

28 [A] (1) Subject to Subsection (2), a municipality may:  
 29 [(1)] (a) expend public funds to preserve, protect, or enhance an historical area or site;  
 30 [(2)] (b) acquire an historical area or site by direct purchase, contract, lease, trade, or  
 31 gift;  
 32 [(3)] (c) obtain an easement or right-of-way across public or private property to ensure  
 33 access or proper development of an historical area or site;  
 34 [(4)] (d) protect an historical area or site;  
 35 [(5)] (e) ensure proper development and utilization of land or an area adjacent to an  
 36 historical area or site; and  
 37 [(6)] (f) enter into an agreement with a private individual for the right to purchase an  
 38 historical area or site if and when the private individual elects to sell or dispose of the owner's  
 39 property.

40 (2) ~~§~~ → [A] (a) **Except as provided in Subsection (3), a** ← ~~§~~ municipality may not:

41 (a) designate an historical area or site on or after May 10, 2011, and before May 8,  
 42 2012; or

43 (b) exercise an authority or an action described in Subsection (1), unless the authority  
 44 or action is for an historical area or site established before May 10, 2011, or on or after May 8,  
 45 2012.

45a ~~§~~ → [§ → ~~(3) Subsection (2) does not apply to an historical area or site designated or an authority or~~  
 45b ~~action exercised by a municipality in which a person may voluntarily participate.~~ ← ~~§~~]

45c **(3) The municipality may enact an ordinance described in Subsection (2) only if the ordinance**  
 45d **is requested by each owner of record of a parcel of property that would be subject to the**  
 45e **ordinance.** ← ~~§~~

46 Section 2. Section 17-50-326 is amended to read:

47 **17-50-326. Preservation of historical areas and sites -- Moratorium.**

48 [A] (1) Subject to Subsection (2), a county may:  
 49 [(1)] (a) expend public funds to preserve, protect, or enhance an historical area or site;  
 50 [(2)] (b) acquire an historical area or site by direct purchase, contract, lease, trade, or  
 51 gift;  
 52 [(3)] (c) obtain an easement or right-of-way across public or private property to ensure  
 53 access or proper development of an historical area or site;  
 54 [(4)] (d) protect an historical area or site;  
 55 [(5)] (e) ensure proper development and utilization of land or an area adjacent to an  
 56 historical area or site; and  
 57 [(6)] (f) enter into an agreement with a private individual for the right to purchase an  
 58 historical area or site if and when the private individual elects to sell or dispose of the owner's

59 property.

60 (2) ~~§~~ **[A] Except as provided in Subsection (3), a** ~~§~~ county may not:

61 (a) designate an historical area or site on or after May 10, 2011, and before May 8,

62 2012; or

63 (b) exercise an authority or an action described in Subsection (1), unless the authority

64 or action is for an historical area or site established before May 10, 2011, or on or after May 8,

65 2012.

65a ~~§~~ **[~~§~~ (3) ~~Subsection (2) does not apply to an historical area or site designated or an authority or~~**  
65b **~~action exercised by a county in which a person may voluntarily participate.~~ ~~§~~**

65c **(3) The county may enact an ordinance described in Subsection (2) only if the ordinance is**  
65d **requested by each owner of record of a parcel of property that would be subject to the**  
65e **ordinance. ~~§~~**

Legislative Review Note  
as of 1-31-11 4:24 PM

Office of Legislative Research and General Counsel