

**Senator Karen Mayne** proposes the following substitute bill:

**LOCAL GOVERNMENT REVISIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Eric K. Hutchings

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to local government.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides population classification for a metro township;
- ▶ amends municipal annexation provisions;
- ▶ enacts "Municipal Incorporation," including:
  - general provisions;
  - incorporation of a city provisions;
  - incorporation of a town provisions; and
  - incorporation provisions of metro townships and unincorporated islands in a county of the first class on and after May 12, 2015;
- ▶ requires a county of the first class to hold a special election on November 3, 2015, for the following ballot propositions:
  - the incorporation of a planning township as a city, town, metro township; and
  - whether unincorporated islands should be annexed by an eligible city or remain unincorporated;



- 26           ▶ provides notice and hearing requirements;
- 27           ▶ provides for the incorporation of a metro township after November 3, 2015;
- 28           ▶ provides for the determination of metro township council districts and election of
- 29 officers;
- 30           ▶ authorizes a three-member or five-member council form of government for a metro
- 31 township;
- 32           ▶ provides the powers and duties of the metro township council chair and council
- 33 members;
- 34           ▶ repeals and reenacts provisions authorizing a change in form of municipal
- 35 government;
- 36           ▶ enacts provisions related to the administration of a metro township;
- 37           ▶ authorizes a metro township council to, in certain circumstances, prohibit fireworks;
- 38           ▶ requires a township located outside of a county of the first class to change its name
- 39 to "planning district";
- 40           ▶ prohibits a county other than a county of the first class from adopting certain land
- 41 use ordinances requiring revegetation or landscaping;
- 42           ▶ enacts provisions related to the levy of a municipal services district property tax;
- 43           ▶ enacts provisions related to a general obligation bond issued by a municipal services
- 44 district;
- 45           ▶ amends provisions related to a municipal services district board of trustees;
- 46           ▶ enacts language requiring the withdrawal of rural real property from a metro
- 47 township or municipal services district;
- 48           ▶ amends and enacts provisions related to the withdrawal of an area from a local
- 49 district;
- 50           ▶ enacts provisions related to an audit of a municipal services district;
- 51           ▶ authorizes a metro township to levy a 911 charge and impose a sales and use tax;
- 52 and
- 53           ▶ makes technical and conforming amendments.

**54 Money Appropriated in this Bill:**

55           None

**56 Other Special Clauses:**

57 This bill provides revisor instructions.

58 This bill provides a coordination clause to reconcile conflicts between this bill and  
59 other legislation.

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **10-1-104**, as last amended by Laws of Utah 2003, Chapter 292

63 **10-1-114**, as last amended by Laws of Utah 2014, Chapter 189

64 **10-2-302**, as last amended by Laws of Utah 2009, Chapter 350

65 **10-2-401**, as last amended by Laws of Utah 2009, Chapters 92, 205, and 230

66 **10-2-402**, as last amended by Laws of Utah 2011, Chapter 234

67 **10-2-403**, as last amended by Laws of Utah 2010, Chapter 378

68 **10-2-405**, as last amended by Laws of Utah 2009, Chapter 205

69 **10-2-407**, as last amended by Laws of Utah 2010, Chapters 90 and 218

70 **10-2-408**, as last amended by Laws of Utah 2009, Chapter 205

71 **10-2-408.5**, as enacted by Laws of Utah 2009, Chapter 205

72 **10-2-411**, as last amended by Laws of Utah 2004, Chapters 90 and 202

73 **10-2-413**, as last amended by Laws of Utah 2009, Chapter 230

74 **10-2-414**, as last amended by Laws of Utah 2009, Chapter 205

75 **10-2-415**, as last amended by Laws of Utah 2010, Chapter 90

76 **10-2-416**, as last amended by Laws of Utah 2001, Chapter 206

77 **10-2-418**, as last amended by Laws of Utah 2010, Chapter 90

78 **10-3-205.5**, as last amended by Laws of Utah 2003, Chapter 292

79 **10-3-1302**, as enacted by Laws of Utah 1981, Chapter 57

80 **10-3b-102**, as enacted by Laws of Utah 2008, Chapter 19

81 **10-3b-103**, as last amended by Laws of Utah 2011, Chapter 209

82 **10-3b-202**, as last amended by Laws of Utah 2011, Chapter 209

83 **10-6-106**, as last amended by Laws of Utah 2014, Chapters 176, 253, 377 and last  
84 amended by Coordination Clause, Laws of Utah 2014, Chapter 253

85 **10-6-111**, as last amended by Laws of Utah 2010, Chapter 378

86 **15A-5-202.5**, as last amended by Laws of Utah 2014, Chapter 243

87 **17-23-17**, as last amended by Laws of Utah 2007, Chapter 329

- 88            **17-23-17.5**, as last amended by Laws of Utah 2014, Chapter 189
- 89            **17-27a-103**, as last amended by Laws of Utah 2014, Chapters 136 and 363
- 90            **17-27a-301**, as last amended by Laws of Utah 2014, Chapter 189
- 91            **17-27a-302**, as last amended by Laws of Utah 2012, Chapter 359
- 92            **17-27a-306**, as last amended by Laws of Utah 2010, Chapters 90 and 218
- 93            **17-27a-505**, as last amended by Laws of Utah 2013, Chapter 476
- 94            **17-34-3**, as last amended by Laws of Utah 2013, Chapter 371
- 95            **17-41-101**, as last amended by Laws of Utah 2014, Chapter 65
- 96            **17B-1-502**, as last amended by Laws of Utah 2014, Chapter 405
- 97            **17B-1-505**, as last amended by Laws of Utah 2011, Chapter 68
- 98            **17B-1-1002**, as last amended by Laws of Utah 2011, Chapter 282
- 99            **17B-1-1102**, as enacted by Laws of Utah 2007, Chapter 329
- 100           **17B-2a-1102**, as enacted by Laws of Utah 2014, Chapter 405
- 101           **17B-2a-1103**, as enacted by Laws of Utah 2014, Chapter 405
- 102           **17B-2a-1104**, as enacted by Laws of Utah 2014, Chapter 405
- 103           **17B-2a-1106**, as enacted by Laws of Utah 2014, Chapter 405
- 104           **17B-2a-1107**, as enacted by Laws of Utah 2014, Chapter 405
- 105           **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 106           **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320
- 107           **20A-1-203**, as last amended by Laws of Utah 2014, Chapter 158
- 108           **20A-1-204**, as last amended by Laws of Utah 2013, Chapters 295 and 415
- 109           **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 110           **53-2a-208**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 111           **53-2a-802**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 112           **53A-2-118.1**, as last amended by Laws of Utah 2011, Chapter 300
- 113           **53A-2-402**, as enacted by Laws of Utah 2006, Chapter 339
- 114           **53B-21-107**, as enacted by Laws of Utah 1987, Chapter 167
- 115           **59-12-203**, as renumbered and amended by Laws of Utah 1987, Chapter 5
- 116           **63I-2-210**, as last amended by Laws of Utah 2014, Chapter 405
- 117           **67-1a-2**, as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last
- 118 amended by Coordination Clause, Laws of Utah 2013, Chapter 182

- 119 **69-2-5**, as last amended by Laws of Utah 2014, Chapter 320
- 120 **69-2-5.5**, as last amended by Laws of Utah 2014, Chapter 320
- 121 **69-2-5.6**, as last amended by Laws of Utah 2014, Chapter 320
- 122 **69-2-5.7**, as last amended by Laws of Utah 2014, Chapter 320
- 123 **78A-7-202**, as last amended by Laws of Utah 2012, Chapter 205

124 ENACTS:

- 125 **10-2-301.5**, Utah Code Annotated 1953
- 126 **10-2a-101**, Utah Code Annotated 1953
- 127 **10-2a-201**, Utah Code Annotated 1953
- 128 **10-2a-301**, Utah Code Annotated 1953
- 129 **10-2a-401**, Utah Code Annotated 1953
- 130 **10-2a-402**, Utah Code Annotated 1953
- 131 **10-2a-403**, Utah Code Annotated 1953
- 132 **10-2a-404**, Utah Code Annotated 1953
- 133 **10-2a-405**, Utah Code Annotated 1953
- 134 **10-2a-406**, Utah Code Annotated 1953
- 135 **10-2a-407**, Utah Code Annotated 1953
- 136 **10-2a-408**, Utah Code Annotated 1953
- 137 **10-2a-409**, Utah Code Annotated 1953
- 138 **10-2a-410**, Utah Code Annotated 1953
- 139 **10-2a-411**, Utah Code Annotated 1953
- 140 **10-2a-412**, Utah Code Annotated 1953
- 141 **10-2a-413**, Utah Code Annotated 1953
- 142 **10-2a-414**, Utah Code Annotated 1953
- 143 **10-3b-601**, Utah Code Annotated 1953
- 144 **10-3b-602**, Utah Code Annotated 1953
- 145 **10-3b-603**, Utah Code Annotated 1953
- 146 **10-3b-604**, Utah Code Annotated 1953
- 147 **10-3b-605**, Utah Code Annotated 1953
- 148 **10-3b-606**, Utah Code Annotated 1953
- 149 **10-3b-607**, Utah Code Annotated 1953

- 150 **10-3c-101**, Utah Code Annotated 1953
- 151 **10-3c-102**, Utah Code Annotated 1953
- 152 **10-3c-103**, Utah Code Annotated 1953
- 153 **10-3c-201**, Utah Code Annotated 1953
- 154 **10-3c-202**, Utah Code Annotated 1953
- 155 **10-3c-203**, Utah Code Annotated 1953
- 156 **10-3c-204**, Utah Code Annotated 1953
- 157 **10-3c-205**, Utah Code Annotated 1953
- 158 **17B-2a-1110**, Utah Code Annotated 1953
- 159 **17B-2a-1111**, Utah Code Annotated 1953
- 160 **17B-2a-1112**, Utah Code Annotated 1953

161 REPEALS AND REENACTS:

- 162 **10-3b-501**, as enacted by Laws of Utah 2008, Chapter 19
- 163 **10-3b-502**, as enacted by Laws of Utah 2008, Chapter 19
- 164 **10-3b-503**, as last amended by Laws of Utah 2011, Chapter 209
- 165 **10-3b-504**, as enacted by Laws of Utah 2008, Chapter 19

166 RENUMBERS AND AMENDS:

- 167 **10-2a-102**, (Renumbered from 10-2-101, as last amended by Laws of Utah 2012,  
168 Chapter 359)
- 169 **10-2a-103**, (Renumbered from 10-2-102, as last amended by Laws of Utah 2012,  
170 Chapter 359)
- 171 **10-2a-104**, (Renumbered from 10-2-118, as enacted by Laws of Utah 1997, Chapter  
172 389)
- 173 **10-2a-105**, (Renumbered from 10-2-130, as enacted by Laws of Utah 2014, Chapter  
174 405)
- 175 **10-2a-202**, (Renumbered from 10-2-103, as last amended by Laws of Utah 2000,  
176 Chapter 184)
- 177 **10-2a-203**, (Renumbered from 10-2-104, as last amended by Laws of Utah 2012,  
178 Chapter 359)
- 179 **10-2a-204**, (Renumbered from 10-2-105, as last amended by Laws of Utah 2012,  
180 Chapter 359)

181           **10-2a-205**, (Renumbered from 10-2-106, as last amended by Laws of Utah 2012,  
182 Chapter 359)  
183           **10-2a-206**, (Renumbered from 10-2-107, as last amended by Laws of Utah 2000,  
184 Chapter 184)  
185           **10-2a-207**, (Renumbered from 10-2-108, as last amended by Laws of Utah 2012,  
186 Chapter 359)  
187           **10-2a-208**, (Renumbered from 10-2-109, as last amended by Laws of Utah 2012,  
188 Chapter 359)  
189           **10-2a-209**, (Renumbered from 10-2-110, as last amended by Laws of Utah 1997,  
190 Second Special Session, Chapter 3)  
191           **10-2a-210**, (Renumbered from 10-2-111, as last amended by Laws of Utah 2014,  
192 Chapter 158)  
193           **10-2a-211**, (Renumbered from 10-2-112, as last amended by Laws of Utah 2008,  
194 Chapter 19)  
195           **10-2a-212**, (Renumbered from 10-2-113, as repealed and reenacted by Laws of Utah  
196 1997, Chapter 389)  
197           **10-2a-213**, (Renumbered from 10-2-114, as last amended by Laws of Utah 2010,  
198 Chapter 90)  
199           **10-2a-214**, (Renumbered from 10-2-115, as last amended by Laws of Utah 2009,  
200 Chapter 388)  
201           **10-2a-215**, (Renumbered from 10-2-116, as last amended by Laws of Utah 2012,  
202 Chapter 359)  
203           **10-2a-216**, (Renumbered from 10-2-117, as enacted by Laws of Utah 1997, Chapter  
204 389)  
205           **10-2a-217**, (Renumbered from 10-2-119, as last amended by Laws of Utah 2009,  
206 Chapter 350)  
207           **10-2a-218**, (Renumbered from 10-2-120, as last amended by Laws of Utah 2009,  
208 Chapter 350)  
209           **10-2a-219**, (Renumbered from 10-2-121, as last amended by Laws of Utah 2009,  
210 Chapter 350)  
211           **10-2a-220**, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter

212 389)  
213 **10-2a-221**, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah  
214 2012, Chapter 359)  
215 **10-2a-302**, (Renumbered from 10-2-125, as last amended by Laws of Utah 2014,  
216 Chapter 189)  
217 **10-2a-303**, (Renumbered from 10-2-126, as last amended by Laws of Utah 2014,  
218 Chapter 189)  
219 **10-2a-304**, (Renumbered from 10-2-127, as last amended by Laws of Utah 2014,  
220 Chapter 158)  
221 **10-2a-305**, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter  
222 359)  
223 **10-2a-306**, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter  
224 359)

225 REPEALS:

226 **10-3b-505**, as enacted by Laws of Utah 2008, Chapter 19  
227 **10-3b-506**, as enacted by Laws of Utah 2008, Chapter 19  
228 **10-3b-507**, as enacted by Laws of Utah 2008, Chapter 19  
229 **17-27a-307**, as last amended by Laws of Utah 2008, Chapter 250

230 **Utah Code Sections Affected by Coordination Clause:**

231 **10-2-102.13**, Utah Code Annotated 1953  
232 **10-2-111**, as last amended by Laws of Utah 2014, Chapter 158  
233 **10-2-116**, as last amended by Laws of Utah 2012, Chapter 359  
234 **10-2-127**, as last amended by Laws of Utah 2014, Chapter 158  
235 **10-2-128.1**, Utah Code Annotated 1953  
236 **10-2-128.2**, Utah Code Annotated 1953  
237 **10-2-131**, Utah Code Annotated 1953

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

240 Section 1. Section **10-1-104** is amended to read:

241 **10-1-104. Definitions.**

242 As used in this title:



243 (1) "City" means a municipality that is classified by population as a city of the first  
244 class, a city of the second class, a city of the third class, a city of the fourth class, or a city of  
245 the fifth class, under Section [10-2-301](#).

246 (2) "Contiguous" means:

247 (a) if used to described an area, continuous, uninterrupted, and without an island of  
248 territory not included as part of the area; and

249 (b) if used to describe an area's relationship to another area, sharing a common  
250 boundary.

251 (3) "Governing body" means collectively the legislative body and the executive of any  
252 municipality. Unless otherwise provided:

253 (a) in a city of the first or second class, the governing body is the city commission;

254 (b) in a city of the third, fourth, or fifth class, the governing body is the city council;

255 [~~and~~]

256 (c) in a town, the governing body is the town council~~[-];~~ and

257 (d) in a metro township, the governing body is the metro township council.

258 (4) "Municipal" means of or relating to a municipality.

259 (5) (a) "Municipality" means:

260 (i) a city of the first class, city of the second class, city of the third class, city of the  
261 fourth class, city of the fifth class~~[-or];~~

262 (ii) a town, as classified in Section [10-2-301](#)~~[-];~~ or

263 (iii) a metro township as that term is defined in Section [10-2a-403](#) of the first or second  
264 class unless the term is used in the context of authorizing, governing, or otherwise regulating  
265 the provision of municipal services.

266 (6) "Peninsula," when used to describe an unincorporated area, means an area  
267 surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated  
268 territory and situated so that the length of a line drawn across the unincorporated area from an  
269 incorporated area to an incorporated area on the opposite side shall be less than 25% of the  
270 total aggregate boundaries of the unincorporated area.

271 (7) "Person" means an individual, corporation, partnership, organization, association,  
272 trust, governmental agency, or any other legal entity.

273 (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances,

274 rules, and regulations properly adopted by any municipality unless the construction is clearly  
275 contrary to the intent of state law.

276 (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.

277 (10) "Town" means a municipality classified by population as a town under Section  
278 [10-2-301](#).

279 (11) "Unincorporated" means not within a municipality.

280 Section 2. Section **10-1-114** is amended to read:

281 **10-1-114. Repealer.**

282 Title 10, Chapter 1, General Provisions; Chapter 2, [~~Incorporation,~~] Classification,  
283 Boundaries, Consolidation, and Dissolution of Municipalities; Chapter 3, Municipal  
284 Government; Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; and Chapter 6,  
285 Uniform Fiscal Procedures Act for Utah Cities, are repealed, except as provided in Section  
286 [10-1-115](#).

287 Section 3. Section **10-2-301.5** is enacted to read:

288 **CHAPTER 2. CLASSIFICATION, BOUNDARIES, CONSOLIDATION, AND**  
289 **DISSOLUTION OF MUNICIPALITIES**

290 **10-2-301.5. Classification of metro townships according to population.**

291 (1) Each metro township, as defined in Section [10-2a-403](#), shall be classified according  
292 to its population, as provided in this section.

293 (2) A metro township with a population of:

294 (a) 5,000 or more is a metro township of the first class; and

295 (b) fewer than 5,000 is a metro township of the second class.

296 Section 4. Section **10-2-302** is amended to read:

297 **10-2-302. Change of class of municipality.**

298 (1) Each municipality shall retain its classification under Section [10-2-301](#) until  
299 changed as provided in this section or Subsection [67-1a-2\(3\)](#).

300 (2) (a) If a municipality's population, as determined by the lieutenant governor under  
301 Subsection [67-1a-2\(3\)](#), indicates that the municipality's population has decreased below the  
302 limit for its current class, the legislative body of the municipality may petition the lieutenant  
303 governor to prepare a certificate indicating the class in which the municipality belongs based  
304 on the decreased population figure.

305           (b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may  
306 not petition under this section to change from a metro township to a city or town.

307           (3) A municipality's change in class is effective on the date of the lieutenant governor's  
308 certificate under Subsection 67-1a-2(3).

309           Section 5. Section **10-2-401** is amended to read:

310           **10-2-401. Definitions -- Property owner provisions.**

311           (1) As used in this part:

312           (a) "Affected entity" means:

313           (i) a county of the first or second class in whose unincorporated area the area proposed  
314 for annexation is located;

315           (ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the  
316 area proposed for annexation is located, if the area includes residents or commercial or  
317 industrial development;

318           (iii) a local district under Title 17B, Limited Purpose Local Government Entities -  
319 Local Districts, or special service district under Title 17D, Chapter 1, Special Service District  
320 Act, whose boundary includes any part of an area proposed for annexation;

321           (iv) a school district whose boundary includes any part of an area proposed for  
322 annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

323           (v) a municipality whose boundaries are within 1/2 mile of an area proposed for  
324 annexation.

325           (b) "Annexation petition" means a petition under Section 10-2-403 proposing the  
326 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the  
327 municipality.

328           (c) "Commission" means a boundary commission established under Section 10-2-409  
329 for the county in which the property that is proposed for annexation is located.

330           (d) "Expansion area" means the unincorporated area that is identified in an annexation  
331 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in  
332 the future.

333           (e) "Feasibility consultant" means a person or firm with expertise in the processes and  
334 economics of local government.

335           (f) "Municipal selection committee" means a committee in each county composed of

336 the mayor of each municipality within that county.

336a ~~Œ~~ **(g) (i) "Municipal-type services" means:**

336b **(A) a municipal service as that term is defined in Section 17-36-3; and**

336c **(B) that is provided by a municipality for which the municipality levies a property tax**

336d **under Title 59, Chapter 2, Part 9, Levies or that acts like a utility as that term is defined in**

336e **Section 10-6-10.**

336f **(ii) "Municipal-type services" does not include a service provided by a municipality**

336g **pursuant to a contract that the municipality has with another political subdivision as that term**

336h **is defined in Section 17B-1-102.** ~~Œ~~

337 ~~Œ~~ **(h)** ~~Œ~~ **"Planning district" means the same as that term is defined in Section**

337a [17-27a-306.](#)

338 ~~(g)~~ ~~Œ~~ **(i)** ~~Œ~~ **"Private," with respect to real property, means not owned by the**

338a United States

339 or any agency of the federal government, the state, a county, a municipality, a school district, a

340 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a

341 special service district under Title 17D, Chapter 1, Special Service District Act, or any other

342 political subdivision or governmental entity of the state.

343 ~~(h)~~ ~~Œ~~ **(j)** ~~Œ~~ **"Specified county" means a county of the second, third, fourth, fifth, or**

343a sixth

344 class.

345 ~~(i) "Township" has the same meaning as defined in Section [17-27a-103.](#)]~~

346 ~~Œ~~ **(k)** ~~Œ~~ **"Unincorporated peninsula" means an unincorporated area:**

347 (i) that is part of a larger unincorporated area;

348 (ii) that extends from the rest of the unincorporated area of which it is a part;

349 (iii) that is surrounded by land that is within a municipality, except where the area

350 connects to and extends from the rest of the unincorporated area of which it is a part; and

351 (iv) whose width, at any point where a straight line may be drawn from a place where it

352 borders a municipality to another place where it borders a municipality, is no more than 25% of

353 the boundary of the area where it borders a municipality.

354 ~~Œ~~ **(l)** ~~Œ~~ **"Urban development" means:**

355 (i) a housing development with more than 15 residential units and an average density

356 greater than one residential unit per acre; or

357 (ii) a commercial or industrial development for which cost projections exceed

358 \$750,000 for all phases.

359           (2) For purposes of this part:  
360           (a) the owner of real property shall be:  
361           (i) except as provided in Subsection (2)(a)(ii), the record title owner according to the  
362 records of the county recorder on the date of the filing of the petition or protest; or  
363           (ii) the lessee of military land, as defined in Section [63H-1-102](#), if the area proposed  
364 for annexation includes military land that is within a project area described in a project area  
365 plan adopted by the military installation development authority under Title 63H, Chapter 1,  
366 Military Installation Development Authority Act; and

367 (b) the value of private real property shall be determined according to the last  
368 assessment roll for county taxes before the filing of the petition or protest.

369 (3) For purposes of each provision of this part that requires the owners of private real  
370 property covering a percentage or majority of the total private land area within an area to sign a  
371 petition or protest:

372 (a) a parcel of real property may not be included in the calculation of the required  
373 percentage or majority unless the petition or protest is signed by:

374 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
375 ownership interest in that parcel; or

376 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
377 of owners of that parcel;

378 (b) the signature of a person signing a petition or protest in a representative capacity on  
379 behalf of an owner is invalid unless:

380 (i) the person's representative capacity and the name of the owner the person represents  
381 are indicated on the petition or protest with the person's signature; and

382 (ii) the person provides documentation accompanying the petition or protest that  
383 substantiates the person's representative capacity; and

384 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
385 petition or protest on behalf of a deceased owner.

386 Section 6. Section **10-2-402** is amended to read:

387 **10-2-402. Annexation -- Limitations.**

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

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

391 (i) it is a contiguous area;

392 (ii) it is contiguous to the municipality;

393 (iii) except as provided in Subsection **10-2-418(1)**~~(b)~~(c), annexation will not leave or  
394 create an unincorporated island or unincorporated peninsula; and

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

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

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

403 (b) A piece of real property that has more than one parcel number is considered to be a  
404 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

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

409 (5) The legislative body of a specified county may not approve urban development  
410 within a municipality's expansion area unless:

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

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

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

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

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

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

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

428 (b) A municipality may not annex an unincorporated area within 5,000 feet of the

429 center line of any runway of an airport operated or to be constructed and operated by another  
430 municipality unless the legislative body of the other municipality adopts a resolution  
431 consenting to the annexation.

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

436 (8) An annexation petition may not be filed if it proposes the annexation of an area that  
437 is within a proposed [~~township~~] planning district in a petition to establish a [~~township~~]  
438 planning district under Subsection 17-27a-306(1)(c) that has been certified under Subsection  
439 17-27a-306(1)(~~f~~)(g), until after the canvass of an election on the proposed [~~township~~]  
440 planning district under Subsection 17-27a-306(1)(~~h~~)(i).

441 (9) (a) A municipality may not annex an unincorporated area located within a project  
442 area described in a project area plan adopted by the military installation development authority  
443 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the  
444 authority's approval.

445 (b) (i) Except as provided in Subsection (9)(b)(ii), the Military Installation  
446 Development Authority may petition for annexation of a project area and contiguous  
447 surrounding land to a municipality as if it was the sole private property owner of the project  
448 area and surrounding land, if the area to be annexed is entirely contained within the boundaries  
449 of a military installation.

450 (ii) Before petitioning for annexation under Subsection (9)(b)(i), the Military  
451 Installation Development Authority shall provide the military installation with a copy of the  
452 petition for annexation. The military installation may object to the petition for annexation  
453 within 14 days of receipt of the copy of the annexation petition. If the military installation  
454 objects under this Subsection (9)(b)(ii), the Military Installation Development Authority may  
455 not petition for the annexation as if it was the sole private property owner.

456 (iii) If any portion of an area annexed under a petition for annexation filed by a  
457 Military Installation Development Authority is located in a specified county:

458 (A) the annexation process shall follow the requirements for a specified county; and

459 (B) the provisions of Subsection 10-2-402(6) do not apply.



460 Section 7. Section **10-2-403** is amended to read:

461 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

462 (1) Except as provided in Section **10-2-418**, the process to annex an unincorporated  
463 area to a municipality is initiated by a petition as provided in this section.

464 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed  
465 annexation of an area located in a county of the first class, the person or persons intending to  
466 file a petition shall:

467 (A) file with the city recorder or town clerk of the proposed annexing municipality a  
468 notice of intent to file a petition; and

469 (B) send a copy of the notice of intent to each affected entity.

470 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the  
471 area that is proposed to be annexed.

472 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be  
473 annexed is located shall:

474 (A) mail the notice described in Subsection (2)(b)(iii) to:

475 (I) each owner of real property located within the area proposed to be annexed; and

476 (II) each owner of real property located within 300 feet of the area proposed to be  
477 annexed; and

478 (B) send to the proposed annexing municipality a copy of the notice and a certificate  
479 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

480 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20  
481 days after receiving from the person or persons who filed the notice of intent:

482 (A) a written request to mail the required notice; and

483 (B) payment of an amount equal to the county's expected actual cost of mailing the  
484 notice.

485 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

486 (A) be in writing;

487 (B) state, in bold and conspicuous terms, substantially the following:

488 "Attention: Your property may be affected by a proposed annexation.

489 Records show that you own property within an area that is intended to be included in a  
490 proposed annexation to (state the name of the proposed annexing municipality) or that is within

491 300 feet of that area. If your property is within the area proposed for annexation, you may be  
492 asked to sign a petition supporting the annexation. You may choose whether or not to sign the  
493 petition. By signing the petition, you indicate your support of the proposed annexation. If you  
494 sign the petition but later change your mind about supporting the annexation, you may  
495 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
496 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
497 of the proposed annexing municipality) receives notice that the petition has been certified.

498 There will be no public election on the proposed annexation because Utah law does not  
499 provide for an annexation to be approved by voters at a public election. Signing or not signing  
500 the annexation petition is the method under Utah law for the owners of property within the area  
501 proposed for annexation to demonstrate their support of or opposition to the proposed  
502 annexation.

503 You may obtain more information on the proposed annexation by contacting (state the  
504 name, mailing address, telephone number, and email address of the official or employee of the  
505 proposed annexing municipality designated to respond to questions about the proposed  
506 annexation), (state the name, mailing address, telephone number, and email address of the  
507 county official or employee designated to respond to questions about the proposed annexation),  
508 or (state the name, mailing address, telephone number, and email address of the person who  
509 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the  
510 notice of intent, one of those persons). Once filed, the annexation petition will be available for  
511 inspection and copying at the office of (state the name of the proposed annexing municipality)  
512 located at (state the address of the municipal offices of the proposed annexing municipality).";  
513 and

514 (C) be accompanied by an accurate map identifying the area proposed for annexation.

515 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any  
516 other information or materials related or unrelated to the proposed annexation.

517 (c) (i) After receiving the certificate from the county as provided in Subsection  
518 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons  
519 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for  
520 the annexation proposed in the notice of intent.

521 (ii) An annexation petition provided by the proposed annexing municipality may be

522 duplicated for circulation for signatures.

523 (3) Each petition under Subsection (1) shall:

524 (a) be filed with the city recorder or town clerk, as the case may be, of the proposed  
525 annexing municipality;

526 (b) contain the signatures of~~[(i)]~~, if all the real property within the area proposed for  
527 annexation is owned by a public entity other than the federal government, the owners of all the  
528 publicly owned real property, or the owners of private real property that:

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

530 ~~[(B)]~~ ~~(f)~~ (ii) (A) subject to Subsection (3)(b)~~[(i)]~~~~(B)~~~~(H)~~(ii)(C), covers a majority of the  
531 private land area within the area proposed for annexation; ~~[and]~~

532 (B) covers 100% of rural real property as that term is defined in Section [17B-2a-1107](#)  
533 within the area proposed for annexation; and

534 ~~[(H)]~~ (C) covers 100% of the private land area within the area proposed for annexation,  
535 if the area is within~~[(Aa)]~~ an agriculture protection area created under Title 17, Chapter 41,  
536 Agriculture and Industrial Protection Areas~~;~~~~or~~~~(Bb)~~, or a migratory bird production area  
537 created under Title 23, Chapter 28, Migratory Bird Production Area; and

538 ~~[(E)]~~ (iii) is equal in value to at least 1/3 of the value of all private real property within  
539 the area proposed for annexation; ~~[or]~~

540 ~~[(ii) if all the real property within the area proposed for annexation is owned by a~~  
541 ~~public entity other than the federal government, the owner of all the publicly owned real~~  
542 ~~property;]~~

543 (c) if the petition proposes the annexation of an area located within a ~~[township]~~  
544 planning district, explain that if the annexation petition is granted, the area will also be  
545 withdrawn from the ~~[township]~~ planning district;

546 (d) be accompanied by:

547 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area  
548 proposed for annexation; and

549 (ii) a copy of the notice sent to affected entities as required under Subsection  
550 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

551 (e) if the area proposed to be annexed is located in a county of the first class, contain  
552 on each signature page a notice in bold and conspicuous terms that states substantially the

553 following:

554 "Notice:

555 • There will be no public election on the annexation proposed by this petition because  
556 Utah law does not provide for an annexation to be approved by voters at a public election.

557 • If you sign this petition and later decide that you do not support the petition, you may  
558 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
559 of (state the name of the proposed annexing municipality). If you choose to withdraw your  
560 signature, you shall do so no later than 30 days after (state the name of the proposed annexing  
561 municipality) receives notice that the petition has been certified.";

562 (f) if the petition proposes the annexation of an area located in a county that is not the  
563 county in which the proposed annexing municipality is located, be accompanied by a copy of  
564 the resolution, required under Subsection [10-2-402\(6\)](#), of the legislative body of the county in  
565 which the area is located; and

566 (g) designate up to five of the signers of the petition as sponsors, one of whom shall be  
567 designated as the contact sponsor, and indicate the mailing address of each sponsor.

568 (4) A petition under Subsection (1) may not propose the annexation of all or part of an  
569 area proposed for annexation to a municipality in a previously filed petition that has not been  
570 denied, rejected, or granted.

571 (5) A petition under Subsection (1) proposing the annexation of an area located in a  
572 county of the first class may not propose the annexation of an area that includes some or all of  
573 an area proposed to be incorporated in a request for a feasibility study under Section [~~10-2-103~~]  
574 [10-2a-202](#) or a petition under Section [~~10-2-125~~] [10-2a-302](#) if:

575 (a) the request or petition was filed before the filing of the annexation petition; and

576 (b) the request, a petition under Section [~~10-2-109~~] [10-2a-208](#) based on that request, or  
577 a petition under Section [~~10-2-125~~] [10-2a-302](#) is still pending on the date the annexation  
578 petition is filed.

579 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall  
580 be drawn:

581 (a) along the boundaries of existing local districts and special service districts for  
582 sewer, water, and other services, along the boundaries of school districts whose boundaries  
583 follow city boundaries or school districts adjacent to school districts whose boundaries follow

584 city boundaries, and along the boundaries of other taxing entities;

585 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type  
586 services;

587 (c) to facilitate the consolidation of overlapping functions of local government;

588 (d) to promote the efficient delivery of services; and

589 (e) to encourage the equitable distribution of community resources and obligations.

590 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the  
591 petition to:

592 (a) the clerk of the county in which the area proposed for annexation is located; and

593 (b) if any of the area proposed for annexation is within a [township] planning district:

594 (i) the legislative body of the county in which the [township] planning district is  
595 located; and

596 (ii) the chair of the [township] planning district planning commission.

597 (8) A property owner who signs an annexation petition proposing to annex an area  
598 located in a county of the first class may withdraw the owner's signature by filing a written  
599 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30  
600 days after the municipal legislative body's receipt of the notice of certification under  
601 Subsection 10-2-405(2)(c)(i).

602 Section 8. Section 10-2-405 is amended to read:

603 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**  
604 **process -- Modified petition.**

605 (1) (a) (i) A municipal legislative body may:

606 (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or

607 (B) accept the petition for further consideration under this part.

608 (ii) A petition shall be considered to have been accepted for further consideration under  
609 this part if a municipal legislative body fails to act to deny or accept the petition under  
610 Subsection (1)(a)(i):

611 (A) in the case of a city of the first or second class, within 14 days after the filing of the  
612 petition; or

613 (B) in the case of a city of the third, fourth, or fifth class [or], a town, or a metro  
614 township, at the next regularly scheduled meeting of the municipal legislative body that is at

615 least 14 days after the date the petition was filed.

616 (b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall,  
617 within five days after the denial, mail written notice of the denial to:

618 (i) the contact sponsor;

619 (ii) the clerk of the county in which the area proposed for annexation is located; and

620 (iii) if any of the area proposed for annexation is within a [township] planning district:

621 (A) the legislative body of the county in which the [township] planning district is  
622 located; and

623 (B) the chair of the planning commission.

624 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is  
625 considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town  
626 clerk, as the case may be, shall, within 30 days after that acceptance:

627 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the  
628 area proposed for annexation is located the records the city recorder or town clerk needs to  
629 determine whether the petition meets the requirements of Subsections 10-2-403(3), (4), and (5);

630 (b) with the assistance of the municipal attorney, determine whether the petition meets  
631 the requirements of Subsections 10-2-403(3), (4), and (5); and

632 (c) (i) if the city recorder or town clerk determines that the petition meets those  
633 requirements, certify the petition and mail or deliver written notification of the certification to  
634 the municipal legislative body, the contact sponsor, the county legislative body, and the chair of  
635 the planning commission of each [township] planning district in which any part of the area  
636 proposed for annexation is located; or

637 (ii) if the city recorder or town clerk determines that the petition fails to meet any of  
638 those requirements, reject the petition and mail or deliver written notification of the rejection  
639 and the reasons for the rejection to the municipal legislative body, the contact sponsor, the  
640 county legislative body, and the chair of the planning commission of each [township] planning  
641 district in which any part of the area proposed for annexation is located.

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

645 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used

646 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as  
 647 modified under Subsection (3)(a)(i).

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

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

653 Section 9. Section 10-2-407 is amended to read:

654 **10-2-407. Protest to annexation petition -- Planning district planning commission**  
 655 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

656 (1) ~~[(a)]~~ A protest to an annexation petition under Section 10-2-403 may be filed by:

657 ~~[(i)]~~ (a) the legislative body or governing board of an affected entity; ~~or]~~

658 (b) the owner of rural real property as defined in Section 17B-2a-1107; or

659 ~~[(ii)]~~ (c) for a proposed annexation of an area within a county of the first class, the  
 660 owners of private real property that:

661 ~~[(A)]~~ (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
 662 annexation;

663 ~~[(B)]~~ (ii) covers at least 25% of the private land area located in the unincorporated area  
 664 within 1/2 mile of the area proposed for annexation; and

665 ~~[(C)]~~ (iii) is equal in value to at least 15% of all real property located in the  
 666 unincorporated area within 1/2 mile of the area proposed for annexation.

667 ~~[(b)(i)]~~ A planning commission of a township located in a county of the first class may  
 668 recommend to the legislative body of the county in which the township is located that the  
 669 county legislative body file a protest against a proposed annexation under this part of an area  
 670 located within the township.]

671 ~~[(ii)(A)]~~ The township planning commission shall communicate each recommendation  
 672 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the city  
 673 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)  
 674 (c)(i).]

675 ~~[(B)]~~ At the time the recommendation is communicated to the county legislative body  
 676 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy

677 of the recommendation to the legislative body of the proposed annexing municipality and to the  
678 contact sponsor.]

679 (2) (a) Each protest under Subsection (1)[(a)] shall:

680 (i) be filed:

681 (A) no later than 30 days after the municipal legislative body's receipt of the notice of  
682 certification under Subsection 10-2-405(2)(c)(i); and

683 (B) (I) in a county that has already created a commission under Section 10-2-409, with  
684 the commission; or

685 (II) in a county that has not yet created a commission under Section 10-2-409, with the  
686 clerk of the county in which the area proposed for annexation is located;

687 (ii) state each reason for the protest of the annexation petition and, if the area proposed  
688 to be annexed is located in a specified county, justification for the protest under the standards  
689 established in this chapter;

690 (iii) if the area proposed to be annexed is located in a specified county, contain other  
691 information that the commission by rule requires or that the party filing the protest considers  
692 pertinent; and

693 (iv) contain the name and address of a contact person who is to receive notices sent by  
694 the commission with respect to the protest proceedings.

695 (b) The party filing a protest under this section shall on the same date deliver or mail a  
696 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

697 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

698 (i) immediately notify the county legislative body of the protest; and

699 (ii) deliver the protest to the boundary commission within five days after:

700 (A) receipt of the protest, if the boundary commission has previously been created; or

701 (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the  
702 boundary commission has not previously been created.

703 [~~(d) Each protest of a proposed annexation of an area located in a county of the first  
704 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and  
705 (b):]~~

706 [~~(i) indicate the typed or printed name and current residence address of each owner  
707 signing the protest; and]~~



708 ~~[(ii) designate one of the signers of the protest as the contact person and state the~~  
709 ~~mailing address of the contact person.]~~

710 (3) (a) (i) If a protest is filed under this section:

711 (A) the municipal legislative body may, at its next regular meeting after expiration of  
712 the deadline under Subsection (2)(a)(i)(A), deny the annexation petition; or

713 (B) if the municipal legislative body does not deny the annexation petition under  
714 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the  
715 annexation petition until after receipt of the commission's notice of its decision on the protest  
716 under Section 10-2-416.

717 (ii) If a municipal legislative body denies an annexation petition under Subsection  
718 (3)(a)(i)(A), the municipal legislative body shall, within five days after the denial, send notice  
719 of the denial in writing to:

720 (A) the contact sponsor of the annexation petition;

721 (B) the commission;

722 (C) each entity that filed a protest; and

723 ~~[(D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an~~  
724 ~~area located in a county of the first class, the contact person; and]~~

725 ~~[(E)]~~ (D) if any of the area proposed for annexation is within a [township] planning  
726 district, the legislative body of the county in which the [township] planning district is located.

727 (b) (i) If no timely protest is filed under this section, the municipal legislative body  
728 may, subject to Subsection (3)(b)(ii), approve the petition.

729 (ii) Before approving an annexation petition under Subsection (3)(b)(i), the municipal  
730 legislative body shall:

731 (A) hold a public hearing; and

732 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

733 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the  
734 municipality and the area proposed for annexation; or

735 (Bb) if there is no newspaper of general circulation in those areas, post written notices  
736 of the hearing in conspicuous places within those areas that are most likely to give notice to  
737 residents within those areas; and

738 (II) publish notice of the hearing on the Utah Public Notice Website created in Section

739 63F-1-701.

740 (iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an area  
741 that is partly or entirely within a [township] planning district, the municipal legislative body  
742 shall send notice of the approval to the legislative body of the county in which the [township]  
743 planning district is located.

744 Section 10. Section **10-2-408** is amended to read:

745 **10-2-408. Denying or approving the annexation petition -- Notice of approval.**

746 (1) (a) After receipt of the commission's decision on a protest under Subsection

747 10-2-416(2), a municipal legislative body may:

748 [~~a~~] (i) deny the annexation petition; or

749 [~~b~~] (ii) subject to Subsection (1)(b), if the commission approves the annexation,  
750 approve the annexation petition consistent with the commission's decision.

751 (b) A municipal legislative body shall exclude rural real property, as that term is  
752 defined in Section 17B-2a-1107, unless the owner of the rural real property gives written  
753 consent to include the rural real property.

754 (2) Within 10 days after approving an annexation under Subsection (1)(b) of an area  
755 that is partly or entirely within a [township] planning district, the municipal legislative body  
756 shall send notice of the approval to the legislative body of the county in which the [township]  
757 planning district is located.

758 Section 11. Section **10-2-408.5** is amended to read:

759 **10-2-408.5. Annexation of an area within a planning district -- Withdrawing the**  
760 **area from the planning district.**

761 (1) As used in this section:

762 (a) "Affected [township] planning district" means a [township] planning district some  
763 or all of which is proposed to be annexed to a municipality through an [~~intra-township~~]  
764 intra-planning district annexation.

765 (b) "Committee" means a committee appointed under Subsection (5)(a).

766 (c) "County legislative body" means the legislative body of the county in which an  
767 affected [township] planning district is located.

768 (d) "[~~Intra-township~~] Intra-planning district annexation" means an annexation of an  
769 area that is partly or entirely within a [township] planning district.

770 (e) "Municipal legislative body" means the legislative body of the municipality to  
771 which an area within an affected [~~township~~] planning district is proposed to be annexed  
772 through an [~~intra-township~~] intra-planning district annexation.

773 (f) "[~~Township~~] Planning district withdrawal" means:

774 (i) for an [~~intra-township~~] intra-planning district annexation that proposes the  
775 annexation of part of the [~~township~~] planning district, the withdrawal of that area from the  
776 [~~township~~] planning district; or

777 (ii) for an [~~intra-township~~] intra-planning district annexation that proposes the  
778 annexation of the entire [~~township~~] planning district, the dissolution of the [~~township~~] planning  
779 district.

780 (2) An [~~intra-township~~] intra-planning district annexation requires:

781 (a) the municipal legislative body's approval of the annexation, as provided in this part;  
782 and

783 (b) the approval of the [~~township~~] planning district withdrawal by:

784 (i) the county legislative body; or

785 (ii) the committee as provided in Subsection (5), if the county legislative body does not  
786 approve the [~~township~~] planning district withdrawal.

787 (3) (a) No later than 30 days after receiving notice under Subsection 10-2-407(3)(b)(iii)  
788 or 10-2-408(2) of the municipal legislative body's approval of a proposed [~~intra-township~~]  
789 intra-planning district annexation, the county legislative body shall hold a public hearing on the  
790 proposed [~~township~~] planning district withdrawal that meets the requirements of Subsection  
791 17-27a-306(3)(f)(ii).

792 (b) Before holding a public hearing under Subsection (3)(a), the county legislative  
793 body shall provide notice that meets the requirements of Subsection 17-27a-306(3)(f)(iii).

794 (c) (i) A public hearing required under Subsection (3)(a) may be combined with:

795 (A) the public hearing required under Subsection 10-2-407(3)(b)(ii), with the  
796 municipal legislative body's approval; or

797 (B) the public hearing required under Section 10-2-415, with the boundary  
798 commission's approval.

799 (ii) If public hearings are combined under Subsection (3)(c)(i), notice of the combined  
800 public hearing shall be given as provided in Subsection (3)(b).

801 (4) (a) No later than 60 days after receiving notice under Subsection 10-2-407(3)(b)(iii)  
802 or 10-2-408(2) of the municipal legislative body's approval of a proposed [~~intra-township~~]  
803 intra-planning district annexation, the county legislative body shall make and issue a written  
804 decision approving or disapproving the [~~township~~] planning district withdrawal.

805 (b) In making its decision under Subsection (4)(a), the county legislative body shall, as  
806 applicable, consider the factors listed in Subsection 17-27a-306(3)(g)(ii).

807 (5) (a) (i) If the county legislative body, in its written decision under Subsection (4)(a),  
808 disapproves the [~~township~~] planning district withdrawal, a committee shall be appointed  
809 consisting of:

810 (A) one elected official, other than a member of the municipal legislative body or the  
811 municipality's mayor, appointed by the municipal legislative body;

812 (B) one elected official, other than a member of the county legislative body or the  
813 county executive, appointed by the county legislative body; and

814 (C) one person who is:

815 (I) an elected official;

816 (II) a resident of the county in which the [~~township~~] planning district is located; and

817 (III) appointed by the two committee members specified in Subsections (5)(a)(i)(A)  
818 and (B).

819 (ii) (A) The municipal legislative body and county legislative body shall each appoint  
820 its respective appointee within 10 business days after the county legislative body issues its  
821 written decision under Subsection (4)(a).

822 (B) The committee members under Subsections (5)(a)(i)(A) and (B) shall, within 20  
823 days after their appointment, appoint the remaining member.

824 (b) Committee members shall serve without compensation.

825 (c) At the committee's request, the county shall provide the committee with necessary  
826 staff assistance.

827 (d) The committee may, in its discretion and with reasonable advance public notice,  
828 hold one or more public hearings on the proposed [~~township~~] planning district withdrawal.

829 (e) In making its decision to approve or disapprove the [~~township~~] planning district  
830 withdrawal, the committee may consider the issue of [~~township~~] planning district withdrawal  
831 anew without:

832 (i) considering the proceedings before the county legislative body; or  
833 (ii) giving the county legislative body's decision any deference.  
834 (f) Within 45 days after the appointment of the committee member under Subsection  
835 (5)(a)(i)(C), the committee shall make and issue a written decision approving or disapproving  
836 the [~~township~~] planning district withdrawal.

837 (6) The municipal legislative body may adopt an ordinance approving the  
838 [~~intra-township~~] intra-planning district annexation if:

839 (a) the county legislative body, in its written decision under Subsection (4)(a),  
840 approves the [~~township~~] planning district withdrawal; or

841 (b) the committee, in its written decision under Subsection (5)(e), approves the  
842 [~~township~~] planning district withdrawal.

843 Section 12. Section **10-2-411** is amended to read:

844 **10-2-411. Disqualification of commission member -- Alternate member.**

845 (1) A member of the boundary commission is disqualified with respect to a protest  
846 before the commission if that member owns property:

847 (a) for a proposed annexation of an area located within a county of the first class:

848 (i) within the area proposed for annexation in a petition that is the subject of the  
849 protest; or

850 (ii) that is in the unincorporated area within 1/2 mile of the area proposed for  
851 annexation in a petition that is the subject of a protest under Subsection **10-2-407(1)**~~(a)(ii)~~(c);

852 or

853 (b) for a proposed annexation of an area located in a specified county, within the area  
854 proposed for annexation.

855 (2) If a member is disqualified under Subsection (1), the body that appointed the  
856 disqualified member shall appoint an alternate member to serve on the commission for  
857 purposes of the protest as to which the member is disqualified.

858 Section 13. Section **10-2-413** is amended to read:

859 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
860 **study.**

861 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
862 a proposed annexing municipality denies an annexation petition under Subsection

863 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose  
864 and engage a feasibility consultant within 45 days of:

865 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
866 been created before the filing of the protest; or

867 (ii) the commission's creation, if the commission is created after the filing of a protest.

868 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility  
869 study with respect to a petition that proposes the annexation of an area that:

870 (i) is undeveloped; and

871 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private  
872 real property within the municipality.

873 (2) The commission shall require the feasibility consultant to:

874 (a) complete a feasibility study on the proposed annexation and submit written results  
875 of the study to the commission no later than 75 days after the feasibility consultant is engaged  
876 to conduct the study;

877 (b) submit with the full written results of the feasibility study a summary of the results  
878 no longer than a page in length; and

879 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility  
880 study results and respond to questions at that hearing.

881 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

882 (i) the population and population density within the area proposed for annexation, the  
883 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries  
884 within 1/2 mile of the area proposed for annexation, that municipality;

885 (ii) the geography, geology, and topography of and natural boundaries within the area  
886 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a  
887 municipality with boundaries within 1/2 mile of the area proposed for annexation, that  
888 municipality;

889 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated  
890 island or unincorporated peninsula;

891 (iv) whether the proposed annexation will hinder or prevent a future and more logical  
892 and beneficial annexation or a future logical and beneficial incorporation;

893 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,

894 other municipalities, local districts, special service districts, school districts, and other  
895 governmental entities;

896 (vi) current and five-year projections of demographics and economic base in the area  
897 proposed for annexation and surrounding unincorporated area, including household size and  
898 income, commercial and industrial development, and public facilities;

899 (vii) projected growth in the area proposed for annexation and the surrounding  
900 unincorporated area during the next five years;

901 (viii) the present and five-year projections of the cost of governmental services in the  
902 area proposed for annexation;

903 (ix) the present and five-year projected revenue to the proposed annexing municipality  
904 from the area proposed for annexation;

905 (x) the projected impact the annexation will have over the following five years on the  
906 amount of taxes that property owners within the area proposed for annexation, the proposed  
907 annexing municipality, and the remaining unincorporated county will pay;

908 (xi) past expansion in terms of population and construction in the area proposed for  
909 annexation and the surrounding unincorporated area;

910 (xii) the extension during the past 10 years of the boundaries of each other municipality  
911 near the area proposed for annexation, the willingness of the other municipality to annex the  
912 area proposed for annexation, and the probability that another municipality would annex some  
913 or all of the area proposed for annexation during the next five years if the annexation did not  
914 occur;

915 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
916 surrounding area;

917 (xiv) the method of providing and the entity that has provided municipal-type services  
918 in the past to the area proposed for incorporation and the feasibility of municipal-type services  
919 being provided by the proposed annexing municipality; and

920 (xv) the effect on each school district whose boundaries include part or all of the area  
921 proposed for annexation or the proposed annexing municipality.

922 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
923 valorem property tax rates on residential property within the area proposed for annexation at  
924 the same level that residential property within the proposed annexing municipality would be

925 without the annexation.

926 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that  
927 the level and quality of governmental services that will be provided to the area proposed for  
928 annexation in the future is essentially comparable to the level and quality of governmental  
929 services being provided within the proposed annexing municipality at the time of the feasibility  
930 study.

931 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth  
932 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant  
933 in conducting the feasibility study depending upon:

- 934 (i) the size of the area proposed for annexation;
- 935 (ii) the size of the proposed annexing municipality;
- 936 (iii) the extent to which the area proposed for annexation is developed;
- 937 (iv) the degree to which the area proposed for annexation is expected to develop and  
938 the type of development expected; and
- 939 (v) the number and type of protests filed against the proposed annexation.

940 (b) Notwithstanding Subsection (4)(a), the commission may not modify the  
941 requirement that the feasibility consultant provide a full and complete analysis of the items  
942 listed in Subsections (3)(a)(viii), (ix), and (xv).

943 (5) If the results of the feasibility study do not meet the requirements of Subsection  
944 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
945 recommendations as to how the boundaries of the area proposed for annexation may be altered  
946 so that the requirements of Subsection 10-2-416(3) may be met.

947 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and  
948 expenses shall be shared equally by the proposed annexing municipality and each entity or  
949 group under Subsection 10-2-407(1) that files a protest.

950 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property  
951 owners under Subsection 10-2-407(1)[~~(a)(ii)~~](c), the county in which the area proposed for  
952 annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

953 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners  
954 file a protest, the county and the proposed annexing municipality shall equally share the  
955 property owners' share of the feasibility consultant's fees and expenses.



956 Section 14. Section **10-2-414** is amended to read:

957 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

958 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of  
959 an area located in a county of the first class do not meet the requirements of Subsection  
960 **10-2-416**(3), the sponsors of the annexation petition may, within 45 days of the feasibility  
961 consultant's submission of the results of the study, file with the city recorder or town clerk of  
962 the proposed annexing municipality a modified annexation petition altering the boundaries of  
963 the proposed annexation.

964 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the  
965 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation  
966 petition to the clerk of the county in which the area proposed for annexation is located.

967 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the  
968 requirements of Subsections **10-2-403**(3), (4), and (5).

969 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified  
970 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same  
971 procedure for the modified annexation petition as provided under Subsections **10-2-405**(2) and  
972 (3)(a) for an original annexation petition.

973 (b) If the city recorder or town clerk certifies the modified annexation petition under  
974 Subsection **10-2-405**(2)(c)(i), the city recorder or town clerk, as the case may be, shall send  
975 written notice of the certification to:

976 (i) the commission;

977 (ii) each entity that filed a protest to the annexation petition; and

978 (iii) if a protest was filed under Subsection **10-2-407**(1)~~(a)(ii)~~(c), the contact person.

979 (c) (i) If the modified annexation petition proposes the annexation of an area that  
980 includes part or all of a local district, special service district, or school district that was not  
981 included in the area proposed for annexation in the original petition, the city recorder or town  
982 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
983 petition to the board of the local district, special service district, or school district.

984 (ii) If the area proposed for annexation in the modified annexation petition is within  
985 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the  
986 area proposed for annexation in the original annexation petition, the city recorder or town

987 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
988 petition to the legislative body of that municipality.

989 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),  
990 the commission shall engage the feasibility consultant that conducted the feasibility study to  
991 supplement the feasibility study to take into account the information in the modified  
992 annexation petition that was not included in the original annexation petition.

993 (4) The commission shall require the feasibility consultant to complete the  
994 supplemental feasibility study and to submit written results of the supplemental study to the  
995 commission no later than 30 days after the feasibility consultant is engaged to conduct the  
996 supplemental feasibility study.

997 Section 15. Section **10-2-415** is amended to read:

998 **10-2-415. Public hearing -- Notice.**

999 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet  
1000 the requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area  
1001 located in a county of the first class, the commission shall hold a public hearing within 30 days  
1002 of receipt of the feasibility study or supplemental feasibility study results.

1003 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1004 (A) require the feasibility consultant to present the results of the feasibility study and, if  
1005 applicable, the supplemental feasibility study;

1006 (B) allow those present to ask questions of the feasibility consultant regarding the study  
1007 results; and

1008 (C) allow those present to speak to the issue of annexation.

1009 (iii) (A) The commission shall:

1010 (I) publish notice of each hearing under Subsection (1)(a)(i):

1011 (Aa) at least once a week for two successive weeks in a newspaper of general  
1012 circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated  
1013 area, and the proposed annexing municipality; and

1014 (Bb) on the Utah Public Notice Website created in Section **63F-1-701**, for two weeks;  
1015 and

1016 (II) send written notice of the hearing to the municipal legislative body of the proposed  
1017 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a

1018 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii)(c), the contact person.

1019 (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of  
1020 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the  
1021 commission shall give the notice required under that subsection by posting notices, at least  
1022 seven days before the hearing, in conspicuous places within those areas that are most likely to  
1023 give notice of the hearing to the residents of those areas.

1024 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility  
1025 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study  
1026 is available for inspection and copying at the office of the commission.

1027 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest  
1028 has expired with respect to a proposed annexation of an area located in a specified county, the  
1029 boundary commission shall hold a hearing on all protests that were filed with respect to the  
1030 proposed annexation.

1031 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the  
1032 commission chair shall cause notice of the hearing to be published in a newspaper of general  
1033 circulation within the area proposed for annexation.

1034 (B) Each notice under Subsection (1)(b)(ii)(A) shall:

1035 (I) state the date, time, and place of the hearing;

1036 (II) briefly summarize the nature of the protest; and

1037 (III) state that a copy of the protest is on file at the commission's office.

1038 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to  
1039 time, but no continued hearing may be held later than 60 days after the original hearing date.

1040 (iv) In considering protests, the commission shall consider whether the proposed  
1041 annexation:

1042 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
1043 annexation policy plan of the proposed annexing municipality;

1044 (B) conflicts with the annexation policy plan of another municipality; and

1045 (C) if the proposed annexation includes urban development, will have an adverse tax  
1046 consequence on the remaining unincorporated area of the county.

1047 (2) (a) The commission shall record each hearing under this section by electronic  
1048 means.

1049 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if  
1050 applicable, information received at the hearing, and the written decision of the commission  
1051 shall constitute the record of the hearing.

1052 Section 16. Section **10-2-416** is amended to read:

1053 **10-2-416. Commission decision -- Time limit -- Limitation on approval of**  
1054 **annexation.**

1055 (1) Subject to Subsection (3), after the public hearing under Subsection **10-2-415**(1) the  
1056 boundary commission may:

1057 (a) approve the proposed annexation, either with or without conditions;

1058 (b) make minor modifications to the proposed annexation and approve it, either with or  
1059 without conditions; or

1060 (c) disapprove the proposed annexation.

1061 (2) The commission shall issue a written decision on the proposed annexation within  
1062 30 days after the conclusion of the hearing under Section **10-2-415** and shall send a copy of the  
1063 decision to:

1064 (a) the legislative body of the county in which the area proposed for annexation is  
1065 located;

1066 (b) the legislative body of the proposed annexing municipality;

1067 (c) the contact person on the annexation petition;

1068 (d) the contact person of each entity that filed a protest; and

1069 (e) if a protest was filed under Subsection **10-2-407**(1)[~~(a)~~(ii)](c) with respect to a  
1070 proposed annexation of an area located in a county of the first class, the contact person  
1071 designated in the protest.

1072 (3) Except for an annexation for which a feasibility study may not be required under  
1073 Subsection **10-2-413**(1)(b), the commission may not approve a proposed annexation of an area  
1074 located within a county of the first class unless the results of the feasibility study under Section  
1075 **10-2-413** show that the average annual amount under Subsection **10-2-413**(3)(a)(ix) does not  
1076 exceed the average annual amount under Subsection **10-2-413**(3)(a)(viii) by more than 5%.

1077 Section 17. Section **10-2-418** is amended to read:

1078 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
1079 **Hearing.**

1080 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
1081 unincorporated area under this section without an annexation petition if:

1082 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
1083 unincorporated peninsulas contiguous to the municipality;

1084 (B) the majority of each island or peninsula consists of residential or commercial  
1085 development;

1086 (C) the area proposed for annexation requires the delivery of municipal-type services;  
1087 and

1088 (D) the municipality has provided most or all of the municipal-type services to the area  
1089 for more than one year;

1090 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or  
1091 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800  
1092 residents; and

1093 (B) the municipality has provided one or more municipal-type services to the area for  
1094 at least one year; or

1095 (iii) (A) the area consists of~~[(H)]~~ an unincorporated island within or an unincorporated  
1096 peninsula contiguous to the municipality; and

1097 ~~[(H) no more than 50 acres; and]~~

1098 (B) the county in which the area is located, subject to Subsection (1)(b), and the  
1099 municipality agree that the area should be included within the municipality.

1100 (b) (i) A county shall agree to the annexation if the majority of private property owners  
1101 within the area to be annexed have indicated in writing to the city or town recorder of the  
1102 annexing city or town their consent to be annexed into the municipality.

1103 (ii) For purposes of this Subsection (1)(b), the majority of private property owners is  
1104 property owners who own:

1105 (A) the majority of the total private land area within the area proposed for annexation;  
1106 and

1107 (B) private real property equal to at least one half the value of private real property  
1108 within the area proposed for annexation.

1109 ~~[(b)]~~ (c) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
1110 portion of an unincorporated island or unincorporated peninsula under this section, leaving

1111 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

1112 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body  
1113 determines that not annexing the entire unincorporated island or unincorporated peninsula is in  
1114 the municipality's best interest; and

1115 (ii) for an annexation of one or more unincorporated islands under Subsection  
1116 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1117 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1118 (2) (a) The legislative body of each municipality intending to annex an area under this  
1119 section shall:

1120 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1121 area, describing the area proposed to be annexed;

1122 (ii) publish notice:

1123 (A) (I) at least once a week for three successive weeks in a newspaper of general  
1124 circulation within the municipality and the area proposed for annexation; or

1125 (II) if there is no newspaper of general circulation in the areas described in Subsection  
1126 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are  
1127 most likely to give notice to the residents of those areas; and

1128 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks;

1129 (iii) send written notice to the board of each local district and special service district  
1130 whose boundaries contain some or all of the area proposed for annexation and to the legislative  
1131 body of the county in which the area proposed for annexation is located; and

1132 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
1133 adoption of the resolution under Subsection (2)(a)(i).

1134 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1135 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1136 to annex the area proposed for annexation;

1137 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1138 (iii) describe the area proposed for annexation; and

1139 (iv) except for an annexation that meets the property owner consent requirements of  
1140 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will  
1141 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written

1142 protests to the annexation are filed by the owners of private real property that:

1143 (A) is located within the area proposed for annexation;

1144 (B) covers a majority of the total private land area within the entire area proposed for  
1145 annexation; and

1146 (C) is equal in value to at least 1/2 the value of all private real property within the  
1147 entire area proposed for annexation.

1148 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be  
1149 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1150 (2)(a)(i).

1151 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the  
1152 municipal legislative body may adopt an ordinance approving the annexation of the area  
1153 proposed for annexation under this section unless, at or before the hearing, written protests to  
1154 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
1155 owners of private real property that:

1156 (i) is located within the area proposed for annexation;

1157 (ii) covers a majority of the total private land area within the entire area proposed for  
1158 annexation; and

1159 (iii) is equal in value to at least 1/2 the value of all private real property within the  
1160 entire area proposed for annexation.

1161 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a  
1162 municipality may adopt an ordinance approving the annexation of the area proposed for  
1163 annexation under this section without allowing or considering protests under Subsection (3)(a)  
1164 if the owners of at least 75% of the total private land area within the entire area proposed for  
1165 annexation, representing at least 75% of the value of the private real property within the entire  
1166 area proposed for annexation, have consented in writing to the annexation.

1167 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an  
1168 ordinance adopted under Subsection (3)(b)(i), the area annexed shall be conclusively presumed  
1169 to be validly annexed.

1170 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal  
1171 legislative body may not adopt an ordinance approving the annexation of the area proposed for  
1172 annexation, and the annexation proceedings under this section shall be considered terminated.

1173 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body  
1174 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an  
1175 unincorporated island regarding which protests have been filed and proceeding under  
1176 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

1177 Section 18. Section **10-2a-101** is enacted to read:

1178 **CHAPTER 2a. MUNICIPAL INCORPORATION**

1179 **Part 1. General Provisions**

1180 **10-2a-101. Title.**

1181 (1) This chapter is known as "Municipal Incorporation."

1182 (2) This part is known as "General Provisions."

1183 Section 19. Section **10-2a-102**, which is renumbered from Section 10-2-101 is  
1184 renumbered and amended to read:

1185 ~~[10-2-101].~~ **10-2a-102. Definitions.**

1186 (1) As used in this part:

1187 (a) "Feasibility consultant" means a person or firm:

1188 (i) with expertise in the processes and economics of local government; and

1189 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
1190 incorporate.

1191 (b) "Private," with respect to real property, means taxable property.

1192 (2) For purposes of this part:

1193 (a) the owner of real property shall be the record title owner according to the records of  
1194 the county recorder on the date of the filing of the request or petition; and

1195 (b) the value of private real property shall be determined according to the last  
1196 assessment roll for county taxes before the filing of the request or petition.

1197 (3) For purposes of each provision of this part that requires the owners of private real  
1198 property covering a percentage or fraction of the total private land area within an area to sign a  
1199 request or petition:

1200 (a) a parcel of real property may not be included in the calculation of the required  
1201 percentage or fraction unless the request or petition is signed by:

1202 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1203 ownership interest in that parcel; or



1204 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1205 of owners of that parcel;

1206 (b) the signature of a person signing a request or petition in a representative capacity on  
1207 behalf of an owner is invalid unless:

1208 (i) the person's representative capacity and the name of the owner the person represents  
1209 are indicated on the request or petition with the person's signature; and

1210 (ii) the person provides documentation accompanying the request or petition that  
1211 substantiates the person's representative capacity; and

1212 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1213 request or petition on behalf of a deceased owner.

1214 Section 20. Section **10-2a-103**, which is renumbered from Section 10-2-102 is  
1215 renumbered and amended to read:

1216 ~~[10-2-102].~~ **10-2a-103. Incorporation of a contiguous area.**

1217 ~~[(1)]~~ A contiguous area of a county not within a municipality may incorporate as a  
1218 municipality as provided in this ~~[part]~~ chapter.

1219 ~~[(2)(a) Incorporation as a city is governed by Sections 10-2-103 through 10-2-124.]~~

1220 ~~[(b) Incorporation as a town is governed by Sections 10-2-125 through 10-2-129.]~~

1221 Section 21. Section **10-2a-104**, which is renumbered from Section 10-2-118 is  
1222 renumbered and amended to read:

1223 ~~[10-2-118].~~ **10-2a-104. Elections governed by the Election Code.**

1224 Except as otherwise provided in this ~~[part]~~ chapter, each election under this ~~[part]~~  
1225 chapter shall be governed by the provisions of Title 20A, Election Code.

1226 Section 22. Section **10-2a-105**, which is renumbered from Section 10-2-130 is  
1227 renumbered and amended to read:

1228 ~~[10-2-130].~~ **10-2a-105. Suspension of township incorporation and annexation  
1229 procedures on or after January 1, 2014 -- Exceptions.**

1230 (1) As used in this section:

1231 (a) "Township incorporation procedure" means the following actions, the subject of  
1232 which includes an area located in whole or in part in a township:

1233 (i) a request for incorporation described in Section ~~[10-2-103]~~ 10-2a-202;

1234 (ii) a feasibility study described in Section ~~[10-2-106]~~ 10-2a-205;

1235 (iii) a modified request and a supplemental feasibility study described in Section  
1236 [~~10-2-107~~] [10-2a-206](#); or

1237 (iv) an incorporation petition described in Section [~~10-2-109~~] [10-2a-208](#) that is not  
1238 certified under Section [~~10-2-110~~] [10-2a-109](#).

1239 (b) "Township annexation procedure" means one or more of the following actions, the  
1240 subject of which includes an area located in whole or in part in a township:

1241 (i) a petition to annex described in Section [10-2-403](#);

1242 (ii) a feasibility study described in Section [10-2-413](#);

1243 (iii) a modified annexation petition or supplemental feasibility study described in  
1244 Section [10-2-414](#); or

1245 (iv) a boundary commission decision described in Section [10-2-416](#); or

1246 (v) any action described in Section [10-2-418](#) before the adoption of an ordinance to  
1247 approve annexation under Subsection [10-2-418\(3\)\(b\)](#).

1248 (2) (a) Except as provided in Subsections (3) and (4):

1249 (i) if a request for incorporation described in Section [~~10-2-103~~] [10-2a-202](#) is filed  
1250 with the clerk of the county on or after January 1, 2014, a township incorporation procedure  
1251 that is the subject of or otherwise relates to that request is suspended until November 15, 2015;  
1252 and

1253 (ii) if a petition to annex described in Section [10-2-403](#) is filed with the city recorder or  
1254 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of  
1255 or otherwise relates to that petition is suspended until November 15, 2015.

1256 (b) (i) If a township incorporation procedure or township annexation procedure is  
1257 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and  
1258 on November 15, 2015.

1259 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection  
1260 (2)(b)(i):

1261 (A) may proceed and the period of time during the suspension does not toll against that  
1262 deadline or timeline; and

1263 (B) does not start over.

1264 (3) Subsection (2) does not apply to a township annexation procedure that:

1265 (a) includes any land area located in whole or in part in a township that is:

1266 (i) 50 acres or more; and  
 1267 (ii) primarily owned or controlled by a government entity; or  
 1268 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance  
 1269 with Subsection ~~10-2-403~~(3) before January 1, 2014.

1270 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the  
 1271 petition sponsors may continue to gather petition signatures and file them with the county clerk  
 1272 as provided in Section ~~[10-2-103]~~ 10-2a-202.

1273 (b) The county clerk shall process the petition in accordance with Section ~~[10-2-105]~~  
 1274 10-2a-204 and may issue a certification or rejection of the petition as provided in Section  
 1275 ~~[10-2-105]~~ 10-2a-204.

1276 (c) Notwithstanding any other provision of [~~Chapter 2, Incorporation, Classification,~~  
 1277 ~~Boundaries, Consolidation, and Dissolution of Municipalities]~~ this chapter, any further  
 1278 processing, including a feasibility study, public hearing, or an incorporation election, is  
 1279 suspended until November 15, 2015.

1280 Section 23. Section **10-2a-201** is enacted to read:

1281 **Part 2. Incorporation of a City**

1282 **10-2a-201. Title.**

1283 This part is known as "Incorporation of a City."

1284 Section 24. Section **10-2a-202**, which is renumbered from Section 10-2-103 is  
 1285 renumbered and amended to read:

1286 ~~[10-2-103].~~ **10-2a-202. Request for feasibility study -- Requirements --**  
 1287 **Limitations.**

1288 (1) The process to incorporate a contiguous area of a county as a city is initiated by a  
 1289 request for a feasibility study filed with the clerk of the county in which the area is located.

1290 (2) Each request under Subsection (1) shall:

1291 (a) be signed by the owners of private real property that:

1292 (i) is located within the area proposed to be incorporated;

1293 (ii) covers at least 10% of the total private land area within the area; and

1294 (iii) is equal in value to at least 7% of the value of all private real property within the  
 1295 area;

1296 (b) indicate the typed or printed name and current residence address of each owner

1297 signing the request;

1298 (c) describe the contiguous area proposed to be incorporated as a city;

1299 (d) designate up to five signers of the request as sponsors, one of whom shall be  
1300 designated as the contact sponsor, with the mailing address and telephone number of each;

1301 (e) be accompanied by and circulated with an accurate map or plat, prepared by a  
1302 licensed surveyor, showing the boundaries of the proposed city; and

1303 (f) request the county legislative body to commission a study to determine the  
1304 feasibility of incorporating the area as a city.

1305 (3) A request for a feasibility study under this section may not propose for  
1306 incorporation an area that includes some or all of an area that is the subject of a completed  
1307 feasibility study or supplemental feasibility study whose results comply with Subsection  
1308 ~~[10-2-109]~~ [10-2a-208](#)(3) unless:

1309 (a) the proposed incorporation that is the subject of the completed feasibility study or  
1310 supplemental feasibility study has been defeated by the voters at an election under Section  
1311 ~~[10-2-111]~~ [10-2a-210](#); or

1312 (b) the time provided under Subsection ~~[10-2-109]~~ [10-2a-208](#)(1) for filing an  
1313 incorporation petition based on the completed feasibility study or supplemental feasibility study  
1314 has elapsed without the filing of a petition.

1315 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not  
1316 propose for incorporation an area that includes some or all of an area proposed for annexation  
1317 in an annexation petition under Section [10-2-403](#) that:

1318 (i) was filed before the filing of the request; and  
1319 (ii) is still pending on the date the request is filed.

1320 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area  
1321 that includes some or all of an area proposed for annexation in an annexation petition described  
1322 in Subsection (4)(a) if:

1323 (i) the proposed annexation area that is part of the area proposed for incorporation does  
1324 not exceed 20% of the area proposed for incorporation;

1325 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed  
1326 for incorporation excluding the proposed annexation area; and

1327 (iii) excluding the area proposed for annexation from the area proposed for

1328 incorporation would not cause the area proposed for incorporation to lose its contiguousness.

1329 (c) Except as provided in Section [~~10-2-107~~] [10-2a-206](#), each request to which  
1330 Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area  
1331 proposed for annexation.

1332 (5) At the time of filing the request for a feasibility study with the county clerk, the  
1333 sponsors of the request shall mail or deliver a copy of the request to the chair of the planning  
1334 commission of each [~~township~~] planning district in which any part of the area proposed for  
1335 incorporation is located.

1336 Section 25. Section **10-2a-203**, which is renumbered from Section 10-2-104 is  
1337 renumbered and amended to read:

1338 [~~10-2-104~~]. **10-2a-203. Notice to owner of property -- Exclusion of property**  
1339 **from proposed boundaries.**

1340 (1) As used in this section:

1341 (a) "Assessed value" with respect to property means the value at which the property  
1342 would be assessed without regard to a valuation for agricultural use under Section [59-2-503](#).

1343 (b) "Owner" means a person having an interest in real property, including an affiliate,  
1344 subsidiary, or parent company.

1345 (c) "Urban" means an area with a residential density of greater than one unit per acre.

1346 (2) Within seven calendar days of the date on which a request under Section [~~10-2-103~~]  
1347 [10-2a-202](#) is filed, the county clerk shall send written notice of the proposed incorporation to  
1348 each record owner of real property owning more than:

1349 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;

1350 or

1351 (b) 10% of the total private land area within the proposed incorporation boundaries.

1352 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all  
1353 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more  
1354 of the total private land area in the proposed incorporation boundaries, the owner may exclude  
1355 all or part of the property owned, controlled, or managed by the owner from the proposed  
1356 boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar  
1357 days of receiving the clerk's notice under Subsection (2).

1358 (4) The county legislative body shall exclude the property identified by an owner in the

1359 Notice of Exclusion from the proposed incorporation boundaries unless the county legislative  
1360 body finds by clear and convincing evidence in the record that:

1361 (a) the exclusion will leave an unincorporated island within the proposed municipality;  
1362 and

1363 (b) the property to be excluded:

1364 (i) is urban; and

1365 (ii) currently receives from the county a majority of municipal-type services including:

1366 (A) culinary or irrigation water;

1367 (B) sewage collection or treatment;

1368 (C) storm drainage or flood control;

1369 (D) recreational facilities or parks;

1370 (E) electric generation or transportation;

1371 (F) construction or maintenance of local streets and roads;

1372 (G) curb and gutter or sidewalk maintenance;

1373 (H) garbage and refuse collection; and

1374 (I) street lighting.

1375 (5) This section applies only to counties of the first or second class.

1376 (6) If the county legislative body excludes property from the proposed boundaries  
1377 under Subsection (4), the county legislative body shall, within five days of the exclusion, send  
1378 written notice of the exclusion to the contact sponsor.

1379 Section 26. Section **10-2a-204**, which is renumbered from Section 10-2-105 is  
1380 renumbered and amended to read:

1381 ~~[10-2-105]~~. **10-2a-204. Processing a request for incorporation -- Certification or**  
1382 **rejection by county clerk -- Processing priority -- Limitations -- Planning district**  
1383 **planning commission recommendation.**

1384 (1) Within 45 days of the filing of a request under Section ~~[10-2-103]~~ [10-2a-202](#), the  
1385 county clerk shall:

1386 (a) with the assistance of other county officers from whom the clerk requests  
1387 assistance, determine whether the request complies with Section ~~[10-2-103]~~ [10-2a-202](#); and

1388 (b) (i) if the clerk determines that the request complies with Section ~~[10-2-103]~~  
1389 [10-2a-202](#):

1390 (A) certify the request and deliver the certified request to the county legislative body;

1391 and

1392 (B) mail or deliver written notification of the certification to:

1393 (I) the contact sponsor; and

1394 (II) the chair of the planning commission of each ~~[township]~~ planning district in which  
1395 any part of the area proposed for incorporation is located; or

1396 (ii) if the clerk determines that the request fails to comply with Section ~~[10-2-103]~~

1397 10-2a-202 requirements, reject the request and notify the contact sponsor in writing of the

1398 rejection and the reasons for the rejection.

1399 (2) The county clerk shall certify or reject requests under Subsection (1) in the order in  
1400 which they are filed.

1401 (3) (a) (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request  
1402 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
1403 county clerk.

1404 (ii) A signature on a request under Section ~~[10-2-103]~~ 10-2a-202 may be used toward  
1405 fulfilling the signature requirement of Subsection ~~[10-2-103]~~ 10-2a-202(2)(a) for the request as  
1406 modified under Subsection (3)(a)(i).

1407 (b) If a request is amended and refiled under Subsection (3)(a) after having been  
1408 rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed  
1409 request, and its processing priority is determined by the date on which it is refiled.

1410 Section 27. Section **10-2a-205**, which is renumbered from Section 10-2-106 is  
1411 renumbered and amended to read:

1412 ~~[10-2-106]~~. **10-2a-205. Feasibility study -- Feasibility study consultant.**

1413 (1) Within 60 days of receipt of a certified request under Subsection ~~[10-2-105]~~  
1414 10-2a-204(1)(b)(i), the county legislative body shall engage the feasibility consultant chosen  
1415 under Subsection (2) to conduct a feasibility study.

1416 (2) The feasibility consultant shall be chosen:

1417 (a) (i) by the contact sponsor of the incorporation petition with the consent of the  
1418 county; or

1419 (ii) by the county if the designated sponsors state, in writing, that the contact sponsor  
1420 defers selection of the feasibility consultant to the county; and

- 1421 (b) in accordance with applicable county procurement procedures.
- 1422 (3) The county legislative body shall require the feasibility consultant to:
- 1423 (a) complete the feasibility study and submit the written results to the county legislative
- 1424 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to
- 1425 conduct the study;
- 1426 (b) submit with the full written results of the feasibility study a summary of the results
- 1427 no longer than one page in length; and
- 1428 (c) attend the public hearings under Subsection [~~10-2-108~~] [10-2a-207\(1\)](#) and present
- 1429 the feasibility study results and respond to questions from the public at those hearings.
- 1430 (4) (a) The feasibility study shall consider:
- 1431 (i) population and population density within the area proposed for incorporation and
- 1432 the surrounding area;
- 1433 (ii) current and five-year projections of demographics and economic base in the
- 1434 proposed city and surrounding area, including household size and income, commercial and
- 1435 industrial development, and public facilities;
- 1436 (iii) projected growth in the proposed city and in adjacent areas during the next five
- 1437 years;
- 1438 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
- 1439 including overhead, of governmental services in the proposed city, including:
- 1440 (A) culinary water;
- 1441 (B) secondary water;
- 1442 (C) sewer;
- 1443 (D) law enforcement;
- 1444 (E) fire protection;
- 1445 (F) roads and public works;
- 1446 (G) garbage;
- 1447 (H) weeds; and
- 1448 (I) government offices;
- 1449 (v) assuming the same tax categories and tax rates as currently imposed by the county
- 1450 and all other current service providers, the present and five-year projected revenue for the
- 1451 proposed city;



1452 (vi) a projection of any new taxes per household that may be levied within the  
1453 incorporated area within five years of incorporation; and

1454 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,  
1455 special service districts, and other governmental entities in the county.

1456 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
1457 level and quality of governmental services to be provided to the proposed city in the future that  
1458 fairly and reasonably approximate the level and quality of governmental services being  
1459 provided to the proposed city at the time of the feasibility study.

1460 (ii) In determining the present cost of a governmental service, the feasibility consultant  
1461 shall consider:

1462 (A) the amount it would cost the proposed city to provide governmental service for the  
1463 first five years after incorporation; and

1464 (B) the county's present and five-year projected cost of providing governmental  
1465 service.

1466 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation  
1467 and anticipated growth.

1468 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year  
1469 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall  
1470 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
1471 governor.

1472 (6) If the results of the feasibility study or revised feasibility study do not meet the  
1473 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the feasibility consultant shall, as part of  
1474 the feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1475 make recommendations as to how the boundaries of the proposed city may be altered so that  
1476 the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3) may be met.

1477 (7) (a) For purposes of this Subsection (7), "pending" means that the process to  
1478 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1479 study under Section [~~10-2-103~~] [10-2a-202](#) but that, as of May 8, 2012, a petition under Section  
1480 [~~10-2-109~~] [10-2a-208](#) has not yet been filed.

1481 (b) The amendments to Subsection (4) that become effective upon the effective date of  
1482 this Subsection (7):

1483 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1484 area; and

1485 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1486 petition under Section [~~10-2-109~~] [10-2a-208](#) has been filed.

1487 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of  
1488 May 8, 2012, already completed the feasibility study, the county legislative body shall, within  
1489 20 days after the effective date of this Subsection (7) and except as provided in Subsection  
1490 (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account  
1491 the amendments to Subsection (4) that became effective on the effective date of this Subsection  
1492 (7).

1493 (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall  
1494 require the feasibility consultant to complete the revised feasibility study under Subsection  
1495 (7)(c)(i) within 20 days after being engaged to do so.

1496 (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not  
1497 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1498 after the effective date of this Subsection (7), the request sponsors file with the county clerk a  
1499 written withdrawal of the request signed by all the request sponsors.

1500 (d) All provisions of this part that set forth the incorporation process following the  
1501 completion of a feasibility study shall apply with equal force following the completion of a  
1502 revised feasibility study under this Subsection (7), except that, if a petition under Section  
1503 [~~10-2-109~~] [10-2a-208](#) has already been filed based on the feasibility study that is revised under  
1504 this Subsection (7):

1505 (i) the notice required by Section [~~10-2-108~~] [10-2a-207](#) for the revised feasibility study  
1506 shall include a statement informing signers of the petition of their right to withdraw their  
1507 signatures from the petition and of the process and deadline for withdrawing a signature from  
1508 the petition;

1509 (ii) a signer of the petition may withdraw the signer's signature by filing with the  
1510 county clerk a written withdrawal within 30 days after the final notice under Subsection  
1511 [~~10-2-108~~] [10-2a-207](#)(3) has been given with respect to the revised feasibility study; and

1512 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
1513 signature requirements under Subsection [~~10-2-109~~] [10-2a-208](#)(2)(a) for a petition based on the

1514 revised feasibility study.

1515 Section 28. Section **10-2a-206**, which is renumbered from Section 10-2-107 is  
1516 renumbered and amended to read:

1517 ~~[10-2-107]~~. **10-2a-206**. **Modified request for feasibility study -- Supplemental**  
1518 **feasibility study.**

1519 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of  
1520 the proposed city and then refile the request, as modified, with the county clerk if:

1521 (A) the results of the feasibility study do not meet the requirements of Subsection

1522 ~~[10-2-109]~~ 10-2a-208(3); or

1523 (B) (I) the request meets the conditions of Subsection ~~[10-2-103]~~ 10-2a-202(4)(b);

1524 (II) the annexation petition that proposed the annexation of an area that is part of the  
1525 area proposed for incorporation has been denied; and

1526 (III) an incorporation petition based on the request has not been filed.

1527 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than  
1528 90 days after the feasibility consultant's submission of the results of the study.

1529 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18  
1530 months after the filing of the original request under Section ~~[10-2-103]~~ 10-2a-202.

1531 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)  
1532 shall comply with the requirements of Subsections ~~[10-2-103]~~ 10-2a-202(2), (3), (4), and (5).

1533 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section

1534 ~~[10-2-103]~~ 10-2a-202 may be used toward fulfilling the signature requirement of Subsection

1535 ~~[10-2-103]~~ 10-2a-202(2)(a) for the request as modified under Subsection (1)(a), unless the

1536 modified request proposes the incorporation of an area that is more than 20% greater or smaller  
1537 than the area described by the original request in terms of:

1538 (A) private land area; or

1539 (B) value of private real property.

1540 (2) Within 20 days after the county clerk's receipt of the modified request, the county  
1541 clerk shall follow the same procedure for the modified request as provided under Subsection

1542 ~~[10-2-105]~~ 10-2a-204(1) for an original request.

1543 (3) The timely filing of a modified request under Subsection (1) gives the modified

1544 request the same processing priority under Subsection ~~[10-2-105]~~ 10-2a-204(2) as the original

1545 request.

1546 (4) Within 10 days after the county legislative body's receipt of a certified modified  
1547 request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection  
1548 (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the  
1549 county legislative body shall commission the feasibility consultant who conducted the  
1550 feasibility study to supplement the feasibility study to take into account the information in the  
1551 modified request that was not included in the original request.

1552 (5) The county legislative body shall require the feasibility consultant to complete the  
1553 supplemental feasibility study and to submit written results of the supplemental study to the  
1554 county legislative body and to the contact sponsor no later than 30 days after the feasibility  
1555 consultant is commissioned to conduct the supplemental feasibility study.

1556 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study  
1557 do not meet the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3):

1558 (i) the sponsors may file a further modified request as provided in Subsection (1); and

1559 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection  
1560 (6)(a)(i).

1561 (b) A further modified request under Subsection (6)(a) shall, for purposes of its  
1562 processing priority, be considered as an original request for a feasibility study under Section  
1563 [~~10-2-103~~] [10-2a-202](#).

1564 Section 29. Section **10-2a-207**, which is renumbered from Section 10-2-108 is  
1565 renumbered and amended to read:

1566 [~~10-2-108~~]. **10-2a-207. Public hearings on feasibility study results -- Notice of**  
1567 **hearings.**

1568 (1) If the results of the feasibility study or supplemental feasibility study meet the  
1569 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the county legislative body shall, at its  
1570 next regular meeting after receipt of the results of the feasibility study or supplemental  
1571 feasibility study, schedule at least two public hearings to be held:

1572 (a) within the following 60 days;

1573 (b) at least seven days apart;

1574 (c) in geographically diverse locations within the proposed city; and

1575 (d) for the purpose of allowing:

- 1576 (i) the feasibility consultant to present the results of the study; and  
1577 (ii) the public to become informed about the feasibility study results and to ask  
1578 questions about those results of the feasibility consultant.
- 1579 (2) At a public hearing described in Subsection (1), the county legislative body shall:  
1580 (a) provide a map or plat of the boundary of the proposed city;  
1581 (b) provide a copy of the feasibility study for public review; and  
1582 (c) allow the public to express its views about the proposed incorporation, including its  
1583 view about the proposed boundary.
- 1584 (3) (a) (i) The county clerk shall publish notice of the public hearings required under  
1585 Subsection (1):  
1586 (A) at least once a week for three successive weeks in a newspaper of general  
1587 circulation within the proposed city; and  
1588 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.  
1589 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at  
1590 least three days before the first public hearing required under Subsection (1).  
1591 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation  
1592 within the proposed city, the county clerk shall post at least one notice of the hearings per  
1593 1,000 population in conspicuous places within the proposed city that are most likely to give  
1594 notice of the hearings to the residents of the proposed city.  
1595 (ii) The clerk shall post the notices under Subsection (3)(b)(i) at least seven days before  
1596 the first hearing under Subsection (1).  
1597 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study  
1598 summary under Subsection [~~10-2-106~~] [10-2a-205](#)(3)(b) and shall indicate that a full copy of the  
1599 study is available for inspection and copying at the office of the county clerk.
- 1600 Section 30. Section **10-2a-208**, which is renumbered from Section 10-2-109 is  
1601 renumbered and amended to read:  
1602 **[~~10-2-109~~]. 10-2a-208. Incorporation petition -- Requirements and form.**  
1603 (1) At any time within one year of the completion of the public hearings required under  
1604 Subsection [~~10-2-108~~] [10-2a-207](#)(1), a petition for incorporation of the area proposed to be  
1605 incorporated as a city may be filed in the office of the clerk of the county in which the area is  
1606 located.

1607 (2) Each petition under Subsection (1) shall:  
1608 (a) be signed by:  
1609 (i) 10% of all registered voters within the area proposed to be incorporated as a city,  
1610 according to the official voter registration list maintained by the county on the date the petition  
1611 is filed; and  
1612 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting  
1613 precincts within the area proposed to be incorporated as a city, according to the official voter  
1614 registration list maintained by the county on the date the petition is filed;  
1615 (b) indicate the typed or printed name and current residence address of each owner  
1616 signing the petition;  
1617 (c) describe the area proposed to be incorporated as a city, as described in the  
1618 feasibility study request or modified request that meets the requirements of Subsection (3);  
1619 (d) state the proposed name for the proposed city;  
1620 (e) designate five signers of the petition as petition sponsors, one of whom shall be  
1621 designated as the contact sponsor, with the mailing address and telephone number of each;  
1622 (f) state that the signers of the petition appoint the sponsors, if the incorporation  
1623 measure passes, to represent the signers in the process of:  
1624 (i) selecting the number of commission or council members the new city will have; and  
1625 (ii) drawing district boundaries for the election of commission or council members, if  
1626 the voters decide to elect commission or council members by district;  
1627 (g) be accompanied by and circulated with an accurate plat or map, prepared by a  
1628 licensed surveyor, showing the boundaries of the proposed city; and  
1629 (h) substantially comply with and be circulated in the following form:  
1630 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
1631 city)  
1632 To the Honorable County Legislative Body of (insert the name of the county in which  
1633 the proposed city is located) County, Utah:  
1634 We, the undersigned owners of real property within the area described in this petition,  
1635 respectfully petition the county legislative body to submit to the registered voters residing  
1636 within the area described in this petition, at the next regular general election, the question of  
1637 whether the area should incorporate as a city. Each of the undersigned affirms that each has

1638 personally signed this petition and is an owner of real property within the described area, and  
1639 that the current residence address of each is correctly written after the signer's name. The area  
1640 proposed to be incorporated as a city is described as follows: (insert an accurate description of  
1641 the area proposed to be incorporated).

1642 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless  
1643 the results of the feasibility study or supplemental feasibility study show that the average  
1644 annual amount of revenue under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(v) does not exceed the  
1645 average annual amount of cost under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(iv) by more than  
1646 5%.

1647 (4) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) or a modified request  
1648 under Section [~~10-2-107~~] [10-2a-206](#) may be used toward fulfilling the signature requirement of  
1649 Subsection (2)(a):

1650 (a) if the request under Section [~~10-2-103~~] [10-2a-202](#) or modified request under  
1651 Section [~~10-2-107~~] [10-2a-206](#) notified the signer in conspicuous language that the signature,  
1652 unless withdrawn, would also be used for purposes of a petition for incorporation under this  
1653 section; and

1654 (b) unless the signer files with the county clerk a written withdrawal of the signature  
1655 before the petition under this section is filed with the clerk.

1656 (5) (a) A signature does not qualify as a signature to meet the requirement described in  
1657 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

1658 (i) is not located entirely within the boundaries of the proposed city; or  
1659 (ii) includes less than 50 registered voters.

1660 (b) A voting precinct that is not located entirely within the boundaries of the proposed  
1661 city does not qualify as a voting precinct to meet the precinct requirements of Subsection  
1662 (2)(a)(ii).

1663 Section 31. Section **10-2a-209**, which is renumbered from Section 10-2-110 is  
1664 renumbered and amended to read:

1665 [~~10-2-110~~]. **10-2a-209. Processing of petition by county clerk -- Certification or**  
1666 **rejection -- Processing priority.**

1667 (1) Within 45 days of the filing of a petition under Section [~~10-2-109~~] [10-2a-208](#), the  
1668 county clerk shall:

1669 (a) with the assistance of other county officers from whom the clerk requests  
1670 assistance, determine whether the petition meets the requirements of Section [~~10-2-109~~]  
1671 10-2a-208; and

1672 (b) (i) if the clerk determines that the petition meets those requirements, certify the  
1673 petition, deliver it to the county legislative body, and notify in writing the contact sponsor of  
1674 the certification; or

1675 (ii) if the clerk determines that the petition fails to meet any of those requirements,  
1676 reject the petition and notify the contact sponsor in writing of the rejection and the reasons for  
1677 the rejection.

1678 (2) (a) If the county clerk rejects a petition under Subsection (1)(b)(ii), the petition may  
1679 be modified to correct the deficiencies for which it was rejected and then refiled with the  
1680 county clerk.

1681 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days  
1682 after the county clerk notifies the contact sponsor under Subsection (1)(b)(ii), even though the  
1683 modified petition is filed after the expiration of the deadline provided in Subsection [~~10-2-109~~]  
1684 10-2a-208(1).

1685 (c) A signature on an incorporation petition under Section [~~10-2-109~~] 10-2a-208 may  
1686 be used toward fulfilling the signature requirement of Subsection [~~10-2-109~~] 10-2a-208(2)(a)  
1687 for the petition as modified under Subsection (2)(a).

1688 (3) (a) Within 20 days of the county clerk's receipt of a modified petition under  
1689 Subsection (2)(a), the county clerk shall follow the same procedure for the modified petition as  
1690 provided under Subsection (1) for an original petition.

1691 (b) If a county clerk rejects a modified petition under Subsection (1)(b)(ii), no further  
1692 modification of that petition may be filed.

1693 Section 32. Section **10-2a-210**, which is renumbered from Section 10-2-111 is  
1694 renumbered and amended to read:

1695 [~~10-2-111~~]. **10-2a-210**. **Incorporation election.**

1696 (1) (a) Upon receipt of a certified petition under Subsection [~~10-2-110~~]  
1697 10-2a-209(1)(b)(i) or a certified modified petition under Subsection [~~10-2-110~~] 10-2a-209(3),  
1698 the county legislative body shall determine and set an election date for the incorporation  
1699 election that is:



1700 (i) (A) on a general election date under Section 20A-1-201; or  
1701 (B) on a local special election date under Section 20A-1-203; and  
1702 (ii) at least 65 days after the day that the legislative body receives the certified petition.

1703 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
1704 within the boundaries of the proposed city, the person may not vote on the proposed  
1705 incorporation.

1706 (2) (a) The county clerk shall publish notice of the election:

1707 (i) in a newspaper of general circulation within the area proposed to be incorporated at  
1708 least once a week for three successive weeks; and

1709 (ii) in accordance with Section 45-1-101 for three weeks.

1710 (b) The notice required by Subsection (2)(a) shall contain:

1711 (i) a statement of the contents of the petition;

1712 (ii) a description of the area proposed to be incorporated as a city;

1713 (iii) a statement of the date and time of the election and the location of polling places;

1714 and

1715 (iv) the feasibility study summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and a  
1716 statement that a full copy of the study is available for inspection and copying at the office of  
1717 the county clerk.

1718 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
1719 one day but no more than seven days before the election.

1720 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
1721 circulation within the proposed city, the county clerk shall post at least one notice of the  
1722 election per 1,000 population in conspicuous places within the proposed city that are most  
1723 likely to give notice of the election to the voters of the proposed city.

1724 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
1725 the election under Subsection (1).

1726 (3) If a majority of those casting votes within the area boundaries of the proposed city  
1727 vote to incorporate as a city, the area shall incorporate.

1728 Section 33. Section 10-2a-211, which is renumbered from Section 10-2-112 is  
1729 renumbered and amended to read:

1730 [~~10-2-112~~]. **10-2a-211. Ballot used at the incorporation election.**

1731 (1) The ballot at the incorporation election under Subsection [~~10-2-111~~] [10-2a-210](#)(1)  
1732 shall pose the incorporation question substantially as follows:

1733 Shall the area described as (insert a description of the proposed city) be incorporated as  
1734 the city of (insert the proposed name of the proposed city)?

1735 (2) The ballot shall provide a space for the voter to answer yes or no to the question in  
1736 Subsection (1).

1737 (3) (a) The ballot at the incorporation election shall also pose the question relating to  
1738 the form of government substantially as follows:

1739 If the above incorporation proposal passes, under what form of municipal government  
1740 shall (insert the name of the proposed city) operate? Vote for one:

1741 Five-member council form

1742 Six-member council form

1743 Five-member council-mayor form

1744 Seven-member council-mayor form.

1745 (b) The ballot shall provide a space for the voter to vote for one form of government.

1746 (4) (a) The ballot at the incorporation election shall also pose the question of whether  
1747 to elect city council members by district substantially as follows:

1748 If the above incorporation proposal passes, shall members of the city council of (insert  
1749 the name of the proposed city) be elected by district?

1750 (b) The ballot shall provide a space for the voter to answer yes or no to the question in  
1751 Subsection (4)(a).

1752 Section 34. Section **10-2a-212**, which is renumbered from Section 10-2-113 is  
1753 renumbered and amended to read:

1754 [~~10-2-113~~]. **10-2a-212**. **Notification to lieutenant governor of incorporation**  
1755 **election results.**

1756 Within 10 days of the canvass of the incorporation election, the county clerk shall send  
1757 written notice to the lieutenant governor of:

1758 (1) the results of the election; and

1759 (2) if the incorporation measure passes:

1760 (a) the name of the city; and

1761 (b) the class of the city as provided under Section [10-2-301](#).

1762 Section 35. Section **10-2a-213**, which is renumbered from Section 10-2-114 is  
1763 renumbered and amended to read:

1764 ~~[10-2-114]~~. **10-2a-213. Determination of number of council members --**  
1765 **Determination of election districts -- Hearings and notice.**

1766 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
1767 the canvass of the election under Section ~~[10-2-111]~~ [10-2a-210](#):

1768 (a) if the voters at the incorporation election choose the council-mayor form of  
1769 government, determine the number of council members that will constitute the council of the  
1770 future city;

1771 (b) if the voters at the incorporation election vote to elect council members by district,  
1772 determine the number of council members to be elected by district and draw the boundaries of  
1773 those districts, which shall be substantially equal in population;

1774 (c) determine the initial terms of the mayor and members of the city council so that:

1775 (i) the mayor and approximately half the members of the city council are elected to  
1776 serve an initial term, of no less than one year, that allows their successors to serve a full  
1777 four-year term that coincides with the schedule established in Subsection [10-3-205\(1\)](#); and

1778 (ii) the remaining members of the city council are elected to serve an initial term, of no  
1779 less than one year, that allows their successors to serve a full four-year term that coincides with  
1780 the schedule established in Subsection [10-3-205\(2\)](#); and

1781 (d) submit in writing to the county legislative body the results of the sponsors'  
1782 determinations under Subsections (1)(a), (b), and (c).

1783 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition  
1784 sponsors shall hold a public hearing within the future city on the applicable issues under  
1785 Subsections (1)(a), (b), and (c).

1786 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection  
1787 (2)(a):

1788 (A) in a newspaper of general circulation within the future city at least once a week for  
1789 two successive weeks before the hearing; and

1790 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks  
1791 before the hearing.

1792 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three

1793 days before the public hearing under Subsection (2)(a).

1794 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general  
1795 circulation within the future city, the petition sponsors shall post at least one notice of the  
1796 hearing per 1,000 population in conspicuous places within the future city that are most likely to  
1797 give notice of the hearing to the residents of the future city.

1798 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven  
1799 days before the hearing under Subsection (2)(a).

1800 Section 36. Section **10-2a-214**, which is renumbered from Section 10-2-115 is  
1801 renumbered and amended to read:

1802 ~~[10-2-115]~~. **10-2a-214. Notice of number of commission or council members to**  
1803 **be elected and of district boundaries -- Declaration of candidacy for city office.**

1804 (1) (a) Within 20 days of the county legislative body's receipt of the information under  
1805 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(d), the county clerk shall publish, in accordance with  
1806 Subsection (1)(b), notice containing:

1807 (i) the number of commission or council members to be elected for the new city;

1808 (ii) if some or all of the commission or council members are to be elected by district, a  
1809 description of the boundaries of those districts as designated by the petition sponsors under  
1810 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(b);

1811 (iii) information about the deadline for filing a declaration of candidacy for those  
1812 seeking to become candidates for mayor or city commission or council; and

1813 (iv) information about the length of the initial term of each of the city officers, as  
1814 determined by the petition sponsors under Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(c).

1815 (b) The notice under Subsection (1)(a) shall be published:

1816 (i) in a newspaper of general circulation within the future city at least once a week for  
1817 two successive weeks; and

1818 (ii) in accordance with Section [45-1-101](#) for two weeks.

1819 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general  
1820 circulation within the future city, the county clerk shall post at least one notice per 1,000  
1821 population in conspicuous places within the future city that are most likely to give notice to the  
1822 residents of the future city.

1823 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under

1824 Subsection (1)(a).

1825 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least  
1826 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

1827 (2) Notwithstanding Subsection [20A-9-203\(2\)\(a\)](#), each person seeking to become a  
1828 candidate for mayor or city commission or council of a city incorporating under this part shall,  
1829 within 45 days of the incorporation election under Section [~~10-2-111~~] [10-2a-210](#), file a  
1830 declaration of candidacy with the clerk of the county in which the future city is located.

1831 Section 37. Section **10-2a-215**, which is renumbered from Section 10-2-116 is  
1832 renumbered and amended to read:

1833 [~~10-2-116~~]. **10-2a-215. Election of officers of new city.**

1834 (1) For the election of city officers, the county legislative body shall:

1835 (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary  
1836 election; and

1837 (b) hold a final election.

1838 (2) Each election under Subsection (1) shall be:

1839 (a) appropriate to the form of government chosen by the voters at the incorporation  
1840 election;

1841 (b) consistent with the voters' decision about whether to elect commission or council  
1842 members by district and, if applicable, consistent with the boundaries of those districts as  
1843 determined by the petition sponsors; and

1844 (c) consistent with the sponsors' determination of the number of commission or council  
1845 members to be elected and the length of their initial term.

1846 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1847 be held at the earliest of the next:

1848 (i) regular general election under Section [20A-1-201](#);

1849 (ii) municipal primary election under Section [20A-9-404](#);

1850 (iii) municipal general election under Section [20A-1-202](#); or

1851 (iv) special election under Section [20A-1-204](#).

1852 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)  
1853 may not be held until 75 days after the incorporation election under Section [~~10-2-111~~]

1854 [10-2a-210](#).

1855 (4) The final election under Subsection (1)(b) shall be held at the next special election  
1856 date under Section ~~20A-1-204~~:

1857 (a) after the primary election; or

1858 (b) if there is no primary election, more than 75 days after the incorporation election  
1859 under Section [~~10-2-111~~] 10-2a-210.

1860 (5) (a) (i) The county clerk shall publish notice of an election under this section:

1861 (A) at least once a week for two successive weeks in a newspaper of general circulation  
1862 within the future city; and

1863 (B) in accordance with Section ~~45-1-101~~ for two weeks.

1864 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more  
1865 than seven days before the election.

1866 (b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general  
1867 circulation within the future city, the county clerk shall post at least one notice of the election  
1868 per 1,000 population in conspicuous places within the future city that are most likely to give  
1869 notice of the election to the voters.

1870 (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven  
1871 days before each election under Subsection (1).

1872 (6) Until the city is incorporated, the county clerk is the election officer for all purposes  
1873 in an election of officers of the city approved at an incorporation election.

1874 Section 38. Section ~~10-2a-216~~, which is renumbered from Section 10-2-117 is  
1875 renumbered and amended to read:

1876 ~~[10-2-117]~~. **10-2a-216**. **Notification to lieutenant governor of election of city**  
1877 **officers.**

1878 Within 10 days of the canvass of the final election of city officers under Section  
1879 [~~10-2-116~~] 10-2a-215, the county clerk shall send written notice to the lieutenant governor of  
1880 the name and position of each officer elected and the term for which each has been elected.

1881 Section 39. Section ~~10-2a-217~~, which is renumbered from Section 10-2-119 is  
1882 renumbered and amended to read:

1883 ~~[10-2-119]~~. **10-2a-217**. **Filing of notice and approved final local entity plat with**  
1884 **lieutenant governor -- Effective date of incorporation -- Necessity of recording documents**  
1885 **and effect of not recording.**

- 1886 (1) The mayor-elect of the future city shall:
- 1887 (a) within 30 days after the canvass of the final election of city officers under Section
- 1888 ~~[10-2-116]~~ [10-2a-215](#), file with the lieutenant governor:
- 1889 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
- 1890 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and
- 1891 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and
- 1892 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
- 1893 Section [67-1a-6.5](#):
- 1894 (i) if the city is located within the boundary of a single county, submit to the recorder
- 1895 of that county the original:
- 1896 (A) notice of an impending boundary action;
- 1897 (B) certificate of incorporation; and
- 1898 (C) approved final local entity plat; or
- 1899 (ii) if the city is located within the boundaries of more than a single county, submit the
- 1900 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those
- 1901 counties and a certified copy of those documents to each other county.
- 1902 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a
- 1903 certificate of incorporation under Section [67-1a-6.5](#).
- 1904 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be
- 1905 lawfully incorporated and existing if, for two years following the city's incorporation:
- 1906 (i) (A) the city has levied and collected a property tax; or
- 1907 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use
- 1908 tax; and
- 1909 (ii) no challenge to the existence or incorporation of the city has been filed in the
- 1910 district court for the county in which the city is located.
- 1911 (3) (a) The effective date of an incorporation for purposes of assessing property within
- 1912 the new city is governed by Section [59-2-305.5](#).
- 1913 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the
- 1914 recorder of each county in which the property is located, a newly incorporated city may not:
- 1915 (i) levy or collect a property tax on property within the city;
- 1916 (ii) levy or collect an assessment on property within the city; or

1917 (iii) charge or collect a fee for service provided to property within the city.

1918 Section 40. Section **10-2a-218**, which is renumbered from Section 10-2-120 is

1919 renumbered and amended to read:

1920 ~~[10-2-120]~~. **10-2a-218. Powers of officers-elect.**

1921 (1) Upon the canvass of the final election of city officers under Section [~~10-2-116~~]

1922 [10-2a-215](#) and until the future city becomes legally incorporated, the officers of the future city

1923 may:

1924 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,

1925 a proposed budget and compilation of ordinances;

1926 (b) negotiate and make personnel contracts and hirings;

1927 (c) negotiate and make service contracts;

1928 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1929 (e) borrow funds from the county in which the future city is located under Subsection

1930 [~~10-2-121~~] [10-2a-219](#)(3);

1931 (f) borrow funds for startup expenses of the future city;

1932 (g) issue tax anticipation notes in the name of the future city; and

1933 (h) make appointments to the city's planning commission.

1934 (2) The city's legislative body shall review and ratify each contract made by the

1935 officers-elect under Subsection (1) within 30 days after the effective date of incorporation

1936 under Section [~~10-2-119~~] [10-2a-217](#).

1937 Section 41. Section **10-2a-219**, which is renumbered from Section 10-2-121 is

1938 renumbered and amended to read:

1939 ~~[10-2-121]~~. **10-2a-219. Division of municipal-type services revenues -- County**  
1940 **may provide startup funds.**

1941 (1) The county in which an area incorporating under this part is located shall, until the  
1942 date of the city's incorporation under Section [~~10-2-119~~] [10-2a-217](#), continue:

1943 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to  
1944 the future city; and

1945 (b) except as otherwise agreed by the county and the officers-elect of the city, to  
1946 provide the same services to the future city as the county provided before the commencement  
1947 of the incorporation proceedings.



1948 (2) (a) The legislative body of the county in which a newly incorporated city is located  
1949 shall share pro rata with the new city, based on the date of incorporation, the taxes and service  
1950 charges or fees levied and collected by the county under Section 17-34-3 during the year of the  
1951 new city's incorporation if and to the extent that the new city provides, by itself or by contract,  
1952 the same services for which the county levied and collected the taxes and service charges or  
1953 fees.

1954 (b) (i) The legislative body of a county in which a city incorporated after January 1,  
1955 2004, is located may share with the new city taxes and service charges or fees that were levied  
1956 and collected by the county under Section 17-34-3:

1957 (A) before the year of the new city's incorporation;

1958 (B) from the previously unincorporated area that, because of the city's incorporation, is  
1959 located within the boundaries of the newly incorporated city; and

1960 (C) for the purpose of providing services to the area that before the new city's  
1961 incorporation was unincorporated.

1962 (ii) A county legislative body may share taxes and service charges or fees under  
1963 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts  
1964 due under a contract for municipal-type services provided by the county to the new city.

1965 (3) (a) The legislative body of a county in which an area incorporating under this part is  
1966 located may appropriate county funds to:

1967 (i) before incorporation but after the canvass of the final election of city officers under  
1968 Section [~~10-2-116~~] 10-2a-215, the officers-elect of the future city to pay startup expenses of the  
1969 future city; or

1970 (ii) after incorporation, the new city.

1971 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a  
1972 grant, a loan, or as an advance against future distributions under Subsection (2).

1973 Section 42. Section **10-2a-220**, which is renumbered from Section 10-2-123 is  
1974 renumbered and amended to read:

1975 [~~10-2-123~~]. **10-2a-220. Costs of incorporation.**

1976 (1) Subject to Subsection (2), all costs of the incorporation proceeding, including  
1977 request certification, feasibility study, petition certification, publication of notices, public  
1978 hearings, and elections, shall be paid by the county in which the proposed city is located.

1979 (2) If incorporation occurs, the new municipality shall reimburse the county for the  
1980 costs of the notices and hearing under Section [~~10-2-114~~] [10-2a-213](#), the notices and elections  
1981 under Section [~~10-2-116~~] [10-2a-215](#), and all other incorporation activities occurring after the  
1982 elections under Section [~~10-2-116~~] [10-2a-215](#).

1983 Section 43. Section **10-2a-221**, which is renumbered from Section 10-2-124 is  
1984 renumbered and amended to read:

1985 [~~10-2-124~~]. **10-2a-221. Incorporation petition or feasibility study before May 8,**  
1986 **2012.**

1987 (1) A party with a petition in process as of January 1, 2012, and not yet filed for final  
1988 certification with the county clerk in accordance with Section [~~10-2-110~~] [10-2a-209](#) as of May  
1989 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as  
1990 provided in Subsection (3).

1991 (2) A party described in Subsection (1) may use a signature on a petition in process as  
1992 of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012.

1993 (3) If on or before May 8, 2012, a feasibility study has been completed for a party  
1994 described in Subsection (1):

- 1995 (a) the completed feasibility study shall fulfill the requirements of this section; and
- 1996 (b) the party is not required to request a new feasibility study.

1997 Section 44. Section **10-2a-301** is enacted to read:

1998 **Part 3. Incorporation of a Town**

1999 **10-2a-301. Title.**

2000 This part is known as "Incorporation of a Town."

2001 Section 45. Section **10-2a-302**, which is renumbered from Section 10-2-125 is  
2002 renumbered and amended to read:

2003 [~~10-2-125~~]. **10-2a-302. Incorporation of a town -- Petition.**

2004 (1) As used in this section:

2005 (a) "Assessed value," with respect to agricultural land, means the value at which the  
2006 land would be assessed without regard to a valuation for agricultural use under Section  
2007 [59-2-503](#).

2008 [~~(c)~~] (b) "Feasibility consultant" means a person or firm:

- 2009 (i) with expertise in the processes and economics of local government; and

2010 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
2011 incorporate.

2012 [~~(b)~~] (c) "Financial feasibility study" means a study described in Subsection (7).

2013 (d) "Municipal service" means a publicly provided service that is not provided on a  
2014 countywide basis.

2015 (e) "Nonurban" means having a residential density of less than one unit per acre.

2016 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of  
2017 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

2018 (ii) An area within a county of the first class is not contiguous for purposes of  
2019 Subsection (2)(a)(i) if:

2020 (A) the area includes a strip of land that connects geographically separate areas; and

2021 (B) the distance between the geographically separate areas is greater than the average  
2022 width of the strip of land connecting the geographically separate areas.

2023 (b) The population figure under Subsection (2)(a) shall be determined:

2024 (i) as of the date the incorporation petition is filed; and

2025 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's  
2026 certification under Subsection (6) of a petition filed under Subsection (4).

2027 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to  
2028 incorporate the area as a town with the clerk of the county in which the area is located.

2029 (b) A petition under Subsection (3)(a) shall:

2030 (i) be signed by:

2031 (A) the owners of private real property that:

2032 (I) is located within the area proposed to be incorporated; and

2033 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real  
2034 property within the area; and

2035 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,  
2036 according to the official voter registration list maintained by the county on the date the petition  
2037 is filed;

2038 (ii) designate as sponsors at least five of the property owners who have signed the  
2039 petition, one of whom shall be designated as the contact sponsor, with the mailing address of  
2040 each owner signing as a sponsor;

2041 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a  
2042 licensed surveyor, showing a legal description of the boundary of the proposed town; and

2043 (iv) substantially comply with and be circulated in the following form:

2044 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
2045 town)

2046 To the Honorable County Legislative Body of (insert the name of the county in which  
2047 the proposed town is located) County, Utah:

2048 We, the undersigned owners of real property and registered voters within the area  
2049 described in this petition, respectfully petition the county legislative body to submit to the  
2050 registered voters residing within the area described in this petition, at the next regular general  
2051 election, the question of whether the area should incorporate as a town. Each of the  
2052 undersigned affirms that each has personally signed this petition and is an owner of real  
2053 property or a registered voter residing within the described area, and that the current residence  
2054 address of each is correctly written after the signer's name. The area proposed to be  
2055 incorporated as a town is described as follows: (insert an accurate description of the area  
2056 proposed to be incorporated).

2057 (c) A petition under this Subsection (3) may not describe an area that includes some or  
2058 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

2059 (i) was filed before the filing of the petition; and

2060 (ii) is still pending on the date the petition is filed.

2061 (d) A petition may not be filed under this section if the private real property owned by  
2062 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the  
2063 total private land area within the area proposed to be incorporated as a town.

2064 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,  
2065 reinstate the signer's signature on the petition:

2066 (i) at any time until the county clerk certifies the petition under Subsection (5); and

2067 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

2068 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town  
2069 an area located within a county of the first class, the county clerk shall deliver written notice of  
2070 the proposed incorporation:

2071 (i) to each owner of private real property owning more than 1% of the assessed value

2072 of all private real property within the area proposed to be incorporated as a town; and  
2073 (ii) within seven calendar days after the date on which the petition is filed.  
2074 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or  
2075 part of the owner's property from the area proposed to be incorporated as a town by filing a  
2076 notice of exclusion:  
2077 (i) with the county clerk; and  
2078 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).  
2079 (c) The county legislative body shall exclude from the area proposed to be incorporated  
2080 as a town the property identified in the notice of exclusion under Subsection (4)(b) if:  
2081 (i) the property:  
2082 (A) is nonurban; and  
2083 (B) does not and will not require a municipal service; and  
2084 (ii) exclusion will not leave an unincorporated island within the proposed town.  
2085 (d) If the county legislative body excludes property from the area proposed to be  
2086 incorporated as a town, the county legislative body shall send written notice of the exclusion to  
2087 the contact sponsor within five days after the exclusion.  
2088 (5) No later than 20 days after the filing of a petition under Subsection (3), the county  
2089 clerk shall:  
2090 (a) with the assistance of other county officers from whom the clerk requests  
2091 assistance, determine whether the petition complies with the requirements of Subsection (3);  
2092 and  
2093 (b) (i) if the clerk determines that the petition complies with those requirements:  
2094 (A) certify the petition and deliver the certified petition to the county legislative body;  
2095 and  
2096 (B) mail or deliver written notification of the certification to:  
2097 (I) the contact sponsor;  
2098 (II) if applicable, the chair of the planning commission of each [township] planning  
2099 district in which any part of the area proposed for incorporation is located; and  
2100 (III) the Utah Population Estimates Committee; or  
2101 (ii) if the clerk determines that the petition fails to comply with any of those  
2102 requirements, reject the petition and notify the contact sponsor in writing of the rejection and

2103 the reasons for the rejection.

2104 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to  
2105 correct a deficiency for which it was rejected and then refiled with the county clerk.

2106 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward  
2107 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended  
2108 under Subsection (6)(a)(i) and then refiled with the county clerk.

2109 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been  
2110 rejected by the county clerk under Subsection (5)(b)(ii):

2111 (i) the amended petition shall be considered as a newly filed petition; and

2112 (ii) the amended petition's processing priority is determined by the date on which it is  
2113 refiled.

2114 (7) (a) (i) The legislative body of a county with which a petition is filed under  
2115 Subsection (4) and certified under Subsection (6) shall commission and pay for a financial  
2116 feasibility study.

2117 (ii) The feasibility consultant shall be chosen:

2118 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection  
2119 (3)(b)(ii), with the consent of the county; or

2120 (II) by the county if the contact sponsor states, in writing, that the sponsor defers  
2121 selection of the feasibility consultant to the county; and

2122 (B) in accordance with applicable county procurement procedure.

2123 (iii) The county legislative body shall require the feasibility consultant to complete the  
2124 financial feasibility study and submit written results of the study to the county legislative body  
2125 no later than 30 days after the feasibility consultant is engaged to conduct the financial  
2126 feasibility study.

2127 (b) The financial feasibility study shall consider the:

2128 (i) population and population density within the area proposed for incorporation and  
2129 the surrounding area;

2130 (ii) current and five-year projections of demographics and economic base in the  
2131 proposed town and surrounding area, including household size and income, commercial and  
2132 industrial development, and public facilities;

2133 (iii) projected growth in the proposed town and in adjacent areas during the next five

2134 years;

2135 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,  
2136 including overhead, of governmental services in the proposed town, including:

2137 (A) culinary water;

2138 (B) secondary water;

2139 (C) sewer;

2140 (D) law enforcement;

2141 (E) fire protection;

2142 (F) roads and public works;

2143 (G) garbage;

2144 (H) weeds; and

2145 (I) government offices;

2146 (v) assuming the same tax categories and tax rates as currently imposed by the county  
2147 and all other current service providers, the present and five-year projected revenue for the  
2148 proposed town; and

2149 (vi) a projection of any new taxes per household that may be levied within the  
2150 incorporated area within five years of incorporation.

2151 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a  
2152 level and quality of governmental services to be provided to the proposed town in the future  
2153 that fairly and reasonably approximate the level and quality of governmental services being  
2154 provided to the proposed town at the time of the feasibility study.

2155 (ii) In determining the present cost of a governmental service, the feasibility consultant  
2156 shall consider:

2157 (A) the amount it would cost the proposed town to provide governmental service for  
2158 the first five years after incorporation; and

2159 (B) the county's present and five-year projected cost of providing governmental  
2160 service.

2161 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation  
2162 and anticipated growth.

2163 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year  
2164 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall

2165 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
2166 governor.

2167 (e) The county legislative body shall approve a certified petition proposing the  
2168 incorporation of a town and hold a public hearing as provided in Section [~~10-2-126~~] [10-2a-303](#).

2169 Section 46. Section **10-2a-303**, which is renumbered from Section 10-2-126 is  
2170 renumbered and amended to read:

2171 [~~10-2-126~~]. **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

2172 (1) If, in accordance with Section [~~10-2-125~~] [10-2a-302](#), the county clerk certifies a  
2173 petition for incorporation or an amended petition for incorporation, the county legislative body  
2174 shall, at its next regular meeting after completion of the feasibility study, schedule a public  
2175 hearing to:

2176 (a) be held no later than 60 days after the day on which the feasibility study is  
2177 completed; and

2178 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for  
2179 the proposed town.

2180 (2) The county legislative body shall give notice of the public hearing on the proposed  
2181 incorporation by:

2182 (a) posting notice of the public hearing on the county's Internet website, if the county  
2183 has an Internet website;

2184 (b) (i) publishing notice of the public hearing at least once a week for two consecutive  
2185 weeks in a newspaper of general circulation within the proposed town; or

2186 (ii) if there is no newspaper of general circulation within the proposed town, posting  
2187 notice of the public hearing in at least five conspicuous public places within the proposed  
2188 town; and

2189 (c) publishing notice of the public hearing on the Utah Public Notice Website created  
2190 in Section [63F-1-701](#).

2191 (3) At the public hearing scheduled in accordance with Subsection (1), the county  
2192 legislative body shall:

2193 (a) (i) provide a copy of the feasibility study; and

2194 (ii) present the results of the feasibility study to the public; and

2195 (b) allow the public to:



- 2196 (i) review the map or plat of the boundary of the proposed town;
- 2197 (ii) ask questions and become informed about the proposed incorporation; and
- 2198 (iii) express its views about the proposed incorporation, including their views about the
- 2199 boundary of the area proposed to be incorporated.

2200 (4) A county may not hold an election on the incorporation of a town in accordance  
 2201 with Section [~~10-2-127~~] 10-2a-304 if the results of the feasibility study show that the five-year  
 2202 projected revenues under Subsection [~~10-2-125~~] 10-2a-302(7)(b)(v) exceed the five-year  
 2203 projected costs under Subsection [~~10-2-125~~] 10-2a-302(7)(b)(iv) by more than 10%.

2204 Section 47. Section **10-2a-304**, which is renumbered from Section 10-2-127 is  
 2205 renumbered and amended to read:

2206 [~~10-2-127~~]. **10-2a-304. Incorporation of a town -- Election to incorporate --**  
 2207 **Ballot form.**

2208 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a  
 2209 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] Section 10-2a-302, the  
 2210 county legislative body shall determine and set an election date for the incorporation election  
 2211 that is:

- 2212 (i) (A) on a general election date under Section 20A-1-201; or
- 2213 (B) on a local special election date under Section 20A-1-203; and
- 2214 (ii) at least 65 days after the day that the legislative body receives the certified petition.
- 2215 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,
- 2216 within the boundaries of the proposed town, the person may not vote on the proposed
- 2217 incorporation.

2218 (2) (a) The county clerk shall publish notice of the election:

- 2219 (i) in a newspaper of general circulation, within the area proposed to be incorporated,
- 2220 at least once a week for three successive weeks; and
- 2221 (ii) in accordance with Section 45-1-101 for three weeks.
- 2222 (b) The notice required by Subsection (2)(a) shall contain:
- 2223 (i) a statement of the contents of the petition;
- 2224 (ii) a description of the area proposed to be incorporated as a town;
- 2225 (iii) a statement of the date and time of the election and the location of polling places;

2226 and

2227 (iv) the county Internet website address, if applicable, and the address of the county  
2228 office where the feasibility study is available for review.

2229 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
2230 one day but no more than seven days before the election.

2231 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
2232 circulation within the proposed town, the county clerk shall post at least one notice of the  
2233 election per 100 population in conspicuous places within the proposed town that are most  
2234 likely to give notice of the election to the voters of the proposed town.

2235 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
2236 the election under Subsection (1)(a).

2237 (3) The ballot at the incorporation election shall pose the incorporation question  
2238 substantially as follows:

2239 Shall the area described as (insert a description of the proposed town) be incorporated  
2240 as the town of (insert the proposed name of the proposed town)?

2241 (4) The ballot shall provide a space for the voter to answer yes or no to the question in  
2242 Subsection (3).

2243 (5) If a majority of those casting votes within the area boundaries of the proposed town  
2244 vote to incorporate as a town, the area shall incorporate.

2245 Section 48. Section **10-2a-305**, which is renumbered from Section 10-2-128 is  
2246 renumbered and amended to read:

2247 ~~[10-2-128]~~. **10-2a-305**. **Form of government -- Election of officers of new town.**

2248 (1) A newly incorporated town shall operate under the five-member council form of  
2249 government as defined in Section **10-3b-102**.

2250 (2) (a) The county legislative body of the county in which a newly incorporated town is  
2251 located shall hold an election for town officers at the next special election after the regular  
2252 general election in which the town incorporation is approved.

2253 (b) The officers elected at an election described in Subsection (2)(a) shall take office at  
2254 noon on the first Monday in January next following the special election described in  
2255 Subsection (2)(a).

2256 Section 49. Section **10-2a-306**, which is renumbered from Section 10-2-129 is  
2257 renumbered and amended to read:

- 2258           ~~[10-2-129]~~.    10-2a-306. Notice to lieutenant governor -- Effective date of  
2259 incorporation -- Effect of recording documents.
- 2260           (1) The mayor-elect of the future town shall:
- 2261           (a) within 30 days after the canvass of the election of town officers under Section  
2262 ~~[10-2-128]~~ 10-2a-305, file with the lieutenant governor:
- 2263           (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
2264 that meets the requirements of Subsection 67-1a-6.5(3); and
- 2265           (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- 2266           (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
2267 Section 67-1a-6.5:
- 2268           (i) if the town is located within the boundary of a single county, submit to the recorder  
2269 of that county the original:
- 2270           (A) notice of an impending boundary action;
- 2271           (B) certificate of incorporation; and
- 2272           (C) approved final local entity plat; or
- 2273           (ii) if the town is located within the boundaries of more than a single county, submit  
2274 the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
2275 counties and a certified copy of those documents to each other county.
- 2276           (2) (a) A new town is incorporated:
- 2277           (i) on December 31 of the year in which the lieutenant governor issues a certificate of  
2278 incorporation under Section 67-1a-6.5, if the election of town officers under Section ~~[10-2-128]~~  
2279 10-2a-305 is held on a regular general or municipal general election date; or
- 2280           (ii) on the last day of the month during which the lieutenant governor issues a  
2281 certificate of incorporation under Section 67-1a-6.5, if the election of town officers under  
2282 Section ~~[10-2-128]~~ 10-2a-305 is held on any other date.
- 2283           (b) (i) The effective date of an incorporation for purposes of assessing property within  
2284 the new town is governed by Section 59-2-305.5.
- 2285           (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
2286 recorder of each county in which the property is located, a newly incorporated town may not:
- 2287           (A) levy or collect a property tax on property within the town;
- 2288           (B) levy or collect an assessment on property within the town; or

2289 (C) charge or collect a fee for service provided to property within the town.

2290 Section 50. Section **10-2a-401** is enacted to read:

2291 **Part 4. Incorporation of Metro Townships and Unincorporated**

2292 **Islands in a County of the First Class on and after May 12, 2015**

2293 **10-2a-401. Title.**

2294 This part is known as "Incorporation of Metro Townships and Unincorporated Islands  
2295 in a County of the First Class on and after May 12, 2015."

2296 Section 51. Section **10-2a-402** is enacted to read:

2297 **10-2a-402. Application.**

2298 (1) The provisions of this part:

2299 (a) apply to the following located in a county of the first class:

2300 (i) a planning township established before May 12, 2015; and

2301 (ii) subject to Subsection (2), an unincorporated island located in a county of the first  
2302 class on or after May 12, 2015, and before November 4, 2015; and

2303 (b) do not apply to a planning district, as defined in Section [17-27a-103](#), or any other  
2304 unincorporated area located outside of a county of the first class.

2305 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a  
2306 Town, apply to an unincorporated area described in Subsection (1) for an incorporation as a  
2307 city after November 3, 2015.

2308 (b) The provisions of Section [10-2a-410](#) apply to an unincorporated area described in  
2309 Subsection (1) for an incorporation as a metro township after November 3, 2015.

2310 (c) The provisions of Chapter 2, Part 4, Annexation:

2311 (i) do not apply to an unincorporated island for purposes of annexation before  
2312 November 4, 2015, unless:

2313 (A) otherwise indicated; or

2314 (B) before July 1, 2015, an annexation petition is filed in accordance with Section  
2315 [10-2-403](#) or an intent to annex resolution is adopted in accordance with Subsection  
2316 [10-2-418\(2\)\(a\)\(i\).](#)

2317 (ii) apply to an unincorporated island that is not annexed at an election under this part  
2318 for purposes of annexation on or after November 4, 2015.

2319 Section 52. Section **10-2a-403** is enacted to read:

2320 **10-2a-403. Definitions.**2321 As used in this section:2322 (1) "Ballot proposition" means the same as that term is defined in Section [20A-1-102](#).2323 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to2324 annex an unincorporated island.2325 (3) "Local special election" means the same as that term is defined in Section2326 [20A-1-102](#).2327 (4) "Municipal services district" means a district created in accordance with Title 11,2328 Chapter 2a, Part 11, Municipal Services District Act.2329 (5) (a) "Metro township" means, except as provided in Subsection (5)(b), a planning2330 township that is incorporated in accordance with this part.2331 (b) "Metro township" does not include a township as that term is used in the context of2332 identifying a geographic area in common surveyor practice.2333 (6) (a) "Planning township" means an area located in a county of the first class that is2334 established as a township as defined in and established in accordance with law before the2335 enactment of this bill.2336 (b) "Planning township" does not include rural real property unless the owner of the2337 rural real property provides written consent in accordance with Section [10-2a-405](#).2338 (7) "Unincorporated island" means an unincorporated area that is completely2339 surrounded by one or more municipalities.2340 Section 53. Section **10-2a-404** is enacted to read:2341 **10-2a-404. Election.**2342 (1) (a) Notwithstanding Section [20A-1-203](#), a county of the first class shall hold a local  
2343 special election on November 3, 2015, on the following ballot propositions:2344 (i) for registered voters residing with a planning township:2345 (A) whether the planning township shall be incorporated as a city or town, according to2346 the classifications of Section [10-2-301](#), or as a metro township; and2347 (B) if the planning township incorporates as a metro township, whether the metro2348 township shall be included in a municipal services district; and2349 (ii) for registered voters residing within an unincorporated island, whether the island2350 should maintain its unincorporated status or be annexed into an eligible city.

2351 (b) (i) A metro township incorporated under this part shall be governed by the  
2352 five-member council or the three-member council, depending on the metro township  
2353 population and in accordance with Chapter 3b, Part 5, Metro Township Council Form of  
2354 Municipal Government.

2355 (ii) A city or town incorporated under this part shall be governed by the five-member  
2356 council form of government as defined in Section [10-3b-102](#).

2357 (2) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),  
2358 within the boundaries of a planning township or an unincorporated island, the person may not  
2359 vote on the proposed incorporation or annexation.

2360 (3) The county clerk shall publish notice of the election:

2361 (a) in a newspaper of general circulation within the planning township or  
2362 unincorporated island at least once a week for three successive weeks; and

2363 (b) in accordance with Section [45-1-101](#) for three weeks.

2364 (4) The notice required by Subsection (3) shall contain:

2365 (a) for residents of a planning township:

2366 (i) a statement that the voters will vote:

2367 (A) to incorporate as a city or town, according to the classifications of Section  
2368 [10-2-301](#), or as a metro township; and

2369 (B) if the planning township incorporates as a metro township, whether the metro  
2370 township is included in a municipal services district;

2371 (ii) if applicable under Subsection [10-2a-405](#)(5), a map showing the alteration to the  
2372 planning township boundaries that would be effective upon incorporation;

2373 (iii) a statement that if the residents of the planning township elect to incorporate:

2374 (A) as a metro township, the metro township shall be governed by a metro township  
2375 council and the number of council members appropriate to that metro township in accordance  
2376 with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government; or

2377 (B) as a city or town, the city or town shall be governed by the five-member council  
2378 form of government as defined in Section [10-3b-102](#); and

2379 (iv) a statement of the date and time of the election and the location of polling places;

2380 (b) for residents of an unincorporated island:

2381 (i) a statement that the voters will vote either to be annexed into an eligible city or

2382 maintain unincorporated status; and

2383 (ii) a statement of the eligible city, as determined by the county legislative body in

2384 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

2385 (c) a statement of the date and time of the election and the location of polling places.

2386 (5) The last publication of notice required under Subsection (3) shall occur at least one

2387 day but no more than seven days before the election.

2388 (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general

2389 circulation within the proposed metro township or unincorporated island, the county clerk shall

2390 post at least one notice of the election per 1,000 population in conspicuous places within the

2391 planning township or unincorporated island that are most likely to give notice of the election to

2392 the voters of the proposed incorporation or annexation.

2393 (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before

2394 the election under Subsection (1).

2395 (7) (a) In a planning township, if a majority of those casting votes within the planning

2396 township vote to:

2397 (i) incorporate as a city or town, the planning township shall incorporate as a city or

2398 town, respectively; or

2399 (ii) incorporate as a metro township, the planning township shall incorporate as a metro

2400 township.

2401 (b) If a majority of those casting votes within the planning township vote to incorporate

2402 as a metro township, and a majority of those casting votes vote to include the metro township

2403 in a municipal services district and limit the metro township's municipal powers, the metro

2404 township shall be included in a municipal services district and have limited municipal powers.

2405 (c) In an unincorporated island, if a majority of those casting votes within the selected

2406 unincorporated island vote to:

2407 (i) be annexed by the eligible city, the area is annexed by the eligible city; or

2408 (ii) remain an unincorporated area, the area shall remain unincorporated.

2409 (8) Upon the successful election to incorporate as a metro township, city or town, or to

2410 be annexed by an eligible city under Subsection (8), the boundaries of the future metro

2411 township, city, town, or area annexed by an eligible city:

2412 (a) are fixed; and

2413 (b) may not be altered by an incorporation or annexation proposal after the election and  
2414 before the effective date of:

2415 (i) the metro township incorporation; or

2416 (ii) the annexation.

2417 Section 54. Section **10-2a-405** is enacted to read:

2418 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**  
2419 **election and incorporation issues -- Rural real property excluded.**

2420 (1) The legislative body of a county of the first class shall before an election described  
2421 in Section [10-2a-404](#):

2422 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
2423 Subsection (1)(b);

2424 (b) hold a public hearing; and

2425 (c) at the public hearing, adopt a resolution:

2426 (i) identifying, including a map prepared by the county surveyor, all unincorporated  
2427 islands within the county;

2428 (ii) identifying each eligible city that will annex each unincorporated island, including  
2429 whether the unincorporated island may be annexed by one eligible city or divided and annexed  
2430 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);  
2431 and

2432 (iii) identifying, including a map prepared by the county surveyor, the planning  
2433 townships within the county and any changes to the boundaries of a planning township that the  
2434 county legislative body proposes under Subsection (5).

2435 (2) The county legislative body shall exclude from a resolution adopted under  
2436 Subsection (1)(c) rural real property unless the owner of the rural real property provides written  
2437 consent to include the property in accordance with Subsection (6).

2438 (3) (a) The county clerk shall publish notice of the public hearing described in  
2439 Subsection (1)(b):

2440 (i) by mailing notice to each owner of real property located in an unincorporated island  
2441 or planning township no later than 15 days before the day of the public hearing;

2442 (ii) at least once a week for three successive weeks in a newspaper of general  
2443 circulation within each unincorporated island, each eligible city, and each planning township;



2444 and

2445 (iii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
2446 before the day of the public hearing.

2447 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
2448 three days before the first public hearing required under Subsection (1)(b).

2449 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
2450 within an unincorporated island, eligible city, or a planning township, the county clerk shall  
2451 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
2452 selected unincorporated island, eligible city, or planning township, as applicable, that are most  
2453 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or  
2454 planning township.

2455 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
2456 the hearing under Subsection (1)(b).

2457 (d) The notice under Subsection (3)(a) or (c) shall include:

2458 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
2459 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by  
2460 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
2461 the eligible city or cities; or

2462 (B) for residents of a planning township, a statement that the property in the planning  
2463 township shall be, pending the results of the election held under Section [10-2a-404](#),  
2464 incorporated as a city, town, or metro township;

2465 (ii) the location and time of the public hearing; and

2466 (iii) the county website where a map may be accessed showing:

2467 (A) how the unincorporated island boundaries will change if annexed by an eligible  
2468 city; or

2469 (B) how the planning township area boundaries will change, if applicable under  
2470 Subsection (5), when the planning township incorporates as a metro township or as a city or  
2471 town.

2472 (e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the  
2473 county website.

2474 (4) The county legislative body may, by ordinance or resolution adopted at a public

2475 meeting and in accordance with applicable law, resolve an issue that arises with an election  
2476 held in accordance with this part or the incorporation and establishment of a metro township in  
2477 accordance with this part.

2478 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
2479 meeting, change the boundaries of a planning township.

2480 (b) A change to a planning township boundary under this Subsection (5) is effective  
2481 only upon the vote of the residents of the planning township at an election under Section  
2482 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the  
2483 boundaries of the planning township before the election.

2484 (c) The county legislative body may alter a planning township boundary under  
2485 Subsection (5)(a) only if the alteration affects less than 5% of the residents residing within the  
2486 planning district.

2487 (6) (a) As used in this Subsection (6), "rural real property" means an area:

2488 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

2489 (ii) that does not include residential units with a density greater than one unit per acre.

2490 (b) Unless an owner of rural real property gives written consent to a county legislative  
2491 body, rural real property described in Subsection (6)(c) may not be:

2492 (i) included in a planning township identified under Subsection (1)(c); or

2493 (ii) incorporated as part of a metro township, city, or town, in accordance with this  
2494 part.

2495 (c) The following rural real property is subject to an owner's written consent under  
2496 Subsection (6)(b):

2497 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
2498 consisting of one or more tax parcels;

2499 (ii) rural real property that is not contiguous to, but used in connection with, rural real  
2500 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
2501 more tax parcels;

2502 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
2503 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more  
2504 contiguous acres of rural real property consisting of one or more tax parcels; or

2505 (iv) rural real property that is located in whole or in part in one of the following as

2506 defined in Section 17-41-101:

2507 (A) an agricultural protection area;

2508 (B) an industrial protection area; or

2509 (C) a mining protection area.

2510 Section 55. Section **10-2a-406** is enacted to read:

2511 **10-2a-406. Ballot used at metro township incorporation election.**

2512 (1) The ballot at the election to incorporate a planning township as a metro township or  
2513 as a city or town, respectively, shall pose:

2514 (a) the incorporation question substantially as follows:

2515 "Shall [insert name of planning township] be incorporated as a metro township [insert  
2516 the proposed name of the proposed metro township, which is the formal name of the planning  
2517 township with words "metro township" immediately after the formal name] or as the [insert the  
2518 appropriate designation of city or town based on population classification] of [insert the  
2519 proposed name of the proposed city or town, respectively, which is the formal name of the  
2520 planning township with, if the area qualifies as a city under the population classifications, the  
2521 word "city" immediately after the formal name or if the area qualifies as a town under the  
2522 population classification, the words "town of" immediately preceding the formal name]?"; and

2523 (b) the question, if a metro township is incorporated, of whether a metro township shall  
2524 be a metro township with limited municipal powers that is included in a municipal services  
2525 district substantially as follows:

2526 "If the majority of voters voting in this election vote to incorporate as a metro township,  
2527 shall the metro township be a metro township with limited municipal powers that is included in  
2528 a municipal services district?".

2529 (2) The ballot shall provide a space for the voter to indicate:

2530 (a) either the metro township or the city or town, respectively, as described in  
2531 Subsection (1)(a); and

2532 (b) whether the metro township shall be a metro township with limited municipal  
2533 powers that is included in a municipal services district.

2534 Section 56. Section **10-2a-407** is enacted to read:

2535 **10-2a-407. Ballot used at unincorporated island annexation election.**

2536 (1) The ballot at the election to either annex an unincorporated island into an eligible

2537 city or to remain an unincorporated island shall pose the question substantially as follows:

2538 "Shall [insert description of the unincorporated island or part of an island identified in  
2539 the resolution adopted under Section 10-2a-405] be annexed by [insert name of eligible city  
2540 identified in the resolution adopted under Section 10-2a-405] or remain unincorporated?"

2541 (2) The ballot shall provide:

2542 (a) a map of the selected unincorporated island and the eligible city; and

2543 (b) a space for the voter to indicate either the annexation into the eligible city or to  
2544 remain unincorporated area as described in Subsection (1).

2545 Section 57. Section **10-2a-408** is enacted to read:

2546 **10-2a-408. Notification to lieutenant governor of incorporation election results.**

2547 Within 10 days of the canvass of the incorporation and annexation election, the county  
2548 clerk shall send written notice to the lieutenant governor of:

2549 (1) the results of the election;

2550 (2) for a planning township:

2551 (a) if the incorporation of a planning township as a metro township passes:

2552 (i) the name of the metro township; and

2553 (ii) the class of the metro township as provided under Section [10-2-301.5](#); and

2554 (b) if the incorporation of a planning township as a city or town passes:

2555 (i) the name of the city or town; and

2556 (ii) if the incorporated area is a city, the class of the city as defined in Section  
2557 [10-2-301](#); and

2558 (3) for an unincorporated island, whether the unincorporated island or a portion of the  
2559 island is annexed into an eligible city.

2560 Section 58. Section **10-2a-409** is enacted to read:

2561 **10-2a-409. Unincorporated island annexation -- Notice and recording-- Applicable**  
2562 **provisions.**

2563 (1) If the annexation of an unincorporated island into an eligible city passes, the  
2564 legislative body of the eligible city shall comply with Section [10-2-425](#).

2565 (2) The following provisions apply to an annexation under this part:

2566 (a) Section [10-2-420](#);

2567 (b) Section [10-2-421](#);

2568 (c) Section 10-2-422;

2569 (d) Section 10-2-426; and

2570 (e) Section 10-2-428.

2571 Section 59. Section **10-2a-410** is enacted to read:

2572 **10-2a-410. Incorporation of metro townships after November 3, 2015.**

2573 (1) (a) An area located in a county of the first class that is unincorporated after the  
2574 results of the election held in accordance with Section 10-2a-404 may, after November 3, 2015,  
2575 incorporate as a metro township in accordance with this section.

2576 (b) An unincorporated area other than an area described in Subsection (1)(a) may not  
2577 incorporate as a metro township under this section.

2578 (2) A metro township may not be established unless the area to be included within the  
2579 proposed metro township:

2580 (a) is unincorporated;

2581 (b) is contiguous; and

2582 (c) (i) contains:

2583 (A) at least 20% but not more than 80% of the total private land area in the  
2584 unincorporated county or the total value of locally assessed taxable property in the  
2585 unincorporated county; or

2586 (B) at least 5% of the total population of the unincorporated county, but no less than  
2587 300 residents; or

2588 (ii) has been declared by the United States Census Bureau as a census designated place.

2589 (3) (a) The process to establish a metro township is initiated by the filing of a petition  
2590 with the clerk of the county in which the proposed metro township is located.

2591 (b) A petition to establish a metro township may not be filed if it proposes the  
2592 establishment of a metro township that includes an area within a proposed metro township in a  
2593 petition that has previously been certified under Subsection (9)(a)(i), until after the canvass of  
2594 an election on the proposed metro township under Subsection (11).

2595 (4) A petition under Subsection (3) to establish a metro township shall:

2596 (a) be signed by the owners of private real property that:

2597 (i) is located within the proposed metro township;

2598 (ii) covers at least 10% of the total private land area within the proposed metro

2599 township; and  
2600 (iii) is equal in value to at least 10% of the value of all private real property within the  
2601 proposed metro township;  
2602 (b) be accompanied by an accurate plat or map showing the boundary of the contiguous  
2603 area proposed to be established as a metro township;  
2604 (c) indicate the typed or printed name and current residence address of each owner  
2605 signing the petition;  
2606 (d) designate up to five signers of the petition as petition sponsors, one of whom shall  
2607 be designated as the contact sponsor, with the mailing address and telephone number of each  
2608 petition sponsor;  
2609 (e) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
2610 petition for purposes of the petition; and  
2611 (f) request the county legislative body to provide notice of the petition and of a public  
2612 hearing, hold a public hearing, and conduct an election on the proposal to establish a metro  
2613 township.  
2614 (5) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a metro township to the  
2615 same extent as if it were an incorporation petition under Title 10, Chapter 2a, Part 2,  
2616 Incorporation of a City.  
2617 (6) Within seven days after the filing of a petition under Subsection (3) proposing the  
2618 establishment of a metro township, the county clerk shall provide notice of the filing of the  
2619 petition to:  
2620 (a) each owner of real property owning more than 1% of the assessed value of all real  
2621 property within the proposed metro township; and  
2622 (b) each owner of real property owning more than 850 acres of real property within the  
2623 proposed metro township.  
2624 (7) A property owner may exclude all or part of the property owner's property from a  
2625 proposed metro township:  
2626 (a) if:  
2627 (i) (A) the property owner owns more than 1% of the assessed value of all property  
2628 within the proposed township, the property is nonurban, and the property does not or will not  
2629 require municipal provision of municipal-type services or the property owner owns more than

2630 850 acres of real property within the proposed metro township; and

2631 (B) exclusion of the property will not leave within the metro township an island of  
2632 property that is not part of the metro township; or

2633 (ii) the property owner owns rural real property as that term is defined in Section  
2634 17B-2a-1107; and

2635 (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under  
2636 Subsection (6).

2637 (8) (a) The county legislative body shall exclude from the proposed metro township the  
2638 property identified in a notice of exclusion timely filed under Subsection (7)(b) if the property  
2639 meets the applicable requirements of Subsection (7)(a).

2640 (b) If the county legislative body excludes property from a proposed metro township  
2641 under Subsection (8)(a), the county legislative body shall, within five days after the exclusion,  
2642 send written notice of its action to the contact sponsor.

2643 (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county  
2644 clerk shall:

2645 (i) with the assistance of other county officers from whom the clerk requests assistance,  
2646 determine whether the petition complies with the requirements of Subsection (4); and

2647 (ii) if the clerk determines that the petition:

2648 (A) complies with the requirements of Subsection (4), certify the petition, deliver the  
2649 certified petition to the county legislative body, and mail or deliver written notification of the  
2650 certification to the contact sponsor; or

2651 (B) fails to comply with any of the requirements of Subsection (4), reject the petition  
2652 and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

2653 (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may  
2654 be amended to correct the deficiencies for which it was rejected and then refiled with the  
2655 county clerk.

2656 (10) (a) Within 90 days after a petition to establish a metro township is certified, the  
2657 county legislative body shall hold a public hearing on the proposal to establish a metro  
2658 township.

2659 (b) A public hearing under Subsection (10)(a) shall be:

2660 (i) within the boundary of the proposed metro township; or

2661 (ii) if holding a public hearing in that area is not practicable, as close to that area as  
2662 practicable.

2663 (c) At least one week before holding a public hearing under Subsection (10)(a), the  
2664 county legislative body shall publish notice of the petition and the time, date, and place of the  
2665 public hearing:

2666 (i) at least once in a newspaper of general circulation in the county; and

2667 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#).

2668 (11) (a) Following the public hearing under Subsection (10)(b), the county legislative  
2669 body shall arrange for the proposal to establish a metro township to be submitted to voters  
2670 residing within the proposed metro township at the next regular general election that is more  
2671 than 90 days after the public hearing.

2672 (b) For the election required under Subsection (11)(a), the county and county clerk  
2673 shall, except as provided in Subsection (11)(c), follow the provisions of Section [10-2a-404](#) that  
2674 govern an election by residents of a planning district to incorporate as a metro township as if  
2675 the area described in Subsection (1) was the planning district, but excluding any action or  
2676 information that includes a requirement applicable to the option of incorporating as a city or  
2677 town under Section [10-2a-404](#) or the question on a ballot under Section [10-2a-406](#).

2678 (c) Notwithstanding Subsection [10-2a-404](#)(1)(a), the election shall be held on a date  
2679 that complies with Subsection (11)(a).

2680 (12) The provisions of Section [10-2a-411](#) govern the election of metro township  
2681 officers.

2682 Section 60. Section **10-2a-411** is enacted to read:

2683 **10-2a-411. Determination of metro township districts -- Determination of metro**  
2684 **township or city initial officer terms -- Adoption of proposed districts.**

2685 (1) If a metro township incorporated in accordance with an election held under Section  
2686 [10-2a-404](#) or [10-2a-410](#) meets, according to the most recent population estimates by the Utah  
2687 Population Estimates Committee, the population requirements for:

2688 (a) a five-member governing body as described in Section [10-3b-501](#):

2689 (i) each of the five metro township council members shall be elected by district; and

2690 (ii) the boundaries of the five council districts for election and the terms of office shall  
2691 be designated and determined in accordance with this section; or



2692 (b) a three-member governing body as described in Section 10-3b-501, the three metro  
2693 township council members shall be elected at large for terms as designated and determined in  
2694 accordance with this section.

2695 (2) (a) If a town is incorporated at an election held in accordance with Section  
2696 10-2a-404, the five council members shall be elected at large for terms as designated and  
2697 determined in accordance with this section.

2698 (b) If a city is incorporated at an election held in accordance with Section 10-2a-404:

2699 (i) (A) the four members of the council district who are not the mayor shall be elected  
2700 by district; and

2701 (B) the boundaries of the four council districts for election and the term of office shall  
2702 be designated and determined in accordance with this section; and

2703 (ii) the mayor shall be elected at large for a term designated and determined in  
2704 accordance with this section.

2705 (3) (a) No later than 90 days after the election day on which the metro township, city,  
2706 or town is successfully incorporated under this part, the legislative body of the county in which  
2707 the metro township is located shall adopt by resolution:

2708 (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town,  
2709 the council terms for a length of time in accordance with this section; and

2710 (ii) (A) for a metro township of the first class, if applicable, the boundaries of the five  
2711 council districts; and

2712 (B) for a city, the boundaries of the four council districts.

2713 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
2714 initial terms of the members of the metro township council, city council, or town council so  
2715 that:

2716 (A) approximately half the members of the council, including the mayor in the case of  
2717 a city, are elected to serve an initial term, of no less than one year, that allows their successors  
2718 to serve a full four-year term that coincides with the schedule established in Subsection  
2719 10-3-205(1); and

2720 (B) the remaining members of the council are elected to serve an initial term, of no less  
2721 than one year, that allows their successors to serve a full four-year term that coincides with the  
2722 schedule established in Subsection 10-3-205(2).

2723 (ii) For a metro township of the first class, the county legislative body shall divide the  
2724 metro township into five council districts that comply with Section [10-3-205.5](#).

2725 (iii) For a city, the county legislative body shall divide the city into four council  
2726 districts that comply with Section [10-3-205.5](#).

2727 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under  
2728 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice  
2729 containing:

2730 (i) if applicable, a description of the boundaries of the metro township council or city  
2731 council districts as designated in the resolution;

2732 (ii) information about the deadline for filing a declaration of candidacy for those  
2733 seeking to become candidates for metro township council, city council, town council, or city  
2734 mayor, respectively; and

2735 (iii) information about the length of the initial term of city mayor or each of the metro  
2736 township, city, or town council offices, as described in the resolution.

2737 (b) The notice under Subsection (4)(a) shall be published:

2738 (i) in a newspaper of general circulation within the metro township, city, or town at  
2739 least once a week for two successive weeks; and

2740 (ii) in accordance with Section [45-1-101](#) for two weeks.

2741 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general  
2742 circulation within the future metro township, city, or town, the county clerk shall post at least  
2743 one notice per 1,000 population in conspicuous places within the future metro township, city,  
2744 or town that are most likely to give notice to the residents of the future metro township, city, or  
2745 town.

2746 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under  
2747 Subsection (4)(a).

2748 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven  
2749 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2750 (d) A person seeking to become a candidate for metro township, city, or town council  
2751 or city mayor shall, in accordance with Section [20A-9-202](#), file a declaration of candidacy with  
2752 the clerk of the county in which the metro township, city, or town is located for an election  
2753 described in Section [10-2a-412](#).

2754 Section 61. Section **10-2a-412** is enacted to read:

2755 **10-2a-412. Election of officers of new city, town, or metro township.**

2756 (1) For the election of officers of a metro township, city, or town, respectively,  
2757 incorporated under Section [10-2a-404](#), the county legislative body shall:

2758 (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary  
2759 election at the next regular primary election, as described in Section [20A-1-201.5](#), following  
2760 the election to incorporate; and

2761 (b) hold a final election at the next regular general election date following the election  
2762 to incorporate.

2763 (2) An election under Subsection (1) for the officers of:

2764 (a) a metro township shall be consistent with the number of council members based on  
2765 the population of the metro township as described in Subsection [10-2a-404\(1\)\(b\)\(i\)](#); and

2766 (b) a city or town shall be consistent with the number of council members, including  
2767 the city mayor as a member of a city council, described in Subsection [10-2a-404\(1\)\(b\)\(ii\)](#).

2768 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2769 (A) at least once a week for two successive weeks in a newspaper of general circulation  
2770 within the future metro township, city, or town; and

2771 (B) in accordance with Section [45-1-101](#) for two weeks.

2772 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more  
2773 than seven days before the election.

2774 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general  
2775 circulation within the future metro township, city, or town, the county clerk shall post at least  
2776 one notice of the election per 1,000 population in conspicuous places within the future metro  
2777 township, city, or town that are most likely to give notice of the election to the voters.

2778 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven  
2779 days before each election under Subsection (1).

2780 (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the  
2781 election officer for all purposes in an election of officers of the metro township, city, or town.

2782 (b) The county clerk is responsible to ensure that:

2783 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date  
2784 described in Subsection (1)(a);

2785 (ii) the final election described in Subsection (1)(b) is held on the date described in  
2786 Subsection (1)(b); and

2787 (iii) the ballot for each election includes each office that is required to be included for  
2788 officials in the metro township, city, or town, and the length of term of each office.

2789 (5) The officers elected at an election described in Subsection (1)(b) shall take office at  
2790 noon on the first Monday in January next following the election.

2791 Section 62. Section **10-2a-413** is enacted to read:

2792 **10-2a-413. Notification to lieutenant governor of election of officers.**

2793 Within 10 days of the canvass of final election of metro township, city, or town officers  
2794 under Section [10-2a-412](#), the county clerk shall send written notice to the lieutenant governor  
2795 of the name and position of each officer elected and the term for which each has been elected.

2796 Section 63. Section **10-2a-414** is enacted to read:

2797 **10-2a-414. Incorporation under this part subject to other provisions.**

2798 (1) An incorporation of a metro township, city, or town under this part is subject to the  
2799 following provisions to the same extent as the incorporation of a city under Part 2,  
2800 Incorporation of a City:

2801 (a) Section [10-2a-217](#);

2802 (b) Section [10-2a-219](#); and

2803 (c) Section [10-2a-220](#).

2804 (2) An incorporation of a city or town under this part is subject to Section [10-2a-218](#) to  
2805 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2806 Section 64. Section **10-3-205.5** is amended to read:

2807 **10-3-205.5. At-large election of officers -- Election of commissioners or council**  
2808 **members.**

2809 (1) Except as provided in [~~Subsection (2)~~] Subsection (2), (3), or (4), the officers of  
2810 each city shall be elected in an at-large election held at the time and in the manner provided for  
2811 electing municipal officers.

2812 (2) (a) [~~Notwithstanding Subsection (1), the~~] The governing body of a city may by  
2813 ordinance provide for the election of some or all commissioners or council members, as the  
2814 case may be, by district equal in number to the number of commissioners or council members  
2815 elected by district.

2816 (b) (i) Each district shall be of substantially equal population as the other districts.  
2817 (ii) Within six months after the Legislature completes its redistricting process, the  
2818 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make  
2819 any adjustments in the boundaries of the districts as may be required to maintain districts of  
2820 substantially equal population.

2821 (3) (a) The municipal council members of a metro township, as defined in Section  
2822 10-2a-403, are elected:

2823 (i) by district in accordance with Subsection 10-2a-411(1)(a)(i); or

2824 (ii) at large in accordance with Subsection 10-2a-411(1)(b).

2825 (b) The council districts in a metro township shall comply with the requirements of  
2826 Subsections (2)(b)(i) and (ii).

2827 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of  
2828 Metro Township and Unincorporated Islands in a County of the First Class on and after May  
2829 12, 2015:

2830 (i) the council members are elected by district in accordance with Section 10-2a-411;  
2831 and

2832 (ii) the mayor is elected at large in accordance with Section 10-2a-411.

2833 (b) The council districts in a city described in Subsection (4)(a) shall comply with the  
2834 requirements of Subsections (2)(b)(i) and (ii).

2835 Section 65. Section **10-3-1302** is amended to read:

2836 **10-3-1302. Purpose.**

2837 (1) The purposes of this part are to establish standards of conduct for municipal  
2838 officers and employees and to require these persons to disclose actual or potential conflicts of  
2839 interest between their public duties and their personal interests.

2840 (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part  
2841 may not be applied to an employee who is paid a salary or otherwise reimbursed by another  
2842 political subdivision for services required by law to be provided to the metro township.

2843 Section 66. Section **10-3b-102** is amended to read:

2844 **10-3b-102. Definitions.**

2845 As used in this chapter:

2846 (1) "Council-mayor form of government" means the form of municipal government

2847 that:

2848 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

2849 (ii) may not be adopted without voter approval; and

2850 (iii) consists of two separate, independent, and equal branches of municipal

2851 government; and

2852 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal

2853 Government.

2854 (2) "Five-member council form of government" means the form of municipal

2855 government described in Part 4, Five-Member Council Form of Municipal Government.

2856 (3) "Metro township" means the same as that term is defined in Section [10-2a-403](#).

2857 (4) "Metro township council form of government" means the form of metro township

2858 government described in Part 5, Metro Township Council Form of Municipal Government.

2859 [~~3~~] (5) "Six-member council form of government" means the form of municipal

2860 government described in Part 3, Six-Member Council Form of Municipal Government.

2861 Section 67. Section **10-3b-103** is amended to read:

2862 **10-3b-103. Forms of municipal government -- Form of government for towns --**

2863 **Former council-manager form.**

2864 (1) A municipality operating on May 4, 2008, under the council-mayor form of

2865 government:

2866 (a) shall, on and after May 5, 2008:

2867 (i) operate under a council-mayor form of government, as defined in Section

2868 [10-3b-102](#); and

2869 (ii) be subject to:

2870 (A) this part;

2871 (B) Part 2, Council-mayor Form of Municipal Government;

2872 (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2873 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

2874 and

2875 (b) is not subject to:

2876 (i) Part 3, Six-member Council Form of Municipal Government; ~~[or]~~

2877 (ii) Part 4, Five-member Council Form of Municipal Government~~[-]~~; or

2878 (iii) Part 5, Metro Township Council Form of Municipal Government.

2879 (2) A municipality operating on May 4, 2008 under a form of government known under  
2880 the law then in effect as the six-member council form:

2881 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an  
2882 ordinance appointing a manager for the municipality:

2883 (i) operate under a six-member council form of government, as defined in Section  
2884 10-3b-102;

2885 (ii) be subject to:

2886 (A) this part;

2887 (B) Part 3, Six-member Council Form of Municipal Government;

2888 (C) Part [5] 6, Changing to Another Form of Municipal Government; and

2889 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

2890 and

2891 (b) is not subject to:

2892 (i) Part 2, Council-mayor Form of Municipal Government; ~~or~~

2893 (ii) Part 4, Five-member Council Form of Municipal Government~~[-];~~ or

2894 (iii) Part 5, Metro Township Council Form of Municipal Government.

2895 (3) A municipality operating on May 4, 2008, under a form of government known  
2896 under the law then in effect as the five-member council form:

2897 (a) shall, on and after May 5, 2008:

2898 (i) operate under a five-member council form of government, as defined in Section  
2899 10-3b-102;

2900 (ii) be subject to:

2901 (A) this part;

2902 (B) Part 4, Five-member Council Form of Municipal Government;

2903 (C) Part [5] 6, Changing to Another Form of Municipal Government; and

2904 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

2905 and

2906 (b) is not subject to:

2907 (i) Part 2, Council-mayor Form of Municipal Government; ~~or~~

2908 (ii) Part 3, Six-member Council Form of Municipal Government~~[-];~~ or

2909 (iii) Part 5, Metro Township Council Form of Municipal Government.  
2910 (4) Subject to Subsection (5), each municipality other than a metro township  
2911 incorporated on or after May 5, 2008, shall operate under:  
2912 (a) the council-mayor form of government, with a five-member council;  
2913 (b) the council-mayor form of government, with a seven-member council;  
2914 (c) the six-member council form of government; or  
2915 (d) the five-member council form of government.  
2916 (5) Each town shall operate under a five-member council form of government unless:  
2917 (a) before May 5, 2008, the town has changed to another form of municipal  
2918 government; or  
2919 (b) on or after May 5, 2008, the town changes its form of government as provided in  
2920 Part [5] 6, Changing to Another Form of Municipal Government.  
2921 (6) Each metro township:  
2922 (a) shall operate under a metro township council form of government;  
2923 (b) is subject to:  
2924 (i) this part;  
2925 (ii) Part 5, Metro township Council Form of Municipal Government; and  
2926 (iii) except as provided in Subsection (6)(c), other applicable provisions of this title;  
2927 and  
2928 (c) is not subject to:  
2929 (i) Part 2, Council-mayor Form of Municipal Government;  
2930 (ii) Part 3, Six-member Council Form of Municipal Government; or  
2931 (iii) Part 4, Five-Member Council Form of Municipal Government.  
2932 [~~6~~] (7) (a) As used in this Subsection [~~6~~] (7), "council-manager form of  
2933 government" means the form of municipal government:  
2934 (i) provided for in Laws of Utah 1977, Chapter 48;  
2935 (ii) that cannot be adopted without voter approval; and  
2936 (iii) that provides for, subject to Subsections [~~7~~] (8) and [~~8~~] (9), an appointed  
2937 manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.  
2938 (b) A municipality operating on May 4, 2008, under the council-manager form of  
2939 government:



2940 (i) shall:

2941 (A) continue to operate, on and after May 5, 2008, under the council-manager form of

2942 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

2943 (B) be subject to:

2944 (I) this Subsection ~~[(6)]~~ (7) and other applicable provisions of this part;

2945 (II) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2946 (III) except as provided in Subsection ~~[(6)]~~ (7)(b)(ii), other applicable provisions of

2947 this title; and

2948 (ii) is not subject to:

2949 (A) Part 2, Council-mayor Form of Municipal Government;

2950 (B) Part 3, Six-member Council Form of Municipal Government; ~~[or]~~

2951 (C) Part 4, Five-member Council Form of Municipal Government~~[-];~~ or

2952 (D) Part 5, Metro Township Council Form of Municipal Government.

2953 ~~[(7)]~~ (8) (a) As used in this Subsection ~~[(7)]~~ (8), "interim vacancy period" means the

2954 period of time that:

2955 (i) begins on the day on which a municipal general election described in Section

2956 10-3-201 is held to elect a council member; and

2957 (ii) ends on the day on which the council member-elect begins the council member's

2958 term.

2959 (b) (i) The council may not appoint a manager during an interim vacancy period.

2960 (ii) Notwithstanding Subsection ~~[(7)]~~ (8)(b)(i):

2961 (A) except for a metro township council, the council may appoint an interim manager

2962 during an interim vacancy period; and

2963 (B) the interim manager's term shall expire once a new manager is appointed by the

2964 new administration after the interim vacancy period has ended.

2965 (c) Subsection ~~[(7)]~~ (8)(b) does not apply if all the council members who held office on

2966 the day of the municipal general election whose term of office was vacant for the election are

2967 re-elected to the council for the following term.

2968 ~~[(8)]~~ (9) A council that appoints a manager in accordance with this section may not, on

2969 or after May 10, 2011, enter into an employment contract that contains an automatic renewal

2970 provision with the manager.

2971            [~~(9)~~] (10) Nothing in this section may be construed to prevent or limit a municipality  
2972 operating under any form of municipal government from changing to another form of  
2973 government as provided in Part ~~[5]~~ 6, Changing to Another Form of Municipal Government.

2974            Section 68. Section **10-3b-202** is amended to read:

2975            **10-3b-202. Mayor in council-mayor form of government.**

2976            (1) The mayor in a municipality operating under the council-mayor form of  
2977 government:

2978            (a) is the chief executive and administrative officer of the municipality;

2979            (b) exercises the executive and administrative powers and performs or supervises the  
2980 performance of the executive and administrative duties and functions of the municipality;

2981            (c) shall:

2982            (i) keep the peace and enforce the laws of the municipality;

2983            (ii) execute the policies adopted by the council;

2984            (iii) appoint, with the council's advice and consent, a qualified person for each of the  
2985 following positions:

2986            (A) subject to Subsection (3), chief administrative officer, if required under the  
2987 resolution or petition under Subsection [~~10-3b-503~~] 10-3b-603(1)(a) that proposed the change  
2988 to a council-mayor form of government;

2989            (B) recorder;

2990            (C) treasurer;

2991            (D) engineer; and

2992            (E) attorney;

2993            (iv) provide to the council, at intervals provided by ordinance, a written report to the  
2994 council setting forth:

2995            (A) the amount of budget appropriations;

2996            (B) total disbursements from the appropriations;

2997            (C) the amount of indebtedness incurred or contracted against each appropriation,  
2998 including disbursements and indebtedness incurred and not paid; and

2999            (D) the percentage of the appropriations encumbered;

3000            (v) report to the council the condition and needs of the municipality;

3001            (vi) report to the council any release granted under Subsection (1)(d)(xiii);

- 3002 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the
- 3003 remittance to the council at the council's next meeting after the remittance;
- 3004 (viii) perform each other duty:
- 3005 (A) prescribed by statute; or
- 3006 (B) required by a municipal ordinance that is not inconsistent with statute;
- 3007 (d) may:
- 3008 (i) subject to budget constraints:
- 3009 (A) appoint:
- 3010 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and
- 3011 (II) one or more deputies or administrative assistants to the mayor; and
- 3012 (B) (I) create any other administrative office that the mayor considers necessary for
- 3013 good government of the municipality; and
- 3014 (II) appoint a person to the office;
- 3015 (ii) with the council's advice and consent and except as otherwise specifically limited
- 3016 by statute, appoint:
- 3017 (A) each department head of the municipality;
- 3018 (B) each statutory officer of the municipality; and
- 3019 (C) each member of a statutory commission, board, or committee of the municipality;
- 3020 (iii) dismiss any person appointed by the mayor;
- 3021 (iv) as provided in Section [10-3b-204](#), veto an ordinance, tax levy, or appropriation
- 3022 passed by the council;
- 3023 (v) exercise control of and supervise each executive or administrative department,
- 3024 division, or office of the municipality;
- 3025 (vi) within the general provisions of statute and ordinance, regulate and prescribe the
- 3026 powers and duties of each other executive or administrative officer or employee of the
- 3027 municipality;
- 3028 (vii) attend each council meeting, take part in council meeting discussions, and freely
- 3029 give advice to the council;
- 3030 (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill
- 3031 in all other respects the requirements of, as the case may be:
- 3032 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or

3033 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;  
3034 (ix) execute an agreement on behalf of the municipality, or delegate, by written  
3035 executive order, the authority to execute an agreement on behalf of the municipality:  
3036 (A) if the obligation under the agreement is within certified budget appropriations; and  
3037 (B) subject to Section 10-6-138;  
3038 (x) at any reasonable time, examine and inspect the official books, papers, records, or  
3039 documents of:  
3040 (A) the municipality; or  
3041 (B) any officer, employee, or agent of the municipality;  
3042 (xi) remit fines and forfeitures;  
3043 (xii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3044 in enforcing the laws of the state and ordinances of the municipality; and  
3045 (xiii) release a person imprisoned for a violation of a municipal ordinance; and  
3046 (e) may not vote on any matter before the council.  
3047 (2) (a) The first mayor elected under a newly established mayor-council form of  
3048 government shall, within six months after taking office, draft and submit to the council a  
3049 proposed ordinance:  
3050 (i) providing for the division of the municipality's administrative service into  
3051 departments, divisions, and bureaus; and  
3052 (ii) defining the functions and duties of each department, division, and bureau.  
3053 (b) Before the council adopts an ordinance on the municipality's administrative service,  
3054 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness  
3055 in the divisions of the municipal government.  
3056 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
3057 time that:  
3058 (i) begins on the day on which a municipal general election described in Section  
3059 10-3-201 is held to elect a mayor; and  
3060 (ii) ends on the day on which the mayor-elect begins the mayor's term.  
3061 (b) Each person appointed as chief administrative officer under Subsection  
3062 (1)(c)(iii)(A) shall be appointed on the basis of:  
3063 (i) the person's ability and prior experience in the field of public administration; and

3064 (ii) any other qualification prescribed by ordinance.

3065 (c) (i) The mayor may not appoint a chief administrative officer during an interim  
3066 vacancy period.

3067 (ii) Notwithstanding Subsection (3)(c)(i):

3068 (A) the mayor may appoint an interim chief administrative officer during an interim  
3069 vacancy period; and

3070 (B) the interim chief administrative officer's term shall expire once a new chief  
3071 administrative officer is appointed by the new mayor after the interim vacancy period has  
3072 ended.

3073 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the  
3074 municipal general election is re-elected to the mayor's office for the following term.

3075 (4) A mayor who appoints a chief administrative officer in accordance with this section  
3076 may not, on or after May 10, 2011, enter into an employment contract that contains an  
3077 automatic renewal provision with the chief administrative officer.

3078 Section 69. Section **10-3b-501** is repealed and reenacted to read:

3079 **Part 5. Metro Township Council Form of Municipal Government**

3080 **10-3b-501. Metro township government powers vested in a five-member council.**

3081 (1) The powers of municipal government in a metro township, as defined in Section  
3082 10-2a-403, are vested in a council consisting of three or five members, one of which is the  
3083 chair.

3084 (2) Based on the most recent population data available from the Utah Population  
3085 Estimates Committee and the classifications in Section 10-2-301.5, a metro township:

3086 (a) of the second class has a council consisting of three members elected at large; and

3087 (b) of the first class has a council consisting of five members elected by district.

3088 Section 70. Section **10-3b-502** is repealed and reenacted to read:

3089 **10-3b-502. Governance of metro townships that are not in a municipal services**  
3090 **district.**

3091 For a metro township in which the voters at an election held in accordance with Section  
3092 10-2a-404 do not choose a metro township with limited municipal powers that is included in a  
3093 municipal services district:

3094 (1) (a) the council, regardless of whether the council has five or three members under

3095 Section 10-3b-501:

3096 (i) has the same powers, authority, and duties as a council described in Section

3097 10-3b-403; and

3098 (ii) is not subject to Section 10-3b-504; and

3099 (b) the chair:

3100 (i) has the same powers, authority, and duties as a mayor described in Section

3101 10-3b-402; and

3102 (ii) is not subject to Section 10-3b-503.

3103 Section 71. Section **10-3b-503** is repealed and reenacted to read:

3104 **10-3b-503. Chair in a metro township included in a municipal services district.**

3105 (1) The chair in a metro township that is included in a municipal services district:

3106 (a) is a regular and voting member of the council;

3107 (b) is elected by the members of the council from among the council members;

3108 (c) is the chair of the council and presides at all council meetings;

3109 (d) exercises ceremonial functions for the municipality;

3110 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken

3111 by the council;

3112 (f) represents the metro township on the board of a municipal services district; and

3113 (g) has other powers and duties described in this section and otherwise authorized by

3114 law except as modified by ordinance under Subsection 10-3b-504(2).

3115 (2) Except as provided in Subsection (3), the chair in a metro township that is included

3116 in a municipal services district:

3117 (a) shall:

3118 (i) keep the peace and enforce the laws of the metro township;

3119 (ii) ensure that all applicable statutes and metro township ordinances and resolutions

3120 are faithfully executed and observed;

3121 (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the

3122 remittance to the council at the council's next meeting after the remittance;

3123 (iv) perform all duties prescribed by statute or metro township ordinance or resolution;

3124 (v) report to the council the condition and needs of the metro township;

3125 (vi) report to the council any release granted under Subsection (2)(g)(iv); and

3126           (b) may:  
3127           (i) recommend for council consideration any measure that the chair considers to be in  
3128 the best interests of the municipality;  
3129           (ii) remit fines and forfeitures;  
3130           (iii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3131 in enforcing the laws of the state and ordinances of the municipality;  
3132           (iv) release a person imprisoned for a violation of a municipal ordinance;  
3133           (v) with the council's advice and consent appoint a person to fill a municipal office or a  
3134 vacancy on a commission or committee of the municipality; and  
3135           (vi) at any reasonable time, examine and inspect the official books, papers, records, or  
3136 documents of:  
3137           (A) the municipality; or  
3138           (B) any officer, employee, or agency of the municipality.  
3139           (3) The powers and duties in Subsection (1) are subject to the council's authority to  
3140 limit or expand the chair's powers and duties under Section [10-3b-504\(2\)](#).  
3141           (4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member  
3142 of the council as chair pro tempore, to:  
3143           (i) preside at a council meeting; and  
3144           (ii) perform during the chair's absence, disability, or refusal to act, the duties and  
3145 functions of chair.  
3146           (b) In accordance with Section [10-3c-203](#), the county clerk of the county in which the  
3147 metro township is located shall enter in the minutes of the council meeting the election of a  
3148 council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).  
3149           Section 72. Section **10-3b-504** is repealed and reenacted to read:  
3150           **10-3b-504. Council in a metro township included in a municipal services district.**  
3151           (1) The council in a metro township that is included in a municipal services district:  
3152           (a) exercises any executive or administrative power and performs or supervises the  
3153 performance of any executive or administrative power, duty, or function that has not been  
3154 given to the chair under Section [10-3b-503](#) unless the council removes that power, duty, or  
3155 function from the chair in accordance with Subsection (2);  
3156           (b) may:

- 3157 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:  
3158 (A) removing from the chair any power, duty, or function of the chair; and  
3159 (B) reinstating to the chair any power, duty, or function previously removed under  
3160 Subsection (1)(b)(i)(A); and  
3161 (ii) adopt an ordinance delegating to the chair any executive or administrative power,  
3162 duty, or function that the council has under Subsection (1)(a); and  
3163 (c) may not remove from the chair or delegate:  
3164 (i) any of the chair's legislative or judicial powers or ceremonial functions;  
3165 (ii) the chair's position as chair of the council; or  
3166 (iii) any ex officio position that the chair holds.  
3167 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to  
3168 the chair a power, duty, or function provided for in Section [10-3b-503](#) requires the affirmative  
3169 vote of:  
3170 (a) the chair and a majority of all other council members; or  
3171 (b) all council members except the chair.  
3172 (3) The metro township council of a metro township that is included in a municipal  
3173 services district:  
3174 (a) shall:  
3175 (i) by ordinance, provide for the manner in which a subdivision is approved,  
3176 disapproved, or otherwise regulated;  
3177 (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;  
3178 (iii) perform all duties that the law imposes on the council; and  
3179 (iv) elect one of its members to be chair of the metro township and the chair of the  
3180 council;  
3181 (b) may:  
3182 (i) (A) notwithstanding Subsection (3)(c), appoint a committee of council members or  
3183 citizens to conduct an investigation into an officer, department, or agency of the municipality,  
3184 or any other matter relating to the welfare of the municipality; and  
3185 (B) delegate to an appointed committee powers of inquiry that the council considers  
3186 necessary;  
3187 (ii) make and enforce any additional rule or regulation for the government of the



3188 council, the preservation of order, and the transaction of the council's business that the council  
3189 considers necessary; and

3190 (iii) subject to the limitations provided in Subsection (5), take any action allowed under  
3191 Section 10-8-84 that is reasonably related to the safety, health, morals, and welfare of the metro  
3192 township inhabitants; and

3193 (c) may not:

3194 (i) direct or request, other than in writing, the appointment of a person to or the  
3195 removal of a person from an executive municipal office;

3196 (ii) interfere in any way with an executive officer's performance of the officer's duties;

3197 or

3198 (iii) publicly or privately give orders to a subordinate of the chair.

3199 (4) A member of a metro township council as described in this section may not have  
3200 any other compensated employment with the metro township.

3201 (5) The council of a metro township that is included in a municipal services district  
3202 may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a  
3203 municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services  
3204 district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

3205 Section 73. Section **10-3b-601** is enacted to read:

**Part 6. Changing to Another Form of Municipal Government**

**10-3b-601. Authority to change to another form of municipal government.**

3207 (1) As provided in this part, a municipality may change from the form of government  
3208 under which it operates to:

3210 (a) the council-mayor form of government with a five-member council;

3211 (b) the council-mayor form of government with a seven-member council;

3212 (c) the six-member council form of government; or

3213 (d) the five-member council form of government.

3214 (2) (a) A metro township that changes from the metro township council form of  
3215 government to a form described in Subsection (1):

3216 (i) is no longer a metro township; and

3217 (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority  
3218 of a city or town.

3219 (b) If a metro township with a population that qualifies as a town in accordance with  
3220 Section [10-2-301](#) changes its form of government in accordance with this part, the metro  
3221 township may only change to the five-member council form of government.

3222 (3) A municipality other than a metro township may not operate under the metro  
3223 township council form of government.

3224 Section 74. Section **10-3b-602** is enacted to read:

3225 **10-3b-602. Voter approval required for a change in the form of government.**

3226 A municipality may not change its form of government under this part unless voters of  
3227 the municipality approve the change at an election held for that purpose.

3228 Section 75. Section **10-3b-603** is enacted to read:

3229 **10-3b-603. Resolution or petition proposing a change in the form of government.**

3230 (1) The process to change the form of government under which a municipality operates  
3231 is initiated by:

3232 (a) the council's adoption of a resolution proposing a change; or

3233 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives  
3234 - Procedures, proposing a change.

3235 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the  
3236 declaring of a petition filed under Subsection (1)(b) as sufficient under Section [20A-7-507](#), the  
3237 council shall hold at least two public hearings on the proposed change.

3238 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on  
3239 the proposed change in the form of government at the next municipal general election or  
3240 regular general election that is more than 75 days after, as the case may be:

3241 (i) a resolution under Subsection (1)(a) is adopted; or

3242 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section  
3243 [20A-7-507](#).

3244 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of  
3245 government may not be held if:

3246 (i) in the case of a proposed change initiated by the council's adoption of a resolution  
3247 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

3248 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),  
3249 enough signatures are withdrawn from the petition within 60 days after the petition is declared

3250 sufficient under Section 20A-7-507 that the petition is no longer sufficient.

3251 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection  
3252 (1)(b) shall:

3253 (a) state the method of election and initial terms of council members; and

3254 (b) specify the boundaries of districts substantially equal in population, if some or all  
3255 council members are to be elected by district.

3256 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing  
3257 a change to a council-mayor form of government may require that, if the change is adopted, the  
3258 mayor appoint, with the council's advice and consent and subject to Section 10-3b-202, a chief  
3259 administrative officer, to exercise the administrative powers and perform the duties that the  
3260 mayor prescribes.

3261 Section 76. Section **10-3b-604** is enacted to read:

3262 **10-3b-604. Limitations on adoption of a resolution and filing of a petition.**

3263 A resolution may not be adopted under Subsection 10-3b-603(1)(a) and a petition may  
3264 not be filed under Subsection 10-3b-603(1)(b) within:

3265 (1) four years after an election at which voters reject a proposal to change the  
3266 municipality's form of government, if the resolution or petition proposes changing to the same  
3267 form of government that voters rejected at the election; or

3268 (2) four years after the effective date of a change in the form of municipal government  
3269 or an incorporation as a municipality.

3270 Section 77. Section **10-3b-605** is enacted to read:

3271 **10-3b-605. Ballot form.**

3272 The ballot at an election on a proposal to change the municipality's form of government  
3273 shall:

3274 (1) state the ballot question substantially as follows: "Shall (state the municipality's  
3275 name), Utah, change its form of government to the (state "council-mayor form, with a  
3276 five-member council," "council-mayor form, with a seven-member council," "six-member  
3277 council form," or "five-member council form," as applicable)?"; and

3278 (2) provide a space or method for the voter to vote "yes" or "no."

3279 Section 78. Section **10-3b-606** is enacted to read:

3280 **10-3b-606. Election of officers after a change in the form of government.**

3281 (1) If voters approve a proposal to change the municipality's form of government at an  
3282 election held as provided in this part, an election of officers under the new form of government  
3283 shall be held on the municipal general election date following the election at which voters  
3284 approve the proposal.

3285 (2) If a municipality changes its form of government under this part resulting in the  
3286 elimination of an elected official's position, the municipality shall continue to pay that official  
3287 at the same rate until the date on which the official's term would have expired, unless under the  
3288 new form of government the official holds municipal office for which the official is regularly  
3289 compensated.

3290 (3) A council member whose term has not expired at the time the municipality changes  
3291 its form of government under this part may, at the council member's option, continue to serve  
3292 as a council member under the new form of government for the remainder of the member's  
3293 term.

3294 (4) The term of the mayor and each council member is four years or until a successor is  
3295 qualified, except that approximately half of the initial council members, chosen by lot, shall  
3296 serve a term of two years or until a successor is qualified.

3297 Section 79. Section **10-3b-607** is enacted to read:

3298 **10-3b-607. Effective date of change in the form of government.**

3299 A change in the form of government under this chapter takes effect at noon on the first  
3300 Monday of January next following the election of officers under Section [10-3b-606](#).

3301 Section 80. Section **10-3c-101** is enacted to read:

3302 **CHAPTER 3c. ADMINISTRATION OF METRO TOWNSHIPS**

3303 **Part 1. General Provisions**

3304 **10-3c-101. Title.**

3305 (1) This chapter is known as "Administration of Metro Townships."

3306 (2) This part is known as "General Provisions."

3307 Section 81. Section **10-3c-102** is enacted to read:

3308 **10-3c-102. Definitions.**

3309 As used in this chapter:

3310 (1) "Municipal services district" means a local district created in accordance with Title  
3311 17B, Chapter 2a, Part 11, Municipal Services District Act.

3312 (2) "Metro township" means a metro township incorporated in accordance with  
3313 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County  
3314 of the First Class on and after May 12, 2015.

3315 Section 82. Section **10-3c-103** is enacted to read:

3316 **10-3c-103. Status and powers.**

3317 A metro township:

3318 (1) is:

3319 (a) a body corporate and politic with perpetual succession;

3320 (b) a quasi-municipal corporation; and

3321 (c) a political subdivision of the state; and

3322 (2) may sue and be sued.

3323 Section 83. Section **10-3c-201** is enacted to read:

3324 **Part 2. Administration of Metro Township**

3325 **10-3c-201. Title.**

3326 This part is known as "Administration of Metro Township."

3327 Section 84. Section **10-3c-202** is enacted to read:

3328 **10-3c-202. Budget.**

3329 A metro township is subject to and shall comply with Chapter 6, Uniform Fiscal  
3330 Procedures Act for Utah Cities.

3331 Section 85. Section **10-3c-203** is enacted to read:

3332 **10-3c-203. Administrative and operational services -- Staff provided by county or**  
3333 **municipal services district.**

3334 (1) Unless otherwise provided, a metro township may not hire an executive director or  
3335 other municipal manager or employ staff or otherwise contract for personnel services except  
3336 for a contract for personnel services with a municipal services district.

3337 (2) (a) The following officials elected or appointed, or persons employed by, the county  
3338 in which a municipality township is located shall, for the purposes of interpreting and  
3339 complying with applicable law, fulfill the responsibilities and hold the following metro  
3340 township offices or positions:

3341 (i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the  
3342 metro township;

3343 (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for  
3344 the metro township;

3345 (iii) the county surveyor or engineer shall fulfill the duties and hold the powers of  
3346 engineer for the metro township; and

3347 (iv) subject to Subsection (2)(b), the county auditor shall fulfill the duties and hold the  
3348 powers of auditor for the metro township.

3349 (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the  
3350 metro township to the extent that the county auditor's powers and duties are described in and  
3351 delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and  
3352 a municipal auditor's powers and duties described in this title are the same.

3353 (ii) Notwithstanding Subsection (2)(b), in a metro township, services described in  
3354 Sections 17-19a-203, 17-19a-204, and 17-19a-205, and services other than those described in  
3355 Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that  
3356 are required by law, shall be performed by county staff other than the county auditor.

3357 (3) (a) Nothing in Subsection (2) may be construed to relieve an official described in  
3358 Subsections (2)(a)(i) through (iv) of a duty to either the county or metro township or a duty to  
3359 fulfill that official's position as required by law.

3360 (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other  
3361 person described in Subsections (2)(a)(i) through (iv):

3362 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of  
3363 Title 17, Counties, as applicable to that official's or person's county office;

3364 (ii) is paid a salary and benefits and subject to employment discipline in accordance  
3365 with the provisions of Title 17, Counties, as applicable to that official's or person's county  
3366 office;

3367 (iii) is not subject to:

3368 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

3369 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

3370 (iv) is not required to provide a bond for the applicable municipal office if a bond for  
3371 the office is required by this title.

3372 (4) (a) The metro township may establish a planning commission in accordance with  
3373 Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.

3374 (b) The metro township may not employ staff to support a planning commission or  
3375 appeal authority.

3376 (c) A metro township may not employ an attorney for purposes of providing legal  
3377 advice to the chair or metro township council or any other metro township purpose.

3378 (5) A municipal services district established in accordance with Section 17B, Chapter  
3379 2a, Part 11, Municipal Services District Act, and of which the metro township is a part of shall  
3380 provide:

3381 (a) staff to the planning commission and appeal authority; and

3382 (b) legal counsel to the metro township.

3383 (6) (a) This section applies only to a metro township in which:

3384 (i) the electors at an election under Section 10-2a-404 chose a metro township that is  
3385 included in a municipal services district and has limited municipal powers; or

3386 (ii) the metro township subsequently joins a municipal services district.

3387 (b) This section does not apply to a metro township described in Subsection (6)(a) if  
3388 the municipal services district is dissolved.

3389 Section 86. Section **10-3c-204** is enacted to read:

3390 **10-3c-204. Taxing authority limited.**

3391 (1) A metro township may not impose:

3392 (a) a municipal energy sales and use tax as described in Chapter 1, Part 3, Municipal  
3393 Energy Sales and Use Tax Act; or

3394 (b) a municipal telecommunication's license tax as described in Chapter 1, Part 4,  
3395 Municipal Telecommunications License Tax.

3396 (2) (a) If the electors at an election under Section 10-2a-404 chose a metro township  
3397 that is with limited municipal powers that is included in a municipal services district, or a  
3398 metro township subsequently joins a municipal services district, the metro township may not  
3399 levy or impose a tax unless the Legislature expressly provides that the metro township may  
3400 levy or impose the tax.

3401 (b) Subsection (2)(a) does not apply if a municipal services district is dissolved.

3402 Section 87. Section **10-3c-205** is enacted to read:

3403 **10-3c-205. Fees.**

3404 (1) A metro township may impose a fine, fee, or charge.

3405           (2) For a metro township of which the electors at an election under Section 10-2a-404  
3406 chose a metro township that is with limited municipal powers that is included in a municipal  
3407 services district, or if a metro township subsequently joins a municipal services district, the  
3408 municipal services district of which a metro township is a part shall, upon request by the metro  
3409 township, collect on behalf of the metro township all fines, fees, charges, levies, and other  
3410 payments imposed by the metro township.

3411           Section 88. Section **10-6-106** is amended to read:

3412           **10-6-106. Definitions.**

3413           As used in this chapter:

3414           (1) "Account group" is defined by generally accepted accounting principles as reflected  
3415 in the Uniform Accounting Manual for Utah Cities.

3416           (2) "Appropriation" means an allocation of money by the governing body for a specific  
3417 purpose.

3418           (3) (a) "Budget" means a plan of financial operations for a fiscal period which  
3419 embodies estimates of proposed expenditures for given purposes and the proposed means of  
3420 financing them.

3421           (b) "Budget" may refer to the budget of a particular fund for which a budget is required  
3422 by law or it may refer collectively to the budgets for all such funds.

3423           (4) "Budgetary fund" means a fund for which a budget is required.

3424           (5) "Budget officer" means the city auditor in a city of the first and second class, the  
3425 mayor or some person appointed by the mayor with the approval of the city council in a city of  
3426 the third, fourth, or fifth class, the mayor in the council-mayor optional form of government,  
3427 the chair of the metro township council in a metro township, or the person designated by the  
3428 charter in a charter city.

3429           (6) "Budget period" means the fiscal period for which a budget is prepared.

3430           (7) "Check" means an order in a specific amount drawn upon a depository by an  
3431 authorized officer of a city.

3432           (8) "City" means a city or a metro township as defined in Section 10-2a-403.

3433           ~~(8)~~ (9) "City general fund" means the general fund used by a city.

3434           ~~(9)~~ (10) "Current period" means the fiscal period in which a budget is prepared and  
3435 adopted, i.e., the fiscal period next preceding the budget period.



3436            [~~(10)~~] (11) "Department" means any functional unit within a fund that carries on a  
3437 specific activity, such as a fire or police department within a city general fund.

3438            [~~(11)~~] (12) "Encumbrance system" means a method of budgetary control in which part  
3439 of an appropriation is reserved to cover a specific expenditure by charging obligations, such as  
3440 purchase orders, contracts, or salary commitments to an appropriation account at their time of  
3441 origin. Such obligations cease to be encumbrances when paid or when the actual liability is  
3442 entered on the city's books of account.

3443            [~~(12)~~] (13) "Enterprise fund" means a fund as defined by the Governmental Accounting  
3444 Standards Board that is used by a municipality to report an activity for which a fee is charged to  
3445 users for goods or services.

3446            [~~(13)~~] (14) "Estimated revenue" means the amount of revenue estimated to be received  
3447 from all sources during the budget period in each fund for which a budget is being prepared.

3448            [~~(14)~~] (15) "Financial officer" means the mayor in the council-mayor optional form of  
3449 government or the city official as authorized by Section [10-6-158](#).

3450            [~~(15)~~] (16) "Fiscal period" means the annual or biennial period for accounting for fiscal  
3451 operations in each city.

3452            [~~(16)~~] (17) "Fund" is as defined by generally accepted accounting principles as  
3453 reflected in the Uniform Accounting Manual for Utah Cities.

3454            [~~(17)~~] (18) "Fund balance," "retained earnings," and "deficit" have the meanings  
3455 commonly accorded such terms under generally accepted accounting principles as reflected in  
3456 the Uniform Accounting Manual for Utah Cities.

3457            [~~(18)~~] (19) "General fund" is as defined by the Governmental Accounting Standards  
3458 Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by  
3459 the Office of the Utah State Auditor.

3460            [~~(19)~~] (20) "Governing body" means a city council, or city commission, as the case  
3461 may be, but the authority to make any appointment to any position created by this chapter is  
3462 vested in the mayor in the council-mayor optional form of government.

3463            [~~(20)~~] (21) "Interfund loan" means a loan of cash from one fund to another, subject to  
3464 future repayment.

3465            [~~(21)~~] (22) "Last completed fiscal period" means the fiscal period next preceding the  
3466 current period.

3467           ~~[(22)]~~ (23) (a) "Public funds" means any money or payment collected or received by an  
3468 officer or employee of the city acting in an official capacity and includes money or payment to  
3469 the officer or employee for services or goods provided by the city, or the officer or employee  
3470 while acting within the scope of employment or duty.

3471           (b) "Public funds" does not include money or payments collected or received by an  
3472 officer or employee of a city for charitable purposes if the mayor or city council has consented  
3473 to the officer's or employee's participation in soliciting contributions for a charity.

3474           ~~[(23)]~~ (24) "Special fund" means any fund other than the city general fund.

3475           ~~[(24)]~~ (25) "Utility" means a utility owned by a city, in whole or in part, that provides  
3476 electricity, gas, water, or sewer, or any combination of them.

3477           ~~[(25)]~~ (26) "Warrant" means an order drawn upon the city treasurer, in the absence of  
3478 sufficient money in the city's depository, by an authorized officer of a city for the purpose of  
3479 paying a specified amount out of the city treasury to the person named or to the bearer as  
3480 money becomes available.

3481           Section 89. Section **10-6-111** is amended to read:

3482           **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**  
3483 **-- Budget message -- Review by governing body.**

3484           (1) (a) On or before the first regularly scheduled meeting of the governing body in the  
3485 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on  
3486 forms provided by the state auditor, and file with the governing body, a tentative budget for  
3487 each fund for which a budget is required.

3488           (b) The tentative budget of each fund shall set forth in tabular form:

3489           (i) the actual revenues and expenditures in the last completed fiscal period;

3490           (ii) the budget estimates for the current fiscal period;

3491           (iii) the actual revenues and expenditures for a period of 6 to 21 months, as  
3492 appropriate, of the current fiscal period;

3493           (iv) the estimated total revenues and expenditures for the current fiscal period;

3494           (v) the budget officer's estimates of revenues and expenditures for the budget period,  
3495 computed as provided in Subsection (1)(c); and

3496           (vi) if the governing body elects, the actual performance experience to the extent  
3497 established by Section **10-6-154** and available in work units, unit costs, man hours, or man

3498 years for each budgeted fund on an actual basis for the last completed fiscal period, and  
3499 estimated for the current fiscal period and for the ensuing budget period.

3500 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),  
3501 the budget officer shall estimate:

3502 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

3503 (I) hearing each department head; and

3504 (II) reviewing the budget requests and estimates of the department heads; and

3505 (B) (I) the amount of revenue available to serve the needs of each fund;

3506 (II) the portion of revenue to be derived from all sources other than general property  
3507 taxes; and

3508 (III) the portion of revenue that shall be derived from general property taxes.

3509 (ii) The budget officer may revise any department's estimate under Subsection  
3510 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to  
3511 the governing body.

3512 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall  
3513 compute and disclose in the budget the lowest rate of property tax levy that will raise the  
3514 required amount of revenue, calculating the levy upon the latest taxable value.

3515 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,  
3516 shall contain the estimates of expenditures submitted by department heads, together with  
3517 specific work programs and such other supporting data as this chapter requires or the governing  
3518 body may request. Each city of the first or second class shall, and a city of the third, fourth, or  
3519 fifth class may, submit a supplementary estimate of all capital projects which each department  
3520 head believes should be undertaken within the next three succeeding years.

3521 (b) Each tentative budget submitted by the budget officer to the governing body shall  
3522 be accompanied by a budget message, which shall explain the budget, contain an outline of the  
3523 proposed financial policies of the city for the budget period, and shall describe the important  
3524 features of the budgetary plan. It shall set forth the reasons for salient changes from the  
3525 previous fiscal period in appropriation and revenue items and shall explain any major changes  
3526 in financial policy.

3527 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the  
3528 governing body in any regular meeting or special meeting called for the purpose and may be

3529 amended or revised in such manner as is considered advisable prior to public hearings, except  
3530 that no appropriation required for debt retirement and interest or reduction of any existing  
3531 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be  
3532 reduced below the minimums so required.

3533 (4) (a) If the municipality is acting pursuant to Section [~~10-2-120~~] 10-2a-218, the  
3534 tentative budget shall:

3535 (i) be submitted to the governing body-elect as soon as practicable; and

3536 (ii) cover each fund for which a budget is required from the date of incorporation to the  
3537 end of the fiscal year.

3538 (b) The governing body shall substantially comply with all other provisions of this  
3539 chapter, and the budget shall be passed upon incorporation.

3540 Section 90. Section **15A-5-202.5** is amended to read:

3541 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

3542 (1) For IFC, Chapter 3, General Requirements:

3543 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six  
3544 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for  
3545 Wildland Fire Ordinance".

3546 (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is  
3547 deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or  
3548 placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing  
3549 substance or object on any surface or article where it can cause an unwanted fire."

3550 (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted  
3551 and rewritten as follows: "When the fire code official determines that hazardous environmental  
3552 conditions necessitate controlled use of any ignition source, including fireworks, lighters,  
3553 matches, sky lanterns, and smoking materials, any of the following may occur:

3554 1. If the hazardous environmental conditions exist in a municipality, the legislative  
3555 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,  
3556 brush-covered, or forest-covered areas or the wildland urban interface area, which means the  
3557 line, area, or zone where structures or other human development meet or intermingle with  
3558 undeveloped wildland or land being used for an agricultural purpose.

3559 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist

3560 in an unincorporated area, the state forester may prohibit the ignition or use of an ignition  
3561 source in all or part of the areas described in paragraph 1 that are within the unincorporated  
3562 area, after consulting with the county fire code official who has jurisdiction over that area.

3563 3. If the hazardous environmental conditions exist in a metro township created under  
3564 [~~Section 17-27a-306 that is in a county of the first class, the county~~] Title 10, Chapter 2a, Part  
3565 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class  
3566 on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use  
3567 of an ignition source in all or part of the areas described in paragraph 1 that are within the  
3568 township."

3569 (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On  
3570 line 10 delete the words "International Property Maintenance Code and the".

3571 (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete  
3572 the word "shall" and replace it with the word "may".

3573 (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
3574 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
3575 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler  
3576 heads in occupancies meeting classification as light or ordinary hazard."

3577 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

3578 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as  
3579 follows: After the word "buildings" add "to include sororities and fraternity houses".

3580 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following  
3581 footnotes:

3582 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation  
3583 drill for fire conducted at least every two months, to a total of four emergency evacuation drills  
3584 during the nine-month school year. The first emergency evacuation drill for fire shall be  
3585 conducted within 10 school days after the beginning of classes, and the third emergency  
3586 evacuation drill for fire shall be conducted 10 school days after the beginning of the next  
3587 calendar year. The second and fourth emergency evacuation drills may be substituted by a  
3588 security or safety drill to include shelter in place, earthquake drill, or lock down for violence."

3589 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the  
3590 monthly required emergency evacuation drill can be substituted by a security or safety drill to

3591 include shelter in place, earthquake drill, or lock down for violence. The routine emergency  
3592 evacuation drill for fire must be conducted at least every other evacuation drill."

3593 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are  
3594 required to have one emergency evacuation drill per year, provided the following conditions are  
3595 met:

3596 (A) The building has a fire alarm system in accordance with Section 907.2.

3597 (B) The rooms classified as assembly shall have fire safety floor plans as required in  
3598 Section 404.3.2(4) posted.

3599 (C) The building is not classified a high-rise building.

3600 (D) The building does not contain hazardous materials over the allowable quantities by  
3601 code."

3602 Section 91. Section 17-23-17 is amended to read:

3603 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
3604 **of monuments -- Record of corner changes -- Penalties.**

3605 (1) As used in this section[~~,"land~~]:

3606 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3607 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3608 Surveyors Licensing Act.

3609 (b) (i) "Township" means a term used in the context of identifying a geographic area in  
3610 common surveyor practice.

3611 (ii) "Township" does not mean a metro township as that term is defined in Section  
3612 10-2a-403.

3613 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
3614 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
3615 a boundary line shall file a map of the survey that meets the requirements of this section with  
3616 the county surveyor or designated office within 90 days of the establishment or reestablishment  
3617 of a boundary.

3618 (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
3619 (2)(a)(i) is guilty of a class C misdemeanor.

3620 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
3621 separate violation.

- 3622 (b) The county surveyor or designated office shall file and index the map of the survey.
- 3623 (c) The map shall be a public record in the office of the county surveyor or designated
- 3624 office.
- 3625 (3) This type of map shall show:
- 3626 (a) the location of survey by quarter section and township and range;
- 3627 (b) the date of survey;
- 3628 (c) the scale of drawing and north point;
- 3629 (d) the distance and course of all lines traced or established, giving the basis of bearing
- 3630 and the distance and course to two or more section corners or quarter corners, including
- 3631 township and range, or to identified monuments within a recorded subdivision;
- 3632 (e) all measured bearings, angles, and distances separately indicated from those of
- 3633 record;
- 3634 (f) a written boundary description of property surveyed;
- 3635 (g) all monuments set and their relation to older monuments found;
- 3636 (h) a detailed description of monuments found and monuments set, indicated
- 3637 separately;
- 3638 (i) the surveyor's seal or stamp; and
- 3639 (j) the surveyor's business name and address.
- 3640 (4) (a) The map shall contain a written narrative that explains and identifies:
- 3641 (i) the purpose of the survey;
- 3642 (ii) the basis on which the lines were established; and
- 3643 (iii) the found monuments and deed elements that controlled the established or
- 3644 reestablished lines.
- 3645 (b) If the narrative is a separate document, it shall contain:
- 3646 (i) the location of the survey by quarter section and by township and range;
- 3647 (ii) the date of the survey;
- 3648 (iii) the surveyor's stamp or seal; and
- 3649 (iv) the surveyor's business name and address.
- 3650 (c) The map and narrative shall be referenced to each other if they are separate
- 3651 documents.
- 3652 (5) The map and narrative shall be created on material of a permanent nature on stable

3653 base reproducible material in the sizes required by the county surveyor.

3654 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference  
3655 a point on a property or land line shall be durably and visibly marked or tagged with the  
3656 registered business name or the letters "L.S." followed by the registration number of the  
3657 surveyor in charge.

3658 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall  
3659 be marked with the official title of the office.

3660 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the  
3661 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
3662 submit to the county surveyor or designated office a record of the changes made.

3663 (b) The record shall be submitted within 45 days of the corner visits and shall include  
3664 the surveyor's seal, business name, and address.

3665 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
3666 license of any land surveyor who fails to comply with the requirements of this section,  
3667 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and  
3668 Professional Licensing Act.

3669 (9) Each federal or state agency, board, or commission, local district, special service  
3670 district, or municipal corporation that makes a boundary survey of lands within this state shall  
3671 comply with this section.

3672 Section 92. Section 17-23-17.5 is amended to read:

3673 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**  
3674 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

3675 (1) As used in this section:

3676 (a) "Accessory to a corner" means any exclusively identifiable physical object whose  
3677 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing  
3678 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,  
3679 steel or wooden stakes, or other objects.

3680 (b) "Corner," unless otherwise qualified, means a property corner, a property  
3681 controlling corner, a public land survey corner, or any combination of these.

3682 (c) "Geographic coordinates" means mathematical values that designate a position on  
3683 the earth relative to a given reference system. Coordinates shall be established pursuant to



3684 Title 57, Chapter 10, Utah Coordinate System.

3685 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3686 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3687 Surveyors Licensing Act.

3688 (e) "Monument" means an accessory that is presumed to occupy the exact position of a  
3689 corner.

3690 (f) "Property controlling corner" means a public land survey corner or any property  
3691 corner which does not lie on a property line of the property in question, but which controls the  
3692 location of one or more of the property corners of the property in question.

3693 (g) "Property corner" means a geographic point of known geographic coordinates on  
3694 the surface of the earth, and is on, a part of, and controls a property line.

3695 (h) "Public land survey corner" means any corner actually established and monumented  
3696 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the  
3697 land to a private person from the United States government.

3698 (i) "Reference monument" means a special monument that does not occupy the same  
3699 geographical position as the corner itself, but whose spatial relationship to the corner is  
3700 recorded and which serves to witness the corner.

3701 (j) (i) "Township" means a term used in the context of identifying a geographic area in  
3702 common surveyor practice.

3703 (ii) "Township" does not mean a metro township as that term is defined in Section  
3704 [10-2a-403](#).

3705 (2) (a) Any land surveyor making a boundary survey of lands within this state and  
3706 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the  
3707 county where the corner is situated, a written record to be known as a corner file for every  
3708 public land survey corner and accessory to the corner which is used as control in any survey by  
3709 the surveyor, unless the corner and its accessories are already a matter of record in the county.

3710 (b) Where reasonably possible, the corner file shall include the geographic coordinates  
3711 of the corner.

3712 (c) A surveyor may file a corner record as to any property corner, reference monument,  
3713 or accessory to a corner.

3714 (d) Corner records may be filed concerning corners used before the effective date of

3715 this section.

3716 (3) The county surveyor of the county containing the corners shall have on record as  
3717 part of the official files maps of each township within the county, the bearings and lengths of  
3718 the connecting lines to government corners, and government corners looked for and not found.

3719 (4) The county surveyor shall make these records available for public inspection at the  
3720 county facilities during normal business hours.

3721 (5) Filing fees for corner records shall be established by the county legislative body  
3722 consistent with existing fees for similar services. All corners, monuments, and their  
3723 accessories used prior to the effective date of this section shall be accepted and filed with the  
3724 county surveyor without requiring the payment of the fees.

3725 (6) When a corner record of a public land survey corner is required to be filed under  
3726 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the  
3727 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

3728 (7) A corner record may not be filed unless it is signed by a land surveyor.

3729 (8) All filings relative to official cadastral surveys of the Bureau of Land Management  
3730 of the United States of America performed by authorized personnel shall be exempt from filing  
3731 fees.

3732 Section 93. Section 17-27a-103 is amended to read:

3733 **17-27a-103. Definitions.**

3734 As used in this chapter:

3735 (1) "Affected entity" means a county, municipality, local district, special service  
3736 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
3737 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
3738 property owner, property owners association, public utility, or the Utah Department of  
3739 Transportation, if:

3740 (a) the entity's services or facilities are likely to require expansion or significant  
3741 modification because of an intended use of land;

3742 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
3743 or

3744 (c) the entity has filed with the county a request for notice during the same calendar  
3745 year and before the county provides notice to an affected entity in compliance with a

3746 requirement imposed under this chapter.

3747 (2) "Appeal authority" means the person, board, commission, agency, or other body  
3748 designated by ordinance to decide an appeal of a decision of a land use application or a  
3749 variance.

3750 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
3751 residential property if the sign is designed or intended to direct attention to a business, product,  
3752 or service that is not sold, offered, or existing on the property where the sign is located.

3753 (4) (a) "Charter school" means:

3754 (i) an operating charter school;

3755 (ii) a charter school applicant that has its application approved by a charter school  
3756 authorizer in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

3757 (iii) an entity that is working on behalf of a charter school or approved charter  
3758 applicant to develop or construct a charter school building.

3759 (b) "Charter school" does not include a therapeutic school.

3760 (5) "Chief executive officer" means the person or body that exercises the executive  
3761 powers of the county.

3762 (6) "Conditional use" means a land use that, because of its unique characteristics or  
3763 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
3764 compatible in some areas or may be compatible only if certain conditions are required that  
3765 mitigate or eliminate the detrimental impacts.

3766 (7) "Constitutional taking" means a governmental action that results in a taking of  
3767 private property so that compensation to the owner of the property is required by the:

3768 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3769 (b) Utah Constitution Article I, Section 22.

3770 (8) "Culinary water authority" means the department, agency, or public entity with  
3771 responsibility to review and approve the feasibility of the culinary water system and sources for  
3772 the subject property.

3773 (9) "Development activity" means:

3774 (a) any construction or expansion of a building, structure, or use that creates additional  
3775 demand and need for public facilities;

3776 (b) any change in use of a building or structure that creates additional demand and need

3777 for public facilities; or

3778 (c) any change in the use of land that creates additional demand and need for public  
3779 facilities.

3780 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
3781 one or more of a person's major life activities, including a person having a record of such an  
3782 impairment or being regarded as having such an impairment.

3783 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
3784 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
3785 802.

3786 (11) "Educational facility":

3787 (a) means:

3788 (i) a school district's building at which pupils assemble to receive instruction in a  
3789 program for any combination of grades from preschool through grade 12, including  
3790 kindergarten and a program for children with disabilities;

3791 (ii) a structure or facility:

3792 (A) located on the same property as a building described in Subsection (11)(a)(i); and

3793 (B) used in support of the use of that building; and

3794 (iii) a building to provide office and related space to a school district's administrative  
3795 personnel; and

3796 (b) does not include:

3797 (i) land or a structure, including land or a structure for inventory storage, equipment  
3798 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

3799 (A) not located on the same property as a building described in Subsection (11)(a)(i);  
3800 and

3801 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

3802 (ii) a therapeutic school.

3803 (12) "Fire authority" means the department, agency, or public entity with responsibility  
3804 to review and approve the feasibility of fire protection and suppression services for the subject  
3805 property.

3806 (13) "Flood plain" means land that:

3807 (a) is within the 100-year flood plain designated by the Federal Emergency

3808 Management Agency; or

3809 (b) has not been studied or designated by the Federal Emergency Management Agency  
3810 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
3811 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
3812 Federal Emergency Management Agency.

3813 (14) "Gas corporation" has the same meaning as defined in Section 54-2-1.

3814 (15) "General plan" means a document that a county adopts that sets forth general  
3815 guidelines for proposed future development of the unincorporated land within the county.

3816 (16) "Geologic hazard" means:

3817 (a) a surface fault rupture;

3818 (b) shallow groundwater;

3819 (c) liquefaction;

3820 (d) a landslide;

3821 (e) a debris flow;

3822 (f) unstable soil;

3823 (g) a rock fall; or

3824 (h) any other geologic condition that presents a risk:

3825 (i) to life;

3826 (ii) of substantial loss of real property; or

3827 (iii) of substantial damage to real property.

3828 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
3829 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
3830 system.

3831 (18) "Identical plans" means building plans submitted to a county that:

3832 (a) are clearly marked as "identical plans";

3833 (b) are substantially identical building plans that were previously submitted to and  
3834 reviewed and approved by the county; and

3835 (c) describe a building that:

3836 (i) is located on land zoned the same as the land on which the building described in the  
3837 previously approved plans is located;

3838 (ii) is subject to the same geological and meteorological conditions and the same law

3839 as the building described in the previously approved plans;

3840 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
3841 and approved by the county; and

3842 (iv) does not require any additional engineering or analysis.

3843 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
3844 Impact Fees Act.

3845 (20) "Improvement completion assurance" means a surety bond, letter of credit, cash,  
3846 or other security required by a county to guaranty the proper completion of landscaping or  
3847 infrastructure that the land use authority has required as a condition precedent to:

3848 (a) recording a subdivision plat; or

3849 (b) beginning development activity.

3850 (21) "Improvement warranty" means an applicant's unconditional warranty that the  
3851 accepted landscaping or infrastructure:

3852 (a) complies with the county's written standards for design, materials, and  
3853 workmanship; and

3854 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
3855 within the improvement warranty period.

3856 (22) "Improvement warranty period" means a period:

3857 (a) no later than one year after a county's acceptance of required landscaping; or

3858 (b) no later than one year after a county's acceptance of required infrastructure, unless  
3859 the county:

3860 (i) determines for good cause that a one-year period would be inadequate to protect the  
3861 public health, safety, and welfare; and

3862 (ii) has substantial evidence, on record:

3863 (A) of prior poor performance by the applicant; or

3864 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
3865 and the county has not otherwise required the applicant to mitigate the suspect soil.

3866 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
3867 designation that:

3868 (a) runs with the land; and

3869 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

3870 the plat; or

3871 (ii) designates a development condition that is enclosed within the perimeter of a lot  
3872 described on the plat.

3873 (24) "Interstate pipeline company" means a person or entity engaged in natural gas  
3874 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
3875 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3876 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas  
3877 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
3878 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3879 (26) "Land use application" means an application required by a county's land use  
3880 ordinance.

3881 (27) "Land use authority" means:

3882 (a) a person, board, commission, agency, or body, including the local legislative body,  
3883 designated by the local legislative body to act upon a land use application; or

3884 (b) if the local legislative body has not designated a person, board, commission,  
3885 agency, or body, the local legislative body.

3886 (28) "Land use ordinance" means a planning, zoning, development, or subdivision  
3887 ordinance of the county, but does not include the general plan.

3888 (29) "Land use permit" means a permit issued by a land use authority.

3889 (30) "Legislative body" means the county legislative body, or for a county that has  
3890 adopted an alternative form of government, the body exercising legislative powers.

3891 (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
3892 Government Entities - Local Districts, and any other governmental or quasi-governmental  
3893 entity that is not a county, municipality, school district, or the state.

3894 (32) "Lot line adjustment" means the relocation of the property boundary line in a  
3895 subdivision between two adjoining lots with the consent of the owners of record.

3896 (33) "Moderate income housing" means housing occupied or reserved for occupancy  
3897 by households with a gross household income equal to or less than 80% of the median gross  
3898 income for households of the same size in the county in which the housing is located.

3899 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
3900 and expenses incurred in:

3901 (a) verifying that building plans are identical plans; and  
3902 (b) reviewing and approving those minor aspects of identical plans that differ from the  
3903 previously reviewed and approved building plans.

3904 (35) "Noncomplying structure" means a structure that:

3905 (a) legally existed before its current land use designation; and  
3906 (b) because of one or more subsequent land use ordinance changes, does not conform  
3907 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
3908 the use of land.

3909 (36) "Nonconforming use" means a use of land that:

3910 (a) legally existed before its current land use designation;  
3911 (b) has been maintained continuously since the time the land use ordinance regulation  
3912 governing the land changed; and  
3913 (c) because of one or more subsequent land use ordinance changes, does not conform  
3914 to the regulations that now govern the use of the land.

3915 (37) "Official map" means a map drawn by county authorities and recorded in the  
3916 county recorder's office that:

3917 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
3918 highways and other transportation facilities;  
3919 (b) provides a basis for restricting development in designated rights-of-way or between  
3920 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
3921 the land; and  
3922 (c) has been adopted as an element of the county's general plan.

3923 (38) "Parcel boundary adjustment" means a recorded agreement between owners of  
3924 adjoining properties adjusting their mutual boundary if:

3925 (a) no additional parcel is created; and  
3926 (b) each property identified in the agreement is unsubdivided land, including a  
3927 remainder of subdivided land.

3928 (39) "Person" means an individual, corporation, partnership, organization, association,  
3929 trust, governmental agency, or any other legal entity.

3930 (40) "Plan for moderate income housing" means a written document adopted by a  
3931 county legislative body that includes:



3932 (a) an estimate of the existing supply of moderate income housing located within the  
3933 county;

3934 (b) an estimate of the need for moderate income housing in the county for the next five  
3935 years as revised biennially;

3936 (c) a survey of total residential land use;

3937 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
3938 income housing; and

3939 (e) a description of the county's program to encourage an adequate supply of moderate  
3940 income housing.

3941 (41) "Planning district" means a contiguous, geographically defined portion of the  
3942 unincorporated area of a county established under this part with planning and zoning functions  
3943 as exercised through the planning district planning commission, as provided in this chapter, but  
3944 with no legal or political identity separate from the county and no taxing authority.

3945 [~~41~~] (42) "Plat" means a map or other graphical representation of lands being laid out  
3946 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

3947 [~~42~~] (43) "Potential geologic hazard area" means an area that:

3948 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
3949 relevant map or report as needing further study to determine the area's potential for geologic  
3950 hazard; or

3951 (b) has not been studied by the Utah Geological Survey or a county geologist but  
3952 presents the potential of geologic hazard because the area has characteristics similar to those of  
3953 a designated geologic hazard area.

3954 [~~43~~] (44) "Public agency" means:

3955 (a) the federal government;

3956 (b) the state;

3957 (c) a county, municipality, school district, local district, special service district, or other  
3958 political subdivision of the state; or

3959 (d) a charter school.

3960 [~~44~~] (45) "Public hearing" means a hearing at which members of the public are  
3961 provided a reasonable opportunity to comment on the subject of the hearing.

3962 [~~45~~] (46) "Public meeting" means a meeting that is required to be open to the public

3963 under Title 52, Chapter 4, Open and Public Meetings Act.

3964 [~~(46)~~] (47) "Receiving zone" means an unincorporated area of a county that the county  
3965 designates, by ordinance, as an area in which an owner of land may receive a transferable  
3966 development right.

3967 [~~(47)~~] (48) "Record of survey map" means a map of a survey of land prepared in  
3968 accordance with Section 17-23-17.

3969 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

3970 (a) in which more than one person with a disability resides; and

3971 (b) (i) which is licensed or certified by the Department of Human Services under Title  
3972 62A, Chapter 2, Licensure of Programs and Facilities; or

3973 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
3974 21, Health Care Facility Licensing and Inspection Act.

3975 [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and  
3976 prescribe in a public meeting:

3977 (a) parliamentary order and procedure;

3978 (b) ethical behavior; and

3979 (c) civil discourse.

3980 [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity  
3981 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
3982 wastewater systems.

3983 [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county  
3984 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
3985 development right.

3986 [~~(52)~~] (53) "Site plan" means a document or map that may be required by a county  
3987 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
3988 owner's or developer's proposed development activity meets a land use requirement.

3989 [~~(53)~~] (54) "Specified public agency" means:

3990 (a) the state;

3991 (b) a school district; or

3992 (c) a charter school.

3993 [~~(54)~~] (55) "Specified public utility" means an electrical corporation, gas corporation,

3994 or telephone corporation, as those terms are defined in Section [54-2-1](#).

3995 [~~55~~] [\(56\)](#) "State" includes any department, division, or agency of the state.

3996 [~~56~~] [\(57\)](#) "Street" means a public right-of-way, including a highway, avenue,  
3997 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
3998 or other way.

3999 [~~57~~] [\(58\)](#) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
4000 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
4001 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
4002 installment plan or upon any and all other plans, terms, and conditions.

4003 (b) "Subdivision" includes:

4004 (i) the division or development of land whether by deed, metes and bounds description,  
4005 devise and testacy, map, plat, or other recorded instrument; and

4006 (ii) except as provided in Subsection [~~57~~] [\(58\)](#)(c), divisions of land for residential and  
4007 nonresidential uses, including land used or to be used for commercial, agricultural, and  
4008 industrial purposes.

4009 (c) "Subdivision" does not include:

4010 (i) a bona fide division or partition of agricultural land for agricultural purposes;

4011 (ii) a recorded agreement between owners of adjoining properties adjusting their  
4012 mutual boundary if:

4013 (A) no new lot is created; and

4014 (B) the adjustment does not violate applicable land use ordinances;

4015 (iii) a recorded document, executed by the owner of record:

4016 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
4017 property into one legal description encompassing all such parcels of property; or

4018 (B) joining a subdivided parcel of property to another parcel of property that has not  
4019 been subdivided, if the joinder does not violate applicable land use ordinances;

4020 (iv) a bona fide division or partition of land in a county other than a first class county  
4021 for the purpose of siting, on one or more of the resulting separate parcels:

4022 (A) an electrical transmission line or a substation;

4023 (B) a natural gas pipeline or a regulation station; or

4024 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other

4025 utility service regeneration, transformation, retransmission, or amplification facility;

4026 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
4027 their mutual boundary if:

4028 (A) no new dwelling lot or housing unit will result from the adjustment; and

4029 (B) the adjustment will not violate any applicable land use ordinance;

4030 (vi) a bona fide division or partition of land by deed or other instrument where the land  
4031 use authority expressly approves in writing the division in anticipation of further land use  
4032 approvals on the parcel or parcels; or

4033 (vii) a parcel boundary adjustment.

4034 (d) The joining of a subdivided parcel of property to another parcel of property that has  
4035 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (58) as to  
4036 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
4037 subdivision ordinance.

4038 [~~(58)~~] (59) "Suspect soil" means soil that has:

4039 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
4040 3% swell potential;

4041 (b) bedrock units with high shrink or swell susceptibility; or

4042 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
4043 commonly associated with dissolution and collapse features.

4044 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:

4045 (a) for four or more individuals who are not related to:

4046 (i) the owner of the facility; or

4047 (ii) the primary service provider of the facility;

4048 (b) that serves students who have a history of failing to function:

4049 (i) at home;

4050 (ii) in a public school; or

4051 (iii) in a nonresidential private school; and

4052 (c) that offers:

4053 (i) room and board; and

4054 (ii) an academic education integrated with:

4055 (A) specialized structure and supervision; or

4056 (B) services or treatment related to a disability, an emotional development, a  
4057 behavioral development, a familial development, or a social development.

4058 ~~[(60) "Township" means a contiguous, geographically defined portion of the~~  
4059 ~~unincorporated area of a county, established under this part or reconstituted or reinstated under~~  
4060 ~~Section 17-27a-306, with planning and zoning functions as exercised through the township~~  
4061 ~~planning commission, as provided in this chapter, but with no legal or political identity~~  
4062 ~~separate from the county and no taxing authority, except that "township" means a former~~  
4063 ~~township under Laws of Utah 1996, Chapter 308, where the context so indicates.]~~

4064 (61) "Transferable development right" means a right to develop and use land that  
4065 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
4066 land use rights from a designated sending zone to a designated receiving zone.

4067 (62) "Unincorporated" means the area outside of the incorporated area of a  
4068 municipality.

4069 (63) "Water interest" means any right to the beneficial use of water, including:

4070 (a) each of the rights listed in Section 73-1-11; and

4071 (b) an ownership interest in the right to the beneficial use of water represented by:

4072 (i) a contract; or

4073 (ii) a share in a water company, as defined in Section 73-3-3.5.

4074 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
4075 land use zones, overlays, or districts.

4076 Section 94. Section 17-27a-301 is amended to read:

4077 **17-27a-301. Ordinance establishing planning commission required -- Exception --**

4078 **Ordinance requirements -- Planning district planning commission -- Compensation.**

4079 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
4080 establishing a countywide planning commission for the unincorporated areas of the county not  
4081 within a ~~[township]~~ planning district.

4082 (b) Subsection (1)(a) does not apply if all of the county is included within any  
4083 combination of:

4084 (i) municipalities; and

4085 (ii) ~~[townships]~~ planning districts with their own planning commissions.

4086 (2) (a) The ordinance shall define:

- 4087 (i) the number and terms of the members and, if the county chooses, alternate  
4088 members;
- 4089 (ii) the mode of appointment;
- 4090 (iii) the procedures for filling vacancies and removal from office;
- 4091 (iv) the authority of the planning commission;
- 4092 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the  
4093 planning commission in a public meeting; and
- 4094 (vi) other details relating to the organization and procedures of the planning  
4095 commission.
- 4096 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with  
4097 Title 52, Chapter 4, Open and Public Meetings Act.
- 4098 (3) (a) (i) If the county establishes a [~~township~~] planning district planning commission,  
4099 the county legislative body shall enact an ordinance that defines:
- 4100 (A) appointment procedures;
- 4101 (B) procedures for filling vacancies and removing members from office;
- 4102 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the  
4103 [~~township~~] planning district planning commission in a public meeting; and
- 4104 (D) details relating to the organization and procedures of each [~~township~~] planning  
4105 district planning commission.
- 4106 (ii) Subsection (3)(a)(i)(C) does not affect the [~~township~~] planning district planning  
4107 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 4108 (b) The planning commission for each [~~township~~] planning district shall consist of  
4109 seven members who [~~except as provided in Subsection (4),~~] shall be appointed by:
- 4110 (i) in a county operating under a form of government in which the executive and  
4111 legislative functions of the governing body are separated, the county executive with the advice  
4112 and consent of the county legislative body; or
- 4113 (ii) in a county operating under a form of government in which the executive and  
4114 legislative functions of the governing body are not separated, the county legislative body.
- 4115 (c) (i) Members shall serve four-year terms and until their successors are appointed [~~or,~~  
4116 ~~as provided in Subsection (4), elected~~] and qualified.
- 4117 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) [~~and except as provided in~~

4118 Subsection (4)], members of the first planning commissions shall be appointed so that, for each  
4119 commission, the terms of at least one member and no more than two members expire each  
4120 year.

4121 (d) (i) [~~Except as provided in Subsection (3)(d)(ii), each~~] Each member of a [~~township~~]  
4122 planning district planning commission shall be a registered voter residing within the [~~township~~]  
4123 planning district.

4124 [(ii) (A) ~~Notwithstanding Subsection (3)(d)(i), one member of a planning commission~~  
4125 ~~of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4126 ~~under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter~~  
4127 ~~residing outside the township if that member:]~~

4128 [(I) ~~is an owner of real property located within the township; and]~~

4129 [(H) ~~resides within the county in which the township is located:]~~

4130 [(B) (I) ~~Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township~~  
4131 ~~planning commission from a list of three persons submitted by the county legislative body:]~~

4132 [(H) ~~If the township planning commission has not notified the county legislative body~~  
4133 ~~of its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning~~  
4134 ~~commission's receipt of the list, the county legislative body may appoint one of the three~~  
4135 ~~persons on the list or a registered voter residing within the township as a member of the~~  
4136 ~~township planning commission:]~~

4137 [(4) (a) ~~The legislative body of each county in which a township reconstituted under~~  
4138 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~  
4139 ~~17-27a-306(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that~~  
4140 ~~provides for the election of at least three members of the planning commission of that~~  
4141 ~~township:]~~

4142 [(b) (i) ~~Beginning with the 2012 general election, the election of planning commission~~  
4143 ~~members under Subsection (4)(a) shall coincide with the election of other county officers~~  
4144 ~~during even-numbered years:]~~

4145 [(ii) ~~Approximately half the elected planning commission members shall be elected~~  
4146 ~~every four years during elections held on even-numbered years, and the remaining elected~~  
4147 ~~members shall be elected every four years on alternating even-numbered years:]~~

4148 [(c) ~~If no person files a declaration of candidacy in accordance with Section 20A-9-202~~

4149 for an open township planning commission member position:]

4150 ~~[(i) the position may be appointed in accordance with Subsection (3)(b); and]~~

4151 ~~[(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time~~  
4152 ~~that exceeds the elected term for which there was no candidate.]~~

4153 ~~[(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,~~  
4154 ~~2012, enact an ordinance that:]~~

4155 ~~[(i) designates the seats to be elected; and]~~

4156 ~~[(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board~~  
4157 ~~of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the~~  
4158 ~~planning commission of the reconstituted or reinstated township.]~~

4159 ~~[(b) A member appointed under Subsection (5)(a) is considered an elected member.]~~

4160 ~~[(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed~~  
4161 ~~under Subsection (5)(a) shall continue until the time that the member's term as an elected~~  
4162 ~~member of the former township planning and zoning board would have expired.]~~

4163 ~~[(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the~~  
4164 ~~terms of the members appointed under Subsection (5)(a) so that the terms of those members~~  
4165 ~~coincide with the schedule under Subsection (4)(b) for elected members.]~~

4166 ~~[(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a~~  
4167 ~~township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4168 ~~under Subsection 17-27a-306(1)(k)(i) is located may enact an ordinance allowing each~~  
4169 ~~appointed member of the planning and zoning board of the former township, established under~~  
4170 ~~Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning~~  
4171 ~~commission of the reconstituted or reinstated township until the time that the member's term as~~  
4172 ~~a member of the former township's planning and zoning board would have expired.]~~

4173 ~~[(iii) If a planning commission of a township reconstituted under Laws of Utah 1997,~~  
4174 ~~Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) has more than~~  
4175 ~~one appointed member who resides outside the township, the legislative body of the county in~~  
4176 ~~which that township is located shall, within 15 days of the effective date of this Subsection~~  
4177 ~~(6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a~~  
4178 ~~new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed~~  
4179 ~~member.]~~



4180 ~~[(7) (a) Except as provided in Subsection (7)(b), upon]~~

4181 (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if  
 4182 that member was, prior to May 12, 2015, authorized to reside outside of the planning district.

4183 (4) (a) A member of a planning commission who was elected to and served on a  
 4184 planning commission on May 12, 2015, shall serve out the term to which the member was  
 4185 elected.

4186 (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant  
 4187 seat shall be filled by appointment in accordance with this section.

4188 (5) Upon the appointment [or election] of all members of a [township] planning district  
 4189 planning commission, each [township] planning district planning commission under this  
 4190 section shall begin to exercise the powers and perform the duties provided in Section  
 4191 17-27a-302 with respect to all matters then pending that previously had been under the  
 4192 jurisdiction of the countywide planning commission or [township] planning district planning  
 4193 and zoning board.

4194 ~~[(b) Notwithstanding Subsection (7)(a), if the members of a former township planning~~  
 4195 ~~and zoning board continue to hold office as members of the planning commission of the~~  
 4196 ~~township planning district under an ordinance enacted under Subsection (5)(a), the township~~  
 4197 ~~planning commission shall immediately begin to exercise the powers and perform the duties~~  
 4198 ~~provided in Section 17-27a-302 with respect to all matters then pending that had previously~~  
 4199 ~~been under the jurisdiction of the township planning and zoning board.]~~

4200 ~~[(8)]~~ (6) The legislative body may fix per diem compensation for the members of the  
 4201 planning commission, based on necessary and reasonable expenses and on meetings actually  
 4202 attended.

4203 Section 95. Section **17-27a-302** is amended to read:

4204 **17-27a-302. Planning commission powers and duties.**

4205 ~~[(1)]~~ Each countywide or [township] planning district planning commission shall, with  
 4206 respect to the unincorporated area of the county, or the [township] planning district, make a  
 4207 recommendation to the county legislative body for:

4208 ~~[(a)]~~ (1) a general plan and amendments to the general plan;

4209 ~~[(b)]~~ (2) land use ordinances, zoning maps, official maps, and amendments;

4210 ~~[(c)]~~ (3) an appropriate delegation of power to at least one designated land use

4211 authority to hear and act on a land use application;

4212 [~~(4)~~] (4) an appropriate delegation of power to at least one appeal authority to hear and  
4213 act on an appeal from a decision of the land use authority; and

4214 [~~(5)~~] (5) application processes that:

4215 [(i)] (a) may include a designation of routine land use matters that, upon application  
4216 and proper notice, will receive informal streamlined review and action if the application is  
4217 uncontested; and

4218 [(ii)] (b) shall protect the right of each:

4219 [(A)] (i) applicant and third party to require formal consideration of any application by  
4220 a land use authority;

4221 [(B)] (ii) applicant, adversely affected party, or county officer or employee to appeal a  
4222 land use authority's decision to a separate appeal authority; and

4223 [(C)] (iii) participant to be heard in each public hearing on a contested application.

4224 [~~(2)~~] ~~The planning commission of a township under this part may recommend to the~~  
4225 ~~legislative body of the county in which the township is located that the legislative body file a~~  
4226 ~~protest to a proposed annexation of an area located within the township, as provided in~~  
4227 ~~Subsection 10-2-407(1)(b).]~~

4228 Section 96. Section 17-27a-306 is amended to read:

4229 **17-27a-306. Planning districts.**

4230 (1) (a) A [township] planning district may be established in a county other than a  
4231 county of the first class as provided in this Subsection (1).

4232 (b) A [township] planning district may not be established unless the area to be included  
4233 within the proposed [township] planning district:

4234 (i) is unincorporated;

4235 (ii) is contiguous; and

4236 (iii) (A) contains:

4237 (I) at least 20% but not more than 80% of:

4238 (Aa) the total private land area in the unincorporated county; or

4239 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4240 or

4241 (II) (Aa) in a county of the [~~first,~~] second[~~;~~] or third class, at least 5% of the total

4242 population of the unincorporated county, but not less than 300 residents; or

4243 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
4244 of the unincorporated county; or

4245 (B) has been declared by the United States Census Bureau as a census designated  
4246 place.

4247 (c) (i) The process to establish a [township] planning district is initiated by the filing of  
4248 a petition with the clerk of the county in which the proposed [township] planning district is  
4249 located.

4250 (ii) A petition to establish a [township] planning district may not be filed if it proposes  
4251 the establishment of a [township] planning district that includes an area within a proposed  
4252 [township] planning district in a petition that has previously been certified under Subsection  
4253 (1)(g), until after the canvass of an election on the proposed [township] planning district under  
4254 Subsection (1)(j).

4255 (d) A petition under Subsection (1)(c) to establish a [township] planning district shall:

4256 (i) be signed by the owners of private real property that:

4257 (A) is located within the proposed [township] planning district;

4258 (B) covers at least 10% of the total private land area within the proposed [township]  
4259 planning district; and

4260 (C) is equal in value to at least 10% of the value of all private real property within the  
4261 proposed [township] planning district;

4262 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
4263 area proposed to be established as a [township] planning district;

4264 (iii) indicate the typed or printed name and current residence address of each owner  
4265 signing the petition;

4266 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4267 be designated as the contact sponsor, with the mailing address and telephone number of each  
4268 petition sponsor;

4269 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4270 petition for purposes of the petition; and

4271 (vi) request the county legislative body to provide notice of the petition and of a public  
4272 hearing, hold a public hearing, and conduct an election on the proposal to establish a

4273 [~~township~~] planning district.

4274 (e) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to establish a [~~township~~]  
4275 planning district to the same extent as if it were an incorporation petition under Title 10,  
4276 Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4277 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing  
4278 the establishment of a [~~township~~] planning district in a county of the [~~first or~~] second class, the  
4279 county clerk shall provide notice of the filing of the petition to:

4280 (A) each owner of real property owning more than 1% of the assessed value of all real  
4281 property within the proposed [~~township~~] planning district; and

4282 (B) each owner of real property owning more than 850 acres of real property within the  
4283 proposed [~~township~~] planning district.

4284 (ii) A property owner may exclude all or part of the property owner's property from a  
4285 proposed [~~township~~] planning district in a county of the [~~first or~~] second class:

4286 (A) if:

4287 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
4288 property within the proposed [~~township~~] planning district;

4289 (IIi) the property is nonurban; and

4290 (IIIiii) the property does not or will not require municipal provision of municipal-type  
4291 services; or

4292 (Bb) the property owner owns more than 850 acres of real property within the proposed  
4293 [~~township~~] planning district; and

4294 (II) exclusion of the property will not leave within the [~~township~~] planning district an  
4295 island of property that is not part of the [~~township~~] planning district; and

4296 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
4297 under Subsection (1)(f)(i).

4298 (iii) (A) The county legislative body shall exclude from the proposed [~~township~~]  
4299 planning district the property identified in a notice of exclusion timely filed under Subsection  
4300 (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

4301 (B) If the county legislative body excludes property from a proposed [~~township~~]  
4302 planning district under Subsection (1)(f)(iii), the county legislative body shall, within five days  
4303 after the exclusion, send written notice of its action to the contact sponsor.

4304 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
4305 clerk shall:

4306 (A) with the assistance of other county officers from whom the clerk requests  
4307 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
4308 and

4309 (B) (I) if the clerk determines that the petition complies with the requirements of  
4310 Subsection (1)(d):

4311 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4312 and

4313 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4314 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4315 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
4316 rejection and the reasons for the rejection.

4317 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
4318 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4319 county clerk.

4320 (h) (i) Within 90 days after a petition to establish a [township] planning district is  
4321 certified, the county legislative body shall hold a public hearing on the proposal to establish a  
4322 [township] planning district.

4323 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4324 (A) within the boundary of the proposed [township] planning district; or

4325 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4326 practicable.

4327 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
4328 county legislative body shall publish notice of the petition and the time, date, and place of the  
4329 public hearing:

4330 (A) at least once in a newspaper of general circulation in the county; and

4331 (B) on the Utah Public Notice Website created in Section [63F-1-701](#).

4332 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
4333 shall arrange for the proposal to establish a [township] planning district to be submitted to  
4334 voters residing within the proposed [township] planning district at the next regular general

4335 election that is more than 90 days after the public hearing.

4336 (j) A [township] planning district is established at the time of the canvass of the results  
4337 of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting  
4338 on the proposal to establish a [township] planning district voted in favor of the proposal.

4339 ~~[(k)(i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is  
4340 reinstated as a township under this part with the same boundaries and name as before the  
4341 dissolution, if the former township consisted of a single, contiguous land area.]~~

4342 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an  
4343 ordinance establishing as a township under this part a former township that was dissolved  
4344 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be  
4345 reinstated under Subsection (1)(k)(i).]~~

4346 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection  
4347 (1)(k)(ii) is subject to the provisions of this part.]~~

4348 ~~[(l) A township established under this section on or after May 5, 1997, may use the  
4349 word "township" in its name.]~~

4350 (k) An area that is an established township before May 12, 2015, in a county other than  
4351 a county of the first class:

4352 (i) is, as of May 12, 2015, a planning district; and

4353 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4354 and

4355 (B) may use the word "planning district" in its name.

4356 (2) The county legislative body may:

4357 (a) assign to the countywide planning commission the duties established in this part  
4358 that would have been assumed by a [township] planning district planning commission  
4359 designated under Subsection (2)(b); or

4360 (b) designate and appoint a planning commission for the [township] planning district.

4361 (3) (a) An area within the boundary of a [township] planning district may be withdrawn  
4362 from the [township] planning district as provided in this Subsection (3).

4363 (b) The process to withdraw an area from a [township] planning district is initiated by  
4364 the filing of a petition with the clerk of the county in which the [township] planning district is  
4365 located.

- 4366 (c) A petition under Subsection (3)(b) shall:
- 4367 (i) be signed by the owners of private real property that:
- 4368 (A) is located within the area proposed to be withdrawn from the [township] planning
- 4369 district;
- 4370 (B) covers at least 50% of the total private land area within the area proposed to be
- 4371 withdrawn from the [township] planning district; and
- 4372 (C) is equal in value to at least 33% of the value of all private real property within the
- 4373 area proposed to be withdrawn from the [township] planning district;
- 4374 (ii) state the reason or reasons for the proposed withdrawal;
- 4375 (iii) be accompanied by an accurate plat or map showing the boundary of the
- 4376 contiguous area proposed to be withdrawn from the [township] planning district;
- 4377 (iv) indicate the typed or printed name and current residence address of each owner
- 4378 signing the petition;
- 4379 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
- 4380 be designated as the contact sponsor, with the mailing address and telephone number of each
- 4381 petition sponsor;
- 4382 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
- 4383 petition for purposes of the petition; and
- 4384 (vii) request the county legislative body to withdraw the area from the [township]
- 4385 planning district.
- 4386 (d) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to withdraw an area from
- 4387 a [township] planning district to the same extent as if it were an incorporation petition under
- 4388 Title 10, Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.
- 4389 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
- 4390 clerk shall:
- 4391 (A) with the assistance of other county officers from whom the clerk requests
- 4392 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
- 4393 and
- 4394 (B) (I) if the clerk determines that the petition complies with the requirements of
- 4395 Subsection (3)(c):
- 4396 (Aa) certify the petition and deliver the certified petition to the county legislative body;

4397 and

4398 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4399 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4400 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4401 and the reasons for the rejection.

4402 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
4403 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4404 county clerk.

4405 (f) (i) Within 60 days after a petition to withdraw an area from a [township] planning  
4406 district is certified, the county legislative body shall hold a public hearing on the proposal to  
4407 withdraw the area from the [township] planning district.

4408 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

4409 (A) within the area proposed to be withdrawn from the [township] planning district; or

4410 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4411 practicable.

4412 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
4413 body shall:

4414 (A) publish notice of the petition and the time, date, and place of the public hearing:

4415 (I) at least once a week for three consecutive weeks in a newspaper of general  
4416 circulation in the [township] planning district; and

4417 (II) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4418 consecutive weeks; and

4419 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
4420 each owner of private real property within the area proposed to be withdrawn.

4421 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
4422 legislative body shall make a written decision on the proposal to withdraw the area from the  
4423 [township] planning district.

4424 (ii) In making its decision as to whether to withdraw the area from the [township]  
4425 planning district, the county legislative body shall consider:

4426 (A) whether the withdrawal would leave the remaining [township] planning district in  
4427 a situation where the future incorporation of an area within the [township] planning district or



4428 the annexation of an area within the [township] planning district to an adjoining municipality  
4429 would be economically or practically not feasible;

4430 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
4431 area:

4432 (I) whether the proposed subsequent incorporation or withdrawal:

4433 (Aa) will leave or create an unincorporated island or peninsula; or

4434 (Bb) will leave the county with an area within its unincorporated area for which the  
4435 cost, requirements, or other burdens of providing municipal services would materially increase  
4436 over previous years; and

4437 (II) whether the municipality to be created or the municipality into which the  
4438 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of  
4439 providing service to the withdrawn area that the county will no longer provide due to the  
4440 incorporation or annexation;

4441 (C) the effects of a withdrawal on adjoining property owners, existing or projected  
4442 county streets or other public improvements, law enforcement, and zoning and other municipal  
4443 services provided by the county; and

4444 (D) whether justice and equity favor the withdrawal.

4445 (h) Upon the written decision of the county legislative body approving the withdrawal  
4446 of an area from a [township] planning district, the area is withdrawn from the [township]  
4447 planning district and the [township] planning district continues as a [township] planning  
4448 district with a boundary that excludes the withdrawn area.

4449 (4) (a) A [township] planning district may be dissolved as provided in this Subsection  
4450 (4).

4451 (b) The process to dissolve a [township] planning district is initiated by the filing of a  
4452 petition with the clerk of the county in which the [township] planning district is located.

4453 (c) A petition under Subsection (4)(b) shall:

4454 (i) be signed by registered voters within the [township] planning district equal in  
4455 number to at least 25% of all votes cast by voters within the [township] planning district at the  
4456 last congressional election;

4457 (ii) state the reason or reasons for the proposed dissolution;

4458 (iii) indicate the typed or printed name and current residence address of each person

4459 signing the petition;

4460 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4461 be designated as the contact sponsor, with the mailing address and telephone number of each  
4462 petition sponsor;

4463 (v) authorize the petition sponsors to act on behalf of all persons signing the petition  
4464 for purposes of the petition; and

4465 (vi) request the county legislative body to provide notice of the petition and of a public  
4466 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the  
4467 [township] planning district.

4468 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county  
4469 clerk shall:

4470 (A) with the assistance of other county officers from whom the clerk requests  
4471 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
4472 and

4473 (B) (I) if the clerk determines that the petition complies with the requirements of  
4474 Subsection (4)(c):

4475 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4476 and

4477 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4478 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4479 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4480 and the reasons for the rejection.

4481 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
4482 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4483 county clerk.

4484 (e) (i) Within 60 days after a petition to dissolve the [township] planning district is  
4485 certified, the county legislative body shall hold a public hearing on the proposal to dissolve the  
4486 [township] planning district.

4487 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4488 (A) within the boundary of the [township] planning district; or

4489 (B) if holding a public hearing in that area is not practicable, as close to that area as

4490 practicable.

4491 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
4492 body shall publish notice of the petition and the time, date, and place of the public hearing:

4493 (A) at least once a week for three consecutive weeks in a newspaper of general  
4494 circulation in the [township] planning district; and

4495 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4496 consecutive weeks immediately before the public hearing.

4497 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
4498 shall arrange for the proposal to dissolve the [township] planning district to be submitted to  
4499 voters residing within the [township] planning district at the next regular general election that  
4500 is more than 90 days after the public hearing.

4501 (g) A [township] planning district is dissolved at the time of the canvass of the results  
4502 of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting  
4503 on the proposal to dissolve the [township] planning district voted in favor of the proposal.

4504 Section 97. Section 17-27a-505 is amended to read:

4505 **17-27a-505. Zoning districts.**

4506 (1) (a) The legislative body may divide the territory over which it has jurisdiction into  
4507 zoning districts of a number, shape, and area that it considers appropriate to carry out the  
4508 purposes of this chapter.

4509 (b) Within those zoning districts, the legislative body may regulate and restrict the  
4510 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and  
4511 the use of land.

4512 (c) A county may enact an ordinance regulating land use and development in a flood  
4513 plain or potential geologic hazard area to:

4514 (i) protect life; and

4515 (ii) prevent:

4516 (A) the substantial loss of real property; or

4517 (B) substantial damage to real property.

4518 (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use  
4519 ordinance requiring a property owner to revegetate or landscape a single family dwelling  
4520 disturbance area unless the property is located in a flood zone or geologic hazard except as

4521 required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water  
4522 pollution.

4523 (2) The legislative body shall ensure that the regulations are uniform for each class or  
4524 kind of buildings throughout each zone, but the regulations in one zone may differ from those  
4525 in other zones.

4526 (3) (a) There is no minimum area or diversity of ownership requirement for a zone  
4527 designation.

4528 (b) Neither the size of a zoning district nor the number of landowners within the  
4529 district may be used as evidence of the illegality of a zoning district or of the invalidity of a  
4530 county decision.

4531 Section 98. Section 17-34-3 is amended to read:

4532 **17-34-3. Taxes or service charges.**

4533 (1) (a) If a county furnishes the municipal-type services and functions described in  
4534 Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the  
4535 entire cost of the services or functions so furnished shall be defrayed from funds that the county  
4536 has derived from:

4537 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated  
4538 towns or cities;

4539 (ii) service charges or fees the county may impose upon the persons benefited in any  
4540 way by the services or functions; or

4541 (iii) a combination of these sources.

4542 (b) As the taxes or service charges or fees are levied and collected, they shall be placed  
4543 in a special revenue fund of the county and shall be disbursed only for the rendering of the  
4544 services or functions established in Section 17-34-1 within the unincorporated areas of the  
4545 county or as provided in Subsection [~~10-2-121~~] 10-2a-219(2).

4546 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this  
4547 section, the county legislative body may establish a district or districts in the unincorporated  
4548 areas of the county.

4549 (b) A district established by a county as provided in Subsection (2)(a) may be  
4550 reorganized as a local district in accordance with the procedures set forth in Sections  
4551 17D-1-601, 17D-1-603, and 17D-1-604.

4552 (3) Nothing contained in this chapter may be construed to authorize counties to impose  
4553 or levy taxes not otherwise allowed by law.

4554 (4) Notwithstanding any other provision of this chapter, a county providing fire,  
4555 paramedic, and police protection services in a designated recreational area, as provided in  
4556 Subsection 17-34-1(5), may fund those services from the county general fund with revenues  
4557 derived from both inside and outside the limits of cities and towns, and the funding of those  
4558 services is not limited to unincorporated area revenues.

4559 Section 99. Section 17-41-101 is amended to read:

4560 **17-41-101. Definitions.**

4561 As used in this chapter:

4562 (1) "Advisory board" means:

4563 (a) for an agriculture protection area, the agriculture protection area advisory board  
4564 created as provided in Section 17-41-201; and

4565 (b) for an industrial protection area, the industrial protection area advisory board  
4566 created as provided in Section 17-41-201.

4567 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
4568 livestock, and livestock products.

4569 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
4570 livestock, and livestock products when more than 50% of the processed or merchandised  
4571 products are produced by the farm operator.

4572 (3) "Agriculture protection area" means a geographic area created under the authority  
4573 of this chapter that is granted the specific legal protections contained in this chapter.

4574 (4) "Applicable legislative body" means:

4575 (a) with respect to a proposed agriculture protection area or industrial protection area:

4576 (i) the legislative body of the county in which the land proposed to be included in an  
4577 agriculture protection area or industrial protection area is located, if the land is within the  
4578 unincorporated part of the county; or

4579 (ii) the legislative body of the city or town in which the land proposed to be included in  
4580 an agriculture protection area or industrial protection area is located; and

4581 (b) with respect to an existing agriculture protection area or industrial protection area:

4582 (i) the legislative body of the county in which the agriculture protection area or

4583 industrial protection area is located, if the agriculture protection area or industrial protection  
4584 area is within the unincorporated part of the county; or

4585 (ii) the legislative body of the city or town in which the agriculture protection area or  
4586 industrial protection area is located.

4587 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.

4588 (6) "Crops, livestock, and livestock products" includes:

4589 (a) land devoted to the raising of useful plants and animals with a reasonable  
4590 expectation of profit, including:

4591 (i) forages and sod crops;

4592 (ii) grains and feed crops;

4593 (iii) livestock as defined in Section 59-2-102;

4594 (iv) trees and fruits; or

4595 (v) vegetables, nursery, floral, and ornamental stock; or

4596 (b) land devoted to and meeting the requirements and qualifications for payments or  
4597 other compensation under a crop-land retirement program with an agency of the state or federal  
4598 government.

4599 (7) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.

4600 (8) "Industrial protection area" means a geographic area created under the authority of  
4601 this chapter that is granted the specific legal protections contained in this chapter.

4602 (9) "Mine operator" means a natural person, corporation, association, partnership,  
4603 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or  
4604 representative, either public or private, including a successor, assign, affiliate, subsidiary, and  
4605 related parent company, that, as of January 1, 2009:

4606 (a) owns, controls, or manages a mining use under a large mine permit issued by the  
4607 division or the board; and

4608 (b) has produced commercial quantities of a mineral deposit from the mining use.

4609 (10) "Mineral deposit" has the same meaning as defined in Section 40-8-4, but  
4610 excludes:

4611 (a) building stone, decorative rock, and landscaping rock; and

4612 (b) consolidated rock that:

4613 (i) is not associated with another deposit of minerals;

- 4614 (ii) is or may be extracted from land; and
- 4615 (iii) is put to uses similar to the uses of sand, gravel, and other aggregates.
- 4616 (11) "Mining protection area" means land where a vested mining use occurs, including
- 4617 each surface or subsurface land or mineral estate that a mine operator with a vested mining use
- 4618 owns or controls.
- 4619 (12) "Mining use":
- 4620 (a) means:
- 4621 (i) the full range of activities, from prospecting and exploration to reclamation and
- 4622 closure, associated with the exploitation of a mineral deposit; and
- 4623 (ii) the use of the surface and subsurface and groundwater and surface water of an area
- 4624 in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or
- 4625 will be conducted; and
- 4626 (b) includes, whether conducted on-site or off-site:
- 4627 (i) any sampling, staking, surveying, exploration, or development activity;
- 4628 (ii) any drilling, blasting, excavating, or tunneling;
- 4629 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,
- 4630 development rock, tailings, and other waste material;
- 4631 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;
- 4632 (v) any smelting, refining, autoclaving, or other primary or secondary processing
- 4633 operation;
- 4634 (vi) the recovery of any mineral left in residue from a previous extraction or processing
- 4635 operation;
- 4636 (vii) a mining activity that is identified in a work plan or permitting document;
- 4637 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,
- 4638 structure, facility, equipment, machine, tool, or other material or property that results from or is
- 4639 used in a surface or subsurface mining operation or activity;
- 4640 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,
- 4641 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,
- 4642 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use
- 4643 area, buffer zone, and power production facility;
- 4644 (x) the construction of a storage, factory, processing, or maintenance facility; and

- 4645 (xi) any activity described in Subsection 40-8-4(14)(a).
- 4646 (13) (a) "Municipal" means of or relating to a city or town.
- 4647 (b) "Municipality" means a city or town.
- 4648 (14) "New land" means surface or subsurface land or mineral estate that a mine
- 4649 operator gains ownership or control of, whether or not that land or mineral estate is included in
- 4650 the mine operator's large mine permit.
- 4651 (15) "Off-site" has the same meaning as provided in Section 40-8-4.
- 4652 (16) "On-site" has the same meaning as provided in Section 40-8-4.
- 4653 (17) "Planning commission" means:
- 4654 (a) a countywide planning commission if the land proposed to be included in the
- 4655 agriculture protection area or industrial protection area is within the unincorporated part of the
- 4656 county and not within a [township] planning district;
- 4657 (b) a [township] planning district planning commission if the land proposed to be
- 4658 included in the agriculture protection area or industrial protection area is within a [township]
- 4659 planning district; or
- 4660 (c) a planning commission of a city or town if the land proposed to be included in the
- 4661 agriculture protection area or industrial protection area is within a city or town.
- 4662 (18) "Political subdivision" means a county, city, town, school district, local district, or
- 4663 special service district.
- 4664 (19) "Proposal sponsors" means the owners of land in agricultural production or
- 4665 industrial use who are sponsoring the proposal for creating an agriculture protection area or
- 4666 industrial protection area, respectively.
- 4667 (20) "State agency" means each department, commission, board, council, agency,
- 4668 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
- 4669 unit, bureau, panel, or other administrative unit of the state.
- 4670 (21) "Unincorporated" means not within a city or town.
- 4671 (22) "Vested mining use" means a mining use:
- 4672 (a) by a mine operator; and
- 4673 (b) that existed or was conducted or otherwise engaged in before a political subdivision
- 4674 prohibits, restricts, or otherwise limits a mining use.
- 4675 Section 100. Section **17B-1-502** is amended to read:



4676           **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**  
4677 **certain circumstances.**

4678           (1) (a) An area within the boundaries of a local district may be withdrawn from the  
4679 local district only as provided in this part or, if applicable, as provided in Part 11, Municipal  
4680 Services District Act.

4681           (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
4682 district within a municipality because of a municipal incorporation under Title 10, Chapter [2,  
4683 ~~Part 1,~~] 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under  
4684 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the  
4685 process of withdrawing that area from the local district.

4686           (2) (a) An area within the boundaries of a local district is automatically withdrawn  
4687 from the local district by the annexation of the area to a municipality or the adding of the area  
4688 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

4689           (i) the local district provides:

4690           (A) fire protection, paramedic, and emergency services; or

4691           (B) law enforcement service;

4692           (ii) an election for the creation of the local district was not required because of  
4693 Subsection 17B-1-214(3)(d); and

4694           (iii) before annexation or boundary adjustment, the boundaries of the local district do  
4695 not include any of the annexing municipality.

4696           (b) The effective date of a withdrawal under this Subsection (2) is governed by  
4697 Subsection 17B-1-512(2)(b).

4698           (3) (a) Except as provided in [~~Subsection~~] Subsections (3)(c) or (d), an area within the  
4699 boundaries of a local district located in a county of the first class is automatically withdrawn  
4700 from the local district by the incorporation of a municipality whose boundaries include the area  
4701 if:

4702           (i) the local district provides:

4703           (A) fire protection, paramedic, and emergency services;

4704           (B) law enforcement service; or

4705           (C) municipal services, as defined in Section 17B-2a-1102;

4706           (ii) an election for the creation of the local district was not required because of

4707 Subsection [17B-1-214\(3\)\(d\) or \(g\)](#); and  
4708 (iii) the legislative body of the newly incorporated municipality:  
4709 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of  
4710 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
4711 12, 2015, complies with the feasibility study requirements of Section [17B-2a-1110](#);  
4712 [~~A~~] (B) adopts a resolution no later than 180 days after the effective date of  
4713 incorporation approving the withdrawal that includes the legal description of the area to be  
4714 withdrawn; and  
4715 [~~B~~] (C) delivers a copy of the resolution to the board of trustees of the local district.  
4716 (b) The effective date of a withdrawal under this Subsection (3) is governed by  
4717 Subsection [17B-1-512\(2\)\(a\)](#).  
4718 (c) Section [17B-1-505](#) shall govern the withdrawal of an incorporated area within a  
4719 county of the first class [~~if~~] after the expiration of the 180-day period described in Subsection  
4720 (3)(a)(iii)(B):  
4721 (i) the local district from which the area is withdrawn provides:  
4722 (A) fire protection, paramedic, and emergency services; [~~or~~]  
4723 (B) law enforcement service; [~~and~~] or  
4724 (C) municipal services, as defined in Section [17B-2a-1102](#); and  
4725 (ii) an election for the creation of the local district was not required under Subsection  
4726 [17B-1-214\(3\)\(d\) or \(g\)](#).  
4727 (d) An area within the boundaries of a local district that is incorporated as a metro  
4728 township and for which the residents of the metro township at an election to incorporate chose  
4729 to be included in a municipal services district is not subject to the provisions of this Subsection  
4730 (3).

4731 Section 101. Section **17B-1-505** is amended to read:

4732 **17B-1-505. Withdrawal of municipality in certain districts providing fire**  
4733 **protection, paramedic, and emergency services or law enforcement service.**

4734 (1) (a) The process to withdraw an area from a local district may be initiated by a  
4735 resolution adopted by the legislative body of a municipality that is entirely within the  
4736 boundaries of a local district:

4737 (i) that provides:

- 4738 (A) fire protection, paramedic, and emergency services; [~~or~~]  
4739 (B) law enforcement service; [~~and~~] or  
4740 (C) municipal services, as defined in Section 17B-2a-1102; and  
4741 (ii) in the creation of which an election was not required because of Subsection  
4742 17B-1-214(3)(d) or (g).
- 4743 (b) Within 10 days after adopting a resolution under Subsection (1)(a), the municipal  
4744 legislative body shall submit to the board of trustees of the local district written notice of the  
4745 adoption of the resolution, accompanied by a copy of the resolution.
- 4746 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body  
4747 shall hold an election at the next municipal general election that is more than 60 days after  
4748 adoption of the resolution on the question of whether the municipality should withdraw from  
4749 the local district.
- 4750 (3) If a majority of those voting on the question of withdrawal at an election held under  
4751 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
4752 district.
- 4753 (4) (a) Within 10 days after the canvass of an election at which a withdrawal under this  
4754 section is submitted to voters, the municipal legislative body shall send written notice to the  
4755 board of the local district from which the municipality is proposed to withdraw.
- 4756 (b) Each notice under Subsection (4)(a) shall:  
4757 (i) state the results of the withdrawal election; and  
4758 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal  
4759 description of the area to be withdrawn, adequate for purposes of the county assessor and  
4760 recorder.
- 4761 (5) The effective date of a withdrawal under this section is governed by Subsection  
4762 17B-1-512(2)(a).
- 4763 Section 102. Section **17B-1-1002** is amended to read:  
4764 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**
- 4765 (1) The rate at which a local district levies a property tax for district operation and  
4766 maintenance expenses on the taxable value of taxable property within the district may not  
4767 exceed:  
4768 (a) .0008, for a basic local district;

- 4769 (b) .0004, for a cemetery maintenance district;  
4770 (c) .0004, for a drainage district;  
4771 (d) .0008, for a fire protection district;  
4772 (e) .0008, for an improvement district;  
4773 (f) .0005, for a metropolitan water district;  
4774 (g) .0004, for a mosquito abatement district;  
4775 (h) .0004, for a public transit district;  
4776 (i) (i) .0023, for a service area that:  
4777 (A) is located in a county of the first or second class; and  
4778 (B) (I) provides fire protection, paramedic, and emergency services; or  
4779 (II) subject to Subsection (3), provides law enforcement services; or  
4780 (ii) .0014, for each other service area; [or]  
4781 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district[-]; or  
4782 (k) .0023 for a municipal services district.  
4783 (2) Property taxes levied by a local district are excluded from the limit applicable to  
4784 that district under Subsection (1) if the taxes are:  
4785 (a) levied under Section 17B-1-1103 by a local district, other than a water conservancy  
4786 district, to pay principal of and interest on general obligation bonds issued by the district;  
4787 (b) levied to pay debt and interest owed to the United States; or  
4788 (c) levied to pay assessments or other amounts due to a water users association or other  
4789 public cooperative or private entity from which the district procures water.  
4790 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax  
4791 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a  
4792 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses  
4793 on or after November 30 in the year in which the tax is first collected and each subsequent year  
4794 that the tax is collected:  
4795 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement  
4796 services; or  
4797 (b) any other generally assessed fee for law enforcement services.  
4798 Section 103. Section 17B-1-1102 is amended to read:  
4799 **17B-1-1102. General obligation bonds.**

4800 (1) Except as provided in Subsection (3), if a district intends to issue general obligation  
4801 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at  
4802 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
4803 Bonding Act.

4804 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
4805 the district, subject, for a water conservancy district, to the property tax levy limits of Section  
4806 [17B-2a-1006](#).

4807 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
4808 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

4809 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
4810 bonds will cause the outstanding principal amount of all of the district's general obligation  
4811 bonds to exceed the amount that results from multiplying the fair market value of the taxable  
4812 property within the district, as determined under Subsection [11-14-301](#)(3)(b), by a number that  
4813 is:

- 4814 (i) .05, for a basic local district;  
4815 (ii) .004, for a cemetery maintenance district;  
4816 (iii) .002, for a drainage district;  
4817 (iv) .004, for a fire protection district;  
4818 (v) .024, for an improvement district;  
4819 (vi) .1, for an irrigation district;  
4820 (vii) .1, for a metropolitan water district;  
4821 (viii) .0004, for a mosquito abatement district;  
4822 (ix) .03, for a public transit district; [~~or~~]  
4823 (x) .12, for a service area[-]; or  
4824 (xi) .0023 for a municipal services district.

4825 (b) Bonds or other obligations of a local district that are not general obligation bonds  
4826 are not included in the limit stated in Subsection (4)(a).

4827 (5) A district may not be considered to be a municipal corporation for purposes of the  
4828 debt limitation of the Utah Constitution, Article XIV, Section 4.

4829 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter  
4830 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that

4831 participates in the agreement creating the administrative or legal entity.

4832 Section 104. Section **17B-2a-1102** is amended to read:

4833 **17B-2a-1102. Definitions.**

4834 As used in this part[, "municipal]:

4835 (1) "Municipal services" means[:(1)] one or more of the services identified in Section  
4836 17-34-1 [or] 17-36-3[; and], or 17B-2a-1102.

4837 [~~(2) any other municipal-type service provided in the district that is in the interest of~~  
4838 ~~the district.]~~

4839 (2) "Metro township" means:

4840 (a) a metro township for which the electors at an election under Section 10-2a-404

4841 chose a metro township that is included in a municipal services district; or

4842 (b) a metro township that subsequently joins a municipal services district.

4843 Section 105. Section **17B-2a-1103** is amended to read:

4844 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**  
4845 **municipal services districts.**

4846 (1) (a) [~~A~~] Except as provided in Subsection (1)(b) and Section 17B-2a-1110, a  
4847 municipal services district may be created only in unincorporated areas in a county of the first  
4848 class.

4849 (b) [~~Notwithstanding Subsection (1)(a) and subject~~] Subject to Subsection (1)(c), after  
4850 the initial creation of a municipal services district, an area may be annexed into the municipal  
4851 services district in accordance with Chapter 1, Part 4, Annexation, whether that area is  
4852 unincorporated or incorporated.

4853 (c) An area annexed under Subsection (1)(b) may not be located outside of the  
4854 originating county of the first class.

4855 (2) Each municipal services district is governed by the powers stated in:

4856 (a) this part; and

4857 (b) Chapter 1, Provisions Applicable to All Local Districts.

4858 (3) This part applies only to a municipal services district.

4859 (4) A municipal services district is not subject to the provisions of any other part of this  
4860 chapter.

4861 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All

4862 Local Districts, and a provision in this part, the provisions in this part govern.

4863 Section 106. Section **17B-2a-1104** is amended to read:

4864 **17B-2a-1104. Additional municipal services district powers.**

4865 In addition to the powers conferred on a municipal services district under Section

4866 [17B-1-103](#), a municipal services district may:

4867 (1) notwithstanding Subsection [17B-1-202](#)(3), provide [~~one or multiple~~] no more than  
4868 six municipal services; and

4869 (2) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
4870 to carry out the purposes of the district.

4871 Section 107. Section **17B-2a-1106** is amended to read:

4872 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

4873 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
4874 law regarding the membership of a local district board of trustees, the initial board of trustees  
4875 of a municipal services district shall consist of the county legislative body.

4876 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
4877 district board of trustees or the governance of a local district, if a municipal services district is  
4878 created in a county of the first class with the county executive-council form of government, the  
4879 initial governance of the municipal services district is as follows:

4880 (i) subject to Subsection (2)(b), the county council is the municipal services district  
4881 board of trustees; and

4882 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
4883 services district.

4884 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
4885 services district described in Subsection (2)(a) shall:

4886 (i) act as the legislative body of the district; and

4887 (ii) exercise legislative branch powers and responsibilities established for county  
4888 legislative bodies in:

4889 (A) Title 17, Counties; and

4890 (B) an optional plan, as defined in Section [17-52-101](#), adopted for a county  
4891 executive-council form of county government as described in Section [17-52-504](#).

4892 (c) Notwithstanding any other provision of law, in a municipal services district

4893 described in Subsection (2)(a), the executive of the district shall:

4894 (i) act as the executive of the district; and

4895 (ii) exercise executive branch powers and responsibilities established for a county  
4896 executive in:

4897 (A) Title 17, Counties; and

4898 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
4899 executive-council form of county government as described in Section 17-52-504.

4900 (3) If, after the initial creation of a municipal services district, an area within the  
4901 district is incorporated as a municipality and the area is not withdrawn from the district in  
4902 accordance with Section 17B-1-502, or an area within a municipality is annexed into the  
4903 municipal services district in accordance with Section 17B-2a-1103:

4904 (a) the district's board of trustees shall include a member of that municipality's  
4905 governing body; [~~and~~]

4906 (b) the member described in Subsection (3)(a) shall be:

4907 (i) (A) for a municipality other than a metro township, designated by the municipality;  
4908 and

4909 (B) for a metro township, the chair of the metro township; and

4910 (ii) a member with powers and duties of other board of trustees members as described  
4911 in Subsection (2)(b)[-]; and

4912 (c) subject to Subsection (4):

4913 (i) two members of the county council of the county in which the municipal services  
4914 district is located shall be members of the board; and

4915 (ii) the total number of board members shall be an odd number.

4916 (4) (a) The number of county council members may be increased or decreased to meet  
4917 the membership requirements of Subsection (3)(c)(ii) but may not be less than one.

4918 (b) The number of county council members described in Subsection (3)(c) does not  
4919 include the county mayor.

4920 (5) For a board of trustees described in Subsection (3), each board member's vote is  
4921 weighted using the proportion of the municipal services district population that resides within  
4922 that member's municipality or, for each member described in Subsection (3)(c)(i), the total  
4923 population that resides in the unincorporated county divided, if more than one member, evenly



4924 between the members.

4925 [~~(4)~~] (6) The board may adopt a resolution providing for future board members to be  
4926 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

4927 [~~(5)~~] (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of  
4928 trustees may adopt a resolution to determine the internal governance of the board.

4929 (b) A resolution adopted under Subsection [~~(5)~~] (7)(a) may not alter or impair the board  
4930 of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
4931 duties, powers, or responsibilities described in Subsection (2)(c).

4932 Section 108. Section 17B-2a-1107 is amended to read:

4933 **17B-2a-1107. Exclusion of rural real property.**

4934 (1) As used in this section, "rural real property" means an area:

4935 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

4936 (b) that does not include residential units with a density greater than one unit per acre.

4937 (2) Unless an owner gives written consent, rural real property may not be included in a  
4938 municipal services district if the rural real property:

4939 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one  
4940 or more tax parcels;

4941 (b) is not contiguous to but is used in connection with rural real property that consists  
4942 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

4943 (c) is owned, managed, or controlled by a person, company, or association, including a  
4944 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural  
4945 real property consisting of one or more tax parcels; or

4946 (d) is located in whole or in part in one of the following as defined in Section

4947 17-41-101:

4948 (i) an agricultural protection area;

4949 (ii) a mining protection area; or

4950 (iii) an industrial protection area.

4951 (3) (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw  
4952 consent to inclusion in a municipal services district at any time.

4953 (b) An owner may withdraw consent by submitting a written and signed request to the  
4954 municipal services district board of trustees that:

- 4955 (i) identifies and describes the rural real property to be withdrawn; and
- 4956 (ii) requests that the rural real property be withdrawn.
- 4957 (c) (i) No later than 30 days after the day on which the municipal services district board
- 4958 of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a
- 4959 resolution withdrawing the rural real property as identified and described in the request.
- 4960 (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the
- 4961 municipal services district upon adoption of the resolution.

4962 Section 109. Section **17B-2a-1110** is enacted to read:

4963 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
4964 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
4965 **transferred to municipal services district.**

4966 (1) (a) A municipality within the boundaries of a municipal services district that is  
4967 incorporated under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and  
4968 Unincorporated Islands in a County of the First Class on and after May 12, 2015, may  
4969 withdraw from a municipal services district in accordance with Section [17B-1-502](#) and the  
4970 requirements of this section.

4971 (b) The provisions of this section do not apply:

- 4972 (i) to a metro township the residents of which vote at an election to be included within
- 4973 a municipal services district; or
- 4974 (ii) to a withdrawal after the expiration of the 180-day period described in Section
- 4975 [17B-1-502](#).

4976 (c) If a municipality engages a feasibility consultant to conduct a feasibility study under  
4977 Section (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(A) is tolled from the  
4978 day that the municipality engages the feasibility consultant to the day on which the  
4979 municipality holds the final public hearing under Subsection (5).

4980 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
4981 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#), engage  
4982 a feasibility consultant to conduct a feasibility study.

4983 (b) The feasibility consultant shall be chosen:

- 4984 (i) by the municipal legislative body; and
- 4985 (ii) in accordance with applicable municipal procurement procedures.

- 4986 (3) The municipal legislative body shall require the feasibility consultant to:  
4987 (a) complete the feasibility study and submit the written results to the municipal  
4988 legislative body before the council adopts a resolution under Section [17B-1-502](#);  
4989 (b) submit with the full written results of the feasibility study a summary of the results  
4990 no longer than one page in length; and  
4991 (c) attend the public hearings under Subsection (5).  
4992 (4) (a) The feasibility study shall consider:  
4993 (i) population and population density within the withdrawing municipality;  
4994 (ii) current and five-year projections of demographics and economic base in the  
4995 withdrawing municipality, including household size and income, commercial and industrial  
4996 development, and public facilities;  
4997 (iii) projected growth in the withdrawing municipality during the next five years;  
4998 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
4999 including overhead, of municipal services in the withdrawing municipality;  
5000 (v) assuming the same tax categories and tax rates as currently imposed by the  
5001 municipal services district and all other current service providers, the present and five-year  
5002 projected revenue for the withdrawing municipality;  
5003 (vi) a projection of any new taxes per household that may be levied within the  
5004 withdrawing municipality within five years of the withdrawal; and  
5005 (vii) the fiscal impact on other municipalities serviced by the municipal services  
5006 district.  
5007 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
5008 level and quality of municipal services to be provided to the withdrawing municipality in the  
5009 future that fairly and reasonably approximate the level and quality of municipal services being  
5010 provided to the withdrawing municipality at the time of the feasibility study.  
5011 (ii) In determining the present cost of a municipal service, the feasibility consultant  
5012 shall consider:  
5013 (A) the amount it would cost the withdrawing municipality to provide municipal  
5014 services for the first five years after withdrawing; and  
5015 (B) the municipal services district's present and five-year projected cost of providing  
5016 municipal services.

5017 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
5018 and anticipated growth.

5019 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
5020 municipal legislative body council shall, at its next regular meeting after receipt of the results  
5021 of the feasibility study, schedule at least one public hearing to be held:

5022 (a) within the following 60 days; and

5023 (b) for the purpose of allowing:

5024 (i) the feasibility consultant to present the results of the study; and

5025 (ii) the public to become informed about the feasibility study results, including the  
5026 requirement that if the municipality withdraws from the municipal services district, the  
5027 municipality must comply with Subsection (9), and to ask questions about those results of the  
5028 feasibility consultant.

5029 (6) At a public hearing described in Subsection (5), the municipal legislative body  
5030 shall:

5031 (a) provide a copy of the feasibility study for public review; and

5032 (b) allow the public to express its views about the proposed withdrawal from the  
5033 municipal services district.

5034 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings  
5035 required under Subsection (5):

5036 (A) at least once a week for three successive weeks in a newspaper of general  
5037 circulation within the municipality; and

5038 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

5039 (ii) The municipal clerk or recorder shall publish the last publication of notice required  
5040 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under  
5041 Subsection (5).

5042 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation  
5043 within the proposed municipality, the municipal clerk or recorder shall post at least one notice  
5044 of the hearings per 1,000 population in conspicuous places within the municipality that are  
5045 most likely to give notice of the hearings to the residents.

5046 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at  
5047 least seven days before the first hearing under Subsection (5).

5048 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
5049 summary and shall indicate that a full copy of the study is available for inspection and copying  
5050 at the office of the municipal clerk or recorder.

5051 (8) At a public meeting held after the public hearing required under Subsection (5), the  
5052 municipal legislative body may adopt a resolution under Section [17B-1-502](#) if the municipality  
5053 is in compliance with the other requirements of that section.

5054 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
5055 district for 10 years beginning on the next fiscal year immediately following the municipal  
5056 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)  
5057 if the results of the feasibility study show that the average annual amount of revenue under  
5058 Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection (4)(a)(iv) by  
5059 more than 5%.

5060 Section 110. Section **17B-2a-1111** is enacted to read:

5061 **17B-2a-1111. Withdrawal of a municipality that changes form of government.**

5062 If a municipality after the 180-day period described in Subsection  
5063 [17B-1-502](#)(3)(a)(iii)(A) changes form of government in accordance with Title 10, Chapter 2b,  
5064 Part 6, Changing to Another Form of Municipal Government, the municipality under the new  
5065 form of government may withdraw from a municipal services district only in accordance with  
5066 the provisions of Section [17B-1-505](#).

5067 Section 111. Section **17B-2a-1112** is enacted to read:

5068 **17B-2a-1112. Audit.**

5069 The board of trustees shall provide a copy of an accounting report, as defined in Section  
5070 [51-2a-102](#), to each political subdivision that is provided municipal services by the municipal  
5071 services district that is filed with the state auditor on behalf of the municipal services district in  
5072 accordance with Section [51-2a-203](#).

5073 Section 112. Section **20A-1-102** is amended to read:

5074 **20A-1-102. Definitions.**

5075 As used in this title:

5076 (1) "Active voter" means a registered voter who has not been classified as an inactive  
5077 voter by the county clerk.

5078 (2) "Automatic tabulating equipment" means apparatus that automatically examines

5079 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

5080 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
5081 upon which a voter records the voter's votes.

5082 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
5083 envelopes.

5084 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

5085 (a) contain the names of offices and candidates and statements of ballot propositions to  
5086 be voted on; and

5087 (b) are used in conjunction with ballot sheets that do not display that information.

5088 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
5089 on the ballot for their approval or rejection including:

5090 (a) an opinion question specifically authorized by the Legislature;

5091 (b) a constitutional amendment;

5092 (c) an initiative;

5093 (d) a referendum;

5094 (e) a bond proposition;

5095 (f) a judicial retention question;

5096 (g) an incorporation of a city or town; or

5097 (h) any other ballot question specifically authorized by the Legislature.

5098 (6) "Ballot sheet":

5099 (a) means a ballot that:

5100 (i) consists of paper or a card where the voter's votes are marked or recorded; and

5101 (ii) can be counted using automatic tabulating equipment; and

5102 (b) includes punch card ballots and other ballots that are machine-countable.

5103 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
5104 together with a staple or stitch in at least three places across the top of the paper in the blank  
5105 space reserved for securing the paper.

5106 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
5107 [20A-4-306](#) to canvass election returns.

5108 (9) "Bond election" means an election held for the purpose of approving or rejecting  
5109 the proposed issuance of bonds by a government entity.

5110 (10) "Book voter registration form" means voter registration forms contained in a  
5111 bound book that are used by election officers and registration agents to register persons to vote.

5112 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
5113 charge by the sender.

5114 (12) "By-mail voter registration form" means a voter registration form designed to be  
5115 completed by the voter and mailed to the election officer.

5116 (13) "Canvass" means the review of election returns and the official declaration of  
5117 election results by the board of canvassers.

5118 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
5119 the canvass.

5120 (15) "Contracting election officer" means an election officer who enters into a contract  
5121 or interlocal agreement with a provider election officer.

5122 (16) "Convention" means the political party convention at which party officers and  
5123 delegates are selected.

5124 (17) "Counting center" means one or more locations selected by the election officer in  
5125 charge of the election for the automatic counting of ballots.

5126 (18) "Counting judge" means a poll worker designated to count the ballots during  
5127 election day.

5128 (19) "Counting poll watcher" means a person selected as provided in Section  
5129 [20A-3-201](#) to witness the counting of ballots.

5130 (20) "Counting room" means a suitable and convenient private place or room,  
5131 immediately adjoining the place where the election is being held, for use by the poll workers  
5132 and counting judges to count ballots during election day.

5133 (21) "County officers" means those county officers that are required by law to be  
5134 elected.

5135 (22) "Date of the election" or "election day" or "day of the election":

5136 (a) means the day that is specified in the calendar year as the day that the election  
5137 occurs; and

5138 (b) does not include:

5139 (i) deadlines established for absentee voting; or

5140 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early

5141 Voting.

5142 (23) "Elected official" means:

5143 (a) a person elected to an office under Section 20A-1-303;

5144 (b) a person who is considered to be elected to a municipal office in accordance with

5145 Subsection 20A-1-206(1)(c)(ii); or

5146 (c) a person who is considered to be elected to a local district office in accordance with

5147 Subsection 20A-1-206(3)(c)(ii).

5148 (24) "Election" means a regular general election, a municipal general election, a  
5149 statewide special election, a local special election, a regular primary election, a municipal  
5150 primary election, and a local district election.

5151 (25) "Election Assistance Commission" means the commission established by Public  
5152 Law 107-252, the Help America Vote Act of 2002.

5153 (26) "Election cycle" means the period beginning on the first day persons are eligible to  
5154 file declarations of candidacy and ending when the canvass is completed.

5155 (27) "Election judge" means a poll worker that is assigned to:

5156 (a) preside over other poll workers at a polling place;

5157 (b) act as the presiding election judge; or

5158 (c) serve as a canvassing judge, counting judge, or receiving judge.

5159 (28) "Election officer" means:

5160 (a) the lieutenant governor, for all statewide ballots and elections;

5161 (b) the county clerk for:

5162 (i) a county ballot and election; and

5163 (ii) a ballot and election as a provider election officer as provided in Section

5164 20A-5-400.1 or 20A-5-400.5;

5165 (c) the municipal clerk for:

5166 (i) a municipal ballot and election; and

5167 (ii) a ballot and election as a provider election officer as provided in Section

5168 20A-5-400.1 or 20A-5-400.5;

5169 (d) the local district clerk or chief executive officer for:

5170 (i) a local district ballot and election; and

5171 (ii) a ballot and election as a provider election officer as provided in Section



5172 20A-5-400.1 or 20A-5-400.5; or

5173 (e) the business administrator or superintendent of a school district for:

5174 (i) a school district ballot and election; and

5175 (ii) a ballot and election as a provider election officer as provided in Section

5176 20A-5-400.1 or 20A-5-400.5.

5177 (29) "Election official" means any election officer, election judge, or poll worker.

5178 (30) "Election results" means:

5179 (a) for an election other than a bond election, the count of votes cast in the election and

5180 the election returns requested by the board of canvassers; or

5181 (b) for bond elections, the count of those votes cast for and against the bond

5182 proposition plus any or all of the election returns that the board of canvassers may request.

5183 (31) "Election returns" includes the pollbook, the military and overseas absentee voter

5184 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all

5185 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition

5186 form, and the total votes cast form.

5187 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting

5188 device or other voting device that records and stores ballot information by electronic means.

5189 (33) "Electronic signature" means an electronic sound, symbol, or process attached to

5190 or logically associated with a record and executed or adopted by a person with the intent to sign

5191 the record.

5192 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

5193 (b) "Electronic voting device" includes a direct recording electronic voting device.

5194 (35) "Inactive voter" means a registered voter who has:

5195 (a) been sent the notice required by Section 20A-2-306; and

5196 (b) failed to respond to that notice.

5197 (36) "Inspecting poll watcher" means a person selected as provided in this title to

5198 witness the receipt and safe deposit of voted and counted ballots.

5199 (37) "Judicial office" means the office filled by any judicial officer.

5200 (38) "Judicial officer" means any justice or judge of a court of record or any county

5201 court judge.

5202 (39) "Local district" means a local government entity under Title 17B, Limited Purpose

5203 Local Government Entities - Local Districts, and includes a special service district under Title  
5204 17D, Chapter 1, Special Service District Act.

5205 (40) "Local district officers" means those local district board members that are required  
5206 by law to be elected.

5207 (41) "Local election" means a regular county election, a regular municipal election, a  
5208 municipal primary election, a local special election, a local district election, and a bond  
5209 election.

5210 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
5211 local school district.

5212 (43) "Local special election" means a special election called by the governing body of a  
5213 local political subdivision in which all registered voters of the local political subdivision may  
5214 vote.

5215 (44) "Municipal executive" means:

5216 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

5217 [~~or~~]

5218 (b) the mayor in the council-manager form of government defined in Subsection

5219 [10-3b-103](#)~~(6)~~(7); or

5220 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).

5221 (45) "Municipal general election" means the election held in municipalities and, as  
5222 applicable, local districts on the first Tuesday after the first Monday in November of each  
5223 odd-numbered year for the purposes established in Section [20A-1-202](#).

5224 (46) "Municipal legislative body" means:

5225 (a) the council of the city or town in any form of municipal government~~[:]~~; or

5226 (b) the council of a metro township.

5227 (47) "Municipal office" means an elective office in a municipality.

5228 (48) "Municipal officers" means those municipal officers that are required by law to be  
5229 elected.

5230 (49) "Municipal primary election" means an election held to nominate candidates for  
5231 municipal office.

5232 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
5233 workers to be given to voters to record their votes.

- 5234 (51) "Official endorsement" means:
- 5235 (a) the information on the ballot that identifies:
- 5236 (i) the ballot as an official ballot;
- 5237 (ii) the date of the election; and
- 5238 (iii) the facsimile signature of the election officer; and
- 5239 (b) the information on the ballot stub that identifies:
- 5240 (i) the poll worker's initials; and
- 5241 (ii) the ballot number.
- 5242 (52) "Official register" means the official record furnished to election officials by the
- 5243 election officer that contains the information required by Section [20A-5-401](#).
- 5244 (53) "Paper ballot" means a paper that contains:
- 5245 (a) the names of offices and candidates and statements of ballot propositions to be
- 5246 voted on; and
- 5247 (b) spaces for the voter to record the voter's vote for each office and for or against each
- 5248 ballot proposition.
- 5249 (54) "Pilot project" means the election day voter registration pilot project created in
- 5250 Section [20A-4-108](#).
- 5251 (55) "Political party" means an organization of registered voters that has qualified to
- 5252 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 5253 and Procedures.
- 5254 (56) "Pollbook" means a record of the names of voters in the order that they appear to
- 5255 cast votes.
- 5256 (57) "Polling place" means the building where voting is conducted.
- 5257 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
- 5258 election, voting, or counting votes.
- 5259 (b) "Poll worker" includes election judges.
- 5260 (c) "Poll worker" does not include a watcher.
- 5261 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 5262 in which the voter marks the voter's choice.
- 5263 (60) "Primary convention" means the political party conventions held during the year
- 5264 of the regular general election.

5265 (61) "Protective counter" means a separate counter, which cannot be reset, that:

5266 (a) is built into a voting machine; and

5267 (b) records the total number of movements of the operating lever.

5268 (62) "Provider election officer" means an election officer who enters into a contract or

5269 interlocal agreement with a contracting election officer to conduct an election for the

5270 contracting election officer's local political subdivision in accordance with Section

5271 [20A-5-400.1](#).

5272 (63) "Provisional ballot" means a ballot voted provisionally by a person:

5273 (a) whose name is not listed on the official register at the polling place;

5274 (b) whose legal right to vote is challenged as provided in this title; or

5275 (c) whose identity was not sufficiently established by a poll worker.

5276 (64) "Provisional ballot envelope" means an envelope printed in the form required by

5277 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to

5278 verify a person's legal right to vote.

5279 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the

5280 duties of the position for which the person was elected.

5281 (66) "Receiving judge" means the poll worker that checks the voter's name in the

5282 official register, provides the voter with a ballot, and removes the ballot stub from the ballot

5283 after the voter has voted.

5284 (67) "Registration form" means a book voter registration form and a by-mail voter

5285 registration form.

5286 (68) "Regular ballot" means a ballot that is not a provisional ballot.

5287 (69) "Regular general election" means the election held throughout the state on the first

5288 Tuesday after the first Monday in November of each even-numbered year for the purposes

5289 established in Section [20A-1-201](#).

5290 (70) "Regular primary election" means the election on the fourth Tuesday of June of

5291 each even-numbered year, to nominate candidates of political parties and candidates for

5292 nonpartisan local school board positions to advance to the regular general election.

5293 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

5294 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed

5295 and distributed as provided in Section [20A-5-405](#).

5296 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
5297 punch the ballot for one or more candidates who are members of different political parties.

5298 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
5299 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
5300 the voter's vote.

5301 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

5302 (76) "Spoiled ballot" means each ballot that:

5303 (a) is spoiled by the voter;

5304 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5305 (c) lacks the official endorsement.

5306 (77) "Statewide special election" means a special election called by the governor or the  
5307 Legislature in which all registered voters in Utah may vote.

5308 (78) "Stub" means the detachable part of each ballot.

5309 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
5310 the poll workers when the official ballots are lost or stolen.

5311 (80) "Ticket" means each list of candidates for each political party or for each group of  
5312 petitioners.

5313 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
5314 counting center.

5315 (82) "Vacancy" means the absence of a person to serve in any position created by  
5316 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
5317 or other cause.

5318 (83) "Valid voter identification" means:

5319 (a) a form of identification that bears the name and photograph of the voter which may  
5320 include:

5321 (i) a currently valid Utah driver license;

5322 (ii) a currently valid identification card that is issued by:

5323 (A) the state; or

5324 (B) a branch, department, or agency of the United States;

5325 (iii) a currently valid Utah permit to carry a concealed weapon;

5326 (iv) a currently valid United States passport; or

- 5327 (v) a currently valid United States military identification card;
- 5328 (b) one of the following identification cards, whether or not the card includes a
- 5329 photograph of the voter:
- 5330 (i) a valid tribal identification card;
- 5331 (ii) a Bureau of Indian Affairs card; or
- 5332 (iii) a tribal treaty card; or
- 5333 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
- 5334 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 5335 may include:
- 5336 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 5337 election;
- 5338 (ii) a bank or other financial account statement, or a legible copy thereof;
- 5339 (iii) a certified birth certificate;
- 5340 (iv) a valid Social Security card;
- 5341 (v) a check issued by the state or the federal government or a legible copy thereof;
- 5342 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 5343 (vii) a currently valid Utah hunting or fishing license;
- 5344 (viii) certified naturalization documentation;
- 5345 (ix) a currently valid license issued by an authorized agency of the United States;
- 5346 (x) a certified copy of court records showing the voter's adoption or name change;
- 5347 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 5348 (xii) a currently valid identification card issued by:
- 5349 (A) a local government within the state;
- 5350 (B) an employer for an employee; or
- 5351 (C) a college, university, technical school, or professional school located within the
- 5352 state; or
- 5353 (xiii) a current Utah vehicle registration.
- 5354 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 5355 candidate by following the procedures and requirements of this title.
- 5356 (85) "Voter" means a person who:
- 5357 (a) meets the requirements for voting in an election;

- 5358 (b) meets the requirements of election registration;
- 5359 (c) is registered to vote; and
- 5360 (d) is listed in the official register book.
- 5361 (86) "Voter registration deadline" means the registration deadline provided in Section
- 5362 [20A-2-102.5](#).
- 5363 (87) "Voting area" means the area within six feet of the voting booths, voting
- 5364 machines, and ballot box.
- 5365 (88) "Voting booth" means:
- 5366 (a) the space or compartment within a polling place that is provided for the preparation
- 5367 of ballots, including the voting machine enclosure or curtain; or
- 5368 (b) a voting device that is free standing.
- 5369 (89) "Voting device" means:
- 5370 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 5371 piercing the ballots by the voter;
- 5372 (b) a device for marking the ballots with ink or another substance;
- 5373 (c) an electronic voting device or other device used to make selections and cast a ballot
- 5374 electronically, or any component thereof;
- 5375 (d) an automated voting system under Section [20A-5-302](#); or
- 5376 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 5377 by means of automatic tabulating equipment.
- 5378 (90) "Voting machine" means a machine designed for the sole purpose of recording
- 5379 and tabulating votes cast by voters at an election.
- 5380 (91) "Voting poll watcher" means a person appointed as provided in this title to
- 5381 witness the distribution of ballots and the voting process.
- 5382 (92) "Voting precinct" means the smallest voting unit established as provided by law
- 5383 within which qualified voters vote at one polling place.
- 5384 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
- 5385 poll watcher, and a testing watcher.
- 5386 (94) "Western States Presidential Primary" means the election established in Chapter 9,
- 5387 Part 8, Western States Presidential Primary.
- 5388 (95) "Write-in ballot" means a ballot containing any write-in votes.

5389 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
5390 ballot according to the procedures established in this title.

5391 Section 113. Section **20A-1-201.5** is amended to read:

5392 **20A-1-201.5. Primary election dates.**

5393 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
5394 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons  
5395 for:

5396 (a) national, state, school board, and county offices[~~;~~]; and

5397 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

5398 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
5399 following the first Monday in August before the regular municipal election to nominate persons  
5400 for municipal offices.

5401 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
5402 election, the Western States Presidential Primary election shall be held throughout the state on  
5403 the first Tuesday in February in the year in which a presidential election will be held.

5404 Section 114. Section **20A-1-203** is amended to read:

5405 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
5406 **limitations.**

5407 (1) Statewide and local special elections may be held for any purpose authorized by  
5408 law.

5409 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
5410 general elections.

5411 (b) Except as otherwise provided in this title, local special elections shall be conducted  
5412 using the procedures for regular municipal elections.

5413 (3) The governor may call a statewide special election by issuing an executive order  
5414 that designates:

5415 (a) the date for the statewide special election; and

5416 (b) the purpose for the statewide special election.

5417 (4) The Legislature may call a statewide special election by passing a joint or  
5418 concurrent resolution that designates:

5419 (a) the date for the statewide special election; and



- 5420 (b) the purpose for the statewide special election.
- 5421 (5) (a) The legislative body of a local political subdivision may call a local special  
5422 election only for:
- 5423 (i) a vote on a bond or debt issue;
- 5424 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);
- 5425 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
- 5426 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- 5427 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
5428 legal boundaries should be changed;
- 5429 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- 5430 (vii) a vote to elect members to school district boards for a new school district and a  
5431 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
5432 school district under Section [53A-2-118.1](#);
- 5433 (viii) an election of town officers of a newly incorporated town under Section  
5434 ~~[10-2-128]~~ [10-2a-305](#);
- 5435 (ix) an election of officers for a new city under Section ~~[10-2-116]~~ [10-2a-215](#);
- 5436 (x) a vote on a municipality providing cable television services or public  
5437 telecommunications services under Section [10-18-204](#);
- 5438 (xi) a vote to create a new county under Section [17-3-1](#);
- 5439 (xii) a vote on the creation of a study committee under Sections [17-52-202](#) and  
5440 [17-52-203.5](#);
- 5441 (xiii) a vote on a special property tax under Section [53A-16-110](#);
- 5442 (xiv) a vote on the incorporation of a city in accordance with Section ~~[10-2-111]~~  
5443 [10-2a-210](#); ~~[or]~~
- 5444 (xv) a vote on the incorporation of a town in accordance with Section ~~[10-2-127.]~~  
5445 [10-2a-304](#); or
- 5446 (xvi) a vote on incorporation or annexation as described in Section [10-2a-404](#).
- 5447 (b) The legislative body of a local political subdivision may call a local special election  
5448 by adopting an ordinance or resolution that designates:
- 5449 (i) the date for the local special election as authorized by Section [20A-1-204](#); and
- 5450 (ii) the purpose for the local special election.

5451 (c) A local political subdivision may not call a local special election unless the  
5452 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
5453 two-thirds majority of all members of the legislative body, if the local special election is for:

- 5454 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);  
5455 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or  
5456 (iii) a vote authorized or required for a sales tax issue as described in Subsection  
5457 (5)(a)(vi).

5458 Section 115. Section **20A-1-204** is amended to read:

5459 **20A-1-204. Date of special election -- Legal effect.**

5460 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the  
5461 legislative body of a local political subdivision calling a statewide special election or local  
5462 special election under Section **20A-1-203** shall schedule the special election to be held on:

- 5463 (i) the fourth Tuesday in June;  
5464 (ii) the first Tuesday after the first Monday in November; or  
5465 (iii) for an election of town officers of a newly incorporated town under Section  
5466 ~~[10-2-128]~~ **10-2a-305**, on any date that complies with the requirements of that subsection.

5467 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative  
5468 body of a local political subdivision calling a statewide special election or local special election  
5469 under Section **20A-1-203** may not schedule a special election to be held on any other date.

5470 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative  
5471 body of a local political subdivision may call a local special election on a date other than those  
5472 specified in this section if the legislative body:

5473 (A) determines and declares that there is a disaster, as defined in Section **53-2a-102**,  
5474 requiring that a special election be held on a date other than the ones authorized in statute;

5475 (B) identifies specifically the nature of the disaster, as defined in Section **53-2a-102**,  
5476 and the reasons for holding the special election on that other date; and

5477 (C) votes unanimously to hold the special election on that other date.

5478 (ii) The legislative body of a local political subdivision may not call a local special  
5479 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for  
5480 Utah's Western States Presidential Primary.

5481 (d) The legislative body of a local political subdivision may only call a special election

5482 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after  
5483 the first Monday in November.

5484 (e) Nothing in this section prohibits:

5485 (i) the governor or Legislature from submitting a matter to the voters at the regular  
5486 general election if authorized by law; or

5487 (ii) a local government from submitting a matter to the voters at the regular municipal  
5488 election if authorized by law.

5489 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
5490 special election within a county on the same day as:

5491 (i) another special election;

5492 (ii) a regular general election; or

5493 (iii) a municipal general election.

5494 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

5495 (i) polling places;

5496 (ii) ballots;

5497 (iii) election officials; and

5498 (iv) other administrative and procedural matters connected with the election.

5499 Section 116. Section **20A-11-101** is amended to read:

5500 **20A-11-101. Definitions.**

5501 As used in this chapter:

5502 (1) "Address" means the number and street where an individual resides or where a  
5503 reporting entity has its principal office.

5504 (2) "Agent of a reporting entity" means:

5505 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
5506 entity;

5507 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
5508 reporting entity;

5509 (c) the personal campaign committee of a candidate or officeholder;

5510 (d) a member of the personal campaign committee of a candidate or officeholder in the  
5511 member's capacity as a member of the personal campaign committee of the candidate or  
5512 officeholder; or

5513 (e) a political consultant of a reporting entity.

5514 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
5515 amendments, and any other ballot propositions submitted to the voters that are authorized by  
5516 the Utah Code Annotated 1953.

5517 (4) "Candidate" means any person who:

5518 (a) files a declaration of candidacy for a public office; or

5519 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5520 receive contributions or make expenditures to bring about the person's nomination or election  
5521 to a public office.

5522 (5) "Chief election officer" means:

5523 (a) the lieutenant governor for state office candidates, legislative office candidates,  
5524 officeholders, political parties, political action committees, corporations, political issues  
5525 committees, state school board candidates, judges, and labor organizations, as defined in  
5526 Section [20A-11-1501](#); and

5527 (b) the county clerk for local school board candidates.

5528 (6) (a) "Contribution" means any of the following when done for political purposes:

5529 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
5530 value given to the filing entity;

5531 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
5532 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
5533 anything of value to the filing entity;

5534 (iii) any transfer of funds from another reporting entity to the filing entity;

5535 (iv) compensation paid by any person or reporting entity other than the filing entity for  
5536 personal services provided without charge to the filing entity;

5537 (v) remuneration from:

5538 (A) any organization or its directly affiliated organization that has a registered lobbyist;

5539 or

5540 (B) any agency or subdivision of the state, including school districts;

5541 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

5542 (vii) in-kind contributions.

5543 (b) "Contribution" does not include:

5544 (i) services provided by individuals volunteering a portion or all of their time on behalf  
5545 of the filing entity if the services are provided without compensation by the filing entity or any  
5546 other person;

5547 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
5548 business; or

5549 (iii) goods or services provided for the benefit of a candidate or political party at less  
5550 than fair market value that are not authorized by or coordinated with the candidate or political  
5551 party.

5552 (7) "Coordinated with" means that goods or services provided for the benefit of a  
5553 candidate or political party are provided:

5554 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
5555 party does not object;

5556 (b) by agreement with the candidate or political party;

5557 (c) in coordination with the candidate or political party; or

5558 (d) using official logos, slogans, and similar elements belonging to a candidate or  
5559 political party.

5560 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
5561 organization that is registered as a corporation or is authorized to do business in a state and  
5562 makes any expenditure from corporate funds for:

5563 (i) the purpose of expressly advocating for political purposes; or

5564 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
5565 proposition.

5566 (b) "Corporation" does not mean:

5567 (i) a business organization's political action committee or political issues committee; or

5568 (ii) a business entity organized as a partnership or a sole proprietorship.

5569 (9) "County political party" means, for each registered political party, all of the persons  
5570 within a single county who, under definitions established by the political party, are members of  
5571 the registered political party.

5572 (10) "County political party officer" means a person whose name is required to be  
5573 submitted by a county political party to the lieutenant governor in accordance with Section  
5574 [20A-8-402](#).

- 5575 (11) "Detailed listing" means:
- 5576 (a) for each contribution or public service assistance:
- 5577 (i) the name and address of the individual or source making the contribution or public
- 5578 service assistance;
- 5579 (ii) the amount or value of the contribution or public service assistance; and
- 5580 (iii) the date the contribution or public service assistance was made; and
- 5581 (b) for each expenditure:
- 5582 (i) the amount of the expenditure;
- 5583 (ii) the person or entity to whom it was disbursed;
- 5584 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 5585 (iv) the date the expenditure was made.
- 5586 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 5587 for membership in the corporation, to a corporation without receiving full and adequate
- 5588 consideration for the money.
- 5589 (b) "Donor" does not include a person that signs a statement that the corporation may
- 5590 not use the money for an expenditure or political issues expenditure.
- 5591 (13) "Election" means each:
- 5592 (a) regular general election;
- 5593 (b) regular primary election; and
- 5594 (c) special election at which candidates are eliminated and selected.
- 5595 (14) "Electioneering communication" means a communication that:
- 5596 (a) has at least a value of \$10,000;
- 5597 (b) clearly identifies a candidate or judge; and
- 5598 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 5599 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 5600 identified candidate's or judge's election date.
- 5601 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 5602 agent of a reporting entity on behalf of the reporting entity:
- 5603 (i) any disbursement from contributions, receipts, or from the separate bank account
- 5604 required by this chapter;
- 5605 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

5606 or anything of value made for political purposes;

5607 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5608 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
5609 value for political purposes;

5610 (iv) compensation paid by a filing entity for personal services rendered by a person  
5611 without charge to a reporting entity;

5612 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
5613 committee; or

5614 (vi) goods or services provided by the filing entity to or for the benefit of another  
5615 reporting entity for political purposes at less than fair market value.

5616 (b) "Expenditure" does not include:

5617 (i) services provided without compensation by individuals volunteering a portion or all  
5618 of their time on behalf of a reporting entity;

5619 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
5620 business; or

5621 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
5622 candidates for office or officeholders in states other than Utah.

5623 (16) "Federal office" means the office of president of the United States, United States  
5624 Senator, or United States Representative.

5625 (17) "Filing entity" means the reporting entity that is required to file a financial  
5626 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

5627 (18) "Financial statement" includes any summary report, interim report, verified  
5628 financial statement, or other statement disclosing contributions, expenditures, receipts,  
5629 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
5630 Retention Elections.

5631 (19) "Governing board" means the individual or group of individuals that determine the  
5632 candidates and committees that will receive expenditures from a political action committee,  
5633 political party, or corporation.

5634 (20) "Incorporation" means the process established by Title 10, Chapter [~~2, Part 1,~~] 2a,  
5635 Municipal Incorporation, by which a geographical area becomes legally recognized as a city  
5636 [~~or~~], town, or metro township.

5637 (21) "Incorporation election" means the election authorized by Section [~~10-2-111~~ or  
5638 ~~10-2-127~~] 10-2a-210, 10-2a-304, or 10-2a-404.

5639 (22) "Incorporation petition" means a petition authorized by Section [~~10-2-109~~]  
5640 10-2a-208 or [~~10-2-125~~] 10-2a-302.

5641 (23) "Individual" means a natural person.

5642 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
5643 by or coordinated with a filing entity.

5644 (25) "Interim report" means a report identifying the contributions received and  
5645 expenditures made since the last report.

5646 (26) "Legislative office" means the office of state senator, state representative, speaker  
5647 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
5648 whip of any party caucus in either house of the Legislature.

5649 (27) "Legislative office candidate" means a person who:

5650 (a) files a declaration of candidacy for the office of state senator or state representative;

5651 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
5652 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
5653 assistant whip of any party caucus in either house of the Legislature; or

5654 (c) receives contributions, makes expenditures, or gives consent for any other person to  
5655 receive contributions or make expenditures to bring about the person's nomination, election, or  
5656 appointment to a legislative office.

5657 (28) "Major political party" means either of the two registered political parties that  
5658 have the greatest number of members elected to the two houses of the Legislature.

5659 (29) "Officeholder" means a person who holds a public office.

5660 (30) "Party committee" means any committee organized by or authorized by the  
5661 governing board of a registered political party.

5662 (31) "Person" means both natural and legal persons, including individuals, business  
5663 organizations, personal campaign committees, party committees, political action committees,  
5664 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

5665 (32) "Personal campaign committee" means the committee appointed by a candidate to  
5666 act for the candidate as provided in this chapter.

5667 (33) "Personal use expenditure" has the same meaning as provided under Section



5668 20A-11-104.

5669 (34) (a) "Political action committee" means an entity, or any group of individuals or  
5670 entities within or outside this state, a major purpose of which is to:

5671 (i) solicit or receive contributions from any other person, group, or entity for political  
5672 purposes; or

5673 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
5674 vote for or against any candidate or person seeking election to a municipal or county office.

5675 (b) "Political action committee" includes groups affiliated with a registered political  
5676 party but not authorized or organized by the governing board of the registered political party  
5677 that receive contributions or makes expenditures for political purposes.

5678 (c) "Political action committee" does not mean:

5679 (i) a party committee;

5680 (ii) any entity that provides goods or services to a candidate or committee in the regular  
5681 course of its business at the same price that would be provided to the general public;

5682 (iii) an individual;

5683 (iv) individuals who are related and who make contributions from a joint checking  
5684 account;

5685 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5686 action committee; or

5687 (vi) a personal campaign committee.

5688 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
5689 by another person on behalf of and with the knowledge of the reporting entity, to provide  
5690 political advice to the reporting entity.

5691 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
5692 where the person:

5693 (i) has already been paid, with money or other consideration;

5694 (ii) expects to be paid in the future, with money or other consideration; or

5695 (iii) understands that the person may, in the discretion of the reporting entity or another  
5696 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
5697 money or other consideration.

5698 (36) "Political convention" means a county or state political convention held by a

5699 registered political party to select candidates.

5700 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
5701 entities within or outside this state, a major purpose of which is to:

5702 (i) solicit or receive donations from any other person, group, or entity to assist in  
5703 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
5704 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

5705 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
5706 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
5707 proposed ballot proposition or an incorporation in an incorporation election; or

5708 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
5709 ballot or to assist in keeping a ballot proposition off the ballot.

5710 (b) "Political issues committee" does not mean:

5711 (i) a registered political party or a party committee;

5712 (ii) any entity that provides goods or services to an individual or committee in the  
5713 regular course of its business at the same price that would be provided to the general public;

5714 (iii) an individual;

5715 (iv) individuals who are related and who make contributions from a joint checking  
5716 account; or

5717 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5718 issues committee.

5719 (38) (a) "Political issues contribution" means any of the following:

5720 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
5721 anything of value given to a political issues committee;

5722 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
5723 issues donation to influence the approval or defeat of any ballot proposition;

5724 (iii) any transfer of funds received by a political issues committee from a reporting  
5725 entity;

5726 (iv) compensation paid by another reporting entity for personal services rendered  
5727 without charge to a political issues committee; and

5728 (v) goods or services provided to or for the benefit of a political issues committee at  
5729 less than fair market value.

- 5730 (b) "Political issues contribution" does not include:
- 5731 (i) services provided without compensation by individuals volunteering a portion or all
- 5732 of their time on behalf of a political issues committee; or
- 5733 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 5734 course of business.
- 5735 (39) (a) "Political issues expenditure" means any of the following when made by a
- 5736 political issues committee or on behalf of a political issues committee by an agent of the
- 5737 reporting entity:
- 5738 (i) any payment from political issues contributions made for the purpose of influencing
- 5739 the approval or the defeat of:
- 5740 (A) a ballot proposition; or
- 5741 (B) an incorporation petition or incorporation election;
- 5742 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
- 5743 the express purpose of influencing the approval or the defeat of:
- 5744 (A) a ballot proposition; or
- 5745 (B) an incorporation petition or incorporation election;
- 5746 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 5747 political issues expenditure;
- 5748 (iv) compensation paid by a reporting entity for personal services rendered by a person
- 5749 without charge to a political issues committee; or
- 5750 (v) goods or services provided to or for the benefit of another reporting entity at less
- 5751 than fair market value.
- 5752 (b) "Political issues expenditure" does not include:
- 5753 (i) services provided without compensation by individuals volunteering a portion or all
- 5754 of their time on behalf of a political issues committee; or
- 5755 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 5756 course of business.
- 5757 (40) "Political purposes" means an act done with the intent or in a way to influence or
- 5758 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 5759 against any candidate or a person seeking a municipal or county office at any caucus, political
- 5760 convention, or election.

5761 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
5762 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
5763 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
5764 person or by telephone, facsimile, Internet, postal mail, or email.

5765 (b) "Poll" does not include:

5766 (i) a ballot; or

5767 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

5768 (A) the focus group consists of more than three, and less than thirteen, individuals; and

5769 (B) all individuals in the focus group are present during the interview.

5770 (42) "Primary election" means any regular primary election held under the election  
5771 laws.

5772 [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more  
5773 individuals sharing a common occupation, interest, or association that contribute to a political  
5774 action committee or political issues committee and whose names can be obtained by contacting  
5775 the political action committee or political issues committee upon whose financial statement the  
5776 individuals are listed.

5777 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state  
5778 auditor, state treasurer, attorney general, state school board member, state senator, state  
5779 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
5780 whip, and assistant whip of any party caucus in either house of the Legislature.

5781 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided  
5782 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
5783 communicate with the officeholder's constituents:

5784 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
5785 money or anything of value to an officeholder; or

5786 (ii) goods or services provided at less than fair market value to or for the benefit of the  
5787 officeholder.

5788 (b) "Public service assistance" does not include:

5789 (i) anything provided by the state;

5790 (ii) services provided without compensation by individuals volunteering a portion or all  
5791 of their time on behalf of an officeholder;

5792 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
5793 business;

5794 (iv) news coverage or any publication by the news media; or

5795 (v) any article, story, or other coverage as part of any regular publication of any  
5796 organization unless substantially all the publication is devoted to information about the  
5797 officeholder.

5798 (46) "Receipts" means contributions and public service assistance.

5799 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
5800 Lobbyist Disclosure and Regulation Act.

5801 (48) "Registered political action committee" means any political action committee that  
5802 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5803 Governor.

5804 (49) "Registered political issues committee" means any political issues committee that  
5805 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5806 Governor.

5807 (50) "Registered political party" means an organization of voters that:

5808 (a) participated in the last regular general election and polled a total vote equal to 2%  
5809 or more of the total votes cast for all candidates for the United States House of Representatives  
5810 for any of its candidates for any office; or

5811 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
5812 Party Formation and Procedures.

5813 (51) (a) "Remuneration" means a payment:

5814 (i) made to a legislator for the period the Legislature is in session; and

5815 (ii) that is approximately equivalent to an amount a legislator would have earned  
5816 during the period the Legislature is in session in the legislator's ordinary course of business.

5817 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

5818 (i) the legislator's primary employer in the ordinary course of business; or

5819 (ii) a person or entity in the ordinary course of business:

5820 (A) because of the legislator's ownership interest in the entity; or

5821 (B) for services rendered by the legislator on behalf of the person or entity.

5822 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,

5823 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
5824 action committee, a political issues committee, a corporation, or a labor organization, as  
5825 defined in Section 20A-11-1501.

5826 (53) "School board office" means the office of state school board.

5827 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
5828 intangible asset that comprises the contribution.

5829 (b) "Source" means, for political action committees and corporations, the political  
5830 action committee and the corporation as entities, not the contributors to the political action  
5831 committee or the owners or shareholders of the corporation.

5832 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
5833 state auditor, and state treasurer.

5834 (56) "State office candidate" means a person who:

5835 (a) files a declaration of candidacy for a state office; or

5836 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5837 receive contributions or make expenditures to bring about the person's nomination, election, or  
5838 appointment to a state office.

5839 (57) "Summary report" means the year end report containing the summary of a  
5840 reporting entity's contributions and expenditures.

5841 (58) "Supervisory board" means the individual or group of individuals that allocate  
5842 expenditures from a political issues committee.

5843 Section 117. Section **53-2a-208** is amended to read:

5844 **53-2a-208. Local emergency -- Declarations.**

5845 (1) (a) A local emergency may be declared by proclamation of the chief executive  
5846 officer of a municipality or county.

5847 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
5848 days except by or with the consent of the governing body of the municipality or county.

5849 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
5850 shall be filed promptly with the office of the clerk of the affected municipality or county.

5851 (2) A declaration of a local emergency:

5852 (a) constitutes an official recognition that a disaster situation exists within the affected  
5853 municipality or county;

5854 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
5855 from other political subdivisions or from the state or federal government;

5856 (c) activates the response and recovery aspects of any and all applicable local disaster  
5857 emergency plans; and

5858 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

5859 (3) A local emergency proclamation issued under this section shall state:

5860 (a) the nature of the local emergency;

5861 (b) the area or areas that are affected or threatened; and

5862 (c) the conditions which caused the emergency.

5863 (4) The emergency declaration process within the state shall be as follows:

5864 (a) a city, town, [or] metro township, or planning district shall declare to the county;

5865 (b) a county shall declare to the state;

5866 (c) the state shall declare to the federal government; and

5867 (d) a tribe, as defined in Section [23-13-12.5](#), shall declare as determined under the

5868 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

5869 (5) Nothing in this part affects:

5870 (a) the governor's authority to declare a state of emergency under Section [53-2a-206](#); or

5871 (b) the duties, requests, reimbursements, or other actions taken by a political

5872 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,

5873 Part 3, Statewide Mutual Aid Act.

5874 Section 118. Section **53-2a-802** is amended to read:

5875 **53-2a-802. Definitions.**

5876 (1) (a) "Absent" means:

5877 (i) not physically present or not able to be communicated with for 48 hours; or

5878 (ii) for local government officers, as defined by local ordinances.

5879 (b) "Absent" does not include a person who can be communicated with via telephone,

5880 radio, or telecommunications.

5881 (2) "Department" means the Department of Administrative Services, the Department of

5882 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of

5883 Commerce, the Department of Heritage and Arts, the Department of Corrections, the

5884 Department of Environmental Quality, the Department of Financial Institutions, the

5885 Department of Health, the Department of Human Resource Management, the Department of  
5886 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,  
5887 the Department of Natural Resources, the Department of Public Safety, the Public Service  
5888 Commission, the Department of Human Services, the State Tax Commission, the Department  
5889 of Technology Services, the Department of Transportation, any other major administrative  
5890 subdivisions of state government, the State Board of Education, the State Board of Regents, the  
5891 Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and  
5892 each institution of higher education within the system of higher education.

5893 (3) "Division" means the Division of Emergency Management established in Title 53,  
5894 Chapter 2a, Part 1, Emergency Management Act.

5895 (4) "Emergency interim successor" means a person designated by this part to exercise  
5896 the powers and discharge the duties of an office when the person legally exercising the powers  
5897 and duties of the office is unavailable.

5898 (5) "Executive director" means the person with ultimate responsibility for managing  
5899 and overseeing the operations of each department, however denominated.

5900 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
5901 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

5902 (b) "Office" does not include the office of governor or the legislative or judicial offices.

5903 (7) "Place of governance" means the physical location where the powers of an office  
5904 are being exercised.

5905 (8) "Political subdivision" includes counties, cities, towns, metro townships, planning  
5906 districts, districts, authorities, and other public corporations and entities whether organized and  
5907 existing under charter or general law.

5908 (9) "Political subdivision officer" means a person holding an office in a political  
5909 subdivision.

5910 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
5911 the executive director of each department.

5912 (11) "Unavailable" means:

5913 (a) absent from the place of governance during a disaster that seriously disrupts normal  
5914 governmental operations, whether or not that absence or inability would give rise to a vacancy  
5915 under existing constitutional or statutory provisions; or



5916 (b) as otherwise defined by local ordinance.

5917 Section 119. Section **53A-2-118.1** is amended to read:

5918 **53A-2-118.1. Proposal initiated by a city or interlocal agreement participants to**  
5919 **create a school district -- Boundaries -- Election of local school board members --**  
5920 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

5921 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,  
5922 as determined by the lieutenant governor using the process described in Subsection [67-1a-2\(3\)](#),  
5923 may by majority vote of the legislative body, submit for voter approval a measure to create a  
5924 new school district with boundaries contiguous with that city's boundaries, in accordance with  
5925 Section [53A-2-118](#).

5926 (b) (i) The determination of all matters relating to the scope, adequacy, and other  
5927 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the  
5928 city's legislative body.

5929 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of  
5930 a legal action or other challenge to:

5931 (A) an election for voter approval of the creation of a new school district; or

5932 (B) the creation of the new school district.

5933 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,  
5934 may, together with one or more other cities, towns, or the county enter into an interlocal  
5935 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose  
5936 of submitting for voter approval a measure to create a new school district.

5937 (b) (i) In accordance with Section [53A-2-118](#), interlocal agreement participants under  
5938 Subsection (2)(a) may submit a proposal for voter approval if:

5939 (A) the interlocal agreement participants conduct a feasibility study prior to submitting  
5940 the proposal to the county;

5941 (B) the combined population within the proposed new school district boundaries is at  
5942 least 50,000;

5943 (C) the new school district boundaries:

5944 (I) are contiguous;

5945 (II) do not completely surround or otherwise completely geographically isolate a  
5946 portion of an existing school district that is not part of the proposed new school district from

5947 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

5948 (III) include the entire boundaries of each participant city or town, except as provided  
5949 in Subsection (2)(d)(ii); and

5950 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

5951 (D) the combined population within the proposed new school district of interlocal  
5952 agreement participants that have entered into an interlocal agreement proposing to create a new  
5953 school district is at least 80% of the total population of the proposed new school district.

5954 (ii) The determination of all matters relating to the scope, adequacy, and other aspects  
5955 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new  
5956 feasibility study or revise a previous feasibility study due to a change in the proposed new  
5957 school district boundaries, is within the exclusive discretion of the legislative bodies of the  
5958 interlocal agreement participants that enter into an interlocal agreement to submit for voter  
5959 approval a measure to create a new school district.

5960 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the  
5961 basis of a legal action or other challenge to:

5962 (A) an election for voter approval of the creation of a new school district; or

5963 (B) the creation of the new school district.

5964 (iv) For purposes of determining whether the boundaries of a proposed new school  
5965 district cross county lines under Subsection (2)(b)(i)(C)(IV):

5966 (A) a municipality located in more than one county and entirely within the boundaries  
5967 of a single school district is considered to be entirely within the same county as other  
5968 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's  
5969 land area and population is located in that same county than outside the county; and

5970 (B) a municipality located in more than one county that participates in an interlocal  
5971 agreement under Subsection (2)(a) with respect to some but not all of the area within the  
5972 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may  
5973 not be considered to cross county lines.

5974 (c) (i) A county may only participate in an interlocal agreement under this Subsection  
5975 (2) for the unincorporated areas of the county.

5976 (ii) Boundaries of a new school district created under this section may include:

5977 (A) a portion of one or more existing school districts; and

5978 (B) a portion of the unincorporated area of a county, including a portion of a  
5979 [township] planning district.

5980 (d) (i) As used in this Subsection (2)(d):

5981 (A) "Isolated area" means an area that:

5982 (I) is entirely within the boundaries of a municipality that, except for that area, is  
5983 entirely within a school district different than the school district in which the area is located;  
5984 and

5985 (II) would, because of the creation of a new school district from the existing district in  
5986 which the area is located, become completely geographically isolated.

5987 (B) "Municipality's school district" means the school district that includes all of the  
5988 municipality in which the isolated area is located except the isolated area.

5989 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in  
5990 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
5991 within the municipality's boundaries if:

5992 (A) the portion of the municipality proposed to be included in the new school district  
5993 would, if not included, become an isolated area upon the creation of the new school district; or

5994 (B) (I) the portion of the municipality proposed to be included in the new school  
5995 district is within the boundaries of the same school district that includes the other interlocal  
5996 agreement participants; and

5997 (II) the portion of the municipality proposed to be excluded from the new school  
5998 district is within the boundaries of a school district other than the school district that includes  
5999 the other interlocal agreement participants.

6000 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school  
6001 district may be submitted for voter approval pursuant to an interlocal agreement under  
6002 Subsection (2)(a), even though the new school district boundaries would create an isolated  
6003 area, if:

6004 (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
6005 participants;

6006 (II) the interlocal participants submit a written request to the municipality in which the  
6007 potential isolated area is located, requesting the municipality to enter into an interlocal  
6008 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to

6009 create a new school district that includes the potential isolated area; and

6010 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the  
6011 municipality has not entered into an interlocal agreement as requested in the request.

6012 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold  
6013 one or more public hearings to allow input from the public and affected school districts  
6014 regarding whether or not the municipality should enter into an interlocal agreement with  
6015 respect to the potential isolated area.

6016 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

6017 (Aa) a new school district is created under this section after a measure is submitted to  
6018 voters based on the authority of Subsection (2)(d)(iii)(A); and

6019 (Bb) the creation of the new school district results in an isolated area.

6020 (II) The isolated area shall, on July 1 of the second calendar year following the local  
6021 school board general election date described in Subsection (3)(a)(i), become part of the  
6022 municipality's school district.

6023 (III) Unless the isolated area is the only remaining part of the existing district, the  
6024 process described in Subsection (4) shall be modified to:

6025 (Aa) include a third transition team, appointed by the local school board of the  
6026 municipality's school district, to represent that school district; and

6027 (Bb) require allocation of the existing district's assets and liabilities among the new  
6028 district, the remaining district, and the municipality's school district.

6029 (IV) The existing district shall continue to provide educational services to the isolated  
6030 area until July 1 of the second calendar year following the local school board general election  
6031 date described in Subsection (3)(a)(i).

6032 (3) (a) If a proposal under this section is approved by voters:

6033 (i) an election shall be held at the next regular general election to elect:

6034 (A) members to the local school board of the existing school district whose terms are  
6035 expiring;

6036 (B) all members to the local school board of the new school district; and

6037 (C) all members to the local school board of the remaining district;

6038 (ii) the assets and liabilities of the existing school district shall be divided between the  
6039 remaining school district and the new school district as provided in Subsection (5) and Section

6040 53A-2-121;

6041 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and

6042 53A-2-122;

6043 (iv) (A) an individual residing within the boundaries of a new school district at the  
6044 time the new school district is created may, for six school years after the creation of the new  
6045 school district, elect to enroll in a secondary school located outside the boundaries of the new  
6046 school district if:

6047 (I) the individual resides within the boundaries of that secondary school as of the day  
6048 before the new school district is created; and

6049 (II) the individual would have been eligible to enroll in that secondary school had the  
6050 new school district not been created; and

6051 (B) the school district in which the secondary school is located shall provide  
6052 educational services, including, if provided before the creation of the new school district,  
6053 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school  
6054 year for which the individual makes the election; and

6055 (v) within one year after the new district begins providing educational services, the  
6056 superintendent of each remaining district affected and the superintendent of the new district  
6057 shall meet, together with the Superintendent of Public Instruction, to determine if further  
6058 boundary changes should be proposed in accordance with Section 53A-2-104.

6059 (b) (i) The terms of the initial members of the local school board of the new district and  
6060 remaining district shall be staggered and adjusted by the county legislative body so that  
6061 approximately half of the local school board is elected every two years.

6062 (ii) The term of a member of the existing local school board, including a member  
6063 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local  
6064 school board general election date described in Subsection (3)(a)(i), regardless of when the  
6065 term would otherwise have terminated.

6066 (iii) Notwithstanding the existence of a local school board for the new district and a  
6067 local school board for the remaining district under Subsection (3)(a)(i), the local school board  
6068 of the existing district shall continue, until the time specified in Subsection  
6069 53A-2-118(5)(b)(ii)(A), to function and exercise authority as a local school board to the extent  
6070 necessary to continue to provide educational services to the entire existing district.

6071 (iv) A person may simultaneously serve as or be elected to be a member of the local  
6072 school board of an existing district and a member of the local school board of:

6073 (A) a new district; or

6074 (B) a remaining district.

6075 (4) (a) Within 45 days after the canvass date for the election at which voters approve  
6076 the creation of a new district:

6077 (i) a transition team to represent the remaining district shall be appointed by the  
6078 members of the existing local school board who reside within the area of the remaining district,  
6079 in consultation with:

6080 (A) the legislative bodies of all municipalities in the area of the remaining district; and

6081 (B) the legislative body of the county in which the remaining district is located, if the  
6082 remaining district includes one or more unincorporated areas of the county; and

6083 (ii) another transition team to represent the new district shall be appointed by:

6084 (A) for a new district located entirely within the boundaries of a single city, the  
6085 legislative body of that city; or

6086 (B) for each other new district, the legislative bodies of all interlocal agreement  
6087 participants.

6088 (b) The local school board of the existing school district shall, within 60 days after the  
6089 canvass date for the election at which voters approve the creation of a new district:

6090 (i) prepare an inventory of the existing district's:

6091 (A) assets, both tangible and intangible, real and personal; and

6092 (B) liabilities; and

6093 (ii) deliver a copy of the inventory to each of the transition teams.

6094 (c) The transition teams appointed under Subsection (4)(a) shall:

6095 (i) determine the allocation of the existing district's assets and, except for indebtedness  
6096 under Section [53A-2-121](#), liabilities between the remaining district and the new district in  
6097 accordance with Subsection (5);

6098 (ii) prepare a written report detailing how the existing district's assets and, except for  
6099 indebtedness under Section [53A-2-121](#), liabilities are to be allocated; and

6100 (iii) deliver a copy of the written report to:

6101 (A) the local school board of the existing district;

- 6102 (B) the local school board of the remaining district; and
- 6103 (C) the local school board of the new district.
- 6104 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and
- 6105 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
- 6106 election at which voters approve the creation of a new district, unless that deadline is extended
- 6107 by the mutual agreement of:
  - 6108 (i) the local school board of the existing district; and
  - 6109 (ii) (A) the legislative body of the city in which the new district is located, for a new
  - 6110 district located entirely within a single city; or
  - 6111 (B) the legislative bodies of all interlocal agreement participants, for each other new
  - 6112 district.
  - 6113 (e) (i) All costs and expenses of the transition team that represents a remaining district
  - 6114 shall be borne by the remaining district.
  - 6115 (ii) All costs and expenses of the transition team that represents a new district shall
  - 6116 initially be borne by:
    - 6117 (A) the city whose legislative body appoints the transition team, if the transition team
    - 6118 is appointed by the legislative body of a single city; or
    - 6119 (B) the interlocal agreement participants, if the transition team is appointed by the
    - 6120 legislative bodies of interlocal agreement participants.
    - 6121 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
    - 6122 agreement participants for:
      - 6123 (A) transition team costs and expenses; and
      - 6124 (B) startup costs and expenses incurred by the city or interlocal agreement participants
      - 6125 on behalf of the new district.
      - 6126 (5) (a) As used in this Subsection (5):
        - 6127 (i) "Associated property" means furniture, equipment, or supplies located in or
        - 6128 specifically associated with a physical asset.
        - 6129 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
        - 6130 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
        - 6131 employee by law or school district accounting practice.
        - 6132 (B) "Discretionary asset or liability" does not include a physical asset, associated

6133 property, a vehicle, or bonded indebtedness.

6134 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection  
6135 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee  
6136 by law or school district accounting practice.

6137 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated  
6138 property, a vehicle, or bonded indebtedness.

6139 (iv) "Physical asset" means a building, land, or water right together with revenue  
6140 derived from the lease or use of the building, land, or water right.

6141 (b) Except as provided in Subsection (5)(c), the transition teams appointed under  
6142 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the  
6143 allocation date, both tangible and intangible, real and personal, to the new district and  
6144 remaining district as follows:

6145 (i) a physical asset and associated property shall be allocated to the school district in  
6146 which the physical asset is located;

6147 (ii) a discretionary asset or liability shall be allocated between the new district and  
6148 remaining district in proportion to the student populations of the school districts;

6149 (iii) a nondiscretionary asset shall be allocated to the school district where the project,  
6150 school, student, or employee to which the nondiscretionary asset is tied will be located;

6151 (iv) vehicles used for pupil transportation shall be allocated:

6152 (A) according to the transportation needs of schools, as measured by the number and  
6153 assortment of vehicles used to serve transportation routes serving schools within the new  
6154 district and remaining district; and

6155 (B) in a manner that gives each school district a fleet of vehicles for pupil  
6156 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;  
6157 and

6158 (v) other vehicles shall be allocated:

6159 (A) in proportion to the student populations of the school districts; and

6160 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,  
6161 condition, and carrying capacities.

6162 (c) By mutual agreement, the transition teams may allocate an asset or liability in a  
6163 manner different than the allocation method specified in Subsection (5)(b).



6164 (6) (a) As used in this Subsection (6):

6165 (i) "New district startup costs" means:

6166 (A) costs and expenses incurred by a new district in order to prepare to begin providing  
6167 educational services on July 1 of the second calendar year following the local school board  
6168 general election date described in Subsection (3)(a)(i); and

6169 (B) the costs and expenses of the transition team that represents the new district.

6170 (ii) "Remaining district startup costs" means:

6171 (A) costs and expenses incurred by a remaining district in order to:

6172 (I) make necessary adjustments to deal with the impacts resulting from the creation of  
6173 the new district; and

6174 (II) prepare to provide educational services within the remaining district once the new  
6175 district begins providing educational services within the new district; and

6176 (B) the costs and expenses of the transition team that represents the remaining district.

6177 (b) (i) By January 1 of the year following the local school board general election date  
6178 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed  
6179 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the  
6180 remaining district and the new district, as provided in this Subsection (6).

6181 (ii) The existing district may make additional funds available for the use of the  
6182 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)  
6183 through an interlocal agreement.

6184 (c) The existing district shall make the money under Subsection (6)(b) available to the  
6185 remaining district and the new district proportionately based on student population.

6186 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

6187 (i) for the remaining district, the local school board of the remaining district; and

6188 (ii) for the new district, the local school board of the new district.

6189 (e) (i) The remaining district may use its portion of the money made available under  
6190 Subsection (6)(b) to pay for remaining district startup costs.

6191 (ii) The new district may use its portion of the money made available under Subsection  
6192 (6)(b) to pay for new district startup costs.

6193 (7) (a) The existing district shall transfer title or, if applicable, partial title of property  
6194 to the new school district in accordance with the allocation of property by the transition teams,

6195 as stated in the report under Subsection (4)(c)(ii).

6196 (b) The existing district shall complete each transfer of title or, if applicable, partial  
6197 title to real property and vehicles by July 1 of the second calendar year following the local  
6198 school board general election date described in Subsection (3)(a)(i), except as that date is  
6199 changed by the mutual agreement of:

6200 (i) the local school board of the existing district;

6201 (ii) the local school board of the remaining district; and

6202 (iii) the local school board of the new district.

6203 (c) The existing district shall complete the transfer of all property not included in  
6204 Subsection (7)(b) by November 1 of the second calendar year after the local school board  
6205 general election date described in Subsection (3)(a)(i).

6206 (8) Except as provided in Subsections (6) and (7), after the creation election date an  
6207 existing school district may not transfer or agree to transfer title to district property without the  
6208 prior consent of:

6209 (a) the legislative body of the city in which the new district is located, for a new district  
6210 located entirely within a single city; or

6211 (b) the legislative bodies of all interlocal agreement participants, for each other new  
6212 district.

6213 (9) This section does not apply to the creation of a new district initiated through a  
6214 citizens' initiative petition or at the request of a local school board under Section [53A-2-118](#).

6215 Section 120. Section **53A-2-402** is amended to read:

6216 **53A-2-402. Definitions.**

6217 As used in this part:

6218 (1) "Eligible entity" means:

6219 (a) a city or town with a population density of 3,000 or more people per square mile; or

6220 (b) a county whose unincorporated area includes a qualifying ~~township~~ planning  
6221 district.

6222 (2) "Purchase price" means the greater of:

6223 (a) an amount that is the average of:

6224 (i) the appraised value of the surplus property, based on the predominant zone in the  
6225 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

6226 (ii) the appraised value of the surplus property, based on the predominant zone in the  
6227 surrounding area, as indicated in an appraisal obtained by the school district; and

6228 (b) the amount the school district paid to acquire the surplus property.

6229 (3) "Qualifying [township] planning district" means a [township] planning district  
6230 under Section 17-27a-306 that has a population density of 3,000 or more people per square  
6231 mile within the boundaries of the [township] planning district.

6232 (4) "Surplus property" means land owned by a school district that:

6233 (a) was purchased with taxpayer money;

6234 (b) is located within a city or town that is an eligible entity or within a qualifying  
6235 [township] planning district;

6236 (c) consists of one contiguous tract at least three acres in size; and

6237 (d) has been declared by the school district to be surplus.

6238 Section 121. Section 53B-21-107 is amended to read:

6239 **53B-21-107. Investment in bonds by private and public entities -- Approval as**  
6240 **collateral security.**

6241 (1) Any bank, savings and loan association, trust, or insurance company organized  
6242 under the laws of this state or federal law may invest its capital and surplus in bonds issued  
6243 under this chapter.

6244 (2) The officers having charge of a sinking fund or any county, city, town, [township]  
6245 planning district, or school district may invest the sinking fund in bonds issued under this  
6246 chapter.

6247 (3) The bonds shall also be approved as collateral security for the deposit of any public  
6248 funds and for the investment of trust funds.

6249 Section 122. Section 59-12-203 is amended to read:

6250 **59-12-203. County, city, town, or metro township may levy tax -- Contracts**  
6251 **pursuant to Interlocal Cooperation Act.**

6252 ~~[Any]~~ (1) A county, city, ~~[or]~~ town, or metro township may ~~[levy]~~ impose a sales and  
6253 use tax under this part. ~~[Any]~~

6254 (2) If a metro township imposes a tax under this part, the metro township is subject to  
6255 the same requirements a city is required to meet under this part.

6256 (3) (a) Except as provided in Subsection (3)(b) and notwithstanding any other

6257 provision of this part, if a metro township imposes a tax under this part, the State Tax  
 6258 Commission shall distribute the revenues collected from the tax to the metro township.

6259 (b) The State Tax Commission shall transfer the revenues collected within a metro  
 6260 township under this part to a municipal services district created under Title 17B, Chapter 2a,  
 6261 Part 11, Municipal Services District Act, if the metro township:

6262 (i) provides written notice to the State Tax Commission requesting the transfer; and  
 6263 (ii) designates the municipal services district to which the metro township requests the  
 6264 State Tax Commission to transfer the revenues.

6265 (4) A county, city, [or] town [which elects to levy such], or metro township that  
 6266 imposes a sales and use tax under this part may:

6267 (a) enter into agreements authorized by Title 11, Chapter 13, [the] Interlocal  
 6268 Cooperation Act[;]; and [may]

6269 (b) use any or all of the [revenues derived from the imposition of such] revenue  
 6270 collected from the tax for the mutual benefit of local governments [which] that elect to contract  
 6271 with one another pursuant to [the] Title 11, Chapter 13, Interlocal Cooperation Act.

6272 Section 123. Section **63I-2-210** is amended to read:

6273 **63I-2-210. Repeal dates -- Title 10.**

6274 (1) Section [~~10-2-130~~] 10-2a-105 is repealed July 1, 2016.

6275 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

6276 Section 124. Section **67-1a-2** is amended to read:

6277 **67-1a-2. Duties enumerated.**

6278 (1) The lieutenant governor shall:

6279 (a) perform duties delegated by the governor, including assignments to serve in any of  
 6280 the following capacities:

6281 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
 6282 and, upon appointment at the pleasure of the governor and without additional compensation;

6283 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
 6284 law for the purpose of advising the governor or coordinating intergovernmental or  
 6285 interdepartmental policies or programs;

6286 (iii) as liaison between the governor and the state Legislature to coordinate and  
 6287 facilitate the governor's programs and budget requests;

6288 (iv) as liaison between the governor and other officials of local, state, federal, and  
6289 international governments or any other political entities to coordinate, facilitate, and protect the  
6290 interests of the state;

6291 (v) as personal advisor to the governor, including advice on policies, programs,  
6292 administrative and personnel matters, and fiscal or budgetary matters; and

6293 (vi) as chairperson or member of any temporary or permanent boards, councils,  
6294 commissions, committees, task forces, or other group appointed by the governor;

6295 (b) serve on all boards and commissions in lieu of the governor, whenever so  
6296 designated by the governor;

6297 (c) serve as the chief election officer of the state as required by Subsection (2);

6298 (d) keep custody of the Great Seal of Utah;

6299 (e) keep a register of, and attest, the official acts of the governor;

6300 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
6301 which the official signature of the governor is required; and

6302 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
6303 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
6304 it and pays the fee.

6305 (2) (a) As the chief election officer, the lieutenant governor shall:

6306 (i) exercise general supervisory authority over all elections;

6307 (ii) exercise direct authority over the conduct of elections for federal, state, and  
6308 multicounty officers and statewide or multicounty ballot propositions and any recounts  
6309 involving those races;

6310 (iii) assist county clerks in unifying the election ballot;

6311 (iv) (A) prepare election information for the public as required by statute and as  
6312 determined appropriate by the lieutenant governor; and

6313 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
6314 news media on the Internet and in other forms as required by statute or as determined  
6315 appropriate by the lieutenant governor;

6316 (v) receive and answer election questions and maintain an election file on opinions  
6317 received from the attorney general;

6318 (vi) maintain a current list of registered political parties as defined in Section

6319 20A-8-101;

6320 (vii) maintain election returns and statistics;

6321 (viii) certify to the governor the names of those persons who have received the highest  
6322 number of votes for any office;

6323 (ix) ensure that all voting equipment purchased by the state complies with the  
6324 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7;

6325 (x) conduct the study described in Section 67-1a-14;

6326 (xi) during a declared emergency, to the extent that the lieutenant governor determines  
6327 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location  
6328 relating to:

6329 (A) voting on election day;

6330 (B) early voting;

6331 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

6332 (D) the counting of an absentee ballot or military-overseas ballot; or

6333 (E) the canvassing of election returns; and

6334 (xii) perform other election duties as provided in Title 20A, Election Code.

6335 (b) As chief election officer, the lieutenant governor may not assume the  
6336 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
6337 officials by Title 20A, Election Code.

6338 (3) (a) The lieutenant governor shall:

6339 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's  
6340 incorporation under Title 10, Chapter [~~2, Part 1, Incorporation,~~] 2a, Part 2, Incorporation of a  
6341 City, based on the city's population using the population estimate from the Utah Population  
6342 Estimates Committee; and

6343 (B) (I) prepare a certificate indicating the class in which the new city belongs based on  
6344 the city's population; and

6345 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6346 city's legislative body;

6347 (ii) (A) determine the classification under Section 10-2-301 of a consolidated  
6348 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part  
6349 6, Consolidation of Municipalities, using population information from:

6350 (I) each official census or census estimate of the United States Bureau of the Census;

6351 or

6352 (II) the population estimate from the Utah Population Estimates Committee, if the  
6353 population of a municipality is not available from the United States Bureau of the Census; and

6354 (B) (I) prepare a certificate indicating the class in which the consolidated municipality  
6355 belongs based on the municipality's population; and

6356 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6357 consolidated municipality's legislative body; ~~and~~

6358 (iii) (A) determine a new metro township's classification under Section [10-2-301.5](#)  
6359 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of  
6360 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
6361 12, 2015, based on the metro township's population using the population estimates from the  
6362 Utah Population Estimates Committee; and

6363 (B) prepare a certificate indicating the class in which the new metro township belongs  
6364 based on the metro township's population and, within 10 days after preparing the certificate,  
6365 deliver a copy of the certificate to the metro township's legislative body; and

6366 ~~[(iii)]~~ (iv) monitor the population of each municipality using population information  
6367 from:

6368 (A) each official census or census estimate of the United States Bureau of the Census;

6369 or

6370 (B) the population estimate from the Utah Population Estimates Committee, if the  
6371 population of a municipality is not available from the United States Bureau of the Census.

6372 (b) If the applicable population figure under Subsection (3)(a)(ii) or ~~[(iii)]~~ (iv) indicates  
6373 that a municipality's population has increased beyond the population for its current class, the  
6374 lieutenant governor shall:

6375 (i) prepare a certificate indicating the class in which the municipality belongs based on  
6376 the increased population figure; and

6377 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6378 legislative body of the municipality whose class has changed.

6379 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or ~~[(iii)]~~ (iv)  
6380 indicates that a municipality's population has decreased below the population for its current

6381 class, the lieutenant governor shall send written notification of that fact to the municipality's  
6382 legislative body.

6383 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
6384 population has decreased below the population for its current class, the lieutenant governor  
6385 shall:

6386 (A) prepare a certificate indicating the class in which the municipality belongs based  
6387 on the decreased population figure; and

6388 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6389 legislative body of the municipality whose class has changed.

6390 Section 125. Section 69-2-5 is amended to read:

6391 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

6392 (1) In providing funding of 911 emergency service, any public agency establishing a  
6393 911 emergency service may:

6394 (a) seek assistance from the federal or state government, to the extent constitutionally  
6395 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or  
6396 indirectly;

6397 (b) seek funds appropriated by local governmental taxing authorities for the funding of  
6398 public safety agencies; and

6399 (c) seek gifts, donations, or grants from individuals, corporations, or other private  
6400 entities.

6401 (2) For purposes of providing funding of 911 emergency service, special service  
6402 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur  
6403 indebtedness as provided in Section 17D-1-103.

6404 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of  
6405 this Subsection (3) a county, city, [or] town, or metro township within which 911 emergency  
6406 service is provided may levy a monthly 911 emergency services charge on:

6407 [(i)] (A) each local exchange service switched access line within the boundaries of the  
6408 county, city, [or], town, or metro township;

6409 [(ii)] (B) each revenue producing radio communications access line with a billing  
6410 address within the boundaries of the county, city, [or], town, or metro township; and

6411 [(iii)] (C) any other service, including voice over Internet protocol, provided to a user



6412 within the boundaries of the county, city, ~~[or]~~, town, or metro township that allows the user to  
6413 make calls to and receive calls from the public switched telecommunications network,  
6414 including commercial mobile radio service networks.

6415 (ii) If a metro township levies a charge under this chapter, the metro township is  
6416 subject to the same requirements a city is required to meet under this chapter.

6417 (iii) Except as provided in Subsection (3)(a)(iv) and notwithstanding any other  
6418 provision of this chapter, if a metro township levies a charge described in Subsection (3)(a)(i)  
6419 under this chapter, the State Tax Commission shall distribute the revenue collected from the  
6420 charge to the metro township.

6421 (iv) The State Tax Commission shall transfer the revenues collected within a metro  
6422 township under this chapter to a municipal services district created under Title 17B, Chapter  
6423 2a, Part 11, Municipal Services District Act, if the metro township:

6424 (A) provides written notice to the State Tax Commission requesting the transfer; and

6425 (B) designates the municipal services district to which the metro township requests the  
6426 State Tax Commission to transfer the revenues.

6427 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
6428 telecommunications service is exempt from 911 emergency service charges.

6429 (c) The amount of the charge levied under this section may not exceed:

6430 (i) 61 cents per month for each local exchange service switched access line;

6431 (ii) 61 cents per month for each radio communications access line; and

6432 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

6433 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
6434 provided in Section [59-12-102](#) or [59-12-215](#):

6435 (A) "mobile telecommunications service";

6436 (B) "place of primary use";

6437 (C) "service address"; and

6438 (D) "telecommunications service."

6439 (ii) An access line described in Subsection (3)(a) is considered to be within the  
6440 boundaries of a county, city, or town if the telecommunications services provided over the  
6441 access line are located within the county, city, or town:

6442 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax

6443 Act; and  
6444 (B) determined in accordance with Section 59-12-215.  
6445 (iii) The rate imposed on an access line under this section shall be determined in  
6446 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection  
6447 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,  
6448 city, or town in which is located:  
6449 (A) for a telecommunications service, the purchaser's service address; or  
6450 (B) for mobile telecommunications service, the purchaser's place of primary use.  
6451 (iv) The rate imposed on an access line under this section shall be the lower of:  
6452 (A) the rate imposed by the county, city, or town in which the access line is located  
6453 under Subsection (3)(d)(ii); or  
6454 (B) the rate imposed by the county, city, or town in which it is located:  
6455 (I) for telecommunications service, the purchaser's service address; or  
6456 (II) for mobile telecommunications service, the purchaser's place of primary use.  
6457 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent  
6458 to levy the charge under this Subsection (3) at least 30 days before the effective date of the  
6459 charge being levied.  
6460 (ii) For purposes of this Subsection (3)(e):  
6461 (A) "Annexation" means an annexation to:  
6462 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or  
6463 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.  
6464 (B) "Annexing area" means an area that is annexed into a county, city, or town.  
6465 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or  
6466 town enacts or repeals a charge or changes the amount of the charge under this section, the  
6467 enactment, repeal, or change shall take effect:  
6468 (I) on the first day of a calendar quarter; and  
6469 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6470 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.  
6471 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:  
6472 (I) that the county, city, or town will enact or repeal a charge or change the amount of  
6473 the charge under this section;

6474 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);  
6475 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and  
6476 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6477 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

6478 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge  
6479 increase under this section shall take effect on the first day of the first billing period:

6480 (I) that begins after the effective date of the enactment of the charge or the charge  
6481 increase; and

6482 (II) if the billing period for the charge begins before the effective date of the enactment  
6483 of the charge or the charge increase imposed under this section.

6484 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge  
6485 decrease under this section shall take effect on the first day of the last billing period:

6486 (I) that began before the effective date of the repeal of the charge or the charge  
6487 decrease; and

6488 (II) if the billing period for the charge begins before the effective date of the repeal of  
6489 the charge or the charge decrease imposed under this section.

6490 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will  
6491 result in the enactment, repeal, or a change in the amount of a charge imposed under this  
6492 section for an annexing area, the enactment, repeal, or change shall take effect:

6493 (I) on the first day of a calendar quarter; and

6494 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6495 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that  
6496 annexes the annexing area.

6497 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

6498 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an  
6499 enactment, repeal, or a change in the charge being imposed under this section for the annexing  
6500 area;

6501 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

6502 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

6503 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6504 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

6505 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge  
6506 increase under this section shall take effect on the first day of the first billing period:

6507 (I) that begins after the effective date of the enactment of the charge or the charge  
6508 increase; and

6509 (II) if the billing period for the charge begins before the effective date of the enactment  
6510 of the charge or the charge increase imposed under this section.

6511 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge  
6512 decrease under this section shall take effect on the first day of the last billing period:

6513 (I) that began before the effective date of the repeal of the charge or the charge  
6514 decrease; and

6515 (II) if the billing period for the charge begins before the effective date of the repeal of  
6516 the charge or the charge decrease imposed under this section.

6517 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this  
6518 section shall:

6519 (i) be billed and collected by the person that provides the:

6520 (A) local exchange service switched access line services; or

6521 (B) radio communications access line services; and

6522 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax  
6523 Commission.

6524 (g) A 911 emergency services charge on a mobile telecommunications service may be  
6525 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications  
6526 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6527 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

6528 (i) bill the charge imposed by this section in combination with the charge levied under  
6529 Section 69-2-5.6 as one line item charge; and

6530 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as  
6531 reimbursement for the cost of billing, collecting, and remitting the levy.

6532 (i) The State Tax Commission shall collect, enforce, and administer the charge  
6533 imposed under this Subsection (3) using the same procedures used in the administration,  
6534 collection, and enforcement of the state sales and use taxes under:

6535 (i) Title 59, Chapter 1, General Taxation Policies; and

- 6536 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
- 6537 (A) Section 59-12-104;
- 6538 (B) Section 59-12-104.1;
- 6539 (C) Section 59-12-104.2;
- 6540 (D) Section 59-12-104.6;
- 6541 (E) Section 59-12-107.1; and
- 6542 (F) Section 59-12-123.
- 6543 (j) The State Tax Commission shall transmit money collected under this Subsection (3)
- 6544 monthly by electronic funds transfer to the county, city, or town that imposes the charge.
- 6545 (k) A person that pays a charge under this section shall pay the charge to the
- 6546 commission:
- 6547 (i) monthly on or before the last day of the month immediately following the last day of
- 6548 the previous month if:
- 6549 (A) the person is required to file a sales and use tax return with the commission
- 6550 monthly under Section 59-12-108; or
- 6551 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
- 6552 12, Sales and Use Tax Act; or
- 6553 (ii) quarterly on or before the last day of the month immediately following the last day
- 6554 of the previous quarter if the person is required to file a sales and use tax return with the
- 6555 commission quarterly under Section 59-12-107.
- 6556 (l) A charge a person pays under this section shall be paid using a form prescribed by
- 6557 the State Tax Commission.
- 6558 (m) The State Tax Commission shall retain and deposit an administrative charge in
- 6559 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a
- 6560 charge under this section.
- 6561 (n) A charge under this section is subject to Section 69-2-5.8.
- 6562 (4) (a) Any money received by a public agency for the provision of 911 emergency
- 6563 service shall be deposited in a special emergency telecommunications service fund.
- 6564 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
- 6565 service fund shall be expended by the public agency to pay the costs of:
- 6566 (A) establishing, installing, maintaining, and operating a 911 emergency service

6567 system;

6568 (B) receiving and processing emergency communications from the 911 system or other  
6569 communications or requests for emergency services;

6570 (C) integrating a 911 emergency service system into an established public safety  
6571 dispatch center, including contracting with the providers of local exchange service, radio  
6572 communications service, and vendors of appropriate terminal equipment as necessary to  
6573 implement the 911 emergency services; or

6574 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
6575 services system.

6576 (ii) Revenues derived for the funding of 911 emergency service may be used by the  
6577 public agency for personnel costs associated with receiving and processing communications  
6578 and deploying emergency response resources when the system is integrated with any public  
6579 safety dispatch system.

6580 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal  
6581 year does not lapse, and must be carried forward to be used for the purposes described in this  
6582 section.

6583 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
6584 Subsection (3) after the 2004 Annual General Session:

6585 (i) may be used by the public safety answering point for the purposes under Subsection  
6586 (4)(b); and

6587 (ii) shall be deposited into the special 911 emergency service fund described in  
6588 Subsection (4)(a).

6589 (b) Revenue received by a local entity from disbursements from the Utah 911  
6590 Committee under Section [63H-7-306](#):

6591 (i) shall be deposited into the special 911 emergency service fund under Subsection  
6592 (4)(a); and

6593 (ii) shall only be used for that portion of the costs related to the development and  
6594 operation of wireless and land-based enhanced 911 emergency telecommunications service and  
6595 the implementation of 911 services as provided in Subsection (5)(c).

6596 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering  
6597 point's costs for:

6598 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
6599 answering point equipment capable of receiving 911 information;  
6600 (ii) database development, operation, and maintenance; and  
6601 (iii) personnel costs associated with establishing, installing, maintaining, and operating  
6602 wireless 911 services, including training emergency service personnel regarding receipt and use  
6603 of 911 wireless service information and educating consumers regarding the appropriate and  
6604 responsible use of 911 wireless service.

6605 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the  
6606 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
6607 Subsection (3)(c).

6608 Section 126. Section **69-2-5.5** is amended to read:

6609 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**  
6610 **Aided Dispatch Restricted Account -- Administrative charge.**

6611 (1) Subject to Subsection (7), there is imposed an emergency services  
6612 telecommunications charge of 6 cents per month on each local exchange service switched  
6613 access line and each revenue producing radio communications access line that is subject to an  
6614 emergency services telecommunications charge levied by a county, city, ~~or~~, town, or metro  
6615 township under Section **69-2-5**.

6616 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge  
6617 imposed under this section shall be billed and collected by the person that provides:

- 6618 (i) local exchange service switched access line services; or
- 6619 (ii) radio communications access line services.

6620 (b) A person that pays an emergency services telecommunications charge under this  
6621 section shall pay the emergency services telecommunications charge to the commission:

6622 (i) monthly on or before the last day of the month immediately following the last day of  
6623 the previous month if:

6624 (A) the person is required to file a sales and use tax return with the commission  
6625 monthly under Section **59-12-108**; or

6626 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6627 12, Sales and Use Tax Act; or

6628 (ii) quarterly on or before the last day of the month immediately following the last day

6629 of the previous quarter if the person is required to file a sales and use tax return with the  
6630 commission quarterly under Section 59-12-107.

6631 (c) An emergency services telecommunications charge imposed under this section shall  
6632 be deposited into the Computer Aided Dispatch Restricted Account created in Section  
6633 63H-7-310.

6634 (3) Emergency services telecommunications charges remitted to the State Tax  
6635 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the  
6636 State Tax Commission.

6637 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge  
6638 imposed under Subsection (1) according to the same procedures used in the administration,  
6639 collection, and enforcement of the state sales and use tax under:

6640 (i) Title 59, Chapter 1, General Taxation Policies; and

6641 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6642 (A) Section 59-12-104;

6643 (B) Section 59-12-104.1;

6644 (C) Section 59-12-104.2;

6645 (D) Section 59-12-104.6;

6646 (E) Section 59-12-107.1; and

6647 (F) Section 59-12-123.

6648 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6649 State Tax Commission may make rules to administer, collect, and enforce the emergency  
6650 services telecommunications charges imposed under this section.

6651 (c) The State Tax Commission shall retain and deposit an administrative charge in  
6652 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from  
6653 an emergency services telecommunications charge under this section.

6654 (d) A charge under this section is subject to Section 69-2-5.8.

6655 (5) A provider of local exchange service switched access line services or radio  
6656 communications access line services who fails to comply with this section is subject to  
6657 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

6658 (6) An emergency services telecommunications charge under this section on a mobile  
6659 telecommunications service may be imposed, billed, and collected only to the extent permitted



6660 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6661 Section 127. Section 69-2-5.6 is amended to read:

6662 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**  
6663 **Administrative charge.**

6664 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911  
6665 emergency service charge of 9 cents per month on each local exchange service switched access  
6666 line and each revenue producing radio communications access line that is subject to a 911  
6667 emergency services charge levied by a county, city, [or], town, or metro township under  
6668 Section 69-2-5.

6669 (2) (a) A 911 emergency services charge imposed under this section shall be:

6670 (i) subject to Subsection 69-2-5(3)(g); and

6671 (ii) billed and collected by the person that provides:

6672 (A) local exchange service switched access line services;

6673 (B) radio communications access line services; or

6674 (C) service described in Subsection 69-2-5(3)(a)[(iii)](i)(C).

6675 (b) A person that pays a charge under this section shall pay the charge to the  
6676 commission:

6677 (i) monthly on or before the last day of the month immediately following the last day of  
6678 the previous month if:

6679 (A) the person is required to file a sales and use tax return with the commission  
6680 monthly under Section 59-12-108; or

6681 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6682 12, Sales and Use Tax Act; or

6683 (ii) quarterly on or before the last day of the month immediately following the last day  
6684 of the previous quarter if the person is required to file a sales and use tax return with the  
6685 commission quarterly under Section 59-12-107.

6686 (c) A charge imposed under this section shall be deposited into the Unified Statewide  
6687 911 Emergency Service Account created by Section 63H-7-304.

6688 (3) The person that bills and collects the charges levied by this section pursuant to  
6689 Subsections (2)(b) and (c) may:

6690 (a) bill the charge imposed by this section in combination with the charge levied under

6691 Section 69-2-5 as one line item charge; and

6692 (b) retain an amount not to exceed 1.5% of the charges collected under this section as  
6693 reimbursement for the cost of billing, collecting, and remitting the levy.

6694 (4) The State Tax Commission shall collect, enforce, and administer the charges  
6695 imposed under Subsection (1) using the same procedures used in the administration, collection,  
6696 and enforcement of the emergency services telecommunications charge to fund the Computer  
6697 Aided Dispatch Restricted Account under Section 63H-7-310.

6698 (5) Notwithstanding Section 63H-7-304, the State Tax Commission shall retain and  
6699 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the  
6700 State Tax Commission collects from a charge under this section.

6701 (6) A charge under this section is subject to Section 69-2-5.8.

6702 (7) This section sunsets in accordance with Section 63I-1-269.

6703 Section 128. Section 69-2-5.7 is amended to read:

6704 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**

6705 **Administrative charge.**

6706 (1) As used in this section:

6707 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
6708 service in a transaction.

6709 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
6710 collected by a seller from a consumer in the amount established under Subsection (2).

6711 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
6712 telecommunications service that:

6713 (A) is paid for in advance;

6714 (B) is sold in predetermined units of time or dollars that decline with use in a known  
6715 amount or provides unlimited use of the service for a fixed amount or time; and

6716 (C) allows a caller to access 911 emergency service.

6717 (ii) "Prepaid wireless telecommunications service" does not include a wireless  
6718 telecommunications service that is billed:

6719 (A) to a customer on a recurring basis; and

6720 (B) in a manner that includes the emergency services telecommunications charges,  
6721 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line

6722 assigned to the customer.

6723 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
6724 consumer.

6725 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
6726 from a seller.

6727 (f) "Wireless telecommunications service" means commercial mobile radio service as  
6728 defined by 47 C.F.R. Sec. 20.3, as amended.

6729 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price  
6730 per transaction.

6731 (3) The prepaid wireless 911 service charge shall be collected by the seller from the  
6732 consumer for each transaction occurring in this state.

6733 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
6734 receipt, or similar document that is provided by the seller to the consumer.

6735 (5) For purposes of Subsection (3), the location of a transaction is determined in  
6736 accordance with Sections [59-12-211](#) through [59-12-215](#).

6737 (6) When prepaid wireless telecommunications service is sold with one or more other  
6738 products or services for a single non-itemized price, then the percentage specified in Section  
6739 (2) shall apply to the entire non-itemized price.

6740 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
6741 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
6742 charge.

6743 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
6744 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller  
6745 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,  
6746 Sales and Use Tax Act.

6747 (9) The State Tax Commission:

6748 (a) shall collect, enforce, and administer the charge imposed under this section using  
6749 the same procedures used in the administration, collection, and enforcement of the state sales  
6750 and use taxes under:

6751 (i) Title 59, Chapter 1, General Taxation Policies; and

6752 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

- 6753 (A) Section 59-12-104;
- 6754 (B) Section 59-12-104.1;
- 6755 (C) Section 59-12-104.2;
- 6756 (D) Section 59-12-107.1; and
- 6757 (E) Section 59-12-123;
- 6758 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
- 6759 under Subsection (9)(a) as reimbursement for administering this section;
- 6760 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
- 6761 under Subsection (9)(b), as follows:
- 6762 (i) 80.3% of the revenue shall be distributed to each county, city, ~~or~~, town, or metro
- 6763 township in the same percentages and in the same manner as the entities receive money to fund
- 6764 911 emergency telecommunications services under Section 69-2-5;
- 6765 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch
- 6766 Restricted Account created in Section 63H-7-310; and
- 6767 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911
- 6768 emergency service as in Section 69-2-5.6; and
- 6769 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 6770 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.
- 6771 (10) A charge under this section is subject to Section 69-2-5.8.
- 6772 Section 129. Section 78A-7-202 is amended to read:
- 6773 **78A-7-202. Justice court judges to be appointed -- Procedure.**
- 6774 (1) As used in this section:
- 6775 (a) "Local government executive" means:
- 6776 (i) for a county:
- 6777 (A) the chair of the county commission in a county operating under the county
- 6778 commission or expanded county commission form of county government;
- 6779 (B) the county executive in a county operating under the county executive-council form
- 6780 of county government; and
- 6781 (C) the county manager in a county operating under the council-manager form of
- 6782 county government; ~~and~~
- 6783 (ii) for a city or town:

- 6784 (A) the mayor of the city or town; or
- 6785 (B) the city manager, in the council-manager form of government described in
- 6786 Subsection 10-3b-103~~[(6)].~~(7); and
- 6787 (iii) for a metro township, the chair of the metro township council.
- 6788 (b) "Local legislative body" means:
- 6789 (i) for a county, the county commission or county council; and
- 6790 (ii) for a city or town, the council of the city or town.
- 6791 (2) There is created in each county a county justice court nominating commission to
- 6792 review applicants and make recommendations to the appointing authority for a justice court
- 6793 position. The commission shall be convened when a new justice court judge position is created
- 6794 or when a vacancy in an existing court occurs for a justice court located within the county.
- 6795 (a) Membership of the justice court nominating commission shall be as follows:
- 6796 (i) one member appointed by:
- 6797 (A) the county commission if the county has a county commission form of
- 6798 government; or
- 6799 (B) the county executive if the county has an executive-council form of government;
- 6800 (ii) one member appointed by the municipalities in the counties as follows:
- 6801 (A) if the county has only one municipality, appointment shall be made by the
- 6802 governing authority of that municipality; or
- 6803 (B) if the county has more than one municipality, appointment shall be made by a
- 6804 municipal selection committee composed of the mayors of each municipality and the chairs of
- 6805 each metro township in the county;
- 6806 (iii) one member appointed by the county bar association; and
- 6807 (iv) two members appointed by the governing authority of the jurisdiction where the
- 6808 judicial office is located.
- 6809 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be
- 6810 appointed by the regional bar association. If no regional bar association exists, the state bar
- 6811 association shall make the appointment.
- 6812 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing
- 6813 authority or an elected official of a county or municipality.
- 6814 (d) The nominating commission shall submit at least two names to the appointing

6815 authority of the jurisdiction expected to be served by the judge. The local government  
6816 executive shall appoint a judge from the list submitted and the appointment ratified by the local  
6817 legislative body.

6818 (e) The state court administrator shall provide staff to the commission. The Judicial  
6819 Council shall establish rules and procedures for the conduct of the commission.

6820 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through  
6821 the Utah State Bar, and other appropriate means.

6822 (4) Selection of candidates shall be based on compliance with the requirements for  
6823 office and competence to serve as a judge.

6824 (5) Once selected, every prospective justice court judge shall attend an orientation  
6825 seminar conducted under the direction of the Judicial Council. Upon completion of the  
6826 orientation program, the Judicial Council shall certify the justice court judge as qualified to  
6827 hold office.

6828 (6) The selection of a person to fill the office of justice court judge is effective upon  
6829 certification of the judge by the Judicial Council. A justice court judge may not perform  
6830 judicial duties until certified by the Judicial Council.

6831 Section 130. Section **10-2-418** is amended to read:

6832 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
6833 **Hearing.**

6834 (1) (a) Notwithstanding Subsection [10-2-402\(2\)](#), a municipality may annex an  
6835 unincorporated area under this section without an annexation petition if:

6836 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
6837 unincorporated peninsulas contiguous to the municipality;

6838 (B) the majority of each island or peninsula consists of residential or commercial  
6839 development;

6840 (C) the area proposed for annexation requires the delivery of municipal-type services;  
6841 and

6842 (D) the municipality has provided most or all of the municipal-type services to the area  
6843 for more than one year;

6844 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or  
6845 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800

6846 residents; and

6847 (B) the municipality has provided one or more municipal-type services to the area for  
6848 at least one year; or

6849 (iii) (A) the area consists of:

6850 (I) an unincorporated island within or an unincorporated peninsula contiguous to the  
6851 municipality; and

6852 (II) no more than 50 acres; and

6853 (B) the county in which the area is located and the municipality agree that the area  
6854 should be included within the municipality.

6855 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
6856 portion of an unincorporated island or unincorporated peninsula under this section, leaving  
6857 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

6858 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body  
6859 determines that not annexing the entire unincorporated island or unincorporated peninsula is in  
6860 the municipality's best interest; and

6861 (ii) for an annexation of one or more unincorporated islands under Subsection  
6862 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
6863 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

6864 (2) (a) The legislative body of each municipality intending to annex an area under this  
6865 section shall:

6866 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
6867 area, describing the area proposed to be annexed;

6868 (ii) publish notice:

6869 (A) (I) at least once a week for three successive weeks in a newspaper of general  
6870 circulation within the municipality and the area proposed for annexation; or

6871 (II) if there is no newspaper of general circulation in the areas described in Subsection  
6872 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are  
6873 most likely to give notice to the residents of those areas; and

6874 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks;

6875 (iii) send written notice to the board of each local district and special service district  
6876 whose boundaries contain some or all of the area proposed for annexation and to the legislative

6877 body of the county in which the area proposed for annexation is located; and  
6878 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
6879 adoption of the resolution under Subsection (2)(a)(i).  
6880 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:  
6881 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
6882 to annex the area proposed for annexation;  
6883 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);  
6884 (iii) describe the area proposed for annexation; and  
6885 (iv) except for an annexation that meets the property owner consent requirements of  
6886 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will  
6887 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written  
6888 protests to the annexation are filed by the owners of private real property that:  
6889 (A) is located within the area proposed for annexation;  
6890 (B) covers a majority of the total private land area within the entire area proposed for  
6891 annexation; and  
6892 (C) is equal in value to at least 1/2 the value of all private real property within the  
6893 entire area proposed for annexation.  
6894 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be  
6895 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
6896 (2)(a)(i).  
6897 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the  
6898 municipal legislative body may adopt an ordinance approving the annexation of the area  
6899 proposed for annexation under this section unless, at or before the hearing, written protests to  
6900 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
6901 owners of private real property that:  
6902 (i) is located within the area proposed for annexation;  
6903 (ii) covers a majority of the total private land area within the entire area proposed for  
6904 annexation; and  
6905 (iii) is equal in value to at least 1/2 the value of all private real property within the  
6906 entire area proposed for annexation.  
6907 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a



6908 municipality may adopt an ordinance approving the annexation of the area proposed for  
 6909 annexation under this section without allowing or considering protests under Subsection (3)(a)  
 6910 if the owners of at least 75% of the total private land area within the entire area proposed for  
 6911 annexation, representing at least 75% of the value of the private real property within the entire  
 6912 area proposed for annexation, have consented in writing to the annexation.

6913 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an  
 6914 ordinance adopted under Subsection (3)(b)(i), the area annexed shall be conclusively presumed  
 6915 to be validly annexed.

6916 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal  
 6917 legislative body may not adopt an ordinance approving the annexation of the area proposed for  
 6918 annexation, and the annexation proceedings under this section shall be considered terminated.

6919 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body  
 6920 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an  
 6921 unincorporated island regarding which protests have been filed and proceeding under  
 6922 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

6923 Section 131. **Repealer.**

6924 This bill repeals:

6925 Section [10-3b-505](#), **Ballot form.**

6926 Section [10-3b-506](#), **Election of officers after a change in the form of government.**

6927 Section [10-3b-507](#), **Effective date of change in the form of government.**

6928 Section [17-27a-307](#), **Certain township planning and zoning board dissolved.**

6929 Section 132. **Revisor instructions.**

6930 The Legislature intends that the Office of Legislative Research and General Counsel, in  
 6931 preparing the Utah Code database for publication, replace the language "this bill" in Subsection  
 6932 10-2a-403(6)(a) to the bill's designated chapter and section number in the Laws of Utah.

6933 Section 133. **Coordinating S.B. 199 with H.B. 97 -- Technical renumbering --**  
 6934 **Changing cross references.**

6935 If this S.B. 199 and H.B. 97, Election of Officials of New Municipality, both pass, it is  
 6936 the intent of the Legislature that the Office of Legislative Research and General Counsel in  
 6937 preparing the Utah Code database for publication:

6938 (1) renumber Section [10-2-128.1](#) enacted in H.B. 97 to Section [10-2a-305.1](#), and

6939 change any internal references to that section;

6940 (2) renumber Section 10-2-128.2 enacted in H.B. 97 to Section 10-2a-305.2, and

6941 change any internal references to that section;

6942 (3) change cross references in H.B. 97 from:

6943 (a) Section 10-2-116 to Section 10-2a-215;

6944 (b) Section 10-2-127 to Section 10-2a-304; and

6945 (c) Section 10-2-128.2 to Section 10-2a-305.2;

6946 (4) change any internal cross reference affected by the renumbering.

6947 Section 134. **Coordinating S.B. 199 with H.B. 245 -- Technical renumbering --**

6948 **Changing cross references.**

6949 If this S.B. 199 and H.B. 245, Incorporation Process for Cities and Towns, both pass, it

6950 is the intent of the Legislature that the Office of Legislative Research and General Counsel in

6951 preparing the Utah Code database for publication:

6952 (1) renumber Section 10-2-102.13 enacted in H.B. 245 to Section 10-2a-106, and

6953 change any internal references to that section;

6954 (2) renumber Section 10-2-131 enacted in H.B. 245 to Section 10-2a-307, and change

6955 any internal references to that section;

6956 (3) change cross references in H.B. 245 from Section 10-2-111 to Section 10-2a-210;

6957 and

6958 (4) renumber all internal cross references affected by the renumbering.