

17B-1-204 Request for service required before filing of petition -- Request requirements.

- (1) A petition may not be filed until after:
 - (a) a request has been filed with:
 - (i) the clerk of each county in whose unincorporated area any part of the proposed local district is located; and
 - (ii) the clerk or recorder of each municipality in which any part of the proposed local district is located; and
 - (b) each county and municipality with which a request under Subsection (1)(a) is filed:
 - (i) has adopted a resolution under Subsection 17B-1-212(1) indicating whether it will provide the requested service; or
 - (ii) is considered to have declined to provide the requested service under Subsection 17B-1-212(2) or (3).
- (2) Each request under Subsection (1)(a) shall:
 - (a) ask the county or municipality to provide the service proposed to be provided by the proposed local district within the applicable area; and
 - (b) be signed by:
 - (i) unless the request is a request to create a local district to acquire or assess a groundwater right under Section 17B-1-202, the owners of private real property that:
 - (A) is located within the proposed local district;
 - (B) covers at least 10% of the total private land area within the applicable area; and
 - (C) is equal in value to at least 7% of the value of all private real property within the applicable area;
 - (ii) if the request is a request to create a local district to acquire or assess a groundwater right under Section 17B-1-202, the owners of groundwater rights that:
 - (A) are diverted within the proposed local district; and
 - (B) cover at least 10% of the amount of groundwater diverted in accordance with groundwater rights within the applicable area; or
 - (iii) registered voters residing within the applicable area equal in number to at least 10% of the number of votes cast in the applicable area for the office of governor at the last general election prior to the filing of the request.
- (3) For purposes of Subsections (1) and (2), 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 filing of a petition shall be considered to be part of that municipality.

Amended by Chapter 68, 2011 General Session