

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