

Part 3

Classification of Municipalities

10-2-301 Classification of municipalities according to population.

- (1) Each municipality shall be classified according to its population, as provided in this section.
- (2)
 - (a) A municipality with a population of 100,000 or more is a city of the first class.
 - (b) A municipality with a population of 65,000 or more but less than 100,000 is a city of the second class.
 - (c) A municipality with a population of 30,000 or more but less than 65,000 is a city of the third class.
 - (d) A municipality with a population of 10,000 or more but less than 30,000 is a city of the fourth class.
 - (e) A municipality with a population of 1,000 or more but less than 10,000 is a city of the fifth class.
 - (f) A municipality with a population under 1,000 is a town.

Amended by Chapter 292, 2003 General Session

10-2-302 Change of class of municipality.

- (1) Each municipality shall retain its classification under Section 10-2-301 until changed as provided in this section or Subsection 67-1a-2(3).
- (2) If a municipality's population, as determined by the lieutenant governor under Subsection 67-1a-2(3), indicates that the municipality's population has decreased below the limit for its current class, the legislative body of the municipality may petition the lieutenant governor to prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure.
- (3) A municipality's change in class is effective on the date of the lieutenant governor's certificate under Subsection 67-1a-2(3).

Amended by Chapter 438, 2024 General Session

10-2-303 Effect of change in class.

- (1) If a municipality changes from one class to another:
 - (a) all property, property rights, and other rights that belonged to or were vested in the municipality at the time of the change shall belong to and be vested in it after the change;
 - (b) no contract, claim, or right of the municipality or demand or liability against it shall be altered or affected in any way by the change;
 - (c) each ordinance, order, and resolution in force in the municipality when it changes classes shall, to the extent that it is not inconsistent with law, not be affected by the change and shall remain in effect until repealed or amended;
 - (d) the change may not affect the identity of the municipality;
 - (e) each municipal officer in office at the time of the change shall continue as an officer until that officer's term expires and a successor is duly elected and qualified; and
 - (f) the municipality maintains after the change in class the same form of government that it had immediately before the change.
- (2)

- (a) A change in class does not affect an action at law, prosecution, business, or work of the municipality changing classes, and proceedings shall continue and may be conducted and proceed as if no change in class had occurred.
- (b) Notwithstanding Subsection (2)(a), if the law applicable to a municipality under the new class provides the municipality a different remedy with respect to a right that it possessed at the time of the change, the remedy shall be cumulative to the remedy applicable before the change in class.

Amended by Chapter 378, 2010 General Session

10-2-306 Judicial notice taken of existence and class.

All courts in this state shall take judicial notice of the existence and classification of any municipality.

Enacted by Chapter 48, 1977 General Session