

UNINCORPORATED AREAS AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to unincorporated areas of counties.

Highlighted Provisions:

This bill:

- ▶ prohibits the filing of an annexation petition if the area proposed to be annexed is within the boundary of a proposed township;
- ▶ repeals a provision prohibiting a municipality from denying, under certain circumstances, a petition proposing the annexation of an area located in a county of the first class;
- ▶ modifies the process for establishing a township and the authority of a county legislative body with respect to the establishment of a township;
- ▶ repeals obsolete language;
- ▶ provides a process for withdrawing an area from a township;
- ▶ provides a process for dissolving a township; and
- ▶ repeals a provision repealing in 2010 a provision that prohibits an annexation by a municipality in a county of the first class under certain circumstances.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-2-402**, as last amended by Laws of Utah 2008, Chapter 167

31 **10-2-405**, as last amended by Laws of Utah 2004, Chapter 90

32 **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250

33 **63I-2-210**, as last amended by Laws of Utah 2008, Chapter 290 and renumbered and
34 amended by Laws of Utah 2008, Chapter 382

35

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

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

38 **10-2-402. Annexation -- Limitations.**

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

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

42 (i) it is a contiguous area;

43 (ii) it is contiguous to the municipality;

44 (iii) except as provided in Subsection 10-2-418(1)(b), annexation will not leave or
45 create an unincorporated island or peninsula; and

46 (iv) for an area located in a specified county with respect to an annexation that occurs
47 after December 31, 2002, the area is within the proposed annexing municipality's expansion
48 area.

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

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

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

58 (5) The legislative body of a specified county may not approve urban development

59 within a municipality's expansion area unless:

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

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

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

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

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

70 (b) Each county legislative body that declines to adopt a resolution approving a
71 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its
72 reasons for declining to approve the proposed annexation.

73 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation
74 Administration has, by a record of decision, approved for the construction or operation of a
75 Class I, II, or III commercial service airport, as designated by the Federal Aviation
76 Administration in 14 C.F.R. Part 139.

77 (b) A municipality may not annex an unincorporated area within 5,000 feet of the
78 center line of any runway of an airport operated or to be constructed and operated by another
79 municipality unless the legislative body of the other municipality adopts a resolution
80 consenting to the annexation.

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

85 (8) An annexation petition may not be filed if it proposes the annexation of an area that
86 includes an area within the boundary of a proposed township in a petition to establish a
87 township under Subsection 17-27a-306(1)(c) that has been certified under Subsection
88 17-27a-306(1)(f) until after the canvass of an election on the proposed township under
89 Subsection 17-27a-306(1)(h).

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

91 **10-2-405. Acceptance or rejection of an annexation petition -- Modified petition.**

92 (1) (a) (i) ~~[(A)]~~ A municipal legislative body may:

93 ~~[(H)] (A) [except as provided in Subsection (1)(b) and]~~ subject to Subsection

94 (1)(a)~~[(H)](B)](ii)~~, deny a petition filed under Section 10-2-403; or

95 ~~[(H)] (B)~~ accept the petition for further consideration under this part.

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

99 ~~[(H)] (A)~~ in the case of a city of the first or second class, within 14 days after the filing
100 of the petition; or

101 ~~[(H)] (B)~~ in the case of a city of the third, fourth, or fifth class or a town, at the next
102 regularly scheduled meeting of the municipal legislative body that is at least 14 days after the
103 date the petition was filed.

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

109 ~~[(b) A municipal legislative body may not deny a petition filed under Section 10-2-403~~
110 ~~proposing to annex an area located in a county of the first class if:]~~

111 ~~[(i) the petition contains the signatures of the owners of private real property that:]~~

112 ~~[(A) is located within the area proposed for annexation;]~~

113 ~~[(B) covers a majority of the private land area within the area proposed for annexation;~~
114 ~~and]~~

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

117 ~~[(ii) the population in the area proposed for annexation does not exceed 10% of the~~
118 ~~population of the proposed annexing municipality;]~~

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

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

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

126 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the
127 area proposed for annexation is located the records the city recorder or town clerk needs to
128 determine whether the petition meets the requirements of Subsections 10-2-403(2), (3), and (4);

129 (b) with the assistance of the municipal attorney, determine whether the petition meets
130 the requirements of Subsections 10-2-403(2), (3), and (4); and

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

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

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

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

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

150 (4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records
151 that a city recorder or town clerk requests under Subsection (2)(a).

152 Section 3. Section **17-27a-306** is amended to read:

153 **17-27a-306. Townships.**

154 ~~[(1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without~~
155 ~~having received a petition under Subsection (1)(b), enact an ordinance establishing a township~~
156 ~~within the unincorporated county or dividing the unincorporated county into townships.]~~

157 ~~[(ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative~~
158 ~~body shall, after providing reasonable advance notice, hold a public hearing on the proposal to~~
159 ~~establish a township or to divide the unincorporated county into townships.]~~

160 ~~[(b) If 25% of the private real property owners in a contiguous area of the~~
161 ~~unincorporated county petition the county legislative body to establish a township for that area,~~
162 ~~the county legislative body shall:]~~

163 ~~[(i) hold a public hearing to discuss the petition;]~~

164 ~~[(ii) at least one week before the public hearing, publish notice of the petition and the~~
165 ~~time, date, and place of the public hearing at least once in a newspaper of general circulation in~~
166 ~~the county; and]~~

167 ~~[(iii) at the public hearing, consider oral and written testimony from the public and vote~~
168 ~~on the question of whether or not to establish a township.]~~

169 ~~[(c) If the county legislative body establishes a township pursuant to a petition, the~~
170 ~~members of the township planning commission shall be appointed as provided in Subsection~~
171 ~~17-27a-301(3)(b) to perform the duties established in this part for the township.]~~

172 (1) (a) A township may be established as provided in this Subsection (1).

173 (b) [(d) Except as provided in Subsection (1)(e), each] A township [shall] may not be
174 established unless the area to be included within the proposed township:

175 ~~[(i) contain:]~~

176 (i) is contiguous; and

177 (ii) (A) contains:

178 ~~[(A)] (I) at least 20% but not more than 80% of:~~

179 ~~[(B)] (Aa) the total private land area in the unincorporated county; or~~

180 ~~[(B)] (Bb) the total value of locally assessed taxable property in the unincorporated~~
181 ~~county; or~~

182 ~~[(B)] (B) (II) (Aa) in a county of the first, second, or third class, at least 5% of the total~~

183 population of the unincorporated county; or

184 ~~[(H)]~~ (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total
185 population of the unincorporated county; or

186 ~~[(ii) have]~~ (B) has been declared by the United States Census Bureau as a census
187 designated place.

188 (c) The process to establish a township is initiated by the filing of a petition with the
189 clerk of the county in which the proposed township is located.

190 (d) A petition under Subsection (1)(c) to establish a township shall:

191 (i) be signed by the owners of private real property that:

192 (A) is located within the proposed township;

193 (B) covers at least 10% of the total private land area within the proposed township;

194 (C) is equal in value to at least 10% of the value of all private real property within the
195 proposed township;

196 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
197 area proposed to be established as a township;

198 (iii) indicate the typed or printed name and current residence address of each owner
199 signing the petition;

200 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
201 be designated as the contact sponsor, with the mailing address and telephone number of each
202 petition sponsor;

203 (v) authorize the petition sponsors to act on behalf of all owners signing the petition for
204 purposes of the petition; and

205 (vi) request the county legislative body to provide notice of the petition and of a public
206 hearing, hold a public hearing, and conduct an election on the proposal to establish a township.

207 (e) Subsection 10-2-101(3) applies to a petition to establish a township to the same
208 extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.

209 (f) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
210 clerk shall:

211 (A) with the assistance of other county officers from whom the clerk requests
212 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
213 and

214 (B) (I) if the clerk determines that the petition complies with the requirements of
215 Subsection (1)(d):

216 (Aa) certify the petition and deliver the certified petition to the county legislative body;
217 and

218 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

219 (II) if the clerk determines that the petition fails to comply with any of the requirements
220 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
221 rejection and the reasons for the rejection.

222 (ii) If the county clerk rejects a petition under Subsection (1)(f)(i)(B)(II), the petition
223 may be amended to correct the deficiencies for which it was rejected and then refiled with the
224 county clerk.

225 (g) (i) Within 90 days after a petition to establish a township is certified, the county
226 legislative body shall hold a public hearing on the proposal to establish a township.

227 (ii) A public hearing under Subsection (1)(g)(i) shall be:

228 (A) within the boundary of the proposed township; or

229 (B) if holding a public hearing in that area is not practicable, as close to that area as
230 practicable.

231 (iii) At least one week before holding a public hearing under Subsection (1)(g)(i), the
232 county legislative body shall publish notice of the petition and the time, date, and place of the
233 public hearing at least once in a newspaper of general circulation in the county.

234 (h) Following the public hearing under Subsection (1)(g)(i), the county legislative body
235 shall arrange for the proposal to establish a township to be submitted to voters residing within
236 the proposed township at the next regular general election that is more than 90 days after the
237 public hearing.

238 (i) A township is established at the time of the canvass of the results of an election
239 under Subsection (1)(h) if the canvass indicates that a majority of voters voting on the proposal
240 to establish a township voted in favor of the proposal.

241 ~~[(e)]~~ (j) (i) [(A)] A township that was dissolved under Laws of Utah 1997, Chapter
242 389, is reinstated as a township under this part with the same boundaries and name as before
243 the dissolution, if the former township consisted of a single, contiguous land area.

244 ~~[(B)]~~ (ii) Notwithstanding Subsection (1)~~[(e)]~~(j)~~(i)~~~~[(A)]~~, a county legislative body may

245 enact an ordinance establishing as a township under this part a former township that was
 246 dissolved under Laws of Utah 1997, Chapter 389, even though the former township does not
 247 qualify to be reinstated under Subsection (1)~~(e)~~~~(j)~~(i)~~(A)~~.

248 ~~(C)~~ (iii) A township reinstated under Subsection (1)~~(e)~~~~(j)~~(i)~~(A)~~ or established
 249 under Subsection (1)~~(e)~~(i)~~(B)~~ shall be (j)(ii) is subject to the provisions of this part.

250 ~~(ii)~~ Each planning district established under Laws of Utah 1995, Chapter 225, and
 251 each township planning district established under Laws of Utah 1997, Chapter 389, shall
 252 continue in existence as a township, subject to the provisions of this part.]

253 ~~(f)~~ (i) After May 1, 2002, the legislative body of each county in which a township that
 254 has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection
 255 ~~(1)(e)(i)~~ is located shall review the township and determine whether its continued existence is
 256 advisable.]

257 ~~(ii)~~ In conducting the review required under Subsection (1)~~(f)~~(i), the county legislative
 258 body shall hold a public hearing with reasonable, advance, published notice of the hearing and
 259 the purpose of the hearing.]

260 ~~(iii)~~ Each township that has been reconstituted under Laws of Utah 1997, Chapter 389,
 261 or reinstated or established under Subsection (1)~~(e)~~(i) and its planning commission shall
 262 continue in effect, unless, within 90 days after conducting the review and public hearing
 263 required under Subsections (1)~~(f)~~(i) and (ii), the county legislative body by ordinance dissolves
 264 the township and its planning commission.]

265 ~~(g)~~ (k) A township established under this section on or after May 5, 1997, may use
 266 the word "township" in its name.

267 (2) ~~(a)~~ If the county legislative body establishes a township without having received a
 268 petition, ~~the~~ The county legislative body may:

269 ~~(i)~~ (a) assign to the countywide planning commission the duties established in this
 270 part that would have been assumed by a township planning commission designated under
 271 Subsection (2)~~(a)~~~~(i)~~(b); or

272 ~~(i)~~ (b) designate and appoint a planning commission for the township.

273 ~~(b)~~ (i) If the county legislative body fails to designate a planning commission for a
 274 township, 40% of the private real property owners in the area proposed to be included in the
 275 township, as shown by the last county assessment roll, may petition the county legislative body

276 to designate and appoint a planning commission for the township.]

277 [~~(ii) If the county legislative body determines that the petition is validly signed by 40%~~
278 ~~of the private real property owners in the township, as shown by the last county assessment~~
279 ~~roll, it shall designate and appoint a planning commission for the township.].]~~

280 [~~(3)(a) Except as provided in Subsection (1)(f)(iii), a county legislative body may~~
281 ~~dissolve township planning commissions created under the authority of this section only by~~
282 ~~following the procedures and requirements of this Subsection (3).].]~~

283 [~~(b) If 20% of the private real property owners in the county petition the county~~
284 ~~legislative body to dissolve township planning commissions and to appoint a countywide~~
285 ~~planning commission, the county legislative body shall:].]~~

286 [~~(i) hold a public hearing to discuss the petition;].]~~

287 [~~(ii) at least one week before the public hearing, publish notice of the petition and the~~
288 ~~time, date, and place of the public hearing at least once in a newspaper of general circulation in~~
289 ~~the county; and].]~~

290 [~~(iii) at the public hearing, consider oral and written testimony from the public and vote~~
291 ~~on the question of whether or not to dissolve township planning commissions and to appoint a~~
292 ~~countywide planning commission.].]~~

293 [~~(c) (i) If the county legislative body fails to dissolve township planning commissions~~
294 ~~and to appoint a countywide planning commission when petitioned to do so by private real~~
295 ~~property owners under this Subsection (3), 40% of private real property owners in the county,~~
296 ~~as shown by the last county assessment roll, may petition the county legislative body to~~
297 ~~dissolve the township planning commissions and to appoint a countywide planning~~
298 ~~commission.].]~~

299 [~~(ii) If the county legislative body determines that the petition is validly signed by 40%~~
300 ~~of private real property owners in the township, as shown by the last county assessment roll, it~~
301 ~~shall dissolve the township planning commissions and appoint a countywide planning~~
302 ~~commission.].]~~

303 (3) (a) An area within the boundary of a township may be withdrawn from the
304 township as provided in this Subsection (3).

305 (b) The process to withdraw an area from a township is initiated by the filing of a
306 petition with the clerk of the county in which the township is located.

307 (c) A petition under Subsection (3)(b) shall:
308 (i) be signed by the owners of private real property that:
309 (A) is located within the area proposed to be withdrawn from the township;
310 (B) covers at least 50% of the total private land area within the area proposed to be
311 withdrawn from the township; and
312 (C) is equal in value to at least 25% of the value of all private real property within the
313 area proposed to be withdrawn from the township;
314 (ii) state the reason or reasons for the proposed withdrawal;
315 (iii) be accompanied by an accurate plat or map showing the boundary of the
316 contiguous area proposed to be withdrawn from the township;
317 (iv) indicate the typed or printed name and current residence address of each owner
318 signing the petition;
319 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
320 be designated as the contact sponsor, with the mailing address and telephone number of each
321 petition sponsor;
322 (vi) authorize the petition sponsors to act on behalf of all owners signing the petition
323 for purposes of the petition; and
324 (vii) request the county legislative body to withdraw the area from the township.
325 (d) Subsection 10-2-101(3) applies to a petition to withdraw an area from a township to
326 the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1,
327 Incorporation.
328 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
329 clerk shall:
330 (A) with the assistance of other county officers from whom the clerk requests
331 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
332 and
333 (B) (I) if the clerk determines that the petition complies with the requirements of
334 Subsection (3)(c):
335 (Aa) certify the petition and deliver the certified petition to the county legislative body;
336 and
337 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

338 (II) if the clerk determines that the petition fails to comply with any of the requirements
339 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
340 and the reasons for the rejection.

341 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
342 may be amended to correct the deficiencies for which it was rejected and then refiled with the
343 county clerk.

344 (f) (i) Within 60 days after a petition to withdraw an area from a township is certified,
345 the county legislative body shall hold a public hearing on the proposal to withdraw the area
346 from the township.

347 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

348 (A) within the area proposed to be withdrawn from the township; or

349 (B) if holding a public hearing in that area is not practicable, as close to that area as
350 practicable.

351 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
352 body shall:

353 (A) publish notice of the petition and the time, date, and place of the public hearing at
354 least once a week for three consecutive weeks in a newspaper of general circulation in the
355 township; and

356 (B) mail a notice of the petition and the time, date, and place of the public hearing to
357 each owner of private real property within the area proposed to be withdrawn.

358 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
359 legislative body shall make a written decision on the proposal to withdraw the area from the
360 township.

361 (ii) In making its decision as to whether to withdraw the area from the township, the
362 county legislative body shall consider:

363 (A) whether the withdrawal would leave the remaining township in a situation where
364 the future incorporation of an area within the township or the annexation of an area within the
365 township to an adjoining municipality would be economically or practically not feasible;

366 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
367 area:

368 (I) whether the proposed subsequent incorporation or withdrawal:

369 (Aa) will leave or create an unincorporated island or peninsula; or
370 (Bb) will leave the county with an area within its unincorporated area for which the
371 cost, requirements, or other burdens of providing municipal services would materially increase
372 over previous years; and
373 (II) whether the municipality to be created or the municipality into which the
374 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
375 providing service to the withdrawn area that the county will no longer provide due to the
376 incorporation or annexation;
377 (C) the effects of a withdrawal on adjoining property owners, existing or projected
378 county streets or other public improvements, law enforcement, and zoning and other municipal
379 services provided by the county; and
380 (D) whether justice and equity favor the withdrawal.
381 (h) Upon the written decision of the county legislative body approving the withdrawal
382 of an area from a township, the area is withdrawn from the township and the township
383 continues as a township with a boundary that excludes the withdrawn area.
384 (4) (a) A township may be dissolved as provided in this Subsection (4).
385 (b) The process to dissolve a township is initiated by the filing of a petition with the
386 clerk of the county in which the township is located.
387 (c) A petition under Subsection (4)(b) shall:
388 (i) be signed by registered voters within the township equal in number to at least 25%
389 of all votes cast by voters within the township at the last congressional election;
390 (ii) state the reason or reasons for the proposed dissolution;
391 (iii) indicate the typed or printed name and current residence address of each person
392 signing the petition;
393 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
394 be designated as the contact sponsor, with the mailing address and telephone number of each
395 petition sponsor;
396 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
397 for purposes of the petition; and
398 (vi) request the county legislative body to provide notice of the petition and of a public
399 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the

400 township.

401 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
402 clerk shall:

403 (A) with the assistance of other county officers from whom the clerk requests
404 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
405 and

406 (B) (I) if the clerk determines that the petition complies with the requirements of
407 Subsection (4)(c):

408 (Aa) certify the petition and deliver the certified petition to the county legislative body;
409 and

410 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

411 (II) if the clerk determines that the petition fails to comply with any of the requirements
412 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
413 and the reasons for the rejection.

414 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
415 may be amended to correct the deficiencies for which it was rejected and then refiled with the
416 county clerk.

417 (e) (i) Within 60 days after a petition to dissolve the township is certified, the county
418 legislative body shall hold a public hearing on the proposal to dissolve the township.

419 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

420 (A) within the boundary of the township; or

421 (B) if holding a public hearing in that area is not practicable, as close to that area as
422 practicable.

423 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
424 body shall publish notice of the petition and the time, date, and place of the public hearing at
425 least once a week for three consecutive weeks in a newspaper of general circulation in the
426 township.

427 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
428 shall arrange for the proposal to dissolve the township to be submitted to voters residing within
429 the township at the next regular general election that is more than 90 days after the public
430 hearing.

431 (g) A township is dissolved at the time of the canvass of the results of an election under
432 Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to
433 dissolve the township voted in favor of the proposal.

434 Section 4. Section **63I-2-210** is amended to read:

435 **63I-2-210. Repeal dates -- Title 10.**

436 [~~1~~] Section ~~10-2-427~~ is repealed July 1, 2010.]

437 [~~2~~] Subsection 10-9a-305(2) is repealed July 1, 2013.

Legislative Review Note
as of 2-9-09 6:10 PM

Office of Legislative Research and General Counsel

S.B. 73 - Unincorporated Areas Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
