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**MUNICIPAL IMPROVEMENT DISTRICT
AMENDMENTS
2003 GENERAL SESSION
STATE OF UTAH**

Sponsor: Carlene M. Walker

This act modifies the Utah Municipal Improvement District Act to expand the improvements that a municipal improvement district is authorized to provide to include certain § CABLE TELEVISION AND § telecommunications facilities and equipment. The act requires property owner consent for property to be included in the district and to be made subject to assessment.

§ THE ACT LIMITS THE USE OF FUNDS FROM AN ASSESSMENT FOR A SPECIAL IMPROVEMENT DISTRICT FOR CABLE TELEVISION AND TELECOMMUNICATIONS FACILITIES AND PROHIBITS NONDISTRICT MUNICIPAL FUNDS FROM BEING USED FOR THOSE FACILITIES. §

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

AMENDS:

17A-3-304, as last amended by Chapter 47, Laws of Utah 1991

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

Section 1. Section **17A-3-304** is amended to read:

17A-3-304. Powers of municipality.

(1) The governing body of any municipality may make or cause to be made any one or more or combination of the following improvements:

(a) establish grades and lay out, establish, open, extend, and widen any street, sidewalk, alley, or off-street parking facility;

(b) improve, repair, light, grade, pave, repave, curb, gutter, sewer, drain, park, and beautify any street, sidewalk, alley, or off-street parking facility;

(c) construct, reconstruct, extend, maintain, or repair bridges, sidewalks, crosswalks, driveways, culverts, sewers, storm sewers, drains, flood barriers, and channels;

(d) construct, reconstruct, extend, maintain, or repair lines, facilities, and equipment, other than generating equipment, for street lighting purposes or for the expansion or improvement of a previously established, municipally owned electrical distribution system, to a district within the boundaries of the municipality;



28 (e) plant or cause to be planted, set out, cultivate, and maintain lawns, shade trees, or
29 other landscaping;

30 (f) (i) cover, fence, safeguard, or enclose reservoirs, canals, ditches, and watercourses;
31 and

32 (ii) construct, reconstruct, extend, maintain, and repair waterworks, reservoirs, canals,
33 ditches, pipes, mains, hydrants, and other water facilities for the purpose of supplying water for
34 domestic and irrigation purposes or either, regulating, controlling, or distributing water for
35 domestic and irrigation purposes and regulating and controlling water and watercourses leading
36 into the municipality;

37 (g) acquire, construct, reconstruct, extend, maintain, or repair parking lots or other
38 facilities for the parking of vehicles off streets;

39 (h) acquire, construct, reconstruct, extend, maintain, or repair any of the improvements
40 authorized in this section for use in connection with an industrial or research park;

41 (i) acquire, construct, reconstruct, extend, maintain, or repair parks, recreational
42 facilities, and libraries;

43 (j) remove any nonconforming existing improvements in the areas to be improved;

44 (k) construct, reconstruct, extend, maintain, or repair optional improvements;

45 (l) acquire any property necessary or advisable in order to make any of these
46 improvements;

47 (m) make any other improvements authorized by any other law, the cost of which may,
48 in whole or in part, properly be determined to be of particular benefit to a particular area within
49 the municipality;

50 (n) (i) construct and install all structures, equipment, and other items; and

51 (ii) do any other work that is necessary or appropriate to complete any of these
52 improvements; [~~and~~]

53 (o) conduct economic promotion activities[-]; and

54 (p) subject to Subsection (5), acquire, construct, reconstruct, extend, maintain, or repair
55 lines, facilities, and equipment for providing **§ CABLE TELEVISION SERVICE OR § public**
55a **telecommunications service, as defined in**

56 **Section 10-18-102 § [, subject to the limitations contained in Title 10, Chapter 18, Municipal] .**

57 **[Cable Television and Public Telecommunications Services Act.] §**

58 (2) In a district created for economic promotion activities, the governing body of the

59 municipality shall:

60 (a) spend at least 70% of any funds generated on economic promotion activities; and

61 (b) spend no more than 30% of any funds generated on administrative costs, including
62 salaries, benefits, rent, travel, and costs incidental to publications.

63 (3) For the purpose of making and paying for all or a part of the cost of any
64 improvements or optional improvements, the governing body of a municipality may:

65 (a) create special improvement districts within the municipality;

66 (b) levy assessments on the property within the district that is benefited by the
67 improvements;

68 (c) collect improvement revenues from those improvements; and

69 (d) issue interim warrants and special improvement bonds as provided in this part.

70 (4) A governing body may not use the procedures outlined in this part to pay the cost of
71 buildings or structures used for industry or research.

72 (5) ~~§ (a) § A district created to make the improvements set forth in Subsection (1)(p) § : (i) § may~~
73 ~~include only the property of an owner who has voluntarily consented to include the owner's~~
74 ~~property in the district and to subject the property to an assessment of the district § [:] ; AND~~

74a **(ii) NOTWITHSTANDING TITLE 10, CHAPTER 18, MUNICIPAL CABLE TELEVISION AND PUBLIC**
74b **TELECOMMUNICATIONS SERVICES, MAY NOT PROVIDE CABLE TELEVISION SERVICE OR PUBLIC**
74c **TELECOMMUNICATIONS SERVICE, AS DEFINED IN SECTION 10-18-102.**

74d **(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MUNICIPALITY THAT CREATES**
74e **A DISTRICT TO MAKE THE IMPROVEMENTS SET FORTH IN SUBSECTION (1)(p) MAY NOT USE**
74f **MUNICIPAL FUNDS, OTHER THAN THOSE DERIVED FROM AN ASSESSMENT LEVIED UNDER THIS**
74g **PART ON PROPERTY WITHIN THAT DISTRICT, TO PAY FOR THOSE IMPROVEMENTS.**

74h **(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, FUNDS DERIVED FROM AN**
74i **ASSESSMENT LEVIED UNDER THIS PART ON PROPERTY WITHIN A DISTRICT CREATED TO MAKE**
74j **THE IMPROVEMENTS SET FORTH IN SUBSECTION (1)(p) MAY BE USED ONLY FOR THE PURPOSE**
74k **OF MAKING THOSE IMPROVEMENTS. §**

Legislative Review Note
as of 2-6-03 9:54 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0184

Municipal Improvement District Amendments

13-Feb-03

12:23 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst