

MUNICIPAL ANNEXATION AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Darin G. Peterson

This act modifies the Utah Municipal Code by amending the time in which a municipality must act on an annexation petition.

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

AMENDS:

10-2-405, as last amended by Chapter 206, Laws of Utah 2001

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

Section 1. Section **10-2-405** is amended to read:

10-2-405. Acceptance or rejection of an annexation petition -- Modified petition.

(1) (a) (i) (A) A municipal legislative body may:

(I) except as provided in Subsection (1)(b) and subject to Subsection (1)(a)(i)(B), deny a petition filed under Section 10-2-403; or

(II) accept the petition for further consideration under this part.

(B) A ~~[municipal legislative body's failure to act to deny or accept a]~~ petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to act to deny or accept the petition under Subsection (1)(a)(i)(A):

(I) in the case of a city of the first or second class, within 14 days after the filing of the petition ~~[shall be considered to be an acceptance of the petition for further consideration under this part]; or~~

(II) in the case of a city of the third class or a town, at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.

(ii) If a municipal legislative body denies a petition under Subsection (1)(a)(i)(A), it shall, within five days of the denial, mail written notice of the denial to the contact sponsor, the clerk of the county in which the area proposed for annexation is located, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located.

(b) A municipal legislative body may not deny a petition filed under Section 10-2-403

proposing to annex an area located in a county of the first class if:

(i) the petition contains the signatures of the owners of private real property that:

(A) is located within the area proposed for annexation;

(B) covers a majority of the private land area within the area proposed for annexation; and

(C) is equal in value to at least 1/2 of the value of all private real property within the area proposed for annexation;

(ii) the population in the area proposed for annexation does not exceed 10% of the population of the proposed annexing municipality;

(iii) the property tax rate for municipal services in the area proposed to be annexed is higher than the property tax rate of the proposed annexing municipality; and

(iv) all annexations by the proposed annexing municipality during the year that the petition was filed have not increased the municipality's population by more than 20%.

(2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i)(A) or is considered to have accepted the petition under Subsection (1)(a)(i)(B), the city recorder or town clerk, as the case may be, shall, within 30 days of that acceptance:

(a) with the assistance of the municipal attorney and of the clerk, surveyor, and recorder of the county in which the area proposed for annexation is located, determine whether the petition meets the requirements of Subsections 10-2-403(2), (3), and (4); and

(b) (i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located; or

(ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located.

(3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(b)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.

(ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).

(b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(b)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).

(4) Each county clerk, surveyor, and recorder shall cooperate with and assist a city recorder or town clerk in the determination under Subsection (2)(a).