

Part 6

Consolidation of Municipalities

10-2-601 Consolidation of two or more municipalities.

The process for consolidating municipalities shall begin by filing with the county legislative bodies of the respective counties in which the municipalities are located:

- (1) resolutions passed by the governing bodies of the municipalities which state their intention and desire to form a consolidated municipality; or
- (2) petitions signed by at least 10% of the registered voters in each of the municipalities to be included with the boundaries of the consolidated municipality.

Amended by Chapter 227, 1993 General Session

10-2-602 Contents of resolution or petition.

- (1) The resolution of the governing body or the petition of the electors shall include:
 - (a) a statement fully describing each of the areas to be included within the consolidated municipality;
 - (b) the name of the proposed consolidated municipality; and
 - (c) the names of the municipalities to be consolidated.
- (2)
 - (a) The resolution or petition shall state the population of each of the municipalities within the area of the proposed consolidated municipality and the total population of the proposed consolidated municipality.
 - (b)
 - (i) The population figure under Subsection (2)(a) shall be derived from the most recent official census or census estimate of the United States Bureau of the Census.
 - (ii) If the population figure is not available from the United States Bureau of the Census, the population figure shall be derived from the estimate from the Utah Population Estimates Committee.

Amended by Chapter 318, 2000 General Session

10-2-603 Plan of consolidation.

The resolution for consolidation shall have attached a plan approved by the governing bodies, properly executed by the mayors and attested by the recorders setting forth the nature of the obligations, assets, and liabilities of the municipalities to be included within the proposed consolidated municipality. The plan shall include a list of every public utility or property on which any debt is owed or due, all or any part of which is payable from the revenues of the utility or property, or from taxes which have been levied and which are outstanding at the time the proposed consolidation is to become effective. The plan shall also specify the rights, duties, and obligations of the proposed consolidated municipality.

Amended by Chapter 92, 1987 General Session

10-2-604 Duty of county legislative body when petition is by electors.

When the petition for consolidation is properly presented by the electors, the county legislative bodies and officers of each of the respective municipalities shall, within 15 days after the filing of

the petition with the county legislative bodies, cause to be filed with the county legislative bodies a plan of consolidation containing the same information as is required in Section 10-2-603.

Amended by Chapter 227, 1993 General Session

10-2-605 Effect of plan of consolidation.

The plan of consolidation shall be subordinate in all respects to the contract rights of all holders of any securities or obligations of the municipality outstanding at the effective date of the consolidation. The plan shall be available to the public for inspection and copying. The plan may extend for a period of up to 20 years, except that those provisions necessary for the protection of the holders of any securities or other obligations of any municipalities being consolidated shall extend for such longer time as may be necessary to ensure the payment of the securities and obligations. Any person may enforce the provisions and terms of the plan during the period in which the plan is effective. After the expiration of the period of the plan, the rights, duties and obligations stated in the plan shall be governed by the laws of the State of Utah and not by the plan. The plan shall be effective only if the consolidation is approved by the voters of the respective municipalities to be consolidated.

Enacted by Chapter 48, 1977 General Session

10-2-606 Public hearings.

The governing body of each municipality in its plan for consolidation shall set a time and place for a public hearing or public hearings which shall be held at least 10 days after the plan of consolidation and the dates of the public hearing have been submitted to the county legislative bodies. The public hearing may be held jointly or separately by the governing bodies of each municipality to be consolidated. Any interested person may be heard on any aspect of the proposed consolidation. One or more certified copies of the plan of consolidation shall be available in the recorder's office of each municipality at least five days prior to the hearing.

Amended by Chapter 227, 1993 General Session

10-2-607 Notice of election.

If the county legislative bodies find that the resolution or petition for consolidation and their attachments substantially conform with the requirements of this part, they shall give notice of the election for consolidation to the electors of each municipality which would become part of the consolidated municipality by publication:

- (1) in a newspaper having a general circulation within the boundaries of each municipality to be consolidated at least once a week for four consecutive weeks prior to the election on the question of consolidation; and
- (2) in accordance with Section 45-1-101 for four weeks.

Amended by Chapter 5, 2009 Special Session 1

Amended by Chapter 5, 2009 Special Session 1

10-2-608 Contents of notice.

The notice required in the preceding section shall contain a summary of:

- (1) the contents of the resolutions or petitions for consolidation;
- (2) the consolidation plan;

- (3) where the resolutions or petitions and consolidation plan can be found;
- (4) the time and place where public hearings on the question of consolidation will be held and shall state that any interested person may be heard on the question of consolidation and on the plan for consolidation;
- (5) a description of the territory and the names of the municipalities which will be included within the proposed consolidated municipality which descriptions may be by any means which describe the territories involved;
- (6) the time and place or places at which the election for consolidation shall be held; and
- (7) the form of the ballot to be used in the election to determine the question of consolidation which shall read substantially as follows:

Shall the municipality of _____

YES

be consolidated with the
municipality (or municipalities) of _____

NO

The voters shall mark their ballots with a cross (x) opposite the words "yes" or "no."

Enacted by Chapter 48, 1977 General Session

10-2-609 Election on consolidation.

The election on consolidation shall be held as nearly as possible in the same manner as a general election.

Enacted by Chapter 48, 1977 General Session

10-2-610 Canvass of election -- Notice of results -- Filing of notice and plat -- Recording requirements.

- (1) The legislative body of each county in which a proposed consolidating municipality is located shall canvass the results of the election or elections in the same manner as for general elections and shall certify the results of the election to the county clerk or clerks.
- (2) If a majority of the ballots cast at the election on consolidation in each municipality are for consolidation, the county clerk or clerks shall immediately, on receiving notice of the results of the canvass under Subsection (1), give notice of the result by publication in the same manner and for the same time as provided in Section 10-2-608.
- (3) The mayors of the municipalities to be consolidated shall:
 - (a) within 30 days after the canvass of an election at which voters approve consolidation, file with the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5:
 - (i) if the consolidated municipality is located within the boundary of a single county, submit to the recorder of that county the original:
 - (A) notice of an impending boundary action;
 - (B) certificate of consolidation; and

- (C) approved final local entity plat; or
- (ii) if the consolidated municipality is located within the boundaries of more than a single county, submit the original of the documents listed in Subsections (3)(b)(i)(A), (B), and (C) to the recorder of one of those counties and a certified copy of those documents to the recorder of each other county.

Amended by Chapter 350, 2009 General Session

10-2-611 When consolidation effective -- Disincorporation of original municipalities -- Effective date for assessment purposes.

- (1) Upon the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5:
 - (a) the consolidation is effective; and
 - (b) the original municipalities involved in the consolidation are disincorporated.
- (2)
 - (a) The effective date of a consolidation of municipalities for purposes of assessing property within the consolidated municipality is governed by Section 59-2-305.5.
 - (b) Until the documents listed in Subsection 10-2-610(3)(b) are recorded in the office of the recorder of each county in which the property is located, a consolidated municipality may not:
 - (i) levy or collect a property tax on property within the consolidated municipality;
 - (ii) levy or collect an assessment on property within the consolidated municipality; or
 - (iii) charge or collect a fee for service provided to property within the consolidated municipality.

Amended by Chapter 350, 2009 General Session

10-2-612 New municipality -- Ownership of property -- Indebtedness of original municipalities.

Any consolidated municipality shall be deemed to be a continuation of the merged municipalities, except as herein expressly provided, and shall own all of the assets, property, records, seals, equipment, and be responsible for the liabilities of each and all of the municipalities dissolved by the consolidation. The new municipality shall require the inhabitants of an original municipality included in the consolidation, by special tax levy, to satisfy any indebtedness incurred by the original municipalities provided inhabitants residing in other parts of the consolidated municipality did not or do not benefit by the revenue or services obtained by the expenditures causing the indebtedness. The governing body of the consolidated municipality shall be subject to the terms of the consolidation plan.

Enacted by Chapter 48, 1977 General Session

10-2-613 Governing body until next election.

Until the next regular municipal election, the elected officials of the municipalities consolidated into the consolidated municipality shall constitute the governing body of the municipality. The governing body shall elect one of their members to serve as mayor of the municipality and may appoint such other officers as deemed necessary to carry out the business of the municipality.

Enacted by Chapter 48, 1977 General Session

10-2-614 Ordinances, resolutions, and orders.

All ordinances, resolutions and orders, in force in any of the municipalities when it is consolidated, shall remain in full force and effect within the respective areas of the municipalities which existed prior to consolidation insofar as the ordinances, resolutions and orders are not repugnant to law, until repealed or amended, but may not in any case exceed three years. The governing body of the new municipality shall as soon as possible adopt new ordinances, resolutions and orders for the uniform governance of the new municipality.

Amended by Chapter 378, 2010 General Session