

17B-1-504 Initiation of withdrawal process -- Notice of petition.

- (1) Except as provided in Section 17B-1-505, the process to withdraw an area from a local district may be initiated:
 - (a) for a local district funded predominantly by revenues from property taxes or service charges other than those based upon acre-feet of water:
 - (i) by a petition signed by the owners of private real property that:
 - (A) is located within the area proposed to be withdrawn;
 - (B) covers at least 51% of the total private land within the area proposed to be withdrawn; and
 - (C) is equal in taxable value to at least 51% of the taxable value of all private real property within the area proposed to be withdrawn;
 - (ii) by a petition signed by registered voters residing within the area proposed to be withdrawn equal in number to at least 67% of the number of votes cast in the same area for the office of governor at the last regular general election before the filing of the petition;
 - (iii) by a resolution adopted by the board of trustees of the local district in which the area proposed to be withdrawn is located, which:
 - (A) states the reasons for withdrawal; and
 - (B) is accompanied by a general description of the area proposed to be withdrawn; or
 - (iv) by a resolution to file a petition with the local district to withdraw from the local district all or a specified portion of the area within a municipality or county, adopted by the governing body of a municipality that has within its boundaries an area located within the boundaries of a local district, or by the governing body of a county that has within its boundaries an area located within the boundaries of a local district that is located in more than one county, which petition of the governing body shall be filed with the board of trustees only if a written request to petition the board of trustees to withdraw an area from the local district has been filed with the governing body of the municipality, or county, and the request has been signed by registered voters residing within the boundaries of the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in the same area for the office of governor at the last regular general election before the filing of the petition;
 - (b) for a local district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector:
 - (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or
 - (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted to the land proposed to be withdrawn; or
 - (c) for a local district funded predominantly by revenues other than property taxes, service charges, or assessments based upon an allotment of acre-feet of water:
 - (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or
 - (ii) by a petition signed by the registered voters residing within the entire area proposed to be withdrawn, which area shall be comprised of an entire unincorporated area within the local district or an entire municipality within a local district, or a combination thereof, equal in number to at least 67% of the number of votes cast within the entire area proposed to be withdrawn for the office of governor at the last regular general election before the filing of the petition.
- (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of the petition shall:
 - (a) notify the local district board with which the petition is intended to be filed that the sponsors will be soliciting signatures for a petition; and
 - (b) mail a copy of the petition to the local district board.

Renumbered and Amended by Chapter 329, 2007 General Session