

10-2-406 Notice of certification -- Publishing and providing notice of petition.

- (1) After receipt of the notice of certification from the city recorder or town clerk under Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:
 - (a)
 - (i) publish a notice:
 - (A) at least once a week for three successive weeks, beginning no later than 10 days after receipt of the notice of certification, in a newspaper of general circulation within:
 - (I) the area proposed for annexation; and
 - (II) the unincorporated area within 1/2 mile of the area proposed for annexation; and
 - (B) in accordance with Section 45-1-101, for three weeks, beginning no later than 10 days after receipt of the notice of certification; and
 - (ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general circulation within those areas, post written notices in conspicuous places within those areas that are most likely to give notice to residents within those areas; and
 - (b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)(c)(i), mail written notice to each affected entity.
- (2)
 - (a) The notice under Subsections (1)(a) and (b) shall:
 - (i) state that a petition has been filed with the municipality proposing the annexation of an area to the municipality;
 - (ii) state the date of the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i);
 - (iii) describe the area proposed for annexation in the annexation petition;
 - (iv) state that the complete annexation petition is available for inspection and copying at the office of the city recorder or town clerk;
 - (v) state in conspicuous and plain terms that the municipality may grant the petition and annex the area described in the petition unless, within the time required under Subsection 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing municipality;
 - (vi) state the address of the commission or, if a commission has not yet been created in the county, the county clerk, where a protest to the annexation petition may be filed;
 - (vii) state that the area proposed for annexation to the municipality will also automatically be annexed to a local district providing fire protection, paramedic, and emergency services or a local district providing law enforcement service, as the case may be, as provided in Section 17B-1-416, if:
 - (A) the proposed annexing municipality is entirely within the boundaries of a local district:
 - (I) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and
 - (II) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and
 - (B) the area proposed to be annexed to the municipality is not already within the boundaries of the local district; and
 - (viii) state that the area proposed for annexation to the municipality will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services or a local district providing law enforcement service, as the case may be, as provided in Subsection 17B-1-502(2), if:

- (A) the petition proposes the annexation of an area that is within the boundaries of a local district:
 - (I) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and
 - (II) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and
- (B) the proposed annexing municipality is not within the boundaries of the local district.
- (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a written protest in terms of the actual date rather than by reference to the statutory citation.
- (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection (1)(a) for a proposed annexation of an area within a county of the first class shall include a statement that a protest to the annexation petition may be filed with the commission by property owners if it contains the signatures of the owners of private real property that:
 - (i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;
 - (ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and
 - (iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.

Amended by Chapter 218, 2009 General Session

Amended by Chapter 388, 2009 General Session