

**MUNICIPAL DISINCORPORATION**

**REVISIONS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: Allen M. Christensen

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to the disincorporation of a municipality.

**Highlighted Provisions:**

This bill:

► modifies a provision depriving district courts of jurisdiction to consider or order an election for a disconnection petition when the petition is filed within two years after the incorporation; and

► provides an exception to that provision if the municipality was incorporated after a specified date without an election to approve the incorporation and the incorporation petition did not contain the signatures of a majority of registered voters within the area proposed for incorporation.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-2-710**, as enacted by Laws of Utah 1981, Chapter 55

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

29 Section 1. Section **10-2-710** is amended to read:

30 **10-2-710. Limitation on jurisdiction of court to consider disincorporation**  
31 **petition.**

32 ~~[(1)]~~ (1) A district court ~~[has]~~ does not have jurisdiction to consider a petition seeking  
33 disincorporation of a municipality or to order an election based upon the submission of ~~[such]~~ a  
34 petition if:

35 ~~[(1)]~~ (a) the disincorporation petition is filed with the court less than two years after the  
36 official date of incorporation of the municipality which the petition seeks to dissolve, except as  
37 provided in Subsection (2); or

38 ~~[(2)]~~ (b) the disincorporation petition is filed with the court less than two years after the  
39 date of an election held to decide the question of dissolution of the municipality which the  
40 petition seeks to dissolve.

41 (2) The limitation on the district court's jurisdiction under Subsection (1)(a) does not  
42 apply if:

43 (a) the municipality was incorporated on or after January 1, 2010 without an election to  
44 approve the incorporation; and

45 (b) the incorporation petition that was filed to propose the incorporation of the  
46 municipality did not contain the signatures of a majority of the registered voters within the area  
47 that the incorporation petition proposed to be incorporated.

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**Legislative Review Note**  
as of 8-31-09 2:19 PM

**Office of Legislative Research and General Counsel**