b) An unincorporated area other than an area described in Subsection (1)(a) may not  
2695 incorporate as a metro township under this section.

2696 (2) A metro township may not be established unless the area to be included within the  
2697 proposed metro township:

2698 (a) is unincorporated;

2699 (b) is contiguous; and

2700 (c) (i) contains:

2701 (A) at least 20% but not more than 80% of the total private land area in the  
2702 unincorporated county or the total value of locally assessed taxable property in the  
2703 unincorporated county; or

2704 (B) at least 5% of the total population of the unincorporated county, but no less than  
2705 300 residents; or

2706 (ii) has been declared by the United States Census Bureau as a census designated place.

2707 (3) (a) The process to establish a metro township is initiated by the filing of a petition  
2708 with the clerk of the county in which the proposed metro township is located.

2709 (b) A petition to establish a metro township may not be filed if it proposes the  
2710 establishment of a metro township that includes an area within a proposed metro township in a  
2711 petition that has previously been certified under Subsection (9)(a)(i), until after the canvass of  
2712 an election on the proposed metro township under Subsection (11).

2713 (4) A petition under Subsection (3) to establish a metro township shall:

2714 (a) be signed by the owners of private real property that:

2715 (i) is located within the proposed metro township;

2716 (ii) covers at least 10% of the total private land area within the proposed metro  
2717 township; and

2718 (iii) is equal in value to at least 10% of the value of all private real property within the  
2719 proposed metro township;

2720 (b) be accompanied by an accurate plat or map showing the boundary of the contiguous  
2721 area proposed to be established as a metro township;

2722 (c) indicate the typed or printed name and current residence address of each owner

2723 signing the petition;

2724 (d) designate up to five signers of the petition as petition sponsors, one of whom shall  
2725 be designated as the contact sponsor, with the mailing address and telephone number of each  
2726 petition sponsor;

2727 (e) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
2728 petition for purposes of the petition; and

2729 (f) request the county legislative body to provide notice of the petition and of a public  
2730 hearing, hold a public hearing, and conduct an election on the proposal to establish a metro  
2731 township.

2732 (5) Subsection 10-2a-102(3) applies to a petition to establish a metro township to the  
2733 same extent as if it were an incorporation petition under Title 10, Chapter 2a, Part 2,  
2734 Incorporation of a City.

2735 (6) Within seven days after the filing of a petition under Subsection (3) proposing the  
2736 establishment of a metro township, the county clerk shall provide notice of the filing of the  
2737 petition to:

2738 (a) each owner of real property owning more than 1% of the assessed value of all real  
2739 property within the proposed metro township; and

2740 (b) each owner of real property owning more than 850 acres of real property within the  
2741 proposed metro township.

2742 (7) A property owner may exclude all or part of the property owner's property from a  
2743 proposed metro township:

2744 (a) if:

2745 (i) (A) the property owner owns more than 1% of the assessed value of all property  
2746 within the proposed township, the property is nonurban, and the property does not or will not  
2747 require municipal provision of municipal-type services or the property owner owns more than  
2748 850 acres of real property within the proposed metro township; and

2749 (B) exclusion of the property will not leave within the metro township an island of  
2750 property that is not part of the metro township; or

2751 (ii) the property owner owns rural real property as that term is defined in Section  
2752 17B-2a-1107; and

2753 (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under

2754 Subsection (6).

2755 (8) (a) The county legislative body shall exclude from the proposed metro township the  
2756 property identified in a notice of exclusion timely filed under Subsection (7)(b) if the property  
2757 meets the applicable requirements of Subsection (7)(a).

2758 (b) If the county legislative body excludes property from a proposed metro township  
2759 under Subsection (8)(a), the county legislative body shall, within five days after the exclusion,  
2760 send written notice of its action to the contact sponsor.

2761 (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county  
2762 clerk shall:

2763 (i) with the assistance of other county officers from whom the clerk requests assistance,  
2764 determine whether the petition complies with the requirements of Subsection (4); and

2765 (ii) if the clerk determines that the petition:

2766 (A) complies with the requirements of Subsection (4), certify the petition, deliver the  
2767 certified petition to the county legislative body, and mail or deliver written notification of the  
2768 certification to the contact sponsor; or

2769 (B) fails to comply with any of the requirements of Subsection (4), reject the petition  
2770 and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

2771 (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may  
2772 be amended to correct the deficiencies for which it was rejected and then refiled with the  
2773 county clerk.

2774 (10) (a) Within 90 days after a petition to establish a metro township is certified, the  
2775 county legislative body shall hold a public hearing on the proposal to establish a metro  
2776 township.

2777 (b) A public hearing under Subsection (10)(a) shall be:

2778 (i) within the boundary of the proposed metro township; or

2779 (ii) if holding a public hearing in that area is not practicable, as close to that area as  
2780 practicable.

2781 (c) At least one week before holding a public hearing under Subsection (10)(a), the  
2782 county legislative body shall publish notice of the petition and the time, date, and place of the  
2783 public hearing:

2784 (i) at least once in a newspaper of general circulation in the county; and

2785 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

2786 (11) (a) Following the public hearing under Subsection (10)(b), the county legislative  
2787 body shall arrange for the proposal to establish a metro township to be submitted to voters  
2788 residing within the proposed metro township at the next regular general election that is more  
2789 than 90 days after the public hearing.

2790 (b) For the election required under Subsection (11)(a), the county and county clerk  
2791 shall, except as provided in Subsection (11)(c), follow the provisions of Section 10-2a-404 that  
2792 govern an election by residents of a planning district to incorporate as a metro township as if  
2793 the area described in Subsection (1) was the planning district, but excluding any action or  
2794 information that includes a requirement applicable to the option of incorporating as a city or  
2795 town under Section 10-2a-404 or the question on a ballot under Section 10-2a-406.

2796 (c) Notwithstanding Subsection 10-2a-404(1)(a), the election shall be held on a date  
2797 that complies with Subsection (11)(a).

2798 (12) The provisions of Section 10-2a-411 govern the election of metro township  
2799 officers.

2800 Section 61. Section 10-2a-411 is enacted to read:

2801 **10-2a-411. Determination of metro township districts -- Determination of metro**  
2802 **township or city initial officer terms -- Adoption of proposed districts.**

2803 (1) If a metro township incorporated in accordance with an election held under Section  
2804 10-2a-404 or 10-2a-410 meets, according to the most recent population estimates by the Utah  
2805 Population Estimates Committee, the population requirements for:

2806 (a) a five-member governing body as described in Section 10-3b-501:

2807 (i) each of the five metro township council members shall be elected by district; and

2808 (ii) the boundaries of the five council districts for election and the terms of office shall  
2809 be designated and determined in accordance with this section; or

2810 (b) a three-member governing body as described in Section 10-3b-501, the three metro  
2811 township council members shall be elected at large for terms as designated and determined in  
2812 accordance with this section.

2813 (2) (a) If a town is incorporated at an election held in accordance with Section  
2814 10-2a-404, the five council members shall be elected at large for terms as designated and  
2815 determined in accordance with this section.

2816 (b) If a city is incorporated at an election held in accordance with Section 10-2a-404:

2817 (i) (A) the four members of the council district who are not the mayor shall be elected  
2818 by district; and

2819 (B) the boundaries of the four council districts for election and the term of office shall  
2820 be designated and determined in accordance with this section; and

2821 (ii) the mayor shall be elected at large for a term designated and determined in  
2822 accordance with this section.

2823 (3) (a) No later than 90 days after the election day on which the metro township, city,  
2824 or town is successfully incorporated under this part, the legislative body of the county in which  
2825 the metro township is located shall adopt by resolution:

2826 (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town,  
2827 the council terms for a length of time in accordance with this section; and

2828 (ii) (A) for a metro township of the first class, if applicable, the boundaries of the five  
2829 council districts; and

2830 (B) for a city, the boundaries of the four council districts.

2831 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
2832 initial terms of the members of the metro township council, city council, or town council so  
2833 that:

2834 (A) approximately half the members of the council, including the mayor in the case of  
2835 a city, are elected to serve an initial term, of no less than one year, that allows their successors  
2836 to serve a full four-year term that coincides with the schedule established in Subsection  
2837 10-3-205(1); and

2838 (B) the remaining members of the council are elected to serve an initial term, of no less  
2839 than one year, that allows their successors to serve a full four-year term that coincides with the  
2840 schedule established in Subsection 10-3-205(2).

2841 (ii) For a metro township of the first class, the county legislative body shall divide the  
2842 metro township into five council districts that comply with Section 10-3-205.5.

2843 (iii) For a city, the county legislative body shall divide the city into four council  
2844 districts that comply with Section 10-3-205.5.

2845 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under  
2846 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice

2847 containing:

2848 (i) if applicable, a description of the boundaries of the metro township council or city  
2849 council districts as designated in the resolution;

2850 (ii) information about the deadline for filing a declaration of candidacy for those  
2851 seeking to become candidates for metro township council, city council, town council, or city  
2852 mayor, respectively; and

2853 (iii) information about the length of the initial term of city mayor or each of the metro  
2854 township, city, or town council offices, as described in the resolution.

2855 (b) The notice under Subsection (4)(a) shall be published:

2856 (i) in a newspaper of general circulation within the metro township, city, or town at  
2857 least once a week for two successive weeks; and

2858 (ii) in accordance with Section [45-1-101](#) for two weeks.

2859 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general  
2860 circulation within the future metro township, city, or town, the county clerk shall post at least  
2861 one notice per 1,000 population in conspicuous places within the future metro township, city,  
2862 or town that are most likely to give notice to the residents of the future metro township, city, or  
2863 town.

2864 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under  
2865 Subsection (4)(a).

2866 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven  
2867 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2868 (d) A person seeking to become a candidate for metro township, city, or town council  
2869 or city mayor shall, in accordance with Section [20A-9-202](#), file a declaration of candidacy with  
2870 the clerk of the county in which the metro township, city, or town is located for an election  
2871 described in Section [10-2a-412](#).

2872 Section 62. Section **10-2a-412** is enacted to read:

2873 **10-2a-412. Election of officers of new city, town, or metro township.**

2874 (1) For the election of the initial office holders of a metro township, city, or town,  
2875 respectively, incorporated under Section [10-2a-404](#), the county legislative body shall:

2876 (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary  
2877 election at the next regular primary election, as described in Section [20A-1-201.5](#), following

2878 the November 3, 2015, election to incorporate; and

2879 (b) hold a final election at the next regular general election date following the election  
2880 to incorporate.

2881 (2) An election under Subsection (1) for the officers of:

2882 (a) a metro township shall be consistent with the number of council members based on  
2883 the population of the metro township as described in Subsection 10-2a-404(1)(b)(i); and

2884 (b) a city or town shall be consistent with the number of council members, including  
2885 the city mayor as a member of a city council, described in Subsection 10-2a-404(1)(b)(ii).

2886 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2887 (A) at least once a week for two successive weeks in a newspaper of general circulation  
2888 within the future metro township, city, or town; and

2889 (B) in accordance with Section 45-1-101 for two weeks.

2890 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more  
2891 than seven days before the election.

2892 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general  
2893 circulation within the future metro township, city, or town, the county clerk shall post at least  
2894 one notice of the election per 1,000 population in conspicuous places within the future metro  
2895 township, city, or town that are most likely to give notice of the election to the voters.

2896 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven  
2897 days before each election under Subsection (1).

2898 (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the  
2899 election officer for all purposes in an election of officers of the metro township, city, or town.

2900 (b) The county clerk is responsible to ensure that:

2901 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date  
2902 described in Subsection (1)(a);

2903 (ii) the final election described in Subsection (1)(b) is held on the date described in  
2904 Subsection (1)(b); and

2905 (iii) the ballot for each election includes each office that is required to be included for  
2906 officials in the metro township, city, or town, and the length of term of each office.

2907 (5) The officers elected at an election described in Subsection (1)(b) shall take office at  
2908 noon on the first Monday in January next following the election.

2909 Section 63. Section **10-2a-413** is enacted to read:

2910 **10-2a-413. Notification to lieutenant governor of election of officers.**

2911 Within 10 days of the canvass of final election of metro township, city, or town officers  
2912 under Section [10-2a-412](#), the county clerk shall send written notice to the lieutenant governor  
2913 of the name and position of each officer elected and the term for which each has been elected.

2914 Section 64. Section **10-2a-414** is enacted to read:

2915 **10-2a-414. Incorporation under this part subject to other provisions.**

2916 (1) An incorporation of a metro township, city, or town under this part is subject to the  
2917 following provisions to the same extent as the incorporation of a city under Part 2,  
2918 Incorporation of a City:

2919 (a) Section [10-2a-217](#);

2920 (b) Section [10-2a-219](#); and

2921 (c) Section [10-2a-220](#).

2922 (2) An incorporation of a city or town under this part is subject to Section [10-2a-218](#) to  
2923 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2924 Section 65. Section **10-3-205.5** is amended to read:

2925 **10-3-205.5. At-large election of officers -- Election of commissioners or council**  
2926 **members.**

2927 (1) Except as provided in [~~Subsection (2)] Subsection (2), (3), or (4), the officers of~~

2928 each city shall be elected in an at-large election held at the time and in the manner provided for

2929 electing municipal officers.

2930 (2) (a) [~~Notwithstanding Subsection (1), the~~] The governing body of a city may by

2931 ordinance provide for the election of some or all commissioners or council members, as the

2932 case may be, by district equal in number to the number of commissioners or council members

2933 elected by district.

2934 (b) (i) Each district shall be of substantially equal population as the other districts.

2935 (ii) Within six months after the Legislature completes its redistricting process, the

2936 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make

2937 any adjustments in the boundaries of the districts as may be required to maintain districts of

2938 substantially equal population.

2939 (3) (a) The municipal council members of a metro township, as defined in Section

2940 10-2a-403, are elected:

2941 (i) by district in accordance with Subsection 10-2a-411(1)(a)(i); or

2942 (ii) at large in accordance with Subsection 10-2a-411(1)(b).

2943 (b) The council districts in a metro township shall comply with the requirements of  
2944 Subsections (2)(b)(i) and (ii).

2945 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of  
2946 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
2947 12, 2015:

2948 (i) the council members are elected by district in accordance with Section 10-2a-411;  
2949 and

2950 (ii) the mayor is elected at large in accordance with Section 10-2a-411.

2951 (b) The council districts in a city described in Subsection (4)(a) shall comply with the  
2952 requirements of Subsections (2)(b)(i) and (ii).

2953 Section 66. Section **10-3-1302** is amended to read:

2954 **10-3-1302. Purpose.**

2955 (1) The purposes of this part are to establish standards of conduct for municipal  
2956 officers and employees and to require these persons to disclose actual or potential conflicts of  
2957 interest between their public duties and their personal interests.

2958 (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part  
2959 may not be applied to an employee who is paid a salary or otherwise reimbursed by another  
2960 political subdivision for services required by law to be provided to the metro township.

2961 Section 67. Section **10-3b-102** is amended to read:

2962 **10-3b-102. Definitions.**

2963 As used in this chapter:

2964 (1) "Council-mayor form of government" means the form of municipal government  
2965 that:

2966 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

2967 (ii) may not be adopted without voter approval; and

2968 (iii) consists of two separate, independent, and equal branches of municipal  
2969 government; and

2970 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal

2971 Government.

2972 (2) "Five-member council form of government" means the form of municipal  
2973 government described in Part 4, Five-Member Council Form of Municipal Government.

2974 (3) "Metro township" means the same as that term is defined in Section [10-2a-403](#).

2975 (4) "Metro township council form of government" means the form of metro township  
2976 government described in Part 5, Metro Township Council Form of Municipal Government.

2977 [~~3~~] (5) "Six-member council form of government" means the form of municipal  
2978 government described in Part 3, Six-Member Council Form of Municipal Government.

2979 Section 68. Section **10-3b-103** is amended to read:

2980 **10-3b-103. Forms of municipal government -- Form of government for towns --**  
2981 **Former council-manager form.**

2982 (1) A municipality operating on May 4, 2008, under the council-mayor form of  
2983 government:

2984 (a) shall, on and after May 5, 2008:

2985 (i) operate under a council-mayor form of government, as defined in Section  
2986 [10-3b-102](#); and

2987 (ii) be subject to:

2988 (A) this part;

2989 (B) Part 2, Council-mayor Form of Municipal Government;

2990 (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2991 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

2992 and

2993 (b) is not subject to:

2994 (i) Part 3, Six-member Council Form of Municipal Government; ~~[or]~~

2995 (ii) Part 4, Five-member Council Form of Municipal Government~~[-]; or~~

2996 (iii) Part 5, Metro Township Council Form of Municipal Government.

2997 (2) A municipality operating on May 4, 2008 under a form of government known under  
2998 the law then in effect as the six-member council form:

2999 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an  
3000 ordinance appointing a manager for the municipality:

3001 (i) operate under a six-member council form of government, as defined in Section

3002 10-3b-102;

3003 (ii) be subject to:

3004 (A) this part;

3005 (B) Part 3, Six-member Council Form of Municipal Government;

3006 (C) Part [5] 6, Changing to Another Form of Municipal Government; and

3007 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

3008 and

3009 (b) is not subject to:

3010 (i) Part 2, Council-mayor Form of Municipal Government; [or]

3011 (ii) Part 4, Five-member Council Form of Municipal Government[-]; or

3012 (iii) Part 5, Metro Township Council Form of Municipal Government.

3013 (3) A municipality operating on May 4, 2008, under a form of government known  
3014 under the law then in effect as the five-member council form:

3015 (a) shall, on and after May 5, 2008:

3016 (i) operate under a five-member council form of government, as defined in Section

3017 10-3b-102;

3018 (ii) be subject to:

3019 (A) this part;

3020 (B) Part 4, Five-member Council Form of Municipal Government;

3021 (C) Part [5] 6, Changing to Another Form of Municipal Government; and

3022 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

3023 and

3024 (b) is not subject to:

3025 (i) Part 2, Council-mayor Form of Municipal Government; [or]

3026 (ii) Part 3, Six-member Council Form of Municipal Government[-]; or

3027 (iii) Part 5, Metro Township Council Form of Municipal Government.

3028 (4) Subject to Subsection (5), each municipality other than a metro township  
3029 incorporated on or after May 5, 2008, shall operate under:

3030 (a) the council-mayor form of government, with a five-member council;

3031 (b) the council-mayor form of government, with a seven-member council;

3032 (c) the six-member council form of government; or

3033 (d) the five-member council form of government.

3034 (5) Each town shall operate under a five-member council form of government unless:

3035 (a) before May 5, 2008, the town has changed to another form of municipal

3036 government; or

3037 (b) on or after May 5, 2008, the town changes its form of government as provided in

3038 Part [5] 6, Changing to Another Form of Municipal Government.

3039 (6) Each metro township:

3040 (a) shall operate under a metro township council form of government;

3041 (b) is subject to:

3042 (i) this part;

3043 (ii) Part 5, Metro Township Council Form of Municipal Government; and

3044 (iii) except as provided in Subsection (6)(c), other applicable provisions of this title;

3045 and

3046 (c) is not subject to:

3047 (i) Part 2, Council-mayor Form of Municipal Government;

3048 (ii) Part 3, Six-member Council Form of Municipal Government; or

3049 (iii) Part 4, Five-Member Council Form of Municipal Government.

3050 [~~6~~] (7) (a) As used in this Subsection [~~6~~] (7), "council-manager form of

3051 government" means the form of municipal government:

3052 (i) provided for in Laws of Utah 1977, Chapter 48;

3053 (ii) that cannot be adopted without voter approval; and

3054 (iii) that provides for, subject to Subsections [~~7~~] (8) and [~~8~~] (9), an appointed

3055 manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.

3056 (b) A municipality operating on May 4, 2008, under the council-manager form of

3057 government:

3058 (i) shall:

3059 (A) continue to operate, on and after May 5, 2008, under the council-manager form of

3060 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

3061 (B) be subject to:

3062 (I) this Subsection [~~6~~] (7) and other applicable provisions of this part;

3063 (II) Part [5] 6, Changing to Another Form of Municipal Government; and

3064 (III) except as provided in Subsection [~~(6)~~] (7)(b)(ii), other applicable provisions of  
3065 this title; and

3066 (ii) is not subject to:

3067 (A) Part 2, Council-mayor Form of Municipal Government;

3068 (B) Part 3, Six-member Council Form of Municipal Government; [~~or~~]

3069 (C) Part 4, Five-member Council Form of Municipal Government[~~;~~]; or

3070 (D) Part 5, Metro Township Council Form of Municipal Government.

3071 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "interim vacancy period" means the  
3072 period of time that:

3073 (i) begins on the day on which a municipal general election described in Section  
3074 10-3-201 is held to elect a council member; and

3075 (ii) ends on the day on which the council member-elect begins the council member's  
3076 term.

3077 (b) (i) The council may not appoint a manager during an interim vacancy period.

3078 (ii) Notwithstanding Subsection [~~(7)~~] (8)(b)(i):

3079 (A) the council may appoint an interim manager during an interim vacancy period; and

3080 (B) the interim manager's term shall expire once a new manager is appointed by the  
3081 new administration after the interim vacancy period has ended.

3082 (c) Subsection [~~(7)~~] (8)(b) does not apply if all the council members who held office on  
3083 the day of the municipal general election whose term of office was vacant for the election are  
3084 re-elected to the council for the following term.

3085 [~~(8)~~] (9) A council that appoints a manager in accordance with this section may not, on  
3086 or after May 10, 2011, enter into an employment contract that contains an automatic renewal  
3087 provision with the manager.

3088 [~~(9)~~] (10) Nothing in this section may be construed to prevent or limit a municipality  
3089 operating under any form of municipal government from changing to another form of  
3090 government as provided in Part [5] 6, Changing to Another Form of Municipal Government.

3091 Section 69. Section 10-3b-202 is amended to read:

3092 **10-3b-202. Mayor in council-mayor form of government.**

3093 (1) The mayor in a municipality operating under the council-mayor form of  
3094 government:

- 3095 (a) is the chief executive and administrative officer of the municipality;
- 3096 (b) exercises the executive and administrative powers and performs or supervises the
- 3097 performance of the executive and administrative duties and functions of the municipality;
- 3098 (c) shall:
- 3099 (i) keep the peace and enforce the laws of the municipality;
- 3100 (ii) execute the policies adopted by the council;
- 3101 (iii) appoint, with the council's advice and consent, a qualified person for each of the
- 3102 following positions:
- 3103 (A) subject to Subsection (3), chief administrative officer, if required under the
- 3104 resolution or petition under Subsection [~~10-3b-503~~] [10-3b-603](#)(1)(a) that proposed the change
- 3105 to a council-mayor form of government;
- 3106 (B) recorder;
- 3107 (C) treasurer;
- 3108 (D) engineer; and
- 3109 (E) attorney;
- 3110 (iv) provide to the council, at intervals provided by ordinance, a written report to the
- 3111 council setting forth:
- 3112 (A) the amount of budget appropriations;
- 3113 (B) total disbursements from the appropriations;
- 3114 (C) the amount of indebtedness incurred or contracted against each appropriation,
- 3115 including disbursements and indebtedness incurred and not paid; and
- 3116 (D) the percentage of the appropriations encumbered;
- 3117 (v) report to the council the condition and needs of the municipality;
- 3118 (vi) report to the council any release granted under Subsection (1)(d)(xiii);
- 3119 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the
- 3120 remittance to the council at the council's next meeting after the remittance;
- 3121 (viii) perform each other duty:
- 3122 (A) prescribed by statute; or
- 3123 (B) required by a municipal ordinance that is not inconsistent with statute;
- 3124 (d) may:
- 3125 (i) subject to budget constraints:

3126 (A) appoint:  
3127 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and  
3128 (II) one or more deputies or administrative assistants to the mayor; and  
3129 (B) (I) create any other administrative office that the mayor considers necessary for  
3130 good government of the municipality; and  
3131 (II) appoint a person to the office;  
3132 (ii) with the council's advice and consent and except as otherwise specifically limited  
3133 by statute, appoint:  
3134 (A) each department head of the municipality;  
3135 (B) each statutory officer of the municipality; and  
3136 (C) each member of a statutory commission, board, or committee of the municipality;  
3137 (iii) dismiss any person appointed by the mayor;  
3138 (iv) as provided in Section [10-3b-204](#), veto an ordinance, tax levy, or appropriation  
3139 passed by the council;  
3140 (v) exercise control of and supervise each executive or administrative department,  
3141 division, or office of the municipality;  
3142 (vi) within the general provisions of statute and ordinance, regulate and prescribe the  
3143 powers and duties of each other executive or administrative officer or employee of the  
3144 municipality;  
3145 (vii) attend each council meeting, take part in council meeting discussions, and freely  
3146 give advice to the council;  
3147 (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill  
3148 in all other respects the requirements of, as the case may be:  
3149 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or  
3150 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;  
3151 (ix) execute an agreement on behalf of the municipality, or delegate, by written  
3152 executive order, the authority to execute an agreement on behalf of the municipality:  
3153 (A) if the obligation under the agreement is within certified budget appropriations; and  
3154 (B) subject to Section [10-6-138](#);  
3155 (x) at any reasonable time, examine and inspect the official books, papers, records, or  
3156 documents of:

- 3157 (A) the municipality; or  
3158 (B) any officer, employee, or agent of the municipality;  
3159 (xi) remit fines and forfeitures;  
3160 (xii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3161 in enforcing the laws of the state and ordinances of the municipality; and  
3162 (xiii) release a person imprisoned for a violation of a municipal ordinance; and  
3163 (e) may not vote on any matter before the council.
- 3164 (2) (a) The first mayor elected under a newly established mayor-council form of  
3165 government shall, within six months after taking office, draft and submit to the council a  
3166 proposed ordinance:
- 3167 (i) providing for the division of the municipality's administrative service into  
3168 departments, divisions, and bureaus; and  
3169 (ii) defining the functions and duties of each department, division, and bureau.
- 3170 (b) Before the council adopts an ordinance on the municipality's administrative service,  
3171 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness  
3172 in the divisions of the municipal government.
- 3173 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
3174 time that:
- 3175 (i) begins on the day on which a municipal general election described in Section  
3176 10-3-201 is held to elect a mayor; and  
3177 (ii) ends on the day on which the mayor-elect begins the mayor's term.
- 3178 (b) Each person appointed as chief administrative officer under Subsection  
3179 (1)(c)(iii)(A) shall be appointed on the basis of:
- 3180 (i) the person's ability and prior experience in the field of public administration; and  
3181 (ii) any other qualification prescribed by ordinance.
- 3182 (c) (i) The mayor may not appoint a chief administrative officer during an interim  
3183 vacancy period.  
3184 (ii) Notwithstanding Subsection (3)(c)(i):  
3185 (A) the mayor may appoint an interim chief administrative officer during an interim  
3186 vacancy period; and  
3187 (B) the interim chief administrative officer's term shall expire once a new chief

3188 administrative officer is appointed by the new mayor after the interim vacancy period has  
3189 ended.

3190 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the  
3191 municipal general election is re-elected to the mayor's office for the following term.

3192 (4) A mayor who appoints a chief administrative officer in accordance with this section  
3193 may not, on or after May 10, 2011, enter into an employment contract that contains an  
3194 automatic renewal provision with the chief administrative officer.

3195 Section 70. Section **10-3b-501** is repealed and reenacted to read:

3196 **Part 5. Metro Township Council Form of Municipal Government**

3197 **10-3b-501. Metro township government powers vested in a five-member council.**

3198 (1) The powers of municipal government in a metro township, as defined in Section  
3199 10-2a-403, are vested in a council consisting of three or five members, one of which is the  
3200 chair.

3201 (2) Based on the most recent population data available from the Utah Population  
3202 Estimates Committee and the classifications in Section 10-2-301.5, a metro township:

3203 (a) of the second class has a council consisting of three members elected at large; and

3204 (b) of the first class has a council consisting of five members elected by district.

3205 Section 71. Section **10-3b-502** is repealed and reenacted to read:

3206 **10-3b-502. Governance of metro townships that are not in a municipal services**  
3207 **district.**

3208 For a metro township in which the voters at an election held in accordance with Section  
3209 10-2a-404 do not choose a metro township with limited municipal powers that is included in a  
3210 municipal services district:

3211 (1) (a) the council, regardless of whether the council has five or three members under  
3212 Section 10-3b-501;

3213 (i) has the same powers, authority, and duties as a council described in Section  
3214 10-3b-403; and

3215 (ii) is not subject to Section 10-3b-504; and

3216 (b) the chair:

3217 (i) has the same powers, authority, and duties as a mayor described in Section  
3218 10-3b-402; and

- 3219 (ii) is not subject to Section 10-3b-503.
- 3220 Section 72. Section **10-3b-503** is repealed and reenacted to read:
- 3221 **10-3b-503. Chair in a metro township included in a municipal services district.**
- 3222 (1) The chair in a metro township that is included in a municipal services district:
- 3223 (a) is a regular and voting member of the council;
- 3224 (b) is elected by the members of the council from among the council members;
- 3225 (c) is the chair of the council and presides at all council meetings;
- 3226 (d) exercises ceremonial functions for the municipality;
- 3227 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken
- 3228 by the council;
- 3229 (f) represents the metro township on the board of a municipal services district; and
- 3230 (g) has other powers and duties described in this section and otherwise authorized by
- 3231 law except as modified by ordinance under Subsection 10-3b-504(2).
- 3232 (2) Except as provided in Subsection (3), the chair in a metro township that is included
- 3233 in a municipal services district:
- 3234 (a) shall:
- 3235 (i) keep the peace and enforce the laws of the metro township;
- 3236 (ii) ensure that all applicable statutes and metro township ordinances and resolutions
- 3237 are faithfully executed and observed;
- 3238 (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the
- 3239 remittance to the council at the council's next meeting after the remittance;
- 3240 (iv) perform all duties prescribed by statute or metro township ordinance or resolution;
- 3241 (v) report to the council the condition and needs of the metro township;
- 3242 (vi) report to the council any release granted under Subsection (2)(g)(iv); and
- 3243 (b) may:
- 3244 (i) recommend for council consideration any measure that the chair considers to be in
- 3245 the best interests of the municipality;
- 3246 (ii) remit fines and forfeitures;
- 3247 (iii) if necessary, call on residents of the municipality over the age of 21 years to assist
- 3248 in enforcing the laws of the state and ordinances of the municipality;
- 3249 (iv) release a person imprisoned for a violation of a municipal ordinance;

3250 (v) with the council's advice and consent appoint a person to fill a municipal office or a  
3251 vacancy on a commission or committee of the municipality; and

3252 (vi) at any reasonable time, examine and inspect the official books, papers, records, or  
3253 documents of:

3254 (A) the municipality; or

3255 (B) any officer, employee, or agency of the municipality.

3256 (3) The powers and duties in Subsection (1) are subject to the council's authority to  
3257 limit or expand the chair's powers and duties under Section [10-3b-504\(2\)](#).

3258 (4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member  
3259 of the council as chair pro tempore, to:

3260 (i) preside at a council meeting; and

3261 (ii) perform during the chair's absence, disability, or refusal to act, the duties and  
3262 functions of chair.

3263 (b) In accordance with Section [10-3c-203](#), the county clerk of the county in which the  
3264 metro township is located shall enter in the minutes of the council meeting the election of a  
3265 council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).

3266 Section 73. Section [10-3b-504](#) is repealed and reenacted to read:

3267 **10-3b-504. Council in a metro township included in a municipal services district.**

3268 (1) The council in a metro township that is included in a municipal services district:

3269 (a) exercises any executive or administrative power and performs or supervises the  
3270 performance of any executive or administrative power, duty, or function that has not been  
3271 given to the chair under Section [10-3b-503](#) unless the council removes that power, duty, or  
3272 function from the chair in accordance with Subsection (2);

3273 (b) may:

3274 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

3275 (A) removing from the chair any power, duty, or function of the chair; and

3276 (B) reinstating to the chair any power, duty, or function previously removed under  
3277 Subsection (1)(b)(i)(A); and

3278 (ii) adopt an ordinance delegating to the chair any executive or administrative power,  
3279 duty, or function that the council has under Subsection (1)(a); and

3280 (c) may not remove from the chair or delegate:

- 3281 (i) any of the chair's legislative or judicial powers or ceremonial functions;  
3282 (ii) the chair's position as chair of the council; or  
3283 (iii) any ex officio position that the chair holds.  
3284 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to  
3285 the chair a power, duty, or function provided for in Section [10-3b-503](#) requires the affirmative  
3286 vote of:  
3287 (a) the chair and a majority of all other council members; or  
3288 (b) all council members except the chair.  
3289 (3) The metro township council of a metro township that is included in a municipal  
3290 services district:  
3291 (a) shall:  
3292 (i) by ordinance, provide for the manner in which a subdivision is approved,  
3293 disapproved, or otherwise regulated;  
3294 (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;  
3295 (iii) perform all duties that the law imposes on the council; and  
3296 (iv) elect one of its members to be chair of the metro township and the chair of the  
3297 council;  
3298 (b) may:  
3299 (i) (A) notwithstanding Subsection (3)(c), appoint a committee of council members or  
3300 citizens to conduct an investigation into an officer, department, or agency of the municipality,  
3301 or any other matter relating to the welfare of the municipality; and  
3302 (B) delegate to an appointed committee powers of inquiry that the council considers  
3303 necessary;  
3304 (ii) make and enforce any additional rule or regulation for the government of the  
3305 council, the preservation of order, and the transaction of the council's business that the council  
3306 considers necessary; and  
3307 (iii) subject to the limitations provided in Subsection (5), take any action allowed under  
3308 Section [10-8-84](#) that is reasonably related to the safety, health, morals, and welfare of the metro  
3309 township inhabitants; and  
3310 (c) may not:  
3311 (i) direct or request, other than in writing, the appointment of a person to or the

3312 removal of a person from an executive municipal office;

3313 (ii) interfere in any way with an executive officer's performance of the officer's duties;

3314 or

3315 (iii) publicly or privately give orders to a subordinate of the chair.

3316 (4) A member of a metro township council as described in this section may not have  
3317 any other compensated employment with the metro township.

3318 (5) The council of a metro township that is included in a municipal services district  
3319 may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a  
3320 municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services  
3321 district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

3322 Section 74. Section **10-3b-601** is enacted to read:

**Part 6. Changing to Another Form of Municipal Government**

**10-3b-601. Authority to change to another form of municipal government.**

3325 (1) As provided in this part, a municipality may change from the form of government  
3326 under which it operates to:

3327 (a) the council-mayor form of government with a five-member council;

3328 (b) the council-mayor form of government with a seven-member council;

3329 (c) the six-member council form of government; or

3330 (d) the five-member council form of government.

3331 (2) (a) A metro township that changes from the metro township council form of  
3332 government to a form described in Subsection (1):

3333 (i) is no longer a metro township; and

3334 (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority  
3335 of a city or town.

3336 (b) If a metro township with a population that qualifies as a town in accordance with  
3337 Section 10-2-301 changes the metro township's form of government in accordance with this  
3338 part, the metro township may only change to the five-member council form of government.

3339 (3) A municipality other than a metro township may not operate under the metro  
3340 township council form of government.

3341 Section 75. Section **10-3b-602** is enacted to read:

**10-3b-602. Voter approval required for a change in the form of government.**

3342

3343 A municipality may not change its form of government under this part unless voters of  
3344 the municipality approve the change at an election held for that purpose.

3345 Section 76. Section **10-3b-603** is enacted to read:

3346 **10-3b-603. Resolution or petition proposing a change in the form of government.**

3347 (1) The process to change the form of government under which a municipality operates  
3348 is initiated by:

3349 (a) the council's adoption of a resolution proposing a change; or

3350 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives

3351 - Procedures, proposing a change.

3352 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the  
3353 declaring of a petition filed under Subsection (1)(b) as sufficient under Section [20A-7-507](#), the  
3354 council shall hold at least two public hearings on the proposed change.

3355 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on  
3356 the proposed change in the form of government at the next municipal general election or  
3357 regular general election that is more than 75 days after, as the case may be:

3358 (i) a resolution under Subsection (1)(a) is adopted; or

3359 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section  
3360 [20A-7-507](#).

3361 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of  
3362 government may not be held if:

3363 (i) in the case of a proposed change initiated by the council's adoption of a resolution  
3364 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

3365 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),  
3366 enough signatures are withdrawn from the petition within 60 days after the petition is declared  
3367 sufficient under Section [20A-7-507](#) that the petition is no longer sufficient.

3368 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection  
3369 (1)(b) shall:

3370 (a) state the method of election and initial terms of council members; and

3371 (b) specify the boundaries of districts substantially equal in population, if some or all  
3372 council members are to be elected by district.

3373 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing

3374 a change to a council-mayor form of government may require that, if the change is adopted, the  
3375 mayor appoint, with the council's advice and consent and subject to Section 10-3b-202, a chief  
3376 administrative officer, to exercise the administrative powers and perform the duties that the  
3377 mayor prescribes.

3378 Section 77. Section **10-3b-604** is enacted to read:

3379 **10-3b-604. Limitations on adoption of a resolution and filing of a petition.**

3380 A resolution may not be adopted under Subsection 10-3b-603(1)(a) and a petition may  
3381 not be filed under Subsection 10-3b-603(1)(b) within:

3382 (1) four years after an election at which voters reject a proposal to change the  
3383 municipality's form of government, if the resolution or petition proposes changing to the same  
3384 form of government that voters rejected at the election; or

3385 (2) four years after the effective date of a change in the form of municipal government  
3386 or an incorporation as a municipality.

3387 Section 78. Section **10-3b-605** is enacted to read:

3388 **10-3b-605. Ballot form.**

3389 The ballot at an election on a proposal to change the municipality's form of government  
3390 shall:

3391 (1) state the ballot question substantially as follows: "Shall (state the municipality's  
3392 name), Utah, change its form of government to the (state "council-mayor form, with a  
3393 five-member council," "council-mayor form, with a seven-member council," "six-member  
3394 council form," or "five-member council form," as applicable)?"; and

3395 (2) provide a space or method for the voter to vote "yes" or "no."

3396 Section 79. Section **10-3b-606** is enacted to read:

3397 **10-3b-606. Election of officers after a change in the form of government.**

3398 (1) If voters approve a proposal to change the municipality's form of government at an  
3399 election held as provided in this part, an election of officers under the new form of government  
3400 shall be held on the municipal general election date following the election at which voters  
3401 approve the proposal.

3402 (2) If a municipality changes its form of government under this part resulting in the  
3403 elimination of an elected official's position, the municipality shall continue to pay that official  
3404 at the same rate until the date on which the official's term would have expired, unless under the

3405 new form of government the official holds municipal office for which the official is regularly  
3406 compensated.

3407 (3) A council member whose term has not expired at the time the municipality changes  
3408 its form of government under this part may, at the council member's option, continue to serve  
3409 as a council member under the new form of government for the remainder of the member's  
3410 term.

3411 (4) The term of the mayor and each council member is four years or until a successor is  
3412 qualified, except that approximately half of the initial council members, chosen by lot, shall  
3413 serve a term of two years or until a successor is qualified.

3414 Section 80. Section **10-3b-607** is enacted to read:

3415 **10-3b-607. Effective date of change in the form of government.**

3416 A change in the form of government under this chapter takes effect at noon on the first  
3417 Monday of January next following the election of officers under Section [10-3b-606](#).

3418 Section 81. Section **10-3c-101** is enacted to read:

3419 **CHAPTER 3c. ADMINISTRATION OF METRO TOWNSHIPS**

3420 **Part 1. General Provisions**

3421 **10-3c-101. Title.**

3422 (1) This chapter is known as "Administration of Metro Townships."

3423 (2) This part is known as "General Provisions."

3424 Section 82. Section **10-3c-102** is enacted to read:

3425 **10-3c-102. Definitions.**

3426 As used in this chapter:

3427 (1) "Municipal services district" means a local district created in accordance with Title  
3428 17B, Chapter 2a, Part 11, Municipal Services District Act.

3429 (2) "Metro township" means a metro township incorporated in accordance with  
3430 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County  
3431 of the First Class on and after May 12, 2015.

3432 Section 83. Section **10-3c-103** is enacted to read:

3433 **10-3c-103. Status and powers.**

3434 A metro township:

3435 (1) is:

3436 (a) a body corporate and politic with perpetual succession;

3437 (b) a quasi-municipal corporation; and

3438 (c) a political subdivision of the state; and

3439 (2) may sue and be sued.

3440 Section 84. Section **10-3c-201** is enacted to read:

3441 **Part 2. Administration of Metro Township**

3442 **10-3c-201. Title.**

3443 This part is known as "Administration of Metro Township."

3444 Section 85. Section **10-3c-202** is enacted to read:

3445 **10-3c-202. Budget.**

3446 A metro township is subject to and shall comply with Chapter 6, Uniform Fiscal  
3447 Procedures Act for Utah Cities.

3448 Section 86. Section **10-3c-203** is enacted to read:

3449 **10-3c-203. Administrative and operational services -- Staff provided by county or**  
3450 **municipal services district.**

3451 (1) Unless otherwise provided, a metro township may not hire an executive director or  
3452 other municipal manager or employ staff or otherwise contract for personnel services except  
3453 for a contract for personnel services with a municipal services district.

3454 (2) (a) The following officials elected or appointed, or persons employed by, the county  
3455 in which a municipality township is located shall, for the purposes of interpreting and  
3456 complying with applicable law, fulfill the responsibilities and hold the following metro  
3457 township offices or positions:

3458 (i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the  
3459 metro township;

3460 (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for  
3461 the metro township;

3462 (iii) the county surveyor shall fulfill, on behalf of the metro township, all surveyor  
3463 duties imposed by law;

3464 (iv) the engineer shall fulfill the duties and hold the powers of engineer for the metro  
3465 township; and

3466 (v) subject to Subsection (2)(b), the county auditor shall fulfill the duties and hold the

3467 powers of auditor for the metro township.

3468 (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the  
3469 metro township to the extent that the county auditor's powers and duties are described in and  
3470 delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and  
3471 a municipal auditor's powers and duties described in this title are the same.

3472 (ii) Notwithstanding Subsection (2)(b), in a metro township, services described in  
3473 Sections 17-19a-203, 17-19a-204, and 17-19a-205, and services other than those described in  
3474 Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that  
3475 are required by law, shall be performed by county staff other than the county auditor.

3476 (3) (a) Nothing in Subsection (2) may be construed to relieve an official described in  
3477 Subsections (2)(a)(i) through (iv) of a duty to either the county or metro township or a duty to  
3478 fulfill that official's position as required by law.

3479 (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other  
3480 person described in Subsections (2)(a)(i) through (iv):

3481 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of  
3482 Title 17, Counties, as applicable to that official's or person's county office;

3483 (ii) is paid a salary and benefits and subject to employment discipline in accordance  
3484 with the provisions of Title 17, Counties, as applicable to that official's or person's county  
3485 office;

3486 (iii) is not subject to:

3487 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

3488 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

3489 (iv) is not required to provide a bond for the applicable municipal office if a bond for  
3490 the office is required by this title.

3491 (4) (a) The metro township may establish a planning commission in accordance with  
3492 Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.

3493 (b) The metro township may not employ staff to support a planning commission or  
3494 appeal authority.

3495 (c) A metro township may not employ an attorney for purposes of providing legal  
3496 advice to the chair or metro township council or any other metro township purpose.

3497 (5) A municipal services district established in accordance with Section 17B, Chapter

3498 2a, Part 11, Municipal Services District Act, and of which the metro township is a part, shall  
3499 provide:

3500 (a) staff to the metro township planning commission and appeal authority; and

3501 (b) legal counsel to the metro township.

3502 (6) (a) This section applies only to a metro township in which:

3503 (i) the electors at an election under Section [10-2a-404](#) chose a metro township that is  
3504 included in a municipal services district and has limited municipal powers; or

3505 (ii) the metro township subsequently joins a municipal services district.

3506 (b) This section does not apply to a metro township described in Subsection (6)(a) if  
3507 the municipal services district is dissolved.

3508 Section 87. Section **10-3c-204** is enacted to read:

3509 **10-3c-204. Taxing authority limited.**

3510 (1) A metro township may not impose:

3511 (a) a municipal energy sales and use tax as described in Chapter 1, Part 3, Municipal  
3512 Energy Sales and Use Tax Act; or

3513 (b) a municipal telecommunication's license tax as described in Chapter 1, Part 4,  
3514 Municipal Telecommunications License Tax.

3515 (2) (a) If the electors at an election under Section [10-2a-404](#) chose a metro township  
3516 that is included in a municipal services district and has limited municipal powers, or a metro  
3517 township subsequently joins a municipal services district, the metro township may not levy or  
3518 impose a tax unless the Legislature expressly provides that the metro township may levy or  
3519 impose the tax.

3520 (b) Subsection (2)(a) does not apply if a municipal services district is dissolved.

3521 Section 88. Section **10-3c-205** is enacted to read:

3522 **10-3c-205. Fees.**

3523 (1) A metro township may impose a fine, fee, or charge.

3524 (2) For a metro township of which the electors at an election under Section [10-2a-404](#)  
3525 chose a metro township that is included in a municipal services district and has limited  
3526 municipal powers, or if a metro township subsequently joins a municipal services district, the  
3527 municipal services district of which a metro township is a part shall, upon request by the metro  
3528 township, collect on behalf of the metro township all fines, fees, charges, levies, and other

3529 payments imposed by the metro township.

3530 Section 89. Section **10-6-106** is amended to read:

3531 **10-6-106. Definitions.**

3532 As used in this chapter:

3533 (1) "Account group" is defined by generally accepted accounting principles as reflected  
3534 in the Uniform Accounting Manual for Utah Cities.

3535 (2) "Appropriation" means an allocation of money by the governing body for a specific  
3536 purpose.

3537 (3) (a) "Budget" means a plan of financial operations for a fiscal period which  
3538 embodies estimates of proposed expenditures for given purposes and the proposed means of  
3539 financing them.

3540 (b) "Budget" may refer to the budget of a particular fund for which a budget is required  
3541 by law or it may refer collectively to the budgets for all such funds.

3542 (4) "Budgetary fund" means a fund for which a budget is required.

3543 (5) "Budget officer" means the city auditor in a city of the first and second class, the  
3544 mayor or some person appointed by the mayor with the approval of the city council in a city of  
3545 the third, fourth, or fifth class, the mayor in the council-mayor optional form of government,  
3546 the chair of the metro township council in a metro township, or the person designated by the  
3547 charter in a charter city.

3548 (6) "Budget period" means the fiscal period for which a budget is prepared.

3549 (7) "Check" means an order in a specific amount drawn upon a depository by an  
3550 authorized officer of a city.

3551 (8) "City" means a city or a metro township as defined in Section [10-2a-403](#).

3552 [~~8~~] (9) "City general fund" means the general fund used by a city.

3553 [~~9~~] (10) "Current period" means the fiscal period in which a budget is prepared and  
3554 adopted, i.e., the fiscal period next preceding the budget period.

3555 [~~10~~] (11) "Department" means any functional unit within a fund that carries on a  
3556 specific activity, such as a fire or police department within a city general fund.

3557 [~~11~~] (12) "Encumbrance system" means a method of budgetary control in which part  
3558 of an appropriation is reserved to cover a specific expenditure by charging obligations, such as  
3559 purchase orders, contracts, or salary commitments to an appropriation account at their time of

3560 origin. Such obligations cease to be encumbrances when paid or when the actual liability is  
3561 entered on the city's books of account.

3562 [~~(12)~~] (13) "Enterprise fund" means a fund as defined by the Governmental Accounting  
3563 Standards Board that is used by a municipality to report an activity for which a fee is charged to  
3564 users for goods or services.

3565 [~~(13)~~] (14) "Estimated revenue" means the amount of revenue estimated to be received  
3566 from all sources during the budget period in each fund for which a budget is being prepared.

3567 [~~(14)~~] (15) "Financial officer" means the mayor in the council-mayor optional form of  
3568 government or the city official as authorized by Section 10-6-158.

3569 [~~(15)~~] (16) "Fiscal period" means the annual or biennial period for accounting for fiscal  
3570 operations in each city.

3571 [~~(16)~~] (17) "Fund" is as defined by generally accepted accounting principles as  
3572 reflected in the Uniform Accounting Manual for Utah Cities.

3573 [~~(17)~~] (18) "Fund balance," "retained earnings," and "deficit" have the meanings  
3574 commonly accorded such terms under generally accepted accounting principles as reflected in  
3575 the Uniform Accounting Manual for Utah Cities.

3576 [~~(18)~~] (19) "General fund" is as defined by the Governmental Accounting Standards  
3577 Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by  
3578 the Office of the Utah State Auditor.

3579 [~~(19)~~] (20) "Governing body" means a city council, or city commission, as the case  
3580 may be, but the authority to make any appointment to any position created by this chapter is  
3581 vested in the mayor in the council-mayor optional form of government.

3582 [~~(20)~~] (21) "Interfund loan" means a loan of cash from one fund to another, subject to  
3583 future repayment.

3584 [~~(21)~~] (22) "Last completed fiscal period" means the fiscal period next preceding the  
3585 current period.

3586 [~~(22)~~] (23) (a) "Public funds" means any money or payment collected or received by an  
3587 officer or employee of the city acting in an official capacity and includes money or payment to  
3588 the officer or employee for services or goods provided by the city, or the officer or employee  
3589 while acting within the scope of employment or duty.

3590 (b) "Public funds" does not include money or payments collected or received by an

3591 officer or employee of a city for charitable purposes if the mayor or city council has consented  
3592 to the officer's or employee's participation in soliciting contributions for a charity.

3593 [~~(23)~~] (24) "Special fund" means any fund other than the city general fund.

3594 [~~(24)~~] (25) "Utility" means a utility owned by a city, in whole or in part, that provides  
3595 electricity, gas, water, or sewer, or any combination of them.

3596 [~~(25)~~] (26) "Warrant" means an order drawn upon the city treasurer, in the absence of  
3597 sufficient money in the city's depository, by an authorized officer of a city for the purpose of  
3598 paying a specified amount out of the city treasury to the person named or to the bearer as  
3599 money becomes available.

3600 Section 90. Section 10-6-111 is amended to read:

3601 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**  
3602 **-- Budget message -- Review by governing body.**

3603 (1) (a) On or before the first regularly scheduled meeting of the governing body in the  
3604 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on  
3605 forms provided by the state auditor, and file with the governing body, a tentative budget for  
3606 each fund for which a budget is required.

3607 (b) The tentative budget of each fund shall set forth in tabular form:

3608 (i) the actual revenues and expenditures in the last completed fiscal period;

3609 (ii) the budget estimates for the current fiscal period;

3610 (iii) the actual revenues and expenditures for a period of 6 to 21 months, as

3611 appropriate, of the current fiscal period;

3612 (iv) the estimated total revenues and expenditures for the current fiscal period;

3613 (v) the budget officer's estimates of revenues and expenditures for the budget period,  
3614 computed as provided in Subsection (1)(c); and

3615 (vi) if the governing body elects, the actual performance experience to the extent  
3616 established by Section 10-6-154 and available in work units, unit costs, man hours, or man  
3617 years for each budgeted fund on an actual basis for the last completed fiscal period, and  
3618 estimated for the current fiscal period and for the ensuing budget period.

3619 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),  
3620 the budget officer shall estimate:

3621 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

3622 (I) hearing each department head; and  
3623 (II) reviewing the budget requests and estimates of the department heads; and  
3624 (B) (I) the amount of revenue available to serve the needs of each fund;  
3625 (II) the portion of revenue to be derived from all sources other than general property  
3626 taxes; and  
3627 (III) the portion of revenue that shall be derived from general property taxes.  
3628 (ii) The budget officer may revise any department's estimate under Subsection  
3629 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to  
3630 the governing body.  
3631 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall  
3632 compute and disclose in the budget the lowest rate of property tax levy that will raise the  
3633 required amount of revenue, calculating the levy upon the latest taxable value.  
3634 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,  
3635 shall contain the estimates of expenditures submitted by department heads, together with  
3636 specific work programs and such other supporting data as this chapter requires or the governing  
3637 body may request. Each city of the first or second class shall, and a city of the third, fourth, or  
3638 fifth class may, submit a supplementary estimate of all capital projects which each department  
3639 head believes should be undertaken within the next three succeeding years.  
3640 (b) Each tentative budget submitted by the budget officer to the governing body shall  
3641 be accompanied by a budget message, which shall explain the budget, contain an outline of the  
3642 proposed financial policies of the city for the budget period, and shall describe the important  
3643 features of the budgetary plan. It shall set forth the reasons for salient changes from the  
3644 previous fiscal period in appropriation and revenue items and shall explain any major changes  
3645 in financial policy.  
3646 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the  
3647 governing body in any regular meeting or special meeting called for the purpose and may be  
3648 amended or revised in such manner as is considered advisable prior to public hearings, except  
3649 that no appropriation required for debt retirement and interest or reduction of any existing  
3650 deficits pursuant to Section [10-6-117](#), or otherwise required by law or ordinance, may be  
3651 reduced below the minimums so required.  
3652 (4) (a) If the municipality is acting pursuant to Section [~~10-2-120~~] [10-2a-218](#), the

3653 tentative budget shall:

3654 (i) be submitted to the governing body-elect as soon as practicable; and

3655 (ii) cover each fund for which a budget is required from the date of incorporation to the  
3656 end of the fiscal year.

3657 (b) The governing body shall substantially comply with all other provisions of this  
3658 chapter, and the budget shall be passed upon incorporation.

3659 Section 91. Section **15A-5-202.5** is amended to read:

3660 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

3661 (1) For IFC, Chapter 3, General Requirements:

3662 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six  
3663 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for  
3664 Wildland Fire Ordinance".

3665 (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is  
3666 deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or  
3667 placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing  
3668 substance or object on any surface or article where it can cause an unwanted fire."

3669 (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted  
3670 and rewritten as follows: "When the fire code official determines that hazardous environmental  
3671 conditions necessitate controlled use of any ignition source, including fireworks, lighters,  
3672 matches, sky lanterns, and smoking materials, any of the following may occur:

3673 1. If the hazardous environmental conditions exist in a municipality, the legislative  
3674 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,  
3675 brush-covered, or forest-covered areas or the wildland urban interface area, which means the  
3676 line, area, or zone where structures or other human development meet or intermingle with  
3677 undeveloped wildland or land being used for an agricultural purpose.

3678 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist  
3679 in an unincorporated area, the state forester may prohibit the ignition or use of an ignition  
3680 source in all or part of the areas described in paragraph 1 that are within the unincorporated  
3681 area, after consulting with the county fire code official who has jurisdiction over that area.

3682 3. If the hazardous environmental conditions exist in a metro township created under  
3683 [~~Section 17-27a-306 that is in a county of the first class, the county~~] Title 10, Chapter 2a, Part

3684 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class  
3685 on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use  
3686 of an ignition source in all or part of the areas described in paragraph 1 that are within the  
3687 township."

3688 (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On  
3689 line 10 delete the words "International Property Maintenance Code and the".

3690 (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete  
3691 the word "shall" and replace it with the word "may".

3692 (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
3693 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
3694 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler  
3695 heads in occupancies meeting classification as light or ordinary hazard."

3696 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

3697 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as  
3698 follows: After the word "buildings" add "to include sororities and fraternity houses".

3699 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following  
3700 footnotes:

3701 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation  
3702 drill for fire conducted at least every two months, to a total of four emergency evacuation drills  
3703 during the nine-month school year. The first emergency evacuation drill for fire shall be  
3704 conducted within 10 school days after the beginning of classes, and the third emergency  
3705 evacuation drill for fire shall be conducted 10 school days after the beginning of the next  
3706 calendar year. The second and fourth emergency evacuation drills may be substituted by a  
3707 security or safety drill to include shelter in place, earthquake drill, or lock down for violence."

3708 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the  
3709 monthly required emergency evacuation drill can be substituted by a security or safety drill to  
3710 include shelter in place, earthquake drill, or lock down for violence. The routine emergency  
3711 evacuation drill for fire must be conducted at least every other evacuation drill."

3712 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are  
3713 required to have one emergency evacuation drill per year, provided the following conditions are  
3714 met:

- 3715 (A) The building has a fire alarm system in accordance with Section 907.2.
- 3716 (B) The rooms classified as assembly shall have fire safety floor plans as required in
- 3717 Section 404.3.2(4) posted.
- 3718 (C) The building is not classified a high-rise building.
- 3719 (D) The building does not contain hazardous materials over the allowable quantities by
- 3720 code."

3721 Section 92. Section 17-23-17 is amended to read:

3722 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
3723 **of monuments -- Record of corner changes -- Penalties.**

3724 (1) As used in this section[, "land"]:

3725 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3726 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3727 Surveyors Licensing Act.

3728 (b) (i) "Township" means a term used in the context of identifying a geographic area in  
3729 common surveyor practice.

3730 (ii) "Township" does not mean a metro township as that term is defined in Section  
3731 [10-2a-403](#).

3732 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
3733 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
3734 a boundary line shall file a map of the survey that meets the requirements of this section with  
3735 the county surveyor or designated office within 90 days of the establishment or reestablishment  
3736 of a boundary.

3737 (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
3738 (2)(a)(i) is guilty of a class C misdemeanor.

3739 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
3740 separate violation.

3741 (b) The county surveyor or designated office shall file and index the map of the survey.

3742 (c) The map shall be a public record in the office of the county surveyor or designated  
3743 office.

3744 (3) This type of map shall show:

3745 (a) the location of survey by quarter section and township and range;

- 3746 (b) the date of survey;
- 3747 (c) the scale of drawing and north point;
- 3748 (d) the distance and course of all lines traced or established, giving the basis of bearing
- 3749 and the distance and course to two or more section corners or quarter corners, including
- 3750 township and range, or to identified monuments within a recorded subdivision;
- 3751 (e) all measured bearings, angles, and distances separately indicated from those of
- 3752 record;
- 3753 (f) a written boundary description of property surveyed;
- 3754 (g) all monuments set and their relation to older monuments found;
- 3755 (h) a detailed description of monuments found and monuments set, indicated
- 3756 separately;
- 3757 (i) the surveyor's seal or stamp; and
- 3758 (j) the surveyor's business name and address.
- 3759 (4) (a) The map shall contain a written narrative that explains and identifies:
- 3760 (i) the purpose of the survey;
- 3761 (ii) the basis on which the lines were established; and
- 3762 (iii) the found monuments and deed elements that controlled the established or
- 3763 reestablished lines.
- 3764 (b) If the narrative is a separate document, it shall contain:
- 3765 (i) the location of the survey by quarter section and by township and range;
- 3766 (ii) the date of the survey;
- 3767 (iii) the surveyor's stamp or seal; and
- 3768 (iv) the surveyor's business name and address.
- 3769 (c) The map and narrative shall be referenced to each other if they are separate
- 3770 documents.
- 3771 (5) The map and narrative shall be created on material of a permanent nature on stable
- 3772 base reproducible material in the sizes required by the county surveyor.
- 3773 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
- 3774 a point on a property or land line shall be durably and visibly marked or tagged with the
- 3775 registered business name or the letters "L.S." followed by the registration number of the
- 3776 surveyor in charge.

3777 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall  
3778 be marked with the official title of the office.

3779 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the  
3780 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
3781 submit to the county surveyor or designated office a record of the changes made.

3782 (b) The record shall be submitted within 45 days of the corner visits and shall include  
3783 the surveyor's seal, business name, and address.

3784 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
3785 license of any land surveyor who fails to comply with the requirements of this section,  
3786 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and  
3787 Professional Licensing Act.

3788 (9) Each federal or state agency, board, or commission, local district, special service  
3789 district, or municipal corporation that makes a boundary survey of lands within this state shall  
3790 comply with this section.

3791 Section 93. Section **17-23-17.5** is amended to read:

3792 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**  
3793 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

3794 (1) As used in this section:

3795 (a) "Accessory to a corner" means any exclusively identifiable physical object whose  
3796 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing  
3797 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,  
3798 steel or wooden stakes, or other objects.

3799 (b) "Corner," unless otherwise qualified, means a property corner, a property  
3800 controlling corner, a public land survey corner, or any combination of these.

3801 (c) "Geographic coordinates" means mathematical values that designate a position on  
3802 the earth relative to a given reference system. Coordinates shall be established pursuant to  
3803 Title 57, Chapter 10, Utah Coordinate System.

3804 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3805 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3806 Surveyors Licensing Act.

3807 (e) "Monument" means an accessory that is presumed to occupy the exact position of a

3808 corner.

3809 (f) "Property controlling corner" means a public land survey corner or any property  
3810 corner which does not lie on a property line of the property in question, but which controls the  
3811 location of one or more of the property corners of the property in question.

3812 (g) "Property corner" means a geographic point of known geographic coordinates on  
3813 the surface of the earth, and is on, a part of, and controls a property line.

3814 (h) "Public land survey corner" means any corner actually established and monumented  
3815 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the  
3816 land to a private person from the United States government.

3817 (i) "Reference monument" means a special monument that does not occupy the same  
3818 geographical position as the corner itself, but whose spatial relationship to the corner is  
3819 recorded and which serves to witness the corner.

3820 (j) (i) "Township" means a term used in the context of identifying a geographic area in  
3821 common surveyor practice.

3822 (ii) "Township" does not mean a metro township as that term is defined in Section  
3823 10-2a-403.

3824 (2) (a) Any land surveyor making a boundary survey of lands within this state and  
3825 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the  
3826 county where the corner is situated, a written record to be known as a corner file for every  
3827 public land survey corner and accessory to the corner which is used as control in any survey by  
3828 the surveyor, unless the corner and its accessories are already a matter of record in the county.

3829 (b) Where reasonably possible, the corner file shall include the geographic coordinates  
3830 of the corner.

3831 (c) A surveyor may file a corner record as to any property corner, reference monument,  
3832 or accessory to a corner.

3833 (d) Corner records may be filed concerning corners used before the effective date of  
3834 this section.

3835 (3) The county surveyor of the county containing the corners shall have on record as  
3836 part of the official files maps of each township within the county, the bearings and lengths of  
3837 the connecting lines to government corners, and government corners looked for and not found.

3838 (4) The county surveyor shall make these records available for public inspection at the

3839 county facilities during normal business hours.

3840 (5) Filing fees for corner records shall be established by the county legislative body  
3841 consistent with existing fees for similar services. All corners, monuments, and their  
3842 accessories used prior to the effective date of this section shall be accepted and filed with the  
3843 county surveyor without requiring the payment of the fees.

3844 (6) When a corner record of a public land survey corner is required to be filed under  
3845 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the  
3846 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

3847 (7) A corner record may not be filed unless it is signed by a land surveyor.

3848 (8) All filings relative to official cadastral surveys of the Bureau of Land Management  
3849 of the United States of America performed by authorized personnel shall be exempt from filing  
3850 fees.

3851 Section 94. Section 17-27a-103 is amended to read:

3852 **17-27a-103. Definitions.**

3853 As used in this chapter:

3854 (1) "Affected entity" means a county, municipality, local district, special service  
3855 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
3856 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
3857 property owner, property owners association, public utility, or the Utah Department of  
3858 Transportation, if:

3859 (a) the entity's services or facilities are likely to require expansion or significant  
3860 modification because of an intended use of land;

3861 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
3862 or

3863 (c) the entity has filed with the county a request for notice during the same calendar  
3864 year and before the county provides notice to an affected entity in compliance with a  
3865 requirement imposed under this chapter.

3866 (2) "Appeal authority" means the person, board, commission, agency, or other body  
3867 designated by ordinance to decide an appeal of a decision of a land use application or a  
3868 variance.

3869 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or

3870 residential property if the sign is designed or intended to direct attention to a business, product,  
3871 or service that is not sold, offered, or existing on the property where the sign is located.

3872 (4) (a) "Charter school" means:

3873 (i) an operating charter school;

3874 (ii) a charter school applicant that has its application approved by a charter school  
3875 authorizer in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

3876 (iii) an entity that is working on behalf of a charter school or approved charter  
3877 applicant to develop or construct a charter school building.

3878 (b) "Charter school" does not include a therapeutic school.

3879 (5) "Chief executive officer" means the person or body that exercises the executive  
3880 powers of the county.

3881 (6) "Conditional use" means a land use that, because of its unique characteristics or  
3882 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
3883 compatible in some areas or may be compatible only if certain conditions are required that  
3884 mitigate or eliminate the detrimental impacts.

3885 (7) "Constitutional taking" means a governmental action that results in a taking of  
3886 private property so that compensation to the owner of the property is required by the:

3887 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3888 (b) Utah Constitution Article I, Section 22.

3889 (8) "Culinary water authority" means the department, agency, or public entity with  
3890 responsibility to review and approve the feasibility of the culinary water system and sources for  
3891 the subject property.

3892 (9) "Development activity" means:

3893 (a) any construction or expansion of a building, structure, or use that creates additional  
3894 demand and need for public facilities;

3895 (b) any change in use of a building or structure that creates additional demand and need  
3896 for public facilities; or

3897 (c) any change in the use of land that creates additional demand and need for public  
3898 facilities.

3899 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
3900 one or more of a person's major life activities, including a person having a record of such an

3901 impairment or being regarded as having such an impairment.

3902 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
3903 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
3904 802.

3905 (11) "Educational facility":

3906 (a) means:

3907 (i) a school district's building at which pupils assemble to receive instruction in a  
3908 program for any combination of grades from preschool through grade 12, including  
3909 kindergarten and a program for children with disabilities;

3910 (ii) a structure or facility:

3911 (A) located on the same property as a building described in Subsection (11)(a)(i); and

3912 (B) used in support of the use of that building; and

3913 (iii) a building to provide office and related space to a school district's administrative  
3914 personnel; and

3915 (b) does not include:

3916 (i) land or a structure, including land or a structure for inventory storage, equipment  
3917 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

3918 (A) not located on the same property as a building described in Subsection (11)(a)(i);

3919 and

3920 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

3921 (ii) a therapeutic school.

3922 (12) "Fire authority" means the department, agency, or public entity with responsibility  
3923 to review and approve the feasibility of fire protection and suppression services for the subject  
3924 property.

3925 (13) "Flood plain" means land that:

3926 (a) is within the 100-year flood plain designated by the Federal Emergency

3927 Management Agency; or

3928 (b) has not been studied or designated by the Federal Emergency Management Agency  
3929 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
3930 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
3931 Federal Emergency Management Agency.

- 3932 (14) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 3933 (15) "General plan" means a document that a county adopts that sets forth general
- 3934 guidelines for proposed future development of the unincorporated land within the county.
- 3935 (16) "Geologic hazard" means:
- 3936 (a) a surface fault rupture;
- 3937 (b) shallow groundwater;
- 3938 (c) liquefaction;
- 3939 (d) a landslide;
- 3940 (e) a debris flow;
- 3941 (f) unstable soil;
- 3942 (g) a rock fall; or
- 3943 (h) any other geologic condition that presents a risk:
- 3944 (i) to life;
- 3945 (ii) of substantial loss of real property; or
- 3946 (iii) of substantial damage to real property.
- 3947 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 3948 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 3949 system.
- 3950 (18) "Identical plans" means building plans submitted to a county that:
- 3951 (a) are clearly marked as "identical plans";
- 3952 (b) are substantially identical building plans that were previously submitted to and
- 3953 reviewed and approved by the county; and
- 3954 (c) describe a building that:
- 3955 (i) is located on land zoned the same as the land on which the building described in the
- 3956 previously approved plans is located;
- 3957 (ii) is subject to the same geological and meteorological conditions and the same law
- 3958 as the building described in the previously approved plans;
- 3959 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 3960 and approved by the county; and
- 3961 (iv) does not require any additional engineering or analysis.
- 3962 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,

3963 Impact Fees Act.

3964 (20) "Improvement completion assurance" means a surety bond, letter of credit, cash,  
3965 or other security required by a county to guaranty the proper completion of landscaping or  
3966 infrastructure that the land use authority has required as a condition precedent to:

3967 (a) recording a subdivision plat; or

3968 (b) beginning development activity.

3969 (21) "Improvement warranty" means an applicant's unconditional warranty that the  
3970 accepted landscaping or infrastructure:

3971 (a) complies with the county's written standards for design, materials, and  
3972 workmanship; and

3973 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
3974 within the improvement warranty period.

3975 (22) "Improvement warranty period" means a period:

3976 (a) no later than one year after a county's acceptance of required landscaping; or

3977 (b) no later than one year after a county's acceptance of required infrastructure, unless  
3978 the county:

3979 (i) determines for good cause that a one-year period would be inadequate to protect the  
3980 public health, safety, and welfare; and

3981 (ii) has substantial evidence, on record:

3982 (A) of prior poor performance by the applicant; or

3983 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
3984 and the county has not otherwise required the applicant to mitigate the suspect soil.

3985 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
3986 designation that:

3987 (a) runs with the land; and

3988 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
3989 the plat; or

3990 (ii) designates a development condition that is enclosed within the perimeter of a lot  
3991 described on the plat.

3992 (24) "Interstate pipeline company" means a person or entity engaged in natural gas  
3993 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under

3994 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3995 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas  
3996 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
3997 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3998 (26) "Land use application" means an application required by a county's land use  
3999 ordinance.

4000 (27) "Land use authority" means:

4001 (a) a person, board, commission, agency, or body, including the local legislative body,  
4002 designated by the local legislative body to act upon a land use application; or

4003 (b) if the local legislative body has not designated a person, board, commission,  
4004 agency, or body, the local legislative body.

4005 (28) "Land use ordinance" means a planning, zoning, development, or subdivision  
4006 ordinance of the county, but does not include the general plan.

4007 (29) "Land use permit" means a permit issued by a land use authority.

4008 (30) "Legislative body" means the county legislative body, or for a county that has  
4009 adopted an alternative form of government, the body exercising legislative powers.

4010 (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
4011 Government Entities - Local Districts, and any other governmental or quasi-governmental  
4012 entity that is not a county, municipality, school district, or the state.

4013 (32) "Lot line adjustment" means the relocation of the property boundary line in a  
4014 subdivision between two adjoining lots with the consent of the owners of record.

4015 (33) "Moderate income housing" means housing occupied or reserved for occupancy  
4016 by households with a gross household income equal to or less than 80% of the median gross  
4017 income for households of the same size in the county in which the housing is located.

4018 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
4019 and expenses incurred in:

4020 (a) verifying that building plans are identical plans; and

4021 (b) reviewing and approving those minor aspects of identical plans that differ from the  
4022 previously reviewed and approved building plans.

4023 (35) "Noncomplying structure" means a structure that:

4024 (a) legally existed before its current land use designation; and

4025 (b) because of one or more subsequent land use ordinance changes, does not conform  
4026 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
4027 the use of land.

4028 (36) "Nonconforming use" means a use of land that:

4029 (a) legally existed before its current land use designation;

4030 (b) has been maintained continuously since the time the land use ordinance regulation  
4031 governing the land changed; and

4032 (c) because of one or more subsequent land use ordinance changes, does not conform  
4033 to the regulations that now govern the use of the land.

4034 (37) "Official map" means a map drawn by county authorities and recorded in the  
4035 county recorder's office that:

4036 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
4037 highways and other transportation facilities;

4038 (b) provides a basis for restricting development in designated rights-of-way or between  
4039 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
4040 the land; and

4041 (c) has been adopted as an element of the county's general plan.

4042 (38) "Parcel boundary adjustment" means a recorded agreement between owners of  
4043 adjoining properties adjusting their mutual boundary if:

4044 (a) no additional parcel is created; and

4045 (b) each property identified in the agreement is unsubdivided land, including a  
4046 remainder of subdivided land.

4047 (39) "Person" means an individual, corporation, partnership, organization, association,  
4048 trust, governmental agency, or any other legal entity.

4049 (40) "Plan for moderate income housing" means a written document adopted by a  
4050 county legislative body that includes:

4051 (a) an estimate of the existing supply of moderate income housing located within the  
4052 county;

4053 (b) an estimate of the need for moderate income housing in the county for the next five  
4054 years as revised biennially;

4055 (c) a survey of total residential land use;

4056 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
4057 income housing; and

4058 (e) a description of the county's program to encourage an adequate supply of moderate  
4059 income housing.

4060 (41) "Planning district" means a contiguous, geographically defined portion of the  
4061 unincorporated area of a county established under this part with planning and zoning functions  
4062 as exercised through the planning district planning commission, as provided in this chapter, but  
4063 with no legal or political identity separate from the county and no taxing authority.

4064 [~~41~~] (42) "Plat" means a map or other graphical representation of lands being laid out  
4065 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

4066 [~~42~~] (43) "Potential geologic hazard area" means an area that:

4067 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
4068 relevant map or report as needing further study to determine the area's potential for geologic  
4069 hazard; or

4070 (b) has not been studied by the Utah Geological Survey or a county geologist but  
4071 presents the potential of geologic hazard because the area has characteristics similar to those of  
4072 a designated geologic hazard area.

4073 [~~43~~] (44) "Public agency" means:

4074 (a) the federal government;

4075 (b) the state;

4076 (c) a county, municipality, school district, local district, special service district, or other  
4077 political subdivision of the state; or

4078 (d) a charter school.

4079 [~~44~~] (45) "Public hearing" means a hearing at which members of the public are  
4080 provided a reasonable opportunity to comment on the subject of the hearing.

4081 [~~45~~] (46) "Public meeting" means a meeting that is required to be open to the public  
4082 under Title 52, Chapter 4, Open and Public Meetings Act.

4083 [~~46~~] (47) "Receiving zone" means an unincorporated area of a county that the county  
4084 designates, by ordinance, as an area in which an owner of land may receive a transferable  
4085 development right.

4086 [~~47~~] (48) "Record of survey map" means a map of a survey of land prepared in

4087 accordance with Section [17-23-17](#).

4088 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

4089 (a) in which more than one person with a disability resides; and

4090 (b) (i) which is licensed or certified by the Department of Human Services under Title  
4091 62A, Chapter 2, Licensure of Programs and Facilities; or

4092 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
4093 21, Health Care Facility Licensing and Inspection Act.

4094 [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and  
4095 prescribe in a public meeting:

4096 (a) parliamentary order and procedure;

4097 (b) ethical behavior; and

4098 (c) civil discourse.

4099 [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity  
4100 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
4101 wastewater systems.

4102 [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county  
4103 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
4104 development right.

4105 [~~(52)~~] (53) "Site plan" means a document or map that may be required by a county  
4106 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
4107 owner's or developer's proposed development activity meets a land use requirement.

4108 [~~(53)~~] (54) "Specified public agency" means:

4109 (a) the state;

4110 (b) a school district; or

4111 (c) a charter school.

4112 [~~(54)~~] (55) "Specified public utility" means an electrical corporation, gas corporation,  
4113 or telephone corporation, as those terms are defined in Section [54-2-1](#).

4114 [~~(55)~~] (56) "State" includes any department, division, or agency of the state.

4115 [~~(56)~~] (57) "Street" means a public right-of-way, including a highway, avenue,  
4116 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
4117 or other way.

4118            [~~(57)~~] (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
4119 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
4120 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
4121 installment plan or upon any and all other plans, terms, and conditions.

4122            (b) "Subdivision" includes:

4123            (i) the division or development of land whether by deed, metes and bounds description,  
4124 devise and testacy, map, plat, or other recorded instrument; and

4125            (ii) except as provided in Subsection [~~(57)~~] (58)(c), divisions of land for residential and  
4126 nonresidential uses, including land used or to be used for commercial, agricultural, and  
4127 industrial purposes.

4128            (c) "Subdivision" does not include:

4129            (i) a bona fide division or partition of agricultural land for agricultural purposes;

4130            (ii) a recorded agreement between owners of adjoining properties adjusting their  
4131 mutual boundary if:

4132            (A) no new lot is created; and

4133            (B) the adjustment does not violate applicable land use ordinances;

4134            (iii) a recorded document, executed by the owner of record:

4135            (A) revising the legal description of more than one contiguous unsubdivided parcel of  
4136 property into one legal description encompassing all such parcels of property; or

4137            (B) joining a subdivided parcel of property to another parcel of property that has not  
4138 been subdivided, if the joinder does not violate applicable land use ordinances;

4139            (iv) a bona fide division or partition of land in a county other than a first class county  
4140 for the purpose of siting, on one or more of the resulting separate parcels:

4141            (A) an electrical transmission line or a substation;

4142            (B) a natural gas pipeline or a regulation station; or

4143            (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
4144 utility service regeneration, transformation, retransmission, or amplification facility;

4145            (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
4146 their mutual boundary if:

4147            (A) no new dwelling lot or housing unit will result from the adjustment; and

4148            (B) the adjustment will not violate any applicable land use ordinance;

4149 (vi) a bona fide division or partition of land by deed or other instrument where the land  
4150 use authority expressly approves in writing the division in anticipation of further land use  
4151 approvals on the parcel or parcels; or

4152 (vii) a parcel boundary adjustment.

4153 (d) The joining of a subdivided parcel of property to another parcel of property that has  
4154 not been subdivided does not constitute a subdivision under this Subsection [(57)] (58) as to  
4155 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
4156 subdivision ordinance.

4157 [(58)] (59) "Suspect soil" means soil that has:

4158 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
4159 3% swell potential;

4160 (b) bedrock units with high shrink or swell susceptibility; or

4161 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
4162 commonly associated with dissolution and collapse features.

4163 [(59)] (60) "Therapeutic school" means a residential group living facility:

4164 (a) for four or more individuals who are not related to:

4165 (i) the owner of the facility; or

4166 (ii) the primary service provider of the facility;

4167 (b) that serves students who have a history of failing to function:

4168 (i) at home;

4169 (ii) in a public school; or

4170 (iii) in a nonresidential private school; and

4171 (c) that offers:

4172 (i) room and board; and

4173 (ii) an academic education integrated with:

4174 (A) specialized structure and supervision; or

4175 (B) services or treatment related to a disability, an emotional development, a  
4176 behavioral development, a familial development, or a social development.

4177 ~~[(60) "Township" means a contiguous, geographically defined portion of the~~  
4178 ~~unincorporated area of a county, established under this part or reconstituted or reinstated under~~  
4179 ~~Section 17-27a-306, with planning and zoning functions as exercised through the township~~

4180 ~~planning commission, as provided in this chapter, but with no legal or political identity~~  
4181 ~~separate from the county and no taxing authority, except that "township" means a former~~  
4182 ~~township under Laws of Utah 1996, Chapter 308, where the context so indicates.]~~

4183 (61) "Transferable development right" means a right to develop and use land that  
4184 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
4185 land use rights from a designated sending zone to a designated receiving zone.

4186 (62) "Unincorporated" means the area outside of the incorporated area of a  
4187 municipality.

4188 (63) "Water interest" means any right to the beneficial use of water, including:

4189 (a) each of the rights listed in Section 73-1-11; and

4190 (b) an ownership interest in the right to the beneficial use of water represented by:

4191 (i) a contract; or

4192 (ii) a share in a water company, as defined in Section 73-3-3.5.

4193 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
4194 land use zones, overlays, or districts.

4195 Section 95. Section 17-27a-301 is amended to read:

4196 **17-27a-301. Ordinance establishing planning commission required -- Exception --**  
4197 **Ordinance requirements -- Planning district planning commission -- Compensation.**

4198 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
4199 establishing a countywide planning commission for the unincorporated areas of the county not  
4200 within a [township] planning district.

4201 (b) Subsection (1)(a) does not apply if all of the county is included within any  
4202 combination of:

4203 (i) municipalities; and

4204 (ii) [townships] planning districts with their own planning commissions.

4205 (2) (a) The ordinance shall define:

4206 (i) the number and terms of the members and, if the county chooses, alternate  
4207 members;

4208 (ii) the mode of appointment;

4209 (iii) the procedures for filling vacancies and removal from office;

4210 (iv) the authority of the planning commission;

4211 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the  
4212 planning commission in a public meeting; and

4213 (vi) other details relating to the organization and procedures of the planning  
4214 commission.

4215 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with  
4216 Title 52, Chapter 4, Open and Public Meetings Act.

4217 (3) (a) (i) If the county establishes a [~~township~~] planning district planning commission,  
4218 the county legislative body shall enact an ordinance that defines:

4219 (A) appointment procedures;

4220 (B) procedures for filling vacancies and removing members from office;

4221 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the  
4222 [~~township~~] planning district planning commission in a public meeting; and

4223 (D) details relating to the organization and procedures of each [~~township~~] planning  
4224 district planning commission.

4225 (ii) Subsection (3)(a)(i)(C) does not affect the [~~township~~] planning district planning  
4226 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

4227 (b) The planning commission for each [~~township~~] planning district shall consist of  
4228 seven members who [~~except as provided in Subsection (4),~~] shall be appointed by:

4229 (i) in a county operating under a form of government in which the executive and  
4230 legislative functions of the governing body are separated, the county executive with the advice  
4231 and consent of the county legislative body; or

4232 (ii) in a county operating under a form of government in which the executive and  
4233 legislative functions of the governing body are not separated, the county legislative body.

4234 (c) (i) Members shall serve four-year terms and until their successors are appointed [~~or,~~  
4235 ~~as provided in Subsection (4), elected~~] and qualified.

4236 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) [~~and except as provided in~~  
4237 ~~Subsection (4)~~], members of the first planning commissions shall be appointed so that, for each  
4238 commission, the terms of at least one member and no more than two members expire each  
4239 year.

4240 (d) (i) [~~Except as provided in Subsection (3)(d)(ii), each~~] Each member of a [~~township~~]  
4241 planning district planning commission shall be a registered voter residing within the [~~township~~]

4242 planning district.

4243 ~~[(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission~~  
4244 ~~of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4245 ~~under Subsection [17-27a-306\(1\)\(k\)\(i\)](#) may be an appointed member who is a registered voter~~  
4246 ~~residing outside the township if that member:]~~

4247 ~~[(f) is an owner of real property located within the township; and]~~

4248 ~~[(H) resides within the county in which the township is located.]~~

4249 ~~[(B) (f) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township~~  
4250 ~~planning commission from a list of three persons submitted by the county legislative body.]~~

4251 ~~[(H) If the township planning commission has not notified the county legislative body~~  
4252 ~~of its choice under Subsection (3)(d)(ii)(B)(f) within 60 days of the township planning~~  
4253 ~~commission's receipt of the list, the county legislative body may appoint one of the three~~  
4254 ~~persons on the list or a registered voter residing within the township as a member of the~~  
4255 ~~township planning commission.]~~

4256 ~~[(4) (a) The legislative body of each county in which a township reconstituted under~~  
4257 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~  
4258 ~~[17-27a-306\(1\)\(k\)\(i\)](#) is located shall on or before January 1, 2012, enact an ordinance that~~  
4259 ~~provides for the election of at least three members of the planning commission of that~~  
4260 ~~township.]~~

4261 ~~[(b) (i) Beginning with the 2012 general election, the election of planning commission~~  
4262 ~~members under Subsection (4)(a) shall coincide with the election of other county officers~~  
4263 ~~during even-numbered years.]~~

4264 ~~[(ii) Approximately half the elected planning commission members shall be elected~~  
4265 ~~every four years during elections held on even-numbered years, and the remaining elected~~  
4266 ~~members shall be elected every four years on alternating even-numbered years.]~~

4267 ~~[(c) If no person files a declaration of candidacy in accordance with Section [20A-9-202](#)~~  
4268 ~~for an open township planning commission member position:]~~

4269 ~~[(i) the position may be appointed in accordance with Subsection (3)(b); and]~~

4270 ~~[(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time~~  
4271 ~~that exceeds the elected term for which there was no candidate.]~~

4272 ~~[(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,~~

4273 2012, enact an ordinance that:]

4274 [~~(i) designates the seats to be elected; and]~~

4275 [~~(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board~~  
4276 ~~of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the~~  
4277 ~~planning commission of the reconstituted or reinstated township.]~~

4278 [~~(b) A member appointed under Subsection (5)(a) is considered an elected member.]~~

4279 [~~(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed~~  
4280 ~~under Subsection (5)(a) shall continue until the time that the member's term as an elected~~  
4281 ~~member of the former township planning and zoning board would have expired.]~~

4282 [~~(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the~~  
4283 ~~terms of the members appointed under Subsection (5)(a) so that the terms of those members~~  
4284 ~~coincide with the schedule under Subsection (4)(b) for elected members.]~~

4285 [~~(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a~~  
4286 ~~township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4287 ~~under Subsection [17-27a-306\(1\)\(k\)\(i\)](#) is located may enact an ordinance allowing each~~  
4288 ~~appointed member of the planning and zoning board of the former township, established under~~  
4289 ~~Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning~~  
4290 ~~commission of the reconstituted or reinstated township until the time that the member's term as~~  
4291 ~~a member of the former township's planning and zoning board would have expired.]~~

4292 [~~(iii) If a planning commission of a township reconstituted under Laws of Utah 1997,~~  
4293 ~~Chapter 389, or reinstated or established under Subsection [17-27a-306\(1\)\(k\)\(i\)](#) has more than~~  
4294 ~~one appointed member who resides outside the township, the legislative body of the county in~~  
4295 ~~which that township is located shall, within 15 days of the effective date of this Subsection~~  
4296 ~~(6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a~~  
4297 ~~new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed~~  
4298 ~~member.]~~

4299 [~~(7) (a) Except as provided in Subsection (7)(b), upon]~~

4300 (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if  
4301 that member was, prior to May 12, 2015, authorized to reside outside of the planning district.

4302 (4) (a) A member of a planning commission who was elected to and served on a  
4303 planning commission on May 12, 2015, shall serve out the term to which the member was

4304 elected.

4305 (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant  
4306 seat shall be filled by appointment in accordance with this section.

4307 (5) Upon the appointment [or election] of all members of a [township] planning district  
4308 planning commission, each [township] planning district planning commission under this  
4309 section shall begin to exercise the powers and perform the duties provided in Section  
4310 17-27a-302 with respect to all matters then pending that previously had been under the  
4311 jurisdiction of the countywide planning commission or [township] planning district planning  
4312 and zoning board.

4313 ~~[(b) Notwithstanding Subsection (7)(a), if the members of a former township planning~~  
4314 ~~and zoning board continue to hold office as members of the planning commission of the~~  
4315 ~~township planning district under an ordinance enacted under Subsection (5)(a), the township~~  
4316 ~~planning commission shall immediately begin to exercise the powers and perform the duties~~  
4317 ~~provided in Section 17-27a-302 with respect to all matters then pending that had previously~~  
4318 ~~been under the jurisdiction of the township planning and zoning board.]~~

4319 ~~[(8)]~~ (6) The legislative body may fix per diem compensation for the members of the  
4320 planning commission, based on necessary and reasonable expenses and on meetings actually  
4321 attended.

4322 Section 96. Section 17-27a-302 is amended to read:

4323 **17-27a-302. Planning commission powers and duties.**

4324 ~~[(H)]~~ Each countywide or [township] planning district planning commission shall, with  
4325 respect to the unincorporated area of the county[;] or the [township] planning district, make a  
4326 recommendation to the county legislative body for:

4327 ~~[(a)]~~ (1) a general plan and amendments to the general plan;

4328 ~~[(b)]~~ (2) land use ordinances, zoning maps, official maps, and amendments;

4329 ~~[(c)]~~ (3) an appropriate delegation of power to at least one designated land use  
4330 authority to hear and act on a land use application;

4331 ~~[(d)]~~ (4) an appropriate delegation of power to at least one appeal authority to hear and  
4332 act on an appeal from a decision of the land use authority; and

4333 ~~[(e)]~~ (5) application processes that:

4334 ~~[(i)]~~ (a) may include a designation of routine land use matters that, upon application

4335 and proper notice, will receive informal streamlined review and action if the application is  
4336 uncontested; and

4337 [(ii)] (b) shall protect the right of each:

4338 [(A)] (i) applicant and third party to require formal consideration of any application by  
4339 a land use authority;

4340 [(B)] (ii) applicant, adversely affected party, or county officer or employee to appeal a  
4341 land use authority's decision to a separate appeal authority; and

4342 [(C)] (iii) participant to be heard in each public hearing on a contested application.

4343 ~~[(2) The planning commission of a township under this part may recommend to the~~  
4344 ~~legislative body of the county in which the township is located that the legislative body file a~~  
4345 ~~protest to a proposed annexation of an area located within the township, as provided in~~  
4346 ~~Subsection 10-2-407(1)(b).]~~

4347 Section 97. Section 17-27a-306 is amended to read:

4348 **17-27a-306. Planning districts.**

4349 (1) (a) A [township] planning district may be established in a county other than a  
4350 county of the first class as provided in this Subsection (1).

4351 (b) A [township] planning district may not be established unless the area to be included  
4352 within the proposed [township] planning district:

4353 (i) is unincorporated;

4354 (ii) is contiguous; and

4355 (iii) (A) contains:

4356 (I) at least 20% but not more than 80% of:

4357 (Aa) the total private land area in the unincorporated county; or

4358 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4359 or

4360 (II) (Aa) in a county of the [~~first,~~] second[;] or third class, at least 5% of the total  
4361 population of the unincorporated county, but not less than 300 residents; or

4362 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
4363 of the unincorporated county; or

4364 (B) has been declared by the United States Census Bureau as a census designated  
4365 place.

4366 (c) (i) The process to establish a [township] planning district is initiated by the filing of  
4367 a petition with the clerk of the county in which the proposed [township] planning district is  
4368 located.

4369 (ii) A petition to establish a [township] planning district may not be filed if it proposes  
4370 the establishment of a [township] planning district that includes an area within a proposed  
4371 [township] planning district in a petition that has previously been certified under Subsection  
4372 (1)(g), until after the canvass of an election on the proposed [township] planning district under  
4373 Subsection (1)(j).

4374 (d) A petition under Subsection (1)(c) to establish a [township] planning district shall:

4375 (i) be signed by the owners of private real property that:

4376 (A) is located within the proposed [township] planning district;

4377 (B) covers at least 10% of the total private land area within the proposed [township]  
4378 planning district; and

4379 (C) is equal in value to at least 10% of the value of all private real property within the  
4380 proposed [township] planning district;

4381 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
4382 area proposed to be established as a [township] planning district;

4383 (iii) indicate the typed or printed name and current residence address of each owner  
4384 signing the petition;

4385 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4386 be designated as the contact sponsor, with the mailing address and telephone number of each  
4387 petition sponsor;

4388 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4389 petition for purposes of the petition; and

4390 (vi) request the county legislative body to provide notice of the petition and of a public  
4391 hearing, hold a public hearing, and conduct an election on the proposal to establish a  
4392 [township] planning district.

4393 (e) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to establish a [township]  
4394 planning district to the same extent as if it were an incorporation petition under Title 10,  
4395 Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4396 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing

4397 the establishment of a [township] planning district in a county of the [~~first or~~] second class, the  
4398 county clerk shall provide notice of the filing of the petition to:

4399 (A) each owner of real property owning more than 1% of the assessed value of all real  
4400 property within the proposed [township] planning district; and

4401 (B) each owner of real property owning more than 850 acres of real property within the  
4402 proposed [township] planning district.

4403 (ii) A property owner may exclude all or part of the property owner's property from a  
4404 proposed [township] planning district in a county of the [~~first or~~] second class:

4405 (A) if:

4406 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
4407 property within the proposed [township] planning district;

4408 (Iiii) the property is nonurban; and

4409 (IIIiii) the property does not or will not require municipal provision of municipal-type  
4410 services; or

4411 (Bb) the property owner owns more than 850 acres of real property within the proposed  
4412 [township] planning district; and

4413 (II) exclusion of the property will not leave within the [township] planning district an  
4414 island of property that is not part of the [township] planning district; and

4415 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
4416 under Subsection (1)(f)(i).

4417 (iii) (A) The county legislative body shall exclude from the proposed [township]  
4418 planning district the property identified in a notice of exclusion timely filed under Subsection  
4419 (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

4420 (B) If the county legislative body excludes property from a proposed [township]  
4421 planning district under Subsection (1)(f)(iii), the county legislative body shall, within five days  
4422 after the exclusion, send written notice of its action to the contact sponsor.

4423 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
4424 clerk shall:

4425 (A) with the assistance of other county officers from whom the clerk requests  
4426 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
4427 and

4428 (B) (I) if the clerk determines that the petition complies with the requirements of  
4429 Subsection (1)(d):

4430 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4431 and

4432 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4433 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4434 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
4435 rejection and the reasons for the rejection.

4436 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
4437 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4438 county clerk.

4439 (h) (i) Within 90 days after a petition to establish a [township] planning district is  
4440 certified, the county legislative body shall hold a public hearing on the proposal to establish a  
4441 [township] planning district.

4442 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4443 (A) within the boundary of the proposed [township] planning district; or

4444 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4445 practicable.

4446 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
4447 county legislative body shall publish notice of the petition and the time, date, and place of the  
4448 public hearing:

4449 (A) at least once in a newspaper of general circulation in the county; and

4450 (B) on the Utah Public Notice Website created in Section [63F-1-701](#).

4451 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
4452 shall arrange for the proposal to establish a [township] planning district to be submitted to  
4453 voters residing within the proposed [township] planning district at the next regular general  
4454 election that is more than 90 days after the public hearing.

4455 (j) A [township] planning district is established at the time of the canvass of the results  
4456 of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting  
4457 on the proposal to establish a [township] planning district voted in favor of the proposal.

4458 [~~(k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is~~

4459 reinstated as a township under this part with the same boundaries and name as before the  
4460 dissolution, if the former township consisted of a single, contiguous land area.]

4461 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an~~  
4462 ~~ordinance establishing as a township under this part a former township that was dissolved~~  
4463 ~~under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be~~  
4464 ~~reinstated under Subsection (1)(k)(i).]~~

4465 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection~~  
4466 ~~(1)(k)(ii) is subject to the provisions of this part.]~~

4467 ~~[(1) A township established under this section on or after May 5, 1997, may use the~~  
4468 ~~word "township" in its name.]~~

4469 (k) An area that is an established township before May 12, 2015, in a county other than  
4470 a county of the first class:

4471 (i) is, as of May 12, 2015, a planning district; and

4472 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4473 and

4474 (B) may use the word "planning district" in its name.

4475 (2) The county legislative body may:

4476 (a) assign to the countywide planning commission the duties established in this part  
4477 that would have been assumed by a [~~township~~] planning district planning commission  
4478 designated under Subsection (2)(b); or

4479 (b) designate and appoint a planning commission for the [~~township~~] planning district.

4480 (3) (a) An area within the boundary of a [~~township~~] planning district may be withdrawn  
4481 from the [~~township~~] planning district as provided in this Subsection (3).

4482 (b) The process to withdraw an area from a [~~township~~] planning district is initiated by  
4483 the filing of a petition with the clerk of the county in which the [~~township~~] planning district is  
4484 located.

4485 (c) A petition under Subsection (3)(b) shall:

4486 (i) be signed by the owners of private real property that:

4487 (A) is located within the area proposed to be withdrawn from the [~~township~~] planning  
4488 district;

4489 (B) covers at least 50% of the total private land area within the area proposed to be

4490 withdrawn from the [township] planning district; and

4491 (C) is equal in value to at least 33% of the value of all private real property within the  
4492 area proposed to be withdrawn from the [township] planning district;

4493 (ii) state the reason or reasons for the proposed withdrawal;

4494 (iii) be accompanied by an accurate plat or map showing the boundary of the  
4495 contiguous area proposed to be withdrawn from the [township] planning district;

4496 (iv) indicate the typed or printed name and current residence address of each owner  
4497 signing the petition;

4498 (v) designate up to five signers of the petition as petition sponsors, one of whom shall  
4499 be designated as the contact sponsor, with the mailing address and telephone number of each  
4500 petition sponsor;

4501 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4502 petition for purposes of the petition; and

4503 (vii) request the county legislative body to withdraw the area from the [township]  
4504 planning district.

4505 (d) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to withdraw an area from  
4506 a [township] planning district to the same extent as if it were an incorporation petition under  
4507 Title 10, Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4508 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county  
4509 clerk shall:

4510 (A) with the assistance of other county officers from whom the clerk requests  
4511 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);  
4512 and

4513 (B) (I) if the clerk determines that the petition complies with the requirements of  
4514 Subsection (3)(c):

4515 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4516 and

4517 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4518 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4519 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4520 and the reasons for the rejection.

4521 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
4522 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4523 county clerk.

4524 (f) (i) Within 60 days after a petition to withdraw an area from a [township] planning  
4525 district is certified, the county legislative body shall hold a public hearing on the proposal to  
4526 withdraw the area from the [township] planning district.

4527 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

4528 (A) within the area proposed to be withdrawn from the [township] planning district; or

4529 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4530 practicable.

4531 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
4532 body shall:

4533 (A) publish notice of the petition and the time, date, and place of the public hearing:

4534 (I) at least once a week for three consecutive weeks in a newspaper of general  
4535 circulation in the [township] planning district; and

4536 (II) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4537 consecutive weeks; and

4538 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
4539 each owner of private real property within the area proposed to be withdrawn.

4540 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
4541 legislative body shall make a written decision on the proposal to withdraw the area from the  
4542 [township] planning district.

4543 (ii) In making its decision as to whether to withdraw the area from the [township]  
4544 planning district, the county legislative body shall consider:

4545 (A) whether the withdrawal would leave the remaining [township] planning district in  
4546 a situation where the future incorporation of an area within the [township] planning district or  
4547 the annexation of an area within the [township] planning district to an adjoining municipality  
4548 would be economically or practically not feasible;

4549 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
4550 area:

4551 (I) whether the proposed subsequent incorporation or withdrawal:

- 4552 (Aa) will leave or create an unincorporated island or peninsula; or
- 4553 (Bb) will leave the county with an area within its unincorporated area for which the
- 4554 cost, requirements, or other burdens of providing municipal services would materially increase
- 4555 over previous years; and
- 4556 (II) whether the municipality to be created or the municipality into which the
- 4557 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
- 4558 providing service to the withdrawn area that the county will no longer provide due to the
- 4559 incorporation or annexation;
- 4560 (C) the effects of a withdrawal on adjoining property owners, existing or projected
- 4561 county streets or other public improvements, law enforcement, and zoning and other municipal
- 4562 services provided by the county; and
- 4563 (D) whether justice and equity favor the withdrawal.
- 4564 (h) Upon the written decision of the county legislative body approving the withdrawal
- 4565 of an area from a [township] planning district, the area is withdrawn from the [township]
- 4566 planning district and the [township] planning district continues as a [township] planning
- 4567 district with a boundary that excludes the withdrawn area.
- 4568 (4) (a) A [township] planning district may be dissolved as provided in this Subsection
- 4569 (4).
- 4570 (b) The process to dissolve a [township] planning district is initiated by the filing of a
- 4571 petition with the clerk of the county in which the [township] planning district is located.
- 4572 (c) A petition under Subsection (4)(b) shall:
- 4573 (i) be signed by registered voters within the [township] planning district equal in
- 4574 number to at least 25% of all votes cast by voters within the [township] planning district at the
- 4575 last congressional election;
- 4576 (ii) state the reason or reasons for the proposed dissolution;
- 4577 (iii) indicate the typed or printed name and current residence address of each person
- 4578 signing the petition;
- 4579 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
- 4580 be designated as the contact sponsor, with the mailing address and telephone number of each
- 4581 petition sponsor;
- 4582 (v) authorize the petition sponsors to act on behalf of all persons signing the petition

4583 for purposes of the petition; and

4584 (vi) request the county legislative body to provide notice of the petition and of a public  
4585 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the  
4586 [township] planning district.

4587 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county  
4588 clerk shall:

4589 (A) with the assistance of other county officers from whom the clerk requests  
4590 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
4591 and

4592 (B) (I) if the clerk determines that the petition complies with the requirements of  
4593 Subsection (4)(c):

4594 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4595 and

4596 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4597 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4598 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4599 and the reasons for the rejection.

4600 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
4601 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4602 county clerk.

4603 (e) (i) Within 60 days after a petition to dissolve the [township] planning district is  
4604 certified, the county legislative body shall hold a public hearing on the proposal to dissolve the  
4605 [township] planning district.

4606 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4607 (A) within the boundary of the [township] planning district; or

4608 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4609 practicable.

4610 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
4611 body shall publish notice of the petition and the time, date, and place of the public hearing:

4612 (A) at least once a week for three consecutive weeks in a newspaper of general  
4613 circulation in the [township] planning district; and

4614 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4615 consecutive weeks immediately before the public hearing.

4616 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
4617 shall arrange for the proposal to dissolve the [township] planning district to be submitted to  
4618 voters residing within the [township] planning district at the next regular general election that  
4619 is more than 90 days after the public hearing.

4620 (g) A [township] planning district is dissolved at the time of the canvass of the results  
4621 of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting  
4622 on the proposal to dissolve the [township] planning district voted in favor of the proposal.

4623 Section 98. Section 17-27a-505 is amended to read:

4624 **17-27a-505. Zoning districts.**

4625 (1) (a) The legislative body may divide the territory over which it has jurisdiction into  
4626 zoning districts of a number, shape, and area that it considers appropriate to carry out the  
4627 purposes of this chapter.

4628 (b) Within those zoning districts, the legislative body may regulate and restrict the  
4629 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and  
4630 the use of land.

4631 (c) A county may enact an ordinance regulating land use and development in a flood  
4632 plain or potential geologic hazard area to:

4633 (i) protect life; and

4634 (ii) prevent:

4635 (A) the substantial loss of real property; or

4636 (B) substantial damage to real property.

4637 (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use  
4638 ordinance requiring a property owner to revegetate or landscape a single family dwelling  
4639 disturbance area unless the property is located in a flood zone or geologic hazard except as  
4640 required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water  
4641 pollution.

4642 (2) The legislative body shall ensure that the regulations are uniform for each class or  
4643 kind of buildings throughout each zone, but the regulations in one zone may differ from those  
4644 in other zones.

4645 (3) (a) There is no minimum area or diversity of ownership requirement for a zone  
4646 designation.

4647 (b) Neither the size of a zoning district nor the number of landowners within the  
4648 district may be used as evidence of the illegality of a zoning district or of the invalidity of a  
4649 county decision.

4650 Section 99. Section 17-34-3 is amended to read:

4651 **17-34-3. Taxes or service charges.**

4652 (1) (a) If a county furnishes the municipal-type services and functions described in  
4653 Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the  
4654 entire cost of the services or functions so furnished shall be defrayed from funds that the county  
4655 has derived from:

4656 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated  
4657 towns or cities;

4658 (ii) service charges or fees the county may impose upon the persons benefited in any  
4659 way by the services or functions; or

4660 (iii) a combination of these sources.

4661 (b) As the taxes or service charges or fees are levied and collected, they shall be placed  
4662 in a special revenue fund of the county and shall be disbursed only for the rendering of the  
4663 services or functions established in Section 17-34-1 within the unincorporated areas of the  
4664 county or as provided in Subsection [~~10-2-121~~] 10-2a-219(2).

4665 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this  
4666 section, the county legislative body may establish a district or districts in the unincorporated  
4667 areas of the county.

4668 (b) A district established by a county as provided in Subsection (2)(a) may be  
4669 reorganized as a local district in accordance with the procedures set forth in Sections  
4670 17D-1-601, 17D-1-603, and 17D-1-604.

4671 (3) Nothing contained in this chapter may be construed to authorize counties to impose  
4672 or levy taxes not otherwise allowed by law.

4673 (4) Notwithstanding any other provision of this chapter, a county providing fire,  
4674 paramedic, and police protection services in a designated recreational area, as provided in  
4675 Subsection 17-34-1(5), may fund those services from the county general fund with revenues

4676 derived from both inside and outside the limits of cities and towns, and the funding of those  
4677 services is not limited to unincorporated area revenues.

4678 Section 100. Section 17-41-101 is amended to read:

4679 **17-41-101. Definitions.**

4680 As used in this chapter:

4681 (1) "Advisory board" means:

4682 (a) for an agriculture protection area, the agriculture protection area advisory board  
4683 created as provided in Section 17-41-201; and

4684 (b) for an industrial protection area, the industrial protection area advisory board  
4685 created as provided in Section 17-41-201.

4686 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
4687 livestock, and livestock products.

4688 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
4689 livestock, and livestock products when more than 50% of the processed or merchandised  
4690 products are produced by the farm operator.

4691 (3) "Agriculture protection area" means a geographic area created under the authority  
4692 of this chapter that is granted the specific legal protections contained in this chapter.

4693 (4) "Applicable legislative body" means:

4694 (a) with respect to a proposed agriculture protection area or industrial protection area:

4695 (i) the legislative body of the county in which the land proposed to be included in an  
4696 agriculture protection area or industrial protection area is located, if the land is within the  
4697 unincorporated part of the county; or

4698 (ii) the legislative body of the city or town in which the land proposed to be included in  
4699 an agriculture protection area or industrial protection area is located; and

4700 (b) with respect to an existing agriculture protection area or industrial protection area:

4701 (i) the legislative body of the county in which the agriculture protection area or  
4702 industrial protection area is located, if the agriculture protection area or industrial protection  
4703 area is within the unincorporated part of the county; or

4704 (ii) the legislative body of the city or town in which the agriculture protection area or  
4705 industrial protection area is located.

4706 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.

- 4707 (6) "Crops, livestock, and livestock products" includes:
- 4708 (a) land devoted to the raising of useful plants and animals with a reasonable
- 4709 expectation of profit, including:
- 4710 (i) forages and sod crops;
- 4711 (ii) grains and feed crops;
- 4712 (iii) livestock as defined in Section [59-2-102](#);
- 4713 (iv) trees and fruits; or
- 4714 (v) vegetables, nursery, floral, and ornamental stock; or
- 4715 (b) land devoted to and meeting the requirements and qualifications for payments or
- 4716 other compensation under a crop-land retirement program with an agency of the state or federal
- 4717 government.
- 4718 (7) "Division" means the Division of Oil, Gas, and Mining created in Section [40-6-15](#).
- 4719 (8) "Industrial protection area" means a geographic area created under the authority of
- 4720 this chapter that is granted the specific legal protections contained in this chapter.
- 4721 (9) "Mine operator" means a natural person, corporation, association, partnership,
- 4722 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or
- 4723 representative, either public or private, including a successor, assign, affiliate, subsidiary, and
- 4724 related parent company, that, as of January 1, 2009:
- 4725 (a) owns, controls, or manages a mining use under a large mine permit issued by the
- 4726 division or the board; and
- 4727 (b) has produced commercial quantities of a mineral deposit from the mining use.
- 4728 (10) "Mineral deposit" has the same meaning as defined in Section [40-8-4](#), but
- 4729 excludes:
- 4730 (a) building stone, decorative rock, and landscaping rock; and
- 4731 (b) consolidated rock that:
- 4732 (i) is not associated with another deposit of minerals;
- 4733 (ii) is or may be extracted from land; and
- 4734 (iii) is put to uses similar to the uses of sand, gravel, and other aggregates.
- 4735 (11) "Mining protection area" means land where a vested mining use occurs, including
- 4736 each surface or subsurface land or mineral estate that a mine operator with a vested mining use
- 4737 owns or controls.

- 4738 (12) "Mining use":  
4739 (a) means:  
4740 (i) the full range of activities, from prospecting and exploration to reclamation and  
4741 closure, associated with the exploitation of a mineral deposit; and  
4742 (ii) the use of the surface and subsurface and groundwater and surface water of an area  
4743 in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or  
4744 will be conducted; and  
4745 (b) includes, whether conducted on-site or off-site:  
4746 (i) any sampling, staking, surveying, exploration, or development activity;  
4747 (ii) any drilling, blasting, excavating, or tunneling;  
4748 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,  
4749 development rock, tailings, and other waste material;  
4750 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;  
4751 (v) any smelting, refining, autoclaving, or other primary or secondary processing  
4752 operation;  
4753 (vi) the recovery of any mineral left in residue from a previous extraction or processing  
4754 operation;  
4755 (vii) a mining activity that is identified in a work plan or permitting document;  
4756 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,  
4757 structure, facility, equipment, machine, tool, or other material or property that results from or is  
4758 used in a surface or subsurface mining operation or activity;  
4759 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,  
4760 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,  
4761 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use  
4762 area, buffer zone, and power production facility;  
4763 (x) the construction of a storage, factory, processing, or maintenance facility; and  
4764 (xi) any activity described in Subsection 40-8-4(14)(a).  
4765 (13) (a) "Municipal" means of or relating to a city or town.  
4766 (b) "Municipality" means a city or town.  
4767 (14) "New land" means surface or subsurface land or mineral estate that a mine  
4768 operator gains ownership or control of, whether or not that land or mineral estate is included in

4769 the mine operator's large mine permit.

4770 (15) "Off-site" has the same meaning as provided in Section 40-8-4.

4771 (16) "On-site" has the same meaning as provided in Section 40-8-4.

4772 (17) "Planning commission" means:

4773 (a) a countywide planning commission if the land proposed to be included in the  
4774 agriculture protection area or industrial protection area is within the unincorporated part of the  
4775 county and not within a [township] planning district;

4776 (b) a [township] planning district planning commission if the land proposed to be  
4777 included in the agriculture protection area or industrial protection area is within a [township]  
4778 planning district; or

4779 (c) a planning commission of a city or town if the land proposed to be included in the  
4780 agriculture protection area or industrial protection area is within a city or town.

4781 (18) "Political subdivision" means a county, city, town, school district, local district, or  
4782 special service district.

4783 (19) "Proposal sponsors" means the owners of land in agricultural production or  
4784 industrial use who are sponsoring the proposal for creating an agriculture protection area or  
4785 industrial protection area, respectively.

4786 (20) "State agency" means each department, commission, board, council, agency,  
4787 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
4788 unit, bureau, panel, or other administrative unit of the state.

4789 (21) "Unincorporated" means not within a city or town.

4790 (22) "Vested mining use" means a mining use:

4791 (a) by a mine operator; and

4792 (b) that existed or was conducted or otherwise engaged in before a political subdivision  
4793 prohibits, restricts, or otherwise limits a mining use.

4794 Section 101. Section **17B-1-502** is amended to read:

4795 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**  
4796 **certain circumstances.**

4797 (1) (a) An area within the boundaries of a local district may be withdrawn from the  
4798 local district only as provided in this part or, if applicable, as provided in Part 11, Municipal  
4799 Services District Act.

4800 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
4801 district within a municipality because of a municipal incorporation under Title 10, Chapter [2;  
4802 ~~Part 1,~~] 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under  
4803 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the  
4804 process of withdrawing that area from the local district.

4805 (2) (a) An area within the boundaries of a local district is automatically withdrawn  
4806 from the local district by the annexation of the area to a municipality or the adding of the area  
4807 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

4808 (i) the local district provides:

4809 (A) fire protection, paramedic, and emergency services; or

4810 (B) law enforcement service;

4811 (ii) an election for the creation of the local district was not required because of  
4812 Subsection 17B-1-214(3)(d); and

4813 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
4814 not include any of the annexing municipality.

4815 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
4816 Subsection 17B-1-512(2)(b).

4817 (3) (a) Except as provided in [~~Subsection~~] Subsection (3)(c) or (d), an area within the  
4818 boundaries of a local district located in a county of the first class is automatically withdrawn  
4819 from the local district by the incorporation of a municipality whose boundaries include the area  
4820 if:

4821 (i) the local district provides:

4822 (A) fire protection, paramedic, and emergency services;

4823 (B) law enforcement service; or

4824 (C) municipal services, as defined in Section 17B-2a-1102;

4825 (ii) an election for the creation of the local district was not required because of  
4826 Subsection 17B-1-214(3)(d) or (g); and

4827 (iii) the legislative body of the newly incorporated municipality:

4828 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of  
4829 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
4830 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

4831            [~~(A)~~] (B) adopts a resolution no later than 180 days after the effective date of  
4832 incorporation approving the withdrawal that includes the legal description of the area to be  
4833 withdrawn; and

4834            [~~(B)~~] (C) delivers a copy of the resolution to the board of trustees of the local district.

4835            (b) The effective date of a withdrawal under this Subsection (3) is governed by  
4836 Subsection 17B-1-512(2)(a).

4837            (c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a  
4838 county of the first class [~~if~~] after the expiration of the 180-day period described in Subsection  
4839 (3)(a)(iii)(B):

4840            (i) the local district from which the area is withdrawn provides:

4841            (A) fire protection, paramedic, and emergency services; [~~or~~]

4842            (B) law enforcement service; [~~and~~] or

4843            (C) municipal services, as defined in Section 17B-2a-1102; and

4844            (ii) an election for the creation of the local district was not required under Subsection  
4845 17B-1-214(3)(d) or (g).

4846            (d) An area within the boundaries of a local district that is incorporated as a metro  
4847 township and for which the residents of the metro township at an election to incorporate chose  
4848 to be included in a municipal services district is not subject to the provisions of this Subsection  
4849 (3).

4850            Section 102. Section **17B-1-505** is amended to read:

4851            **17B-1-505. Withdrawal of municipality in certain districts providing fire**  
4852 **protection, paramedic, and emergency services or law enforcement service.**

4853            (1) (a) The process to withdraw an area from a local district may be initiated by a  
4854 resolution adopted by the legislative body of a municipality, subject to Subsection (1)(b), that is  
4855 entirely within the boundaries of a local district:

4856            (i) that provides:

4857            (A) fire protection, paramedic, and emergency services; [~~or~~]

4858            (B) law enforcement service; [~~and~~] or

4859            (C) municipal services, as defined in Section 17B-2a-1102; and

4860            (ii) in the creation of which an election was not required because of Subsection  
4861 17B-1-214(3)(d) or (g).

4862           (b) A municipal legislative body of a municipality that is within a municipal services  
4863 district established under Chapter 2a, Part 11, Municipal Services District Act, may not adopt a  
4864 resolution under Subsection (1)(a) to withdraw from the municipal services district unless the  
4865 municipality has conducted a feasibility study in accordance with Section [17B-2a-1110](#).

4866           ~~(b)~~ (c) Within 10 days after adopting a resolution under Subsection (1)(a), the  
4867 municipal legislative body shall submit to the board of trustees of the local district written  
4868 notice of the adoption of the resolution, accompanied by a copy of the resolution.

4869           (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body  
4870 shall hold an election at the next municipal general election that is more than 60 days after  
4871 adoption of the resolution on the question of whether the municipality should withdraw from  
4872 the local district.

4873           (3) If a majority of those voting on the question of withdrawal at an election held under  
4874 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
4875 district.

4876           (4) (a) Within 10 days after the canvass of an election at which a withdrawal under this  
4877 section is submitted to voters, the municipal legislative body shall send written notice to the  
4878 board of the local district from which the municipality is proposed to withdraw.

4879           (b) Each notice under Subsection (4)(a) shall:

4880           (i) state the results of the withdrawal election; and

4881           (ii) if the withdrawal was approved by voters, be accompanied by a map or legal  
4882 description of the area to be withdrawn, adequate for purposes of the county assessor and  
4883 recorder.

4884           (5) The effective date of a withdrawal under this section is governed by Subsection  
4885 [17B-1-512](#)(2)(a).

4886           Section 103. Section **17B-1-1002** is amended to read:

4887           **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

4888           (1) The rate at which a local district levies a property tax for district operation and  
4889 maintenance expenses on the taxable value of taxable property within the district may not  
4890 exceed:

4891           (a) .0008, for a basic local district;

4892           (b) .0004, for a cemetery maintenance district;

- 4893 (c) .0004, for a drainage district;
- 4894 (d) .0008, for a fire protection district;
- 4895 (e) .0008, for an improvement district;
- 4896 (f) .0005, for a metropolitan water district;
- 4897 (g) .0004, for a mosquito abatement district;
- 4898 (h) .0004, for a public transit district;
- 4899 (i) (i) .0023, for a service area that:
- 4900 (A) is located in a county of the first or second class; and
- 4901 (B) (I) provides fire protection, paramedic, and emergency services; or
- 4902 (II) subject to Subsection (3), provides law enforcement services; or
- 4903 (ii) .0014, for each other service area; [~~or~~]
- 4904 (j) the rates provided in Section [17B-2a-1006](#), for a water conservancy district[-]; or
- 4905 (k) .0023 for a municipal services district.
- 4906 (2) Property taxes levied by a local district are excluded from the limit applicable to
- 4907 that district under Subsection (1) if the taxes are:
- 4908 (a) levied under Section [17B-1-1103](#) by a local district, other than a water conservancy
- 4909 district, to pay principal of and interest on general obligation bonds issued by the district;
- 4910 (b) levied to pay debt and interest owed to the United States; or
- 4911 (c) levied to pay assessments or other amounts due to a water users association or other
- 4912 public cooperative or private entity from which the district procures water.
- 4913 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax
- 4914 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a
- 4915 member to the board of trustees of the service area under Subsection [17B-2a-905](#)(2) assesses
- 4916 on or after November 30 in the year in which the tax is first collected and each subsequent year
- 4917 that the tax is collected:
- 4918 (a) a generally assessed fee imposed under Section [17B-1-643](#) for law enforcement
- 4919 services; or
- 4920 (b) any other generally assessed fee for law enforcement services.
- 4921 Section 104. Section **17B-1-1102** is amended to read:
- 4922 **17B-1-1102. General obligation bonds.**
- 4923 (1) Except as provided in Subsection (3), if a district intends to issue general obligation

4924 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at  
4925 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
4926 Bonding Act.

4927 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
4928 the district, subject, for a water conservancy district, to the property tax levy limits of Section  
4929 [17B-2a-1006](#).

4930 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
4931 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

4932 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
4933 bonds will cause the outstanding principal amount of all of the district's general obligation  
4934 bonds to exceed the amount that results from multiplying the fair market value of the taxable  
4935 property within the district, as determined under Subsection [11-14-301](#)(3)(b), by a number that  
4936 is:

- 4937 (i) .05, for a basic local district;
- 4938 (ii) .004, for a cemetery maintenance district;
- 4939 (iii) .002, for a drainage district;
- 4940 (iv) .004, for a fire protection district;
- 4941 (v) .024, for an improvement district;
- 4942 (vi) .1, for an irrigation district;
- 4943 (vii) .1, for a metropolitan water district;
- 4944 (viii) .0004, for a mosquito abatement district;
- 4945 (ix) .03, for a public transit district; [~~or~~]
- 4946 (x) .12, for a service area[~~];~~ or
- 4947 (xi) .0023 for a municipal services district.

4948 (b) Bonds or other obligations of a local district that are not general obligation bonds  
4949 are not included in the limit stated in Subsection (4)(a).

4950 (5) A district may not be considered to be a municipal corporation for purposes of the  
4951 debt limitation of the Utah Constitution, Article XIV, Section 4.

4952 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter  
4953 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that  
4954 participates in the agreement creating the administrative or legal entity.

4955 Section 105. Section **17B-2a-1102** is amended to read:

4956 **17B-2a-1102. Definitions.**

4957 As used in this part~~["municipal"]~~:

4958 (1) "Municipal services" means~~[(1)]~~ one or more of the services identified in Section  
4959 17-34-1 ~~[or]~~, 17-36-3 ~~[and]~~, or 17B-1-202.

4960 ~~[(2) any other municipal-type service provided in the district that is in the interest of~~  
4961 ~~the district.]~~

4962 (2) "Metro township" means:

4963 (a) a metro township for which the electors at an election under Section 10-2a-404  
4964 chose a metro township that is included in a municipal services district; or

4965 (b) a metro township that subsequently joins a municipal services district.

4966 Section 106. Section **17B-2a-1103** is amended to read:

4967 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**  
4968 **municipal services districts.**

4969 (1) (a) ~~[A]~~ Except as provided in Subsection (1)(b) and Section 17B-2a-1110, a  
4970 municipal services district may be created only in unincorporated areas in a county of the first  
4971 class.

4972 (b) ~~[Notwithstanding Subsection (1)(a) and subject]~~ Subject to Subsection (1)(c), after  
4973 the initial creation of a municipal services district, an area may be annexed into the municipal  
4974 services district in accordance with Chapter 1, Part 4, Annexation, whether that area is  
4975 unincorporated or incorporated.

4976 (c) An area annexed under Subsection (1)(b) may not be located outside of the  
4977 originating county of the first class.

4978 (2) Each municipal services district is governed by the powers stated in:

4979 (a) this part; and

4980 (b) Chapter 1, Provisions Applicable to All Local Districts.

4981 (3) This part applies only to a municipal services district.

4982 (4) A municipal services district is not subject to the provisions of any other part of this  
4983 chapter.

4984 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
4985 Local Districts, and a provision in this part, the provisions in this part govern.

4986 Section 107. Section **17B-2a-1104** is amended to read:

4987 **17B-2a-1104. Additional municipal services district powers.**

4988 In addition to the powers conferred on a municipal services district under Section  
4989 **17B-1-103**, a municipal services district may:

4990 (1) notwithstanding Subsection **17B-1-202**(3), provide [~~one or multiple~~] no more than  
4991 six municipal services; and

4992 (2) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
4993 to carry out the purposes of the district.

4994 Section 108. Section **17B-2a-1106** is amended to read:

4995 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

4996 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
4997 law regarding the membership of a local district board of trustees, the initial board of trustees  
4998 of a municipal services district shall consist of the county legislative body.

4999 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
5000 district board of trustees or the governance of a local district, and, except as provided in  
5001 Subsection (3), if a municipal services district is created in a county of the first class with the  
5002 county executive-council form of government, the initial governance of the municipal services  
5003 district is as follows:

5004 (i) subject to Subsection (2)(b), the county council is the municipal services district  
5005 board of trustees; and

5006 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
5007 services district.

5008 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
5009 services district described in Subsection (2)(a) shall:

5010 (i) act as the legislative body of the district; and

5011 (ii) exercise legislative branch powers and responsibilities established for county  
5012 legislative bodies in:

5013 (A) Title 17, Counties; and

5014 (B) an optional plan, as defined in Section **17-52-101**, adopted for a county  
5015 executive-council form of county government as described in Section **17-52-504**.

5016 (c) Notwithstanding any other provision of law, in a municipal services district

5017 described in Subsection (2)(a), the executive of the district shall:

5018 (i) act as the executive of the district; and

5019 (ii) exercise executive branch powers and responsibilities established for a county  
5020 executive in:

5021 (A) Title 17, Counties; and

5022 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
5023 executive-council form of county government as described in Section 17-52-504.

5024 ~~[(3) If, after the initial creation of a municipal services district, an area within the~~  
5025 ~~district is incorporated as a municipality and the area is not withdrawn from the district in~~  
5026 ~~accordance with Section 17B-1-502, or an area within a municipality is annexed into the~~  
5027 ~~municipal services district in accordance with Section 17B-2a-1103:]~~

5028 ~~[(a) the district's board of trustees shall include a member of that municipality's~~  
5029 ~~governing body; and]~~

5030 ~~[(b) the member described in Subsection (3)(a) shall be:]~~

5031 ~~[(i) designated by the municipality; and]~~

5032 ~~[(ii) a member with powers and duties of other board of trustees members as described~~  
5033 ~~in Subsection (2)(b).]~~

5034 (3) (a) If, after the initial creation of a municipal services district, an area within the  
5035 district is incorporated as a municipality and the area is not withdrawn from the district in  
5036 accordance with Section 17B-1-502 or 17B-1-505, or an area within the municipality is  
5037 annexed into the municipal services district in accordance with Section 17B-2a-1103, the  
5038 district's board of trustees shall be as follows:

5039 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

5040 (ii) subject to Subsection (4), two members of the county council of the county in  
5041 which the municipal services district is located; and

5042 (iii) the total number of board members shall be an odd number.

5043 (b) A member described in Subsection (3)(a)(i) shall be:

5044 (i) for a municipality other than a metro township, designated by the municipal  
5045 legislative body; and

5046 (ii) for a metro township, the chair of the metro township.

5047 (c) A member of the board of trustees has the powers and duties described in

5048 Subsection (2)(b).

5049 (d) The county executive is the executive and has the powers and duties as described in

5050 Subsection (2)(c).

5051 (4) (a) The number of county council members may be increased or decreased to meet  
5052 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

5053 (b) The number of county council members described in Subsection (3)(a)(ii) does not  
5054 include the county mayor.

5055 (5) For a board of trustees described in Subsection (3), each board member's vote is  
5056 weighted using the proportion of the municipal services district population that resides:

5057 (a) for each member described in Subsection (3)(a)(i), within that member's  
5058 municipality; and

5059 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated  
5060 county, with the members' weighted vote divided evenly if there is more than one member on  
5061 the board described in Subsection (3)(a)(ii).

5062 [~~4~~] (6) The board may adopt a resolution providing for future board members to be  
5063 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

5064 [~~5~~] (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of  
5065 trustees may adopt a resolution to determine the internal governance of the board.

5066 (b) A resolution adopted under Subsection [~~5~~] (7)(a) may not alter or impair the board  
5067 of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
5068 duties, powers, or responsibilities described in Subsection (2)(c).

5069 Section 109. Section **17B-2a-1107** is amended to read:

5070 **17B-2a-1107. Exclusion of rural real property.**

5071 (1) As used in this section, "rural real property" means an area:

5072 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

5073 (b) that does not include residential units with a density greater than one unit per acre.

5074 (2) Unless an owner gives written consent, rural real property may not be included in a  
5075 municipal services district if the rural real property:

5076 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one  
5077 or more tax parcels;

5078 (b) is not contiguous to but is used in connection with rural real property that consists

5079 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

5080 (c) is owned, managed, or controlled by a person, company, or association, including a  
5081 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural  
5082 real property consisting of one or more tax parcels; or

5083 (d) is located in whole or in part in one of the following as defined in Section  
5084 [17-41-101](#):

5085 (i) an agricultural protection area;

5086 (ii) a mining protection area; or

5087 (iii) an industrial protection area.

5088 (3) (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw  
5089 consent to inclusion in a municipal services district at any time.

5090 (b) An owner may withdraw consent by submitting a written and signed request to the  
5091 municipal services district board of trustees that:

5092 (i) identifies and describes the rural real property to be withdrawn; and

5093 (ii) requests that the rural real property be withdrawn.

5094 (c) (i) No later than 30 days after the day on which the municipal services district board  
5095 of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a  
5096 resolution withdrawing the rural real property as identified and described in the request.

5097 (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the  
5098 municipal services district upon adoption of the resolution.

5099 Section 110. Section **17B-2a-1110** is enacted to read:

5100 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
5101 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
5102 **transferred to municipal services district.**

5103 (1) A municipality may withdraw from a municipal services district in accordance with  
5104 Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

5105 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
5106 under Section (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(A) is tolled  
5107 from the day that the municipality engages the feasibility consultant to the day on which the  
5108 municipality holds the final public hearing under Subsection (5).

5109 (2) (a) If a municipality decides to withdraw from a municipal services district, the

5110 municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or  
5111 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

5112 (b) The feasibility consultant shall be chosen:

5113 (i) by the municipal legislative body; and

5114 (ii) in accordance with applicable municipal procurement procedures.

5115 (3) The municipal legislative body shall require the feasibility consultant to:

5116 (a) complete the feasibility study and submit the written results to the municipal  
5117 legislative body before the council adopts a resolution under Section 17B-1-502;

5118 (b) submit with the full written results of the feasibility study a summary of the results  
5119 no longer than one page in length; and

5120 (c) attend the public hearings under Subsection (5).

5121 (4) (a) The feasibility study shall consider:

5122 (i) population and population density within the withdrawing municipality;

5123 (ii) current and five-year projections of demographics and economic base in the  
5124 withdrawing municipality, including household size and income, commercial and industrial  
5125 development, and public facilities;

5126 (iii) projected growth in the withdrawing municipality during the next five years;

5127 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
5128 including overhead, of municipal services in the withdrawing municipality;

5129 (v) assuming the same tax categories and tax rates as currently imposed by the  
5130 municipal services district and all other current service providers, the present and five-year  
5131 projected revenue for the withdrawing municipality;

5132 (vi) a projection of any new taxes per household that may be levied within the  
5133 withdrawing municipality within five years of the withdrawal; and

5134 (vii) the fiscal impact on other municipalities serviced by the municipal services  
5135 district.

5136 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
5137 level and quality of municipal services to be provided to the withdrawing municipality in the  
5138 future that fairly and reasonably approximate the level and quality of municipal services being  
5139 provided to the withdrawing municipality at the time of the feasibility study.

5140 (ii) In determining the present cost of a municipal service, the feasibility consultant

5141 shall consider:

5142 (A) the amount it would cost the withdrawing municipality to provide municipal  
5143 services for the first five years after withdrawing; and

5144 (B) the municipal services district's present and five-year projected cost of providing  
5145 municipal services.

5146 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
5147 and anticipated growth.

5148 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
5149 municipal legislative body council shall, at its next regular meeting after receipt of the results  
5150 of the feasibility study, schedule at least one public hearing to be held:

5151 (a) within the following 60 days; and

5152 (b) for the purpose of allowing:

5153 (i) the feasibility consultant to present the results of the study; and

5154 (ii) the public to become informed about the feasibility study results, including the  
5155 requirement that if the municipality withdraws from the municipal services district, the  
5156 municipality must comply with Subsection (9), and to ask questions about those results of the  
5157 feasibility consultant.

5158 (6) At a public hearing described in Subsection (5), the municipal legislative body  
5159 shall:

5160 (a) provide a copy of the feasibility study for public review; and

5161 (b) allow the public to express its views about the proposed withdrawal from the  
5162 municipal services district.

5163 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings  
5164 required under Subsection (5):

5165 (A) at least once a week for three successive weeks in a newspaper of general  
5166 circulation within the municipality; and

5167 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

5168 (ii) The municipal clerk or recorder shall publish the last publication of notice required  
5169 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under  
5170 Subsection (5).

5171 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation

5172 within the proposed municipality, the municipal clerk or recorder shall post at least one notice  
5173 of the hearings per 1,000 population in conspicuous places within the municipality that are  
5174 most likely to give notice of the hearings to the residents.

5175 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at  
5176 least seven days before the first hearing under Subsection (5).

5177 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
5178 summary and shall indicate that a full copy of the study is available for inspection and copying  
5179 at the office of the municipal clerk or recorder.

5180 (8) At a public meeting held after the public hearing required under Subsection (5), the  
5181 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as  
5182 applicable, if the municipality is in compliance with the other requirements of that section.

5183 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
5184 district for 10 years beginning on the next fiscal year immediately following the municipal  
5185 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)  
5186 or [17B-1-505](#) if the results of the feasibility study show that the average annual amount of  
5187 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
5188 (4)(a)(iv) by more than 5%.

5189 Section 111. Section **17B-2a-1111** is enacted to read:

5190 **17B-2a-1111. Withdrawal of a municipality that changes form of government.**

5191 If a municipality after the 180-day period described in Subsection  
5192 [17B-1-502](#)(3)(a)(iii)(A) changes form of government in accordance with Title 10, Chapter 2b,  
5193 Part 6, Changing to Another Form of Municipal Government, the municipality under the new  
5194 form of government may withdraw from a municipal services district only in accordance with  
5195 the provisions of Section [17B-1-505](#).

5196 Section 112. Section **17B-2a-1112** is enacted to read:

5197 **17B-2a-1112. Audit.**

5198 The board of trustees shall provide a copy of an accounting report, as defined in Section  
5199 [51-2a-102](#), to each political subdivision that is provided municipal services by the municipal  
5200 services district that is filed with the state auditor on behalf of the municipal services district in  
5201 accordance with Section [51-2a-203](#).

5202 Section 113. Section **20A-1-102** is amended to read:

5203           **20A-1-102. Definitions.**

5204           As used in this title:

5205           (1) "Active voter" means a registered voter who has not been classified as an inactive  
5206 voter by the county clerk.

5207           (2) "Automatic tabulating equipment" means apparatus that automatically examines  
5208 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

5209           (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
5210 upon which a voter records the voter's votes.

5211           (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
5212 envelopes.

5213           (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

5214           (a) contain the names of offices and candidates and statements of ballot propositions to  
5215 be voted on; and

5216           (b) are used in conjunction with ballot sheets that do not display that information.

5217           (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
5218 on the ballot for their approval or rejection including:

5219           (a) an opinion question specifically authorized by the Legislature;

5220           (b) a constitutional amendment;

5221           (c) an initiative;

5222           (d) a referendum;

5223           (e) a bond proposition;

5224           (f) a judicial retention question;

5225           (g) an incorporation of a city or town; or

5226           (h) any other ballot question specifically authorized by the Legislature.

5227           (6) "Ballot sheet":

5228           (a) means a ballot that:

5229           (i) consists of paper or a card where the voter's votes are marked or recorded; and

5230           (ii) can be counted using automatic tabulating equipment; and

5231           (b) includes punch card ballots and other ballots that are machine-countable.

5232           (7) "Bind," "binding," or "bound" means securing more than one piece of paper

5233 together with a staple or stitch in at least three places across the top of the paper in the blank

5234 space reserved for securing the paper.

5235 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
5236 [20A-4-306](#) to canvass election returns.

5237 (9) "Bond election" means an election held for the purpose of approving or rejecting  
5238 the proposed issuance of bonds by a government entity.

5239 (10) "Book voter registration form" means voter registration forms contained in a  
5240 bound book that are used by election officers and registration agents to register persons to vote.

5241 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
5242 charge by the sender.

5243 (12) "By-mail voter registration form" means a voter registration form designed to be  
5244 completed by the voter and mailed to the election officer.

5245 (13) "Canvass" means the review of election returns and the official declaration of  
5246 election results by the board of canvassers.

5247 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
5248 the canvass.

5249 (15) "Contracting election officer" means an election officer who enters into a contract  
5250 or interlocal agreement with a provider election officer.

5251 (16) "Convention" means the political party convention at which party officers and  
5252 delegates are selected.

5253 (17) "Counting center" means one or more locations selected by the election officer in  
5254 charge of the election for the automatic counting of ballots.

5255 (18) "Counting judge" means a poll worker designated to count the ballots during  
5256 election day.

5257 (19) "Counting poll watcher" means a person selected as provided in Section  
5258 [20A-3-201](#) to witness the counting of ballots.

5259 (20) "Counting room" means a suitable and convenient private place or room,  
5260 immediately adjoining the place where the election is being held, for use by the poll workers  
5261 and counting judges to count ballots during election day.

5262 (21) "County officers" means those county officers that are required by law to be  
5263 elected.

5264 (22) "Date of the election" or "election day" or "day of the election":

5265 (a) means the day that is specified in the calendar year as the day that the election  
5266 occurs; and

5267 (b) does not include:

5268 (i) deadlines established for absentee voting; or

5269 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
5270 Voting.

5271 (23) "Elected official" means:

5272 (a) a person elected to an office under Section 20A-1-303;

5273 (b) a person who is considered to be elected to a municipal office in accordance with  
5274 Subsection 20A-1-206(1)(c)(ii); or

5275 (c) a person who is considered to be elected to a local district office in accordance with  
5276 Subsection 20A-1-206(3)(c)(ii).

5277 (24) "Election" means a regular general election, a municipal general election, a  
5278 statewide special election, a local special election, a regular primary election, a municipal  
5279 primary election, and a local district election.

5280 (25) "Election Assistance Commission" means the commission established by Public  
5281 Law 107-252, the Help America Vote Act of 2002.

5282 (26) "Election cycle" means the period beginning on the first day persons are eligible to  
5283 file declarations of candidacy and ending when the canvass is completed.

5284 (27) "Election judge" means a poll worker that is assigned to:

5285 (a) preside over other poll workers at a polling place;

5286 (b) act as the presiding election judge; or

5287 (c) serve as a canvassing judge, counting judge, or receiving judge.

5288 (28) "Election officer" means:

5289 (a) the lieutenant governor, for all statewide ballots and elections;

5290 (b) the county clerk for:

5291 (i) a county ballot and election; and

5292 (ii) a ballot and election as a provider election officer as provided in Section  
5293 20A-5-400.1 or 20A-5-400.5;

5294 (c) the municipal clerk for:

5295 (i) a municipal ballot and election; and

- 5296 (ii) a ballot and election as a provider election officer as provided in Section  
5297 20A-5-400.1 or 20A-5-400.5;
- 5298 (d) the local district clerk or chief executive officer for:  
5299 (i) a local district ballot and election; and  
5300 (ii) a ballot and election as a provider election officer as provided in Section  
5301 20A-5-400.1 or 20A-5-400.5; or
- 5302 (e) the business administrator or superintendent of a school district for:  
5303 (i) a school district ballot and election; and  
5304 (ii) a ballot and election as a provider election officer as provided in Section  
5305 20A-5-400.1 or 20A-5-400.5.
- 5306 (29) "Election official" means any election officer, election judge, or poll worker.  
5307 (30) "Election results" means:  
5308 (a) for an election other than a bond election, the count of votes cast in the election and  
5309 the election returns requested by the board of canvassers; or  
5310 (b) for bond elections, the count of those votes cast for and against the bond  
5311 proposition plus any or all of the election returns that the board of canvassers may request.  
5312 (31) "Election returns" includes the pollbook, the military and overseas absentee voter  
5313 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all  
5314 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
5315 form, and the total votes cast form.  
5316 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
5317 device or other voting device that records and stores ballot information by electronic means.  
5318 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
5319 or logically associated with a record and executed or adopted by a person with the intent to sign  
5320 the record.  
5321 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.  
5322 (b) "Electronic voting device" includes a direct recording electronic voting device.  
5323 (35) "Inactive voter" means a registered voter who has:  
5324 (a) been sent the notice required by Section 20A-2-306; and  
5325 (b) failed to respond to that notice.  
5326 (36) "Inspecting poll watcher" means a person selected as provided in this title to

5327 witness the receipt and safe deposit of voted and counted ballots.

5328 (37) "Judicial office" means the office filled by any judicial officer.

5329 (38) "Judicial officer" means any justice or judge of a court of record or any county  
5330 court judge.

5331 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
5332 Local Government Entities - Local Districts, and includes a special service district under Title  
5333 17D, Chapter 1, Special Service District Act.

5334 (40) "Local district officers" means those local district board members that are required  
5335 by law to be elected.

5336 (41) "Local election" means a regular county election, a regular municipal election, a  
5337 municipal primary election, a local special election, a local district election, and a bond  
5338 election.

5339 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
5340 local school district.

5341 (43) "Local special election" means a special election called by the governing body of a  
5342 local political subdivision in which all registered voters of the local political subdivision may  
5343 vote.

5344 (44) "Municipal executive" means:

5345 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);  
5346 [or]

5347 (b) the mayor in the council-manager form of government defined in Subsection  
5348 [10-3b-103](#)~~(6)~~(7); or

5349 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).

5350 (45) "Municipal general election" means the election held in municipalities and, as  
5351 applicable, local districts on the first Tuesday after the first Monday in November of each  
5352 odd-numbered year for the purposes established in Section [20A-1-202](#).

5353 (46) "Municipal legislative body" means:

5354 (a) the council of the city or town in any form of municipal government[-]; or

5355 (b) the council of a metro township.

5356 (47) "Municipal office" means an elective office in a municipality.

5357 (48) "Municipal officers" means those municipal officers that are required by law to be

5358 elected.

5359 (49) "Municipal primary election" means an election held to nominate candidates for  
5360 municipal office.

5361 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
5362 workers to be given to voters to record their votes.

5363 (51) "Official endorsement" means:

5364 (a) the information on the ballot that identifies:

5365 (i) the ballot as an official ballot;

5366 (ii) the date of the election; and

5367 (iii) the facsimile signature of the election officer; and

5368 (b) the information on the ballot stub that identifies:

5369 (i) the poll worker's initials; and

5370 (ii) the ballot number.

5371 (52) "Official register" means the official record furnished to election officials by the  
5372 election officer that contains the information required by Section [20A-5-401](#).

5373 (53) "Paper ballot" means a paper that contains:

5374 (a) the names of offices and candidates and statements of ballot propositions to be  
5375 voted on; and

5376 (b) spaces for the voter to record the voter's vote for each office and for or against each  
5377 ballot proposition.

5378 (54) "Pilot project" means the election day voter registration pilot project created in  
5379 Section [20A-4-108](#).

5380 (55) "Political party" means an organization of registered voters that has qualified to  
5381 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
5382 and Procedures.

5383 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
5384 cast votes.

5385 (57) "Polling place" means the building where voting is conducted.

5386 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
5387 election, voting, or counting votes.

5388 (b) "Poll worker" includes election judges.

- 5389 (c) "Poll worker" does not include a watcher.
- 5390 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
5391 in which the voter marks the voter's choice.
- 5392 (60) "Primary convention" means the political party conventions held during the year  
5393 of the regular general election.
- 5394 (61) "Protective counter" means a separate counter, which cannot be reset, that:  
5395 (a) is built into a voting machine; and  
5396 (b) records the total number of movements of the operating lever.
- 5397 (62) "Provider election officer" means an election officer who enters into a contract or  
5398 interlocal agreement with a contracting election officer to conduct an election for the  
5399 contracting election officer's local political subdivision in accordance with Section  
5400 [20A-5-400.1](#).
- 5401 (63) "Provisional ballot" means a ballot voted provisionally by a person:  
5402 (a) whose name is not listed on the official register at the polling place;  
5403 (b) whose legal right to vote is challenged as provided in this title; or  
5404 (c) whose identity was not sufficiently established by a poll worker.
- 5405 (64) "Provisional ballot envelope" means an envelope printed in the form required by  
5406 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
5407 verify a person's legal right to vote.
- 5408 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
5409 duties of the position for which the person was elected.
- 5410 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
5411 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
5412 after the voter has voted.
- 5413 (67) "Registration form" means a book voter registration form and a by-mail voter  
5414 registration form.
- 5415 (68) "Regular ballot" means a ballot that is not a provisional ballot.
- 5416 (69) "Regular general election" means the election held throughout the state on the first  
5417 Tuesday after the first Monday in November of each even-numbered year for the purposes  
5418 established in Section [20A-1-201](#).
- 5419 (70) "Regular primary election" means the election on the fourth Tuesday of June of

5420 each even-numbered year, to nominate candidates of political parties and candidates for  
5421 nonpartisan local school board positions to advance to the regular general election.

5422 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

5423 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
5424 and distributed as provided in Section [20A-5-405](#).

5425 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
5426 punch the ballot for one or more candidates who are members of different political parties.

5427 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
5428 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
5429 the voter's vote.

5430 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

5431 (76) "Spoiled ballot" means each ballot that:

5432 (a) is spoiled by the voter;

5433 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5434 (c) lacks the official endorsement.

5435 (77) "Statewide special election" means a special election called by the governor or the  
5436 Legislature in which all registered voters in Utah may vote.

5437 (78) "Stub" means the detachable part of each ballot.

5438 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
5439 the poll workers when the official ballots are lost or stolen.

5440 (80) "Ticket" means each list of candidates for each political party or for each group of  
5441 petitioners.

5442 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
5443 counting center.

5444 (82) "Vacancy" means the absence of a person to serve in any position created by  
5445 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
5446 or other cause.

5447 (83) "Valid voter identification" means:

5448 (a) a form of identification that bears the name and photograph of the voter which may  
5449 include:

5450 (i) a currently valid Utah driver license;

- 5451 (ii) a currently valid identification card that is issued by:  
5452 (A) the state; or  
5453 (B) a branch, department, or agency of the United States;  
5454 (iii) a currently valid Utah permit to carry a concealed weapon;  
5455 (iv) a currently valid United States passport; or  
5456 (v) a currently valid United States military identification card;  
5457 (b) one of the following identification cards, whether or not the card includes a  
5458 photograph of the voter:  
5459 (i) a valid tribal identification card;  
5460 (ii) a Bureau of Indian Affairs card; or  
5461 (iii) a tribal treaty card; or  
5462 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
5463 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
5464 may include:  
5465 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
5466 election;  
5467 (ii) a bank or other financial account statement, or a legible copy thereof;  
5468 (iii) a certified birth certificate;  
5469 (iv) a valid Social Security card;  
5470 (v) a check issued by the state or the federal government or a legible copy thereof;  
5471 (vi) a paycheck from the voter's employer, or a legible copy thereof;  
5472 (vii) a currently valid Utah hunting or fishing license;  
5473 (viii) certified naturalization documentation;  
5474 (ix) a currently valid license issued by an authorized agency of the United States;  
5475 (x) a certified copy of court records showing the voter's adoption or name change;  
5476 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;  
5477 (xii) a currently valid identification card issued by:  
5478 (A) a local government within the state;  
5479 (B) an employer for an employee; or  
5480 (C) a college, university, technical school, or professional school located within the  
5481 state; or

- 5482 (xiii) a current Utah vehicle registration.
- 5483 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in  
5484 candidate by following the procedures and requirements of this title.
- 5485 (85) "Voter" means a person who:
- 5486 (a) meets the requirements for voting in an election;
- 5487 (b) meets the requirements of election registration;
- 5488 (c) is registered to vote; and
- 5489 (d) is listed in the official register book.
- 5490 (86) "Voter registration deadline" means the registration deadline provided in Section  
5491 [20A-2-102.5](#).
- 5492 (87) "Voting area" means the area within six feet of the voting booths, voting  
5493 machines, and ballot box.
- 5494 (88) "Voting booth" means:
- 5495 (a) the space or compartment within a polling place that is provided for the preparation  
5496 of ballots, including the voting machine enclosure or curtain; or
- 5497 (b) a voting device that is free standing.
- 5498 (89) "Voting device" means:
- 5499 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
5500 piercing the ballots by the voter;
- 5501 (b) a device for marking the ballots with ink or another substance;
- 5502 (c) an electronic voting device or other device used to make selections and cast a ballot  
5503 electronically, or any component thereof;
- 5504 (d) an automated voting system under Section [20A-5-302](#); or
- 5505 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
5506 by means of automatic tabulating equipment.
- 5507 (90) "Voting machine" means a machine designed for the sole purpose of recording  
5508 and tabulating votes cast by voters at an election.
- 5509 (91) "Voting poll watcher" means a person appointed as provided in this title to  
5510 witness the distribution of ballots and the voting process.
- 5511 (92) "Voting precinct" means the smallest voting unit established as provided by law  
5512 within which qualified voters vote at one polling place.

5513 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
5514 poll watcher, and a testing watcher.

5515 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
5516 Part 8, Western States Presidential Primary.

5517 (95) "Write-in ballot" means a ballot containing any write-in votes.

5518 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
5519 ballot according to the procedures established in this title.

5520 Section 114. Section **20A-1-201.5** is amended to read:

5521 **20A-1-201.5. Primary election dates.**

5522 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
5523 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons  
5524 for:

5525 (a) national, state, school board, and county offices[?]; and

5526 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

5527 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
5528 following the first Monday in August before the regular municipal election to nominate persons  
5529 for municipal offices.

5530 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
5531 election, the Western States Presidential Primary election shall be held throughout the state on  
5532 the first Tuesday in February in the year in which a presidential election will be held.

5533 Section 115. Section **20A-1-203** is amended to read:

5534 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
5535 **limitations.**

5536 (1) Statewide and local special elections may be held for any purpose authorized by  
5537 law.

5538 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
5539 general elections.

5540 (b) Except as otherwise provided in this title, local special elections shall be conducted  
5541 using the procedures for regular municipal elections.

5542 (3) The governor may call a statewide special election by issuing an executive order  
5543 that designates:

- 5544 (a) the date for the statewide special election; and  
5545 (b) the purpose for the statewide special election.
- 5546 (4) The Legislature may call a statewide special election by passing a joint or  
5547 concurrent resolution that designates:
- 5548 (a) the date for the statewide special election; and  
5549 (b) the purpose for the statewide special election.
- 5550 (5) (a) The legislative body of a local political subdivision may call a local special  
5551 election only for:
- 5552 (i) a vote on a bond or debt issue;  
5553 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);  
5554 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;  
5555 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;  
5556 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
5557 legal boundaries should be changed;
- 5558 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;  
5559 (vii) a vote to elect members to school district boards for a new school district and a  
5560 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
5561 school district under Section [53A-2-118.1](#);
- 5562 (viii) an election of town officers of a newly incorporated town under Section  
5563 ~~[10-2-128]~~ [10-2a-305](#);
- 5564 (ix) an election of officers for a new city under Section ~~[10-2-116]~~ [10-2a-215](#);
- 5565 (x) a vote on a municipality providing cable television services or public  
5566 telecommunications services under Section [10-18-204](#);
- 5567 (xi) a vote to create a new county under Section [17-3-1](#);
- 5568 (xii) a vote on the creation of a study committee under Sections [17-52-202](#) and  
5569 [17-52-203.5](#);
- 5570 (xiii) a vote on a special property tax under Section [53A-16-110](#);
- 5571 (xiv) a vote on the incorporation of a city in accordance with Section ~~[10-2-111]~~  
5572 [10-2a-210](#); ~~[or]~~
- 5573 (xv) a vote on the incorporation of a town in accordance with Section ~~[10-2-127.]~~  
5574 [10-2a-304](#); or

- 5575 (xvi) a vote on incorporation or annexation as described in Section [10-2a-404](#).
- 5576 (b) The legislative body of a local political subdivision may call a local special election
- 5577 by adopting an ordinance or resolution that designates:
- 5578 (i) the date for the local special election as authorized by Section [20A-1-204](#); and
- 5579 (ii) the purpose for the local special election.
- 5580 (c) A local political subdivision may not call a local special election unless the
- 5581 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
- 5582 two-thirds majority of all members of the legislative body, if the local special election is for:
- 5583 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 5584 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 5585 (iii) a vote authorized or required for a sales tax issue as described in Subsection
- 5586 (5)(a)(vi).
- 5587 Section 116. Section **20A-1-204** is amended to read:
- 5588 **20A-1-204. Date of special election -- Legal effect.**
- 5589 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
- 5590 legislative body of a local political subdivision calling a statewide special election or local
- 5591 special election under Section [20A-1-203](#) shall schedule the special election to be held on:
- 5592 (i) the fourth Tuesday in June;
- 5593 (ii) the first Tuesday after the first Monday in November; or
- 5594 (iii) for an election of town officers of a newly incorporated town under Section
- 5595 ~~[10-2-128]~~ [10-2a-305](#), on any date that complies with the requirements of that subsection.
- 5596 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
- 5597 body of a local political subdivision calling a statewide special election or local special election
- 5598 under Section [20A-1-203](#) may not schedule a special election to be held on any other date.
- 5599 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
- 5600 body of a local political subdivision may call a local special election on a date other than those
- 5601 specified in this section if the legislative body:
- 5602 (A) determines and declares that there is a disaster, as defined in Section [53-2a-102](#),
- 5603 requiring that a special election be held on a date other than the ones authorized in statute;
- 5604 (B) identifies specifically the nature of the disaster, as defined in Section [53-2a-102](#),
- 5605 and the reasons for holding the special election on that other date; and

- 5606 (C) votes unanimously to hold the special election on that other date.
- 5607 (ii) The legislative body of a local political subdivision may not call a local special  
5608 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for  
5609 Utah's Western States Presidential Primary.
- 5610 (d) The legislative body of a local political subdivision may only call a special election  
5611 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after  
5612 the first Monday in November.
- 5613 (e) Nothing in this section prohibits:
- 5614 (i) the governor or Legislature from submitting a matter to the voters at the regular  
5615 general election if authorized by law; or
- 5616 (ii) a local government from submitting a matter to the voters at the regular municipal  
5617 election if authorized by law.
- 5618 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
5619 special election within a county on the same day as:
- 5620 (i) another special election;
- 5621 (ii) a regular general election; or
- 5622 (iii) a municipal general election.
- 5623 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:
- 5624 (i) polling places;
- 5625 (ii) ballots;
- 5626 (iii) election officials; and
- 5627 (iv) other administrative and procedural matters connected with the election.
- 5628 Section 117. Section **20A-11-101** is amended to read:
- 5629 **20A-11-101. Definitions.**
- 5630 As used in this chapter:
- 5631 (1) "Address" means the number and street where an individual resides or where a  
5632 reporting entity has its principal office.
- 5633 (2) "Agent of a reporting entity" means:
- 5634 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
5635 entity;
- 5636 (b) a person employed by a reporting entity in the reporting entity's capacity as a

5637 reporting entity;

5638 (c) the personal campaign committee of a candidate or officeholder;

5639 (d) a member of the personal campaign committee of a candidate or officeholder in the  
5640 member's capacity as a member of the personal campaign committee of the candidate or  
5641 officeholder; or

5642 (e) a political consultant of a reporting entity.

5643 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
5644 amendments, and any other ballot propositions submitted to the voters that are authorized by  
5645 the Utah Code Annotated 1953.

5646 (4) "Candidate" means any person who:

5647 (a) files a declaration of candidacy for a public office; or

5648 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5649 receive contributions or make expenditures to bring about the person's nomination or election  
5650 to a public office.

5651 (5) "Chief election officer" means:

5652 (a) the lieutenant governor for state office candidates, legislative office candidates,  
5653 officeholders, political parties, political action committees, corporations, political issues  
5654 committees, state school board candidates, judges, and labor organizations, as defined in  
5655 Section [20A-11-1501](#); and

5656 (b) the county clerk for local school board candidates.

5657 (6) (a) "Contribution" means any of the following when done for political purposes:

5658 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
5659 value given to the filing entity;

5660 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
5661 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
5662 anything of value to the filing entity;

5663 (iii) any transfer of funds from another reporting entity to the filing entity;

5664 (iv) compensation paid by any person or reporting entity other than the filing entity for  
5665 personal services provided without charge to the filing entity;

5666 (v) remuneration from:

5667 (A) any organization or its directly affiliated organization that has a registered lobbyist;

5668 or

5669 (B) any agency or subdivision of the state, including school districts;

5670 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

5671 (vii) in-kind contributions.

5672 (b) "Contribution" does not include:

5673 (i) services provided by individuals volunteering a portion or all of their time on behalf  
5674 of the filing entity if the services are provided without compensation by the filing entity or any  
5675 other person;

5676 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
5677 business; or

5678 (iii) goods or services provided for the benefit of a candidate or political party at less  
5679 than fair market value that are not authorized by or coordinated with the candidate or political  
5680 party.

5681 (7) "Coordinated with" means that goods or services provided for the benefit of a  
5682 candidate or political party are provided:

5683 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
5684 party does not object;

5685 (b) by agreement with the candidate or political party;

5686 (c) in coordination with the candidate or political party; or

5687 (d) using official logos, slogans, and similar elements belonging to a candidate or  
5688 political party.

5689 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
5690 organization that is registered as a corporation or is authorized to do business in a state and  
5691 makes any expenditure from corporate funds for:

5692 (i) the purpose of expressly advocating for political purposes; or

5693 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
5694 proposition.

5695 (b) "Corporation" does not mean:

5696 (i) a business organization's political action committee or political issues committee; or

5697 (ii) a business entity organized as a partnership or a sole proprietorship.

5698 (9) "County political party" means, for each registered political party, all of the persons

5699 within a single county who, under definitions established by the political party, are members of  
5700 the registered political party.

5701 (10) "County political party officer" means a person whose name is required to be  
5702 submitted by a county political party to the lieutenant governor in accordance with Section  
5703 [20A-8-402](#).

5704 (11) "Detailed listing" means:

5705 (a) for each contribution or public service assistance:

5706 (i) the name and address of the individual or source making the contribution or public  
5707 service assistance;

5708 (ii) the amount or value of the contribution or public service assistance; and

5709 (iii) the date the contribution or public service assistance was made; and

5710 (b) for each expenditure:

5711 (i) the amount of the expenditure;

5712 (ii) the person or entity to whom it was disbursed;

5713 (iii) the specific purpose, item, or service acquired by the expenditure; and

5714 (iv) the date the expenditure was made.

5715 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
5716 for membership in the corporation, to a corporation without receiving full and adequate  
5717 consideration for the money.

5718 (b) "Donor" does not include a person that signs a statement that the corporation may  
5719 not use the money for an expenditure or political issues expenditure.

5720 (13) "Election" means each:

5721 (a) regular general election;

5722 (b) regular primary election; and

5723 (c) special election at which candidates are eliminated and selected.

5724 (14) "Electioneering communication" means a communication that:

5725 (a) has at least a value of \$10,000;

5726 (b) clearly identifies a candidate or judge; and

5727 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
5728 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
5729 identified candidate's or judge's election date.

5730 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
5731 agent of a reporting entity on behalf of the reporting entity:

5732 (i) any disbursement from contributions, receipts, or from the separate bank account  
5733 required by this chapter;

5734 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
5735 or anything of value made for political purposes;

5736 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5737 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
5738 value for political purposes;

5739 (iv) compensation paid by a filing entity for personal services rendered by a person  
5740 without charge to a reporting entity;

5741 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
5742 committee; or

5743 (vi) goods or services provided by the filing entity to or for the benefit of another  
5744 reporting entity for political purposes at less than fair market value.

5745 (b) "Expenditure" does not include:

5746 (i) services provided without compensation by individuals volunteering a portion or all  
5747 of their time on behalf of a reporting entity;

5748 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
5749 business; or

5750 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
5751 candidates for office or officeholders in states other than Utah.

5752 (16) "Federal office" means the office of president of the United States, United States  
5753 Senator, or United States Representative.

5754 (17) "Filing entity" means the reporting entity that is required to file a financial  
5755 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

5756 (18) "Financial statement" includes any summary report, interim report, verified  
5757 financial statement, or other statement disclosing contributions, expenditures, receipts,  
5758 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
5759 Retention Elections.

5760 (19) "Governing board" means the individual or group of individuals that determine the

5761 candidates and committees that will receive expenditures from a political action committee,  
5762 political party, or corporation.

5763 (20) "Incorporation" means the process established by Title 10, Chapter [~~2, Part 1,~~] 2a,  
5764 Municipal Incorporation, by which a geographical area becomes legally recognized as a city  
5765 [~~or~~], town, or metro township.

5766 (21) "Incorporation election" means the election authorized by Section [~~10-2-111 or~~  
5767 ~~10-2-127~~] 10-2a-210, 10-2a-304, or 10-2a-404.

5768 (22) "Incorporation petition" means a petition authorized by Section [~~10-2-109~~]  
5769 10-2a-208 or [~~10-2-125~~] 10-2a-302.

5770 (23) "Individual" means a natural person.

5771 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
5772 by or coordinated with a filing entity.

5773 (25) "Interim report" means a report identifying the contributions received and  
5774 expenditures made since the last report.

5775 (26) "Legislative office" means the office of state senator, state representative, speaker  
5776 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
5777 whip of any party caucus in either house of the Legislature.

5778 (27) "Legislative office candidate" means a person who:

5779 (a) files a declaration of candidacy for the office of state senator or state representative;

5780 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
5781 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
5782 assistant whip of any party caucus in either house of the Legislature; or

5783 (c) receives contributions, makes expenditures, or gives consent for any other person to  
5784 receive contributions or make expenditures to bring about the person's nomination, election, or  
5785 appointment to a legislative office.

5786 (28) "Major political party" means either of the two registered political parties that  
5787 have the greatest number of members elected to the two houses of the Legislature.

5788 (29) "Officeholder" means a person who holds a public office.

5789 (30) "Party committee" means any committee organized by or authorized by the  
5790 governing board of a registered political party.

5791 (31) "Person" means both natural and legal persons, including individuals, business

5792 organizations, personal campaign committees, party committees, political action committees,  
5793 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

5794 (32) "Personal campaign committee" means the committee appointed by a candidate to  
5795 act for the candidate as provided in this chapter.

5796 (33) "Personal use expenditure" has the same meaning as provided under Section  
5797 [20A-11-104](#).

5798 (34) (a) "Political action committee" means an entity, or any group of individuals or  
5799 entities within or outside this state, a major purpose of which is to:

5800 (i) solicit or receive contributions from any other person, group, or entity for political  
5801 purposes; or

5802 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
5803 vote for or against any candidate or person seeking election to a municipal or county office.

5804 (b) "Political action committee" includes groups affiliated with a registered political  
5805 party but not authorized or organized by the governing board of the registered political party  
5806 that receive contributions or makes expenditures for political purposes.

5807 (c) "Political action committee" does not mean:

5808 (i) a party committee;

5809 (ii) any entity that provides goods or services to a candidate or committee in the regular  
5810 course of its business at the same price that would be provided to the general public;

5811 (iii) an individual;

5812 (iv) individuals who are related and who make contributions from a joint checking  
5813 account;

5814 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5815 action committee; or

5816 (vi) a personal campaign committee.

5817 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
5818 by another person on behalf of and with the knowledge of the reporting entity, to provide  
5819 political advice to the reporting entity.

5820 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
5821 where the person:

5822 (i) has already been paid, with money or other consideration;

5823 (ii) expects to be paid in the future, with money or other consideration; or  
5824 (iii) understands that the person may, in the discretion of the reporting entity or another  
5825 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
5826 money or other consideration.

5827 (36) "Political convention" means a county or state political convention held by a  
5828 registered political party to select candidates.

5829 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
5830 entities within or outside this state, a major purpose of which is to:

5831 (i) solicit or receive donations from any other person, group, or entity to assist in  
5832 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
5833 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

5834 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
5835 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
5836 proposed ballot proposition or an incorporation in an incorporation election; or

5837 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
5838 ballot or to assist in keeping a ballot proposition off the ballot.

5839 (b) "Political issues committee" does not mean:

5840 (i) a registered political party or a party committee;

5841 (ii) any entity that provides goods or services to an individual or committee in the  
5842 regular course of its business at the same price that would be provided to the general public;

5843 (iii) an individual;

5844 (iv) individuals who are related and who make contributions from a joint checking  
5845 account; or

5846 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5847 issues committee.

5848 (38) (a) "Political issues contribution" means any of the following:

5849 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
5850 anything of value given to a political issues committee;

5851 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
5852 issues donation to influence the approval or defeat of any ballot proposition;

5853 (iii) any transfer of funds received by a political issues committee from a reporting

5854 entity;

5855 (iv) compensation paid by another reporting entity for personal services rendered  
5856 without charge to a political issues committee; and

5857 (v) goods or services provided to or for the benefit of a political issues committee at  
5858 less than fair market value.

5859 (b) "Political issues contribution" does not include:

5860 (i) services provided without compensation by individuals volunteering a portion or all  
5861 of their time on behalf of a political issues committee; or

5862 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5863 course of business.

5864 (39) (a) "Political issues expenditure" means any of the following when made by a  
5865 political issues committee or on behalf of a political issues committee by an agent of the  
5866 reporting entity:

5867 (i) any payment from political issues contributions made for the purpose of influencing  
5868 the approval or the defeat of:

5869 (A) a ballot proposition; or

5870 (B) an incorporation petition or incorporation election;

5871 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
5872 the express purpose of influencing the approval or the defeat of:

5873 (A) a ballot proposition; or

5874 (B) an incorporation petition or incorporation election;

5875 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5876 political issues expenditure;

5877 (iv) compensation paid by a reporting entity for personal services rendered by a person  
5878 without charge to a political issues committee; or

5879 (v) goods or services provided to or for the benefit of another reporting entity at less  
5880 than fair market value.

5881 (b) "Political issues expenditure" does not include:

5882 (i) services provided without compensation by individuals volunteering a portion or all  
5883 of their time on behalf of a political issues committee; or

5884 (ii) money lent to a political issues committee by a financial institution in the ordinary

5885 course of business.

5886 (40) "Political purposes" means an act done with the intent or in a way to influence or  
5887 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
5888 against any candidate or a person seeking a municipal or county office at any caucus, political  
5889 convention, or election.

5890 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
5891 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
5892 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
5893 person or by telephone, facsimile, Internet, postal mail, or email.

5894 (b) "Poll" does not include:

5895 (i) a ballot; or

5896 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

5897 (A) the focus group consists of more than three, and less than thirteen, individuals; and

5898 (B) all individuals in the focus group are present during the interview.

5899 (42) "Primary election" means any regular primary election held under the election  
5900 laws.

5901 [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more  
5902 individuals sharing a common occupation, interest, or association that contribute to a political  
5903 action committee or political issues committee and whose names can be obtained by contacting  
5904 the political action committee or political issues committee upon whose financial statement the  
5905 individuals are listed.

5906 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state  
5907 auditor, state treasurer, attorney general, state school board member, state senator, state  
5908 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
5909 whip, and assistant whip of any party caucus in either house of the Legislature.

5910 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided  
5911 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
5912 communicate with the officeholder's constituents:

5913 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
5914 money or anything of value to an officeholder; or

5915 (ii) goods or services provided at less than fair market value to or for the benefit of the

5916 officeholder.

5917 (b) "Public service assistance" does not include:

5918 (i) anything provided by the state;

5919 (ii) services provided without compensation by individuals volunteering a portion or all  
5920 of their time on behalf of an officeholder;

5921 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
5922 business;

5923 (iv) news coverage or any publication by the news media; or

5924 (v) any article, story, or other coverage as part of any regular publication of any  
5925 organization unless substantially all the publication is devoted to information about the  
5926 officeholder.

5927 (46) "Receipts" means contributions and public service assistance.

5928 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
5929 Lobbyist Disclosure and Regulation Act.

5930 (48) "Registered political action committee" means any political action committee that  
5931 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5932 Governor.

5933 (49) "Registered political issues committee" means any political issues committee that  
5934 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5935 Governor.

5936 (50) "Registered political party" means an organization of voters that:

5937 (a) participated in the last regular general election and polled a total vote equal to 2%  
5938 or more of the total votes cast for all candidates for the United States House of Representatives  
5939 for any of its candidates for any office; or

5940 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
5941 Party Formation and Procedures.

5942 (51) (a) "Remuneration" means a payment:

5943 (i) made to a legislator for the period the Legislature is in session; and

5944 (ii) that is approximately equivalent to an amount a legislator would have earned  
5945 during the period the Legislature is in session in the legislator's ordinary course of business.

5946 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

- 5947 (i) the legislator's primary employer in the ordinary course of business; or  
5948 (ii) a person or entity in the ordinary course of business:  
5949 (A) because of the legislator's ownership interest in the entity; or  
5950 (B) for services rendered by the legislator on behalf of the person or entity.
- 5951 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
5952 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
5953 action committee, a political issues committee, a corporation, or a labor organization, as  
5954 defined in Section [20A-11-1501](#).
- 5955 (53) "School board office" means the office of state school board.
- 5956 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
5957 intangible asset that comprises the contribution.
- 5958 (b) "Source" means, for political action committees and corporations, the political  
5959 action committee and the corporation as entities, not the contributors to the political action  
5960 committee or the owners or shareholders of the corporation.
- 5961 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
5962 state auditor, and state treasurer.
- 5963 (56) "State office candidate" means a person who:  
5964 (a) files a declaration of candidacy for a state office; or  
5965 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5966 receive contributions or make expenditures to bring about the person's nomination, election, or  
5967 appointment to a state office.
- 5968 (57) "Summary report" means the year end report containing the summary of a  
5969 reporting entity's contributions and expenditures.
- 5970 (58) "Supervisory board" means the individual or group of individuals that allocate  
5971 expenditures from a political issues committee.
- 5972 Section 118. Section **53-2a-208** is amended to read:  
5973 **53-2a-208. Local emergency -- Declarations.**  
5974 (1) (a) A local emergency may be declared by proclamation of the chief executive  
5975 officer of a municipality or county.  
5976 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
5977 days except by or with the consent of the governing body of the municipality or county.

5978 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
5979 shall be filed promptly with the office of the clerk of the affected municipality or county.

5980 (2) A declaration of a local emergency:

5981 (a) constitutes an official recognition that a disaster situation exists within the affected  
5982 municipality or county;

5983 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
5984 from other political subdivisions or from the state or federal government;

5985 (c) activates the response and recovery aspects of any and all applicable local disaster  
5986 emergency plans; and

5987 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

5988 (3) A local emergency proclamation issued under this section shall state:

5989 (a) the nature of the local emergency;

5990 (b) the area or areas that are affected or threatened; and

5991 (c) the conditions which caused the emergency.

5992 (4) The emergency declaration process within the state shall be as follows:

5993 (a) a city, town, [or] metro township, or planning district shall declare to the county;

5994 (b) a county shall declare to the state;

5995 (c) the state shall declare to the federal government; and

5996 (d) a tribe, as defined in Section [23-13-12.5](#), shall declare as determined under the  
5997 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

5998 (5) Nothing in this part affects:

5999 (a) the governor's authority to declare a state of emergency under Section [53-2a-206](#); or

6000 (b) the duties, requests, reimbursements, or other actions taken by a political  
6001 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,  
6002 Part 3, Statewide Mutual Aid Act.

6003 Section 119. Section **53-2a-802** is amended to read:

6004 **53-2a-802. Definitions.**

6005 (1) (a) "Absent" means:

6006 (i) not physically present or not able to be communicated with for 48 hours; or

6007 (ii) for local government officers, as defined by local ordinances.

6008 (b) "Absent" does not include a person who can be communicated with via telephone,

6009 radio, or telecommunications.

6010 (2) "Department" means the Department of Administrative Services, the Department of  
6011 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of  
6012 Commerce, the Department of Heritage and Arts, the Department of Corrections, the  
6013 Department of Environmental Quality, the Department of Financial Institutions, the  
6014 Department of Health, the Department of Human Resource Management, the Department of  
6015 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,  
6016 the Department of Natural Resources, the Department of Public Safety, the Public Service  
6017 Commission, the Department of Human Services, the State Tax Commission, the Department  
6018 of Technology Services, the Department of Transportation, any other major administrative  
6019 subdivisions of state government, the State Board of Education, the State Board of Regents, the  
6020 Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and  
6021 each institution of higher education within the system of higher education.

6022 (3) "Division" means the Division of Emergency Management established in Title 53,  
6023 Chapter 2a, Part 1, Emergency Management Act.

6024 (4) "Emergency interim successor" means a person designated by this part to exercise  
6025 the powers and discharge the duties of an office when the person legally exercising the powers  
6026 and duties of the office is unavailable.

6027 (5) "Executive director" means the person with ultimate responsibility for managing  
6028 and overseeing the operations of each department, however denominated.

6029 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
6030 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

6031 (b) "Office" does not include the office of governor or the legislative or judicial offices.

6032 (7) "Place of governance" means the physical location where the powers of an office  
6033 are being exercised.

6034 (8) "Political subdivision" includes counties, cities, towns, metro townships, planning  
6035 districts, districts, authorities, and other public corporations and entities whether organized and  
6036 existing under charter or general law.

6037 (9) "Political subdivision officer" means a person holding an office in a political  
6038 subdivision.

6039 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and

6040 the executive director of each department.

6041 (11) "Unavailable" means:

6042 (a) absent from the place of governance during a disaster that seriously disrupts normal  
6043 governmental operations, whether or not that absence or inability would give rise to a vacancy  
6044 under existing constitutional or statutory provisions; or

6045 (b) as otherwise defined by local ordinance.

6046 Section 120. Section **53A-2-118.1** is amended to read:

6047 **53A-2-118.1. Proposal initiated by a city or interlocal agreement participants to**  
6048 **create a school district -- Boundaries -- Election of local school board members --**  
6049 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

6050 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,  
6051 as determined by the lieutenant governor using the process described in Subsection **67-1a-2(3)**,  
6052 may by majority vote of the legislative body, submit for voter approval a measure to create a  
6053 new school district with boundaries contiguous with that city's boundaries, in accordance with  
6054 Section **53A-2-118**.

6055 (b) (i) The determination of all matters relating to the scope, adequacy, and other  
6056 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the  
6057 city's legislative body.

6058 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of  
6059 a legal action or other challenge to:

6060 (A) an election for voter approval of the creation of a new school district; or

6061 (B) the creation of the new school district.

6062 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,  
6063 may, together with one or more other cities, towns, or the county enter into an interlocal  
6064 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose  
6065 of submitting for voter approval a measure to create a new school district.

6066 (b) (i) In accordance with Section **53A-2-118**, interlocal agreement participants under  
6067 Subsection (2)(a) may submit a proposal for voter approval if:

6068 (A) the interlocal agreement participants conduct a feasibility study prior to submitting  
6069 the proposal to the county;

6070 (B) the combined population within the proposed new school district boundaries is at

6071 least 50,000;

6072 (C) the new school district boundaries:

6073 (I) are contiguous;

6074 (II) do not completely surround or otherwise completely geographically isolate a

6075 portion of an existing school district that is not part of the proposed new school district from

6076 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

6077 (III) include the entire boundaries of each participant city or town, except as provided

6078 in Subsection (2)(d)(ii); and

6079 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

6080 (D) the combined population within the proposed new school district of interlocal

6081 agreement participants that have entered into an interlocal agreement proposing to create a new

6082 school district is at least 80% of the total population of the proposed new school district.

6083 (ii) The determination of all matters relating to the scope, adequacy, and other aspects

6084 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new

6085 feasibility study or revise a previous feasibility study due to a change in the proposed new

6086 school district boundaries, is within the exclusive discretion of the legislative bodies of the

6087 interlocal agreement participants that enter into an interlocal agreement to submit for voter

6088 approval a measure to create a new school district.

6089 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the

6090 basis of a legal action or other challenge to:

6091 (A) an election for voter approval of the creation of a new school district; or

6092 (B) the creation of the new school district.

6093 (iv) For purposes of determining whether the boundaries of a proposed new school

6094 district cross county lines under Subsection (2)(b)(i)(C)(IV):

6095 (A) a municipality located in more than one county and entirely within the boundaries

6096 of a single school district is considered to be entirely within the same county as other

6097 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's

6098 land area and population is located in that same county than outside the county; and

6099 (B) a municipality located in more than one county that participates in an interlocal

6100 agreement under Subsection (2)(a) with respect to some but not all of the area within the

6101 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may

6102 not be considered to cross county lines.

6103 (c) (i) A county may only participate in an interlocal agreement under this Subsection  
6104 (2) for the unincorporated areas of the county.

6105 (ii) Boundaries of a new school district created under this section may include:

6106 (A) a portion of one or more existing school districts; and

6107 (B) a portion of the unincorporated area of a county, including a portion of a  
6108 [~~township~~] planning district.

6109 (d) (i) As used in this Subsection (2)(d):

6110 (A) "Isolated area" means an area that:

6111 (I) is entirely within the boundaries of a municipality that, except for that area, is  
6112 entirely within a school district different than the school district in which the area is located;  
6113 and

6114 (II) would, because of the creation of a new school district from the existing district in  
6115 which the area is located, become completely geographically isolated.

6116 (B) "Municipality's school district" means the school district that includes all of the  
6117 municipality in which the isolated area is located except the isolated area.

6118 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in  
6119 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
6120 within the municipality's boundaries if:

6121 (A) the portion of the municipality proposed to be included in the new school district  
6122 would, if not included, become an isolated area upon the creation of the new school district; or

6123 (B) (I) the portion of the municipality proposed to be included in the new school  
6124 district is within the boundaries of the same school district that includes the other interlocal  
6125 agreement participants; and

6126 (II) the portion of the municipality proposed to be excluded from the new school  
6127 district is within the boundaries of a school district other than the school district that includes  
6128 the other interlocal agreement participants.

6129 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school  
6130 district may be submitted for voter approval pursuant to an interlocal agreement under  
6131 Subsection (2)(a), even though the new school district boundaries would create an isolated  
6132 area, if:

6133 (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
6134 participants;

6135 (II) the interlocal participants submit a written request to the municipality in which the  
6136 potential isolated area is located, requesting the municipality to enter into an interlocal  
6137 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to  
6138 create a new school district that includes the potential isolated area; and

6139 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the  
6140 municipality has not entered into an interlocal agreement as requested in the request.

6141 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold  
6142 one or more public hearings to allow input from the public and affected school districts  
6143 regarding whether or not the municipality should enter into an interlocal agreement with  
6144 respect to the potential isolated area.

6145 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

6146 (Aa) a new school district is created under this section after a measure is submitted to  
6147 voters based on the authority of Subsection (2)(d)(iii)(A); and

6148 (Bb) the creation of the new school district results in an isolated area.

6149 (II) The isolated area shall, on July 1 of the second calendar year following the local  
6150 school board general election date described in Subsection (3)(a)(i), become part of the  
6151 municipality's school district.

6152 (III) Unless the isolated area is the only remaining part of the existing district, the  
6153 process described in Subsection (4) shall be modified to:

6154 (Aa) include a third transition team, appointed by the local school board of the  
6155 municipality's school district, to represent that school district; and

6156 (Bb) require allocation of the existing district's assets and liabilities among the new  
6157 district, the remaining district, and the municipality's school district.

6158 (IV) The existing district shall continue to provide educational services to the isolated  
6159 area until July 1 of the second calendar year following the local school board general election  
6160 date described in Subsection (3)(a)(i).

6161 (3) (a) If a proposal under this section is approved by voters:

6162 (i) an election shall be held at the next regular general election to elect:

6163 (A) members to the local school board of the existing school district whose terms are

6164 expiring;

6165 (B) all members to the local school board of the new school district; and

6166 (C) all members to the local school board of the remaining district;

6167 (ii) the assets and liabilities of the existing school district shall be divided between the  
6168 remaining school district and the new school district as provided in Subsection (5) and Section  
6169 53A-2-121;

6170 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and  
6171 53A-2-122;

6172 (iv) (A) an individual residing within the boundaries of a new school district at the  
6173 time the new school district is created may, for six school years after the creation of the new  
6174 school district, elect to enroll in a secondary school located outside the boundaries of the new  
6175 school district if:

6176 (I) the individual resides within the boundaries of that secondary school as of the day  
6177 before the new school district is created; and

6178 (II) the individual would have been eligible to enroll in that secondary school had the  
6179 new school district not been created; and

6180 (B) the school district in which the secondary school is located shall provide  
6181 educational services, including, if provided before the creation of the new school district,  
6182 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school  
6183 year for which the individual makes the election; and

6184 (v) within one year after the new district begins providing educational services, the  
6185 superintendent of each remaining district affected and the superintendent of the new district  
6186 shall meet, together with the Superintendent of Public Instruction, to determine if further  
6187 boundary changes should be proposed in accordance with Section 53A-2-104.

6188 (b) (i) The terms of the initial members of the local school board of the new district and  
6189 remaining district shall be staggered and adjusted by the county legislative body so that  
6190 approximately half of the local school board is elected every two years.

6191 (ii) The term of a member of the existing local school board, including a member  
6192 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local  
6193 school board general election date described in Subsection (3)(a)(i), regardless of when the  
6194 term would otherwise have terminated.

6195 (iii) Notwithstanding the existence of a local school board for the new district and a  
6196 local school board for the remaining district under Subsection (3)(a)(i), the local school board  
6197 of the existing district shall continue, until the time specified in Subsection  
6198 [53A-2-118](#)(5)(b)(ii)(A), to function and exercise authority as a local school board to the extent  
6199 necessary to continue to provide educational services to the entire existing district.

6200 (iv) A person may simultaneously serve as or be elected to be a member of the local  
6201 school board of an existing district and a member of the local school board of:

6202 (A) a new district; or

6203 (B) a remaining district.

6204 (4) (a) Within 45 days after the canvass date for the election at which voters approve  
6205 the creation of a new district:

6206 (i) a transition team to represent the remaining district shall be appointed by the  
6207 members of the existing local school board who reside within the area of the remaining district,  
6208 in consultation with:

6209 (A) the legislative bodies of all municipalities in the area of the remaining district; and

6210 (B) the legislative body of the county in which the remaining district is located, if the  
6211 remaining district includes one or more unincorporated areas of the county; and

6212 (ii) another transition team to represent the new district shall be appointed by:

6213 (A) for a new district located entirely within the boundaries of a single city, the  
6214 legislative body of that city; or

6215 (B) for each other new district, the legislative bodies of all interlocal agreement  
6216 participants.

6217 (b) The local school board of the existing school district shall, within 60 days after the  
6218 canvass date for the election at which voters approve the creation of a new district:

6219 (i) prepare an inventory of the existing district's:

6220 (A) assets, both tangible and intangible, real and personal; and

6221 (B) liabilities; and

6222 (ii) deliver a copy of the inventory to each of the transition teams.

6223 (c) The transition teams appointed under Subsection (4)(a) shall:

6224 (i) determine the allocation of the existing district's assets and, except for indebtedness  
6225 under Section [53A-2-121](#), liabilities between the remaining district and the new district in

- 6226 accordance with Subsection (5);
- 6227 (ii) prepare a written report detailing how the existing district's assets and, except for  
6228 indebtedness under Section 53A-2-121, liabilities are to be allocated; and
- 6229 (iii) deliver a copy of the written report to:
- 6230 (A) the local school board of the existing district;
- 6231 (B) the local school board of the remaining district; and
- 6232 (C) the local school board of the new district.
- 6233 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and  
6234 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the  
6235 election at which voters approve the creation of a new district, unless that deadline is extended  
6236 by the mutual agreement of:
- 6237 (i) the local school board of the existing district; and
- 6238 (ii) (A) the legislative body of the city in which the new district is located, for a new  
6239 district located entirely within a single city; or
- 6240 (B) the legislative bodies of all interlocal agreement participants, for each other new  
6241 district.
- 6242 (e) (i) All costs and expenses of the transition team that represents a remaining district  
6243 shall be borne by the remaining district.
- 6244 (ii) All costs and expenses of the transition team that represents a new district shall  
6245 initially be borne by:
- 6246 (A) the city whose legislative body appoints the transition team, if the transition team  
6247 is appointed by the legislative body of a single city; or
- 6248 (B) the interlocal agreement participants, if the transition team is appointed by the  
6249 legislative bodies of interlocal agreement participants.
- 6250 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal  
6251 agreement participants for:
- 6252 (A) transition team costs and expenses; and
- 6253 (B) startup costs and expenses incurred by the city or interlocal agreement participants  
6254 on behalf of the new district.
- 6255 (5) (a) As used in this Subsection (5):
- 6256 (i) "Associated property" means furniture, equipment, or supplies located in or

6257 specifically associated with a physical asset.

6258 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection  
6259 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or  
6260 employee by law or school district accounting practice.

6261 (B) "Discretionary asset or liability" does not include a physical asset, associated  
6262 property, a vehicle, or bonded indebtedness.

6263 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection  
6264 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee  
6265 by law or school district accounting practice.

6266 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated  
6267 property, a vehicle, or bonded indebtedness.

6268 (iv) "Physical asset" means a building, land, or water right together with revenue  
6269 derived from the lease or use of the building, land, or water right.

6270 (b) Except as provided in Subsection (5)(c), the transition teams appointed under  
6271 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the  
6272 allocation date, both tangible and intangible, real and personal, to the new district and  
6273 remaining district as follows:

6274 (i) a physical asset and associated property shall be allocated to the school district in  
6275 which the physical asset is located;

6276 (ii) a discretionary asset or liability shall be allocated between the new district and  
6277 remaining district in proportion to the student populations of the school districts;

6278 (iii) a nondiscretionary asset shall be allocated to the school district where the project,  
6279 school, student, or employee to which the nondiscretionary asset is tied will be located;

6280 (iv) vehicles used for pupil transportation shall be allocated:

6281 (A) according to the transportation needs of schools, as measured by the number and  
6282 assortment of vehicles used to serve transportation routes serving schools within the new  
6283 district and remaining district; and

6284 (B) in a manner that gives each school district a fleet of vehicles for pupil  
6285 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;  
6286 and

6287 (v) other vehicles shall be allocated:

- 6288 (A) in proportion to the student populations of the school districts; and
- 6289 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,  
6290 condition, and carrying capacities.
- 6291 (c) By mutual agreement, the transition teams may allocate an asset or liability in a  
6292 manner different than the allocation method specified in Subsection (5)(b).
- 6293 (6) (a) As used in this Subsection (6):
- 6294 (i) "New district startup costs" means:
- 6295 (A) costs and expenses incurred by a new district in order to prepare to begin providing  
6296 educational services on July 1 of the second calendar year following the local school board  
6297 general election date described in Subsection (3)(a)(i); and
- 6298 (B) the costs and expenses of the transition team that represents the new district.
- 6299 (ii) "Remaining district startup costs" means:
- 6300 (A) costs and expenses incurred by a remaining district in order to:
- 6301 (I) make necessary adjustments to deal with the impacts resulting from the creation of  
6302 the new district; and
- 6303 (II) prepare to provide educational services within the remaining district once the new  
6304 district begins providing educational services within the new district; and
- 6305 (B) the costs and expenses of the transition team that represents the remaining district.
- 6306 (b) (i) By January 1 of the year following the local school board general election date  
6307 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed  
6308 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the  
6309 remaining district and the new district, as provided in this Subsection (6).
- 6310 (ii) The existing district may make additional funds available for the use of the  
6311 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)  
6312 through an interlocal agreement.
- 6313 (c) The existing district shall make the money under Subsection (6)(b) available to the  
6314 remaining district and the new district proportionately based on student population.
- 6315 (d) The money made available under Subsection (6)(b) may be accessed and spent by:
- 6316 (i) for the remaining district, the local school board of the remaining district; and  
6317 (ii) for the new district, the local school board of the new district.
- 6318 (e) (i) The remaining district may use its portion of the money made available under

6319 Subsection (6)(b) to pay for remaining district startup costs.

6320 (ii) The new district may use its portion of the money made available under Subsection  
6321 (6)(b) to pay for new district startup costs.

6322 (7) (a) The existing district shall transfer title or, if applicable, partial title of property  
6323 to the new school district in accordance with the allocation of property by the transition teams,  
6324 as stated in the report under Subsection (4)(c)(ii).

6325 (b) The existing district shall complete each transfer of title or, if applicable, partial  
6326 title to real property and vehicles by July 1 of the second calendar year following the local  
6327 school board general election date described in Subsection (3)(a)(i), except as that date is  
6328 changed by the mutual agreement of:

6329 (i) the local school board of the existing district;

6330 (ii) the local school board of the remaining district; and

6331 (iii) the local school board of the new district.

6332 (c) The existing district shall complete the transfer of all property not included in  
6333 Subsection (7)(b) by November 1 of the second calendar year after the local school board  
6334 general election date described in Subsection (3)(a)(i).

6335 (8) Except as provided in Subsections (6) and (7), after the creation election date an  
6336 existing school district may not transfer or agree to transfer title to district property without the  
6337 prior consent of:

6338 (a) the legislative body of the city in which the new district is located, for a new district  
6339 located entirely within a single city; or

6340 (b) the legislative bodies of all interlocal agreement participants, for each other new  
6341 district.

6342 (9) This section does not apply to the creation of a new district initiated through a  
6343 citizens' initiative petition or at the request of a local school board under Section [53A-2-118](#).

6344 Section 121. Section **53A-2-402** is amended to read:

6345 **53A-2-402. Definitions.**

6346 As used in this part:

6347 (1) "Eligible entity" means:

6348 (a) a city or town with a population density of 3,000 or more people per square mile; or

6349 (b) a county whose unincorporated area includes a qualifying [township] planning

6350 district.

6351 (2) "Purchase price" means the greater of:

6352 (a) an amount that is the average of:

6353 (i) the appraised value of the surplus property, based on the predominant zone in the  
6354 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

6355 (ii) the appraised value of the surplus property, based on the predominant zone in the  
6356 surrounding area, as indicated in an appraisal obtained by the school district; and

6357 (b) the amount the school district paid to acquire the surplus property.

6358 (3) "Qualifying [township] planning district" means a [township] planning district  
6359 under Section 17-27a-306 that has a population density of 3,000 or more people per square  
6360 mile within the boundaries of the [township] planning district.

6361 (4) "Surplus property" means land owned by a school district that:

6362 (a) was purchased with taxpayer money;

6363 (b) is located within a city or town that is an eligible entity or within a qualifying  
6364 [township] planning district;

6365 (c) consists of one contiguous tract at least three acres in size; and

6366 (d) has been declared by the school district to be surplus.

6367 Section 122. Section 53B-21-107 is amended to read:

6368 **53B-21-107. Investment in bonds by private and public entities -- Approval as**  
6369 **collateral security.**

6370 (1) Any bank, savings and loan association, trust, or insurance company organized  
6371 under the laws of this state or federal law may invest its capital and surplus in bonds issued  
6372 under this chapter.

6373 (2) The officers having charge of a sinking fund or any county, city, town, [township]  
6374 planning district, or school district may invest the sinking fund in bonds issued under this  
6375 chapter.

6376 (3) The bonds shall also be approved as collateral security for the deposit of any public  
6377 funds and for the investment of trust funds.

6378 Section 123. Section 59-12-203 is amended to read:

6379 **59-12-203. County, city, town, or metro township may levy tax -- Contracts**  
6380 **pursuant to Interlocal Cooperation Act.**

6381 [Any] (1) A county, city, [or] town, or metro township may [levy] impose a sales and  
 6382 use tax under this part. [Any]

6383 (2) If a metro township imposes a tax under this part, the metro township is subject to  
 6384 the same requirements a city is required to meet under this part.

6385 (3) (a) Except as provided in Subsection (3)(b) and notwithstanding any other  
 6386 provision of this part, if a metro township imposes a tax under this part, the State Tax  
 6387 Commission shall distribute the revenues collected from the tax to the metro township.

6388 (b) The State Tax Commission shall transfer the revenues collected within a metro  
 6389 township under this part to a municipal services district created under Title 17B, Chapter 2a,  
 6390 Part 11, Municipal Services District Act, if the metro township:

6391 (i) provides written notice to the State Tax Commission requesting the transfer; and

6392 (ii) designates the municipal services district to which the metro township requests the  
 6393 State Tax Commission to transfer the revenues.

6394 (4) A county, city, [or] town [~~which elects to levy such~~], or metro township that  
 6395 imposes a sales and use tax under this part may:

6396 (a) enter into agreements authorized by Title 11, Chapter 13, [the] Interlocal  
 6397 Cooperation Act[;]; and [may]

6398 (b) use any or all of the [~~revenues derived from the imposition of such] revenue~~  
 6399 collected from the tax for the mutual benefit of local governments [~~which] that~~ elect to contract  
 6400 with one another pursuant to [the] Title 11, Chapter 13, Interlocal Cooperation Act.

6401 Section 124. Section **63I-2-210** is amended to read:

6402 **63I-2-210. Repeal dates -- Title 10.**

6403 (1) Section [~~10-2-130~~] 10-2a-105 is repealed July 1, 2016.

6404 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

6405 Section 125. Section **67-1a-2** is amended to read:

6406 **67-1a-2. Duties enumerated.**

6407 (1) The lieutenant governor shall:

6408 (a) perform duties delegated by the governor, including assignments to serve in any of  
 6409 the following capacities:

6410 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
 6411 and, upon appointment at the pleasure of the governor and without additional compensation;

6412 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
6413 law for the purpose of advising the governor or coordinating intergovernmental or  
6414 interdepartmental policies or programs;

6415 (iii) as liaison between the governor and the state Legislature to coordinate and  
6416 facilitate the governor's programs and budget requests;

6417 (iv) as liaison between the governor and other officials of local, state, federal, and  
6418 international governments or any other political entities to coordinate, facilitate, and protect the  
6419 interests of the state;

6420 (v) as personal advisor to the governor, including advice on policies, programs,  
6421 administrative and personnel matters, and fiscal or budgetary matters; and

6422 (vi) as chairperson or member of any temporary or permanent boards, councils,  
6423 commissions, committees, task forces, or other group appointed by the governor;

6424 (b) serve on all boards and commissions in lieu of the governor, whenever so  
6425 designated by the governor;

6426 (c) serve as the chief election officer of the state as required by Subsection (2);

6427 (d) keep custody of the Great Seal of Utah;

6428 (e) keep a register of, and attest, the official acts of the governor;

6429 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
6430 which the official signature of the governor is required; and

6431 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
6432 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
6433 it and pays the fee.

6434 (2) (a) As the chief election officer, the lieutenant governor shall:

6435 (i) exercise general supervisory authority over all elections;

6436 (ii) exercise direct authority over the conduct of elections for federal, state, and  
6437 multicounty officers and statewide or multicounty ballot propositions and any recounts  
6438 involving those races;

6439 (iii) assist county clerks in unifying the election ballot;

6440 (iv) (A) prepare election information for the public as required by statute and as  
6441 determined appropriate by the lieutenant governor; and

6442 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to

6443 news media on the Internet and in other forms as required by statute or as determined  
6444 appropriate by the lieutenant governor;

6445 (v) receive and answer election questions and maintain an election file on opinions  
6446 received from the attorney general;

6447 (vi) maintain a current list of registered political parties as defined in Section  
6448 [20A-8-101](#);

6449 (vii) maintain election returns and statistics;

6450 (viii) certify to the governor the names of those persons who have received the highest  
6451 number of votes for any office;

6452 (ix) ensure that all voting equipment purchased by the state complies with the  
6453 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-402.5](#) and [20A-5-402.7](#);

6454 (x) conduct the study described in Section [67-1a-14](#);

6455 (xi) during a declared emergency, to the extent that the lieutenant governor determines  
6456 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location  
6457 relating to:

6458 (A) voting on election day;

6459 (B) early voting;

6460 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

6461 (D) the counting of an absentee ballot or military-overseas ballot; or

6462 (E) the canvassing of election returns; and

6463 (xii) perform other election duties as provided in Title 20A, Election Code.

6464 (b) As chief election officer, the lieutenant governor may not assume the  
6465 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
6466 officials by Title 20A, Election Code.

6467 (3) (a) The lieutenant governor shall:

6468 (i) (A) determine a new city's classification under Section [10-2-301](#) upon the city's  
6469 incorporation under Title 10, Chapter [~~2, Part 1, Incorporation,~~] 2a, Part 2, Incorporation of a  
6470 City, based on the city's population using the population estimate from the Utah Population  
6471 Estimates Committee; and

6472 (B) (I) prepare a certificate indicating the class in which the new city belongs based on  
6473 the city's population; and

6474 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6475 city's legislative body;

6476 (ii) (A) determine the classification under Section [10-2-301](#) of a consolidated  
6477 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part  
6478 6, Consolidation of Municipalities, using population information from:

6479 (I) each official census or census estimate of the United States Bureau of the Census;  
6480 or

6481 (II) the population estimate from the Utah Population Estimates Committee, if the  
6482 population of a municipality is not available from the United States Bureau of the Census; and

6483 (B) (I) prepare a certificate indicating the class in which the consolidated municipality  
6484 belongs based on the municipality's population; and

6485 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6486 consolidated municipality's legislative body; ~~and~~

6487 (iii) (A) determine a new metro township's classification under Section [10-2-301.5](#)  
6488 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of  
6489 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
6490 12, 2015, based on the metro township's population using the population estimates from the  
6491 Utah Population Estimates Committee; and

6492 (B) prepare a certificate indicating the class in which the new metro township belongs  
6493 based on the metro township's population and, within 10 days after preparing the certificate,  
6494 deliver a copy of the certificate to the metro township's legislative body; and

6495 ~~[(iii)]~~ (iv) monitor the population of each municipality using population information  
6496 from:

6497 (A) each official census or census estimate of the United States Bureau of the Census;  
6498 or

6499 (B) the population estimate from the Utah Population Estimates Committee, if the  
6500 population of a municipality is not available from the United States Bureau of the Census.

6501 (b) If the applicable population figure under Subsection (3)(a)(ii) or ~~[(iii)]~~ (iv) indicates  
6502 that a municipality's population has increased beyond the population for its current class, the  
6503 lieutenant governor shall:

6504 (i) prepare a certificate indicating the class in which the municipality belongs based on

6505 the increased population figure; and

6506 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6507 legislative body of the municipality whose class has changed.

6508 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or [~~(iii)~~] (iv)  
6509 indicates that a municipality's population has decreased below the population for its current  
6510 class, the lieutenant governor shall send written notification of that fact to the municipality's  
6511 legislative body.

6512 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
6513 population has decreased below the population for its current class, the lieutenant governor  
6514 shall:

6515 (A) prepare a certificate indicating the class in which the municipality belongs based  
6516 on the decreased population figure; and

6517 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6518 legislative body of the municipality whose class has changed.

6519 Section 126. Section 69-2-5 is amended to read:

6520 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

6521 (1) In providing funding of 911 emergency service, any public agency establishing a  
6522 911 emergency service may:

6523 (a) seek assistance from the federal or state government, to the extent constitutionally  
6524 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or  
6525 indirectly;

6526 (b) seek funds appropriated by local governmental taxing authorities for the funding of  
6527 public safety agencies; and

6528 (c) seek gifts, donations, or grants from individuals, corporations, or other private  
6529 entities.

6530 (2) For purposes of providing funding of 911 emergency service, special service  
6531 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur  
6532 indebtedness as provided in Section 17D-1-103.

6533 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of  
6534 this Subsection (3), a county, city, [~~or~~] town, or metro township within which 911 emergency  
6535 service is provided may levy a monthly 911 emergency services charge on:

6536 [(i)] (A) each local exchange service switched access line within the boundaries of the  
6537 county, city, [or] town, or metro township;

6538 [(ii)] (B) each revenue producing radio communications access line with a billing  
6539 address within the boundaries of the county, city, [or] town, or metro township; and

6540 [(iii)] (C) any other service, including voice over Internet protocol, provided to a user  
6541 within the boundaries of the county, city, [or] town, or metro township that allows the user to  
6542 make calls to and receive calls from the public switched telecommunications network,  
6543 including commercial mobile radio service networks.

6544 (ii) If a metro township levies a charge under this chapter, the metro township is  
6545 subject to the same requirements a city is required to meet under this chapter.

6546 (iii) Except as provided in Subsection (3)(a)(iv) and notwithstanding any other  
6547 provision of this chapter, if a metro township levies a charge described in Subsection (3)(a)(i)  
6548 under this chapter, the State Tax Commission shall distribute the revenue collected from the  
6549 charge to the metro township.

6550 (iv) The State Tax Commission shall transfer the revenues collected within a metro  
6551 township under this chapter to a municipal services district created under Title 17B, Chapter  
6552 2a, Part 11, Municipal Services District Act, if the metro township:

6553 (A) provides written notice to the State Tax Commission requesting the transfer; and

6554 (B) designates the municipal services district to which the metro township requests the  
6555 State Tax Commission to transfer the revenues.

6556 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
6557 telecommunications service is exempt from 911 emergency service charges.

6558 (c) The amount of the charge levied under this section may not exceed:

6559 (i) 61 cents per month for each local exchange service switched access line;

6560 (ii) 61 cents per month for each radio communications access line; and

6561 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

6562 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
6563 provided in Section [59-12-102](#) or [59-12-215](#):

6564 (A) "mobile telecommunications service";

6565 (B) "place of primary use";

6566 (C) "service address"; and

- 6567 (D) "telecommunications service."  
6568 (ii) An access line described in Subsection (3)(a) is considered to be within the  
6569 boundaries of a county, city, or town if the telecommunications services provided over the  
6570 access line are located within the county, city, or town:  
6571 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax  
6572 Act; and  
6573 (B) determined in accordance with Section [59-12-215](#).  
6574 (iii) The rate imposed on an access line under this section shall be determined in  
6575 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection  
6576 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,  
6577 city, or town in which is located:  
6578 (A) for a telecommunications service, the purchaser's service address; or  
6579 (B) for mobile telecommunications service, the purchaser's place of primary use.  
6580 (iv) The rate imposed on an access line under this section shall be the lower of:  
6581 (A) the rate imposed by the county, city, or town in which the access line is located  
6582 under Subsection (3)(d)(ii); or  
6583 (B) the rate imposed by the county, city, or town in which it is located:  
6584 (I) for telecommunications service, the purchaser's service address; or  
6585 (II) for mobile telecommunications service, the purchaser's place of primary use.  
6586 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent  
6587 to levy the charge under this Subsection (3) at least 30 days before the effective date of the  
6588 charge being levied.  
6589 (ii) For purposes of this Subsection (3)(e):  
6590 (A) "Annexation" means an annexation to:  
6591 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or  
6592 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.  
6593 (B) "Annexing area" means an area that is annexed into a county, city, or town.  
6594 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or  
6595 town enacts or repeals a charge or changes the amount of the charge under this section, the  
6596 enactment, repeal, or change shall take effect:  
6597 (I) on the first day of a calendar quarter; and

6598 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6599 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

6600 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

6601 (I) that the county, city, or town will enact or repeal a charge or change the amount of  
6602 the charge under this section;

6603 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

6604 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

6605 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6606 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

6607 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge  
6608 increase under this section shall take effect on the first day of the first billing period:

6609 (I) that begins after the effective date of the enactment of the charge or the charge  
6610 increase; and

6611 (II) if the billing period for the charge begins before the effective date of the enactment  
6612 of the charge or the charge increase imposed under this section.

6613 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge  
6614 decrease under this section shall take effect on the first day of the last billing period:

6615 (I) that began before the effective date of the repeal of the charge or the charge  
6616 decrease; and

6617 (II) if the billing period for the charge begins before the effective date of the repeal of  
6618 the charge or the charge decrease imposed under this section.

6619 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will  
6620 result in the enactment, repeal, or a change in the amount of a charge imposed under this  
6621 section for an annexing area, the enactment, repeal, or change shall take effect:

6622 (I) on the first day of a calendar quarter; and

6623 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6624 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that  
6625 annexes the annexing area.

6626 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

6627 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an  
6628 enactment, repeal, or a change in the charge being imposed under this section for the annexing

6629 area;

6630 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

6631 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

6632 (IV) if the county, city, or town enacts the charge or changes the amount of the charge

6633 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

6634 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge  
6635 increase under this section shall take effect on the first day of the first billing period:

6636 (I) that begins after the effective date of the enactment of the charge or the charge

6637 increase; and

6638 (II) if the billing period for the charge begins before the effective date of the enactment

6639 of the charge or the charge increase imposed under this section.

6640 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge

6641 decrease under this section shall take effect on the first day of the last billing period:

6642 (I) that began before the effective date of the repeal of the charge or the charge

6643 decrease; and

6644 (II) if the billing period for the charge begins before the effective date of the repeal of

6645 the charge or the charge decrease imposed under this section.

6646 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this  
6647 section shall:

6648 (i) be billed and collected by the person that provides the:

6649 (A) local exchange service switched access line services; or

6650 (B) radio communications access line services; and

6651 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax

6652 Commission.

6653 (g) A 911 emergency services charge on a mobile telecommunications service may be  
6654 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications  
6655 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6656 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

6657 (i) bill the charge imposed by this section in combination with the charge levied under  
6658 Section [69-2-5.6](#) as one line item charge; and

6659 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as

6660 reimbursement for the cost of billing, collecting, and remitting the levy.

6661 (i) The State Tax Commission shall collect, enforce, and administer the charge  
6662 imposed under this Subsection (3) using the same procedures used in the administration,  
6663 collection, and enforcement of the state sales and use taxes under:

6664 (i) Title 59, Chapter 1, General Taxation Policies; and

6665 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6666 (A) Section 59-12-104;

6667 (B) Section 59-12-104.1;

6668 (C) Section 59-12-104.2;

6669 (D) Section 59-12-104.6;

6670 (E) Section 59-12-107.1; and

6671 (F) Section 59-12-123.

6672 (j) The State Tax Commission shall transmit money collected under this Subsection (3)  
6673 monthly by electronic funds transfer to the county, city, or town that imposes the charge.

6674 (k) A person that pays a charge under this section shall pay the charge to the  
6675 commission:

6676 (i) monthly on or before the last day of the month immediately following the last day of  
6677 the previous month if:

6678 (A) the person is required to file a sales and use tax return with the commission  
6679 monthly under Section 59-12-108; or

6680 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6681 12, Sales and Use Tax Act; or

6682 (ii) quarterly on or before the last day of the month immediately following the last day  
6683 of the previous quarter if the person is required to file a sales and use tax return with the  
6684 commission quarterly under Section 59-12-107.

6685 (l) A charge a person pays under this section shall be paid using a form prescribed by  
6686 the State Tax Commission.

6687 (m) The State Tax Commission shall retain and deposit an administrative charge in  
6688 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a  
6689 charge under this section.

6690 (n) A charge under this section is subject to Section 69-2-5.8.

6691 (4) (a) Any money received by a public agency for the provision of 911 emergency  
6692 service shall be deposited in a special emergency telecommunications service fund.

6693 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency  
6694 service fund shall be expended by the public agency to pay the costs of:

6695 (A) establishing, installing, maintaining, and operating a 911 emergency service  
6696 system;

6697 (B) receiving and processing emergency communications from the 911 system or other  
6698 communications or requests for emergency services;

6699 (C) integrating a 911 emergency service system into an established public safety  
6700 dispatch center, including contracting with the providers of local exchange service, radio  
6701 communications service, and vendors of appropriate terminal equipment as necessary to  
6702 implement the 911 emergency services; or

6703 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
6704 services system.

6705 (ii) Revenues derived for the funding of 911 emergency service may be used by the  
6706 public agency for personnel costs associated with receiving and processing communications  
6707 and deploying emergency response resources when the system is integrated with any public  
6708 safety dispatch system.

6709 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal  
6710 year does not lapse, and must be carried forward to be used for the purposes described in this  
6711 section.

6712 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
6713 Subsection (3) after the 2004 Annual General Session:

6714 (i) may be used by the public safety answering point for the purposes under Subsection  
6715 (4)(b); and

6716 (ii) shall be deposited into the special 911 emergency service fund described in  
6717 Subsection (4)(a).

6718 (b) Revenue received by a local entity from disbursements from the Utah 911  
6719 Committee under Section [63H-7-306](#):

6720 (i) shall be deposited into the special 911 emergency service fund under Subsection  
6721 (4)(a); and

6722 (ii) shall only be used for that portion of the costs related to the development and  
6723 operation of wireless and land-based enhanced 911 emergency telecommunications service and  
6724 the implementation of 911 services as provided in Subsection (5)(c).

6725 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering  
6726 point's costs for:

6727 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
6728 answering point equipment capable of receiving 911 information;

6729 (ii) database development, operation, and maintenance; and

6730 (iii) personnel costs associated with establishing, installing, maintaining, and operating  
6731 wireless 911 services, including training emergency service personnel regarding receipt and use  
6732 of 911 wireless service information and educating consumers regarding the appropriate and  
6733 responsible use of 911 wireless service.

6734 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the  
6735 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
6736 Subsection (3)(c).

6737 Section 127. Section **69-2-5.5** is amended to read:

6738 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**  
6739 **Aided Dispatch Restricted Account -- Administrative charge.**

6740 (1) Subject to Subsection (7), there is imposed an emergency services  
6741 telecommunications charge of 6 cents per month on each local exchange service switched  
6742 access line and each revenue producing radio communications access line that is subject to an  
6743 emergency services telecommunications charge levied by a county, city, ~~or~~ town, or metro  
6744 township under Section **69-2-5**.

6745 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge  
6746 imposed under this section shall be billed and collected by the person that provides:

6747 (i) local exchange service switched access line services; or

6748 (ii) radio communications access line services.

6749 (b) A person that pays an emergency services telecommunications charge under this  
6750 section shall pay the emergency services telecommunications charge to the commission:

6751 (i) monthly on or before the last day of the month immediately following the last day of  
6752 the previous month if:

- 6753 (A) the person is required to file a sales and use tax return with the commission  
6754 monthly under Section 59-12-108; or
- 6755 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6756 12, Sales and Use Tax Act; or
- 6757 (ii) quarterly on or before the last day of the month immediately following the last day  
6758 of the previous quarter if the person is required to file a sales and use tax return with the  
6759 commission quarterly under Section 59-12-107.
- 6760 (c) An emergency services telecommunications charge imposed under this section shall  
6761 be deposited into the Computer Aided Dispatch Restricted Account created in Section  
6762 63H-7-310.
- 6763 (3) Emergency services telecommunications charges remitted to the State Tax  
6764 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the  
6765 State Tax Commission.
- 6766 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge  
6767 imposed under Subsection (1) according to the same procedures used in the administration,  
6768 collection, and enforcement of the state sales and use tax under:
- 6769 (i) Title 59, Chapter 1, General Taxation Policies; and  
6770 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
- 6771 (A) Section 59-12-104;  
6772 (B) Section 59-12-104.1;  
6773 (C) Section 59-12-104.2;  
6774 (D) Section 59-12-104.6;  
6775 (E) Section 59-12-107.1; and  
6776 (F) Section 59-12-123.
- 6777 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6778 State Tax Commission may make rules to administer, collect, and enforce the emergency  
6779 services telecommunications charges imposed under this section.
- 6780 (c) The State Tax Commission shall retain and deposit an administrative charge in  
6781 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from  
6782 an emergency services telecommunications charge under this section.
- 6783 (d) A charge under this section is subject to Section 69-2-5.8.

6784 (5) A provider of local exchange service switched access line services or radio  
6785 communications access line services who fails to comply with this section is subject to  
6786 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

6787 (6) An emergency services telecommunications charge under this section on a mobile  
6788 telecommunications service may be imposed, billed, and collected only to the extent permitted  
6789 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6790 Section 128. Section 69-2-5.6 is amended to read:

6791 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**

6792 **Administrative charge.**

6793 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911  
6794 emergency service charge of 9 cents per month on each local exchange service switched access  
6795 line and each revenue producing radio communications access line that is subject to a 911  
6796 emergency services charge levied by a county, city, [or] town, or metro township under Section  
6797 69-2-5.

6798 (2) (a) A 911 emergency services charge imposed under this section shall be:

6799 (i) subject to Subsection 69-2-5(3)(g); and

6800 (ii) billed and collected by the person that provides:

6801 (A) local exchange service switched access line services;

6802 (B) radio communications access line services; or

6803 (C) service described in Subsection 69-2-5(3)(a)[(iii)](i)(C).

6804 (b) A person that pays a charge under this section shall pay the charge to the  
6805 commission:

6806 (i) monthly on or before the last day of the month immediately following the last day of  
6807 the previous month if:

6808 (A) the person is required to file a sales and use tax return with the commission  
6809 monthly under Section 59-12-108; or

6810 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6811 12, Sales and Use Tax Act; or

6812 (ii) quarterly on or before the last day of the month immediately following the last day  
6813 of the previous quarter if the person is required to file a sales and use tax return with the  
6814 commission quarterly under Section 59-12-107.

6815 (c) A charge imposed under this section shall be deposited into the Unified Statewide  
6816 911 Emergency Service Account created by Section 63H-7-304.

6817 (3) The person that bills and collects the charges levied by this section pursuant to  
6818 Subsections (2)(b) and (c) may:

6819 (a) bill the charge imposed by this section in combination with the charge levied under  
6820 Section 69-2-5 as one line item charge; and

6821 (b) retain an amount not to exceed 1.5% of the charges collected under this section as  
6822 reimbursement for the cost of billing, collecting, and remitting the levy.

6823 (4) The State Tax Commission shall collect, enforce, and administer the charges  
6824 imposed under Subsection (1) using the same procedures used in the administration, collection,  
6825 and enforcement of the emergency services telecommunications charge to fund the Computer  
6826 Aided Dispatch Restricted Account under Section 63H-7-310.

6827 (5) Notwithstanding Section 63H-7-304, the State Tax Commission shall retain and  
6828 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the  
6829 State Tax Commission collects from a charge under this section.

6830 (6) A charge under this section is subject to Section 69-2-5.8.

6831 (7) This section sunsets in accordance with Section 63I-1-269.

6832 Section 129. Section 69-2-5.7 is amended to read:

6833 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**  
6834 **Administrative charge.**

6835 (1) As used in this section:

6836 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
6837 service in a transaction.

6838 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
6839 collected by a seller from a consumer in the amount established under Subsection (2).

6840 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
6841 telecommunications service that:

6842 (A) is paid for in advance;

6843 (B) is sold in predetermined units of time or dollars that decline with use in a known  
6844 amount or provides unlimited use of the service for a fixed amount or time; and

6845 (C) allows a caller to access 911 emergency service.

6846 (ii) "Prepaid wireless telecommunications service" does not include a wireless  
6847 telecommunications service that is billed:

6848 (A) to a customer on a recurring basis; and

6849 (B) in a manner that includes the emergency services telecommunications charges,  
6850 described in Sections [69-2-5](#), [69-2-5.5](#), and [69-2-5.6](#), for each radio communication access line  
6851 assigned to the customer.

6852 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
6853 consumer.

6854 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
6855 from a seller.

6856 (f) "Wireless telecommunications service" means commercial mobile radio service as  
6857 defined by 47 C.F.R. Sec. 20.3, as amended.

6858 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price  
6859 per transaction.

6860 (3) The prepaid wireless 911 service charge shall be collected by the seller from the  
6861 consumer for each transaction occurring in this state.

6862 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
6863 receipt, or similar document that is provided by the seller to the consumer.

6864 (5) For purposes of Subsection (3), the location of a transaction is determined in  
6865 accordance with Sections [59-12-211](#) through [59-12-215](#).

6866 (6) When prepaid wireless telecommunications service is sold with one or more other  
6867 products or services for a single non-itemized price, then the percentage specified in Section  
6868 (2) shall apply to the entire non-itemized price.

6869 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
6870 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
6871 charge.

6872 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
6873 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller  
6874 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,  
6875 Sales and Use Tax Act.

6876 (9) The State Tax Commission:

6877 (a) shall collect, enforce, and administer the charge imposed under this section using  
6878 the same procedures used in the administration, collection, and enforcement of the state sales  
6879 and use taxes under:

6880 (i) Title 59, Chapter 1, General Taxation Policies; and

6881 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6882 (A) Section 59-12-104;

6883 (B) Section 59-12-104.1;

6884 (C) Section 59-12-104.2;

6885 (D) Section 59-12-107.1; and

6886 (E) Section 59-12-123;

6887 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected  
6888 under Subsection (9)(a) as reimbursement for administering this section;

6889 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained  
6890 under Subsection (9)(b), as follows:

6891 (i) 80.3% of the revenue shall be distributed to each county, city, [or] town, or metro  
6892 township in the same percentages and in the same manner as the entities receive money to fund  
6893 911 emergency telecommunications services under Section 69-2-5;

6894 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch  
6895 Restricted Account created in Section 63H-7-310; and

6896 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911  
6897 emergency service as in Section 69-2-5.6; and

6898 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
6899 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

6900 (10) A charge under this section is subject to Section 69-2-5.8.

6901 Section 130. Section 78A-7-202 is amended to read:

6902 **78A-7-202. Justice court judges to be appointed -- Procedure.**

6903 (1) As used in this section:

6904 (a) "Local government executive" means:

6905 (i) for a county:

6906 (A) the chair of the county commission in a county operating under the county  
6907 commission or expanded county commission form of county government;

6908 (B) the county executive in a county operating under the county executive-council form  
6909 of county government; and

6910 (C) the county manager in a county operating under the council-manager form of  
6911 county government; ~~and~~

6912 (ii) for a city or town:

6913 (A) the mayor of the city or town; or

6914 (B) the city manager, in the council-manager form of government described in  
6915 Subsection ~~10-3b-103(6)~~(7); and

6916 (iii) for a metro township, the chair of the metro township council.

6917 (b) "Local legislative body" means:

6918 (i) for a county, the county commission or county council; and

6919 (ii) for a city or town, the council of the city or town.

6920 (2) There is created in each county a county justice court nominating commission to  
6921 review applicants and make recommendations to the appointing authority for a justice court  
6922 position. The commission shall be convened when a new justice court judge position is created  
6923 or when a vacancy in an existing court occurs for a justice court located within the county.

6924 (a) Membership of the justice court nominating commission shall be as follows:

6925 (i) one member appointed by:

6926 (A) the county commission if the county has a county commission form of  
6927 government; or

6928 (B) the county executive if the county has an executive-council form of government;

6929 (ii) one member appointed by the municipalities in the counties as follows:

6930 (A) if the county has only one municipality, appointment shall be made by the  
6931 governing authority of that municipality; or

6932 (B) if the county has more than one municipality, appointment shall be made by a  
6933 municipal selection committee composed of the mayors of each municipality and the chairs of  
6934 each metro township in the county;

6935 (iii) one member appointed by the county bar association; and

6936 (iv) two members appointed by the governing authority of the jurisdiction where the  
6937 judicial office is located.

6938 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be

6939 appointed by the regional bar association. If no regional bar association exists, the state bar  
6940 association shall make the appointment.

6941 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing  
6942 authority or an elected official of a county or municipality.

6943 (d) The nominating commission shall submit at least two names to the appointing  
6944 authority of the jurisdiction expected to be served by the judge. The local government  
6945 executive shall appoint a judge from the list submitted and the appointment ratified by the local  
6946 legislative body.

6947 (e) The state court administrator shall provide staff to the commission. The Judicial  
6948 Council shall establish rules and procedures for the conduct of the commission.

6949 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through  
6950 the Utah State Bar, and other appropriate means.

6951 (4) Selection of candidates shall be based on compliance with the requirements for  
6952 office and competence to serve as a judge.

6953 (5) Once selected, every prospective justice court judge shall attend an orientation  
6954 seminar conducted under the direction of the Judicial Council. Upon completion of the  
6955 orientation program, the Judicial Council shall certify the justice court judge as qualified to  
6956 hold office.

6957 (6) The selection of a person to fill the office of justice court judge is effective upon  
6958 certification of the judge by the Judicial Council. A justice court judge may not perform  
6959 judicial duties until certified by the Judicial Council.

6960 Section 131. **Repealer.**

6961 This bill repeals:

6962 Section **10-3b-505, Ballot form.**

6963 Section **10-3b-506, Election of officers after a change in the form of government.**

6964 Section **10-3b-507, Effective date of change in the form of government.**

6965 Section **17-27a-307, Certain township planning and zoning board dissolved.**

6966 Section 132. **Revisor instructions.**

6967 The Legislature intends that the Office of Legislative Research and General Counsel, in  
6968 preparing the Utah Code database for publication, replace the language "this bill" in Subsection  
6969 10-2a-403(6)(a) to the bill's designated chapter and section number in the Laws of Utah.

6970 Section 133. **Coordinating S.B. 199 with H.B. 97 -- Technical renumbering --**  
6971 **Changing cross references.**

6972 If this S.B. 199 and H.B. 97, Election of Officials of New Municipality, both pass, it is  
6973 the intent of the Legislature that the Office of Legislative Research and General Counsel in  
6974 preparing the Utah Code database for publication:

6975 (1) renumber Section 10-2-128.1 enacted in H.B. 97 to Section 10-2a-305.1, and  
6976 change any internal references to that section;

6977 (2) renumber Section 10-2-128.2 enacted in H.B. 97 to Section 10-2a-305.2, and  
6978 change any internal references to that section;

6979 (3) change cross references in H.B. 97 from:

6980 (a) Section 10-2-116 to Section 10-2a-215;

6981 (b) Section 10-2-127 to Section 10-2a-304; and

6982 (c) Section 10-2-128.2 to Section 10-2a-305.2;

6983 (4) change any internal cross reference affected by the renumbering.

6984 Section 134. **Coordinating S.B. 199 with H.B. 245 -- Technical renumbering --**  
6985 **Changing cross references.**

6986 If this S.B. 199 and H.B. 245, Incorporation Process for Cities and Towns, both pass, it  
6987 is the intent of the Legislature that the Office of Legislative Research and General Counsel in  
6988 preparing the Utah Code database for publication:

6989 (1) renumber Section 10-2-102.13 enacted in H.B. 245 to Section 10-2a-106, and  
6990 change any internal references to that section;

6991 (2) renumber Section 10-2-131 enacted in H.B. 245 to Section 10-2a-307, and change  
6992 any internal references to that section;

6993 (3) change cross references in H.B. 245 from Section 10-2-111 to Section 10-2a-210;

6994 and

6995 (4) renumber all internal cross references affected by the renumbering.