

**Effective 5/12/2015**

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

- (1) A protest to an annexation petition under Section 10-2-403 may be filed by:
  - (a) the legislative body or governing board of an affected entity;
  - (b) the owner of rural real property as defined in Section 17B-2a-1107; or
  - (c) for a proposed annexation of an area within a county of the first class, 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.
- (2)
  - (a) Each protest under Subsection (1) shall:
    - (i) be filed:
      - (A) no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i); and
      - (B)
        - (I) in a county that has already created a commission under Section 10-2-409, with the commission; or
        - (II) in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located;
    - (ii) state each reason for the protest of the annexation petition and, if the area proposed to be annexed is located in a specified county, justification for the protest under the standards established in this chapter;
    - (iii) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and
    - (iv) contain the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.
  - (b) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.
  - (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:
    - (i) immediately notify the county legislative body of the protest; and
    - (ii) deliver the protest to the boundary commission within five days after:
      - (A) receipt of the protest, if the boundary commission has previously been created; or
      - (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the boundary commission has not previously been created.
- (3)
  - (a)
    - (i) If a protest is filed under this section:
      - (A) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i)(A), deny the annexation petition; or
      - (B) if the municipal legislative body does not deny the annexation petition under Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.

- (ii) If a municipal legislative body denies an annexation petition under Subsection (3)(a)(i)(A), the municipal legislative body shall, within five days after the denial, send notice of the denial in writing to:
  - (A) the contact sponsor of the annexation petition;
  - (B) the commission; and
  - (C) each entity that filed a protest.
- (b)
  - (i) If no timely protest is filed under this section, the municipal legislative body may, subject to Subsection (3)(b)(ii), approve the petition.
  - (ii) Before approving an annexation petition under Subsection (3)(b)(i), the municipal legislative body shall:
    - (A) hold a public hearing; and
    - (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):
      - (I)
        - (Aa) publish notice of the hearing in a newspaper of general circulation within the municipality and the area proposed for annexation; or
        - (Bb) if there is no newspaper of general circulation in those areas, post written notices of the hearing in conspicuous places within those areas that are most likely to give notice to residents within those areas; and
      - (II) publish notice of the hearing on the Utah Public Notice Website created in Section 63F-1-701.

Amended by Chapter 352, 2015 General Session