

10-2-507 Disconnection ordinance or decree -- Filing of notice and plat -- Recording requirements -- Effective date of disconnection -- Costs of disconnection.

- (1) As used in this section, "disconnection action" means:
 - (a) the municipal legislative body's adoption of an ordinance under Subsection 10-2-502.5(4)(b) approving disconnection; or
 - (b) the entry of a court order under Section 10-2-502.7 ordering disconnection.
- (2) The municipal legislative body shall:
 - (a) within 30 days after the disconnection action, 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 disconnection under Section 67-1a-6.5:
 - (i) if the disconnected area is located within the boundary of a single county, submit to the recorder of that county:
 - (A) the original:
 - (I) notice of an impending boundary action;
 - (II) certificate of disconnection; and
 - (III) approved final local entity plat; and
 - (B) a certified copy of the ordinance approving the disconnection or court order ordering disconnection; or
 - (ii) if the disconnected area is located within the boundaries of more than a single county:
 - (A) submit to the recorder of one of those counties:
 - (I) the original of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the ordinance approving the disconnection or the court order ordering disconnection; and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the ordinance approving the disconnection or the court order ordering disconnection.
 - (3) The disconnection is effective upon the lieutenant governor's issuance of a certificate of disconnection under Section 67-1a-6.5.
 - (4)
 - (a) The effective date of a disconnection for purposes of assessing property within the disconnected territory is governed by Section 59-2-305.5.
 - (b) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of each county in which the property is located, a county in which the disconnected territory is located may not:
 - (i) except as provided in Section 10-2-506, levy or collect a property tax on property within the disconnected territory unless the county was levying and collecting the tax immediately before disconnection;
 - (ii) levy or collect an assessment on property within the disconnected territory unless the county was levying and collecting the assessment immediately before disconnection; or
 - (iii) charge or collect a fee for service provided to property within the disconnected territory unless the county was charging and collecting the fee immediately before disconnection.
 - (5) Any cost incurred by the municipality in complying with this section may be charged against the disconnected territory.

Amended by Chapter 350, 2009 General Session