

**COUNTY SERVICE AREA CHANGES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brian R. Allen**

AN ACT RELATING TO SPECIAL DISTRICTS; EXPANDING THE SERVICES THAT A COUNTY SERVICE AREA IS AUTHORIZED TO PROVIDE; PROVIDING A SPECIAL PROCEDURE FOR CREATING A COUNTY SERVICE AREA; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**17A-2-403**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-404**, as last amended by Chapter 227, Laws of Utah 1993

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17A-2-403** is amended to read:

**17A-2-403. Services which may be supplied by a county service area.**

Whenever an unincorporated area in a county requires one or more of the following extended services which are not provided on a countywide basis: extended police protection; fire protection; culinary or irrigation water retail service; water conservation; local park, recreation, or parkway facilities and services; cemeteries; public libraries; sewers, sewage and storm water treatment and disposal; flood control; garbage and refuse collection; street lighting; airports; planning and zoning; local streets and roads; curb, gutter, and sidewalk construction and maintenance; mosquito abatement; health department services; hospital service; or, as provided in Subsection 17A-2-404(2), erecting or burying utility lines, such services may be supplied by a county service area. If the provision of said services shall require the issuance of bonds or the creation of long-term obligations, said services may be supplied by means available at law as herein provided.

Section 2. Section **17A-2-404** is amended to read:

1           **17A-2-404. Establishment of service area -- Special procedure for creation of county**  
2 **service area to erect or bury utility lines.**

3           (1) A county service area shall be established if:

4           ~~[(1) The]~~ (a) the county legislative body determines that such service should be provided  
5 on an extended basis within an unincorporated area in the county; or

6           ~~[(2) Such]~~ (b) such services are requested in a petition for the initiation of proceedings  
7 for the formation of a county service area or for the furnishing of additional types of service within  
8 an unincorporated area in the county.

9           (2) (a) A county legislative body may, as provided in this Subsection (2), create a county  
10 service area to provide the service of erecting or burying utility lines.

11           (b) Before a county legislative body may create a county service area under this  
12 Subsection (2), the creation of the county service area shall be approved by voters of the area of  
13 the proposed county service area at an election held for that purpose.

14           (c) If a majority of those voting at an election under Subsection (2)(b) vote in favor of  
15 creating a county service area, the county legislative body may adopt an ordinance under  
16 Subsection 17A-2-410(1) creating the county service area.

17           (d) Subsection (1), Subsections 17A-2-405(2) and (3) and 17A-2-410(3), (4), and (5) , and  
18 Sections 17A-2-406, 17A-2-407, 17A-2-408, and 17A-2-409 do not apply to the creation of a  
19 county service area under this Subsection (2).

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**Legislative Review Note**  
**as of 2-26-98 9:27 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**