

MUNICIPAL ANNEXATION AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: M. Susan Lawrence

This act modifies the Utah Municipal Code to require notice of annexations to be sent to affected entities and to provide for the effective date of annexations. The act requires certain municipalities to submit to the lieutenant governor a notice of adoption of an annexation ordinance. The act makes technical and conforming changes.

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

AMENDS:

10-2-425, as last amended by Chapter 318, Laws of Utah 2000

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

Section 1. Section **10-2-425** is amended to read:

10-2-425. Filing of plat or map and amended articles -- Notice requirements -- Effective date of annexation.

(1) (a) Within 30 days after enacting an ordinance annexing an unincorporated area or adjusting a boundary under this part, the municipal legislative body shall:

(i) send notice of the enactment to each affected entity;

~~[(a)]~~ (ii) record with the county recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with a plat or map prepared by a licensed surveyor and approved by the municipal legislative body, showing the new boundaries of the affected area; and

~~[(b)]~~ (iii) file with the lieutenant governor:

(A) if the municipality has articles of incorporation, amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117[-]; or

(B) if the municipality does not have articles of incorporation, written notice of the adoption of an annexation ordinance, accompanied by a copy of the ordinance.

(b) Within ten days after receiving a notice of the adoption of an annexation ordinance under Subsection (1)(a)(iii)(B), the lieutenant governor shall issue a certificate of annexation

and send a copy of the certificate to the legislative body of the annexing municipality, the State Tax Commission, the state auditor, and the assessor and recorder of each county in which any part of the annexed area is located.

(2) The municipal legislative body shall comply with the notice requirements of Section 10-1-116.

(3) Each notice required under Subsections (1) and (2) relating to an annexation shall state the effective date of the annexation, as determined under Subsection (4).

(4) An annexation under this part is completed and takes effect:

(a) for the annexation of an area located in a county of the first class:

(i) July 1 following enactment of an ordinance annexing the unincorporated area if:

(A) the ordinance is adopted during the preceding November 1 through April 30; and

(B) the requirements of Subsection (1) are met before that July 1; or

(ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

(A) the ordinance is adopted during the preceding May 1 through October 31; and

(B) the requirements of Subsection (1) are met before that January 1; and

(b) for all other annexations, the date of the lieutenant governor's issuance of:

(i) a certification of amended articles under Subsection 10-1-117(3), for an annexation by a municipality that has articles of incorporation and filed with the lieutenant governor amended articles of incorporation under Subsection (1)(a)(iii)(A); or

(ii) a certificate of annexation under Subsection (1)(b), for an annexation by a municipality that does not have articles of incorporation and filed with the lieutenant governor a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).