

Part 4
Annexing a New Area and Adding a New Service

17D-1-401 Annexing an area or adding a service to an existing special service district.

- (1) Except as provided in Subsections (3) and (4), a county or municipal legislative body acting as the governing body of the special service district may, as provided in this part:
 - (a) annex an area to an existing special service district to provide to that area a service that the special service district is authorized to provide;
 - (b) add a service under Section 17D-1-201 within the area of an existing special service district that the special service district is not already authorized to provide; or
 - (c) both annex an area under Subsection (1)(a) and add a service under Subsection (1)(b).
- (2) Except for Section 17D-1-209, the provisions of Part 2, Creating a Special Service District, apply to and govern the process of annexing an area to an existing special service district or adding a service that the special service district is not already authorized to provide, to the same extent as if the annexation or addition were the creation of a special service district.
- (3) A county or municipal legislative body may not:
 - (a) annex an area to an existing special service district if a local district provides to that area the same service that the special service district is proposed to provide to the area, unless the local district consents to the annexation; or
 - (b) add a service within the area of an existing special service district if a local district provides to that area the same service that is proposed to be added, unless the local district consents to the addition.
- (4) A county or municipal legislative body may not annex an area to an existing special service district or add a service within the area of an existing special service district if the creation of a special service district including that area or providing that service would not be allowed under Part 2, Creating a Special Service District.
- (5) A county or municipal legislative body may not annex an area to an existing special service district or add a service within the area of an existing special service district if the area is located within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, unless the county or municipal legislative body has first obtained the authority's approval.

Amended by Chapter 437, 2015 General Session

17D-1-402 Inapplicability of some requirements if petition is filed by all owners of taxable real property.

Notwithstanding Section 17D-1-401, the notice, hearing, and protest requirements of Part 2, Creating a Special Service District, do not apply if a petition to annex an area or to add a service to an existing special service district is filed with the legislative body of the county or municipality, as the case may be, containing the signatures of all owners of taxable real property:

- (1) within the area proposed to be annexed, if the petition is for annexation of an area to the special service district; or
- (2) within the special service district, if the petition is for adding a service to be provided by the special service district.

Enacted by Chapter 360, 2008 General Session

17D-1-403 Notice and plat to lieutenant governor -- Lieutenant governor certification -- Recording requirements -- Effective date.

- (1) If a county or municipal legislative body adopts a resolution approving the annexation of an area to an existing special service district, the legislative body shall:
 - (a) within 30 days after adopting the resolution, file with the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, submit to the recorder of the county in which the special service district is located:
 - (i) the original notice of an impending boundary action;
 - (ii) the original certificate of annexation;
 - (iii) the original approved final local entity plat; and
 - (iv) a certified copy of the resolution approving the annexation.
- (2)
 - (a) Upon the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5, the additional area that is the subject of the legislative body's resolution is annexed to the special service district.
 - (b)
 - (i) The effective date of an annexation under this section for purposes of assessing property within the annexed area is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the recorder of the county in which the property is located:
 - (A) the county, city, or town that created the special service district may not levy or collect a property tax for special service district purposes on property within the annexed area; and
 - (B) the special service district may not:
 - (I) levy or collect an assessment on property within the annexed area; or
 - (II) charge or collect a fee for service provided to property within the annexed area.
 - (iii) Subsection (2)(b)(ii)(B)(II):
 - (A) may not be construed to limit a special service district's ability before annexation to charge and collect a fee for service provided to property that is outside the special service district's boundary; and
 - (B) does not apply until 60 days after the effective date, under Subsection (2)(a), of the special service district's annexation, with respect to a fee that the special service district was charging for service provided to property within the annexed area immediately before the area was annexed to the special service district.

Amended by Chapter 350, 2009 General Session