

Part 1 General Provisions

17B-1-102 Definitions.

As used in this title:

- (1) "Appointing authority" means the person or body authorized to make an appointment to the board of trustees.
- (2) "Basic special district":
 - (a) means a special district that is not a specialized special district; and
 - (b) includes an entity that was, under the law in effect before April 30, 2007, created and operated as a special district, as defined under the law in effect before April 30, 2007.
- (3) "Bond" means:
 - (a) a written obligation to repay borrowed money, whether denominated a bond, note, warrant, certificate of indebtedness, or otherwise; and
 - (b) a lease agreement, installment purchase agreement, or other agreement that:
 - (i) includes an obligation by the district to pay money; and
 - (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond Act.
- (4) "Cemetery maintenance district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District Act, including an entity that was created and operated as a cemetery maintenance district under the law in effect before April 30, 2007.
- (5) "Drainage district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that was created and operated as a drainage district under the law in effect before April 30, 2007.
- (6) "Facility" or "facilities" includes any structure, building, system, land, water right, water, or other real or personal property required to provide a service that a special district is authorized to provide, including any related or appurtenant easement or right-of-way, improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.
- (7) "Fire protection district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an entity that was created and operated as a fire protection district under the law in effect before April 30, 2007.
- (8) "General obligation bond":
 - (a) means a bond that is directly payable from and secured by ad valorem property taxes that are:
 - (i) levied:
 - (A) by the district that issues the bond; and
 - (B) on taxable property within the district; and
 - (ii) in excess of the ad valorem property taxes of the district for the current fiscal year; and
 - (b) does not include:
 - (i) a short-term bond;
 - (ii) a tax and revenue anticipation bond; or
 - (iii) a special assessment bond.
- (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other security:
 - (a) to guarantee the proper completion of an improvement;

- (b) that is required before a special district may provide a service requested by a service applicant; and
- (c) that is offered to a special district to induce the special district before construction of an improvement begins to:
 - (i) provide the requested service; or
 - (ii) commit to provide the requested service.
- (10) "Improvement assurance warranty" means a promise that the materials and workmanship of an improvement:
 - (a) comply with standards adopted by a special district; and
 - (b) will not fail in any material respect within an agreed warranty period.
- (11) "Improvement district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an entity that was created and operated as a county improvement district under the law in effect before April 30, 2007.
- (12) "Infrastructure financing district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 13, Infrastructure Financing Districts.
- (13) "Irrigation district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that was created and operated as an irrigation district under the law in effect before April 30, 2007.
- (14) "Metropolitan water district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District Act, including an entity that was created and operated as a metropolitan water district under the law in effect before April 30, 2007.
- (15) "Mosquito abatement district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District Act, including an entity that was created and operated as a mosquito abatement district under the law in effect before April 30, 2007.
- (16) "Municipal" means of or relating to a municipality.
- (17) "Municipality" means a city or town.
- (18) "Municipal services district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District Act.
- (19) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or other legal entity.
- (20) "Political subdivision" means a county, city, town, special district under this title, special service district under Title 17D, Chapter 1, Special Service District Act, an entity created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute as a political subdivision of the state.
- (21) "Private," with respect to real property, means not owned by the United States or any agency of the federal government, the state, a county, or a political subdivision.
- (22) "Public entity" means:
 - (a) the United States or an agency of the United States;
 - (b) the state or an agency of the state;
 - (c) a political subdivision of the state or an agency of a political subdivision of the state;
 - (d) another state or an agency of that state; or
 - (e) a political subdivision of another state or an agency of that political subdivision.
- (23) "Public transit district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an entity

- that was created and operated as a public transit district under the law in effect before April 30, 2007.
- (24) "Revenue bond":
- (a) means a bond payable from designated taxes or other revenues other than the special district's ad valorem property taxes; and
 - (b) does not include:
 - (i) an obligation constituting an indebtedness within the meaning of an applicable constitutional or statutory debt limit;
 - (ii) a tax and revenue anticipation bond; or
 - (iii) a special assessment bond.
- (25) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
- (a) parliamentary order and procedure;
 - (b) ethical behavior; and
 - (c) civil discourse.
- (26) "Service applicant" means a person who requests that a special district provide a service that the special district is authorized to provide.
- (27) "Service area" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was created and operated as a county service area or a regional service area under the law in effect before April 30, 2007.
- (28) "Short-term bond" means a bond that is required to be repaid during the fiscal year in which the bond is issued.
- (29) "Special assessment" means an assessment levied against property to pay all or a portion of the costs of making improvements that benefit the property.
- (30) "Special assessment bond" means a bond payable from special assessments.
- (31) "Special district" means a limited purpose local government entity, as described in Section 17B-1-103, that operates under, is subject to, and has the powers described in:
- (a) this chapter; or
 - (b)
 - (i) this chapter; and
 - (ii)
 - (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;
 - (B) Chapter 2a, Part 2, Drainage District Act;
 - (C) Chapter 2a, Part 3, Fire Protection District Act;
 - (D) Chapter 2a, Part 4, Improvement District Act;
 - (E) Chapter 2a, Part 5, Irrigation District Act;
 - (F) Chapter 2a, Part 6, Metropolitan Water District Act;
 - (G) Chapter 2a, Part 7, Mosquito Abatement District Act;
 - (H) Chapter 2a, Part 8, Public Transit District Act;
 - (I) Chapter 2a, Part 9, Service Area Act;
 - (J) Chapter 2a, Part 10, Water Conservancy District Act;
 - (K) Chapter 2a, Part 11, Municipal Services District Act; or
 - (L) Chapter 2a, Part 13, Infrastructure Financing Districts.
- (32) "Specialized special district" means a special district that is a cemetery maintenance district, a drainage district, a fire protection district, an improvement district, an irrigation district, a metropolitan water district, a mosquito abatement district, a public transit district, a service area, a water conservancy district, a municipal services district, or an infrastructure financing district.

- (33) "Taxable value" means the taxable value of property as computed from the most recent equalized assessment roll for county purposes.
- (34) "Tax and revenue anticipation bond" means a bond:
 - (a) issued in anticipation of the collection of taxes or other revenues or a combination of taxes and other revenues; and
 - (b) that matures within the same fiscal year as the fiscal year in which the bond is issued.
- (35) "Unincorporated" means not included within a municipality.
- (36) "Water conservancy district" means a special district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District Act, including an entity that was created and operated as a water conservancy district under the law in effect before April 30, 2007.
- (37) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel, power plant, and any facility, improvement, or property necessary or convenient for supplying or treating water for any beneficial use, and for otherwise accomplishing the purposes of a special district.

Amended by Chapter 388, 2024 General Session

Amended by Chapter 438, 2024 General Session

17B-1-103 Special district status and powers -- Registration as a limited purpose entity.

- (1) A special district:
 - (a) is:
 - (i) a body corporate and politic with perpetual succession;
 - (ii) a quasi-municipal corporation;
 - (iii) a political subdivision of the state; and
 - (iv) separate and distinct from and independent of any other political subdivision of the state; and
 - (b) may sue and be sued.
- (2) A special district may:
 - (a) acquire, by any lawful means, or lease any real property, personal property, or a groundwater right necessary or convenient to the full exercise of the district's powers;
 - (b) acquire, by any lawful means, any interest in real property, personal property, or a groundwater right necessary or convenient to the full exercise of the district's powers;
 - (c) transfer an interest in or dispose of any property or interest described in Subsections (2)(a) and (b);
 - (d) acquire or construct works, facilities, and improvements necessary or convenient to the full exercise of the district's powers, and operate, control, maintain, and use those works, facilities, and improvements;
 - (e) borrow money and incur indebtedness for any lawful district purpose;
 - (f) issue bonds, including refunding bonds:
 - (i) for any lawful district purpose; and
 - (ii) as provided in and subject to Part 11, Special District Bonds;
 - (g) levy and collect property taxes:
 - (i) for any lawful district purpose or expenditure, including to cover a deficit resulting from tax delinquencies in a preceding year; and
 - (ii) as provided in and subject to Part 10, Special District Property Tax Levy;
 - (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent domain property necessary to the exercise of the district's powers;
 - (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;

- (j)
 - (i) impose fees or other charges for commodities, services, or facilities provided by the district, to pay some or all of the district's costs of providing the commodities, services, and facilities, including the costs of:
 - (A) maintaining and operating the district;
 - (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
 - (C) issuing bonds and paying debt service on district bonds; and
 - (D) providing a reserve established by the board of trustees; and
 - (ii) take action the board of trustees considers appropriate and adopt regulations to assure the collection of all fees and charges that the district imposes;
- (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's property to district facilities in order for the district to provide service to the property;
- (l) enter into a contract that the special district board of trustees considers necessary, convenient, or desirable to carry out the district's purposes, including a contract:
 - (i) with the United States or any department or agency of the United States;
 - (ii) to indemnify and save harmless; or
 - (iii) to do any act to exercise district powers;
- (m) purchase supplies, equipment, and materials;
- (n) encumber district property upon terms and conditions that the board of trustees considers appropriate;
- (o) exercise other powers and perform other functions that are provided by law;
- (p) construct and maintain works and establish and maintain facilities, including works or facilities:
 - (i) across or along any public street or highway, subject to Subsection (3) and if the district:
 - (A) promptly restores the street or highway, as much as practicable, to its former state of usefulness; and
 - (B) does not use the street or highway in a manner that completely or unnecessarily impairs the usefulness of it;
 - (ii) in, upon, or over any vacant public lands that are or become the property of the state, including school and institutional trust lands, as defined in Section 53C-1-103, if the director of the School and Institutional Trust Lands Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or
 - (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- (q) perform any act or exercise any power reasonably necessary for the efficient operation of the special district in carrying out its purposes;
- (r)
 - (i) except for a special district described in Subsection (2)(r)(ii), designate an assessment area and levy an assessment on land within the assessment area, as provided in Title 11, Chapter 42, Assessment Area Act; or
 - (ii) for a special district created to assess a groundwater right in a critical management area described in Subsection 17B-1-202(1), designate an assessment area and levy an assessment, as provided in Title 11, Chapter 42, Assessment Area Act, on a groundwater right to facilitate a groundwater management plan;
- (s) contract with another political subdivision of the state to allow the other political subdivision to use the district's surplus water or capacity or have an ownership interest in the district's works or facilities, upon the terms and for the consideration, whether monetary or nonmonetary consideration or no consideration, that the district's board of trustees considers to be in the best interests of the district and the public;

- (t) upon the terms and for the consideration, whether monetary or nonmonetary consideration or no consideration, that the district's board of trustees considers to be in the best interests of the district and the public, agree:
 - (i)
 - (A) with another political subdivision of the state; or
 - (B) with a public or private owner of property on which the district has a right-of-way or adjacent to which the district owns fee title to property; and
 - (ii) to allow the use of property:
 - (A) owned by the district; or
 - (B) on which the district has a right-of-way; and
 - (u) if the special district receives, as determined by the special district board of trustees, adequate monetary or nonmonetary consideration in return:
 - (i) provide services or nonmonetary assistance to a nonprofit entity;
 - (ii) waive fees required to be paid by a nonprofit entity; or
 - (iii) provide monetary assistance to a nonprofit entity, whether from the special district's own funds or from funds the special district receives from the state or any other source.
- (3) With respect to a special district's use of a street or highway, as provided in Subsection (2)(p)
- (i):
 - (a) the district shall comply with the reasonable rules and regulations of the governmental entity, whether state, county, or municipal, with jurisdiction over the street or highway, concerning:
 - (i) an excavation and the refilling of an excavation;
 - (ii) the relaying of pavement; and
 - (iii) the protection of the public during a construction period; and
 - (b) the governmental entity, whether state, county, or municipal, with jurisdiction over the street or highway:
 - (i) may not require the district to pay a license or permit fee or file a bond; and
 - (ii) may require the district to pay a reasonable inspection fee.
- (4)
- (a) A special district may:
 - (i) acquire, lease, or construct and operate electrical generation, transmission, and distribution facilities, if:
 - (A) the purpose of the facilities is to harness energy that results inherently from the district's operation of a project or facilities that the district is authorized to operate or from the district providing a service that the district is authorized to provide;
 - (B) the generation of electricity from the facilities is incidental to the primary operations of the district; and
 - (C) operation of the facilities will not hinder or interfere with the primary operations of the district;
 - (ii)
 - (A) use electricity generated by the facilities; or
 - (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric utility or municipality with an existing system for distributing electricity.
 - (b) A district may not act as a retail distributor or seller of electricity.
 - (c) Revenue that a district receives from the sale of electricity from electrical generation facilities it owns or operates under this section may be used for any lawful district purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or constructing the facilities.
- (5) A special district may adopt and, after adoption, alter a corporate seal.

- (6)
 - (a) Each special district shall register and maintain the special district's registration as a limited purpose entity, in accordance with Section 67-1a-15.
 - (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- (7)
 - (a) As used in this Subsection (7), "knife" means a cutting instrument that includes a sharpened or pointed blade.
 - (b) The authority to regulate a knife is reserved to the state except where the Legislature specifically delegates responsibility to a special district.
 - (c) Unless specifically authorized by the Legislature by statute, a special district may not adopt or enforce a regulation or rule pertaining to a knife.

Amended by Chapter 388, 2024 General Session

17B-1-104 Property owner provisions.

- (1) For purposes of this title:
 - (a) the owner of real property shall be:
 - (i) except as provided in Subsection (1)(a)(ii), the fee title owner according to the records of the county recorder on the date of the filing of the request or petition; or
 - (ii) for a proposed annexation under Part 4, Annexation, the lessee of military land, as defined in Section 63H-1-102, if the area proposed for annexation includes military land that is within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act; and
 - (b) the value of private real property shall be determined according to the last assessment before the filing of the request or petition, as determined by:
 - (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property subject to assessment by the county;
 - (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of Property, for property subject to assessment by the State Tax Commission; or
 - (iii) the county, for all other property.
- (2) For purposes of each provision of this title that requires the owners of private real property covering a percentage of the total private land area within the proposed special district to sign a request, petition, or protest:
 - (a) a parcel of real property may not be included in the calculation of the required percentage unless the request or petition is signed by:
 - (i) except as provided in Subsection (2)(a)(ii), owners representing a majority ownership interest in that parcel; or
 - (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;
 - (b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless:
 - (i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and
 - (ii) the person provides documentation accompanying the request or petition that reasonably substantiates the person's representative capacity; and

- (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a request or petition on behalf of a deceased owner.

Amended by Chapter 15, 2023 General Session

17B-1-104.5 Groundwater right owner provisions -- Vote.

- (1) For purposes of this title, an owner of a groundwater right, is on the date of the filing of a groundwater right owner petition or groundwater right owner request, the owner according to:
 - (a) a deed recorded with the county recorder in accordance with Section 73-1-10; or
 - (b) a water right of record filed in the state engineer's office in accordance with Section 73-1-10.
- (2) For purposes of each provision of this title that requires the owners of groundwater rights covering a percentage of the total groundwater rights within the proposed special district to sign a request, petition, or protest:
 - (a) a groundwater right may not be included in the calculation of the required percentage unless the request or petition is signed by:
 - (i) except as provided in Subsection (2)(a)(ii), owners representing a majority ownership interest in that groundwater right; or
 - (ii) if the groundwater right is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that groundwater right;
 - (b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless:
 - (i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and
 - (ii) the person provides documentation accompanying the request or petition that reasonably substantiates the person's representative capacity; and
 - (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a request or petition on behalf of the estate of a deceased owner.
- (3) For an election by groundwater right owners described in this title, each owner of a groundwater right is entitled to cast one vote.

Amended by Chapter 15, 2023 General Session

17B-1-105 Name of special district -- Name change.

- (1)
 - (a) The name of each special district created on or after May 1, 2000 shall comply with Subsection 17-50-103(2)(a).
 - (b) The board of each special district affected by Subsection 17-50-103(2)(b) shall ensure that after January 1, 2005 the special district name complies with the requirements of Subsection 17-50-103(2)(b).
- (2) The name of a special district created after April 30, 2007 may not include the name of a county or municipality.
- (3) The name of a special district may include words descriptive of the type of service that the district provides.
- (4) The name of an infrastructure financing district shall comply with Subsection 17B-1-208(1)(b)(ii).
- (5)
 - (a) A special district board may change the name of that special district as provided in this Subsection (5).

- (b) To initiate a name change, the special district board shall:
 - (i) hold a public hearing on the proposed name change;
 - (ii) adopt a resolution approving the name change; and
 - (iii) file with the lieutenant governor a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).
- (c) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the special district board shall:
 - (i) if the special district is located within the boundary of a single county, submit to the recorder of that county:
 - (A) the original:
 - (I) notice of an impending name change; and
 - (II) certificate of name change; and
 - (B) a certified copy of the resolution approving the name change; or
 - (ii) if the special district 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 (5)(c)(i)(A)(I) and (II); and
 - (II) a certified copy of the resolution approving the name change; and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsections (5)(c)(i)(A)(I) and (II); and
 - (II) a certified copy of the resolution approving the name change.
- (d)
 - (i) A name change under this Subsection (5) becomes effective upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7.
 - (ii) Notwithstanding Subsection (5)(d)(i), the special district may not operate under the new name until the documents listed in Subsection (5)(c) are recorded in the office of the recorder of each county in which the special district is located.

Amended by Chapter 388, 2024 General Session

17B-1-106 Notice before preparing or amending a long-range plan or acquiring certain property.

- (1) As used in this section:
 - (a)
 - (i) "Affected entity" means each county, municipality, special district under this title, special service district, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or
 - (B) that has filed with the special district a copy of the general or long-range plan of the county, municipality, special district, school district, interlocal cooperation entity, or specified public utility.
 - (ii) "Affected entity" does not include the special district that is required under this section to provide notice.
 - (b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
- (2)
 - (a) If a special district under this title located in a county of the first or second class prepares a long-range plan regarding the special district's facilities proposed for the future or amends

an already existing long-range plan, the special district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of the special district's intent to prepare a long-range plan or to amend an existing long-range plan.

- (b) Each notice under Subsection (2)(a) shall:
- (i) indicate that the special district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;
 - (ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;
 - (iii) be:
 - (A) sent to each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;
 - (B) sent to each affected entity;
 - (C) sent to the Utah Geospatial Resource Center created in Section 63A-16-505;
 - (D) sent to each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and
 - (E) published for the special district, as a class A notice under Section 63G-30-102, for at least 14 days;
 - (iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the special district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:
 - (A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and
 - (B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and
 - (v) include the address of an Internet website, if the special district has one, and the name and telephone number of an individual where more information can be obtained concerning the special district's proposed long-range plan or amendments to a long-range plan.
- (3)
- (a) Except as provided in Subsection (3)(d), each special district intending to acquire real property in a county of the first or second class for the purpose of expanding the special district's infrastructure or other facilities used for providing the services that the special district is authorized to provide shall provide written notice, as provided in this Subsection (3), of the special district's intent to acquire the property if the intended use of the property is contrary to:
 - (i) the anticipated use of the property under the county or municipality's general plan; or
 - (ii) the property's current zoning designation.
 - (b) Each notice under Subsection (3)(a) shall:
 - (i) indicate that the special district intends to acquire real property;
 - (ii) identify the real property; and
 - (iii) be sent to:
 - (A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and
 - (B) each affected entity.
 - (c) A notice under this Subsection (3) is a protected record as provided in Subsection 63G-2-305(8).

(d)

- (i) The notice requirement of Subsection (3)(a) does not apply if the special district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.
- (ii) If a special district is not required to comply with the notice requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the special district shall provide the notice specified in Subsection (3)(a) as soon as practicable after the special district's acquisition of the real property.

Amended by Chapter 15, 2023 General Session
Amended by Chapter 435, 2023 General Session

17B-1-107 Recording a release of lien.

If a special district records a lien upon real property or a groundwater right for an unpaid assessment by the owner and the owner then pays the assessment in full, including, subject to Section 17B-1-902.1, any interest and administrative costs, the special district recording the lien shall record the release of the lien.

Amended by Chapter 15, 2023 General Session

17B-1-108 Provisions applicable to the procurement of design professional services.

- (1) As used in this section, "design professional services" means the same as that term is defined in Section 63G-6a-103.
- (2) The procurement of design professional services is governed by Title 63G, Chapter 6a, Part 15, Design Professional Services.

Amended by Chapter 218, 2015 General Session

17B-1-110 Compliance with nepotism requirements.

Each special district shall comply with Title 52, Chapter 3, Prohibiting Employment of Relatives.

Amended by Chapter 15, 2023 General Session

17B-1-111 Impact fee resolution -- Notice and hearing requirements.

- (1)
 - (a) If a special district wishes to impose impact fees, the board of trustees of the special district shall:
 - (i) prepare a proposed impact fee resolution that meets the requirements of Title 11, Chapter 36a, Impact Fees Act;
 - (ii) make a copy of the impact fee resolution available to the public at least 10 days before the date of the public hearing and hold a public hearing on the proposed impact fee resolution; and
 - (iii) provide reasonable notice of the public hearing for the special district, as a class A notice under Section 63G-30-102, for at least 10 days before the date of the hearing.
 - (b) After the public hearing, the board of trustees may:
 - (i) adopt the impact fee resolution as proposed;
 - (ii) amend the impact fee resolution and adopt or reject it as amended; or
 - (iii) reject the resolution.

- (2) The special district's board of trustees may enact a resolution establishing stricter notice requirements than those required by this section.
- (3)
 - (a) Proof that notice required by this section was given is prima facie evidence that notice was properly given.
 - (b) If notice given under authority of this section is not challenged within 30 days from the date of the meeting for which the notice was given, the notice is considered adequate and proper.

Amended by Chapter 15, 2023 General Session
Amended by Chapter 435, 2023 General Session

17B-1-113 Liability insurance.

- (1) Each special district with an annual operating budget of \$50,000 or more shall obtain liability insurance as considered appropriate by the special district board.
- (2) Each special district with an annual operating budget of less than \$50,000 is not required to obtain liability insurance, but liability insurance is encouraged, as considered appropriate by the special district board.

Amended by Chapter 15, 2023 General Session

17B-1-114 Special district property taxes on a parity with general taxes.

Unless otherwise specifically provided by statute, property taxes levied by a special district shall constitute a lien on the property on a parity with and collectible at the same time and in the same manner as general county taxes that are a lien on the property.

Amended by Chapter 15, 2023 General Session

17B-1-115 Validation of previously created special districts -- Continuation of certain special districts under this chapter -- Providing a previously authorized service.

- (1) Each special district created before April 30, 2007 under the law in effect at the time of the creation is declared to be validly and legally constituted.
- (2) An entity created and operating under the law in effect before April 30, 2007 as a special district but not as a cemetery maintenance district, drainage district, fire protection district, improvement district, irrigation district, metropolitan water district, mosquito abatement district, public transit district, service area, or water conservancy district shall continue on and after April 30, 2007 as a special district subject to the provisions of this chapter but not subject to the provisions of Chapter 2a, Provisions Applicable to Different Types of Special Districts.
- (3) Nothing in this title may be construed to prohibit or limit a special district from providing on or after April 30, 2007 a service that it was authorized before that date to provide.

Amended by Chapter 15, 2023 General Session

17B-1-116 Property exempt from taxation and execution.

All property and assets of a special district are exempt from taxation and exempt from execution.

Amended by Chapter 15, 2023 General Session

17B-1-117 Severability.

A court's invalidation of any provision of this title may not be considered to affect the validity of any other provision of this title.

Enacted by Chapter 329, 2007 General Session

17B-1-118 Special district hookup fee -- Preliminary design or site plan from a specified public agency.

(1) As used in this section:

- (a) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a special district water, sewer, storm water, power, or other utility system.
- (b) "Impact fee" has the same meaning as defined in Section 11-36a-102.
- (c) "Specified public agency" means:
 - (i) the state;
 - (ii) a school district; or
 - (iii) a charter school.
- (d) "State" includes any department, division, or agency of the state.

(2) A special district may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the special district water, sewer, storm water, power, or other utility system.

(3)

- (a) A specified public agency intending to develop its land shall submit a development plan and schedule to each special district from which the specified public agency anticipates the development will receive service:
 - (i) as early as practicable in the development process, but no later than the commencement of construction; and
 - (ii) with sufficient detail to enable the special district to assess:
 - (A) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c), (d), (e), and (g) caused by the development;
 - (B) the amount of any hookup fees, or impact fees or substantive equivalent;
 - (C) any credit against an impact fee; and
 - (D) the potential for waiving an impact fee.
- (b) The special district shall respond to a specified public agency's submission under Subsection (3)(a) with reasonable promptness in order to allow the specified public agency to consider information the special district provides under Subsection (3)(a)(ii) in the process of preparing the budget for the development.

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection (3) that complies with the requirements of that subsection, the specified public agency vests in the special district's hookup fees and impact fees in effect on the date of submission.

Amended by Chapter 15, 2023 General Session

17B-1-119 Duty to comply with local land use provisions.

A special district shall comply with Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, and Title 17, Chapter 27a, County Land Use, Development, and Management

Act, as applicable, if a land use authority consults with or allows the special district to participate in any way in a land use authority's land use development review or approval process.

Amended by Chapter 15, 2023 General Session

17B-1-120 Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

- (1) A special district may impose an exaction on a service received by an applicant, including, subject to Subsection (2), an exaction for a water interest if:
 - (a) the special district establishes that a legitimate special district interest makes the exaction essential; and
 - (b) the exaction is roughly proportionate, both in nature and extent, to the impact of the proposed service on the special district.
- (2)
 - (a)
 - (i) Subject to the requirements of this Subsection (2), a special district shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
 - (ii) Except as described in Subsection (2)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:
 - (A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water pursuant to Section 19-4-114; and
 - (B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the special district.
 - (iii) A special district may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2)(a)(ii) if the special district, at the special district's sole discretion, determines there is good cause to do so.
 - (iv) A special district shall make public the methodology used to comply with Subsection (2)(a)(ii)(B). A service applicant may appeal to the special district's governing body an exaction calculation used by the special district under Subsection (2)(a)(ii). A service applicant may present data and other information that illustrates a need for an exaction recalculation and the special district's governing body shall respond with due process.
 - (v) If requested by a service applicant, the culinary authority shall provide the basis for the culinary water authority's calculations described in Subsection (2)(a)(i).
 - (b) A special district may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined in accordance with Section 73-1-4.
- (3)
 - (a) If a special district plans to dispose of surplus real property that was acquired under this section and has been owned by the special district for less than 15 years, the special district shall offer to reconvey the surplus real property, without receiving additional consideration, first to a person who granted the real property to the special district.

- (b) The person described in Subsection (3)(a) shall, within 90 days after the day on which a special district makes an offer under Subsection (3)(a), accept or reject the offer.
- (c) If a person rejects an offer under Subsection (3)(b), the special district may sell the real property.

Amended by Chapter 15, 2023 General Session
Amended by Chapter 255, 2023 General Session

17B-1-121 Limit on fees -- Requirement to itemize and account for fees -- Appeals.

- (1) A special district may not impose or collect:
 - (a) an application fee that exceeds the reasonable cost of processing the application; or
 - (b) an inspection or review fee that exceeds the reasonable cost of performing an inspection or review.
- (2)
 - (a) Upon request by a service applicant who is charged a fee or an owner of residential property upon which a fee is imposed, a special district shall provide a statement of each itemized fee and calculation method for each fee.
 - (b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for a statement of each itemized fee no later than 30 days after the day on which the applicant or owner pays the fee, the special district shall, no later than 10 days after the day on which the request is received, provide or commit to provide within a specific time:
 - (i) for each fee, any studies, reports, or methods relied upon by the special district to create the calculation method described in Subsection (2)(a);
 - (ii) an accounting of each fee paid;
 - (iii) how each fee will be distributed by the special district; and
 - (iv) information on filing a fee appeal through the process described in Subsection (2)(c).
 - (c)
 - (i) A special district shall establish an impartial fee appeal process to determine whether a fee reflects only the reasonable estimated cost of delivering the service for which the fee was paid.
 - (ii) A party to a fee appeal described in Subsection (2)(c)(i) may petition for judicial review of the special district's final decision.
- (3) A special district may not impose on or collect from a public agency a fee associated with the public agency's development of the public agency's land other than:
 - (a) subject to Subsection (1), a hookup fee; or
 - (b) an impact fee, as defined in Section 11-36a-102 and subject to Section 11-36a-402, for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g).

Amended by Chapter 15, 2023 General Session