

HISTORIC AREAS OR SITES AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Christopher N. Herrod

LONG TITLE

General Description:

This bill amends provisions authorizing a municipality or a county to establish an historic area or site.

Highlighted Provisions:

This bill:

- ▶ amends provisions authorizing a municipality or a county to establish an historic area or site; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-85.9, as enacted by Laws of Utah 2008, Chapter 360

17-50-326, as enacted by Laws of Utah 2008, Chapter 360

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

Section 1. Section **10-8-85.9** is amended to read:

10-8-85.9. Preservation of historical areas and sites -- Moratorium.



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

FISCAL NOTE

S.B. 243

SHORT TITLE: **Historic Areas or Sites Amendments**

SPONSOR: **Niederhauser, W.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.