

ANNEXATION REVISIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: John W. Hickman

LONG TITLE

General Description:

This bill modifies the Utah Municipal Code relating to municipal annexations.

Highlighted Provisions:

This bill:

- ▶ eliminates a definition for "conical surface area"; and
- ▶ modifies a provision requiring the consent of a municipality operating or building an airport for an annexation of land to another municipality.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-402, as last amended by Laws of Utah 2007, Chapter 378

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

Section 1. Section **10-2-402** is amended to read:

10-2-402. Annexation -- Limitations.

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) An unincorporated area may not be annexed to a municipality unless:

(i) it is a contiguous area;

30 (ii) it is contiguous to the municipality;
31 (iii) except as provided in Subsection 10-2-418(1)(b), annexation will not leave or
32 create an unincorporated island or peninsula; and
33 (iv) for an area located in a specified county with respect to an annexation that occurs
34 after December 31, 2002, the area is within the proposed annexing municipality's expansion
35 area.

36 (2) Except as provided in Section 10-2-418, a municipality may not annex an
37 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

38 (3) An annexation under this part may not include part of a parcel of real property and
39 exclude part of that same parcel unless the owner of that parcel has signed the annexation
40 petition under Section 10-2-403.

41 (4) A municipality may not annex an unincorporated area in a specified county for the
42 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
43 annex the same or a related area unless the municipality has the ability and intent to benefit the
44 annexed area by providing municipal services to the annexed area.

45 (5) The legislative body of a specified county may not approve urban development
46 within a municipality's expansion area unless:

47 (a) the county notifies the municipality of the proposed development; and

48 (b) (i) the municipality consents in writing to the development; or

49 (ii) (A) within 90 days after the county's notification of the proposed development, the
50 municipality submits to the county a written objection to the county's approval of the proposed
51 development; and

52 (B) the county responds in writing to the municipality's objections.

53 (6) (a) An annexation petition may not be filed under this part proposing the annexation
54 of an area located in a county that is not the county in which the proposed annexing
55 municipality is located unless the legislative body of the county in which the area is located has
56 adopted a resolution approving the proposed annexation.

57 (b) Each county legislative body that declines to adopt a resolution approving a

58 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its
59 reasons for declining to approve the proposed annexation.

60 (7) (a) As used in this Subsection (7)[~~-(i) "Airport"~~, "airport" means an area that the
61 Federal Aviation Administration has, by a record of decision, approved for the construction or
62 operation of a Class I, II, or III commercial service airport, as designated by the Federal
63 Aviation Administration in 14 C.F.R. Part 139.

64 [~~(ii) "Conical surface area" has the same meaning as defined in 14 C.F.R. 77, Objects~~
65 ~~Affecting Navigable Airspace.~~]

66 (b) A municipality may not annex an unincorporated area within [~~the conical surface~~
67 ~~area~~] 5,000 feet of the center line of any runway of an airport operated or to be constructed and
68 operated by another municipality unless the legislative body of the other municipality adopts a
69 resolution consenting to the annexation.

70 (c) A municipality that operates or intends to construct and operate an airport and does
71 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)
72 may not deny an annexation petition proposing the annexation of that same area to that
73 municipality.