

**Effective 5/10/2016**

**17B-1-505 Withdrawal of municipality in certain districts providing fire protection, paramedic, and emergency services or law enforcement service.**

- (1)
  - (a) The process to withdraw an area from a local district may be initiated by a resolution adopted by the legislative body of a municipality, subject to Subsection (1)(b), that is entirely within the boundaries of a local district:
    - (i) that provides:
      - (A) fire protection, paramedic, and emergency services;
      - (B) law enforcement service; or
      - (C) municipal services, as defined in Section 17B-2a-1102; and
    - (ii) in the creation of which an election was not required because of Subsection 17B-1-214(3)(d) or (g).
  - (b) A municipal legislative body of a municipality that is within a municipal services district established under Chapter 2a, Part 11, Municipal Services District Act, may not adopt a resolution under Subsection (1)(a) to withdraw from the municipal services district unless the municipality has conducted a feasibility study in accordance with Section 17B-2a-1110.
  - (c) Within 10 days after adopting a resolution under Subsection (1)(a), the municipal legislative body shall submit to the board of trustees of the local district written notice of the adoption of the resolution, accompanied by a copy of the resolution.
- (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body shall hold an election at the next municipal general election that is more than 60 days after adoption of the resolution on the question of whether the municipality should withdraw from the local district.
- (3) If a majority of those voting on the question of withdrawal at an election held under Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local district.
- (4)
  - (a) Within 10 days after the canvass of an election at which a withdrawal under this section is submitted to voters, the municipal legislative body shall send written notice to the board of the local district from which the municipality is proposed to withdraw.
  - (b) Each notice under Subsection (4)(a) shall:
    - (i) state the results of the withdrawal election; and
    - (ii) if the withdrawal was approved by voters, be accompanied by a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- (5) The effective date of a withdrawal under this section is governed by Subsection 17B-1-512(2)(a).

Amended by Chapter 140, 2016 General Session