

LOCAL GOVERNMENT LAW AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Martin R. Stephens

AN ACT RELATING TO THE MUNICIPAL CODE; MODIFYING THE CRITERIA AS TO WHEN A CITY IS CONCLUSIVELY PRESUMED TO BE LAWFULLY INCORPORATED; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

10-2-122, as enacted by Chapter 389, Laws of Utah 1997

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

Section 1. Section **10-2-122** is amended to read:

10-2-122. When incorporation complete -- Incorporation presumed conclusive.

(1) A city is incorporated upon the lieutenant governor's certification of the city's articles of incorporation under Subsection 10-2-119(3)(a).

(2) Notwithstanding any other provision of law, a city shall be conclusively presumed to be lawfully incorporated and existing if for two [~~or more~~] years following the city's incorporation:

(a) (i) the city has levied and collected a property tax; [~~and~~] or

(ii) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use tax;

and

(b) no challenge to the existence or incorporation of the city has been filed in the district court for the county in which the city is located.