

## **Part 1**

### **Short Title, Definitions, Repealer, and Scope of Code**

#### **10-1-103 Construction.**

The powers herein delegated to any municipality shall be liberally construed to permit the municipality to exercise the powers granted by this title except in cases clearly contrary to the intent of the law.

Amended by Chapter 354, 2025 General Session

#### **10-1-104 Definitions.**

As used in this title:

- (1) "City" means a municipality that is classified by population as a city of the first class, a city of the second class, a city of the third class, a city of the fourth class, or a city of the fifth class, under Section 10-2-301.
- (2) "Contiguous" means:
  - (a) if used to described an area, continuous, uninterrupted, and without an island of territory not included as part of the area; and
  - (b) if used to describe an area's relationship to another area, sharing a common boundary.
- (3) "Governing body" means collectively the legislative body and the executive of any municipality. Unless otherwise provided:
  - (a) in a city of the first or second class, the governing body is the city commission;
  - (b) in a city of the third, fourth, or fifth class, the governing body is the city council; and
  - (c) in a town, the governing body is the town council.
- (4) "Municipal" means of or relating to a municipality.
- (5) "Municipality" means:
  - (a) a city of the first class, city of the second class, city of the third class, city of the fourth class, city of the fifth class;
  - (b) a town, as classified in Section 10-2-301; or
  - (c) a preliminary municipality incorporated under Chapter 2a, Part 5, Incorporation of a Preliminary Municipality.
- (6) "Peninsula," when used to describe an unincorporated area, means an area surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.
- (7) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances, rules, and regulations properly adopted by any municipality unless the construction is clearly contrary to the intent of state law.
- (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.
- (10) "Town" means a municipality classified by population as a town under Section 10-2-301.
- (11) "Unincorporated" means not within a municipality.

Amended by Chapter 438, 2024 General Session

Amended by Chapter 534, 2024 General Session

**10-1-105 No changes intended.**

- (1) Unless otherwise specifically provided in this title, the provisions of this title may not operate in any way to affect the property or contract rights or other actions which may exist in favor of or against any municipality.
- (2) Nor shall this title operate in any way to change or affect any ordinance, order or resolution in force in any municipality and such ordinances, orders and resolutions which are not repugnant to law, shall continue in full force and effect until repealed or amended.

Amended by Chapter 354, 2025 General Session

**10-1-106 Scope of title.**

This title shall apply to all municipalities incorporated or existing under the law of the State of Utah except as otherwise specifically excepted by the home rule provisions of Article XI, Section 5 of the Constitution of the State of Utah.

Amended by Chapter 354, 2025 General Session

**10-1-107 Municipalities.**

All municipalities which have been incorporated under any previous act of the United States or of the State of Utah shall be treated as properly incorporated under Laws of Utah 1977, Chapter 48.

Amended by Chapter 354, 2025 General Session

**10-1-108 Cumulative powers -- Powers not in derogation of state agencies.**

- (1) The provisions of this title or any other act not expressly repealed by Laws of Utah 1977, Chapter 48, Section 1, shall be considered as an alternative or additional power and not as a limitation on any other power granted to or possessed by municipalities.
- (2) The provisions of this title may not be considered as impairing, altering, modifying or repealing any of the jurisdiction or powers possessed by any department, division, commission, board, or office of state government.

Amended by Chapter 354, 2025 General Session

**10-1-109 Saving clause.**

- (1) The repeal of the titles, chapters, and sections specified in Laws of Utah 1977, Chapter 48, Section 1, do not:
  - (a) affect suits pending or rights existing immediately before July 1, 1977;
  - (b) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any repealed act or amendment thereto; or
  - (c) affect or impair the validity of any bonds or other obligation issued or sold prior to July 1, 1977.
- (2) The repeal of any validating act or part thereof does not avoid the effect of the validation.
- (3) No act repealed by Laws of Utah 1977, Chapter 48, Section 1, shall repeal any act or part thereof which embraces the same or similar subject matter as the act repealed.

Amended by Chapter 354, 2025 General Session

**10-1-111 Existing indebtedness.**

Any bond or other evidence of indebtedness issued under the provisions of any act repealed by Laws of Utah 1977, Chapter 48, which is outstanding and unpaid as of July 1, 1977, shall be amortized and retired by taxation or revenue in the manner provided by the act under which such indebtedness was incurred, notwithstanding repeal or change of the act.

Amended by Chapter 354, 2025 General Session

**10-1-113 Severability clause.**

If any chapter, part, section, paragraph or subsection of this title, or the application thereof is held to be invalid, the remainder of this title is not affected thereby.

Amended by Chapter 354, 2025 General Session

**10-1-118 Changing the name of a municipality.**

- (1) A municipality may change its name as provided in this section.
- (2) To initiate a name change, the legislative body of a municipality shall:
  - (a) adopt an ordinance or resolution approving a name change; and
  - (b) file with the lieutenant governor a copy of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).
- (3) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the municipal legislative body shall:
  - (a) if the municipality is located within the boundary of a single county, submit to the recorder of that county:
    - (i) the original:
      - (A) notice of an impending name change; and
      - (B) certificate of name change; and
    - (ii) a certified copy of the ordinance or resolution approving the name change; or
  - (b) if the municipality is located within the boundaries of more than a single county:
    - (i) submit to the recorder of one of those counties:
      - (A) the original of the documents listed in Subsections (3)(a)(i)(A) and (B); and
      - (B) a certified copy of the ordinance or resolution approving the name change; and
    - (ii) submit to the recorder of each other county:
      - (A) a certified copy of the documents described in Subsections (3)(a)(i)(A) and (B); and
      - (B) a certified copy of the ordinance or resolution approving the name change.
- (4)
  - (a) The name change becomes effective upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7.
  - (b) Notwithstanding Subsection (4)(a), the municipality may not operate under the new name until the documents listed in Subsection (3) are recorded in the office of the recorder of each county in which the municipality is located.

Amended by Chapter 350, 2009 General Session