

Effective 5/12/2015

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