

**EXPANSION OF SPECIAL SERVICE**

**DISTRICT PURPOSES**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Craig W. Buttars**

**This act modifies the Utah Special Service District Act by expanding the purposes for which special service districts may be created. The act provides that the permissible purposes for which special service districts may be created be construed liberally.**

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

AMENDS:

**17A-2-1304**, as last amended by Chapter 195, Laws of Utah 2001

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

Section 1. Section **17A-2-1304** is amended to read:

**17A-2-1304. Establishing special service districts -- Improvement districts within special service districts.**

(1) (a) A county or a municipality may establish a special service district for the purpose of providing within the area of the special service district any of the following services or any combination of them:

- (i) water;
- (ii) sewerage;
- (iii) drainage;
- (iv) flood control;
- (v) garbage;
- (vi) health care;
- (vii) transportation;
- (viii) recreation;
- (ix) fire protection;



(x) in a county of the first class, providing, operating, and maintaining jail facilities for the confinement of municipal, state, and other detainees and prisoners;

(xi) street lighting; ~~and~~

(xii) consolidated 911 and emergency dispatch[-];

(xiii) the acquisition of conservation easements as provided in Section 57-18-3; and

(xiv) the acquisition of interests in land for inclusion in agriculture protection areas under Title 17, Chapter 41, Agriculture Protection Area.

(b) Snow removal services may be provided in special service districts established under this section to more effectively carry out the purposes of those special service districts.

(c) These services may be provided through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift, or condemnation or any combination of the above.

(d) Special service districts may contract with a franchised, certificated public utility for the construction and operation of an electrical service distribution system within the special service district.

(e) The purposes for which a special service district may be established and the services that may be provided by a special service district under Subsection (1)(a), are to be liberally construed to effect the intent that counties and municipalities be afforded great latitude in establishing and authorizing special service districts to perform services.

(2) (a) The area within any special service district may include all or any part of the county or municipality that established it except that:

(i) a special service district may not include the area of any other special service district established by the same county or municipality that is now providing the same service proposed to be supplied by the new special service district;

(ii) a special service district established by a county may contain all or a part of any municipality or of an existing improvement district that provides the same service proposed to be provided by the special service district, but only with the consent of the governing authority as provided in a resolution or ordinance adopted by the governing authority; and

(iii) a special service district may not include any area not directly benefited by the services provided under this section without the consent of the nonbenefited landowner.

(b) All parts of a special service district need not be contiguous.

(3) (a) As provided in Section 17A-2-1315, the governing authority of any special service district created under this part may create one or more improvement districts within the boundaries of the special service district by following the procedures in, and meeting the requirements of, Chapter 3, Part 2, County Improvement District Act, or Part 3, Utah Municipal Improvement District Act.

(b) The intent to create an improvement district need not be present at the time a special service district is organized.

(c) Any improvement district created within the boundaries of a special service district may only be organized to undertake projects or improvements for which the special service district creating that improvement district was organized.

(d) The special service district shall meet all procedural requirements for creating an improvement district at the time the improvement district is created, as provided in Section 17A-2-1315 and in Chapter 3, Part 2, County Improvement District Act, or Part 3, Utah Municipal Improvement District Act.

(e) In determining whether or not a project or improvement undertaken by an improvement district is within the scope of the purposes for which the special service district creating that improvement district was organized, any project or improvement reasonably related to the purposes for which the special service district creating that improvement district was organized is considered to be within the scope of those purposes.

(4) The creation of a special service district to provide jail services as provided in Subsection (1)(a)(x) does not affect the ability of a municipality under Section 10-8-58 to provide, operate, and maintain facilities for the temporary incarceration, not to exceed 72 hours, of persons charged with the violation of a municipal ordinance.

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### **Legislative Review Note** **as of 1-31-02 3:19 PM**

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

**Office of Legislative Research and General Counsel**