

Part 4 Annexation

17B-1-401 Definitions.

For purposes of this part:

- (1) "Applicable area" means:
 - (a) for a county, the unincorporated area of the county that is included within the area proposed for annexation; or
 - (b) for a municipality, the area of the municipality that is included within the area proposed for annexation.
- (2) "Retail" means, with respect to a service provided by a municipality or local district, that the service is provided directly to the ultimate user.
- (3) "Wholesale" means, with respect to a service provided by a local district, that the service is not provided directly to the ultimate user but is provided to a retail provider.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-402 Annexation of area outside local district.

- (1) An area outside the boundaries of a local district may be annexed to the local district, as provided in this part, in order to provide to the area a service that the local district provides.
- (2) The area proposed to be annexed:
 - (a) may consist of one or more noncontiguous areas; and
 - (b) need not be adjacent to the boundaries of the proposed annexing local district.
- (3) With respect to a local district in the creation of which an election was not required under Subsection 17B-1-214(3)(d):
 - (a) an unincorporated area of a county may not be annexed to the local district unless, after annexation, at least a majority of the unincorporated area of the county will be included in the local district; and
 - (b) the annexation of any part of an area within a municipality shall include all of the area within the municipality.
- (4) A local district may not annex an area located 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, without the authority's approval.

Amended by Chapter 68, 2011 General Session

17B-1-403 Initiation of annexation process -- Petition and resolution.

- (1) Except as provided in Sections 17B-1-415, 17B-1-416, and 17B-1-417, the process to annex an area to a local district may be initiated by:
 - (a)
 - (i) for a district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector and subject to Subsection (2), a petition signed by the owners of all of the acre-feet of water allotted to the land proposed for annexation; or
 - (ii) for all other districts:
 - (A) a petition signed by:
 - (I) the owners of private real property that:
 - (Aa) is located within the area proposed to be annexed;

- (Bb) covers at least 10% of the total private land area within the entire area proposed to be annexed and within each applicable area; and
- (Cc) is equal in assessed value to at least 10% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or
- (II) the owner of all the publicly owned real property, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government; or
- (B) a petition signed by registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 10% of the number of votes cast within the entire area proposed to be annexed and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition;
- (b) a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the area proposed to be annexed; or
- (c) a resolution adopted by the board of trustees of the proposed annexing local district if, for at least 12 consecutive months immediately preceding adoption of the resolution, the local district has provided:
 - (i) retail service to the area; or
 - (ii) a wholesale service to a provider of the same service that has provided that service on a retail basis to the area.
- (2) If an association representing all acre-feet of water allotted to the land that is proposed to be annexed to a local district signs a petition under Subsection (1)(a)(i), pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the association, the petition shall be considered to have been signed by the owners of all of the acre-feet of water allotted to the land proposed for annexation, even though less than all of the owners within the association consented to the association signing the petition.
- (3) Each petition and resolution under Subsection (1) shall:
 - (a) describe the area proposed to be annexed; and
 - (b) be accompanied by a map of the boundaries of the area proposed to be annexed.
- (4) The legislative body of each county and municipality that adopts a resolution under Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of the resolution to the board of trustees of the proposed annexing local district.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-404 Petition requirements.

- (1) Each petition under Subsection 17B-1-403(1)(a) shall:
 - (a) indicate the typed or printed name and current residence address of each person signing the petition;
 - (b) separately group signatures by county and municipality, so that all signatures of the owners of real property located within or of registered voters residing within each county whose unincorporated area includes and each municipality whose boundaries include part of the area proposed for annexation are grouped separately;
 - (c) if it is a petition under Subsection 17B-1-403(1)(a)(i) or (ii)(A), indicate the address of the property as to which the owner is signing the petition;

- (d) designate up to three signers of the petition as sponsors, one of whom shall be designated the contact sponsor, with the mailing address and telephone number of each;
 - (e) be filed with the board of trustees of the proposed annexing local district; and
 - (f) for a petition under Subsection 17B-1-403(1)(a)(i), state the proposed method of supplying water to the area proposed to be annexed.
- (2) By submitting a written withdrawal or reinstatement with the board of trustees of the proposed annexing local district, a signer of a petition may withdraw, or once withdrawn, reinstate the signer's signature at any time:
- (a) before the public hearing under Section 17B-1-409 is held; or
 - (b) if a hearing is not held because of Subsection 17B-1-413(1) or because no hearing is requested under Subsection 17B-1-413(2)(a)(ii)(B), until 20 days after the local district provides notice under Subsection 17B-1-413(2)(a)(i).

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-405 Petition certification.

- (1) Within 30 days after the filing of a petition under Subsection 17B-1-403(1)(a)(i) or (ii) or within the time that the local district and each petition sponsor designate by written agreement, the board of trustees of the proposed annexing local district shall:
- (a) with the assistance of officers of the county in which the area proposed to be annexed is located from whom the board requests assistance, determine whether the petition meets the requirements of Subsection 17B-1-403(1)(a)(i) or (ii), as the case may be, Subsection 17B-1-403(3), and Subsection 17B-1-404(1); and
 - (b)
 - (i) if the board determines that the petition complies with the requirements, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or
 - (ii) if the board determines that the petition fails to comply with any of the requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.
- (2)
- (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.
 - (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection (2)(a).
- (3) The board shall process an amended petition filed under Subsection (2)(a) in the same manner as an original petition under Subsection (1).

Amended by Chapter 350, 2009 General Session

17B-1-406 Notice to county and municipality -- Exception.

- (1) Except as provided in Subsection (2), within 10 days after certifying a petition under Subsection 17B-1-405(1)(b) the board of trustees of the proposed annexing local district shall mail or deliver a written notice of the proposed annexation, with a copy of the certification and a copy of the petition, to the legislative body of each:
- (a) county in whose unincorporated area any part of the area proposed for annexation is located; and
 - (b) municipality in which any part of the area proposed for annexation is located.

- (2) The board is not required to send a notice under Subsection (1) to:
 - (a) a county or municipality that does not provide the service proposed to be provided by the local district; or
 - (b) a county or municipality whose legislative body has adopted an ordinance or resolution waiving the notice requirement as to:
 - (i) the proposed annexing local district; or
 - (ii) the service that the proposed annexing local district provides.
- (3) For purposes of this section, an area proposed to be annexed to a municipality in a petition under Section 10-2-403 filed before and still pending at the time of the filing of a petition under Subsection 17B-1-403(1)(a) and an area included within a municipality's annexation policy plan under Section 10-2-401.5 shall be considered to be part of that municipality.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-407 Notice of intent to consider providing service -- Public hearing requirements.

- (1)
 - (a) If the legislative body of a county or municipality whose applicable area is proposed to be annexed to a local district in a petition under Subsection 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to the applicable area the service that the proposed annexing local district provides, the legislative body shall, within 30 days after receiving the notice under Subsection 17B-1-406(1), mail or deliver a written notice to the board of trustees of the proposed annexing local district indicating that intent.
 - (b)
 - (i) A notice of intent under Subsection (1)(a) suspends the local district's annexation proceeding as to the applicable area of the county or municipality that submits the notice of intent until the county or municipality:
 - (A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the service proposed to be provided by the proposed annexing local district; or
 - (B) is considered under Subsection 17B-1-408(2) or (3) to have declined to provide the service.
 - (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an applicable area does not prevent the local district from continuing to pursue the annexation proceeding with respect to other applicable areas for which no notice of intent was submitted.
 - (c) If a legislative body does not mail or deliver a notice of intent within the time required under Subsection (1)(a), the legislative body shall be considered to have declined to provide the service.
- (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall hold a public hearing or a set of public hearings, sufficient in number and location to ensure that no substantial group of residents of the area proposed for annexation need travel an unreasonable distance to attend a public hearing.
- (3) Each public hearing under Subsection (2) shall be held:
 - (a) no later than 45 days after the legislative body sends notice under Subsection (1);
 - (b) except as provided in Subsections (6) and (7), within the applicable area; and
 - (c) for the purpose of allowing public input on:
 - (i) whether the service is needed in the area proposed for annexation;
 - (ii) whether the service should be provided by the county or municipality or the proposed annexing local district; and
 - (iii) all other matters relating to the issue of providing the service or the proposed annexation.

- (4) A quorum of the legislative body of each county or municipal legislative body holding a public hearing under this section shall be present throughout each hearing held by that county or municipal legislative body.
- (5) Each hearing under this section shall be held on a weekday evening other than a holiday beginning no earlier than 6 p.m.
- (6) Two or more county or municipal legislative bodies may jointly hold a hearing or set of hearings required under this section if all the requirements of this section, other than the requirements of Subsection (3)(b), are met as to each hearing.
- (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may hold a public hearing or set of public hearings outside the applicable area if:
 - (a) there is no reasonable place to hold a public hearing within the applicable area; and
 - (b) the public hearing or set of public hearings is held as close to the applicable area as reasonably possible.
- (8) Before holding a public hearing or set of public hearings under this section, the legislative body of each county or municipality that receives a request for service shall provide notice of the hearing or set of hearings as provided in Section 17B-1-211.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-408 Resolution indicating whether the requested service will be provided.

- (1) Within 30 days after the last hearing required under Section 17B-1-407 is held, the legislative body of each county and municipality that sent a notice of intent under Subsection 17B-1-407(1) shall adopt a resolution indicating whether the county or municipality will provide to the area proposed for annexation within its boundaries the service proposed to be provided by the proposed annexing local district.
- (2) If the county or municipal legislative body fails to adopt a resolution within the time provided under Subsection (1), the county or municipality shall be considered to have declined to provide the service.
- (3) If a county or municipal legislative body adopts a resolution under Subsection (1) indicating that the county or municipality will provide the service but the county or municipality does not, within 120 days after the adoption of that resolution, take substantial measures to provide the service, the county or municipality shall be considered to have declined to provide the service.
- (4) Each county or municipality whose legislative body adopts a resolution under Subsection (1) indicating that the county or municipality will provide the service shall diligently proceed to take all measures necessary to provide the service.
- (5) If a county or municipal legislative body adopts a resolution under Subsection (1) indicating that the county or municipality will provide the service and the county or municipality takes substantial measures within the time provided in Subsection (3) to provide the service, the local district's annexation proceeding as to the applicable area of that county or municipality is terminated and that applicable area is considered deleted from the area proposed to be annexed in a petition under Subsection 17B-1-403(1)(a).

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-409 Public hearing on proposed annexation.

- (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of each local district that certifies a petition that was filed under Subsection 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection 17B-1-403(1)(b), or adopts a resolution under

- Subsection 17B-1-403(1)(c) shall hold a public hearing on the proposed annexation and provide notice of the hearing as provided in Section 17B-1-410.
- (2) Each public hearing under Subsection (1) shall be held:
- (a) within 45 days after:
 - (i) if no notice to a county or municipal legislative body is required under Section 17B-1-406, petition certification under Section 17B-1-405; or
 - (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted by the deadline:
 - (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of intent; or
 - (B) termination of a suspension of the annexation proceeding under Subsection 17B-1-407(1) (b);
 - (b)
 - (i) for a local district located entirely within a single county:
 - (A) within or as close as practicable to the area proposed to be annexed; or
 - (B) at the local district office; or
 - (ii) for a local district located in more than one county:
 - (A)
 - (I) within the county in which the area proposed to be annexed is located; and
 - (II) within or as close as practicable to the area proposed to be annexed; or
 - (B) if the local district office is reasonably accessible to all residents within the area proposed to be annexed, at the local district office;
 - (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and
 - (d) for the purpose of allowing:
 - (i) the public to ask questions and obtain further information about the proposed annexation and issues raised by it; and
 - (ii) any interested person to address the board regarding the proposed annexation.
- (3) A quorum of the board of trustees of the proposed annexing local district shall be present throughout each public hearing held under this section.
- (4)
- (a) After holding a public hearing under this section or, if no hearing is held because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by resolution deny the annexation and terminate the annexation procedure if:
 - (i) for a proposed annexation initiated by a petition under Subsection 17B-1-403(1)(a)(i) or (ii), the board determines that:
 - (A) it is not feasible for the local district to provide service to the area proposed to be annexed; or
 - (B) annexing the area proposed to be annexed would be inequitable to the owners of real property or residents already within the local district; or
 - (ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b) or (c), the board determines not to pursue annexation.
 - (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its reasons for denying the annexation.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-410 Notice of public hearing.

- (1) Before holding a public hearing required under Section 17B-1-409, the board of trustees of each proposed annexing local district shall:
 - (a) mail notice of the public hearing and the proposed annexation to:
 - (i) if the local district is funded predominantly by revenues from a property tax, each owner of private real property located within the area proposed to be annexed, as shown upon the county assessment roll last equalized as of the previous December 31; or
 - (ii) if the local district is not funded predominantly by revenues from a property tax, each registered voter residing within the area proposed to be annexed, as determined by the voter registration list maintained by the county clerk as of a date selected by the board of trustees that is at least 20 but not more than 60 days before the public hearing; and
 - (b) post notice of the public hearing and the proposed annexation in at least four conspicuous places within the area proposed to be annexed, no less than 10 and no more than 30 days before the public hearing.
- (2) Each notice required under Subsection (1) shall:
 - (a) describe the area proposed to be annexed;
 - (b) identify the proposed annexing local district;
 - (c) state the date, time, and location of the public hearing;
 - (d) provide a local district telephone number where additional information about the proposed annexation may be obtained;
 - (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical resident and upon the typical property owner within the area proposed to be annexed if the proposed annexation is completed; and
 - (f) except for a proposed annexation under a petition that meets the requirements of Subsection 17B-1-413(1), explain that property owners and registered voters within the area proposed to be annexed may protest the annexation by filing a written protest with the local district board of trustees within 30 days after the public hearing.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-411 Modifications to area proposed for annexation -- Limitations.

- (1)
 - (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area proposed for annexation to include land not previously included in that area or to exclude land from that area if the modification enhances the feasibility of the proposed annexation.
 - (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land within an applicable area if:
 - (i) the entire area proposed to be annexed consists of more than that applicable area;
 - (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable area that an election would have been required under Subsection 17B-1-412(3) if that applicable area were the entire area proposed to be annexed; and
 - (iii) the other requirements of Subsection (1)(a) are met.
- (2) A board of trustees may not add property under Subsection (1) to the area proposed for annexation without the consent of the owner of that property.
- (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the modification, the election was required because of protests filed under Section 17B-1-412.

- (4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A) or (B), a modification may not be made unless the requirements of Subsection 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be annexed.
- (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a modification under this section but fails to meet those requirements after modification:
 - (a) the local district board shall give notice as provided in Section 17B-1-410 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and
 - (b) the petition shall be considered in all respects as one that does not meet the requirements of Subsection 17B-1-413(1).

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-412 Protests -- Election.

- (1)
 - (a) An owner of private real property located within or a registered voter residing within an area proposed to be annexed may protest an annexation by filing a written protest with the board of trustees of the proposed annexing local district, except:
 - (i) as provided in Section 17B-1-413;
 - (ii) for an annexation under Section 17B-1-415; and
 - (iii) for an annexation proposed by a local district that receives sales and use tax funds from the counties, cities, and towns within the local district that impose a sales and use tax under Section 59-12-2213.
 - (b) A protest of a boundary adjustment is not governed by this section but is governed by Section 17B-1-417.
- (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of the public hearing under Section 17B-1-409.
- (3)
 - (a) Except as provided in Subsection (4), the local district shall hold an election on the proposed annexation if:
 - (i) timely protests are filed by:
 - (A) the owners of private real property that:
 - (I) is located within the area proposed to be annexed;
 - (II) covers at least 10% of the total private land area within the entire area proposed to be annexed and within each applicable area; and
 - (III) is equal in assessed value to at least 10% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area;
 - or
 - (B) registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 10% of the number of votes cast within the entire area proposed for annexation and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition; or
 - (ii) the proposed annexing local district is one that receives sales and use tax funds from the counties, cities, and towns within the local district that impose a sales and use tax under Section 59-12-2213.
 - (b)
 - (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be phrased to indicate that a voter's casting a vote for or against the annexation includes also a vote for or against the imposition of the sales and use tax as provided in Section 59-12-2213.

- (ii) Except as otherwise provided in this part, each election under Subsection (3)(a) shall be governed by Title 20A, Election Code.
- (c) If a majority of registered voters residing within the area proposed to be annexed and voting on the proposal vote:
 - (i) in favor of annexation, the board of trustees shall, subject to Subsections 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution approving annexation of the area; or
 - (ii) against annexation, the annexation process is terminated, the board may not adopt a resolution approving annexation of the area, and the area proposed to be annexed may not for two years be the subject of an effort under this part to annex to the same local district.
- (4) If sufficient protests are filed under this section to require an election for a proposed annexation to which the protest provisions of this section are applicable, a board of trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and terminating the annexation process without holding an election.

Amended by Chapter 263, 2010 General Session

17B-1-413 Hearing, notice, and protest provisions do not apply for certain petitions.

- (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a), Sections 17B-1-409 and 17B-1-410 do not apply:
 - (a) if the process to annex an area to a local district was initiated by:
 - (i) a petition under Subsection 17B-1-403(1)(a)(i);
 - (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners of private real property that:
 - (A) is located within the area proposed to be annexed;
 - (B) covers at least 75% of the total private land area within the entire area proposed to be annexed and within each applicable area; and
 - (C) is equal in assessed value to at least 75% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or
 - (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 75% of the number of votes cast within the entire area proposed to be annexed and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition;
 - (b) to an annexation under Section 17B-1-415; or
 - (c) to a boundary adjustment under Section 17B-1-417.
- (2)
 - (a) If a petition that meets the requirements of Subsection (1)(a) is certified under Section 17B-1-405, the local district board:
 - (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b); and
 - (ii)
 - (A) may, in the board's discretion, hold a public hearing as provided in Section 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and
 - (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b), hold a public hearing as provided in Section 17B-1-409 if a written request to do so is submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to the local district board by an owner of property that is located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition.

- (b) The notice required under Subsections (2)(a)(i) and (ii) shall:
 - (i) be given:
 - (A)
 - (I) for a notice under Subsection (2)(a)(i), within 30 days after petition certification; or
 - (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more than 30 days before the public hearing; and
 - (B) by:
 - (I) posting written notice at the local district's principal office and in one or more other locations within or proximate to the area proposed to be annexed as are reasonable under the circumstances, considering the number of parcels included in that area, the size of the area, the population of the area, and the contiguousness of the area; and
 - (II) providing written notice:
 - (Aa) to at least one newspaper of general circulation, if there is one, within the area proposed to be annexed or to a local media correspondent; and
 - (Bb) on the Utah Public Notice Website created in Section 63F-1-701; and
 - (ii) contain a brief explanation of the proposed annexation and include the name of the local district, the service provided by the local district, a description or map of the area proposed to be annexed, a local district telephone number where additional information about the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an explanation of the right of a property owner or registered voter to request a public hearing as provided in Subsection (2)(a)(ii)(B).
- (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is required for a public hearing under Subsection (2)(a)(ii)(A).

Amended by Chapter 90, 2010 General Session

17B-1-414 Resolution approving an annexation -- Filing of notice and plat with lieutenant governor -- Recording requirements -- Effective date.

- (1)
 - (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution approving the annexation of the area proposed to be annexed or rejecting the proposed annexation within 30 days after:
 - (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests to require an election are not filed;
 - (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):
 - (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or
 - (B) expiration of the time for submitting a request for public hearing under Subsection 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public hearing.
 - (b) If the local district has entered into an agreement with the United States that requires the consent of the United States for an annexation of territory to the district, a resolution approving annexation under this part may not be adopted until the written consent of the United States is obtained and filed with the board of trustees.
- (2)
 - (a)
 - (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with the lieutenant governor:

- (A) 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, if applicable, Subsection (2)(b); and
- (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant governor:
 - (A) within 30 days after adoption of a resolution under Subsection (1), Subsection 17B-1-412(3)(c)(i), or Section 17B-1-415; and
 - (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a municipal annexation that causes an automatic annexation to a local district under Section 17B-1-416.
- (b) For an automatic annexation to a local district under Section 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a) shall state that an area outside the boundaries of the local district is being automatically annexed to the local district under Section 17B-1-416 because of a municipal annexation under Title 10, Chapter 2, Part 4, Annexation.
- (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, the board shall:
 - (i) if the annexed 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 annexation; and
 - (III) approved final local entity plat; and
 - (B) a certified copy of the annexation resolution; or
 - (ii) if the annexed 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)(c)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the annexation resolution; and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the annexation resolution.
- (3)
 - (a) As used in this Subsection (3), "fire district annexation" means an annexation under this part of an area located in a county of the first class to a local district:
 - (i) created to provide fire protection, paramedic, and emergency services; and
 - (ii) in the creation of which an election was not required because of Subsection 17B-1-214(3)(d).
 - (b) An annexation under this part is complete and becomes effective:
 - (i)
 - (A) on July 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or
 - (B) on January 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or
 - (ii) upon the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5, for any other annexation.
 - (c)
 - (i) The effective date of a local district annexation for purposes of assessing property within the annexed area is governed by Section 59-2-305.5.

- (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the recorder of each county in which the property is located, a local district may not:
 - (A) levy or collect a property tax on property within the annexed area;
 - (B) levy or collect an assessment on property within the annexed area; or
 - (C) charge or collect a fee for service provided to property within the annexed area.
- (iii) Subsection (3)(c)(ii)(C):
 - (A) may not be construed to limit a local district's ability before annexation to charge and collect a fee for service provided to property that is outside the local district's boundary; and
 - (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the local district's annexation, with respect to a fee that the local district was charging for service provided to property within the annexed area immediately before the area was annexed to the local district.

Amended by Chapter 68, 2011 General Session

**17B-1-415 Annexation of wholesale district through expansion of retail provider --
Annexation of a local district that provides transportation services.**

- (1)
 - (a) A local district that provides a wholesale service may adopt a resolution approving the annexation of an area outside the local district's boundaries if:
 - (i) the area is annexed by or otherwise added to, or is added to the retail service area of, a municipality or another local district that:
 - (A) acquires the wholesale service from the local district and provides it as a retail service;
 - (B) is, before the annexation or other addition, located at least partly within the local district; and
 - (C) after the annexation or other addition will provide to the annexed or added area the same retail service that the local district provides as a wholesale service to the municipality or other local district; and
 - (ii) except as provided in Subsection (2), no part of the area is within the boundaries of another local district that provides the same wholesale service as the proposed annexing local district.
 - (b) For purposes of this section:
 - (i) a local district providing public transportation service shall be considered to be providing a wholesale service; and
 - (ii) a municipality included within the boundaries of the local district providing public transportation service shall be considered to be acquiring that wholesale service from the local district and providing it as a retail service and to be providing that retail service after the annexation or other addition to the annexed or added area, even though the municipality does not in fact provide that service.
- (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local district providing a wholesale service and located partly or entirely within the boundaries of another local district that provides the same wholesale service may be annexed to the local district if:
 - (a) the conditions under Subsection (1)(a)(i) are present; and
 - (b) the proposed annexing local district and the other local district follow the same procedure as is required for a boundary adjustment under Section 17B-1-417, including both district boards adopting a resolution approving the annexation of the area to the proposed annexing local district and the withdrawal of that area from the other district.

- (3) A local district that provides transportation services may adopt a resolution approving the annexation of the area outside of the local district's boundaries if:
 - (a) the area is within a county that has levied a sales and use tax under Section 59-12-2216; and
 - (b) the county legislative body has adopted a resolution approving the annexation of the areas outside of the local district.
- (4) Upon the adoption of an annexation resolution under this section, the board of the annexing local district shall comply with the requirements of Subsection 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a copy of notice as provided in Section 67-1a-6.5.
- (5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.

Amended by Chapter 223, 2011 General Session

17B-1-416 Automatic annexation to a district providing fire protection, paramedic, and emergency services or law enforcement service.

- (1) An area outside the boundaries of a local district that is annexed to a municipality or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, is automatically annexed to the local district if:
 - (a) the local district provides:
 - (i) fire protection, paramedic, and emergency services; or
 - (ii) law enforcement service;
 - (b) an election for the creation of the local district was not required because of Subsection 17B-1-214(3)(d); and
 - (c) before the municipal annexation or boundary adjustment, the entire municipality that is annexing the area or adding the area by boundary adjustment was included within the local district.
- (2) The effective date of an annexation under this section is governed by Subsection 17B-1-414(3)(b).

Amended by Chapter 68, 2011 General Session

17B-1-417 Boundary adjustment -- Notice and hearing -- Protest -- Resolution adjusting boundaries -- Filing of notice and plat with the lieutenant governor -- Recording requirements -- Effective date.

- (1) As used in this section, "affected area" means the area located within the boundaries of one local district that will be removed from that local district and included within the boundaries of another local district because of a boundary adjustment under this section.
- (2) The boards of trustees of two or more local districts having a common boundary and providing the same service on the same wholesale or retail basis may adjust their common boundary as provided in this section.
- (3)
 - (a) The board of trustees of each local district intending to adjust a boundary that is common with another local district shall:
 - (i) adopt a resolution indicating the board's intent to adjust a common boundary;
 - (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days after the adoption of the resolution under Subsection (3)(a)(i); and
 - (iii)
 - (A) publish notice:

- (I)
 - (Aa) once a week for two successive weeks in a newspaper of general circulation within the local district; or
 - (Bb) if there is no newspaper of general circulation within the local district, post notice in at least four conspicuous places within the local district; and
 - (II) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks; or
 - (B) mail a notice to each owner of property located within the affected area and to each registered voter residing within the affected area.
- (b) The notice required under Subsection (3)(a)(iii) shall:
- (i) state that the board of trustees of the local district has adopted a resolution indicating the board's intent to adjust a boundary that the local district has in common with another local district that provides the same service as the local district;
 - (ii) describe the affected area;
 - (iii) state the date, time, and location of the public hearing required under Subsection (3)(a)(ii);
 - (iv) provide a local district telephone number where additional information about the proposed boundary adjustment may be obtained;
 - (v) explain the financial and service impacts of the boundary adjustment on property owners or residents within the affected area; and
 - (vi) state in conspicuous and plain terms that the board of trustees may approve the adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii), written protests to the adjustment are filed with the board by:
 - (A) the owners of private real property that:
 - (I) is located within the affected area;
 - (II) covers at least 50% of the total private land area within the affected area; and
 - (III) is equal in assessed value to at least 50% of the assessed value of all private real property within the affected area; or
 - (B) registered voters residing within the affected area equal in number to at least 50% of the votes cast in the affected area for the office of governor at the last regular general election before the filing of the protests.
- (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).
- (d) The boards of trustees of the local districts whose boundaries are being adjusted may jointly:
- (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and
 - (ii) hold the public hearing required under Subsection (3)(a)(ii).
- (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees may adopt a resolution approving the adjustment of the common boundary unless, at or before the public hearing, written protests to the boundary adjustment have been filed with the board by:
- (a) the owners of private real property that:
 - (i) is located within the affected area;
 - (ii) covers at least 50% of the total private land area within the affected area; and
 - (iii) is equal in assessed value to at least 50% of the assessed value of all private real property within the affected area; or
 - (b) registered voters residing within the affected area equal in number to at least 50% of the votes cast in the affected area for the office of governor at the last regular general election before the filing of the protests.
- (5) A resolution adopted under Subsection (4) does not take effect until the board of each local district whose boundaries are being adjusted has adopted a resolution under Subsection (4).

- (6) The board of the local district whose boundaries are being adjusted to include the affected area shall:
 - (a) within 30 days after the resolutions take effect under Subsection (5), 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 boundary adjustment under Section 67-1a-6.5:
 - (i) if the affected 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 boundary adjustment; and
 - (III) approved final local entity plat; and
 - (B) a certified copy of each resolution adopted under Subsection (4); or
 - (ii) if the affected 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 (6)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of each resolution adopted under Subsection (4); and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of each resolution adopted under Subsection (4).- (7)
 - (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being adjusted to include the affected area, and the affected area is withdrawn from the local district whose boundaries are being adjusted to exclude the affected area.
 - (b)
 - (i) The effective date of a boundary adjustment under this section for purposes of assessing property within the affected area is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the recorder of the county in which the property is located, a local district in whose boundary an affected area is included because of a boundary adjustment under this section may not:
 - (A) levy or collect a property tax on property within the affected area;
 - (B) levy or collect an assessment on property within the affected area; or
 - (C) charge or collect a fee for service provided to property within the affected area.
 - (iii) Subsection (7)(b)(ii)(C):
 - (A) may not be construed to limit a local district's ability before a boundary adjustment to charge and collect a fee for service provided to property that is outside the local district's boundary; and
 - (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the local district's boundary adjustment, with respect to a fee that the local district was charging for service provided to property within the area affected by the boundary adjustment immediately before the boundary adjustment.

Amended by Chapter 90, 2010 General Session

17B-1-418 Annexed area subject to fees and taxes.

When an annexation under Section 17B-1-414 or 17B-1-415 or a boundary adjustment under Section 17B-1-417 is complete, the annexed area or the area affected by the boundary adjustment shall be subject to user fees imposed by and property, sales, and other taxes levied by or for the benefit of the local district.

Amended by Chapter 349, 2015 General Session