

INCORPORATION PROCESS FOR CITIES AND TOWNS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill amends provisions in the city and town incorporation code.

Highlighted Provisions:

This bill:

- ▶ requires the lieutenant governor, rather than a county, to facilitate proceedings for and pay for the expenses incurred from the incorporation of a city or town;
- ▶ removes obsolete language;
- ▶ requires a newly incorporated city or town to reimburse the lieutenant governor for incorporation expenses; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

- 10-2-102**, as last amended by Laws of Utah 2012, Chapter 359
- 10-2-103**, as last amended by Laws of Utah 2000, Chapter 184
- 10-2-104**, as last amended by Laws of Utah 2012, Chapter 359
- 10-2-105**, as last amended by Laws of Utah 2012, Chapter 359



- 28 [10-2-106](#), as last amended by Laws of Utah 2012, Chapter 359
- 29 [10-2-107](#), as last amended by Laws of Utah 2000, Chapter 184
- 30 [10-2-108](#), as last amended by Laws of Utah 2012, Chapter 359
- 31 [10-2-109](#), as last amended by Laws of Utah 2012, Chapter 359
- 32 [10-2-110](#), as last amended by Laws of Utah 1997, Second Special Session, Chapter 3
- 33 [10-2-111](#), as last amended by Laws of Utah 2014, Chapter 158
- 34 [10-2-123](#), as enacted by Laws of Utah 1997, Chapter 389
- 35 [10-2-125](#), as last amended by Laws of Utah 2014, Chapter 189
- 36 [10-2-126](#), as last amended by Laws of Utah 2014, Chapter 189
- 37 [10-2-127](#), as last amended by Laws of Utah 2014, Chapter 158
- 38 [63I-2-210](#), as last amended by Laws of Utah 2014, Chapter 405

39 ENACTS:

- 40 [10-2-102.13](#), Utah Code Annotated 1953
- 41 [10-2-131](#), Utah Code Annotated 1953

42 **Utah Code Sections Affected by Revisor Instructions:**

- 43 [10-2-102.13](#), Utah Code Annotated 1953



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

46 Section 1. Section **10-2-102** is amended to read:

47 **10-2-102. Incorporation of a contiguous area -- Governing provisions of city or**
48 **town incorporation.**

49 (1) A contiguous area of a county not within a municipality may incorporate as a
50 municipality as provided in this part.

51 (2) (a) Incorporation as a city is governed by Sections [10-2-103](#) through [10-2-124](#).

52 (b) Incorporation as a town is governed by Sections [10-2-125](#) through [~~[10-2-129](#)~~]

53 [10-2-131](#).

54 Section 2. Section **10-2-102.13** is enacted to read:

55 **10-2-102.13. Feasibility study or petition to incorporate filed before May 12, 2015.**

56 (1) If a request for a feasibility study to incorporate a city is filed under Section
57 10-2-103 before May 12, 2015, the request and a subsequent feasibility study, petition, public
58 hearing, election, and any other city incorporation action applicable to that request shall be

59 filed with and be acted upon, held, processed, or paid for by the county legislative body or
60 county clerk, as applicable, as designated, directed, or authorized before this bill takes effect.

61 (2) If a petition to incorporate a town is filed under Section 10-2-125 before May 12,
62 2015, the petition and a subsequent feasibility study, petition, public hearing, election, and any
63 other town incorporation action applicable to that petition to incorporate, including a township
64 incorporation procedure as defined in Section 10-2-130, shall be filed with and be acted upon,
65 held, processed, or paid for by the county legislative body or county clerk, as applicable, as
66 designated, directed, or authorized before this bill takes effect.

67 Section 3. Section 10-2-103 is amended to read:

68 **10-2-103. Request for feasibility study -- Requirements -- Limitations.**

69 (1) The process to incorporate a contiguous area of a county as a city is initiated by a
70 request for a feasibility study filed with the [~~clerk of the county in which the area is located~~]
71 Office of the Lieutenant Governor.

72 (2) Each request under Subsection (1) shall:

73 (a) be signed by the owners of private real property that:

74 (i) is located within the area proposed to be incorporated;

75 (ii) covers at least 10% of the total private land area within the area; and

76 (iii) is equal in value to at least 7% of the value of all private real property within the
77 area;

78 (b) indicate the typed or printed name and current residence address of each owner
79 signing the request;

80 (c) describe the contiguous area proposed to be incorporated as a city;

81 (d) designate up to five signers of the request as sponsors, one of whom shall be
82 designated as the contact sponsor, with the mailing address and telephone number of each;

83 (e) be accompanied by and circulated with an accurate map or plat, prepared by a
84 licensed surveyor, showing the boundaries of the proposed city; and

85 (f) request the [~~county legislative body~~] lieutenant governor to commission a study to
86 determine the feasibility of incorporating the area as a city.

87 (3) A request for a feasibility study under this section may not propose for
88 incorporation an area that includes some or all of an area that is the subject of a completed
89 feasibility study or supplemental feasibility study whose results comply with Subsection

90 10-2-109(3) unless:

91 (a) the proposed incorporation that is the subject of the completed feasibility study or
92 supplemental feasibility study has been defeated by the voters at an election under Section
93 10-2-111; or

94 (b) the time provided under Subsection 10-2-109(1) for filing an incorporation petition
95 based on the completed feasibility study or supplemental feasibility study has elapsed without
96 the filing of a petition.

97 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not
98 propose for incorporation an area that includes some or all of an area proposed for annexation
99 in an annexation petition under Section 10-2-403 that:

- 100 (i) was filed before the filing of the request; and
- 101 (ii) is still pending on the date the request is filed.

102 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area
103 that includes some or all of an area proposed for annexation in an annexation petition described
104 in Subsection (4)(a) if:

105 (i) the proposed annexation area that is part of the area proposed for incorporation does
106 not exceed 20% of the area proposed for incorporation;

107 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed
108 for incorporation excluding the proposed annexation area; and

109 (iii) excluding the area proposed for annexation from the area proposed for
110 incorporation would not cause the area proposed for incorporation to lose its contiguousness.

111 (c) Except as provided in Section 10-2-107, each request to which Subsection (4)(b)
112 applies shall be considered as not proposing the incorporation of the area proposed for
113 annexation.

114 (5) At the time of filing the request for a feasibility study with the [~~county clerk~~] Office
115 of the Lieutenant Governor, the sponsors of the request shall mail or deliver a copy of the
116 request to the chair of the planning commission of each township in which any part of the area
117 proposed for incorporation is located.

118 Section 4. Section 10-2-104 is amended to read:

119 **10-2-104. Notice to owner of property -- Exclusion of property from proposed**
120 **boundaries.**

121 (1) As used in this section:

122 (a) "Assessed value" with respect to property means the value at which the property
123 would be assessed without regard to a valuation for agricultural use under Section 59-2-503.

124 (b) "Owner" means a person having an interest in real property, including an affiliate,
125 subsidiary, or parent company.

126 (c) "Urban" means an area with a residential density of greater than one unit per acre.

127 (2) Within seven calendar days of the date on which a request under Section 10-2-103
128 is filed, the [~~county clerk~~] lieutenant governor shall send written notice of the proposed
129 incorporation to each record owner of real property owning more than:

130 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;

131 or

132 (b) 10% of the total private land area within the proposed incorporation boundaries.

133 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all
134 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more
135 of the total private land area in the proposed incorporation boundaries, the owner may exclude
136 all or part of the property owned, controlled, or managed by the owner from the proposed
137 boundaries by filing a Notice of Exclusion with the [~~county legislative body~~] Office of the
138 Lieutenant Governor within 15 calendar days of receiving the clerk's notice under Subsection
139 (2).

140 (4) The [~~county legislative body~~] lieutenant governor shall exclude the property
141 identified by an owner in the Notice of Exclusion from the proposed incorporation boundaries
142 unless the [~~county legislative body~~] lieutenant governor finds by clear and convincing evidence
143 in the record that:

144 (a) the exclusion will leave an unincorporated island within the proposed municipality;
145 and

146 (b) the property to be excluded:

147 (i) is urban; and

148 (ii) currently receives from the county a majority of municipal-type services including:

149 (A) culinary or irrigation water;

150 (B) sewage collection or treatment;

151 (C) storm drainage or flood control;

- 152 (D) recreational facilities or parks;
- 153 (E) electric generation or transportation;
- 154 (F) construction or maintenance of local streets and roads;
- 155 (G) curb and gutter or sidewalk maintenance;
- 156 (H) garbage and refuse collection; and
- 157 (I) street lighting.

158 (5) This section applies only to counties of the first or second class.

159 (6) If the ~~[county legislative body]~~ lieutenant governor excludes property from the
160 proposed boundaries under Subsection (4), the ~~[county legislative body]~~ lieutenant governor
161 shall, within five days of the exclusion, send written notice of the exclusion to the contact
162 sponsor.

163 Section 5. Section **10-2-105** is amended to read:

164 **10-2-105. Processing a request for incorporation -- Certification or rejection by**
165 **lieutenant governor -- Processing priority -- Limitations -- Township planning**
166 **commission recommendation.**

167 (1) Within 45 days of the filing of a request under Section **10-2-103**, the ~~[county clerk]~~
168 lieutenant governor shall:

169 (a) with the assistance of other county officers of the county in which the incorporation
170 is proposed from whom the ~~[clerk]~~ lieutenant governor requests assistance, determine whether
171 the request complies with Section **10-2-103**; and

172 (b) (i) if the ~~[clerk]~~ lieutenant governor determines that the request complies with
173 Section **10-2-103**:

174 (A) certify the request ~~[and deliver the certified request to the county legislative body]~~;
175 and

176 (B) mail or deliver written notification of the certification to:

- 177 (I) the contact sponsor; and
- 178 (II) the chair of the planning commission of each township in which any part of the
179 area proposed for incorporation is located; or

180 (ii) if the ~~[clerk]~~ lieutenant governor determines that the request fails to comply with
181 Section **10-2-103** requirements, reject the request and notify the contact sponsor in writing of
182 the rejection and the reasons for the rejection.

183 (2) The ~~[county clerk]~~ lieutenant governor shall certify or reject requests under
184 Subsection (1) in the order in which they are filed.

185 (3) (a) (i) If the ~~[county clerk]~~ lieutenant governor rejects a request under Subsection
186 (1)(b)(ii), the request may be amended to correct the deficiencies for which it was rejected and
187 then refiled with the ~~[county clerk]~~ lieutenant governor.

188 (ii) A signature on a request under Section 10-2-103 may be used toward fulfilling the
189 signature requirement of Subsection 10-2-103(2)(a) for the request as modified under
190 Subsection (3)(a)(i).

191 (b) If a request is amended and refiled under Subsection (3)(a) after having been
192 rejected by the ~~[county clerk]~~ lieutenant governor under Subsection (1)(b)(ii), it shall be
193 considered as a newly filed request, and its processing priority is determined by the date on
194 which it is refiled.

195 Section 6. Section 10-2-106 is amended to read:

196 **10-2-106. Feasibility study -- Feasibility study consultant.**

197 (1) Within ~~[60]~~ 90 days of receipt of a certified request under Subsection
198 10-2-105(1)(b)(i), the ~~[county legislative body]~~ lieutenant governor shall engage the feasibility
199 consultant chosen under Subsection (2) to conduct a feasibility study.

200 (2) The feasibility consultant shall be chosen:

201 (a) (i) by the contact sponsor of the incorporation petition with the consent of the
202 ~~[county]~~ lieutenant governor; or

203 (ii) by the ~~[county]~~ lieutenant governor if the designated sponsors state, in writing, that
204 the contact sponsor defers selection of the feasibility consultant to the ~~[county]~~ lieutenant
205 governor; and

206 (b) in accordance with applicable ~~[county]~~ procurement procedures.

207 (3) The ~~[county legislative body]~~ lieutenant governor shall require the feasibility
208 consultant to:

209 (a) complete the feasibility study and submit the written results to the lieutenant
210 governor, the county legislative body of the county in which the incorporation is proposed, and
211 the contact sponsor no later than 90 days after the feasibility consultant is engaged to conduct
212 the study;

213 (b) submit with the full written results of the feasibility study a summary of the results

214 no longer than one page in length; and

215 (c) attend the public hearings under Subsection 10-2-108(1) and present the feasibility
216 study results and respond to questions from the public at those hearings.

217 (4) (a) The feasibility study shall consider:

218 (i) population and population density within the area proposed for incorporation and
219 the surrounding area;

220 (ii) current and five-year projections of demographics and economic base in the
221 proposed city and surrounding area, including household size and income, commercial and
222 industrial development, and public facilities;

223 (iii) projected growth in the proposed city and in adjacent areas during the next five
224 years;

225 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
226 including overhead, of governmental services in the proposed city, including:

227 (A) culinary water;

228 (B) secondary water;

229 (C) sewer;

230 (D) law enforcement;

231 (E) fire protection;

232 (F) roads and public works;

233 (G) garbage;

234 (H) weeds; and

235 (I) government offices;

236 (v) assuming the same tax categories and tax rates as currently imposed by the county
237 and all other current service providers, the present and five-year projected revenue for the
238 proposed city;

239 (vi) a projection of any new taxes per household that may be levied within the
240 incorporated area within five years of incorporation; and

241 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,
242 special service districts, and other governmental entities in the county.

243 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
244 level and quality of governmental services to be provided to the proposed city in the future that

245 fairly and reasonably approximate the level and quality of governmental services being
246 provided to the proposed city at the time of the feasibility study.

247 (ii) In determining the present cost of a governmental service, the feasibility consultant
248 shall consider:

249 (A) the amount it would cost the proposed city to provide governmental service for the
250 first five years after incorporation; and

251 (B) the county's present and five-year projected cost of providing governmental
252 service.

253 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation
254 and anticipated growth.

255 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year
256 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall
257 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
258 governor.

259 (6) If the results of the feasibility study or revised feasibility study do not meet the
260 requirements of Subsection 10-2-109(3), the feasibility consultant shall, as part of the
261 feasibility study or revised feasibility study and if requested by the sponsors of the request,
262 make recommendations as to how the boundaries of the proposed city may be altered so that
263 the requirements of Subsection 10-2-109(3) may be met.

264 [~~(7) (a) For purposes of this Subsection (7), "pending" means that the process to~~
265 ~~incorporate an unincorporated area has been initiated by the filing of a request for feasibility~~
266 ~~study under Section 10-2-103 but that, as of May 8, 2012, a petition under Section 10-2-109~~
267 ~~has not yet been filed.]~~

268 [~~(b) The amendments to Subsection (4) that become effective upon the effective date of~~
269 ~~this Subsection (7):]~~

270 [~~(i) apply to each pending proceeding proposing the incorporation of an unincorporated~~
271 ~~area; and]~~

272 [~~(ii) do not apply to a municipal incorporation proceeding under this part in which a~~
273 ~~petition under Section 10-2-109 has been filed.]~~

274 [~~(c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of~~
275 ~~May 8, 2012, already completed the feasibility study, the county legislative body shall, within~~

276 ~~20 days after the effective date of this Subsection (7) and except as provided in Subsection~~
277 ~~(7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account~~
278 ~~the amendments to Subsection (4) that became effective on the effective date of this Subsection~~
279 ~~(7):]~~

280 ~~[(ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall~~
281 ~~require the feasibility consultant to complete the revised feasibility study under Subsection~~
282 ~~(7)(c)(i) within 20 days after being engaged to do so.]~~

283 ~~[(iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not~~
284 ~~required to engage the feasibility consultant to revise the feasibility study if, within 15 days~~
285 ~~after the effective date of this Subsection (7), the request sponsors file with the county clerk a~~
286 ~~written withdrawal of the request signed by all the request sponsors:]~~

287 ~~[(d) All provisions of this part that set forth the incorporation process following the~~
288 ~~completion of a feasibility study shall apply with equal force following the completion of a~~
289 ~~revised feasibility study under this Subsection (7), except that, if a petition under Section~~
290 ~~10-2-109 has already been filed based on the feasibility study that is revised under this~~
291 ~~Subsection (7):]~~

292 ~~[(i) the notice required by Section 10-2-108 for the revised feasibility study shall~~
293 ~~include a statement informing signers of the petition of their right to withdraw their signatures~~
294 ~~from the petition and of the process and deadline for withdrawing a signature from the~~
295 ~~petition;]~~

296 ~~[(ii) a signer of the petition may withdraw the signer's signature by filing with the~~
297 ~~county clerk a written withdrawal within 30 days after the final notice under Subsection~~
298 ~~10-2-108(3) has been given with respect to the revised feasibility study; and]~~

299 ~~[(iii) unless withdrawn, a signature on the petition may be used toward fulfilling the~~
300 ~~signature requirements under Subsection 10-2-109(2)(a) for a petition based on the revised~~
301 ~~feasibility study:]~~

302 Section 7. Section 10-2-107 is amended to read:

303 **10-2-107. Modified request for feasibility study -- Supplemental feasibility study.**

304 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of
305 the proposed city and then refile the request, as modified, with the [county clerk] lieutenant
306 governor if:

307 (A) the results of the feasibility study do not meet the requirements of Subsection
308 10-2-109(3); or

309 (B) (I) the request meets the conditions of Subsection 10-2-103(4)(b);

310 (II) the annexation petition that proposed the annexation of an area that is part of the
311 area proposed for incorporation has been denied; and

312 (III) an incorporation petition based on the request has not been filed.

313 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than
314 90 days after the feasibility consultant's submission of the results of the study.

315 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18
316 months after the filing of the original request under Section 10-2-103.

317 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)
318 shall comply with the requirements of Subsections 10-2-103(2), (3), (4), and (5).

319 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section
320 10-2-103 may be used toward fulfilling the signature requirement of Subsection 10-2-103(2)(a)
321 for the request as modified under Subsection (1)(a), unless the modified request proposes the
322 incorporation of an area that is more than 20% greater or smaller than the area described by the
323 original request in terms of:

324 (A) private land area; or

325 (B) value of private real property.

326 (2) Within 20 days after the [~~county clerk's~~] lieutenant governor's receipt of the
327 modified request, the [~~county clerk~~] lieutenant governor shall follow the same procedure for
328 the modified request as provided under Subsection 10-2-105(1) for an original request.

329 (3) The timely filing of a modified request under Subsection (1) gives the modified
330 request the same processing priority under Subsection 10-2-105(2) as the original request.

331 (4) Within 10 days after the [~~county legislative body's~~] lieutenant governor's receipt of
332 a certified modified request under Subsection (1)(a)(i)(A) or a certified modified request under
333 Subsection (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original
334 request, the [~~county legislative body~~] lieutenant governor shall commission the feasibility
335 consultant who conducted the feasibility study to supplement the feasibility study to take into
336 account the information in the modified request that was not included in the original request.

337 (5) The [~~county legislative body~~] lieutenant governor shall require the feasibility

338 consultant to complete the supplemental feasibility study and to submit written results of the
339 supplemental study to the [~~county legislative body~~] lieutenant governor and to the contact
340 sponsor no later than 30 days after the feasibility consultant is commissioned to conduct the
341 supplemental feasibility study.

342 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study
343 do not meet the requirements of Subsection 10-2-109(3):

344 (i) the sponsors may file a further modified request as provided in Subsection (1); and

345 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection
346 (6)(a)(i).

347 (b) A further modified request under Subsection (6)(a) shall, for purposes of its
348 processing priority, be considered as an original request for a feasibility study under Section
349 10-2-103.

350 Section 8. Section 10-2-108 is amended to read:

351 **10-2-108. Public hearings on feasibility study results -- Notice of hearings.**

352 (1) If the results of the feasibility study or supplemental feasibility study meet the
353 requirements of Subsection 10-2-109(3), the [~~county legislative body~~] lieutenant governor
354 shall, [~~at its next regular meeting~~] after receipt of the results of the feasibility study or
355 supplemental feasibility study, schedule at least two public hearings to be held:

356 (a) within the following 60 days after receipt of the results;

357 (b) at least seven days apart;

358 (c) in geographically diverse locations within the proposed city; and

359 (d) for the purpose of allowing:

360 (i) the feasibility consultant to present the results of the study; and

361 (ii) the public to become informed about the feasibility study results and to ask

362 questions about those results of the feasibility consultant.

363 (2) At a public hearing described in Subsection (1), the [~~county legislative body~~]
364 lieutenant governor shall:

365 (a) provide a map or plat of the boundary of the proposed city;

366 (b) provide a copy of the feasibility study for public review; and

367 (c) allow the public to express its views about the proposed incorporation, including its
368 view about the proposed boundary.

369 (3) (a) (i) The ~~[county clerk]~~ lieutenant governor shall publish notice of the public
370 hearings required under Subsection (1):

371 (A) at least once a week for three successive weeks in a newspaper of general
372 circulation within the proposed city; and

373 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks.

374 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at
375 least three days before the first public hearing required under Subsection (1).

376 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation
377 within the proposed city, the ~~[county clerk]~~ lieutenant governor shall post at least one notice of
378 the hearings per 1,000 population in conspicuous places within the proposed city that are most
379 likely to give notice of the hearings to the residents of the proposed city.

380 (ii) The ~~[clerk]~~ lieutenant governor shall post the notices under Subsection (3)(b)(i) at
381 least seven days before the first hearing under Subsection (1).

382 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study
383 summary under Subsection 10-2-106(3)(b) and shall indicate that a full copy of the study is
384 available for inspection and copying at the ~~[office of the county clerk]~~ Office of the Lieutenant
385 Governor.

386 (d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant
387 governor's website and make a copy available for public review at the Office of the Lieutenant
388 Governor.

389 Section 9. Section 10-2-109 is amended to read:

390 **10-2-109. Incorporation petition -- Requirements and form.**

391 (1) At any time within one year of the completion of the public hearings required under
392 Subsection 10-2-108(1), a petition for incorporation of the area proposed to be incorporated as
393 a city may be filed in the ~~[office of the clerk of the county in which the area is located]~~ Office
394 of the Lieutenant Governor.

395 (2) Each petition under Subsection (1) shall:

396 (a) be signed by:

397 (i) 10% of all registered voters within the area proposed to be incorporated as a city,
398 according to the official voter registration list maintained by the county on the date the petition
399 is filed; and

400 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting
401 precincts within the area proposed to be incorporated as a city, according to the official voter
402 registration list maintained by the county on the date the petition is filed;

403 (b) indicate the typed or printed name and current residence address of each owner
404 signing the petition;

405 (c) describe the area proposed to be incorporated as a city, as described in the
406 feasibility study request or modified request that meets the requirements of Subsection (3);

407 (d) state the proposed name for the proposed city;

408 (e) designate five signers of the petition as petition sponsors, one of whom shall be
409 designated as the contact sponsor, with the mailing address and telephone number of each;

410 (f) state that the signers of the petition appoint the sponsors, if the incorporation
411 measure passes, to represent the signers in the process of:

412 (i) selecting the number of commission or council members the new city will have; and

413 (ii) drawing district boundaries for the election of commission or council members, if
414 the voters decide to elect commission or council members by district;

415 (g) be accompanied by and circulated with an accurate plat or map, prepared by a
416 licensed surveyor, showing the boundaries of the proposed city; and

417 (h) substantially comply with and be circulated in the following form:

418 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
419 city)

420 To the Honorable [~~County Legislative Body of (insert the name of the county in which~~
421 ~~the proposed city is located) County, Utah~~] Lieutenant Governor:

422 We, the undersigned owners of real property within the area described in this petition,
423 respectfully petition the lieutenant governor to direct the county legislative body to submit to
424 the registered voters residing within the area described in this petition, at the next regular
425 general election, the question of whether the area should incorporate as a city. Each of the
426 undersigned affirms that each has personally signed this petition and is an owner of real
427 property within the described area, and that the current residence address of each is correctly
428 written after the signer's name. The area proposed to be incorporated as a city is described as
429 follows: (insert an accurate description of the area proposed to be incorporated).

430 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless

431 the results of the feasibility study or supplemental feasibility study show that the average
432 annual amount of revenue under Subsection 10-2-106(4)(a)(v) does not exceed the average
433 annual amount of cost under Subsection 10-2-106(4)(a)(iv) by more than 5%.

434 (4) A signature on a request under Section 10-2-103 or a modified request under
435 Section 10-2-107 may be used toward fulfilling the signature requirement of Subsection (2)(a):

436 (a) if the request under Section 10-2-103 or modified request under Section 10-2-107
437 notified the signer in conspicuous language that the signature, unless withdrawn, would also be
438 used for purposes of a petition for incorporation under this section; and

439 (b) unless the signer files with the [county clerk] lieutenant governor a written
440 withdrawal of the signature before the petition under this section is filed with the [clerk]
441 lieutenant governor.

442 (5) (a) A signature does not qualify as a signature to meet the requirement described in
443 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

444 (i) is not located entirely within the boundaries of the proposed city; or

445 (ii) includes less than 50 registered voters.

446 (b) A voting precinct that is not located entirely within the boundaries of the proposed
447 city does not qualify as a voting precinct to meet the precinct requirements of Subsection
448 (2)(a)(ii).

449 Section 10. Section 10-2-110 is amended to read:

450 **10-2-110. Processing of petition by lieutenant governor -- Certification or**
451 **rejection -- Processing priority.**

452 (1) Within 45 days of the filing of a petition under Section 10-2-109, the [county clerk]
453 lieutenant governor shall:

454 (a) with the assistance of other county officers of the county in which the incorporation
455 is proposed from whom the [clerk] lieutenant governor requests assistance, determine whether
456 the petition meets the requirements of Section 10-2-109; and

457 (b) (i) if the [clerk] lieutenant governor determines that the petition meets those
458 requirements, certify the petition [~~deliver it to the county legislative body,~~] and notify in
459 writing the contact sponsor of the certification; or

460 (ii) if the [clerk] lieutenant governor determines that the petition fails to meet any of
461 those requirements, reject the petition and notify the contact sponsor in writing of the rejection

462 and the reasons for the rejection.

463 (2) (a) If the [~~county clerk~~] lieutenant governor rejects a petition under Subsection
464 (1)(b)(ii), the petition may be modified to correct the deficiencies for which it was rejected and
465 then refiled with the [~~county clerk~~] lieutenant governor.

466 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days
467 after the [~~county clerk~~] lieutenant governor notifies the contact sponsor under Subsection
468 (1)(b)(ii), even though the modified petition is filed after the expiration of the deadline
469 provided in Subsection 10-2-109(1).

470 (c) A signature on an incorporation petition under Section 10-2-109 may be used
471 toward fulfilling the signature requirement of Subsection 10-2-109(2)(a) for the petition as
472 modified under Subsection (2)(a).

473 (3) (a) Within 20 days of the [~~county clerk's~~] lieutenant governor's receipt of a
474 modified petition under Subsection (2)(a), the [~~county clerk~~] lieutenant governor shall follow
475 the same procedure for the modified petition as provided under Subsection (1) for an original
476 petition.

477 (b) If [~~a county clerk~~] the lieutenant governor rejects a modified petition under
478 Subsection (1)(b)(ii), no further modification of that petition may be filed.

479 Section 11. Section 10-2-111 is amended to read:

480 **10-2-111. Incorporation election.**

481 (1) (a) Upon receipt of a certified petition under Subsection 10-2-110(1)(b)(i) or a
482 certified modified petition under Subsection 10-2-110(3), the [~~county legislative body~~]
483 lieutenant governor shall:

484 (i) determine and set an election date for the incorporation election that is:

485 [(i)] (A) on a general election date under Section 20A-1-201[;] or [(B)] on a local
486 special election date under Section 20A-1-203; and

487 [(ii)] (B) at least 65 days after the day that the [~~legislative body~~] lieutenant governor
488 receives the certified petition[;]; and

489 (ii) direct the county legislative body of the county in which the incorporation is
490 proposed to hold the election on the date determined by the lieutenant governor in accordance
491 with Subsection (1)(a)(i).

492 (b) The county shall hold the election as directed by the lieutenant governor in

493 accordance with Subsection (1)(a)(ii).

494 ~~[(b)]~~ (c) Unless a person is a registered voter who resides, as defined in Section
495 20A-1-102, within the boundaries of the proposed city, the person may not vote on the
496 proposed incorporation.

497 (2) (a) The county clerk shall publish notice of the election:

498 (i) in a newspaper of general circulation within the area proposed to be incorporated at
499 least once a week for three successive weeks; and

500 (ii) in accordance with Section 45-1-101 for three weeks.

501 (b) The notice required by Subsection (2)(a) shall contain:

502 (i) a statement of the contents of the petition;

503 (ii) a description of the area proposed to be incorporated as a city;

504 (iii) a statement of the date and time of the election and the location of polling places;

505 and

506 (iv) the feasibility study summary under Subsection 10-2-106(3)(b) and a statement
507 that a full copy of the study is available for inspection and copying at the ~~[office of the county~~
508 ~~clerk]~~ Office of the Lieutenant Governor.

509 (c) The last publication of notice required under Subsection (2)(a) shall occur at least
510 one day but no more than seven days before the election.

511 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
512 circulation within the proposed city, the county clerk shall post at least one notice of the
513 election per 1,000 population in conspicuous places within the proposed city that are most
514 likely to give notice of the election to the voters of the proposed city.

515 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before
516 the election under Subsection (1).

517 (3) If a majority of those casting votes within the area boundaries of the proposed city
518 vote to incorporate as a city, the area shall incorporate.

519 Section 12. Section 10-2-123 is amended to read:

520 **10-2-123. Costs of city incorporation -- Fees established by lieutenant governor.**

521 (1) ~~[Subject to Subsection (2), all costs of the]~~ (a) The lieutenant governor shall
522 establish a fee in accordance with Section 63J-1-504 for a cost incurred by the lieutenant
523 governor for an incorporation proceeding, including:

- 524 (i) a request certification[;];
- 525 (ii) a feasibility study[;];
- 526 (iii) a petition certification[;];
- 527 (iv) publication of notices[;];
- 528 (v) public hearings[; and elections, shall be paid by the county in which the proposed
- 529 city is located.];

530 [~~(2) If incorporation occurs, the new municipality shall reimburse the county for the~~
 531 ~~costs of the notices and hearing under Section 10-2-114, the notices and elections under~~
 532 ~~Section 10-2-116, and]~~

533 (vi) all other incorporation activities occurring after the elections [~~under Section~~
 534 ~~10-2-116.]; and~~

535 (vii) any other cost incurred by the lieutenant governor in relation to an incorporation
 536 proceeding.

537 (b) A cost under Subsection (1)(a) does not include a cost incurred by a county for
 538 holding an election under Section 10-2-111.

539 (2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental
 540 appropriations, pay for a cost described in Subsections (1)(a)(i) through (vii).

541 (3) If incorporation occurs, the new city shall pay:

542 (a) to the lieutenant governor each fee established under Subsection (1) for each
 543 incurred cost described in Subsections (1)(a)(i) through (vii); and

544 (b) the county for a cost described in Subsection (1)(b).

545 Section 13. Section 10-2-125 is amended to read:

546 **10-2-125. Incorporation of a town -- Petition.**

547 (1) As used in this section:

548 (a) "Assessed value," with respect to agricultural land, means the value at which the
 549 land would be assessed without regard to a valuation for agricultural use under Section
 550 59-2-503.

551 [~~(c)~~] (b) "Feasibility consultant" means a person or firm:

552 [~~(b)~~] (c) "Financial feasibility study" means a study described in Subsection (7).

553 (i) with expertise in the processes and economics of local government; and

554 (ii) who is independent of and not affiliated with a county or sponsor of a petition to

555 incorporate.

556 (d) "Municipal service" means a publicly provided service that is not provided on a
557 countywide basis.

558 (e) "Nonurban" means having a residential density of less than one unit per acre.

559 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of
560 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

561 (ii) An area within a county of the first class is not contiguous for purposes of
562 Subsection (2)(a)(i) if:

563 (A) the area includes a strip of land that connects geographically separate areas; and

564 (B) the distance between the geographically separate areas is greater than the average
565 width of the strip of land connecting the geographically separate areas.

566 (b) The population figure under Subsection (2)(a) shall be determined:

567 (i) as of the date the incorporation petition is filed; and

568 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's
569 certification under Subsection (6) of a petition filed under Subsection (4).

570 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to
571 incorporate the area as a town with the [~~clerk of the county in which the area is located~~] Office
572 of the Lieutenant Governor.

573 (b) A petition under Subsection (3)(a) shall:

574 (i) be signed by:

575 (A) the owners of private real property that:

576 (I) is located within the area proposed to be incorporated; and

577 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real
578 property within the area; and

579 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,
580 according to the official voter registration list maintained by the county on the date the petition
581 is filed;

582 (ii) designate as sponsors at least five of the property owners who have signed the
583 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
584 each owner signing as a sponsor;

585 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a

586 licensed surveyor, showing a legal description of the boundary of the proposed town; and

587 (iv) substantially comply with and be circulated in the following form:

588 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
589 town)

590 To the Honorable [~~County Legislative Body of (insert the name of the county in which~~
591 ~~the proposed town is located) County, Utah~~] Lieutenant Governor:

592 We, the undersigned owners of real property and registered voters within the area
593 described in this petition, respectfully petition the lieutenant governor to direct the county
594 legislative body to submit to the registered voters residing within the area described in this
595 petition, at the next regular general election, the question of whether the area should
596 incorporate as a town. Each of the undersigned affirms that each has personally signed this
597 petition and is an owner of real property or a registered voter residing within the described area,
598 and that the current residence address of each is correctly written after the signer's name. The
599 area proposed to be incorporated as a town is described as follows: (insert an accurate
600 description of the area proposed to be incorporated).

601 (c) A petition under this Subsection (3) may not describe an area that includes some or
602 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

603 (i) was filed before the filing of the petition; and

604 (ii) is still pending on the date the petition is filed.

605 (d) A petition may not be filed under this section if the private real property owned by
606 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the
607 total private land area within the area proposed to be incorporated as a town.

608 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,
609 reinstate the signer's signature on the petition:

610 (i) at any time until the [~~county clerk~~] lieutenant governor certifies the petition under
611 Subsection (5); and

612 (ii) by filing a signed, written withdrawal or reinstatement with the [~~county clerk~~]
613 lieutenant governor.

614 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town
615 an area located within a county of the first class, the [~~county clerk~~] lieutenant governor shall
616 deliver written notice of the proposed incorporation:

617 (i) to each owner of private real property owning more than 1% of the assessed value
618 of all private real property within the area proposed to be incorporated as a town; and

619 (ii) within seven calendar days after the date on which the petition is filed.

620 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or
621 part of the owner's property from the area proposed to be incorporated as a town by filing a
622 notice of exclusion:

623 (i) with the ~~[county clerk]~~ lieutenant governor; and

624 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

625 (c) The ~~[county legislative body]~~ lieutenant governor shall exclude from the area
626 proposed to be incorporated as a town the property identified in the notice of exclusion under
627 Subsection (4)(b) if:

628 (i) the property:

629 (A) is nonurban; and

630 (B) does not and will not require a municipal service; and

631 (ii) exclusion will not leave an unincorporated island within the proposed town.

632 (d) If the ~~[county legislative body]~~ lieutenant governor excludes property from the area
633 proposed to be incorporated as a town, the ~~[county legislative body]~~ lieutenant governor shall
634 send written notice of the exclusion to the contact sponsor within five days after the exclusion.

635 (5) No later than 20 days after the filing of a petition under Subsection (3), the ~~[county~~
636 ~~clerk]~~ lieutenant governor shall:

637 (a) with the assistance of other county officers of the county in which the incorporation
638 is proposed from whom the ~~[clerk]~~ lieutenant governor requests assistance, determine whether
639 the petition complies with the requirements of Subsection (3); and

640 (b) (i) if the ~~[clerk]~~ lieutenant governor determines that the petition complies with
641 those requirements:

642 (A) certify the petition ~~[and deliver the certified petition to the county legislative~~
643 ~~body]~~; and

644 (B) mail or deliver written notification of the certification to:

645 (I) the contact sponsor;

646 (II) if applicable, the chair of the planning commission of each township in which any
647 part of the area proposed for incorporation is located; and

648 (III) the Utah Population Estimates Committee; or

649 (ii) if the [~~clerk~~] lieutenant governor determines that the petition fails to comply with
650 any of those requirements, reject the petition and notify the contact sponsor in writing of the
651 rejection and the reasons for the rejection.

652 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to
653 correct a deficiency for which it was rejected and then refiled with the [~~county clerk~~] lieutenant
654 governor.

655 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward
656 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended
657 under Subsection (6)(a)(i) and then refiled with the [~~county clerk~~] lieutenant governor.

658 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been
659 rejected by the [~~county clerk~~] lieutenant governor under Subsection (5)(b)(ii):

660 (i) the amended petition shall be considered as a newly filed petition; and

661 (ii) the amended petition's processing priority is determined by the date on which it is
662 refiled.

663 (7) (a) (i) [~~The legislative body of a county with which~~] If a petition is filed under
664 Subsection (4) and certified under Subsection (6), the lieutenant governor shall commission
665 and pay for a financial feasibility study.

666 (ii) The feasibility consultant shall be chosen:

667 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection
668 (3)(b)(ii), with the consent of the [~~county~~] lieutenant governor; or

669 (II) by the [~~county~~] lieutenant governor if the contact sponsor states, in writing, that the
670 sponsor defers selection of the feasibility consultant to the [~~county~~] lieutenant governor; and

671 (B) in accordance with applicable [~~county~~] procurement procedure.

672 (iii) The [~~county legislative body~~] lieutenant governor shall require the feasibility
673 consultant to complete the financial feasibility study and submit written results of the study to
674 the [~~county legislative body~~] lieutenant governor no later than 30 days after the feasibility
675 consultant is engaged to conduct the financial feasibility study.

676 (b) The financial feasibility study shall consider the:

677 (i) population and population density within the area proposed for incorporation and
678 the surrounding area;

679 (ii) current and five-year projections of demographics and economic base in the
680 proposed town and surrounding area, including household size and income, commercial and
681 industrial development, and public facilities;

682 (iii) projected growth in the proposed town and in adjacent areas during the next five
683 years;

684 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,
685 including overhead, of governmental services in the proposed town, including:

686 (A) culinary water;

687 (B) secondary water;

688 (C) sewer;

689 (D) law enforcement;

690 (E) fire protection;

691 (F) roads and public works;

692 (G) garbage;

693 (H) weeds; and

694 (I) government offices;

695 (v) assuming the same tax categories and tax rates as currently imposed by the county
696 and all other current service providers, the present and five-year projected revenue for the
697 proposed town; and

698 (vi) a projection of any new taxes per household that may be levied within the
699 incorporated area within five years of incorporation.

700 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a
701 level and quality of governmental services to be provided to the proposed town in the future
702 that fairly and reasonably approximate the level and quality of governmental services being
703 provided to the proposed town at the time of the feasibility study.

704 (ii) In determining the present cost of a governmental service, the feasibility consultant
705 shall consider:

706 (A) the amount it would cost the proposed town to provide governmental service for
707 the first five years after incorporation; and

708 (B) the county's present and five-year projected cost of providing governmental
709 service.

710 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation
711 and anticipated growth.

712 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year
713 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall
714 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
715 governor.

716 (e) The lieutenant governor shall post a copy of the feasibility study on the lieutenant
717 governor's website and make a copy available for public review at the Office of the Lieutenant
718 Governor.

719 ~~[(e)]~~ (f) The ~~[county legislative body]~~ lieutenant governor shall approve a certified
720 petition proposing the incorporation of a town and hold a public hearing as provided in Section
721 10-2-126.

722 Section 14. Section **10-2-126** is amended to read:

723 **10-2-126. Incorporation of town -- Public hearing on feasibility.**

724 (1) If, in accordance with Section 10-2-125, the ~~[county clerk]~~ lieutenant governor
725 certifies a petition for incorporation or an amended petition for incorporation, the ~~[county~~
726 ~~legislative body]~~ lieutenant governor shall, ~~[at its next regular meeting]~~ after completion of the
727 feasibility study, schedule a public hearing to:

728 (a) be held no later than 60 days after the day on which the feasibility study is
729 completed; and

730 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for
731 the proposed town.

732 (2) (a) The ~~[county legislative body]~~ lieutenant governor shall give notice of the public
733 hearing on the proposed incorporation by:

734 ~~[(a) posting notice of the public hearing on the county's Internet website, if the county~~
735 ~~has an Internet website;]~~

736 ~~[(b)]~~ (i) (A) publishing notice of the public hearing at least once a week for two
737 consecutive weeks in a newspaper of general circulation within the proposed town; or

738 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the proposed town,
739 posting notice of the public hearing in at least five conspicuous public places within the
740 proposed town; and

741 ~~[(e)]~~ (ii) publishing notice of the public hearing on the Utah Public Notice Website
742 created in Section 63F-1-701.

743 (b) The county in which the incorporation is proposed shall post the notice described in
744 Subsection (2)(a)(ii) on the county's website, if the county has ~~H~~→ ~~[an]~~ a ←~~H~~ website,
744a for at least two
745 consecutive weeks before the day of the public hearing.

746 (3) At the public hearing scheduled in accordance with Subsection (1), the [county
747 ~~legislative body~~] lieutenant governor shall:

748 (a) (i) provide a copy of the feasibility study; and
749 (ii) present the results of the feasibility study to the public; and
750 (b) allow the public to:
751 (i) review the map or plat of the boundary of the proposed town;
752 (ii) ask questions and become informed about the proposed incorporation; and
753 (iii) express its views about the proposed incorporation, including their views about the
754 boundary of the area proposed to be incorporated.

755 (4) A county under the direction of the lieutenant governor may not hold an election on
756 the incorporation of a town in accordance with Section 10-2-127 if the results of the feasibility
757 study show that the five-year projected revenues under Subsection 10-2-125(7)(b)(v) exceed
758 the five-year projected costs under Subsection 10-2-125(7)(b)(iv) by more than 10%.

759 Section 15. Section 10-2-127 is amended to read:

760 **10-2-127. Incorporation of town -- Election to incorporate -- Ballot form.**

761 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)] or a~~
762 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)] Section 10-2-125, the~~
763 [~~county legislative body~~] lieutenant governor shall:

764 (i) determine and set an election date for the incorporation election that is:
765 [~~(i)~~] (A) on a general election date under Section 20A-1-201[;] or [~~(B)~~] on a local
766 special election date under Section 20A-1-203; and

767 [~~(ii)~~] (B) at least 65 days after the day that the legislative body receives the certified
768 petition[;]; and

769 (ii) direct the county legislative body of the county in which the incorporation is
770 proposed to hold the election on the date determined by the lieutenant governor in accordance
771 with Subsection (1)(a)(i).

772 (b) The county shall hold the election as directed by the lieutenant governor in
773 accordance with Subsection (1)(a)(ii).

774 ~~[(b)]~~ (c) Unless a person is a registered voter who resides, as defined in Section
775 20A-1-102, within the boundaries of the proposed town, the person may not vote on the
776 proposed incorporation.

777 (2) (a) The county clerk shall publish notice of the election:

778 (i) in a newspaper of general circulation, within the area proposed to be incorporated,
779 at least once a week for three successive weeks; and

780 (ii) in accordance with Section 45-1-101 for three weeks.

781 (b) The notice required by Subsection (2)(a) shall contain:

782 (i) a statement of the contents of the petition;

783 (ii) a description of the area proposed to be incorporated as a town;

784 (iii) a statement of the date and time of the election and the location of polling places;

785 and

786 (iv) the ~~[county]~~ lieutenant governor's Internet website address, if applicable, and the
787 address of the ~~[county office]~~ Office of the Lieutenant Governor where the feasibility study is
788 available for review.

789 (c) The last publication of notice required under Subsection (2)(a) shall occur at least
790 one day but no more than seven days before the election.

791 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
792 circulation within the proposed town, the county clerk shall post at least one notice of the
793 election per 100 population in conspicuous places within the proposed town that are most
794 likely to give notice of the election to the voters of the proposed town.

795 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before
796 the election under Subsection (1)(a).

797 (3) The ballot at the incorporation election shall pose the incorporation question
798 substantially as follows:

799 Shall the area described as (insert a description of the proposed town) be incorporated
800 as the town of (insert the proposed name of the proposed town)?

801 (4) The ballot shall provide a space for the voter to answer yes or no to the question in
802 Subsection (3).

803 (5) If a majority of those casting votes within the area boundaries of the proposed town
804 vote to incorporate as a town, the area shall incorporate.

805 Section 16. Section **10-2-131** is enacted to read:

806 **10-2-131. Costs of town incorporation -- Fees established by lieutenant governor.**

807 (1) (a) The lieutenant governor shall establish a fee in accordance with Section
808 63J-1-504 for a cost of an incorporation proceeding, including:

809 (i) a request certification;

810 (ii) a feasibility study;

811 (iii) a petition certification;

812 (iv) publication of notices;

813 (v) public hearings;

814 (vi) all other incorporation activities occurring after the elections; and

815 (vii) any other cost incurred by the lieutenant govern or in relation to an incorporation
816 proceeding.

817 (b) A cost under Subsection (1)(a) does not include a cost incurred by a county for
818 holding an election under Section 10-2-127.

819 (2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental
820 appropriations, pay for a cost described in Subsections (1)(a)(i) through (vii).

821 (3) If incorporation occurs, the new town shall pay:

822 (a) to the lieutenant governor each fee established under Subsection (1) for each
823 incurred cost described in Subsections (1)(a)(i) through (vii); and

824 (b) the county for a cost described in Subsection (1)(b).

825 Section 17. Section **63I-2-210** is amended to read:

826 **63I-2-210. Repeal dates -- Title 10.**

827 (1) Subsection 10-2-102.13(2), the language that states ", including a township
828 incorporation procedure as defined in Section 10-2-130," is repealed July 1, 2016.

829 [(H)] (2) Section 10-2-130 is repealed July 1, 2016.

830 [(Z)] (3) Subsection 10-9a-305(2) is repealed July 1, 2013.

831 Section 18. **Revisor instructions.**

832 The Legislature intends that the Office of Legislative Research and General Counsel, in
833 preparing the Utah Code database for publication, replace the references in Subsections

834 [10-2-102.13](#)(1) and (2) from "this bill" to the bill's designated chapter number in the Laws of
835 Utah.

Legislative Review Note
as of 1-16-15 12:56 PM

Office of Legislative Research and General Counsel