

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