

Part 7

Mosquito Abatement District Act

17B-2a-701 Title.

This part is known as the "Mosquito Abatement District Act."

Enacted by Chapter 329, 2007 General Session

17B-2a-702 Provisions applicable to mosquito abatement districts.

- (1) Each mosquito abatement district is governed by and has the powers stated in:
 - (a) this part; and
 - (b) Chapter 1, Provisions Applicable to All Local Districts.
- (2) This part applies only to mosquito abatement districts.
- (3) A mosquito abatement district is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.

Enacted by Chapter 329, 2007 General Session

17B-2a-703 Additional mosquito abatement district powers.

In addition to the powers conferred on a mosquito abatement district under Section 17B-1-103, a mosquito abatement district may:

- (1) take all necessary and proper steps for the extermination of mosquitos, flies, crickets, grasshoppers, and other insects:
 - (a) within the district; or
 - (b) outside the district, if lands inside the district are benefitted;
- (2) abate as nuisances all stagnant pools of water and other breeding places for mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state from which mosquitos migrate into the district;
- (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and examine the territory and to remove from the territory, without notice, stagnant water or other breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;
- (4) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
- (5) make a contract to indemnify or compensate an owner of land or other property for injury or damage that the exercise of district powers necessarily causes or arising out of the use, taking, or damage of property for a district purpose; and
- (6) in addition to the accumulated fund balance allowed under Section 17B-1-612, establish a reserve fund, not to exceed the greater of 25% of the district's annual operating budget or \$50,000, to pay for extraordinary abatement measures, including a vector-borne public health emergency.

Amended by Chapter 37, 2019 General Session

17B-2a-704 Mosquito abatement district board of trustees.

- (1)
 - (a) Notwithstanding Subsection 17B-1-302(4):

- (i) the board of trustees of a mosquito abatement district consists of no less than five members appointed in accordance with this section; and
 - (ii) subject to Subsection (1)(b), the legislative body of each municipality that is entirely or partly included within a mosquito abatement district shall appoint one member to the board of trustees.
- (b) If 75% or more of the area of a mosquito abatement district is within the boundaries of a single municipality:
- (i) the board of trustees consists of five members; and
 - (ii) the legislative body of that municipality shall appoint all five members of the board.
- (2) Except as provided in Subsection (1), the legislative body of each county in which a mosquito abatement district is located shall appoint at least one member but no more than three members to the district's board of trustees as follows:
- (a) the county may appoint one member if:
- (i)
 - (A) some or all of the county's unincorporated area is included within the boundaries of the mosquito abatement district; and
 - (B) Subsection (2)(b) does not apply; or
 - (ii)
 - (A) the number of municipalities that are entirely or partly included within the district is an even number less than nine; and
 - (B) Subsection (1)(b) does not apply; or
- (b) subject to Subsection (3), the county may appoint up to and including three members if:
- (i) more than 25% of the population of the mosquito abatement district resides outside the boundaries of all municipalities that may appoint members to the board of trustees; and
 - (ii) a municipality appoints at least four members of the board of trustees.
- (3) A county may not appoint a member in accordance with Subsection (2)(b) who resides within a municipality that may appoint a member to the board of trustees.
- (4) If the number of board members appointed by application of Subsections (1) and (2)(a) is an even number less than nine, the legislative body of the county in which the district is located shall appoint an additional member.
- (5) Notwithstanding Subsection (2), and subject to Subsection (1)(b):
- (a) if the mosquito abatement district is located entirely within one county and, in accordance with this section, only one municipality may appoint a member of the board of trustees, the county legislative body shall appoint at least four members to the district's board of trustees; and
 - (b) if the mosquito abatement district is located entirely within one county and no municipality may appoint a member of the board of trustees, the county legislative body shall appoint all of the members of the board.
- (6) Each board of trustees member is appointed in accordance with Section 17B-1-304.
- (7) The applicable appointing authority shall fill each vacancy on a mosquito abatement district board of trustees in accordance with Section 17B-1-304, or if the vacancy is a midterm vacancy, in accordance with Section 20A-1-512.

Amended by Chapter 40, 2019 General Session

17B-2a-705 Taxation -- Additional levy -- Election.

- (1) If a mosquito abatement district board of trustees determines that the funds required during the next ensuing fiscal year will exceed the maximum amount that the district is authorized to levy under Subsection 17B-1-103(2)(g), the board of trustees may call an election on a date

specified in Section 20A-1-204 and submit to district voters the question of whether the district should be authorized to impose an additional tax to raise the necessary additional funds.

- (2) The board shall publish notice of the election:
 - (a)
 - (i) in a newspaper of general circulation within the district at least once, no later than four weeks before the day of the election;
 - (ii) if there is no newspaper of general circulation in the district, at least four weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the district, in places within the district that are most likely to give notice to the voters in the district; or
 - (iii) at least four weeks before the day of the election, by mailing notice to each registered voter in the district;
 - (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the day of the election;
 - (c) in accordance with Section 45-1-101, for four weeks before the day of the election; and
 - (d) if the district has a website, on the district's website for four weeks before the day of the election.
- (3) No particular form of ballot is required, and no informalities in conducting the election may invalidate the election, if it is otherwise fairly conducted.
- (4) At the election each ballot shall contain the words, "Shall the district be authorized to impose an additional tax to raise the additional sum of \$____?"
- (5) The board of trustees shall canvass the votes cast at the election, and, if a majority of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an additional levy to raise the additional amount of money required.

Amended by Chapter 255, 2019 General Session

**17B-2a-706 Definitions -- Notice of intent to commence ultra-low volume treatment --
Exceptions.**

- (1) As used in this section:
 - (a) "Rural real property" means the same as that term is defined in Section 17B-2a-1107.
 - (b) "Social media platform" means a form of electronic communication that is available for public access.
 - (c) "Ultra-low volume treatment" or "ULV treatment" means a method of pesticide application that provides the minimum volume of liquid insecticide formulation per unit area for the efficient control of mosquitos.
- (2)
 - (a) Beginning January 1, 2021, except as provided in Subsection (2)(b), a mosquito abatement district shall provide public notice as soon as practicable before commencing a ULV treatment in a county of the first or second class.
 - (b) Subsection (2)(a) does not apply to a ULV treatment on rural real property.
 - (c) A mosquito abatement district may provide public notice under Subsection (2)(a) before commencing a ULV treatment in a county of the third through sixth class.
- (3) The public notice required under Subsection (2)(a) shall include the ULV treatment:
 - (a) date;
 - (b) time; and
 - (c) place.
- (4)

- (a) A mosquito abatement district shall establish and maintain a:
 - (i) website; or
 - (ii) social media platform.
- (b) A mosquito abatement district satisfies the public notice requirement under Subsection (2) (a) by posting the public notice on the mosquito abatement district's website or social media platform.

Enacted by Chapter 249, 2020 General Session