

**Representative Eric K. Hutchings** proposes the following substitute bill:

**LOCAL GOVERNMENT REVISIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Eric K. Hutchings

---

---

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

57 **Money Appropriated in this Bill:**

58 None

59 **Other Special Clauses:**

60 This bill provides revisor instructions.

61 This bill provides a coordination clause to reconcile conflicts between this bill and  
62 other legislation.

63 **Utah Code Sections Affected:**

64 AMENDS:

65 **10-1-104**, as last amended by Laws of Utah 2003, Chapter 292

66 **10-1-114**, as last amended by Laws of Utah 2014, Chapter 189

67 **10-2-302**, as last amended by Laws of Utah 2009, Chapter 350

68 **10-2-401**, as last amended by Laws of Utah 2009, Chapters 92, 205, and 230

69 **10-2-402**, as last amended by Laws of Utah 2011, Chapter 234

70 **10-2-403**, as last amended by Laws of Utah 2010, Chapter 378

71 **10-2-405**, as last amended by Laws of Utah 2009, Chapter 205

72 **10-2-407**, as last amended by Laws of Utah 2010, Chapters 90 and 218

73 **10-2-408**, as last amended by Laws of Utah 2009, Chapter 205

74 **10-2-411**, as last amended by Laws of Utah 2004, Chapters 90 and 202

75 **10-2-413**, as last amended by Laws of Utah 2009, Chapter 230

76 **10-2-414**, as last amended by Laws of Utah 2009, Chapter 205

77 **10-2-415**, as last amended by Laws of Utah 2010, Chapter 90

78 **10-2-416**, as last amended by Laws of Utah 2001, Chapter 206

79 **10-2-418**, as last amended by Laws of Utah 2010, Chapter 90

80 **10-2-425**, as last amended by Laws of Utah 2009, Chapter 350

81 **10-3-205.5**, as last amended by Laws of Utah 2003, Chapter 292

82 **10-3-1302**, as enacted by Laws of Utah 1981, Chapter 57

83 **10-3b-102**, as enacted by Laws of Utah 2008, Chapter 19

84 **10-3b-103**, as last amended by Laws of Utah 2011, Chapter 209

85 **10-3b-202**, as last amended by Laws of Utah 2011, Chapter 209

86 **10-5-102**, as enacted by Laws of Utah 1983, Chapter 34

87 **10-6-103**, as enacted by Laws of Utah 1979, Chapter 26

88 [10-6-111](#), as last amended by Laws of Utah 2010, Chapter 378  
89 [15A-5-202.5](#), as last amended by Laws of Utah 2014, Chapter 243  
90 [17-23-17](#), as last amended by Laws of Utah 2007, Chapter 329  
91 [17-23-17.5](#), as last amended by Laws of Utah 2014, Chapter 189  
92 [17-27a-103](#), as last amended by Laws of Utah 2014, Chapters 136 and 363  
93 [17-27a-301](#), as last amended by Laws of Utah 2014, Chapter 189  
94 [17-27a-302](#), as last amended by Laws of Utah 2012, Chapter 359  
95 [17-27a-306](#), as last amended by Laws of Utah 2010, Chapters 90 and 218  
96 [17-27a-505](#), as last amended by Laws of Utah 2013, Chapter 476  
97 [17-34-3](#), as last amended by Laws of Utah 2013, Chapter 371  
98 [17-41-101](#), as last amended by Laws of Utah 2014, Chapter 65  
99 [17B-1-102](#), as last amended by Laws of Utah 2011, Chapters 107 and 205  
100 [17B-1-502](#), as last amended by Laws of Utah 2014, Chapter 405  
101 [17B-1-505](#), as last amended by Laws of Utah 2011, Chapter 68  
102 [17B-1-1002](#), as last amended by Laws of Utah 2011, Chapter 282  
103 [17B-1-1102](#), as enacted by Laws of Utah 2007, Chapter 329  
104 [17B-2a-1102](#), as enacted by Laws of Utah 2014, Chapter 405  
105 [17B-2a-1103](#), as enacted by Laws of Utah 2014, Chapter 405  
106 [17B-2a-1104](#), as enacted by Laws of Utah 2014, Chapter 405  
107 [17B-2a-1106](#), as enacted by Laws of Utah 2014, Chapter 405  
108 [17B-2a-1107](#), as enacted by Laws of Utah 2014, Chapter 405  
109 [20A-1-102](#), as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391  
110 [20A-1-201.5](#), as last amended by Laws of Utah 2013, Chapter 320  
111 [20A-1-203](#), as last amended by Laws of Utah 2014, Chapter 158  
112 [20A-1-204](#), as last amended by Laws of Utah 2013, Chapters 295 and 415  
113 [20A-11-101](#), as last amended by Laws of Utah 2014, Chapters 18, 158, and 337  
114 [53-2a-208](#), as renumbered and amended by Laws of Utah 2013, Chapter 295  
115 [53-2a-802](#), as renumbered and amended by Laws of Utah 2013, Chapter 295  
116 ~~→ [ [53A-2-118](#), as last amended by Laws of Utah 2010, Chapter 230~~  
117 ~~— [53A-2-118.1](#), as last amended by Laws of Utah 2011, Chapter 300 ] ←~~  
118 [53A-2-402](#), as enacted by Laws of Utah 2006, Chapter 339

- 119 [53B-21-107](#), as enacted by Laws of Utah 1987, Chapter 167
- 120 [59-12-203](#), as renumbered and amended by Laws of Utah 1987, Chapter 5
- 121 [63I-2-210](#), as last amended by Laws of Utah 2014, Chapter 405
- 122 [67-1a-2](#), as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last
- 123 amended by Coordination Clause, Laws of Utah 2013, Chapter 182
- 124 [69-2-5](#), as last amended by Laws of Utah 2014, Chapter 320
- 125 [69-2-5.5](#), as last amended by Laws of Utah 2014, Chapter 320
- 126 [69-2-5.6](#), as last amended by Laws of Utah 2014, Chapter 320
- 127 [69-2-5.7](#), as last amended by Laws of Utah 2014, Chapter 320
- 128 [78A-7-202](#), as last amended by Laws of Utah 2012, Chapter 205

129 ENACTS:

- 130 [10-2-301.5](#), Utah Code Annotated 1953
- 131 [10-2a-101](#), Utah Code Annotated 1953
- 132 [10-2a-201](#), Utah Code Annotated 1953
- 133 [10-2a-301](#), Utah Code Annotated 1953
- 134 [10-2a-401](#), Utah Code Annotated 1953
- 135 [10-2a-402](#), Utah Code Annotated 1953
- 136 [10-2a-403](#), Utah Code Annotated 1953
- 137 [10-2a-404](#), Utah Code Annotated 1953
- 138 [10-2a-405](#), Utah Code Annotated 1953
- 139 [10-2a-406](#), Utah Code Annotated 1953
- 140 [10-2a-407](#), Utah Code Annotated 1953
- 141 [10-2a-408](#), Utah Code Annotated 1953
- 142 [10-2a-409](#), Utah Code Annotated 1953
- 143 ~~10-2a-410, Utah Code Annotated 1953~~
- 144 [10-2a-411](#), Utah Code Annotated 1953
- 145 [10-2a-412](#), Utah Code Annotated 1953
- 146 [10-2a-413](#), Utah Code Annotated 1953
- 147 ~~10-2a-414, Utah Code Annotated 1953~~
- 148 [10-3b-601](#), Utah Code Annotated 1953
- 149 [10-3b-602](#), Utah Code Annotated 1953

- 150 **10-3b-603**, Utah Code Annotated 1953
- 151 **10-3b-604**, Utah Code Annotated 1953
- 152 **10-3b-605**, Utah Code Annotated 1953
- 153 **10-3b-606**, Utah Code Annotated 1953
- 154 **10-3b-607**, Utah Code Annotated 1953
- 155 **10-3c-101**, Utah Code Annotated 1953
- 156 **10-3c-102**, Utah Code Annotated 1953
- 157 **10-3c-103**, Utah Code Annotated 1953
- 158 **10-3c-201**, Utah Code Annotated 1953
- 159 **10-3c-202**, Utah Code Annotated 1953
- 160 **10-3c-203**, Utah Code Annotated 1953
- 161 **10-3c-204**, Utah Code Annotated 1953
- 162 **10-3c-205**, Utah Code Annotated 1953
- 163 **17B-2a-1110**, Utah Code Annotated 1953
- 164 **17B-2a-1111**, Utah Code Annotated 1953
- 165 **17B-2a-1112**, Utah Code Annotated 1953

166 REPEALS AND REENACTS:

- 167 **10-3b-501**, as enacted by Laws of Utah 2008, Chapter 19
- 168 **10-3b-502**, as enacted by Laws of Utah 2008, Chapter 19
- 169 **10-3b-503**, as last amended by Laws of Utah 2011, Chapter 209
- 170 **10-3b-504**, as enacted by Laws of Utah 2008, Chapter 19

171 RENUMBERS AND AMENDS:

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

181 Chapter 184)  
182 **10-2a-203**, (Renumbered from 10-2-104, as last amended by Laws of Utah 2012,  
183 Chapter 359)  
184 **10-2a-204**, (Renumbered from 10-2-105, as last amended by Laws of Utah 2012,  
185 Chapter 359)  
186 **10-2a-205**, (Renumbered from 10-2-106, as last amended by Laws of Utah 2012,  
187 Chapter 359)  
188 **10-2a-206**, (Renumbered from 10-2-107, as last amended by Laws of Utah 2000,  
189 Chapter 184)  
190 **10-2a-207**, (Renumbered from 10-2-108, as last amended by Laws of Utah 2012,  
191 Chapter 359)  
192 **10-2a-208**, (Renumbered from 10-2-109, as last amended by Laws of Utah 2012,  
193 Chapter 359)  
194 **10-2a-209**, (Renumbered from 10-2-110, as last amended by Laws of Utah 1997,  
195 Second Special Session, Chapter 3)  
196 **10-2a-210**, (Renumbered from 10-2-111, as last amended by Laws of Utah 2014,  
197 Chapter 158)  
198 **10-2a-211**, (Renumbered from 10-2-112, as last amended by Laws of Utah 2008,  
199 Chapter 19)  
200 **10-2a-212**, (Renumbered from 10-2-113, as repealed and reenacted by Laws of Utah  
201 1997, Chapter 389)  
202 **10-2a-213**, (Renumbered from 10-2-114, as last amended by Laws of Utah 2010,  
203 Chapter 90)  
204 **10-2a-214**, (Renumbered from 10-2-115, as last amended by Laws of Utah 2009,  
205 Chapter 388)  
206 **10-2a-215**, (Renumbered from 10-2-116, as last amended by Laws of Utah 2012,  
207 Chapter 359)  
208 **10-2a-216**, (Renumbered from 10-2-117, as enacted by Laws of Utah 1997, Chapter  
209 389)  
210 **10-2a-217**, (Renumbered from 10-2-119, as last amended by Laws of Utah 2009,  
211 Chapter 350)

- 212            **10-2a-218**, (Renumbered from 10-2-120, as last amended by Laws of Utah 2009,
- 213 Chapter 350)
- 214            **10-2a-219**, (Renumbered from 10-2-121, as last amended by Laws of Utah 2009,
- 215 Chapter 350)
- 216            **10-2a-220**, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter
- 217 389)
- 218            **10-2a-221**, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah
- 219 2012, Chapter 359)
- 220            **10-2a-302**, (Renumbered from 10-2-125, as last amended by Laws of Utah 2014,
- 221 Chapter 189)
- 222            **10-2a-303**, (Renumbered from 10-2-126, as last amended by Laws of Utah 2014,
- 223 Chapter 189)
- 224            **10-2a-304**, (Renumbered from 10-2-127, as last amended by Laws of Utah 2014,
- 225 Chapter 158)
- 226            **10-2a-305**, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter
- 227 359)
- 228            **10-2a-306**, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter
- 229 359)
- 230 REPEALS:
- 231            **10-2-408.5**, as enacted by Laws of Utah 2009, Chapter 205
- 232            **10-3b-505**, as enacted by Laws of Utah 2008, Chapter 19
- 233            **10-3b-506**, as enacted by Laws of Utah 2008, Chapter 19
- 234            **10-3b-507**, as enacted by Laws of Utah 2008, Chapter 19
- 235            **17-27a-307**, as last amended by Laws of Utah 2008, Chapter 250
- 236 **Utah Code Sections Affected by Coordination Clause:**
- 237            **10-2-102.13**, Utah Code Annotated 1953
- 238            **10-2-111**, as last amended by Laws of Utah 2014, Chapter 158
- 239            **10-2-116**, as last amended by Laws of Utah 2012, Chapter 359
- 240            **10-2-127**, as last amended by Laws of Utah 2014, Chapter 158
- 241            **10-2-128.1**, Utah Code Annotated 1953
- 242            **10-2-128.2**, Utah Code Annotated 1953



243 [10-2-131](#), Utah Code Annotated 1953

244 

---

---

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

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

247 **10-1-104. Definitions.**

248 As used in this title:

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

252 (2) "Contiguous" means:

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

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

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

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

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

261 [~~and~~]

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

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

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

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

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

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

269 (iii) a metro township as that term is defined in Section [10-2a-403](#) unless the term is  
270 used in the context of authorizing, governing, or otherwise regulating the provision of  
271 municipal services.

272 (6) "Peninsula," when used to describe an unincorporated area, means an area  
273 surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated

274 territory and situated so that the length of a line drawn across the unincorporated area from an  
275 incorporated area to an incorporated area on the opposite side shall be less than 25% of the  
276 total aggregate boundaries of the unincorporated area.

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

279 (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances,  
280 rules, and regulations properly adopted by any municipality unless the construction is clearly  
281 contrary to the intent of state law.

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

283 (10) "Town" means a municipality classified by population as a town under Section  
284 10-2-301.

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

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

287 **10-1-114. Repealer.**

288 Title 10, Chapter 1, General Provisions; Chapter 2, [~~Incorporation,~~] Classification,  
289 Boundaries, Consolidation, and Dissolution of Municipalities; Chapter 3, Municipal  
290 Government; Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; and Chapter 6,  
291 Uniform Fiscal Procedures Act for Utah Cities, are repealed, except as provided in Section  
292 10-1-115.

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

294 **CHAPTER 2. CLASSIFICATION, BOUNDARIES, CONSOLIDATION, AND**  
295 **DISSOLUTION OF MUNICIPALITIES**

296 **10-2-301.5. Classification of metro townships according to population.**

297 (1) Each metro township, as defined in Section 10-2a-403, shall be classified according  
298 to its population, as provided in this section.

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

300 (a) 1,000 or more is a metro township of the first class; and

301 (b) fewer than 1,000 is a metro township of the second class.

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

303 **10-2-302. Change of class of municipality.**

304 (1) Each municipality shall retain its classification under Section 10-2-301 until

305 changed as provided in this section or Subsection 67-1a-2(3).

306 (2) (a) If a municipality's population, as determined by the lieutenant governor under  
307 Subsection 67-1a-2(3), indicates that the municipality's population has decreased below the  
308 limit for its current class, the legislative body of the municipality may petition the lieutenant  
309 governor to prepare a certificate indicating the class in which the municipality belongs based  
310 on the decreased population figure.

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

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

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

316 **10-2-401. Definitions -- Property owner provisions.**

317 (1) As used in this part:

318 (a) "Affected entity" means:

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

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

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

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

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

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

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

336 (d) "Expansion area" means the unincorporated area that is identified in an annexation  
337 policy plan under Section [10-2-401.5](#) as the area that the municipality anticipates annexing in  
338 the future.

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

341 (f) "Municipal selection committee" means a committee in each county composed of  
342 the mayor of each municipality within that county.

343 (g) "Planning advisory area" means the same as that term is defined in Section  
344 [17-27a-306](#).

345 ~~[(g)]~~ (h) "Private," with respect to real property, means not owned by the United States  
346 or any agency of the federal government, the state, a county, a municipality, a school district, a  
347 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a  
348 special service district under Title 17D, Chapter 1, Special Service District Act, or any other  
349 political subdivision or governmental entity of the state.

350 ~~[(h)]~~ (i) "Specified county" means a county of the second, third, fourth, fifth, or sixth  
351 class.

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

353 (j) "Unincorporated peninsula" means an unincorporated area:

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

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

356 (iii) that is surrounded by land that is within a municipality, except where the area  
357 connects to and extends from the rest of the unincorporated area of which it is a part; and

358 (iv) whose width, at any point where a straight line may be drawn from a place where it  
359 borders a municipality to another place where it borders a municipality, is no more than 25% of  
360 the boundary of the area where it borders a municipality.

361 (k) "Urban development" means:

362 (i) a housing development with more than 15 residential units and an average density  
363 greater than one residential unit per acre; or

364 (ii) a commercial or industrial development for which cost projections exceed  
365 \$750,000 for all phases.

366 (2) For purposes of this part:

367 (a) the owner of real property shall be:

368 (i) except as provided in Subsection (2)(a)(ii), the record title owner according to the  
369 records of the county recorder on the date of the filing of the petition or protest; or

370 (ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed  
371 for annexation includes military land that is within a project area described in a project area  
372 plan adopted by the military installation development authority under Title 63H, Chapter 1,  
373 Military Installation Development Authority Act; and

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

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

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

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

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

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

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

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

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

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

394 **10-2-402. Annexation -- Limitations.**

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

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

- 398 (i) it is a contiguous area;
- 399 (ii) it is contiguous to the municipality;
- 400 (iii) except as provided in Subsection 10-2-418~~(1)(b)~~(2)(c), annexation will not leave  
401 or create an unincorporated island or unincorporated peninsula; and
- 402 (iv) for an area located in a specified county with respect to an annexation that occurs  
403 after December 31, 2002, the area is within the proposed annexing municipality's expansion  
404 area.
- 405 (2) Except as provided in Section 10-2-418, a municipality may not annex an  
406 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.
- 407 (3) (a) An annexation under this part may not include part of a parcel of real property  
408 and exclude part of that same parcel unless the owner of that parcel has signed the annexation  
409 petition under Section 10-2-403.
- 410 (b) A piece of real property that has more than one parcel number is considered to be a  
411 single parcel for purposes of Subsection (3)(a) if owned by the same owner.
- 412 (4) A municipality may not annex an unincorporated area in a specified county for the  
413 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to  
414 annex the same or a related area unless the municipality has the ability and intent to benefit the  
415 annexed area by providing municipal services to the annexed area.
- 416 (5) The legislative body of a specified county may not approve urban development  
417 within a municipality's expansion area unless:
- 418 (a) the county notifies the municipality of the proposed development; and
- 419 (b) (i) the municipality consents in writing to the development; or
- 420 (ii) (A) within 90 days after the county's notification of the proposed development, the  
421 municipality submits to the county a written objection to the county's approval of the proposed  
422 development; and
- 423 (B) the county responds in writing to the municipality's objections.
- 424 (6) (a) An annexation petition may not be filed under this part proposing the  
425 annexation of an area located in a county that is not the county in which the proposed annexing  
426 municipality is located unless the legislative body of the county in which the area is located has  
427 adopted a resolution approving the proposed annexation.
- 428 (b) Each county legislative body that declines to adopt a resolution approving a

429 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its  
430 reasons for declining to approve the proposed annexation.

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

435 (b) A municipality may not annex an unincorporated area within 5,000 feet of the  
436 center line of any runway of an airport operated or to be constructed and operated by another  
437 municipality unless the legislative body of the other municipality adopts a resolution  
438 consenting to the annexation.

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

443 ~~[(8) An annexation petition may not be filed if it proposes the annexation of an area  
444 that is within a proposed township in a petition to establish a township under Subsection  
445 17-27a-306(1)(c) that has been certified under Subsection 17-27a-306(1)(f), until after the  
446 canvass of an election on the proposed township under Subsection 17-27a-306(1)(h).]~~

447 [(9)] (8) (a) A municipality may not annex an unincorporated area located within a  
448 project area described in a project area plan adopted by the military installation development  
449 authority under Title 63H, Chapter 1, Military Installation Development Authority Act, without  
450 the authority's approval.

451 (b) (i) Except as provided in Subsection [(9)] (8)(b)(ii), the Military Installation  
452 Development Authority may petition for annexation of a project area and contiguous  
453 surrounding land to a municipality as if it was the sole private property owner of the project  
454 area and surrounding land, if the area to be annexed is entirely contained within the boundaries  
455 of a military installation.

456 (ii) Before petitioning for annexation under Subsection [(9)] (8)(b)(i), the Military  
457 Installation Development Authority shall provide the military installation with a copy of the  
458 petition for annexation. The military installation may object to the petition for annexation  
459 within 14 days of receipt of the copy of the annexation petition. If the military installation

460 objects under this Subsection [~~(9)~~] (8)(b)(ii), the Military Installation Development Authority  
461 may not petition for the annexation as if it was the sole private property owner.

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

- 464 (A) the annexation process shall follow the requirements for a specified county; and
- 465 (B) the provisions of Subsection 10-2-402(6) do not apply.

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

467 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

492 (A) be in writing;

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

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

495 Records show that you own property within an area that is intended to be included in a  
496 proposed annexation to (state the name of the proposed annexing municipality) or that is within  
497 300 feet of that area. If your property is within the area proposed for annexation, you may be  
498 asked to sign a petition supporting the annexation. You may choose whether or not to sign the  
499 petition. By signing the petition, you indicate your support of the proposed annexation. If you  
500 sign the petition but later change your mind about supporting the annexation, you may  
501 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
502 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
503 of the proposed annexing municipality) receives notice that the petition has been certified.

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

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

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

521 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any

522 other information or materials related or unrelated to the proposed annexation.

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

527 (ii) An annexation petition provided by the proposed annexing municipality may be  
528 duplicated for circulation for signatures.

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

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

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

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

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

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

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

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

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

549 ~~[(c) if the petition proposes the annexation of an area located within a township,~~  
550 ~~explain that if the annexation petition is granted, the area will also be withdrawn from the~~  
551 ~~township;]~~

552 ~~[(d)]~~ (c) be accompanied by:

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

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

557 ~~[(e)]~~ (d) if the area proposed to be annexed is located in a county of the first class,  
558 contain on each signature page a notice in bold and conspicuous terms that states substantially  
559 the following:

560 "Notice:

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

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

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

572 ~~[(g)]~~ (f) designate up to five of the signers of the petition as sponsors, one of whom  
573 shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

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

577 (5) A petition under Subsection (1) proposing the annexation of an area located in a  
578 county of the first class may not propose the annexation of an area that includes some or all of  
579 an area proposed to be incorporated in a request for a feasibility study under Section ~~[+0-2-103]~~  
580 [10-2a-202](#) or a petition under Section ~~[+0-2-125]~~ [10-2a-302](#) if:

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

582 (b) the request, a petition under Section ~~[+0-2-109]~~ [10-2a-208](#) based on that request, or  
583 a petition under Section ~~[+0-2-125]~~ [10-2a-302](#) is still pending on the date the annexation

584 petition is filed.

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

587 (a) along the boundaries of existing local districts and special service districts for  
588 sewer, water, and other services, along the boundaries of school districts whose boundaries  
589 follow city boundaries or school districts adjacent to school districts whose boundaries follow  
590 city boundaries, and along the boundaries of other taxing entities;

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

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

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

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

596 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the  
597 petition to ~~[(a)]~~ the clerk of the county in which the area proposed for annexation is located ~~;~~  
598 ~~and~~].

599 ~~[(b) if any of the area proposed for annexation is within a township:]~~

600 ~~[(i) the legislative body of the county in which the township is located; and]~~

601 ~~[(ii) the chair of the township planning commission.]~~

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

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

608 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**  
609 **process -- Modified petition.**

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

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

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

613 (ii) A petition shall be considered to have been accepted for further consideration under  
614 this part if a municipal legislative body fails to act to deny or accept the petition under

615 Subsection (1)(a)(i):

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

618 (B) in the case of a city of the third, fourth, or fifth class ~~[or]~~, a town, or a metro  
619 township, at the next regularly scheduled meeting of the municipal legislative body that is at  
620 least 14 days after the date the petition was filed.

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

623 (i) the contact sponsor; and

624 (ii) the clerk of the county in which the area proposed for annexation is located~~;~~ and].

625 ~~[(iii) if any of the area proposed for annexation is within a township:]~~

626 ~~[(A) the legislative body of the county in which the township is located; and]~~

627 ~~[(B) the chair of the planning commission.]~~

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

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

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

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

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

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

649 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used  
650 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as  
651 modified under Subsection (3)(a)(i).

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

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

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

658 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
659 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
660 **protest filed.**

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

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

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

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

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

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

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

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

676 ~~[(ii) (A)]~~ The township planning commission shall communicate each recommendation

677 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the city  
678 recorder or town clerk's certification of the annexation petition under Subsection ~~10-2-405(2)~~  
679 (c)(i).]

680 [~~(B) At the time the recommendation is communicated to the county legislative body~~  
681 ~~under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy~~  
682 ~~of the recommendation to the legislative body of the proposed annexing municipality and to the~~  
683 ~~contact sponsor.]~~

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

685 (i) be filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

711 ~~[(i) indicate the typed or printed name and current residence address of each owner~~  
712 ~~signing the protest, and]~~

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

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

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

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

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

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

726 (B) the commission; and

727 (C) each entity that filed a protest[;].

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

730 ~~[(E) if any of the area proposed for annexation is within a township, the legislative~~  
731 ~~body of the county in which the township is located.]~~

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

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

736 (A) hold a public hearing; and

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

738 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the



739 municipality and the area proposed for annexation; or

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

743 (II) publish notice of the hearing on the Utah Public Notice Website created in Section  
744 [63F-1-701](#).

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

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

749 **10-2-408. Denying or approving the annexation petition -- Notice of approval.**

750 (1) After receipt of the commission's decision on a protest under Subsection  
751 [10-2-416](#)(2), a municipal legislative body may:

752 (a) deny the annexation petition; or

753 (b) subject to Subsection (2), if the commission approves the annexation, approve the  
754 annexation petition consistent with the commission's decision.

755 (2) A municipal legislative body shall exclude rural real property, as that term is  
756 defined in Section [17B-2a-1107](#), unless the owner of the rural real property gives written  
757 consent to include the rural real property.

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

761 Section 11. Section **10-2-411** is amended to read:

762 **10-2-411. Disqualification of commission member -- Alternate member.**

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

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

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

768 (ii) that is in the unincorporated area within 1/2 mile of the area proposed for  
769 annexation in a petition that is the subject of a protest under Subsection [10-2-407](#)(1)~~(a)(ii)~~(c);

770 or

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

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

776 Section 12. Section **10-2-413** is amended to read:

777 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
778 **study.**

779 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
780 a proposed annexing municipality denies an annexation petition under Subsection  
781 [10-2-407\(3\)\(a\)\(i\)\(A\)](#) and except as provided in Subsection (1)(b), the commission shall choose  
782 and engage a feasibility consultant within 45 days of:

783 (i) the commission's receipt of a protest under Section [10-2-407](#), if the commission had  
784 been created before the filing of the protest; or

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

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

788 (i) is undeveloped; and

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

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

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

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

797 (c) attend the public hearing under Subsection [10-2-415\(1\)](#) and present the feasibility  
798 study results and respond to questions at that hearing.

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

800 (i) the population and population density within the area proposed for annexation, the

801 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries  
802 within 1/2 mile of the area proposed for annexation, that municipality;

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

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

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

811 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,  
812 other municipalities, local districts, special service districts, school districts, and other  
813 governmental entities;

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

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

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

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

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

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

828 (xii) the extension during the past 10 years of the boundaries of each other municipality  
829 near the area proposed for annexation, the willingness of the other municipality to annex the  
830 area proposed for annexation, and the probability that another municipality would annex some  
831 or all of the area proposed for annexation during the next five years if the annexation did not

832 occur;

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

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

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

840 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
841 valorem property tax rates on residential property within the area proposed for annexation at  
842 the same level that residential property within the proposed annexing municipality would be  
843 without the annexation.

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

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

852 (i) the size of the area proposed for annexation;

853 (ii) the size of the proposed annexing municipality;

854 (iii) the extent to which the area proposed for annexation is developed;

855 (iv) the degree to which the area proposed for annexation is expected to develop and  
856 the type of development expected; and

857 (v) the number and type of protests filed against the proposed annexation.

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

861 (5) If the results of the feasibility study do not meet the requirements of Subsection  
862 [10-2-416\(3\)](#), the feasibility consultant may, as part of the feasibility study, make

863 recommendations as to how the boundaries of the area proposed for annexation may be altered  
864 so that the requirements of Subsection 10-2-416(3) may be met.

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

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

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

874 Section 13. Section 10-2-414 is amended to read:

875 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

876 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of  
877 an area located in a county of the first class do not meet the requirements of Subsection  
878 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility  
879 consultant's submission of the results of the study, file with the city recorder or town clerk of  
880 the proposed annexing municipality a modified annexation petition altering the boundaries of  
881 the proposed annexation.

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

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

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

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

- 894 (i) the commission;
- 895 (ii) each entity that filed a protest to the annexation petition; and
- 896 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii)(c), the contact person.

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

902 (ii) If the area proposed for annexation in the modified annexation petition is within  
903 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the  
904 area proposed for annexation in the original annexation petition, the city recorder or town  
905 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
906 petition to the legislative body of that municipality.

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

911 (4) The commission shall require the feasibility consultant to complete the  
912 supplemental feasibility study and to submit written results of the supplemental study to the  
913 commission no later than 30 days after the feasibility consultant is engaged to conduct the  
914 supplemental feasibility study.

915 Section 14. Section 10-2-415 is amended to read:

916 **10-2-415. Public hearing -- Notice.**

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

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

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

924 (B) allow those present to ask questions of the feasibility consultant regarding the study

925 results; and

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

927 (iii) (A) The commission shall:

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

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

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

933 and

934 (II) send written notice of the hearing to the municipal legislative body of the proposed  
935 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a  
936 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii)(c), the contact person.

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

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

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

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

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

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

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

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

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

958 (iv) In considering protests, the commission shall consider whether the proposed  
959 annexation:

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

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

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

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

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

970 Section 15. Section 10-2-416 is amended to read:

971 **10-2-416. Commission decision -- Time limit -- Limitation on approval of**  
972 **annexation.**

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

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

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

978 (c) disapprove the proposed annexation.

979 (2) The commission shall issue a written decision on the proposed annexation within  
980 30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the  
981 decision to:

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

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

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

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



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

990 (3) Except for an annexation for which a feasibility study may not be required under  
991 Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area  
992 located within a county of the first class unless the results of the feasibility study under Section  
993 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not  
994 exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

995 Section 16. Section 10-2-418 is amended to read:

996 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
997 **Hearing.**

998 (1) For purposes of an annexation conducted in accordance with this section of an area  
999 located within a county of the first class, "municipal-type services" for purposes of Subsection  
1000 (2)(a)(ii)(B) does not include a service provided by a municipality pursuant to a contract that  
1001 the municipality has with another political subdivision as "political subdivision" is defined in  
1002 Section 17B-1-102.

1003 [~~(1)~~] (2) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
1004 unincorporated area under this section without an annexation petition if:

1005 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
1006 unincorporated peninsulas contiguous to the municipality;

1007 (B) the majority of each island or peninsula consists of residential or commercial  
1008 development;

1009 (C) the area proposed for annexation requires the delivery of municipal-type services;  
1010 and

1011 (D) the municipality has provided most or all of the municipal-type services to the area  
1012 for more than one year;

1013 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or  
1014 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800  
1015 residents; and

1016 (B) the municipality has provided one or more municipal-type services to the area for  
1017 at least one year; or

1018 (iii) (A) the area consists of:  
1019 (I) an unincorporated island within or an unincorporated peninsula contiguous to the  
1020 municipality; and  
1021 (II) for an area outside of the county of the first class proposed for annexation, no more  
1022 than 50 acres; and  
1023 (B) the county in which the area is located, subject to Subsection (3)(b), and the  
1024 municipality agree that the area should be included within the municipality.  
1025 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
1026 portion of an unincorporated island or unincorporated peninsula under this section, leaving  
1027 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:  
1028 (i) in adopting the resolution under Subsection [~~(2)~~] (4)(a)(i), the municipal legislative  
1029 body determines that not annexing the entire unincorporated island or unincorporated peninsula  
1030 is in the municipality's best interest; and  
1031 (ii) for an annexation of one or more unincorporated islands under Subsection [~~(1)~~]  
1032 (2)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1033 complies with the requirement of Subsection [~~(1)~~] (2)(a)(ii)(A) relating to the number of  
1034 residents.  
1035 (3) (a) This Subsection (3) applies only to an annexation within a county of the first  
1036 class.  
1037 (b) A county of the first class shall agree to the annexation if the majority of private  
1038 property owners within the area to be annexed has indicated in writing, subject to Subsection  
1039 (3)(d), to the city or town recorder of the annexing city or town the private property owners'  
1040 consent to be annexed into the municipality.  
1041 (c) For purposes of Subsection (3)(b), the majority of private property owners is  
1042 property owners who own:  
1043 (i) the majority of the total private land area within the area proposed for annexation;  
1044 and  
1045 (ii) private real property equal to at least one half the value of private real property  
1046 within the area proposed for annexation.  
1047 (d) (i) A property owner consenting to annexation shall indicate the property owner's  
1048 consent on a form which includes language in substantially the following form:

1049 "Notice: If this written consent is used to proceed with an annexation of your property  
1050 in accordance with Utah Code Section 10-2-418, no public election is required by law to  
1051 approve the annexation. If you sign this consent and later decide you do not want to support  
1052 the annexation of your property, you may withdraw your signature by submitting a signed,  
1053 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you  
1054 choose to withdraw your signature, you must do so no later than the close of the public hearing  
1055 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv)."

1056 (e) A private property owner may withdraw the property owner's signature indicating  
1057 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the  
1058 close of the public hearing held in accordance with Subsection (4)(a)(iv).

1059 ~~[(2)]~~ (4) (a) The legislative body of each municipality intending to annex an area under  
1060 this section shall:

1061 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1062 area, describing the area proposed to be annexed;

1063 (ii) publish notice:

1064 (A) (I) at least once a week for three successive weeks in a newspaper of general  
1065 circulation within the municipality and the area proposed for annexation; or

1066 (II) if there is no newspaper of general circulation in the areas described in Subsection  
1067 ~~[(2)]~~ (4)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that  
1068 are most likely to give notice to the residents of those areas; and

1069 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks;

1070 (iii) send written notice to the board of each local district and special service district  
1071 whose boundaries contain some or all of the area proposed for annexation and to the legislative  
1072 body of the county in which the area proposed for annexation is located; and

1073 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
1074 adoption of the resolution under Subsection ~~[(2)]~~ (4)(a)(i).

1075 (b) Each notice under Subsections ~~[(2)]~~ (4)(a)(ii) and (iii) shall:

1076 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1077 to annex the area proposed for annexation;

1078 (ii) state the date, time, and place of the public hearing under Subsection ~~[(2)]~~

1079 (4)(a)(iv);

1080 (iii) describe the area proposed for annexation; and  
1081 (iv) except for an annexation that meets the property owner consent requirements of  
1082 Subsection ~~[(3)]~~ (5)(b), state in conspicuous and plain terms that the municipal legislative body  
1083 will annex the area unless, at or before the public hearing under Subsection ~~[(2)]~~ (4)(a)(iv),  
1084 written protests to the annexation are filed by the owners of private real property that:  
1085 (A) is located within the area proposed for annexation;  
1086 (B) covers a majority of the total private land area within the entire area proposed for  
1087 annexation; and  
1088 (C) is equal in value to at least 1/2 the value of all private real property within the  
1089 entire area proposed for annexation.  
1090 (c) The first publication of the notice required under Subsection ~~[(2)]~~ (4)(a)(ii)(A) shall  
1091 be within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1092 ~~[(2)]~~ (4)(a)(i).  
1093 ~~[(3)]~~ (5) (a) Upon conclusion of the public hearing under Subsection ~~[(2)]~~ (4)(a)(iv),  
1094 the municipal legislative body may adopt an ordinance approving the annexation of the area  
1095 proposed for annexation under this section unless, at or before the hearing, written protests to  
1096 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
1097 owners of private real property that:  
1098 (i) is located within the area proposed for annexation;  
1099 (ii) covers a majority of the total private land area within the entire area proposed for  
1100 annexation; and  
1101 (iii) is equal in value to at least 1/2 the value of all private real property within the  
1102 entire area proposed for annexation.  
1103 (b) (i) Upon conclusion of the public hearing under Subsection ~~[(2)]~~ (4)(a)(iv), a  
1104 municipality may adopt an ordinance approving the annexation of the area proposed for  
1105 annexation under this section without allowing or considering protests under Subsection ~~[(3)]~~  
1106 (5)(a) if the owners of at least 75% of the total private land area within the entire area proposed  
1107 for annexation, representing at least 75% of the value of the private real property within the  
1108 entire area proposed for annexation, have consented in writing to the annexation.  
1109 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an  
1110 ordinance adopted under Subsection ~~[(3)]~~ (5)(b)(i), the area annexed shall be conclusively

1111 presumed to be validly annexed.

1112           ~~[(4)]~~ (6) (a) If protests are timely filed that comply with Subsection ~~[(3)]~~ (5), the  
1113 municipal legislative body may not adopt an ordinance approving the annexation of the area  
1114 proposed for annexation, and the annexation proceedings under this section shall be considered  
1115 terminated.

1116           (b) Subsection ~~[(4)]~~ (6)(a) may not be construed to prohibit the municipal legislative  
1117 body from excluding from a proposed annexation under Subsection ~~[(1)]~~ (2)(a)(ii) the property  
1118 within an unincorporated island regarding which protests have been filed and proceeding under  
1119 Subsection ~~[(1)]~~ (2)(b) to annex some or all of the remaining portion of the unincorporated  
1120 island.

1121           Section 17. Section **10-2-425** is amended to read:

1122           **10-2-425. Filing of notice and plat -- Recording and notice requirements --**  
1123 **Effective date of annexation or boundary adjustment.**

1124           (1) The legislative body of each municipality that enacts an ordinance under this part  
1125 approving the annexation of an unincorporated area or the adjustment of a boundary, or the  
1126 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an  
1127 unincorporated island upon the results of an election held in accordance with Section  
1128 10-2a-404, shall:

1129           (a) within 30 days after enacting the ordinance or the day of the election or, in the case  
1130 of a boundary adjustment, within 30 days after each of the municipalities involved in the  
1131 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

1132           (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
1133 meets the requirements of Subsection 67-1a-6.5(3); and

1134           (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1135           (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
1136 adjustment, as the case may be, under Section 67-1a-6.5:

1137           (i) (A) if the annexed area or area subject to the boundary adjustment is located within  
1138 the boundary of a single county, submit to the recorder of that county:

1139           (I) the original:

1140           (Aa) notice of an impending boundary action;

1141           (Bb) certificate of annexation or boundary adjustment; and

1142 (Cc) approved final local entity plat; and  
1143 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;  
1144 or  
1145 (B) if the annexed area or area subject to the boundary adjustment is located within the  
1146 boundaries of more than a single county:  
1147 (I) submit to the recorder of one of those counties:  
1148 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and  
1149 (Cc); and  
1150 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1151 adjustment; and  
1152 (II) submit to the recorder of each other county:  
1153 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),  
1154 and (Cc); and  
1155 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1156 adjustment;  
1157 (ii) send notice of the annexation or boundary adjustment to each affected entity; and  
1158 (iii) in accordance with Section 26-8a-414, file with the Department of Health:  
1159 (A) a certified copy of the ordinance approving the annexation of an unincorporated  
1160 area or the adjustment of a boundary; and  
1161 (B) a copy of the approved final local entity plat.  
1162 (2) If an annexation or boundary adjustment under this part or Part 4, Incorporation of  
1163 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
1164 12, 2015, also causes an automatic annexation to a local district under Section 17B-1-416 or an  
1165 automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal  
1166 legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of  
1167 annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or  
1168 boundary adjustment to the local district to which the annexed area is automatically annexed or  
1169 from which the annexed area is automatically withdrawn.  
1170 (3) Each notice required under Subsection (1) relating to an annexation or boundary  
1171 adjustment shall state the effective date of the annexation or boundary adjustment, as  
1172 determined under Subsection (4).

1173 (4) An annexation or boundary adjustment under this part is completed and takes  
1174 effect:

1175 (a) for the annexation of or boundary adjustment affecting an area located in a county  
1176 of the first class, except for an annexation under Section 10-2-418:

1177 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1178 certificate of annexation or boundary adjustment if:

1179 (A) the certificate is issued during the preceding November 1 through April 30; and

1180 (B) the requirements of Subsection (1) are met before that July 1; or

1181 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1182 certificate of annexation or boundary adjustment if:

1183 (A) the certificate is issued during the preceding May 1 through October 31; and

1184 (B) the requirements of Subsection (1) are met before that January 1; and

1185 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the  
1186 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of  
1187 annexation or boundary adjustment.

1188 (5) If an annexation of an unincorporated island is based upon the results of an election  
1189 held in accordance with Section 10-2a-404:

1190 (a) the county and the annexing municipality may agree to a date on which the  
1191 annexation is complete and takes effect; and

1192 (b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of  
1193 annexation on the date agreed to under Subsection (5)(a).

1194 [~~5~~] (6) (a) As used in this Subsection [~~5~~] (6):

1195 (i) "Affected area" means:

1196 (A) in the case of an annexation, the annexed area; and

1197 (B) in the case of a boundary adjustment, any area that, as a result of the boundary  
1198 adjustment, is moved from within the boundary of one municipality to within the boundary of  
1199 another municipality.

1200 (ii) "Annexing municipality" means:

1201 (A) in the case of an annexation, the municipality that annexes an unincorporated area;  
1202 and

1203 (B) in the case of a boundary adjustment, a municipality whose boundary includes an

1204 affected area as a result of a boundary adjustment.

1205 (b) The effective date of an annexation or boundary adjustment for purposes of  
1206 assessing property within an affected area is governed by Section 59-2-305.5.

1207 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
1208 recorder of each county in which the property is located, a municipality may not:

- 1209 (i) levy or collect a property tax on property within an affected area;
  - 1210 (ii) levy or collect an assessment on property within an affected area; or
  - 1211 (iii) charge or collect a fee for service provided to property within an affected area,
- 1212 unless the municipality was charging and collecting the fee within that area immediately before  
1213 annexation.

1214 Section 18. Section 10-2a-101 is enacted to read:

1215 **CHAPTER 2a. MUNICIPAL INCORPORATION**

1216 **Part 1. General Provisions**

1217 **10-2a-101. Title.**

1218 (1) This chapter is known as "Municipal Incorporation."

1219 (2) This part is known as "General Provisions."

1220 Section 19. Section 10-2a-102, which is renumbered from Section 10-2-101 is  
1221 renumbered and amended to read:

1222 ~~[10-2-101].~~ **10-2a-102. Definitions.**

1223 (1) As used in this part:

1224 (a) "Feasibility consultant" means a person or firm:

- 1225 (i) with expertise in the processes and economics of local government; and
- 1226 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
1227 incorporate.

1228 (b) "Private," with respect to real property, means taxable property.

1229 (2) For purposes of this part:

1230 (a) the owner of real property shall be the record title owner according to the records of  
1231 the county recorder on the date of the filing of the request or petition; and

1232 (b) the value of private real property shall be determined according to the last  
1233 assessment roll for county taxes before the filing of the request or petition.

1234 (3) For purposes of each provision of this part that requires the owners of private real



1235 property covering a percentage or fraction of the total private land area within an area to sign a  
1236 request or petition:

1237 (a) a parcel of real property may not be included in the calculation of the required  
1238 percentage or fraction unless the request or petition is signed by:

1239 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1240 ownership interest in that parcel; or

1241 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1242 of owners of that parcel;

1243 (b) the signature of a person signing a request or petition in a representative capacity on  
1244 behalf of an owner is invalid unless:

1245 (i) the person's representative capacity and the name of the owner the person represents  
1246 are indicated on the request or petition with the person's signature; and

1247 (ii) the person provides documentation accompanying the request or petition that  
1248 substantiates the person's representative capacity; and

1249 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1250 request or petition on behalf of a deceased owner.

1251 Section 20. Section ~~10-2a-103~~, which is renumbered from Section 10-2-102 is  
1252 renumbered and amended to read:

1253 ~~[10-2-102].~~ **10-2a-103. Incorporation of a contiguous area.**

1254 ~~[(1)]~~ A contiguous area of a county not within a municipality may incorporate as a  
1255 municipality as provided in this ~~[part]~~ chapter.

1256 ~~[(2)(a) Incorporation as a city is governed by Sections 10-2-103 through 10-2-124.]~~

1257 ~~[(b) Incorporation as a town is governed by Sections 10-2-125 through 10-2-129.]~~

1258 Section 21. Section ~~10-2a-104~~, which is renumbered from Section 10-2-118 is  
1259 renumbered and amended to read:

1260 ~~[10-2-118].~~ **10-2a-104. Elections governed by the Election Code.**

1261 Except as otherwise provided in this ~~[part]~~ chapter, each election under this ~~[part]~~  
1262 chapter shall be governed by the provisions of Title 20A, Election Code.

1263 Section 22. Section ~~10-2a-105~~, which is renumbered from Section 10-2-130 is  
1264 renumbered and amended to read:

1265 ~~[10-2-130].~~ **10-2a-105. Suspension of township incorporation and annexation**

1266 **procedures on or after January 1, 2014 -- Exceptions.**

1267 (1) As used in this section:

1268 (a) "Township incorporation procedure" means the following actions, the subject of  
1269 which includes an area located in whole or in part in a township:

1270 (i) a request for incorporation described in Section [~~10-2-103~~] [10-2a-202](#);

1271 (ii) a feasibility study described in Section [~~10-2-106~~] [10-2a-205](#);

1272 (iii) a modified request and a supplemental feasibility study described in Section  
1273 [~~10-2-107~~] [10-2a-206](#); or

1274 (iv) an incorporation petition described in Section [~~10-2-109~~] [10-2a-208](#) that is not  
1275 certified under Section [~~10-2-110~~] [10-2a-109](#).

1276 (b) "Township annexation procedure" means one or more of the following actions, the  
1277 subject of which includes an area located in whole or in part in a township:

1278 (i) a petition to annex described in Section [10-2-403](#);

1279 (ii) a feasibility study described in Section [10-2-413](#);

1280 (iii) a modified annexation petition or supplemental feasibility study described in  
1281 Section [10-2-414](#);

1282 (iv) a boundary commission decision described in Section [10-2-416](#); or

1283 (v) any action described in Section [10-2-418](#) before the adoption of an ordinance to  
1284 approve annexation under Subsection [10-2-418](#)~~(3)~~[\(5\)](#)(b).

1285 (2) (a) Except as provided in Subsections (3) and (4):

1286 (i) if a request for incorporation described in Section [~~10-2-103~~] [10-2a-202](#) is filed  
1287 with the clerk of the county on or after January 1, 2014, a township incorporation procedure  
1288 that is the subject of or otherwise relates to that request is suspended until November 15, 2015;  
1289 and

1290 (ii) if a petition to annex described in Section [10-2-403](#) is filed with the city recorder or  
1291 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of  
1292 or otherwise relates to that petition is suspended until November 15, 2015.

1293 (b) (i) If a township incorporation procedure or township annexation procedure is  
1294 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and  
1295 on November 15, 2015.

1296 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection

1297 (2)(b)(i):

1298 (A) may proceed and the period of time during the suspension does not toll against that  
1299 deadline or timeline; and

1300 (B) does not start over.

1301 (3) Subsection (2) does not apply to a township annexation procedure that:

1302 (a) includes any land area located in whole or in part in a township that is:

1303 (i) 50 acres or more; and

1304 (ii) primarily owned or controlled by a government entity; or

1305 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance  
1306 with Subsection 10-2-403(3) before January 1, 2014.

1307 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the  
1308 petition sponsors may continue to gather petition signatures and file them with the county clerk  
1309 as provided in Section [~~10-2-103~~] 10-2a-202.

1310 (b) The county clerk shall process the petition in accordance with Section [~~10-2-105~~]  
1311 10-2a-204 and may issue a certification or rejection of the petition as provided in Section  
1312 [~~10-2-105~~] 10-2a-204.

1313 (c) Notwithstanding any other provision of [~~Chapter 2, Incorporation, Classification,~~  
1314 ~~Boundaries, Consolidation, and Dissolution of Municipalities~~] this chapter, any further  
1315 processing, including a feasibility study, public hearing, or an incorporation election, is  
1316 suspended until November 15, 2015.

1317 Section 23. Section 10-2a-201 is enacted to read:

1318 **Part 2. Incorporation of a City**

1319 **10-2a-201. Title.**

1320 This part is known as "Incorporation of a City."

1321 Section 24. Section 10-2a-202, which is renumbered from Section 10-2-103 is  
1322 renumbered and amended to read:

1323 [~~10-2-103~~]. **10-2a-202. Request for feasibility study -- Requirements --**  
1324 **Limitations.**

1325 (1) The process to incorporate a contiguous area of a county as a city is initiated by a  
1326 request for a feasibility study filed with the clerk of the county in which the area is located.

1327 (2) Each request under Subsection (1) shall:

1328 (a) be signed by the owners of private real property that:  
1329 (i) is located within the area proposed to be incorporated;  
1330 (ii) covers at least 10% of the total private land area within the area; and  
1331 (iii) is equal in value to at least 7% of the value of all private real property within the  
1332 area;

1333 (b) indicate the typed or printed name and current residence address of each owner  
1334 signing the request;

1335 (c) describe the contiguous area proposed to be incorporated as a city;

1336 (d) designate up to five signers of the request as sponsors, one of whom shall be  
1337 designated as the contact sponsor, with the mailing address and telephone number of each;

1338 (e) be accompanied by and circulated with an accurate map or plat, prepared by a  
1339 licensed surveyor, showing the boundaries of the proposed city; and

1340 (f) request the county legislative body to commission a study to determine the  
1341 feasibility of incorporating the area as a city.

1342 (3) A request for a feasibility study under this section may not propose for  
1343 incorporation an area that includes some or all of an area that is the subject of a completed  
1344 feasibility study or supplemental feasibility study whose results comply with Subsection  
1345 ~~[10-2-109]~~ [10-2a-208](#)(3) unless:

1346 (a) the proposed incorporation that is the subject of the completed feasibility study or  
1347 supplemental feasibility study has been defeated by the voters at an election under Section  
1348 ~~[10-2-111]~~ [10-2a-210](#); or

1349 (b) the time provided under Subsection ~~[10-2-109]~~ [10-2a-208](#)(1) for filing an  
1350 incorporation petition based on the completed feasibility study or supplemental feasibility study  
1351 has elapsed without the filing of a petition.

1352 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not  
1353 propose for incorporation an area that includes some or all of an area proposed for annexation  
1354 in an annexation petition under Section [10-2-403](#) that:

1355 (i) was filed before the filing of the request; and  
1356 (ii) is still pending on the date the request is filed.

1357 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area  
1358 that includes some or all of an area proposed for annexation in an annexation petition described

1359 in Subsection (4)(a) if:

1360 (i) the proposed annexation area that is part of the area proposed for incorporation does  
1361 not exceed 20% of the area proposed for incorporation;

1362 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed  
1363 for incorporation excluding the proposed annexation area; and

1364 (iii) excluding the area proposed for annexation from the area proposed for  
1365 incorporation would not cause the area proposed for incorporation to lose its contiguousness.

1366 (c) Except as provided in Section [~~10-2-107~~] [10-2a-206](#), each request to which  
1367 Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area  
1368 proposed for annexation.

1369 [~~(5) At the time of filing the request for a feasibility study with the county clerk, the~~  
1370 ~~sponsors of the request shall mail or deliver a copy of the request to the chair of the planning~~  
1371 ~~commission of each township in which any part of the area proposed for incorporation is~~  
1372 ~~located.]~~

1373 Section 25. Section **10-2a-203**, which is renumbered from Section 10-2-104 is  
1374 renumbered and amended to read:

1375 [~~10-2-104~~]. **10-2a-203. Notice to owner of property -- Exclusion of property**  
1376 **from proposed boundaries.**

1377 (1) As used in this section:

1378 (a) "Assessed value" with respect to property means the value at which the property  
1379 would be assessed without regard to a valuation for agricultural use under Section [59-2-503](#).

1380 (b) "Owner" means a person having an interest in real property, including an affiliate,  
1381 subsidiary, or parent company.

1382 (c) "Urban" means an area with a residential density of greater than one unit per acre.

1383 (2) Within seven calendar days of the date on which a request under Section [~~10-2-103~~]  
1384 [10-2a-202](#) is filed, the county clerk shall send written notice of the proposed incorporation to  
1385 each record owner of real property owning more than:

1386 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;

1387 or

1388 (b) 10% of the total private land area within the proposed incorporation boundaries.

1389 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all

1390 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more  
1391 of the total private land area in the proposed incorporation boundaries, the owner may exclude  
1392 all or part of the property owned, controlled, or managed by the owner from the proposed  
1393 boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar  
1394 days of receiving the clerk's notice under Subsection (2).

1395 (4) The county legislative body shall exclude the property identified by an owner in the  
1396 Notice of Exclusion from the proposed incorporation boundaries unless the county legislative  
1397 body finds by clear and convincing evidence in the record that:

1398 (a) the exclusion will leave an unincorporated island within the proposed municipality;  
1399 and

1400 (b) the property to be excluded:

1401 (i) is urban; and

1402 (ii) currently receives from the county a majority of municipal-type services including:

1403 (A) culinary or irrigation water;

1404 (B) sewage collection or treatment;

1405 (C) storm drainage or flood control;

1406 (D) recreational facilities or parks;

1407 (E) electric generation or transportation;

1408 (F) construction or maintenance of local streets and roads;

1409 (G) curb and gutter or sidewalk maintenance;

1410 (H) garbage and refuse collection; and

1411 (I) street lighting.

1412 (5) This section applies only to counties of the first or second class.

1413 (6) If the county legislative body excludes property from the proposed boundaries  
1414 under Subsection (4), the county legislative body shall, within five days of the exclusion, send  
1415 written notice of the exclusion to the contact sponsor.

1416 Section 26. Section **10-2a-204**, which is renumbered from Section 10-2-105 is  
1417 renumbered and amended to read:

1418 ~~[10-2-105]~~. **10-2a-204. Processing a request for incorporation -- Certification or**  
1419 **rejection by county clerk -- Processing priority -- Limitations -- Planning advisory area**  
1420 **planning commission recommendation.**

1421 (1) Within 45 days of the filing of a request under Section [~~10-2-103~~] [10-2a-202](#), the  
1422 county clerk shall:

1423 (a) with the assistance of other county officers from whom the clerk requests  
1424 assistance, determine whether the request complies with Section [~~10-2-103~~] [10-2a-202](#); and

1425 (b) (i) if the clerk determines that the request complies with Section [~~10-2-103~~]  
1426 [10-2a-202](#):

1427 (A) certify the request and deliver the certified request to the county legislative body;  
1428 and

1429 (B) mail or deliver written notification of the certification to[~~:(F)~~] the contact sponsor;  
1430 [~~and~~] or

1431 [~~(H) the chair of the planning commission of each township in which any part of the~~  
1432 ~~area proposed for incorporation is located; or]~~

1433 (ii) if the clerk determines that the request fails to comply with Section [~~10-2-103~~]  
1434 [10-2a-202](#) requirements, reject the request and notify the contact sponsor in writing of the  
1435 rejection and the reasons for the rejection.

1436 (2) The county clerk shall certify or reject requests under Subsection (1) in the order in  
1437 which they are filed.

1438 (3) (a) (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request  
1439 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
1440 county clerk.

1441 (ii) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) may be used toward  
1442 fulfilling the signature requirement of Subsection [~~10-2-103~~] [10-2a-202](#)(2)(a) for the request as  
1443 modified under Subsection (3)(a)(i).

1444 (b) If a request is amended and refiled under Subsection (3)(a) after having been  
1445 rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed  
1446 request, and its processing priority is determined by the date on which it is refiled.

1447 Section 27. Section **10-2a-205**, which is renumbered from Section 10-2-106 is  
1448 renumbered and amended to read:

1449 [~~10-2-106~~]. **10-2a-205. Feasibility study -- Feasibility study consultant.**

1450 (1) Within 60 days of receipt of a certified request under Subsection [~~10-2-105~~]  
1451 [10-2a-204](#)(1)(b)(i), the county legislative body shall engage the feasibility consultant chosen

1452 under Subsection (2) to conduct a feasibility study.

1453 (2) The feasibility consultant shall be chosen:

1454 (a) (i) by the contact sponsor of the incorporation petition with the consent of the  
1455 county; or

1456 (ii) by the county if the designated sponsors state, in writing, that the contact sponsor  
1457 defers selection of the feasibility consultant to the county; and

1458 (b) in accordance with applicable county procurement procedures.

1459 (3) The county legislative body shall require the feasibility consultant to:

1460 (a) complete the feasibility study and submit the written results to the county legislative  
1461 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to  
1462 conduct the study;

1463 (b) submit with the full written results of the feasibility study a summary of the results  
1464 no longer than one page in length; and

1465 (c) attend the public hearings under Subsection [~~10-2-108~~] [10-2a-207](#)(1) and present  
1466 the feasibility study results and respond to questions from the public at those hearings.

1467 (4) (a) The feasibility study shall consider:

1468 (i) population and population density within the area proposed for incorporation and  
1469 the surrounding area;

1470 (ii) current and five-year projections of demographics and economic base in the  
1471 proposed city and surrounding area, including household size and income, commercial and  
1472 industrial development, and public facilities;

1473 (iii) projected growth in the proposed city and in adjacent areas during the next five  
1474 years;

1475 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
1476 including overhead, of governmental services in the proposed city, including:

1477 (A) culinary water;

1478 (B) secondary water;

1479 (C) sewer;

1480 (D) law enforcement;

1481 (E) fire protection;

1482 (F) roads and public works;



1483 (G) garbage;  
1484 (H) weeds; and  
1485 (I) government offices;  
1486 (v) assuming the same tax categories and tax rates as currently imposed by the county  
1487 and all other current service providers, the present and five-year projected revenue for the  
1488 proposed city;  
1489 (vi) a projection of any new taxes per household that may be levied within the  
1490 incorporated area within five years of incorporation; and  
1491 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,  
1492 special service districts, and other governmental entities in the county.  
1493 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
1494 level and quality of governmental services to be provided to the proposed city in the future that  
1495 fairly and reasonably approximate the level and quality of governmental services being  
1496 provided to the proposed city at the time of the feasibility study.  
1497 (ii) In determining the present cost of a governmental service, the feasibility consultant  
1498 shall consider:  
1499 (A) the amount it would cost the proposed city to provide governmental service for the  
1500 first five years after incorporation; and  
1501 (B) the county's present and five-year projected cost of providing governmental  
1502 service.  
1503 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation  
1504 and anticipated growth.  
1505 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year  
1506 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall  
1507 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
1508 governor.  
1509 (6) If the results of the feasibility study or revised feasibility study do not meet the  
1510 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the feasibility consultant shall, as part of  
1511 the feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1512 make recommendations as to how the boundaries of the proposed city may be altered so that  
1513 the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3) may be met.

1514 (7) (a) For purposes of this Subsection (7), "pending" means that the process to  
1515 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1516 study under Section [~~10-2-103~~] [10-2a-202](#) but that, as of May 8, 2012, a petition under Section  
1517 [~~10-2-109~~] [10-2a-208](#) has not yet been filed.

1518 (b) The amendments to Subsection (4) that become effective upon the effective date of  
1519 this Subsection (7):

1520 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1521 area; and

1522 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1523 petition under Section [~~10-2-109~~] [10-2a-208](#) has been filed.

1524 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of  
1525 May 8, 2012, already completed the feasibility study, the county legislative body shall, within  
1526 20 days after the effective date of this Subsection (7) and except as provided in Subsection  
1527 (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account  
1528 the amendments to Subsection (4) that became effective on the effective date of this Subsection  
1529 (7).

1530 (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall  
1531 require the feasibility consultant to complete the revised feasibility study under Subsection  
1532 (7)(c)(i) within 20 days after being engaged to do so.

1533 (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not  
1534 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1535 after the effective date of this Subsection (7), the request sponsors file with the county clerk a  
1536 written withdrawal of the request signed by all the request sponsors.

1537 (d) All provisions of this part that set forth the incorporation process following the  
1538 completion of a feasibility study shall apply with equal force following the completion of a  
1539 revised feasibility study under this Subsection (7), except that, if a petition under Section  
1540 [~~10-2-109~~] [10-2a-208](#) has already been filed based on the feasibility study that is revised under  
1541 this Subsection (7):

1542 (i) the notice required by Section [~~10-2-108~~] [10-2a-207](#) for the revised feasibility study  
1543 shall include a statement informing signers of the petition of their right to withdraw their  
1544 signatures from the petition and of the process and deadline for withdrawing a signature from

1545 the petition;

1546 (ii) a signer of the petition may withdraw the signer's signature by filing with the  
1547 county clerk a written withdrawal within 30 days after the final notice under Subsection  
1548 ~~[10-2-108]~~ 10-2a-207(3) has been given with respect to the revised feasibility study; and

1549 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
1550 signature requirements under Subsection ~~[10-2-109]~~ 10-2a-208(2)(a) for a petition based on the  
1551 revised feasibility study.

1552 Section 28. Section **10-2a-206**, which is renumbered from Section 10-2-107 is  
1553 renumbered and amended to read:

1554 ~~[10-2-107]~~. **10-2a-206**. **Modified request for feasibility study -- Supplemental**  
1555 **feasibility study.**

1556 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of  
1557 the proposed city and then refile the request, as modified, with the county clerk if:

1558 (A) the results of the feasibility study do not meet the requirements of Subsection  
1559 ~~[10-2-109]~~ 10-2a-208(3); or

1560 (B) (I) the request meets the conditions of Subsection ~~[10-2-103]~~ 10-2a-202(4)(b);

1561 (II) the annexation petition that proposed the annexation of an area that is part of the  
1562 area proposed for incorporation has been denied; and

1563 (III) an incorporation petition based on the request has not been filed.

1564 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than  
1565 90 days after the feasibility consultant's submission of the results of the study.

1566 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18  
1567 months after the filing of the original request under Section ~~[10-2-103]~~ 10-2a-202.

1568 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)  
1569 shall comply with the requirements of Subsections ~~[10-2-103]~~ 10-2a-202(2), (3), and (4)~~[-and~~  
1570 ~~(5)]~~.

1571 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section  
1572 ~~[10-2-103]~~ 10-2a-202 may be used toward fulfilling the signature requirement of Subsection  
1573 ~~[10-2-103]~~ 10-2a-202(2)(a) for the request as modified under Subsection (1)(a), unless the  
1574 modified request proposes the incorporation of an area that is more than 20% greater or smaller  
1575 than the area described by the original request in terms of:

1576 (A) private land area; or

1577 (B) value of private real property.

1578 (2) Within 20 days after the county clerk's receipt of the modified request, the county  
1579 clerk shall follow the same procedure for the modified request as provided under Subsection  
1580 ~~[10-2-105]~~ [10-2a-204](#)(1) for an original request.

1581 (3) The timely filing of a modified request under Subsection (1) gives the modified  
1582 request the same processing priority under Subsection ~~[10-2-105]~~ [10-2a-204](#)(2) as the original  
1583 request.

1584 (4) Within 10 days after the county legislative body's receipt of a certified modified  
1585 request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection  
1586 (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the  
1587 county legislative body shall commission the feasibility consultant who conducted the  
1588 feasibility study to supplement the feasibility study to take into account the information in the  
1589 modified request that was not included in the original request.

1590 (5) The county legislative body shall require the feasibility consultant to complete the  
1591 supplemental feasibility study and to submit written results of the supplemental study to the  
1592 county legislative body and to the contact sponsor no later than 30 days after the feasibility  
1593 consultant is commissioned to conduct the supplemental feasibility study.

1594 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study  
1595 do not meet the requirements of Subsection ~~[10-2-109]~~ [10-2a-208](#)(3):

1596 (i) the sponsors may file a further modified request as provided in Subsection (1); and

1597 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection  
1598 (6)(a)(i).

1599 (b) A further modified request under Subsection (6)(a) shall, for purposes of its  
1600 processing priority, be considered as an original request for a feasibility study under Section  
1601 ~~[10-2-103]~~ [10-2a-202](#).

1602 Section 29. Section **10-2a-207**, which is renumbered from Section 10-2-108 is  
1603 renumbered and amended to read:

1604 ~~[10-2-108]~~. **10-2a-207. Public hearings on feasibility study results -- Notice of**  
1605 **hearings.**

1606 (1) If the results of the feasibility study or supplemental feasibility study meet the

1607 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the county legislative body shall, at its  
1608 next regular meeting after receipt of the results of the feasibility study or supplemental  
1609 feasibility study, schedule at least two public hearings to be held:

1610 (a) within the following 60 days;

1611 (b) at least seven days apart;

1612 (c) in geographically diverse locations within the proposed city; and

1613 (d) for the purpose of allowing:

1614 (i) the feasibility consultant to present the results of the study; and

1615 (ii) the public to become informed about the feasibility study results and to ask  
1616 questions about those results of the feasibility consultant.

1617 (2) At a public hearing described in Subsection (1), the county legislative body shall:

1618 (a) provide a map or plat of the boundary of the proposed city;

1619 (b) provide a copy of the feasibility study for public review; and

1620 (c) allow the public to express its views about the proposed incorporation, including its  
1621 view about the proposed boundary.

1622 (3) (a) (i) The county clerk shall publish notice of the public hearings required under  
1623 Subsection (1):

1624 (A) at least once a week for three successive weeks in a newspaper of general  
1625 circulation within the proposed city; and

1626 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

1627 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at  
1628 least three days before the first public hearing required under Subsection (1).

1629 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation  
1630 within the proposed city, the county clerk shall post at least one notice of the hearings per  
1631 1,000 population in conspicuous places within the proposed city that are most likely to give  
1632 notice of the hearings to the residents of the proposed city.

1633 (ii) The clerk shall post the notices under Subsection (3)(b)(i) at least seven days before  
1634 the first hearing under Subsection (1).

1635 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study  
1636 summary under Subsection [~~10-2-106~~] [10-2a-205](#)(3)(b) and shall indicate that a full copy of the  
1637 study is available for inspection and copying at the office of the county clerk.

1638 Section 30. Section **10-2a-208**, which is renumbered from Section 10-2-109 is  
1639 renumbered and amended to read:

1640 ~~[10-2-109]~~. **10-2a-208. Incorporation petition -- Requirements and form.**

1641 (1) At any time within one year of the completion of the public hearings required under  
1642 Subsection ~~[10-2-108]~~ [10-2a-207](#)(1), a petition for incorporation of the area proposed to be  
1643 incorporated as a city may be filed in the office of the clerk of the county in which the area is  
1644 located.

1645 (2) Each petition under Subsection (1) shall:

1646 (a) be signed by:

1647 (i) 10% of all registered voters within the area proposed to be incorporated as a city,  
1648 according to the official voter registration list maintained by the county on the date the petition  
1649 is filed; and

1650 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting  
1651 precincts within the area proposed to be incorporated as a city, according to the official voter  
1652 registration list maintained by the county on the date the petition is filed;

1653 (b) indicate the typed or printed name and current residence address of each owner  
1654 signing the petition;

1655 (c) describe the area proposed to be incorporated as a city, as described in the  
1656 feasibility study request or modified request that meets the requirements of Subsection (3);

1657 (d) state the proposed name for the proposed city;

1658 (e) designate five signers of the petition as petition sponsors, one of whom shall be  
1659 designated as the contact sponsor, with the mailing address and telephone number of each;

1660 (f) state that the signers of the petition appoint the sponsors, if the incorporation  
1661 measure passes, to represent the signers in the process of:

1662 (i) selecting the number of commission or council members the new city will have; and

1663 (ii) drawing district boundaries for the election of commission or council members, if  
1664 the voters decide to elect commission or council members by district;

1665 (g) be accompanied by and circulated with an accurate plat or map, prepared by a  
1666 licensed surveyor, showing the boundaries of the proposed city; and

1667 (h) substantially comply with and be circulated in the following form:

1668 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed

1669 city)

1670 To the Honorable County Legislative Body of (insert the name of the county in which  
1671 the proposed city is located) County, Utah:

1672 We, the undersigned owners of real property within the area described in this petition,  
1673 respectfully petition the county legislative body to submit to the registered voters residing  
1674 within the area described in this petition, at the next regular general election, the question of  
1675 whether the area should incorporate as a city. Each of the undersigned affirms that each has  
1676 personally signed this petition and is an owner of real property within the described area, and  
1677 that the current residence address of each is correctly written after the signer's name. The area  
1678 proposed to be incorporated as a city is described as follows: (insert an accurate description of  
1679 the area proposed to be incorporated).

1680 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless  
1681 the results of the feasibility study or supplemental feasibility study show that the average  
1682 annual amount of revenue under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(v) does not exceed the  
1683 average annual amount of cost under Subsection [~~10-2-106~~] [10-2a-205](#)(4)(a)(iv) by more than  
1684 5%.

1685 (4) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) or a modified request  
1686 under Section [~~10-2-107~~] [10-2a-206](#) may be used toward fulfilling the signature requirement of  
1687 Subsection (2)(a):

1688 (a) if the request under Section [~~10-2-103~~] [10-2a-202](#) or modified request under  
1689 Section [~~10-2-107~~] [10-2a-206](#) notified the signer in conspicuous language that the signature,  
1690 unless withdrawn, would also be used for purposes of a petition for incorporation under this  
1691 section; and

1692 (b) unless the signer files with the county clerk a written withdrawal of the signature  
1693 before the petition under this section is filed with the clerk.

1694 (5) (a) A signature does not qualify as a signature to meet the requirement described in  
1695 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

1696 (i) is not located entirely within the boundaries of the proposed city; or

1697 (ii) includes less than 50 registered voters.

1698 (b) A voting precinct that is not located entirely within the boundaries of the proposed  
1699 city does not qualify as a voting precinct to meet the precinct requirements of Subsection



1700 (2)(a)(ii).

1701 Section 31. Section **10-2a-209**, which is renumbered from Section 10-2-110 is  
1702 renumbered and amended to read:

1703 ~~[10-2-110]~~. **10-2a-209. Processing of petition by county clerk -- Certification or**  
1704 **rejection -- Processing priority.**

1705 (1) Within 45 days of the filing of a petition under Section [~~10-2-109~~] 10-2a-208, the  
1706 county clerk shall:

1707 (a) with the assistance of other county officers from whom the clerk requests  
1708 assistance, determine whether the petition meets the requirements of Section [~~10-2-109~~]  
1709 10-2a-208; and

1710 (b) (i) if the clerk determines that the petition meets those requirements, certify the  
1711 petition, deliver it to the county legislative body, and notify in writing the contact sponsor of  
1712 the certification; or

1713 (ii) if the clerk determines that the petition fails to meet any of those requirements,  
1714 reject the petition and notify the contact sponsor in writing of the rejection and the reasons for  
1715 the rejection.

1716 (2) (a) If the county clerk rejects a petition under Subsection (1)(b)(ii), the petition may  
1717 be modified to correct the deficiencies for which it was rejected and then refiled with the  
1718 county clerk.

1719 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days  
1720 after the county clerk notifies the contact sponsor under Subsection (1)(b)(ii), even though the  
1721 modified petition is filed after the expiration of the deadline provided in Subsection [~~10-2-109~~]  
1722 10-2a-208(1).

1723 (c) A signature on an incorporation petition under Section [~~10-2-109~~] 10-2a-208 may  
1724 be used toward fulfilling the signature requirement of Subsection [~~10-2-109~~] 10-2a-208(2)(a)  
1725 for the petition as modified under Subsection (2)(a).

1726 (3) (a) Within 20 days of the county clerk's receipt of a modified petition under  
1727 Subsection (2)(a), the county clerk shall follow the same procedure for the modified petition as  
1728 provided under Subsection (1) for an original petition.

1729 (b) If a county clerk rejects a modified petition under Subsection (1)(b)(ii), no further  
1730 modification of that petition may be filed.



1731 Section 32. Section **10-2a-210**, which is renumbered from Section 10-2-111 is  
1732 renumbered and amended to read:

1733 ~~[10-2-111]~~. **10-2a-210. Incorporation election.**

1734 (1) (a) Upon receipt of a certified petition under Subsection ~~[10-2-110]~~  
1735 [10-2a-209](#)(1)(b)(i) or a certified modified petition under Subsection ~~[10-2-110]~~ [10-2a-209](#)(3),  
1736 the county legislative body shall determine and set an election date for the incorporation  
1737 election that is:

1738 (i) (A) on a general election date under Section [20A-1-201](#); or

1739 (B) on a local special election date under Section [20A-1-203](#); and

1740 (ii) at least 65 days after the day that the legislative body receives the certified petition.

1741 (b) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),

1742 within the boundaries of the proposed city, the person may not vote on the proposed

1743 incorporation.

1744 (2) (a) The county clerk shall publish notice of the election:

1745 (i) in a newspaper of general circulation within the area proposed to be incorporated at  
1746 least once a week for three successive weeks; and

1747 (ii) in accordance with Section [45-1-101](#) for three weeks.

1748 (b) The notice required by Subsection (2)(a) shall contain:

1749 (i) a statement of the contents of the petition;

1750 (ii) a description of the area proposed to be incorporated as a city;

1751 (iii) a statement of the date and time of the election and the location of polling places;

1752 and

1753 (iv) the feasibility study summary under Subsection ~~[10-2-106]~~ [10-2a-205](#)(3)(b) and a

1754 statement that a full copy of the study is available for inspection and copying at the office of

1755 the county clerk.

1756 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
1757 one day but no more than seven days before the election.

1758 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general

1759 circulation within the proposed city, the county clerk shall post at least one notice of the

1760 election per 1,000 population in conspicuous places within the proposed city that are most

1761 likely to give notice of the election to the voters of the proposed city.

1762 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
1763 the election under Subsection (1).

1764 (3) If a majority of those casting votes within the area boundaries of the proposed city  
1765 vote to incorporate as a city, the area shall incorporate.

1766 Section 33. Section **10-2a-211**, which is renumbered from Section 10-2-112 is  
1767 renumbered and amended to read:

1768 ~~[10-2-112]~~. **10-2a-211. Ballot used at the incorporation election.**

1769 (1) The ballot at the incorporation election under Subsection ~~[10-2-111]~~ [10-2a-210](#)(1)  
1770 shall pose the incorporation question substantially as follows:

1771 Shall the area described as (insert a description of the proposed city) be incorporated as  
1772 the city of (insert the proposed name of the proposed city)?

1773 (2) The ballot shall provide a space for the voter to answer yes or no to the question in  
1774 Subsection (1).

1775 (3) (a) The ballot at the incorporation election shall also pose the question relating to  
1776 the form of government substantially as follows:

1777 If the above incorporation proposal passes, under what form of municipal government  
1778 shall (insert the name of the proposed city) operate? Vote for one:

1779 Five-member council form

1780 Six-member council form

1781 Five-member council-mayor form

1782 Seven-member council-mayor form.

1783 (b) The ballot shall provide a space for the voter to vote for one form of government.

1784 (4) (a) The ballot at the incorporation election shall also pose the question of whether  
1785 to elect city council members by district substantially as follows:

1786 If the above incorporation proposal passes, shall members of the city council of (insert  
1787 the name of the proposed city) be elected by district?

1788 (b) The ballot shall provide a space for the voter to answer yes or no to the question in  
1789 Subsection (4)(a).

1790 Section 34. Section **10-2a-212**, which is renumbered from Section 10-2-113 is  
1791 renumbered and amended to read:

1792 ~~[10-2-113]~~. **10-2a-212. Notification to lieutenant governor of incorporation**

1793 **election results.**

1794           Within 10 days of the canvass of the incorporation election, the county clerk shall send  
1795 written notice to the lieutenant governor of:

1796           (1) the results of the election; and

1797           (2) if the incorporation measure passes:

1798           (a) the name of the city; and

1799           (b) the class of the city as provided under Section [10-2-301](#).

1800           Section 35. Section **10-2a-213**, which is renumbered from Section 10-2-114 is  
1801 renumbered and amended to read:

1802           ~~[10-2-114]~~. **10-2a-213. Determination of number of council members --**

1803 **Determination of election districts -- Hearings and notice.**

1804           (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
1805 the canvass of the election under Section ~~[10-2-114]~~ [10-2a-210](#):

1806           (a) if the voters at the incorporation election choose the council-mayor form of  
1807 government, determine the number of council members that will constitute the council of the  
1808 future city;

1809           (b) if the voters at the incorporation election vote to elect council members by district,  
1810 determine the number of council members to be elected by district and draw the boundaries of  
1811 those districts, which shall be substantially equal in population;

1812           (c) determine the initial terms of the mayor and members of the city council so that:

1813           (i) the mayor and approximately half the members of the city council are elected to  
1814 serve an initial term, of no less than one year, that allows their successors to serve a full  
1815 four-year term that coincides with the schedule established in Subsection [10-3-205\(1\)](#); and

1816           (ii) the remaining members of the city council are elected to serve an initial term, of no  
1817 less than one year, that allows their successors to serve a full four-year term that coincides with  
1818 the schedule established in Subsection [10-3-205\(2\)](#); and

1819           (d) submit in writing to the county legislative body the results of the sponsors'  
1820 determinations under Subsections (1)(a), (b), and (c).

1821           (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition  
1822 sponsors shall hold a public hearing within the future city on the applicable issues under  
1823 Subsections (1)(a), (b), and (c).

1824 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection  
1825 (2)(a):

1826 (A) in a newspaper of general circulation within the future city at least once a week for  
1827 two successive weeks before the hearing; and

1828 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks  
1829 before the hearing.

1830 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three  
1831 days before the public hearing under Subsection (2)(a).

1832 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general  
1833 circulation within the future city, the petition sponsors shall post at least one notice of the  
1834 hearing per 1,000 population in conspicuous places within the future city that are most likely to  
1835 give notice of the hearing to the residents of the future city.

1836 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven  
1837 days before the hearing under Subsection (2)(a).

1838 Section 36. Section **10-2a-214**, which is renumbered from Section 10-2-115 is  
1839 renumbered and amended to read:

1840 ~~[10-2-115]~~. **10-2a-214**. **Notice of number of commission or council members to**  
1841 **be elected and of district boundaries -- Declaration of candidacy for city office.**

1842 (1) (a) Within 20 days of the county legislative body's receipt of the information under  
1843 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(d), the county clerk shall publish, in accordance with  
1844 Subsection (1)(b), notice containing:

1845 (i) the number of commission or council members to be elected for the new city;

1846 (ii) if some or all of the commission or council members are to be elected by district, a  
1847 description of the boundaries of those districts as designated by the petition sponsors under  
1848 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(b);

1849 (iii) information about the deadline for filing a declaration of candidacy for those  
1850 seeking to become candidates for mayor or city commission or council; and

1851 (iv) information about the length of the initial term of each of the city officers, as  
1852 determined by the petition sponsors under Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(c).

1853 (b) The notice under Subsection (1)(a) shall be published:

1854 (i) in a newspaper of general circulation within the future city at least once a week for

1855 two successive weeks; and

1856 (ii) in accordance with Section [45-1-101](#) for two weeks.

1857 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general  
1858 circulation within the future city, the county clerk shall post at least one notice per 1,000  
1859 population in conspicuous places within the future city that are most likely to give notice to the  
1860 residents of the future city.

1861 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under  
1862 Subsection (1)(a).

1863 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least  
1864 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

1865 (2) Notwithstanding Subsection [20A-9-203\(2\)\(a\)](#), each person seeking to become a  
1866 candidate for mayor or city commission or council of a city incorporating under this part shall,  
1867 within 45 days of the incorporation election under Section [~~10-2-111~~] [10-2a-210](#), file a  
1868 declaration of candidacy with the clerk of the county in which the future city is located.

1869 Section 37. Section **10-2a-215**, which is renumbered from Section 10-2-116 is  
1870 renumbered and amended to read:

1871 ~~[10-2-116]~~. **10-2a-215. Election of officers of new city.**

1872 (1) For the election of city officers, the county legislative body shall:

1873 (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary  
1874 election; and

1875 (b) hold a final election.

1876 (2) Each election under Subsection (1) shall be:

1877 (a) appropriate to the form of government chosen by the voters at the incorporation  
1878 election;

1879 (b) consistent with the voters' decision about whether to elect commission or council  
1880 members by district and, if applicable, consistent with the boundaries of those districts as  
1881 determined by the petition sponsors; and

1882 (c) consistent with the sponsors' determination of the number of commission or council  
1883 members to be elected and the length of their initial term.

1884 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1885 be held at the earliest of the next:

- 1886 (i) regular general election under Section [20A-1-201](#);
- 1887 (ii) municipal primary election under Section [20A-9-404](#);
- 1888 (iii) municipal general election under Section [20A-1-202](#); or
- 1889 (iv) special election under Section [20A-1-204](#).
- 1890 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)
- 1891 may not be held until 75 days after the incorporation election under Section [~~10-2-111~~]
- 1892 [10-2a-210](#).
- 1893 (4) The final election under Subsection (1)(b) shall be held at the next special election
- 1894 date under Section [20A-1-204](#):
- 1895 (a) after the primary election; or
- 1896 (b) if there is no primary election, more than 75 days after the incorporation election
- 1897 under Section [~~10-2-111~~] [10-2a-210](#).
- 1898 (5) (a) (i) The county clerk shall publish notice of an election under this section:
- 1899 (A) at least once a week for two successive weeks in a newspaper of general circulation
- 1900 within the future city; and
- 1901 (B) in accordance with Section [45-1-101](#) for two weeks.
- 1902 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more
- 1903 than seven days before the election.
- 1904 (b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general
- 1905 circulation within the future city, the county clerk shall post at least one notice of the election
- 1906 per 1,000 population in conspicuous places within the future city that are most likely to give
- 1907 notice of the election to the voters.
- 1908 (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven
- 1909 days before each election under Subsection (1).
- 1910 (6) Until the city is incorporated, the county clerk is the election officer for all purposes
- 1911 in an election of officers of the city approved at an incorporation election.
- 1912 Section 38. Section **10-2a-216**, which is renumbered from Section 10-2-117 is
- 1913 renumbered and amended to read:
- 1914 [~~10-2-117~~]. **10-2a-216. Notification to lieutenant governor of election of city**
- 1915 **officers.**
- 1916 Within 10 days of the canvass of the final election of city officers under Section

1917 [~~10-2-116~~] [10-2a-215](#), the county clerk shall send written notice to the lieutenant governor of  
 1918 the name and position of each officer elected and the term for which each has been elected.

1919 Section 39. Section **10-2a-217**, which is renumbered from Section 10-2-119 is  
 1920 renumbered and amended to read:

1921 [~~10-2-119~~]. **10-2a-217. Filing of notice and approved final local entity plat with**  
 1922 **lieutenant governor -- Effective date of incorporation -- Necessity of recording documents**  
 1923 **and effect of not recording.**

1924 (1) The mayor-elect of the future city shall:

1925 (a) within 30 days after the canvass of the final election of city officers under Section  
 1926 [~~10-2-116~~] [10-2a-215](#), file with the lieutenant governor:

1927 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
 1928 that meets the requirements of Subsection [67-1a-6.5](#)(3); and

1929 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

1930 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
 1931 Section [67-1a-6.5](#):

1932 (i) if the city is located within the boundary of a single county, submit to the recorder  
 1933 of that county the original:

1934 (A) notice of an impending boundary action;

1935 (B) certificate of incorporation; and

1936 (C) approved final local entity plat; or

1937 (ii) if the city is located within the boundaries of more than a single county, submit the  
 1938 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
 1939 counties and a certified copy of those documents to each other county.

1940 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a  
 1941 certificate of incorporation under Section [67-1a-6.5](#).

1942 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be  
 1943 lawfully incorporated and existing if, for two years following the city's incorporation:

1944 (i) (A) the city has levied and collected a property tax; or

1945 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use  
 1946 tax; and

1947 (ii) no challenge to the existence or incorporation of the city has been filed in the

1948 district court for the county in which the city is located.

1949 (3) (a) The effective date of an incorporation for purposes of assessing property within  
1950 the new city is governed by Section [59-2-305.5](#).

1951 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
1952 recorder of each county in which the property is located, a newly incorporated city may not:

1953 (i) levy or collect a property tax on property within the city;

1954 (ii) levy or collect an assessment on property within the city; or

1955 (iii) charge or collect a fee for service provided to property within the city.

1956 Section 40. Section **10-2a-218**, which is renumbered from Section 10-2-120 is  
1957 renumbered and amended to read:

1958 ~~[10-2-120]~~. **10-2a-218. Powers of officers-elect.**

1959 (1) Upon the canvass of the final election of city officers under Section ~~[10-2-116]~~  
1960 [10-2a-215](#) and until the future city becomes legally incorporated, the officers of the future city  
1961 may:

1962 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,  
1963 a proposed budget and compilation of ordinances;

1964 (b) negotiate and make personnel contracts and hirings;

1965 (c) negotiate and make service contracts;

1966 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1967 (e) borrow funds from the county in which the future city is located under Subsection

1968 ~~[10-2-121]~~ [10-2a-219](#)(3);

1969 (f) borrow funds for startup expenses of the future city;

1970 (g) issue tax anticipation notes in the name of the future city; and

1971 (h) make appointments to the city's planning commission.

1972 (2) The city's legislative body shall review and ratify each contract made by the  
1973 officers-elect under Subsection (1) within 30 days after the effective date of incorporation  
1974 under Section ~~[10-2-119]~~ [10-2a-217](#).

1975 Section 41. Section **10-2a-219**, which is renumbered from Section 10-2-121 is  
1976 renumbered and amended to read:

1977 ~~[10-2-121]~~. **10-2a-219. Division of municipal-type services revenues -- County**  
1978 **may provide startup funds.**



1979 (1) The county in which an area incorporating under this part is located shall, until the  
1980 date of the city's incorporation under Section [~~10-2-119~~] [10-2a-217](#), continue:

1981 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to  
1982 the future city; and

1983 (b) except as otherwise agreed by the county and the officers-elect of the city, to  
1984 provide the same services to the future city as the county provided before the commencement  
1985 of the incorporation proceedings.

1986 (2) (a) The legislative body of the county in which a newly incorporated city is located  
1987 shall share pro rata with the new city, based on the date of incorporation, the taxes and service  
1988 charges or fees levied and collected by the county under Section [17-34-3](#) during the year of the  
1989 new city's incorporation if and to the extent that the new city provides, by itself or by contract,  
1990 the same services for which the county levied and collected the taxes and service charges or  
1991 fees.

1992 (b) (i) The legislative body of a county in which a city incorporated after January 1,  
1993 2004, is located may share with the new city taxes and service charges or fees that were levied  
1994 and collected by the county under Section [17-34-3](#):

1995 (A) before the year of the new city's incorporation;

1996 (B) from the previously unincorporated area that, because of the city's incorporation, is  
1997 located within the boundaries of the newly incorporated city; and

1998 (C) for the purpose of providing services to the area that before the new city's  
1999 incorporation was unincorporated.

2000 (ii) A county legislative body may share taxes and service charges or fees under  
2001 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts  
2002 due under a contract for municipal-type services provided by the county to the new city.

2003 (3) (a) The legislative body of a county in which an area incorporating under this part is  
2004 located may appropriate county funds to:

2005 (i) before incorporation but after the canvass of the final election of city officers under  
2006 Section [~~10-2-116~~] [10-2a-215](#), the officers-elect of the future city to pay startup expenses of the  
2007 future city; or

2008 (ii) after incorporation, the new city.

2009 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a

2010 grant, a loan, or as an advance against future distributions under Subsection (2).

2011 Section 42. Section **10-2a-220**, which is renumbered from Section 10-2-123 is  
2012 renumbered and amended to read:

2013 ~~[10-2-123]~~. **10-2a-220. Costs of incorporation.**

2014 (1) Subject to Subsection (2), all costs of the incorporation proceeding, including  
2015 request certification, feasibility study, petition certification, publication of notices, public  
2016 hearings, and elections, shall be paid by the county in which the proposed city is located.

2017 (2) If incorporation occurs, the new municipality shall reimburse the county for the  
2018 costs of the notices and hearing under Section ~~[10-2-114]~~ [10-2a-213](#), the notices and elections  
2019 under Section ~~[10-2-116]~~ [10-2a-215](#), and all other incorporation activities occurring after the  
2020 elections under Section ~~[10-2-116]~~ [10-2a-215](#).

2021 Section 43. Section **10-2a-221**, which is renumbered from Section 10-2-124 is  
2022 renumbered and amended to read:

2023 ~~[10-2-124]~~. **10-2a-221. Incorporation petition or feasibility study before May 8,**  
2024 **2012.**

2025 (1) A party with a petition in process as of January 1, 2012, and not yet filed for final  
2026 certification with the county clerk in accordance with Section ~~[10-2-110]~~ [10-2a-209](#) as of May  
2027 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as  
2028 provided in Subsection (3).

2029 (2) A party described in Subsection (1) may use a signature on a petition in process as  
2030 of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012.

2031 (3) If on or before May 8, 2012, a feasibility study has been completed for a party  
2032 described in Subsection (1):

2033 (a) the completed feasibility study shall fulfill the requirements of this section; and

2034 (b) the party is not required to request a new feasibility study.

2035 Section 44. Section **10-2a-301** is enacted to read:

2036 **Part 3. Incorporation of a Town**

2037 **10-2a-301. Title.**

2038 This part is known as "Incorporation of a Town."

2039 Section 45. Section **10-2a-302**, which is renumbered from Section 10-2-125 is  
2040 renumbered and amended to read:

2041 ~~[10-2-125]~~. 10-2a-302. **Incorporation of a town -- Petition.**

2042 (1) As used in this section:

2043 (a) "Assessed value," with respect to agricultural land, means the value at which the  
2044 land would be assessed without regard to a valuation for agricultural use under Section  
2045 59-2-503.

2046 ~~[(c)]~~ (b) "Feasibility consultant" means a person or firm:

2047 (i) with expertise in the processes and economics of local government; and

2048 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
2049 incorporate.

2050 ~~[(b)]~~ (c) "Financial feasibility study" means a study described in Subsection (7).

2051 (d) "Municipal service" means a publicly provided service that is not provided on a  
2052 countywide basis.

2053 (e) "Nonurban" means having a residential density of less than one unit per acre.

2054 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of  
2055 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

2056 (ii) An area within a county of the first class is not contiguous for purposes of  
2057 Subsection (2)(a)(i) if:

2058 (A) the area includes a strip of land that connects geographically separate areas; and

2059 (B) the distance between the geographically separate areas is greater than the average  
2060 width of the strip of land connecting the geographically separate areas.

2061 (b) The population figure under Subsection (2)(a) shall be determined:

2062 (i) as of the date the incorporation petition is filed; and

2063 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's  
2064 certification under Subsection (6) of a petition filed under Subsection (4).

2065 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to  
2066 incorporate the area as a town with the clerk of the county in which the area is located.

2067 (b) A petition under Subsection (3)(a) shall:

2068 (i) be signed by:

2069 (A) the owners of private real property that:

2070 (I) is located within the area proposed to be incorporated; and

2071 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real

2072 property within the area; and

2073 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,  
2074 according to the official voter registration list maintained by the county on the date the petition  
2075 is filed;

2076 (ii) designate as sponsors at least five of the property owners who have signed the  
2077 petition, one of whom shall be designated as the contact sponsor, with the mailing address of  
2078 each owner signing as a sponsor;

2079 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a  
2080 licensed surveyor, showing a legal description of the boundary of the proposed town; and

2081 (iv) substantially comply with and be circulated in the following form:

2082 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
2083 town)

2084 To the Honorable County Legislative Body of (insert the name of the county in which  
2085 the proposed town is located) County, Utah:

2086 We, the undersigned owners of real property and registered voters within the area  
2087 described in this petition, respectfully petition the county legislative body to submit to the  
2088 registered voters residing within the area described in this petition, at the next regular general  
2089 election, the question of whether the area should incorporate as a town. Each of the  
2090 undersigned affirms that each has personally signed this petition and is an owner of real  
2091 property or a registered voter residing within the described area, and that the current residence  
2092 address of each is correctly written after the signer's name. The area proposed to be  
2093 incorporated as a town is described as follows: (insert an accurate description of the area  
2094 proposed to be incorporated).

2095 (c) A petition under this Subsection (3) may not describe an area that includes some or  
2096 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

2097 (i) was filed before the filing of the petition; and

2098 (ii) is still pending on the date the petition is filed.

2099 (d) A petition may not be filed under this section if the private real property owned by  
2100 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the  
2101 total private land area within the area proposed to be incorporated as a town.

2102 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,

2103 reinstate the signer's signature on the petition:

2104 (i) at any time until the county clerk certifies the petition under Subsection (5); and

2105 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

2106 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town

2107 an area located within a county of the first class, the county clerk shall deliver written notice of

2108 the proposed incorporation:

2109 (i) to each owner of private real property owning more than 1% of the assessed value

2110 of all private real property within the area proposed to be incorporated as a town; and

2111 (ii) within seven calendar days after the date on which the petition is filed.

2112 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or

2113 part of the owner's property from the area proposed to be incorporated as a town by filing a

2114 notice of exclusion:

2115 (i) with the county clerk; and

2116 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

2117 (c) The county legislative body shall exclude from the area proposed to be incorporated

2118 as a town the property identified in the notice of exclusion under Subsection (4)(b) if:

2119 (i) the property:

2120 (A) is nonurban; and

2121 (B) does not and will not require a municipal service; and

2122 (ii) exclusion will not leave an unincorporated island within the proposed town.

2123 (d) If the county legislative body excludes property from the area proposed to be

2124 incorporated as a town, the county legislative body shall send written notice of the exclusion to

2125 the contact sponsor within five days after the exclusion.

2126 (5) No later than 20 days after the filing of a petition under Subsection (3), the county

2127 clerk shall:

2128 (a) with the assistance of other county officers from whom the clerk requests

2129 assistance, determine whether the petition complies with the requirements of Subsection (3);

2130 and

2131 (b) (i) if the clerk determines that the petition complies with those requirements:

2132 (A) certify the petition and deliver the certified petition to the county legislative body;

2133 and

2134 (B) mail or deliver written notification of the certification to:  
2135 (I) the contact sponsor; and  
2136 [~~(H)~~ if applicable, the chair of the planning commission of each township in which any  
2137 part of the area proposed for incorporation is located; and]  
2138 [~~(H)~~] (II) the Utah Population Estimates Committee; or  
2139 (ii) if the clerk determines that the petition fails to comply with any of those  
2140 requirements, reject the petition and notify the contact sponsor in writing of the rejection and  
2141 the reasons for the rejection.  
2142 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to  
2143 correct a deficiency for which it was rejected and then refiled with the county clerk.  
2144 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward  
2145 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended  
2146 under Subsection (6)(a)(i) and then refiled with the county clerk.  
2147 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been  
2148 rejected by the county clerk under Subsection (5)(b)(ii):  
2149 (i) the amended petition shall be considered as a newly filed petition; and  
2150 (ii) the amended petition's processing priority is determined by the date on which it is  
2151 refiled.  
2152 (7) (a) (i) The legislative body of a county with which a petition is filed under  
2153 Subsection (4) and certified under Subsection (6) shall commission and pay for a financial  
2154 feasibility study.  
2155 (ii) The feasibility consultant shall be chosen:  
2156 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection  
2157 (3)(b)(ii), with the consent of the county; or  
2158 (II) by the county if the contact sponsor states, in writing, that the sponsor defers  
2159 selection of the feasibility consultant to the county; and  
2160 (B) in accordance with applicable county procurement procedure.  
2161 (iii) The county legislative body shall require the feasibility consultant to complete the  
2162 financial feasibility study and submit written results of the study to the county legislative body  
2163 no later than 30 days after the feasibility consultant is engaged to conduct the financial  
2164 feasibility study.

- 2165 (b) The financial feasibility study shall consider the:
- 2166 (i) population and population density within the area proposed for incorporation and  
2167 the surrounding area;
- 2168 (ii) current and five-year projections of demographics and economic base in the  
2169 proposed town and surrounding area, including household size and income, commercial and  
2170 industrial development, and public facilities;
- 2171 (iii) projected growth in the proposed town and in adjacent areas during the next five  
2172 years;
- 2173 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,  
2174 including overhead, of governmental services in the proposed town, including:
- 2175 (A) culinary water;
  - 2176 (B) secondary water;
  - 2177 (C) sewer;
  - 2178 (D) law enforcement;
  - 2179 (E) fire protection;
  - 2180 (F) roads and public works;
  - 2181 (G) garbage;
  - 2182 (H) weeds; and
  - 2183 (I) government offices;
- 2184 (v) assuming the same tax categories and tax rates as currently imposed by the county  
2185 and all other current service providers, the present and five-year projected revenue for the  
2186 proposed town; and
- 2187 (vi) a projection of any new taxes per household that may be levied within the  
2188 incorporated area within five years of incorporation.
- 2189 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a  
2190 level and quality of governmental services to be provided to the proposed town in the future  
2191 that fairly and reasonably approximate the level and quality of governmental services being  
2192 provided to the proposed town at the time of the feasibility study.
- 2193 (ii) In determining the present cost of a governmental service, the feasibility consultant  
2194 shall consider:
- 2195 (A) the amount it would cost the proposed town to provide governmental service for

2196 the first five years after incorporation; and

2197 (B) the county's present and five-year projected cost of providing governmental  
2198 service.

2199 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation  
2200 and anticipated growth.

2201 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year  
2202 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall  
2203 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
2204 governor.

2205 (e) The county legislative body shall approve a certified petition proposing the  
2206 incorporation of a town and hold a public hearing as provided in Section [~~10-2-126~~] [10-2a-303](#).

2207 Section 46. Section **10-2a-303**, which is renumbered from Section 10-2-126 is  
2208 renumbered and amended to read:

2209 [~~10-2-126~~]. **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

2210 (1) If, in accordance with Section [~~10-2-125~~] [10-2a-302](#), the county clerk certifies a  
2211 petition for incorporation or an amended petition for incorporation, the county legislative body  
2212 shall, at its next regular meeting after completion of the feasibility study, schedule a public  
2213 hearing to:

2214 (a) be held no later than 60 days after the day on which the feasibility study is  
2215 completed; and

2216 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for  
2217 the proposed town.

2218 (2) The county legislative body shall give notice of the public hearing on the proposed  
2219 incorporation by:

2220 (a) posting notice of the public hearing on the county's Internet website, if the county  
2221 has an Internet website;

2222 (b) (i) publishing notice of the public hearing at least once a week for two consecutive  
2223 weeks in a newspaper of general circulation within the proposed town; or

2224 (ii) if there is no newspaper of general circulation within the proposed town, posting  
2225 notice of the public hearing in at least five conspicuous public places within the proposed  
2226 town; and



2227 (c) publishing notice of the public hearing on the Utah Public Notice Website created  
2228 in Section [63F-1-701](#).

2229 (3) At the public hearing scheduled in accordance with Subsection (1), the county  
2230 legislative body shall:

2231 (a) (i) provide a copy of the feasibility study; and

2232 (ii) present the results of the feasibility study to the public; and

2233 (b) allow the public to:

2234 (i) review the map or plat of the boundary of the proposed town;

2235 (ii) ask questions and become informed about the proposed incorporation; and

2236 (iii) express its views about the proposed incorporation, including their views about the  
2237 boundary of the area proposed to be incorporated.

2238 (4) A county may not hold an election on the incorporation of a town in accordance  
2239 with Section [~~10-2-127~~] [10-2a-304](#) if the results of the feasibility study show that the five-year  
2240 projected revenues under Subsection [~~10-2-125~~] [10-2a-302\(7\)\(b\)\(v\)](#) exceed the five-year  
2241 projected costs under Subsection [~~10-2-125~~] [10-2a-302\(7\)\(b\)\(iv\)](#) by more than 10%.

2242 Section 47. Section **10-2a-304**, which is renumbered from Section 10-2-127 is  
2243 renumbered and amended to read:

2244 [~~10-2-127~~]. **10-2a-304. Incorporation of a town -- Election to incorporate --**  
2245 **Ballot form.**

2246 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a  
2247 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] [Section 10-2a-302](#), the  
2248 county legislative body shall determine and set an election date for the incorporation election  
2249 that is:

2250 (i) (A) on a general election date under Section [20A-1-201](#); or

2251 (B) on a local special election date under Section [20A-1-203](#); and

2252 (ii) at least 65 days after the day that the legislative body receives the certified petition.

2253 (b) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),  
2254 within the boundaries of the proposed town, the person may not vote on the proposed  
2255 incorporation.

2256 (2) (a) The county clerk shall publish notice of the election:

2257 (i) in a newspaper of general circulation, within the area proposed to be incorporated,

2258 at least once a week for three successive weeks; and

2259 (ii) in accordance with Section 45-1-101 for three weeks.

2260 (b) The notice required by Subsection (2)(a) shall contain:

2261 (i) a statement of the contents of the petition;

2262 (ii) a description of the area proposed to be incorporated as a town;

2263 (iii) a statement of the date and time of the election and the location of polling places;

2264 and

2265 (iv) the county Internet website address, if applicable, and the address of the county

2266 office where the feasibility study is available for review.

2267 (c) The last publication of notice required under Subsection (2)(a) shall occur at least

2268 one day but no more than seven days before the election.

2269 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general

2270 circulation within the proposed town, the county clerk shall post at least one notice of the

2271 election per 100 population in conspicuous places within the proposed town that are most

2272 likely to give notice of the election to the voters of the proposed town.

2273 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before

2274 the election under Subsection (1)(a).

2275 (3) The ballot at the incorporation election shall pose the incorporation question

2276 substantially as follows:

2277 Shall the area described as (insert a description of the proposed town) be incorporated

2278 as the town of (insert the proposed name of the proposed town)?

2279 (4) The ballot shall provide a space for the voter to answer yes or no to the question in

2280 Subsection (3).

2281 (5) If a majority of those casting votes within the area boundaries of the proposed town

2282 vote to incorporate as a town, the area shall incorporate.

2283 Section 48. Section **10-2a-305**, which is renumbered from Section 10-2-128 is

2284 renumbered and amended to read:

2285 ~~[10-2-128]~~. **10-2a-305. Form of government -- Election of officers of new town.**

2286 (1) A newly incorporated town shall operate under the five-member council form of

2287 government as defined in Section 10-3b-102.

2288 (2) (a) The county legislative body of the county in which a newly incorporated town is

2289 located shall hold an election for town officers at the next special election after the regular  
2290 general election in which the town incorporation is approved.

2291 (b) The officers elected at an election described in Subsection (2)(a) shall take office at  
2292 noon on the first Monday in January next following the special election described in  
2293 Subsection (2)(a).

2294 Section 49. Section **10-2a-306**, which is renumbered from Section 10-2-129 is  
2295 renumbered and amended to read:

2296 ~~[10-2-129]~~. **10-2a-306. Notice to lieutenant governor -- Effective date of**  
2297 **incorporation -- Effect of recording documents.**

2298 (1) The mayor-elect of the future town shall:

2299 (a) within 30 days after the canvass of the election of town officers under Section  
2300 ~~[10-2-128]~~ 10-2a-305, file with the lieutenant governor:

2301 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
2302 that meets the requirements of Subsection 67-1a-6.5(3); and

2303 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2304 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
2305 Section 67-1a-6.5:

2306 (i) if the town is located within the boundary of a single county, submit to the recorder  
2307 of that county the original:

2308 (A) notice of an impending boundary action;

2309 (B) certificate of incorporation; and

2310 (C) approved final local entity plat; or

2311 (ii) if the town is located within the boundaries of more than a single county, submit  
2312 the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those

2313 counties and a certified copy of those documents to each other county.

2314 (2) (a) A new town is incorporated:

2315 (i) on December 31 of the year in which the lieutenant governor issues a certificate of  
2316 incorporation under Section 67-1a-6.5, if the election of town officers under Section ~~[10-2-128]~~

2317 10-2a-305 is held on a regular general or municipal general election date; or

2318 (ii) on the last day of the month during which the lieutenant governor issues a

2319 certificate of incorporation under Section 67-1a-6.5, if the election of town officers under

2320 Section ~~[10-2-128]~~ [10-2a-305](#) is held on any other date.

2321 (b) (i) The effective date of an incorporation for purposes of assessing property within  
2322 the new town is governed by Section [59-2-305.5](#).

2323 (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
2324 recorder of each county in which the property is located, a newly incorporated town may not:

2325 (A) levy or collect a property tax on property within the town;

2326 (B) levy or collect an assessment on property within the town; or

2327 (C) charge or collect a fee for service provided to property within the town.

2328 Section 50. Section **10-2a-401** is enacted to read:

2329 **Part 4. Incorporation of Metro Townships and Unincorporated**

2330 **Islands in a County of the First Class on and after May 12, 2015**

2331 **10-2a-401. Title.**

2332 This part is known as "Incorporation of Metro Townships and Unincorporated Islands  
2333 in a County of the First Class on and after May 12, 2015."

2334 Section 51. Section **10-2a-402** is enacted to read:

2335 **10-2a-402. Application.**

2336 (1) The provisions of this part:

2337 (a) apply to the following located in a county of the first class:

2338 (i) a planning township established before ~~Ĥ~~ → **[May 12]** **January 1** ← ~~Ĥ~~, 2015; and

2339 (ii) subject to Subsection (2), an unincorporated island located in a county of the first  
2340 class on or after May 12, 2015, and before November 4, 2015; and

2341 (b) do not apply to a planning advisory area, as defined in Section [17-27a-103](#), or any  
2342 other unincorporated area located outside of a county of the first class.

2343 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a  
2344 Town, apply to an unincorporated area described in Subsection (1) for an incorporation as a  
2345 city after November 3, 2015.

2346 ~~Ĥ~~ → ~~[(b) The provisions of Section [10-2a-410](#) apply to an unincorporated area described in~~  
2347 ~~Subsection (1) for an incorporation as a metro township after November 3, 2015.]~~

2348 ~~[(e)]~~ (b) ← ~~Ĥ~~ The provisions of Chapter 2, Part 4, Annexation:

2349 (i) do not apply to an unincorporated island for purposes of annexation before  
2350 November 4, 2015, unless:

2351 (A) otherwise indicated; or

2352 (B) before July 1, 2015, an annexation petition is filed in accordance with Section

2353 10-2-403 or an intent to annex resolution is adopted in accordance with Subsection

2354 10-2-418(2)(a)(i); and

2355 (ii) apply to an unincorporated island that is not annexed at an election under this part

2356 for purposes of annexation on or after November 4, 2015.

2357 Section 52. Section **10-2a-403** is enacted to read:

2358 **10-2a-403. Definitions.**

2359 As used in this section:

2360 (1) "Ballot proposition" means the same as that term is defined in Section 20A-1-102.

2361 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to

2362 annex an unincorporated island.

2363 (3) "Local special election" means the same as that term is defined in Section

2364 20A-1-102.

2365 (4) "Municipal services district" means a district created in accordance with Title 11,

2366 Chapter 2a, Part 11, Municipal Services District Act.

2367 (5) (a) "Metro township" means, except as provided in Subsection (5)(b), a planning

2368 township that is incorporated in accordance with this part.

2369 (b) "Metro township" does not include a township as that term is used in the context of

2370 identifying a geographic area in common surveyor practice.

2371 (6) (a) "Planning township" means an area located in a county of the first class that is

2372 established ~~Ĥ~~ before January 1, 2015, ~~Ĥ~~ as a township as defined in and established in

2372a accordance with law before the

2373 enactment of this bill.

2374 (b) "Planning township" does not include rural real property unless the owner of the

2375 rural real property provides written consent in accordance with Section 10-2a-405.

2376 (7) (a) "Unincorporated island" means an unincorporated area that is completely

2377 surrounded by one or more municipalities.

2378 (b) "Unincorporated island" does not include a planning township.

2379 Section 53. Section **10-2a-404** is enacted to read:

2380 **10-2a-404. Election.**

2381 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local

2382 special election on November 3, 2015, on the following ballot propositions:  
2383 (i) for registered voters residing within a planning township:  
2384 (A) whether the planning township shall be incorporated as a city or town, according to  
2385 the classifications of Section 10-2-301, or as a metro township; and  
2386 (B) if the planning township incorporates as a metro township, whether the metro  
2387 township is included in a municipal services district; and  
2388 (ii) for registered voters residing within an unincorporated island, whether the island  
2389 should maintain its unincorporated status or be annexed into an eligible city.  
2390 (b) (i) A metro township incorporated under this part shall be governed by the  
2391 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of  
2392 Municipal Government.  
2393 (ii) A city or town incorporated under this part shall be governed by the five-member  
2394 council form of government as defined in Section 10-3b-102.  
2395 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
2396 within the boundaries of a planning township or an unincorporated island, the person may not  
2397 vote on the proposed incorporation or annexation.  
2398 (3) The county clerk shall publish notice of the election:  
2399 (a) in a newspaper of general circulation within the planning township or  
2400 unincorporated island at least once a week for three successive weeks; and  
2401 (b) in accordance with Section 45-1-101 for three weeks.  
2402 (4) The notice required by Subsection (3) shall contain:  
2403 (a) for residents of a planning township:  
2404 (i) a statement that the voters will vote:  
2405 (A) to incorporate as a city or town, according to the classifications of Section  
2406 10-2-301, or as a metro township; and  
2407 (B) if the planning township incorporates as a metro township, whether the metro  
2408 township is included in a municipal services district;  
2409 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the  
2410 planning township boundaries that would be effective upon incorporation;  
2411 (iii) a statement that if the residents of the planning township elect to incorporate:  
2412 (A) as a metro township, the metro township shall be governed by a five-member

2413 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form  
2414 of Municipal Government; or

2415 (B) as a city or town, the city or town shall be governed by the five-member council  
2416 form of government as defined in Section 10-3b-102; and

2417 (iv) a statement of the date and time of the election and the location of polling places;

2418 (b) for residents of an unincorporated island:

2419 (i) a statement that the voters will vote either to be annexed into an eligible city or  
2420 maintain unincorporated status; and

2421 (ii) a statement of the eligible city, as determined by the county legislative body in  
2422 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

2423 (c) a statement of the date and time of the election and the location of polling places.

2424 (5) The last publication of notice required under Subsection (3) shall occur at least one  
2425 day but no more than seven days before the election.

2426 (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general  
2427 circulation within the proposed metro township or unincorporated island, the county clerk shall  
2428 post at least one notice of the election per 1,000 population in conspicuous places within the  
2429 planning township or unincorporated island that are most likely to give notice of the election to  
2430 the voters of the proposed incorporation or annexation.

2431 (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before  
2432 the election under Subsection (1).

2433 (7) (a) In a planning township, if a majority of those casting votes within the planning  
2434 township vote to:

2435 (i) incorporate as a city or town, the planning township shall incorporate as a city or  
2436 town, respectively; or

2437 (ii) incorporate as a metro township, the planning township shall incorporate as a metro  
2438 township.

2439 (b) If a majority of those casting votes within the planning township vote to incorporate  
2440 as a metro township, and a majority of those casting votes vote to include the metro township  
2441 in a municipal services district and limit the metro township's municipal powers, the metro  
2442 township shall be included in a municipal services district and have limited municipal powers.

2443 (c) In an unincorporated island, if a majority of those casting a vote within the selected

2444 unincorporated island vote to:

2445 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

2446 (ii) remain an unincorporated area, the area shall remain unincorporated.

2447 (8) The county shall, in consultation with interested parties, prepare and provide

2448 information on an annexation or incorporation subject to this part and an election held in

2449 accordance with this section.

2450 Section 54. Section **10-2a-405** is enacted to read:

2451 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**

2452 **election and incorporation issues -- Rural real property excluded.**

2453 (1) The legislative body of a county of the first class shall before an election described

2454 in Section [10-2a-404](#):

2455 (a) in accordance with Subsection (3), publish notice of the public hearing described in

2456 Subsection (1)(b);

2457 (b) hold a public hearing; and

2458 (c) at the public hearing, adopt a resolution:

2459 (i) identifying, including a map prepared by the county surveyor, all unincorporated

2460 islands within the county;

2461 (ii) identifying each eligible city that will annex each unincorporated island, including

2462 whether the unincorporated island may be annexed by one eligible city or divided and annexed

2463 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);

2464 and

2465 (iii) identifying, including a map prepared by the county surveyor, the planning

2466 townships within the county and any changes to the boundaries of a planning township that the

2467 county legislative body proposes under Subsection (5).

2468 (2) The county legislative body shall exclude from a resolution adopted under

2469 Subsection (1)(c) rural real property unless the owner of the rural real property provides written

2470 consent to include the property in accordance with Subsection (6).

2471 (3) (a) The county clerk shall publish notice of the public hearing described in

2472 Subsection (1)(b):

2473 (i) by mailing notice to each owner of real property located in an unincorporated island

2474 or planning township no later than 15 days before the day of the public hearing;



2475 (ii) at least once a week for three successive weeks in a newspaper of general  
2476 circulation within each unincorporated island, each eligible city, and each planning township;  
2477 and

2478 (iii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
2479 before the day of the public hearing.

2480 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
2481 three days before the first public hearing required under Subsection (1)(b).

2482 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
2483 within an unincorporated island, an eligible city, or a planning township, the county clerk shall  
2484 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
2485 selected unincorporated island, eligible city, or planning township, as applicable, that are most  
2486 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or  
2487 planning township.

2488 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
2489 the hearing under Subsection (1)(b).

2490 (d) The notice under Subsection (3)(a) or (c) shall include:

2491 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
2492 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by  
2493 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
2494 the eligible city or cities; or

2495 (B) for residents of a planning township, a statement that the property in the planning  
2496 township shall be, pending the results of the election held under Section [10-2a-404](#),  
2497 incorporated as a city, town, or metro township;

2498 (ii) the location and time of the public hearing; and

2499 (iii) the county website where a map may be accessed showing:

2500 (A) how the unincorporated island boundaries will change if annexed by an eligible  
2501 city; or

2502 (B) how the planning township area boundaries will change, if applicable under  
2503 Subsection (5), when the planning township incorporates as a metro township or as a city or  
2504 town.

2505 (e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the

2506 county website.

2507 (4) The county legislative body may, by ordinance or resolution adopted at a public  
2508 meeting and in accordance with applicable law, resolve an issue that arises with an election  
2509 held in accordance with this part or the incorporation and establishment of a metro township in  
2510 accordance with this part.

2511 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
2512 meeting, change the boundaries of a planning township.

2513 (b) A change to a planning township boundary under this Subsection (5) is effective  
2514 only upon the vote of the residents of the planning township at an election under Section  
2515 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the  
2516 boundaries of the planning township before the election.

2517 (c) The county legislative body:

2518 (i) may alter a planning township boundary under Subsection (5)(a) only if the  
2519 alteration:

2520 (A) affects less than 5% of the residents residing within the planning advisory area; and

2521 (B) does not increase the area located within the planning township's boundaries; and

2522 (ii) may not alter the boundaries of a planning township whose boundaries are entirely  
2523 surrounded by one or more municipalities.

2524 (6) (a) As used in this Subsection (6), "rural real property" means an area:

2525 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

2526 (ii) that does not include residential units with a density greater than one unit per acre.

2527 (b) Unless an owner of rural real property gives written consent to a county legislative  
2528 body, rural real property described in Subsection (6)(c) may not be:

2529 (i) included in a planning township identified under Subsection (1)(c); or

2530 (ii) incorporated as part of a metro township, city, or town, in accordance with this  
2531 part.

2532 (c) The following rural real property is subject to an owner's written consent under  
2533 Subsection (6)(b):

2534 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
2535 consisting of one or more tax parcels;

2536 (ii) rural real property that is not contiguous to, but used in connection with, rural real

2537 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
2538 more tax parcels;

2539 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
2540 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more  
2541 contiguous acres of rural real property consisting of one or more tax parcels; or

2542 (iv) rural real property that is located in whole or in part in one of the following as  
2543 defined in Section 17-41-101:

2544 (A) an agricultural protection area;

2545 (B) an industrial protection area; or

2546 (C) a mining protection area.

2547 Section 55. Section **10-2a-406** is enacted to read:

2548 **10-2a-406. Ballot used at metro township incorporation election.**

2549 (1) The ballot at the election to incorporate a planning township as a metro township or  
2550 as a city or town, respectively, shall pose:

2551 (a) the incorporation question substantially as follows:

2552 "Shall [insert name of planning township] be incorporated as a metro township [insert  
2553 the proposed name of the proposed metro township, which is the formal name of the planning  
2554 township with the words "metro township" immediately after the formal name] or as the [insert  
2555 the appropriate designation of city or town based on population classification] of [insert the  
2556 proposed name of the proposed city or town, respectively, which is the formal name of the  
2557 planning township with, if the area qualifies as a city under the population classifications, the  
2558 word "city" immediately after the formal name or if the area qualifies as a town under the  
2559 population classification, the words "town of" immediately preceding the formal name]?"; and

2560 (b) the question, if a metro township is incorporated, of whether a metro township shall  
2561 be a metro township with limited municipal powers that is included in a municipal services  
2562 district substantially as follows:

2563 "If the majority of voters voting in this election vote to incorporate as a metro township,  
2564 shall the metro township be a metro township with limited municipal powers that is included in  
2565 a municipal services district?".

2566 (2) The ballot shall provide a space for the voter to indicate:

2567 (a) either the metro township or the city or town, respectively, as described in

2568 Subsection (1)(a); and

2569 (b) whether the metro township shall be a metro township with limited municipal  
2570 powers that is included in a municipal services district.

2571 Section 56. Section **10-2a-407** is enacted to read:

2572 **10-2a-407. Ballot used at unincorporated island annexation election.**

2573 (1) The ballot at the election to either annex an unincorporated island into an eligible  
2574 city or to remain an unincorporated island shall pose the question substantially as follows:

2575 "Shall [insert description of the unincorporated island or part of an island identified in  
2576 the resolution adopted under Section 10-2a-405] be annexed by [insert name of eligible city  
2577 identified in the resolution adopted under Section 10-2a-405] or remain unincorporated?".

2578 (2) The ballot shall provide:

2579 (a) a map of the selected unincorporated island and the eligible city; and

2580 (b) a space for the voter to indicate either to annex into the eligible city or to remain an  
2581 unincorporated area as described in Subsection (1).

2582 Section 57. Section **10-2a-408** is enacted to read:

2583 **10-2a-408. Notification to lieutenant governor of incorporation election results.**

2584 Within 10 days of the canvass of the incorporation and annexation election, the county  
2585 clerk shall send written notice to the lieutenant governor of:

2586 (1) the results of the election;

2587 (2) for a planning township:

2588 (a) if the incorporation of a planning township as a metro township passes:

2589 (i) the name of the metro township; and

2590 (ii) the class of the metro township as provided under Section [10-2-301.5](#); and

2591 (b) if the incorporation of a planning township as a city or town passes:

2592 (i) the name of the city or town; and

2593 (ii) if the incorporated area is a city, the class of the city as defined in Section

2594 [10-2-301](#); and

2595 (3) for an unincorporated island, whether the unincorporated island or a portion of the  
2596 island shall be annexed into an eligible city.

2597 Section 58. Section **10-2a-409** is enacted to read:

2598 **10-2a-409. Unincorporated island annexation -- Notice and recording-- Applicable**

2599 provisions.

2600 (1) If the annexation of an unincorporated island into an eligible city passes, the  
2601 legislative body of the eligible city shall comply with Section 10-2-425.

2602 (2) The following provisions apply to an annexation under this part:

2603 (a) Section 10-2-420;

2604 (b) Section 10-2-421;

2605 (c) Section 10-2-422;

2606 (d) Section 10-2-426; and

2607 (e) Section 10-2-428.

2608 ~~Ë→ [Section 59. Section 10-2a-410 is enacted to read:~~

2609 ~~———— 10-2a-410. Incorporation of metro townships after November 3, 2015.~~

2610 ~~———— (1) (a) An area located in a county of the first class that is unincorporated after the~~  
2611 ~~results of the election held in accordance with Section 10-2a-404 may, after November 3, 2015,~~  
2612 ~~incorporate as a metro township in accordance with this section.~~

2613 ~~———— (b) An unincorporated area other than an area described in Subsection (1)(a) may not~~  
2614 ~~incorporate as a metro township under this section.~~

2615 ~~———— (2) A metro township may not be established unless the area to be included within the~~  
2616 ~~proposed metro township:~~

2617 ~~———— (a) is unincorporated;~~

2618 ~~———— (b) is contiguous; and~~

2619 ~~———— (c) (i) contains:~~

2620 ~~———— (A) at least 20% but not more than 80% of the total private land area in the~~  
2621 ~~unincorporated county or the total value of locally assessed taxable property in the~~  
2622 ~~unincorporated county; or~~

2623 ~~———— (B) at least 5% of the total population of the unincorporated county, but no less than~~  
2624 ~~300 residents; or~~

2625 ~~———— (ii) has been declared by the United States Census Bureau as a census designated place.~~

2626 ~~———— (3) (a) The process to establish a metro township is initiated by the filing of a petition~~  
2627 ~~with the clerk of the county in which the proposed metro township is located.~~

2628 ~~———— (b) A petition to establish a metro township may not be filed if it proposes the~~  
2629 ~~establishment of a metro township that includes an area within a proposed metro township in a~~ Ⓢ

2630 ~~⊗ petition that has previously been certified under Subsection (9)(a)(i), until after the canvass of~~  
 2631 ~~an election on the proposed metro township under Subsection (11):~~  
 2632 ~~—— (4) A petition under Subsection (3) to establish a metro township shall:~~  
 2633 ~~—— (a) be signed by the owners of private real property that:~~  
 2634 ~~—— (i) is located within the proposed metro township;~~  
 2635 ~~—— (ii) covers at least 10% of the total private land area within the proposed metro~~  
 2636 ~~township; and~~  
 2637 ~~—— (iii) is equal in value to at least 10% of the value of all private real property within the~~  
 2638 ~~proposed metro township;~~  
 2639 ~~—— (b) be accompanied by an accurate plat or map showing the boundary of the contiguous~~  
 2640 ~~area proposed to be established as a metro township;~~  
 2641 ~~—— (c) indicate the typed or printed name and current residence address of each owner~~  
 2642 ~~signing the petition;~~  
 2643 ~~—— (d) designate up to five signers of the petition as petition sponsors, one of whom shall~~  
 2644 ~~be designated as the contact sponsor, with the mailing address and telephone number of each~~  
 2645 ~~petition sponsor;~~  
 2646 ~~—— (e) authorize the petition sponsor or sponsors to act on behalf of all owners signing the~~  
 2647 ~~petition for purposes of the petition; and~~  
 2648 ~~—— (f) request the county legislative body to provide notice of the petition and of a public~~  
 2649 ~~hearing, hold a public hearing, and conduct an election on the proposal to establish a metro~~  
 2650 ~~township.~~  
 2651 ~~—— (5) Subsection 10-2a-102(3) applies to a petition to establish a metro township to the~~  
 2652 ~~same extent as if it were an incorporation petition under Title 10, Chapter 2a, Part 2;~~  
 2653 ~~Incorporation of a City:~~  
 2654 ~~—— (6) Within seven days after the filing of a petition under Subsection (3) proposing the~~  
 2655 ~~establishment of a metro township, the county clerk shall provide notice of the filing of the~~  
 2656 ~~petition to:~~  
 2657 ~~—— (a) each owner of real property owning more than 1% of the assessed value of all real~~  
 2658 ~~property within the proposed metro township; and~~  
 2659 ~~—— (b) each owner of real property owning more than 850 acres of real property within the~~  
 2660 ~~proposed metro township. ⊗~~

2661       ⊗ ~~(7) A property owner may exclude all or part of the property owner's property from a~~  
2662 ~~proposed metro township:~~  
2663       ~~—— (a) if:~~  
2664       ~~—— (i) (A) the property owner owns more than 1% of the assessed value of all property~~  
2665 ~~within the proposed township, the property is nonurban, and the property does not or will not~~  
2666 ~~require municipal provision of municipal-type services or the property owner owns more than~~  
2667 ~~850 acres of real property within the proposed metro township; and~~  
2668       ~~—— (B) exclusion of the property will not leave within the metro township an island of~~  
2669 ~~property that is not part of the metro township; or~~  
2670       ~~—— (ii) the property owner owns rural real property as that term is defined in Section~~  
2671 ~~17B-2a-1107; and~~  
2672       ~~—— (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under~~  
2673 ~~Subsection (6):~~  
2674       ~~—— (8) (a) The county legislative body shall exclude from the proposed metro township the~~  
2675 ~~property identified in a notice of exclusion timely filed under Subsection (7)(b) if the property~~  
2676 ~~meets the applicable requirements of Subsection (7)(a):~~  
2677       ~~—— (b) If the county legislative body excludes property from a proposed metro township~~  
2678 ~~under Subsection (8)(a), the county legislative body shall, within five days after the exclusion,~~  
2679 ~~send written notice of its action to the contact sponsor:~~  
2680       ~~—— (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county~~  
2681 ~~clerk shall:~~  
2682       ~~—— (i) with the assistance of other county officers from whom the clerk requests assistance,~~  
2683 ~~determine whether the petition complies with the requirements of Subsection (4); and~~  
2684       ~~—— (ii) if the clerk determines that the petition:~~  
2685       ~~—— (A) complies with the requirements of Subsection (4), certify the petition, deliver the~~  
2686 ~~certified petition to the county legislative body, and mail or deliver written notification of the~~  
2687 ~~certification to the contact sponsor; or~~  
2688       ~~—— (B) fails to comply with any of the requirements of Subsection (4), reject the petition~~  
2689 ~~and notify the contact sponsor in writing of the rejection and the reasons for the rejection:~~  
2690       ~~—— (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may~~  
2691 ~~be amended to correct the deficiencies for which it was rejected and then refiled with the~~ ⊗

2692 ~~☉ county clerk:~~

2693 ~~———— (10) (a) Within 90 days after a petition to establish a metro township is certified, the~~  
2694 ~~county legislative body shall hold a public hearing on the proposal to establish a metro~~  
2695 ~~township.~~

2696 ~~———— (b) A public hearing under Subsection (10)(a) shall be:~~

2697 ~~———— (i) within the boundary of the proposed metro township; or~~

2698 ~~———— (ii) if holding a public hearing in that area is not practicable, as close to that area as~~  
2699 ~~practicable.~~

2700 ~~———— (c) At least one week before holding a public hearing under Subsection (10)(a), the~~  
2701 ~~county legislative body shall publish notice of the petition and the time, date, and place of the~~  
2702 ~~public hearing:~~

2703 ~~———— (i) at least once in a newspaper of general circulation in the county; and~~

2704 ~~———— (ii) on the Utah Public Notice Website created in Section [63F-1-701](#);~~

2705 ~~———— (11) (a) Following the public hearing under Subsection (10)(b), the county legislative~~  
2706 ~~body shall arrange for the proposal to establish a metro township to be submitted to voters~~  
2707 ~~residing within the proposed metro township at the next regular general election that is more~~  
2708 ~~than 90 days after the public hearing.~~

2709 ~~———— (b) For the election required under Subsection (11)(a), the county and county clerk~~  
2710 ~~shall, except as provided in Subsection (11)(c), follow the provisions of Section [10-2a-404](#) that~~  
2711 ~~govern an election by residents of a planning advisory area to incorporate as a metro township~~  
2712 ~~as if the area described in Subsection (1) was the planning advisory area, but excluding any~~  
2713 ~~action or information that includes a requirement applicable to the option of incorporating as a~~  
2714 ~~city or town under Section [10-2a-404](#) or the question on a ballot under Section [10-2a-406](#);~~

2715 ~~———— (c) Notwithstanding Section [10-2a-404](#)(1)(a), the election shall be held on a date~~  
2716 ~~that complies with Subsection (11)(a):~~

2717 ~~———— (12) The provisions of Section [10-2a-411](#) govern the election of metro township~~  
2718 ~~officers.] ←Ĥ~~

2719 Section ~~Ĥ→~~ [60] ~~59 ←Ĥ~~ . Section ~~Ĥ→~~[~~10-2a-411~~] ~~10-2a-410 ←Ĥ~~ is enacted to read:

2720 ~~Ĥ→~~ [~~10-2a-411~~] ~~10-2a-410 ←Ĥ~~ . Determination of metro township

2720a districts -- Determination of metro

2721 township or city initial officer terms -- Adoption of proposed districts.

2722 (1) If a metro township is incorporated in accordance with an election held under



2723 Section [10-2a-404](#) ~~→~~ [\[or-10-2a-410\]](#) ~~←~~ :

2724 (a) each of the five metro township council members shall be elected by district; and

2725 (b) the boundaries of the five council districts for election and the terms of office shall  
2726 be designated and determined in accordance with this section.

2727 (2) (a) If a town is incorporated at an election held in accordance with Section  
2728 10-2a-404, the five council members shall be elected at large for terms as designated and  
2729 determined in accordance with this section.

2730 (b) If a city is incorporated at an election held in accordance with Section 10-2a-404:

2731 (i) (A) the four members of the council district who are not the mayor shall be elected  
2732 by district; and

2733 (B) the boundaries of the four council districts for election and the term of office shall  
2734 be designated and determined in accordance with this section; and

2735 (ii) the mayor shall be elected at large for a term designated and determined in  
2736 accordance with this section.

2737 (3) (a) No later than 90 days after the election day on which the metro township, city,  
2738 or town is successfully incorporated under this part, the legislative body of the county in which  
2739 the metro township is located shall adopt by resolution:

2740 (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town,  
2741 the council terms for a length of time in accordance with this section; and

2742 (ii) (A) for a metro township, the boundaries of the five council districts; and

2743 (B) for a city, the boundaries of the four council districts.

2744 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
2745 initial terms of the members of the metro township council, city council, or town council so  
2746 that:

2747 (A) approximately half the members of the council, including the mayor in the case of  
2748 a city, are elected to serve an initial term, of no less than one year, that allows their successors  
2749 to serve a full four-year term that coincides with the schedule established in Subsection  
2750 10-3-205(1); and

2751 (B) the remaining members of the council are elected to serve an initial term, of no less  
2752 than one year, that allows their successors to serve a full four-year term that coincides with the  
2753 schedule established in Subsection 10-3-205(2).

2754 (ii) For a metro township, the county legislative body shall divide the metro township  
2755 into five council districts that comply with Section 10-3-205.5.

2756 (iii) For a city, the county legislative body shall divide the city into four council  
2757 districts that comply with Section 10-3-205.5.

2758 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under  
2759 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice  
2760 containing:

2761 (i) if applicable, a description of the boundaries of the metro township council or city  
2762 council districts as designated in the resolution;

2763 (ii) information about the deadline for filing a declaration of candidacy for those  
2764 seeking to become candidates for metro township council, city council, town council, or city  
2765 mayor, respectively; and

2766 (iii) information about the length of the initial term of city mayor or each of the metro  
2767 township, city, or town council offices, as described in the resolution.

2768 (b) The notice under Subsection (4)(a) shall be published:

2769 (i) in a newspaper of general circulation within the metro township, city, or town at  
2770 least once a week for two successive weeks; and

2771 (ii) in accordance with Section 45-1-101 for two weeks.

2772 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general  
2773 circulation within the future metro township, city, or town, the county clerk shall post at least  
2774 one notice per 1,000 population in conspicuous places within the future metro township, city,  
2775 or town that are most likely to give notice to the residents of the future metro township, city, or  
2776 town.

2777 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under  
2778 Subsection (4)(a).

2779 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven  
2780 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2781 (d) A person seeking to become a candidate for metro township, city, or town council  
2782 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with  
2783 the clerk of the county in which the metro township, city, or town is located for an election  
2784 described in Section ~~10-2a-412~~ 10-2a-411 .

2785 Section ~~Ĥ→ [61] 60 ←Ĥ~~ . Section ~~Ĥ→[10-2a-412] 10-2a-411 ←Ĥ~~ is enacted to read:  
2786 ~~Ĥ→ [10-2a-412] 10-2a-411 ←Ĥ~~ . **Election of officers of new city, town, or**

2786a **metro township.**

2787 (1) For the election of the initial office holders of a metro township, city, or town,  
2788 respectively, incorporated under Section [10-2a-404](#), the county legislative body shall:

2789 (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary  
2790 election at the next regular primary election, as described in Section [20A-1-201.5](#), following  
2791 the November 3, 2015, election to incorporate; and

2792 (b) hold a final election at the next regular general election date following the election  
2793 to incorporate.

2794 (2) An election under Subsection (1) for the officers of:

2795 (a) a metro township shall be consistent with the number of council members as  
2796 described in Subsection [10-2a-404\(1\)\(b\)\(i\)](#); and

2797 (b) a city or town shall be consistent with the number of council members, including  
2798 the city mayor as a member of a city council, described in Subsection [10-2a-404\(1\)\(b\)\(ii\)](#).

2799 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2800 (A) at least once a week for two successive weeks in a newspaper of general circulation  
2801 within the future metro township, city, or town; and

2802 (B) in accordance with Section [45-1-101](#) for two weeks.

2803 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more  
2804 than seven days before the election.

2805 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general  
2806 circulation within the future metro township, city, or town, the county clerk shall post at least  
2807 one notice of the election per 1,000 population in conspicuous places within the future metro  
2808 township, city, or town that are most likely to give notice of the election to the voters.

2809 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven  
2810 days before each election under Subsection (1).

2811 (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the  
2812 election officer for all purposes in an election of officers of the metro township, city, or town.

2813 (b) The county clerk is responsible to ensure that:

2814 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date  
2815 described in Subsection (1)(a);

2816 (ii) the final election described in Subsection (1)(b) is held on the date described in  
 2817 Subsection (1)(b); and

2818 (iii) the ballot for each election includes each office that is required to be included for  
 2819 officials in the metro township, city, or town, and the length of term of each office.

2820 (5) The officers elected at an election described in Subsection (1)(b) shall take office at  
 2821 noon on the first Monday in January next following the election.

2822 Section ~~Ĥ→ [62]~~ 61 ~~←Ĥ~~ . Section ~~Ĥ→[10-2a-413]~~ 10-2a-412 ~~←Ĥ~~ is enacted to read:

2823 ~~Ĥ→ [10-2a-413]~~ 10-2a-412 ~~←Ĥ~~ . **Notification to lieutenant governor of**

2823a **election of officers.**

2824 Within 10 days of the canvass of final election of metro township, city, or town officers

2825 under Section ~~Ĥ→ [10-2a-412]~~ 10-2a-411 ~~←Ĥ~~ , the county clerk shall send written notice to

2825a the lieutenant governor

2826 of the name and position of each officer elected and the term for which each has been elected.

2827 Section ~~Ĥ→ [63]~~ 62 ~~←Ĥ~~ . Section ~~Ĥ→[10-2a-414]~~ 10-2a-413 ~~←Ĥ~~ is enacted to read:

2828 ~~Ĥ→ [10-2a-414]~~ 10-2a-413 ~~←Ĥ~~ . **Incorporation under this part subject to**

2828a **other provisions.**

2829 (1) An incorporation of a metro township, city, or town under this part is subject to the

2830 following provisions to the same extent as the incorporation of a city under Part 2,

2831 Incorporation of a City:

2832 (a) Section ~~10-2a-217;~~

2833 (b) Section ~~10-2a-219;~~ and

2834 (c) Section ~~10-2a-220.~~

2835 (2) An incorporation of a city or town under this part is subject to Section ~~10-2a-218~~ to

2836 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2837 Section ~~Ĥ→ [64]~~ 63 ~~←Ĥ~~ . Section **10-3-205.5** is amended to read:

2838 **10-3-205.5. At-large election of officers -- Election of commissioners or council**

2839 **members.**

2840 (1) Except as provided in [~~Subsection (2)] Subsection (2), (3), or (4), the officers of~~

2841 each city shall be elected in an at-large election held at the time and in the manner provided for

2842 electing municipal officers.

2843 (2) (a) [~~Notwithstanding Subsection (1), the]~~ The governing body of a city may by

2844 ordinance provide for the election of some or all commissioners or council members, as the

2845 case may be, by district equal in number to the number of commissioners or council members

2846 elected by district.

2847 (b) (i) Each district shall be of substantially equal population as the other districts.

2848 (ii) Within six months after the Legislature completes its redistricting process, the  
 2849 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make  
 2850 any adjustments in the boundaries of the districts as may be required to maintain districts of  
 2851 substantially equal population.

2852 (3) (a) The municipal council members of a metro township, as defined in Section  
 2853 10-2a-403, are elected:

2854 (i) by district in accordance with Subsection ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ (1)(a)(i); or

2855 (ii) at large in accordance with Subsection ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ (1)(b).

2856 (b) The council districts in a metro township shall comply with the requirements of  
 2857 Subsections (2)(b)(i) and (ii).

2858 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of  
 2859 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
 2860 12, 2015:

2861 (i) the council members are elected by district in accordance with Section

2861a ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ ;

2862 and

2863 (ii) the mayor is elected at large in accordance with Section

2863a ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ .

2864 (b) The council districts in a city described in Subsection (4)(a) shall comply with the  
 2865 requirements of Subsections (2)(b)(i) and (ii).

2866 Section 65. Section **10-3-1302** is amended to read:

2867 **10-3-1302. Purpose.**

2868 (1) The purposes of this part are to establish standards of conduct for municipal  
 2869 officers and employees and to require these persons to disclose actual or potential conflicts of  
 2870 interest between their public duties and their personal interests.

2871 (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part  
 2872 may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a  
 2873 county employee who is required by law to provide services to the metro township.

2874 Section 66. Section **10-3b-102** is amended to read:

2875 **10-3b-102. Definitions.**

2876 As used in this chapter:

2877 (1) "Council-mayor form of government" means the form of municipal government

2878 that:

2879 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

2880 (ii) may not be adopted without voter approval; and

2881 (iii) consists of two separate, independent, and equal branches of municipal

2882 government; and

2883 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal

2884 Government.

2885 (2) "Five-member council form of government" means the form of municipal

2886 government described in Part 4, Five-Member Council Form of Municipal Government.

2887 (3) "Metro township" means the same as that term is defined in Section [10-2a-403](#).

2888 (4) "Metro township council form of government" means the form of metro township

2889 government described in Part 5, Metro Township Council Form of Municipal Government.

2890 [~~3~~] (5) "Six-member council form of government" means the form of municipal

2891 government described in Part 3, Six-Member Council Form of Municipal Government.

2892 Section 67. Section **10-3b-103** is amended to read:

2893 **10-3b-103. Forms of municipal government -- Form of government for towns --**

2894 **Former council-manager form.**

2895 (1) A municipality operating on May 4, 2008, under the council-mayor form of

2896 government:

2897 (a) shall, on and after May 5, 2008:

2898 (i) operate under a council-mayor form of government, as defined in Section

2899 [10-3b-102](#); and

2900 (ii) be subject to:

2901 (A) this part;

2902 (B) Part 2, Council-mayor Form of Municipal Government;

2903 (C) Part ~~5~~ 6, Changing to Another Form of Municipal Government; and

2904 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

2905 and

2906 (b) is not subject to:

2907 (i) Part 3, Six-member Council Form of Municipal Government; ~~[or]~~

2908 (ii) Part 4, Five-member Council Form of Municipal Government~~[-];~~ or

2909           (iii) Part 5, Metro Township Council Form of Municipal Government.  
2910           (2) A municipality operating on May 4, 2008 under a form of government known under  
2911 the law then in effect as the six-member council form:  
2912           (a) shall, on and after May 5, 2008, and whether or not the council has adopted an  
2913 ordinance appointing a manager for the municipality:  
2914           (i) operate under a six-member council form of government, as defined in Section  
2915 10-3b-102;  
2916           (ii) be subject to:  
2917           (A) this part;  
2918           (B) Part 3, Six-member Council Form of Municipal Government;  
2919           (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and  
2920           (D) except as provided in Subsection (2)(b), other applicable provisions of this title;  
2921 and  
2922           (b) is not subject to:  
2923           (i) Part 2, Council-mayor Form of Municipal Government; ~~[or]~~  
2924           (ii) Part 4, Five-member Council Form of Municipal Government~~[-];~~ or  
2925           (iii) Part 5, Metro Township Council Form of Municipal Government.  
2926           (3) A municipality operating on May 4, 2008, under a form of government known  
2927 under the law then in effect as the five-member council form:  
2928           (a) shall, on and after May 5, 2008:  
2929           (i) operate under a five-member council form of government, as defined in Section  
2930 10-3b-102;  
2931           (ii) be subject to:  
2932           (A) this part;  
2933           (B) Part 4, Five-member Council Form of Municipal Government;  
2934           (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and  
2935           (D) except as provided in Subsection (3)(b), other applicable provisions of this title;  
2936 and  
2937           (b) is not subject to:  
2938           (i) Part 2, Council-mayor Form of Municipal Government; ~~[or]~~  
2939           (ii) Part 3, Six-member Council Form of Municipal Government~~[-];~~ or



2940 (iii) Part 5, Metro Township Council Form of Municipal Government.  
2941 (4) Subject to Subsection (5), each municipality other than a metro township  
2942 incorporated on or after May 5, 2008, shall operate under:  
2943 (a) the council-mayor form of government, with a five-member council;  
2944 (b) the council-mayor form of government, with a seven-member council;  
2945 (c) the six-member council form of government; or  
2946 (d) the five-member council form of government.  
2947 (5) Each town shall operate under a five-member council form of government unless:  
2948 (a) before May 5, 2008, the town has changed to another form of municipal  
2949 government; or  
2950 (b) on or after May 5, 2008, the town changes its form of government as provided in  
2951 Part [5] 6, Changing to Another Form of Municipal Government.  
2952 (6) Each metro township:  
2953 (a) shall operate under a metro township council form of government;  
2954 (b) is subject to:  
2955 (i) this part;  
2956 (ii) Part 5, Metro Township Council Form of Municipal Government; and  
2957 (iii) except as provided in Subsection (6)(c), other applicable provisions of this title;  
2958 and  
2959 (c) is not subject to:  
2960 (i) Part 2, Council-mayor Form of Municipal Government;  
2961 (ii) Part 3, Six-member Council Form of Municipal Government; or  
2962 (iii) Part 4, Five-Member Council Form of Municipal Government.  
2963 [~~6~~] (7) (a) As used in this Subsection [~~6~~] (7), "council-manager form of  
2964 government" means the form of municipal government:  
2965 (i) provided for in Laws of Utah 1977, Chapter 48;  
2966 (ii) that cannot be adopted without voter approval; and  
2967 (iii) that provides for, subject to Subsections [~~7~~] (8) and [~~8~~] (9), an appointed  
2968 manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.  
2969 (b) A municipality operating on May 4, 2008, under the council-manager form of  
2970 government:



2971 (i) shall:

2972 (A) continue to operate, on and after May 5, 2008, under the council-manager form of

2973 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

2974 (B) be subject to:

2975 (I) this Subsection [~~(6)~~] (7) and other applicable provisions of this part;

2976 (II) Part [5] 6, Changing to Another Form of Municipal Government; and

2977 (III) except as provided in Subsection [~~(6)~~] (7)(b)(ii), other applicable provisions of

2978 this title; and

2979 (ii) is not subject to:

2980 (A) Part 2, Council-mayor Form of Municipal Government;

2981 (B) Part 3, Six-member Council Form of Municipal Government; [~~or~~]

2982 (C) Part 4, Five-member Council Form of Municipal Government[~~;~~]; or

2983 (D) Part 5, Metro Township Council Form of Municipal Government.

2984 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "interim vacancy period" means the

2985 period of time that:

2986 (i) begins on the day on which a municipal general election described in Section

2987 10-3-201 is held to elect a council member; and

2988 (ii) ends on the day on which the council member-elect begins the council member's

2989 term.

2990 (b) (i) The council may not appoint a manager during an interim vacancy period.

2991 (ii) Notwithstanding Subsection [~~(7)~~] (8)(b)(i):

2992 (A) the council may appoint an interim manager during an interim vacancy period; and

2993 (B) the interim manager's term shall expire once a new manager is appointed by the

2994 new administration after the interim vacancy period has ended.

2995 (c) Subsection [~~(7)~~] (8)(b) does not apply if all the council members who held office on

2996 the day of the municipal general election whose term of office was vacant for the election are

2997 re-elected to the council for the following term.

2998 [~~(8)~~] (9) A council that appoints a manager in accordance with this section may not, on

2999 or after May 10, 2011, enter into an employment contract that contains an automatic renewal

3000 provision with the manager.

3001 [~~(9)~~] (10) Nothing in this section may be construed to prevent or limit a municipality

3002 operating under any form of municipal government from changing to another form of  
3003 government as provided in Part [5] 6, Changing to Another Form of Municipal Government.

3004 Section 68. Section **10-3b-202** is amended to read:

3005 **10-3b-202. Mayor in council-mayor form of government.**

3006 (1) The mayor in a municipality operating under the council-mayor form of  
3007 government:

3008 (a) is the chief executive and administrative officer of the municipality;

3009 (b) exercises the executive and administrative powers and performs or supervises the  
3010 performance of the executive and administrative duties and functions of the municipality;

3011 (c) shall:

3012 (i) keep the peace and enforce the laws of the municipality;

3013 (ii) execute the policies adopted by the council;

3014 (iii) appoint, with the council's advice and consent, a qualified person for each of the  
3015 following positions:

3016 (A) subject to Subsection (3), chief administrative officer, if required under the  
3017 resolution or petition under Subsection [~~10-3b-503~~] 10-3b-603(1)(a) that proposed the change  
3018 to a council-mayor form of government;

3019 (B) recorder;

3020 (C) treasurer;

3021 (D) engineer; and

3022 (E) attorney;

3023 (iv) provide to the council, at intervals provided by ordinance, a written report to the  
3024 council setting forth:

3025 (A) the amount of budget appropriations;

3026 (B) total disbursements from the appropriations;

3027 (C) the amount of indebtedness incurred or contracted against each appropriation,  
3028 including disbursements and indebtedness incurred and not paid; and

3029 (D) the percentage of the appropriations encumbered;

3030 (v) report to the council the condition and needs of the municipality;

3031 (vi) report to the council any release granted under Subsection (1)(d)(xiii);

3032 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the

3033 remittance to the council at the council's next meeting after the remittance;

3034 (viii) perform each other duty:

3035 (A) prescribed by statute; or

3036 (B) required by a municipal ordinance that is not inconsistent with statute;

3037 (d) may:

3038 (i) subject to budget constraints:

3039 (A) appoint:

3040 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and

3041 (II) one or more deputies or administrative assistants to the mayor; and

3042 (B) (I) create any other administrative office that the mayor considers necessary for

3043 good government of the municipality; and

3044 (II) appoint a person to the office;

3045 (ii) with the council's advice and consent and except as otherwise specifically limited

3046 by statute, appoint:

3047 (A) each department head of the municipality;

3048 (B) each statutory officer of the municipality; and

3049 (C) each member of a statutory commission, board, or committee of the municipality;

3050 (iii) dismiss any person appointed by the mayor;

3051 (iv) as provided in Section [10-3b-204](#), veto an ordinance, tax levy, or appropriation

3052 passed by the council;

3053 (v) exercise control of and supervise each executive or administrative department,

3054 division, or office of the municipality;

3055 (vi) within the general provisions of statute and ordinance, regulate and prescribe the

3056 powers and duties of each other executive or administrative officer or employee of the

3057 municipality;

3058 (vii) attend each council meeting, take part in council meeting discussions, and freely

3059 give advice to the council;

3060 (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill

3061 in all other respects the requirements of, as the case may be:

3062 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or

3063 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;

- 3064 (ix) execute an agreement on behalf of the municipality, or delegate, by written  
3065 executive order, the authority to execute an agreement on behalf of the municipality:
- 3066 (A) if the obligation under the agreement is within certified budget appropriations; and
  - 3067 (B) subject to Section 10-6-138;
- 3068 (x) at any reasonable time, examine and inspect the official books, papers, records, or  
3069 documents of:
- 3070 (A) the municipality; or
  - 3071 (B) any officer, employee, or agent of the municipality;
- 3072 (xi) remit fines and forfeitures;
- 3073 (xii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3074 in enforcing the laws of the state and ordinances of the municipality; and
- 3075 (xiii) release a person imprisoned for a violation of a municipal ordinance; and
- 3076 (e) may not vote on any matter before the council.
- 3077 (2) (a) The first mayor elected under a newly established mayor-council form of  
3078 government shall, within six months after taking office, draft and submit to the council a  
3079 proposed ordinance:
- 3080 (i) providing for the division of the municipality's administrative service into  
3081 departments, divisions, and bureaus; and
  - 3082 (ii) defining the functions and duties of each department, division, and bureau.
- 3083 (b) Before the council adopts an ordinance on the municipality's administrative service,  
3084 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness  
3085 in the divisions of the municipal government.
- 3086 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
3087 time that:
- 3088 (i) begins on the day on which a municipal general election described in Section  
3089 10-3-201 is held to elect a mayor; and
  - 3090 (ii) ends on the day on which the mayor-elect begins the mayor's term.
- 3091 (b) Each person appointed as chief administrative officer under Subsection  
3092 (1)(c)(iii)(A) shall be appointed on the basis of:
- 3093 (i) the person's ability and prior experience in the field of public administration; and
  - 3094 (ii) any other qualification prescribed by ordinance.

3095 (c) (i) The mayor may not appoint a chief administrative officer during an interim  
3096 vacancy period.

3097 (ii) Notwithstanding Subsection (3)(c)(i):

3098 (A) the mayor may appoint an interim chief administrative officer during an interim  
3099 vacancy period; and

3100 (B) the interim chief administrative officer's term shall expire once a new chief  
3101 administrative officer is appointed by the new mayor after the interim vacancy period has  
3102 ended.

3103 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the  
3104 municipal general election is re-elected to the mayor's office for the following term.

3105 (4) A mayor who appoints a chief administrative officer in accordance with this section  
3106 may not, on or after May 10, 2011, enter into an employment contract that contains an  
3107 automatic renewal provision with the chief administrative officer.

3108 Section 69. Section [10-3b-501](#) is repealed and reenacted to read:

3109 **Part 5. Metro Township Council Form of Municipal Government**

3110 **10-3b-501. Metro township government powers vested in a five-member council.**

3111 The powers of municipal government in a metro township, as defined in Section  
3112 [10-2a-403](#), are vested in a council consisting of five members, one of which is the chair.

3113 Section 70. Section [10-3b-502](#) is repealed and reenacted to read:

3114 **10-3b-502. Governance of metro townships that are not in a municipal services**  
3115 **district.**

3116 For a metro township in which the voters at an election held in accordance with Section  
3117 [10-2a-404](#) do not choose a metro township with limited municipal powers that is included in a  
3118 municipal services district:

3119 (1) (a) the council:

3120 (i) has the same powers, authority, and duties as a council described in Section  
3121 [10-3b-403](#); and

3122 (ii) is not subject to Section [10-3b-504](#); and

3123 (b) the chair:

3124 (i) has the same powers, authority, and duties as a mayor described in Section  
3125 [10-3b-402](#); and

3126 (ii) is not subject to Section 10-3b-503.  
3127 Section 71. Section **10-3b-503** is repealed and reenacted to read:  
3128 **10-3b-503. Chair in a metro township included in a municipal services district.**  
3129 (1) The chair in a metro township that is included in a municipal services district:  
3130 (a) is a regular and voting member of the council;  
3131 (b) is elected by the members of the council from among the council members;  
3132 (c) is the chair of the council and presides at all council meetings;  
3133 (d) exercises ceremonial functions for the municipality;  
3134 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken  
3135 by the council;  
3136 (f) represents the metro township on the board of a municipal services district; and  
3137 (g) has other powers and duties described in this section and otherwise authorized by  
3138 law except as modified by ordinance under Subsection 10-3b-504(2).  
3139 (2) Except as provided in Subsection (3), the chair in a metro township that is included  
3140 in a municipal services district:  
3141 (a) shall:  
3142 (i) keep the peace and enforce the laws of the metro township;  
3143 (ii) ensure that all applicable statutes and metro township ordinances and resolutions  
3144 are faithfully executed and observed;  
3145 (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the  
3146 remittance to the council at the council's next meeting after the remittance;  
3147 (iv) perform all duties prescribed by statute or metro township ordinance or resolution;  
3148 (v) report to the council the condition and needs of the metro township;  
3149 (vi) report to the council any release granted under Subsection (2)(g)(iv); and  
3150 (b) may:  
3151 (i) recommend for council consideration any measure that the chair considers to be in  
3152 the best interests of the municipality;  
3153 (ii) remit fines and forfeitures;  
3154 (iii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3155 in enforcing the laws of the state and ordinances of the municipality;  
3156 (iv) release a person imprisoned for a violation of a municipal ordinance;

3157 (v) with the council's advice and consent appoint a person to fill a municipal office or a  
3158 vacancy on a commission or committee of the municipality; and

3159 (vi) at any reasonable time, examine and inspect the official books, papers, records, or  
3160 documents of:

3161 (A) the municipality; or

3162 (B) any officer, employee, or agency of the municipality.

3163 (3) The powers and duties in Subsection (1) are subject to the council's authority to  
3164 limit or expand the chair's powers and duties under Section [10-3b-504\(2\)](#).

3165 (4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member  
3166 of the council as chair pro tempore, to:

3167 (i) preside at a council meeting; and

3168 (ii) perform during the chair's absence, disability, or refusal to act, the duties and  
3169 functions of chair.

3170 (b) In accordance with Section [10-3c-203](#), the county clerk of the county in which the  
3171 metro township is located shall enter in the minutes of the council meeting the election of a  
3172 council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).

3173 Section 72. Section [10-3b-504](#) is repealed and reenacted to read:

3174 **10-3b-504. Council in a metro township that is included in a municipal services**  
3175 **district.**

3176 (1) The council in a metro township that is included in a municipal services district:

3177 (a) exercises any executive or administrative power and performs or supervises the  
3178 performance of any executive or administrative power, duty, or function that has not been  
3179 given to the chair under Section [10-3b-503](#) unless the council removes that power, duty, or  
3180 function from the chair in accordance with Subsection (2);

3181 (b) may:

3182 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

3183 (A) removing from the chair any power, duty, or function of the chair; and

3184 (B) reinstating to the chair any power, duty, or function previously removed under  
3185 Subsection (1)(b)(i)(A); and

3186 (ii) adopt an ordinance delegating to the chair any executive or administrative power,  
3187 duty, or function that the council has under Subsection (1)(a); and

3188 (c) may not remove from the chair or delegate:  
3189 (i) any of the chair's legislative or judicial powers or ceremonial functions;  
3190 (ii) the chair's position as chair of the council; or  
3191 (iii) any ex officio position that the chair holds.  
3192 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to  
3193 the chair a power, duty, or function provided for in Section [10-3b-503](#) requires the affirmative  
3194 vote of:  
3195 (a) the chair and a majority of all other council members; or  
3196 (b) all council members except the chair.  
3197 (3) The metro township council of a metro township that is included in a municipal  
3198 services district:  
3199 (a) shall:  
3200 (i) by ordinance, provide for the manner in which a subdivision is approved,  
3201 disapproved, or otherwise regulated;  
3202 (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;  
3203 (iii) perform all duties that the law imposes on the council; and  
3204 (iv) elect one of its members to be chair of the metro township and the chair of the  
3205 council;  
3206 (b) may:  
3207 (i) (A) notwithstanding Subsection (3)(c), appoint a committee of council members or  
3208 citizens to conduct an investigation into an officer, department, or agency of the municipality,  
3209 or any other matter relating to the welfare of the municipality; and  
3210 (B) delegate to an appointed committee powers of inquiry that the council considers  
3211 necessary;  
3212 (ii) make and enforce any additional rule or regulation for the government of the  
3213 council, the preservation of order, and the transaction of the council's business that the council  
3214 considers necessary; and  
3215 (iii) subject to the limitations provided in Subsection (5), take any action allowed under  
3216 Section [10-8-84](#) that is reasonably related to the safety, health, morals, and welfare of the metro  
3217 township inhabitants; and  
3218 (c) may not:



- 3219 (i) direct or request, other than in writing, the appointment of a person to or the  
 3220 removal of a person from an executive municipal office;  
 3221 (ii) interfere in any way with an executive officer's performance of the officer's duties;  
 3222 or  
 3223 (iii) publicly or privately give orders to a subordinate of the chair.  
 3224 (4) A member of a metro township council as described in this section may not have  
 3225 any other compensated employment with the metro township.  
 3226 (5) The council of a metro township that is included in a municipal services district  
 3227 may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a  
 3228 municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services  
 3229 district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

3230 Section 73. Section **10-3b-601** is enacted to read:

3231 **Part 6. Changing to Another Form of Municipal Government**

3232 **10-3b-601. Authority to change to another form of municipal government.**

3233 (1) As provided in this part, a municipality may change from the form of government  
 3234 under which it operates to:

- 3235 (a) the council-mayor form of government with a five-member council;  
 3236 (b) the council-mayor form of government with a seven-member council;  
 3237 (c) the six-member council form of government; or  
 3238 (d) the five-member council form of government.

3239 (2) (a) A metro township that changes from the metro township council form of  
 3240 government to a form described in Subsection (1):

- 3241 (i) is no longer a metro township; and  
 3242 (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority  
 3243 of a city or town.

3244 (b) If a metro township with a population that qualifies as a town in accordance with  
 3245 Section 10-2-301 changes the metro township's form of government in accordance with this  
 3246 part, the metro township may only change to the five-member council form of government.

3247 (3) A municipality other than a metro township may not operate under the metro  
 3248 township council form of government.

3249 Section 74. Section **10-3b-602** is enacted to read:

3250 **10-3b-602. Voter approval required for a change in the form of government.**

3251 A municipality may not change its form of government under this part unless voters of  
3252 the municipality approve the change at an election held for that purpose.

3253 Section 75. Section **10-3b-603** is enacted to read:

3254 **10-3b-603. Resolution or petition proposing a change in the form of government.**

3255 (1) The process to change the form of government under which a municipality operates  
3256 is initiated by:

3257 (a) the council's adoption of a resolution proposing a change; or

3258 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives  
3259 - Procedures, proposing a change.

3260 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the  
3261 declaring of a petition filed under Subsection (1)(b) as sufficient under Section [20A-7-507](#), the  
3262 council shall hold at least two public hearings on the proposed change.

3263 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on  
3264 the proposed change in the form of government at the next municipal general election or  
3265 regular general election that is more than 75 days after, as the case may be:

3266 (i) a resolution under Subsection (1)(a) is adopted; or

3267 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section  
3268 [20A-7-507](#).

3269 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of  
3270 government may not be held if:

3271 (i) in the case of a proposed change initiated by the council's adoption of a resolution  
3272 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

3273 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),  
3274 enough signatures are withdrawn from the petition within 60 days after the petition is declared  
3275 sufficient under Section [20A-7-507](#) that the petition is no longer sufficient.

3276 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection  
3277 (1)(b) shall:

3278 (a) state the method of election and initial terms of council members; and

3279 (b) specify the boundaries of districts substantially equal in population, if some or all  
3280 council members are to be elected by district.

3281 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing  
3282 a change to a council-mayor form of government may require that, if the change is adopted, the  
3283 mayor appoint, with the council's advice and consent and subject to Section [10-3b-202](#), a chief  
3284 administrative officer, to exercise the administrative powers and perform the duties that the  
3285 mayor prescribes.

3286 Section 76. Section **10-3b-604** is enacted to read:

3287 **10-3b-604. Limitations on adoption of a resolution and filing of a petition.**

3288 A resolution may not be adopted under Subsection [10-3b-603\(1\)\(a\)](#) and a petition may  
3289 not be filed under Subsection [10-3b-603\(1\)\(b\)](#) within:

3290 (1) four years after an election at which voters reject a proposal to change the  
3291 municipality's form of government, if the resolution or petition proposes changing to the same  
3292 form of government that voters rejected at the election; or

3293 (2) four years after the effective date of a change in the form of municipal government  
3294 or an incorporation as a municipality.

3295 Section 77. Section **10-3b-605** is enacted to read:

3296 **10-3b-605. Ballot form.**

3297 The ballot at an election on a proposal to change the municipality's form of government  
3298 shall:

3299 (1) state the ballot question substantially as follows: "Shall (state the municipality's  
3300 name), Utah, change its form of government to the (state "council-mayor form, with a  
3301 five-member council," "council-mayor form, with a seven-member council," "six-member  
3302 council form," or "five-member council form," as applicable)?"; and

3303 (2) provide a space or method for the voter to vote "yes" or "no."

3304 Section 78. Section **10-3b-606** is enacted to read:

3305 **10-3b-606. Election of officers after a change in the form of government.**

3306 (1) If voters approve a proposal to change the municipality's form of government at an  
3307 election held as provided in this part, an election of officers under the new form of government  
3308 shall be held on the municipal general election date following the election at which voters  
3309 approve the proposal.

3310 (2) If a municipality changes its form of government under this part resulting in the  
3311 elimination of an elected official's position, the municipality shall continue to pay that official

3312 at the same rate until the date on which the official's term would have expired, unless under the  
3313 new form of government the official holds municipal office for which the official is regularly  
3314 compensated.

3315 (3) A council member whose term has not expired at the time the municipality changes  
3316 its form of government under this part may, at the council member's option, continue to serve  
3317 as a council member under the new form of government for the remainder of the member's  
3318 term.

3319 (4) The term of the mayor and each council member is four years or until a successor is  
3320 qualified, except that approximately half of the initial council members, chosen by lot, shall  
3321 serve a term of two years or until a successor is qualified.

3322 Section 79. Section **10-3b-607** is enacted to read:

3323 **10-3b-607. Effective date of change in the form of government.**

3324 A change in the form of government under this chapter takes effect at noon on the first  
3325 Monday of January next following the election of officers under Section [10-3b-606](#).

3326 Section 80. Section **10-3c-101** is enacted to read:

3327 **CHAPTER 3c. ADMINISTRATION OF METRO TOWNSHIPS**

3328 **Part 1. General Provisions**

3329 **10-3c-101. Title.**

3330 (1) This chapter is known as "Administration of Metro Townships."

3331 (2) This part is known as "General Provisions."

3332 Section 81. Section **10-3c-102** is enacted to read:

3333 **10-3c-102. Definitions.**

3334 As used in this chapter:

3335 (1) "Municipal services district" means a local district created in accordance with Title  
3336 17B, Chapter 2a, Part 11, Municipal Services District Act.

3337 (2) "Metro township" means a metro township incorporated in accordance with  
3338 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County  
3339 of the First Class on and after May 12, 2015.

3340 Section 82. Section **10-3c-103** is enacted to read:

3341 **10-3c-103. Status and powers.**

3342 A metro township:

- 3343 (1) is:
- 3344 (a) a body corporate and politic with perpetual succession;
- 3345 (b) a quasi-municipal corporation; and
- 3346 (c) a political subdivision of the state; and
- 3347 (2) may sue and be sued.

3348 Section 83. Section **10-3c-201** is enacted to read:

3349 **Part 2. Administration of Metro Township**

3350 **10-3c-201. Title.**

3351 This part is known as "Administration of Metro Township."

3352 Section 84. Section **10-3c-202** is enacted to read:

3353 **10-3c-202. Budget.**

3354 A metro township is subject to and shall comply with Chapter 6, Uniform Fiscal  
3355 Procedures Act for Utah Cities.

3356 Section 85. Section **10-3c-203** is enacted to read:

3357 **10-3c-203. Administrative and operational services -- Staff provided by county or**  
3358 **municipal services district.**

3359 (1) (a) The following officials elected or appointed, or persons employed by, the county  
3360 in which a municipality township is located shall, for the purposes of interpreting and  
3361 complying with applicable law, fulfill the responsibilities and hold the following metro  
3362 township offices or positions:

3363 (i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the  
3364 metro township;

3365 (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for  
3366 the metro township;

3367 (iii) the county surveyor shall fulfill, on behalf of the metro township, all surveyor  
3368 duties imposed by law;

3369 (iv) the county engineer shall fulfill the duties and hold the powers of engineer for the  
3370 metro township;

3371 (v) the district attorney shall provide legal counsel to the metro township; and

3372 (vi) subject to Subsection (1)(b), the county auditor shall fulfill the duties and hold the  
3373 powers of auditor for the metro township.

3374 (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the  
3375 metro township to the extent that the county auditor's powers and duties are described in and  
3376 delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and  
3377 a municipal auditor's powers and duties described in this title are the same.

3378 (ii) Notwithstanding Subsection (1)(b), in a metro township, services described in  
3379 Sections 17-19a-203, 17-19a-204, and 17-19a-205, and services other than those described in  
3380 Subsection (1)(b)(i) that are provided by a municipal auditor in accordance with this title that  
3381 are required by law, shall be performed by county staff other than the county auditor.

3382 (2) (a) Nothing in Subsection (1) may be construed to relieve an official described in  
3383 Subsections (1)(a)(i) through (iv) of a duty to either the county or metro township or a duty to  
3384 fulfill that official's position as required by law.

3385 (b) Notwithstanding Subsection (2)(a), an official or the official's deputy or other  
3386 person described in Subsections (1)(a)(i) through (iv):

3387 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of  
3388 Title 17, Counties, as applicable to that official's or person's county office;

3389 (ii) is paid a salary and benefits and subject to employment discipline in accordance  
3390 with the provisions of Title 17, Counties, as applicable to that official's or person's county  
3391 office;

3392 (iii) is not subject to:

3393 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

3394 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

3395 (iv) is not required to provide a bond for the applicable municipal office if a bond for  
3396 the office is required by this title.

3397 (3) The metro township may establish a planning commission in accordance with  
3398 Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.

3399 (4) A municipal services district established in accordance with Section 17B, Chapter  
3400 2a, Part 11, Municipal Services District Act, and of which the metro township is a part, may  
3401 provide staff to the metro township planning commission and appeal authority.

3402 (5) (a) This section applies only to a metro township in which:

3403 (i) the electors at an election under Section 10-2a-404 chose a metro township that is  
3404 included in a municipal services district and has limited municipal powers; or

3405 (ii) the metro township subsequently joins a municipal services district.

3406 (b) This section does not apply to a metro township described in Subsection (5)(a) if  
3407 the municipal services district is dissolved.

3408 Section 86. Section **10-3c-204** is enacted to read:

3409 **10-3c-204. Taxing authority limited.**

3410 (1) A metro township may not impose:

3411 (a) a municipal energy sales and use tax as described in Chapter 1, Part 3, Municipal  
3412 Energy Sales and Use Tax Act; or

3413 (b) a municipal telecommunication's license tax as described in Chapter 1, Part 4,  
3414 Municipal Telecommunications License Tax.

3415 (2) (a) If the electors at an election under Section [10-2a-404](#) chose a metro township  
3416 that is included in a municipal services district and has limited municipal powers, or a metro  
3417 township subsequently joins a municipal services district, the metro township may not levy or  
3418 impose a tax unless the Legislature expressly provides that the metro township may levy or  
3419 impose the tax.

3420 (b) Subsection (2)(a) does not apply if a municipal services district is dissolved.

3421 Section 87. Section **10-3c-205** is enacted to read:

3422 **10-3c-205. Fees.**

3423 (1) A metro township may impose a fine, fee, or charge.

3424 (2) For a metro township of which the electors at an election under Section [10-2a-404](#)  
3425 chose a metro township that is included in a municipal services district and has limited  
3426 municipal powers, or if a metro township subsequently joins a municipal services district, the  
3427 municipal services district of which a metro township is a part shall, upon request by the metro  
3428 township, collect on behalf of the metro township all fines, fees, charges, levies, and other  
3429 payments imposed by the metro township.

3430 Section 88. Section **10-5-102** is amended to read:

3431 **10-5-102. Applicability.**

3432 This chapter shall apply to all:

3433 (1) towns[-]; and

3434 (2) metro townships of the second class to the same extent as a town.

3435 Section 89. Section **10-6-103** is amended to read:

3436 **10-6-103. Applicability.**

3437 This chapter shall apply to all:

3438 (1) cities, including charter cities[-]; and

3439 (2) metro townships of the first class to the same extent as a city.

3440 Section 90. Section **10-6-111** is amended to read:

3441 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**  
3442 **-- Budget message -- Review by governing body.**

3443 (1) (a) On or before the first regularly scheduled meeting of the governing body in the  
3444 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on  
3445 forms provided by the state auditor, and file with the governing body, a tentative budget for  
3446 each fund for which a budget is required.

3447 (b) The tentative budget of each fund shall set forth in tabular form:

3448 (i) the actual revenues and expenditures in the last completed fiscal period;

3449 (ii) the budget estimates for the current fiscal period;

3450 (iii) the actual revenues and expenditures for a period of 6 to 21 months, as  
3451 appropriate, of the current fiscal period;

3452 (iv) the estimated total revenues and expenditures for the current fiscal period;

3453 (v) the budget officer's estimates of revenues and expenditures for the budget period,  
3454 computed as provided in Subsection (1)(c); and

3455 (vi) if the governing body elects, the actual performance experience to the extent  
3456 established by Section [10-6-154](#) and available in work units, unit costs, man hours, or man  
3457 years for each budgeted fund on an actual basis for the last completed fiscal period, and  
3458 estimated for the current fiscal period and for the ensuing budget period.

3459 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),  
3460 the budget officer shall estimate:

3461 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

3462 (I) hearing each department head; and

3463 (II) reviewing the budget requests and estimates of the department heads; and

3464 (B) (I) the amount of revenue available to serve the needs of each fund;

3465 (II) the portion of revenue to be derived from all sources other than general property  
3466 taxes; and



3467 (III) the portion of revenue that shall be derived from general property taxes.

3468 (ii) The budget officer may revise any department's estimate under Subsection  
3469 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to  
3470 the governing body.

3471 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall  
3472 compute and disclose in the budget the lowest rate of property tax levy that will raise the  
3473 required amount of revenue, calculating the levy upon the latest taxable value.

3474 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,  
3475 shall contain the estimates of expenditures submitted by department heads, together with  
3476 specific work programs and such other supporting data as this chapter requires or the governing  
3477 body may request. Each city of the first or second class shall, and a city of the third, fourth, or  
3478 fifth class may, submit a supplementary estimate of all capital projects which each department  
3479 head believes should be undertaken within the next three succeeding years.

3480 (b) Each tentative budget submitted by the budget officer to the governing body shall  
3481 be accompanied by a budget message, which shall explain the budget, contain an outline of the  
3482 proposed financial policies of the city for the budget period, and shall describe the important  
3483 features of the budgetary plan. It shall set forth the reasons for salient changes from the  
3484 previous fiscal period in appropriation and revenue items and shall explain any major changes  
3485 in financial policy.

3486 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the  
3487 governing body in any regular meeting or special meeting called for the purpose and may be  
3488 amended or revised in such manner as is considered advisable prior to public hearings, except  
3489 that no appropriation required for debt retirement and interest or reduction of any existing  
3490 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be  
3491 reduced below the minimums so required.

3492 (4) (a) If the municipality is acting pursuant to Section [~~10-2-120~~] 10-2a-218, the  
3493 tentative budget shall:

3494 (i) be submitted to the governing body-elect as soon as practicable; and

3495 (ii) cover each fund for which a budget is required from the date of incorporation to the  
3496 end of the fiscal year.

3497 (b) The governing body shall substantially comply with all other provisions of this

3498 chapter, and the budget shall be passed upon incorporation.

3499 Section 91. Section **15A-5-202.5** is amended to read:

3500 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

3501 (1) For IFC, Chapter 3, General Requirements:

3502 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six  
3503 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for  
3504 Wildland Fire Ordinance".

3505 (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is  
3506 deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or  
3507 placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing  
3508 substance or object on any surface or article where it can cause an unwanted fire."

3509 (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted  
3510 and rewritten as follows: "When the fire code official determines that hazardous environmental  
3511 conditions necessitate controlled use of any ignition source, including fireworks, lighters,  
3512 matches, sky lanterns, and smoking materials, any of the following may occur:

3513 1. If the hazardous environmental conditions exist in a municipality, the legislative  
3514 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,  
3515 brush-covered, or forest-covered areas or the wildland urban interface area, which means the  
3516 line, area, or zone where structures or other human development meet or intermingle with  
3517 undeveloped wildland or land being used for an agricultural purpose.

3518 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist  
3519 in an unincorporated area, the state forester may prohibit the ignition or use of an ignition  
3520 source in all or part of the areas described in paragraph 1 that are within the unincorporated  
3521 area, after consulting with the county fire code official who has jurisdiction over that area.

3522 3. If the hazardous environmental conditions exist in a metro township created under  
3523 [~~Section 17-27a-306 that is in a county of the first class, the county~~] Title 10, Chapter 2a, Part  
3524 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class  
3525 on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use  
3526 of an ignition source in all or part of the areas described in paragraph 1 that are within the  
3527 township."

3528 (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On

3529 line 10 delete the words "International Property Maintenance Code and the".

3530 (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete  
3531 the word "shall" and replace it with the word "may".

3532 (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
3533 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
3534 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler  
3535 heads in occupancies meeting classification as light or ordinary hazard."

3536 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

3537 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as  
3538 follows: After the word "buildings" add "to include sororities and fraternity houses".

3539 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following  
3540 footnotes:

3541 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation  
3542 drill for fire conducted at least every two months, to a total of four emergency evacuation drills  
3543 during the nine-month school year. The first emergency evacuation drill for fire shall be  
3544 conducted within 10 school days after the beginning of classes, and the third emergency  
3545 evacuation drill for fire shall be conducted 10 school days after the beginning of the next  
3546 calendar year. The second and fourth emergency evacuation drills may be substituted by a  
3547 security or safety drill to include shelter in place, earthquake drill, or lock down for violence."

3548 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the  
3549 monthly required emergency evacuation drill can be substituted by a security or safety drill to  
3550 include shelter in place, earthquake drill, or lock down for violence. The routine emergency  
3551 evacuation drill for fire must be conducted at least every other evacuation drill."

3552 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are  
3553 required to have one emergency evacuation drill per year, provided the following conditions are  
3554 met:

3555 (A) The building has a fire alarm system in accordance with Section 907.2.

3556 (B) The rooms classified as assembly shall have fire safety floor plans as required in  
3557 Section 404.3.2(4) posted.

3558 (C) The building is not classified a high-rise building.

3559 (D) The building does not contain hazardous materials over the allowable quantities by

3560 code."

3561 Section 92. Section 17-23-17 is amended to read:

3562 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
3563 **of monuments -- Record of corner changes -- Penalties.**

3564 (1) As used in this section[~~,"land~~]:

3565 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3566 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3567 Surveyors Licensing Act.

3568 (b) (i) "Township" means a term used in the context of identifying a geographic area in  
3569 common surveyor practice.

3570 (ii) "Township" does not mean a metro township as that term is defined in Section  
3571 [10-2a-403.](#)

3572 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
3573 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
3574 a boundary line shall file a map of the survey that meets the requirements of this section with  
3575 the county surveyor or designated office within 90 days of the establishment or reestablishment  
3576 of a boundary.

3577 (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
3578 (2)(a)(i) is guilty of a class C misdemeanor.

3579 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
3580 separate violation.

3581 (b) The county surveyor or designated office shall file and index the map of the survey.

3582 (c) The map shall be a public record in the office of the county surveyor or designated  
3583 office.

3584 (3) This type of map shall show:

3585 (a) the location of survey by quarter section and township and range;

3586 (b) the date of survey;

3587 (c) the scale of drawing and north point;

3588 (d) the distance and course of all lines traced or established, giving the basis of bearing  
3589 and the distance and course to two or more section corners or quarter corners, including  
3590 township and range, or to identified monuments within a recorded subdivision;

3591 (e) all measured bearings, angles, and distances separately indicated from those of  
3592 record;

3593 (f) a written boundary description of property surveyed;

3594 (g) all monuments set and their relation to older monuments found;

3595 (h) a detailed description of monuments found and monuments set, indicated  
3596 separately;

3597 (i) the surveyor's seal or stamp; and

3598 (j) the surveyor's business name and address.

3599 (4) (a) The map shall contain a written narrative that explains and identifies:

3600 (i) the purpose of the survey;

3601 (ii) the basis on which the lines were established; and

3602 (iii) the found monuments and deed elements that controlled the established or  
3603 reestablished lines.

3604 (b) If the narrative is a separate document, it shall contain:

3605 (i) the location of the survey by quarter section and by township and range;

3606 (ii) the date of the survey;

3607 (iii) the surveyor's stamp or seal; and

3608 (iv) the surveyor's business name and address.

3609 (c) The map and narrative shall be referenced to each other if they are separate  
3610 documents.

3611 (5) The map and narrative shall be created on material of a permanent nature on stable  
3612 base reproducible material in the sizes required by the county surveyor.

3613 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference  
3614 a point on a property or land line shall be durably and visibly marked or tagged with the  
3615 registered business name or the letters "L.S." followed by the registration number of the  
3616 surveyor in charge.

3617 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall  
3618 be marked with the official title of the office.

3619 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the  
3620 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
3621 submit to the county surveyor or designated office a record of the changes made.

3622 (b) The record shall be submitted within 45 days of the corner visits and shall include  
3623 the surveyor's seal, business name, and address.

3624 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
3625 license of any land surveyor who fails to comply with the requirements of this section,  
3626 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and  
3627 Professional Licensing Act.

3628 (9) Each federal or state agency, board, or commission, local district, special service  
3629 district, or municipal corporation that makes a boundary survey of lands within this state shall  
3630 comply with this section.

3631 Section 93. Section 17-23-17.5 is amended to read:

3632 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**  
3633 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

3634 (1) As used in this section:

3635 (a) "Accessory to a corner" means any exclusively identifiable physical object whose  
3636 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing  
3637 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,  
3638 steel or wooden stakes, or other objects.

3639 (b) "Corner," unless otherwise qualified, means a property corner, a property  
3640 controlling corner, a public land survey corner, or any combination of these.

3641 (c) "Geographic coordinates" means mathematical values that designate a position on  
3642 the earth relative to a given reference system. Coordinates shall be established pursuant to  
3643 Title 57, Chapter 10, Utah Coordinate System.

3644 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3645 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3646 Surveyors Licensing Act.

3647 (e) "Monument" means an accessory that is presumed to occupy the exact position of a  
3648 corner.

3649 (f) "Property controlling corner" means a public land survey corner or any property  
3650 corner which does not lie on a property line of the property in question, but which controls the  
3651 location of one or more of the property corners of the property in question.

3652 (g) "Property corner" means a geographic point of known geographic coordinates on

3653 the surface of the earth, and is on, a part of, and controls a property line.

3654 (h) "Public land survey corner" means any corner actually established and monumented  
3655 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the  
3656 land to a private person from the United States government.

3657 (i) "Reference monument" means a special monument that does not occupy the same  
3658 geographical position as the corner itself, but whose spatial relationship to the corner is  
3659 recorded and which serves to witness the corner.

3660 (j) (i) "Township" means a term used in the context of identifying a geographic area in  
3661 common surveyor practice.

3662 (ii) "Township" does not mean a metro township as that term is defined in Section  
3663 [10-2a-403](#).

3664 (2) (a) Any land surveyor making a boundary survey of lands within this state and  
3665 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the  
3666 county where the corner is situated, a written record to be known as a corner file for every  
3667 public land survey corner and accessory to the corner which is used as control in any survey by  
3668 the surveyor, unless the corner and its accessories are already a matter of record in the county.

3669 (b) Where reasonably possible, the corner file shall include the geographic coordinates  
3670 of the corner.

3671 (c) A surveyor may file a corner record as to any property corner, reference monument,  
3672 or accessory to a corner.

3673 (d) Corner records may be filed concerning corners used before the effective date of  
3674 this section.

3675 (3) The county surveyor of the county containing the corners shall have on record as  
3676 part of the official files maps of each township within the county, the bearings and lengths of  
3677 the connecting lines to government corners, and government corners looked for and not found.

3678 (4) The county surveyor shall make these records available for public inspection at the  
3679 county facilities during normal business hours.

3680 (5) Filing fees for corner records shall be established by the county legislative body  
3681 consistent with existing fees for similar services. All corners, monuments, and their  
3682 accessories used prior to the effective date of this section shall be accepted and filed with the  
3683 county surveyor without requiring the payment of the fees.

3684 (6) When a corner record of a public land survey corner is required to be filed under  
3685 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the  
3686 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

3687 (7) A corner record may not be filed unless it is signed by a land surveyor.

3688 (8) All filings relative to official cadastral surveys of the Bureau of Land Management  
3689 of the United States of America performed by authorized personnel shall be exempt from filing  
3690 fees.

3691 Section 94. Section 17-27a-103 is amended to read:

3692 **17-27a-103. Definitions.**

3693 As used in this chapter:

3694 (1) "Affected entity" means a county, municipality, local district, special service  
3695 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
3696 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
3697 property owner, property owners association, public utility, or the Utah Department of  
3698 Transportation, if:

3699 (a) the entity's services or facilities are likely to require expansion or significant  
3700 modification because of an intended use of land;

3701 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
3702 or

3703 (c) the entity has filed with the county a request for notice during the same calendar  
3704 year and before the county provides notice to an affected entity in compliance with a  
3705 requirement imposed under this chapter.

3706 (2) "Appeal authority" means the person, board, commission, agency, or other body  
3707 designated by ordinance to decide an appeal of a decision of a land use application or a  
3708 variance.

3709 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
3710 residential property if the sign is designed or intended to direct attention to a business, product,  
3711 or service that is not sold, offered, or existing on the property where the sign is located.

3712 (4) (a) "Charter school" means:

3713 (i) an operating charter school;

3714 (ii) a charter school applicant that has its application approved by a charter school



3715 authorizer in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or  
3716 (iii) an entity that is working on behalf of a charter school or approved charter  
3717 applicant to develop or construct a charter school building.

3718 (b) "Charter school" does not include a therapeutic school.

3719 (5) "Chief executive officer" means the person or body that exercises the executive  
3720 powers of the county.

3721 (6) "Conditional use" means a land use that, because of its unique characteristics or  
3722 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
3723 compatible in some areas or may be compatible only if certain conditions are required that  
3724 mitigate or eliminate the detrimental impacts.

3725 (7) "Constitutional taking" means a governmental action that results in a taking of  
3726 private property so that compensation to the owner of the property is required by the:

3727 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3728 (b) Utah Constitution Article I, Section 22.

3729 (8) "Culinary water authority" means the department, agency, or public entity with  
3730 responsibility to review and approve the feasibility of the culinary water system and sources for  
3731 the subject property.

3732 (9) "Development activity" means:

3733 (a) any construction or expansion of a building, structure, or use that creates additional  
3734 demand and need for public facilities;

3735 (b) any change in use of a building or structure that creates additional demand and need  
3736 for public facilities; or

3737 (c) any change in the use of land that creates additional demand and need for public  
3738 facilities.

3739 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
3740 one or more of a person's major life activities, including a person having a record of such an  
3741 impairment or being regarded as having such an impairment.

3742 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
3743 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
3744 802.

3745 (11) "Educational facility":

- 3746 (a) means:
- 3747 (i) a school district's building at which pupils assemble to receive instruction in a
- 3748 program for any combination of grades from preschool through grade 12, including
- 3749 kindergarten and a program for children with disabilities;
- 3750 (ii) a structure or facility:
- 3751 (A) located on the same property as a building described in Subsection (11)(a)(i); and
- 3752 (B) used in support of the use of that building; and
- 3753 (iii) a building to provide office and related space to a school district's administrative
- 3754 personnel; and
- 3755 (b) does not include:
- 3756 (i) land or a structure, including land or a structure for inventory storage, equipment
- 3757 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
- 3758 (A) not located on the same property as a building described in Subsection (11)(a)(i);
- 3759 and
- 3760 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or
- 3761 (ii) a therapeutic school.
- 3762 (12) "Fire authority" means the department, agency, or public entity with responsibility
- 3763 to review and approve the feasibility of fire protection and suppression services for the subject
- 3764 property.
- 3765 (13) "Flood plain" means land that:
- 3766 (a) is within the 100-year flood plain designated by the Federal Emergency
- 3767 Management Agency; or
- 3768 (b) has not been studied or designated by the Federal Emergency Management Agency
- 3769 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
- 3770 the land has characteristics that are similar to those of a 100-year flood plain designated by the
- 3771 Federal Emergency Management Agency.
- 3772 (14) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).
- 3773 (15) "General plan" means a document that a county adopts that sets forth general
- 3774 guidelines for proposed future development of the unincorporated land within the county.
- 3775 (16) "Geologic hazard" means:
- 3776 (a) a surface fault rupture;

- 3777 (b) shallow groundwater;
- 3778 (c) liquefaction;
- 3779 (d) a landslide;
- 3780 (e) a debris flow;
- 3781 (f) unstable soil;
- 3782 (g) a rock fall; or
- 3783 (h) any other geologic condition that presents a risk:
- 3784 (i) to life;
- 3785 (ii) of substantial loss of real property; or
- 3786 (iii) of substantial damage to real property.
- 3787 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 3788 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 3789 system.
- 3790 (18) "Identical plans" means building plans submitted to a county that:
- 3791 (a) are clearly marked as "identical plans";
- 3792 (b) are substantially identical building plans that were previously submitted to and
- 3793 reviewed and approved by the county; and
- 3794 (c) describe a building that:
- 3795 (i) is located on land zoned the same as the land on which the building described in the
- 3796 previously approved plans is located;
- 3797 (ii) is subject to the same geological and meteorological conditions and the same law
- 3798 as the building described in the previously approved plans;
- 3799 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 3800 and approved by the county; and
- 3801 (iv) does not require any additional engineering or analysis.
- 3802 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 3803 Impact Fees Act.
- 3804 (20) "Improvement completion assurance" means a surety bond, letter of credit, cash,
- 3805 or other security required by a county to guaranty the proper completion of landscaping or
- 3806 infrastructure that the land use authority has required as a condition precedent to:
- 3807 (a) recording a subdivision plat; or

3808 (b) beginning development activity.

3809 (21) "Improvement warranty" means an applicant's unconditional warranty that the  
3810 accepted landscaping or infrastructure:

3811 (a) complies with the county's written standards for design, materials, and  
3812 workmanship; and

3813 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
3814 within the improvement warranty period.

3815 (22) "Improvement warranty period" means a period:

3816 (a) no later than one year after a county's acceptance of required landscaping; or

3817 (b) no later than one year after a county's acceptance of required infrastructure, unless  
3818 the county:

3819 (i) determines for good cause that a one-year period would be inadequate to protect the  
3820 public health, safety, and welfare; and

3821 (ii) has substantial evidence, on record:

3822 (A) of prior poor performance by the applicant; or

3823 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
3824 and the county has not otherwise required the applicant to mitigate the suspect soil.

3825 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
3826 designation that:

3827 (a) runs with the land; and

3828 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
3829 the plat; or

3830 (ii) designates a development condition that is enclosed within the perimeter of a lot  
3831 described on the plat.

3832 (24) "Interstate pipeline company" means a person or entity engaged in natural gas  
3833 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
3834 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3835 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas  
3836 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
3837 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

3838 (26) "Land use application" means an application required by a county's land use

3839 ordinance.

3840 (27) "Land use authority" means:

3841 (a) a person, board, commission, agency, or body, including the local legislative body,  
3842 designated by the local legislative body to act upon a land use application; or

3843 (b) if the local legislative body has not designated a person, board, commission,  
3844 agency, or body, the local legislative body.

3845 (28) "Land use ordinance" means a planning, zoning, development, or subdivision  
3846 ordinance of the county, but does not include the general plan.

3847 (29) "Land use permit" means a permit issued by a land use authority.

3848 (30) "Legislative body" means the county legislative body, or for a county that has  
3849 adopted an alternative form of government, the body exercising legislative powers.

3850 (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
3851 Government Entities - Local Districts, and any other governmental or quasi-governmental  
3852 entity that is not a county, municipality, school district, or the state.

3853 (32) "Lot line adjustment" means the relocation of the property boundary line in a  
3854 subdivision between two adjoining lots with the consent of the owners of record.

3855 (33) "Moderate income housing" means housing occupied or reserved for occupancy  
3856 by households with a gross household income equal to or less than 80% of the median gross  
3857 income for households of the same size in the county in which the housing is located.

3858 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
3859 and expenses incurred in:

3860 (a) verifying that building plans are identical plans; and

3861 (b) reviewing and approving those minor aspects of identical plans that differ from the  
3862 previously reviewed and approved building plans.

3863 (35) "Noncomplying structure" means a structure that:

3864 (a) legally existed before its current land use designation; and

3865 (b) because of one or more subsequent land use ordinance changes, does not conform  
3866 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
3867 the use of land.

3868 (36) "Nonconforming use" means a use of land that:

3869 (a) legally existed before its current land use designation;

3870 (b) has been maintained continuously since the time the land use ordinance regulation  
3871 governing the land changed; and

3872 (c) because of one or more subsequent land use ordinance changes, does not conform  
3873 to the regulations that now govern the use of the land.

3874 (37) "Official map" means a map drawn by county authorities and recorded in the  
3875 county recorder's office that:

3876 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
3877 highways and other transportation facilities;

3878 (b) provides a basis for restricting development in designated rights-of-way or between  
3879 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
3880 the land; and

3881 (c) has been adopted as an element of the county's general plan.

3882 (38) "Parcel boundary adjustment" means a recorded agreement between owners of  
3883 adjoining properties adjusting their mutual boundary if:

3884 (a) no additional parcel is created; and

3885 (b) each property identified in the agreement is unsubdivided land, including a  
3886 remainder of subdivided land.

3887 (39) "Person" means an individual, corporation, partnership, organization, association,  
3888 trust, governmental agency, or any other legal entity.

3889 (40) "Plan for moderate income housing" means a written document adopted by a  
3890 county legislative body that includes:

3891 (a) an estimate of the existing supply of moderate income housing located within the  
3892 county;

3893 (b) an estimate of the need for moderate income housing in the county for the next five  
3894 years as revised biennially;

3895 (c) a survey of total residential land use;

3896 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
3897 income housing; and

3898 (e) a description of the county's program to encourage an adequate supply of moderate  
3899 income housing.

3900 (41) "Planning advisory area" means a contiguous, geographically defined portion of

3901 the unincorporated area of a county established under this part with planning and zoning  
3902 functions as exercised through the planning advisory area planning commission, as provided in  
3903 this chapter, but with no legal or political identity separate from the county and no taxing  
3904 authority.

3905       ~~[(41)]~~ (42) "Plat" means a map or other graphical representation of lands being laid out  
3906 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

3907       ~~[(42)]~~ (43) "Potential geologic hazard area" means an area that:

3908           (a) is designated by a Utah Geological Survey map, county geologist map, or other  
3909 relevant map or report as needing further study to determine the area's potential for geologic  
3910 hazard; or

3911           (b) has not been studied by the Utah Geological Survey or a county geologist but  
3912 presents the potential of geologic hazard because the area has characteristics similar to those of  
3913 a designated geologic hazard area.

3914       ~~[(43)]~~ (44) "Public agency" means:

3915           (a) the federal government;

3916           (b) the state;

3917           (c) a county, municipality, school district, local district, special service district, or other  
3918 political subdivision of the state; or

3919           (d) a charter school.

3920       ~~[(44)]~~ (45) "Public hearing" means a hearing at which members of the public are  
3921 provided a reasonable opportunity to comment on the subject of the hearing.

3922       ~~[(45)]~~ (46) "Public meeting" means a meeting that is required to be open to the public  
3923 under Title 52, Chapter 4, Open and Public Meetings Act.

3924       ~~[(46)]~~ (47) "Receiving zone" means an unincorporated area of a county that the county  
3925 designates, by ordinance, as an area in which an owner of land may receive a transferable  
3926 development right.

3927       ~~[(47)]~~ (48) "Record of survey map" means a map of a survey of land prepared in  
3928 accordance with Section 17-23-17.

3929       ~~[(48)]~~ (49) "Residential facility for persons with a disability" means a residence:

3930           (a) in which more than one person with a disability resides; and

3931           (b) (i) which is licensed or certified by the Department of Human Services under Title

3932 62A, Chapter 2, Licensure of Programs and Facilities; or

3933 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
3934 21, Health Care Facility Licensing and Inspection Act.

3935 [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and  
3936 prescribe in a public meeting:

3937 (a) parliamentary order and procedure;

3938 (b) ethical behavior; and

3939 (c) civil discourse.

3940 [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity  
3941 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
3942 wastewater systems.

3943 [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county  
3944 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
3945 development right.

3946 [~~(52)~~] (53) "Site plan" means a document or map that may be required by a county  
3947 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
3948 owner's or developer's proposed development activity meets a land use requirement.

3949 [~~(53)~~] (54) "Specified public agency" means:

3950 (a) the state;

3951 (b) a school district; or

3952 (c) a charter school.

3953 [~~(54)~~] (55) "Specified public utility" means an electrical corporation, gas corporation,  
3954 or telephone corporation, as those terms are defined in Section 54-2-1.

3955 [~~(55)~~] (56) "State" includes any department, division, or agency of the state.

3956 [~~(56)~~] (57) "Street" means a public right-of-way, including a highway, avenue,  
3957 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
3958 or other way.

3959 [~~(57)~~] (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
3960 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
3961 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
3962 installment plan or upon any and all other plans, terms, and conditions.



- 3963 (b) "Subdivision" includes:
- 3964 (i) the division or development of land whether by deed, metes and bounds description,  
3965 devise and testacy, map, plat, or other recorded instrument; and
- 3966 (ii) except as provided in Subsection [~~(57)~~] (58)(c), divisions of land for residential and  
3967 nonresidential uses, including land used or to be used for commercial, agricultural, and  
3968 industrial purposes.
- 3969 (c) "Subdivision" does not include:
- 3970 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 3971 (ii) a recorded agreement between owners of adjoining properties adjusting their  
3972 mutual boundary if:
- 3973 (A) no new lot is created; and
- 3974 (B) the adjustment does not violate applicable land use ordinances;
- 3975 (iii) a recorded document, executed by the owner of record:
- 3976 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
3977 property into one legal description encompassing all such parcels of property; or
- 3978 (B) joining a subdivided parcel of property to another parcel of property that has not  
3979 been subdivided, if the joinder does not violate applicable land use ordinances;
- 3980 (iv) a bona fide division or partition of land in a county other than a first class county  
3981 for the purpose of siting, on one or more of the resulting separate parcels:
- 3982 (A) an electrical transmission line or a substation;
- 3983 (B) a natural gas pipeline or a regulation station; or
- 3984 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
3985 utility service regeneration, transformation, retransmission, or amplification facility;
- 3986 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
3987 their mutual boundary if:
- 3988 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 3989 (B) the adjustment will not violate any applicable land use ordinance;
- 3990 (vi) a bona fide division or partition of land by deed or other instrument where the land  
3991 use authority expressly approves in writing the division in anticipation of further land use  
3992 approvals on the parcel or parcels; or
- 3993 (vii) a parcel boundary adjustment.

3994 (d) The joining of a subdivided parcel of property to another parcel of property that has  
3995 not been subdivided does not constitute a subdivision under this Subsection [(57)] (58) as to  
3996 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
3997 subdivision ordinance.

3998 [(58)] (59) "Suspect soil" means soil that has:

3999 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
4000 3% swell potential;

4001 (b) bedrock units with high shrink or swell susceptibility; or

4002 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
4003 commonly associated with dissolution and collapse features.

4004 [(59)] (60) "Therapeutic school" means a residential group living facility:

4005 (a) for four or more individuals who are not related to:

4006 (i) the owner of the facility; or

4007 (ii) the primary service provider of the facility;

4008 (b) that serves students who have a history of failing to function:

4009 (i) at home;

4010 (ii) in a public school; or

4011 (iii) in a nonresidential private school; and

4012 (c) that offers:

4013 (i) room and board; and

4014 (ii) an academic education integrated with:

4015 (A) specialized structure and supervision; or

4016 (B) services or treatment related to a disability, an emotional development, a  
4017 behavioral development, a familial development, or a social development.

4018 [~~(60) "Township" means a contiguous, geographically defined portion of the~~  
4019 ~~unincorporated area of a county, established under this part or reconstituted or reinstated under~~  
4020 ~~Section 17-27a-306, with planning and zoning functions as exercised through the township~~  
4021 ~~planning commission, as provided in this chapter, but with no legal or political identity~~  
4022 ~~separate from the county and no taxing authority, except that "township" means a former~~  
4023 ~~township under Laws of Utah 1996, Chapter 308, where the context so indicates.]~~

4024 (61) "Transferable development right" means a right to develop and use land that

4025 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
4026 land use rights from a designated sending zone to a designated receiving zone.

4027 (62) "Unincorporated" means the area outside of the incorporated area of a  
4028 municipality.

4029 (63) "Water interest" means any right to the beneficial use of water, including:

4030 (a) each of the rights listed in Section 73-1-11; and

4031 (b) an ownership interest in the right to the beneficial use of water represented by:

4032 (i) a contract; or

4033 (ii) a share in a water company, as defined in Section 73-3-3.5.

4034 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
4035 land use zones, overlays, or districts.

4036 Section 95. Section 17-27a-301 is amended to read:

4037 **17-27a-301. Ordinance establishing planning commission required -- Exception --**  
4038 **Ordinance requirements -- Planning advisory area planning commission --**  
4039 **Compensation.**

4040 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
4041 establishing a countywide planning commission for the unincorporated areas of the county not  
4042 within a [township] planning advisory area.

4043 (b) Subsection (1)(a) does not apply if all of the county is included within any  
4044 combination of:

4045 (i) municipalities; and

4046 (ii) [townships] planning advisory areas with their own planning commissions.

4047 (2) (a) The ordinance shall define:

4048 (i) the number and terms of the members and, if the county chooses, alternate  
4049 members;

4050 (ii) the mode of appointment;

4051 (iii) the procedures for filling vacancies and removal from office;

4052 (iv) the authority of the planning commission;

4053 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the  
4054 planning commission in a public meeting; and

4055 (vi) other details relating to the organization and procedures of the planning

4056 commission.

4057 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with  
4058 Title 52, Chapter 4, Open and Public Meetings Act.

4059 (3) (a) (i) If the county establishes a [~~township~~] planning advisory area planning  
4060 commission, the county legislative body shall enact an ordinance that defines:

4061 (A) appointment procedures;

4062 (B) procedures for filling vacancies and removing members from office;

4063 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the  
4064 [~~township~~] planning advisory area planning commission in a public meeting; and

4065 (D) details relating to the organization and procedures of each [~~township~~] planning  
4066 advisory area planning commission.

4067 (ii) Subsection (3)(a)(i)(C) does not affect the [~~township~~] planning advisory area  
4068 planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings  
4069 Act.

4070 (b) The planning commission for each [~~township~~] planning advisory area shall consist  
4071 of seven members who [~~except as provided in Subsection (4),~~] shall be appointed by:

4072 (i) in a county operating under a form of government in which the executive and  
4073 legislative functions of the governing body are separated, the county executive with the advice  
4074 and consent of the county legislative body; or

4075 (ii) in a county operating under a form of government in which the executive and  
4076 legislative functions of the governing body are not separated, the county legislative body.

4077 (c) (i) Members shall serve four-year terms and until their successors are appointed [~~or,~~  
4078 ~~as provided in Subsection (4), elected~~] and qualified.

4079 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) [~~and except as provided in~~  
4080 ~~Subsection (4)~~], members of the first planning commissions shall be appointed so that, for each  
4081 commission, the terms of at least one member and no more than two members expire each  
4082 year.

4083 (d) (i) [~~Except as provided in Subsection (3)(d)(ii), each~~] Each member of a [~~township~~]  
4084 planning advisory area planning commission shall be a registered voter residing within the  
4085 [~~township~~] planning advisory area.

4086 [(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission

4087 of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established  
4088 under Subsection ~~17-27a-306~~(1)(k)(i) may be an appointed member who is a registered voter  
4089 residing outside the township if that member:]

4090 [~~(F) is an owner of real property located within the township; and]~~

4091 [~~(H) resides within the county in which the township is located.]~~

4092 [~~(B) (F) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township  
4093 planning commission from a list of three persons submitted by the county legislative body.]~~

4094 [~~(H) If the township planning commission has not notified the county legislative body  
4095 of its choice under Subsection (3)(d)(ii)(B)(F) within 60 days of the township planning  
4096 commission's receipt of the list, the county legislative body may appoint one of the three  
4097 persons on the list or a registered voter residing within the township as a member of the  
4098 township planning commission.]~~

4099 [~~(4) (a) The legislative body of each county in which a township reconstituted under  
4100 Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection  
4101 ~~17-27a-306~~(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that  
4102 provides for the election of at least three members of the planning commission of that  
4103 township.]~~

4104 [~~(b) (i) Beginning with the 2012 general election, the election of planning commission  
4105 members under Subsection (4)(a) shall coincide with the election of other county officers  
4106 during even-numbered years.]~~

4107 [~~(ii) Approximately half the elected planning commission members shall be elected  
4108 every four years during elections held on even-numbered years, and the remaining elected  
4109 members shall be elected every four years on alternating even-numbered years.]~~

4110 [~~(c) If no person files a declaration of candidacy in accordance with Section ~~20A-9-202~~  
4111 for an open township planning commission member position:]~~

4112 [~~(i) the position may be appointed in accordance with Subsection (3)(b); and]~~

4113 [~~(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time  
4114 that exceeds the elected term for which there was no candidate.]~~

4115 [~~(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,  
4116 2012, enact an ordinance that:]~~

4117 [~~(i) designates the seats to be elected; and]~~

4118 ~~[(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board~~  
4119 ~~of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the~~  
4120 ~~planning commission of the reconstituted or reinstated township.]~~

4121 ~~[(b) A member appointed under Subsection (5)(a) is considered an elected member.]~~

4122 ~~[(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed~~  
4123 ~~under Subsection (5)(a) shall continue until the time that the member's term as an elected~~  
4124 ~~member of the former township planning and zoning board would have expired.]~~

4125 ~~[(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the~~  
4126 ~~terms of the members appointed under Subsection (5)(a) so that the terms of those members~~  
4127 ~~coincide with the schedule under Subsection (4)(b) for elected members.]~~

4128 ~~[(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a~~  
4129 ~~township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4130 ~~under Subsection 17-27a-306(1)(k)(i) is located may enact an ordinance allowing each~~  
4131 ~~appointed member of the planning and zoning board of the former township, established under~~  
4132 ~~Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning~~  
4133 ~~commission of the reconstituted or reinstated township until the time that the member's term as~~  
4134 ~~a member of the former township's planning and zoning board would have expired.]~~

4135 ~~[(iii) If a planning commission of a township reconstituted under Laws of Utah 1997,~~  
4136 ~~Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) has more than~~  
4137 ~~one appointed member who resides outside the township, the legislative body of the county in~~  
4138 ~~which that township is located shall, within 15 days of the effective date of this Subsection~~  
4139 ~~(6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a~~  
4140 ~~new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed~~  
4141 ~~member.]~~

4142 ~~[(7) (a) Except as provided in Subsection (7)(b), upon]~~

4143 ~~(ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if~~  
4144 ~~that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory~~  
4145 ~~area.~~

4146 ~~(4) (a) A member of a planning commission who was elected to and served on a~~  
4147 ~~planning commission on May 12, 2015, shall serve out the term to which the member was~~  
4148 ~~elected.~~

4149 (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant  
4150 seat shall be filled by appointment in accordance with this section.

4151 (5) Upon the appointment [or election] of all members of a [township] planning  
4152 advisory area planning commission, each [township] planning advisory area planning  
4153 commission under this section shall begin to exercise the powers and perform the duties  
4154 provided in Section 17-27a-302 with respect to all matters then pending that previously had  
4155 been under the jurisdiction of the countywide planning commission or [township] planning  
4156 advisory area planning and zoning board.

4157 [~~(b) Notwithstanding Subsection (7)(a), if the members of a former township planning~~  
4158 ~~and zoning board continue to hold office as members of the planning commission of the~~  
4159 ~~township planning district under an ordinance enacted under Subsection (5)(a), the township~~  
4160 ~~planning commission shall immediately begin to exercise the powers and perform the duties~~  
4161 ~~provided in Section 17-27a-302 with respect to all matters then pending that had previously~~  
4162 ~~been under the jurisdiction of the township planning and zoning board.]~~

4163 [(8)] (6) The legislative body may fix per diem compensation for the members of the  
4164 planning commission, based on necessary and reasonable expenses and on meetings actually  
4165 attended.

4166 Section 96. Section 17-27a-302 is amended to read:

4167 **17-27a-302. Planning commission powers and duties.**

4168 [(1)] Each countywide or [township] planning advisory area planning commission  
4169 shall, with respect to the unincorporated area of the county[;] or the [township] planning  
4170 advisory area, make a recommendation to the county legislative body for:

4171 [(a)] (1) a general plan and amendments to the general plan;

4172 [(b)] (2) land use ordinances, zoning maps, official maps, and amendments;

4173 [(c)] (3) an appropriate delegation of power to at least one designated land use  
4174 authority to hear and act on a land use application;

4175 [(d)] (4) an appropriate delegation of power to at least one appeal authority to hear and  
4176 act on an appeal from a decision of the land use authority; and

4177 [(e)] (5) application processes that:

4178 [(i)] (a) may include a designation of routine land use matters that, upon application  
4179 and proper notice, will receive informal streamlined review and action if the application is

4180 uncontested; and

4181 ~~[(ii)]~~ (b) shall protect the right of each:

4182 ~~[(A)]~~ (i) applicant and third party to require formal consideration of any application by  
4183 a land use authority;

4184 ~~[(B)]~~ (ii) applicant, adversely affected party, or county officer or employee to appeal a  
4185 land use authority's decision to a separate appeal authority; and

4186 ~~[(C)]~~ (iii) participant to be heard in each public hearing on a contested application.

4187 ~~[(2) The planning commission of a township under this part may recommend to the~~  
4188 ~~legislative body of the county in which the township is located that the legislative body file a~~  
4189 ~~protest to a proposed annexation of an area located within the township, as provided in~~  
4190 ~~Subsection 10-2-407(1)(b).]~~

4191 Section ~~H~~→ **[97] 96** ←~~H~~ . Section **17-27a-306** is amended to read:

4192 **17-27a-306. Planning advisory areas.**

4193 (1) (a) A ~~[township]~~ planning advisory area may be established ~~H~~→ **in a county other than a**  
4194 **county of the first class** ←~~H~~ as provided in this Subsection (1).

4195 (b) A ~~[township]~~ planning advisory area may not be established unless the area to be  
4196 included within the proposed ~~[township]~~ planning advisory area:

4197 (i) is unincorporated;

4198 (ii) is contiguous; and

4199 (iii) (A) contains:

4200 (I) at least 20% but not more than 80% of:

4201 (Aa) the total private land area in the unincorporated county; or

4202 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4203 or

4204 (II) (Aa) in a county of the ~~[first,]~~ second~~;~~ or third class, at least 5% of the total  
4205 population of the unincorporated county, but not less ~~H~~→ **then** **than** ←~~H~~ **300 residents**; or

4206 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
4207 of the unincorporated county; or

4208 (B) has been declared by the United States Census Bureau as a census designated  
4209 place.

4210 (c) (i) The process to establish a ~~[township]~~ planning advisory area is initiated by the



4211 filing of a petition with the clerk of the county in which the proposed [township] planning  
4212 advisory area is located.

4213 (ii) A petition to establish a [township] planning advisory area may not be filed if it  
4214 proposes the establishment of a [township] planning advisory area that includes an area within  
4215 a proposed [township] planning advisory area in a petition that has previously been certified  
4216 under Subsection (1)(g), until after the canvass of an election on the proposed [township]  
4217 planning advisory area under Subsection (1)(j).

4218 (d) A petition under Subsection (1)(c) to establish a [township] planning advisory area  
4219 shall:

4220 (i) be signed by the owners of private real property that:

4221 (A) is located within the proposed [township] planning advisory area;

4222 (B) covers at least 10% of the total private land area within the proposed [township]  
4223 planning advisory area; and

4224 (C) is equal in value to at least 10% of the value of all private real property within the  
4225 proposed [township] planning advisory area;

4226 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
4227 area proposed to be established as a [township] planning advisory area;

4228 (iii) indicate the typed or printed name and current residence address of each owner  
4229 signing the petition;

4230 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4231 be designated as the contact sponsor, with the mailing address and telephone number of each  
4232 petition sponsor;

4233 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4234 petition for purposes of the petition; and

4235 (vi) request the county legislative body to provide notice of the petition and of a public  
4236 hearing, hold a public hearing, and conduct an election on the proposal to establish a  
4237 [township] planning advisory area.

4238 (e) Subsection [~~10-2-101~~] [10-2a-102](#)(3) applies to a petition to establish a [township]  
4239 planning advisory area to the same extent as if it were an incorporation petition under Title 10,  
4240 Chapter [~~2, Part 1,~~] [2a, Municipal](#) Incorporation.

4241 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing

4242 the establishment of a [township] planning advisory area in a county of the [~~first or~~] second  
4243 class, the county clerk shall provide notice of the filing of the petition to:

4244 (A) each owner of real property owning more than 1% of the assessed value of all real  
4245 property within the proposed [township] planning advisory area; and

4246 (B) each owner of real property owning more than 850 acres of real property within the  
4247 proposed [township] planning advisory area.

4248 (ii) A property owner may exclude all or part of the property owner's property from a  
4249 proposed [township] planning advisory area in a county of the [~~first or~~] second class:

4250 (A) if:

4251 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
4252 property within the proposed [township] planning advisory area;

4253 (Iiii) the property is nonurban; and

4254 (IIIiii) the property does not or will not require municipal provision of municipal-type  
4255 services; or

4256 (Bb) the property owner owns more than 850 acres of real property within the proposed  
4257 [township] planning advisory area; and

4258 (II) exclusion of the property will not leave within the [township] planning advisory  
4259 area an island of property that is not part of the [township] planning advisory area; and

4260 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
4261 under Subsection (1)(f)(i).

4262 (iii) (A) The county legislative body shall exclude from the proposed [township]  
4263 planning advisory area the property identified in a notice of exclusion timely filed under  
4264 Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection  
4265 (1)(f)(ii)(A).

4266 (B) If the county legislative body excludes property from a proposed [township]  
4267 planning advisory area under Subsection (1)(f)(iii), the county legislative body shall, within  
4268 five days after the exclusion, send written notice of its action to the contact sponsor.

4269 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
4270 clerk shall:

4271 (A) with the assistance of other county officers from whom the clerk requests  
4272 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);

4273 and

4274 (B) (I) if the clerk determines that the petition complies with the requirements of  
4275 Subsection (1)(d):

4276 (Aa) certify the petition and deliver the certified petition to the county legislative body;

4277 and

4278 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4279 (II) if the clerk determines that the petition fails to comply with any of the requirements

4280 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the

4281 rejection and the reasons for the rejection.

4282 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
4283 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4284 county clerk.

4285 (h) (i) Within 90 days after a petition to establish a [township] planning advisory area  
4286 is certified, the county legislative body shall hold a public hearing on the proposal to establish a  
4287 [township] planning advisory area.

4288 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4289 (A) within the boundary of the proposed [township] planning advisory area; or

4290 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4291 practicable.

4292 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
4293 county legislative body shall publish notice of the petition and the time, date, and place of the  
4294 public hearing:

4295 (A) at least once in a newspaper of general circulation in the county; and

4296 (B) on the Utah Public Notice Website created in Section [63F-1-701](#).

4297 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
4298 shall arrange for the proposal to establish a [township] planning advisory area to be submitted  
4299 to voters residing within the proposed [township] planning advisory area at the next regular  
4300 general election that is more than 90 days after the public hearing.

4301 (j) A [township] planning advisory area is established at the time of the canvass of the  
4302 results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters  
4303 voting on the proposal to establish a [township] planning advisory area voted in favor of the

4304 proposal.

4305 ~~[(k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is~~  
 4306 ~~reinstated as a township under this part with the same boundaries and name as before the~~  
 4307 ~~dissolution, if the former township consisted of a single, contiguous land area.]~~

4308 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an~~  
 4309 ~~ordinance establishing as a township under this part a former township that was dissolved~~  
 4310 ~~under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be~~  
 4311 ~~reinstated under Subsection (1)(k)(i).]~~

4312 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection~~  
 4313 ~~(1)(k)(ii) is subject to the provisions of this part.]~~

4314 ~~[(l) A township established under this section on or after May 5, 1997, may use the~~  
 4315 ~~word "township" in its name.]~~

4316 (k) An area that is an established township before May 12, 2015

4316a ~~H~~→ [, in a county other than

4317 a county of the first class] ←H :

4318 (i) is, as of May 12, 2015, a planning advisory area; and

4319 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4320 and

4321 (B) may use the word "planning advisory area" in its name.

4322 (2) The county legislative body may:

4323 (a) assign to the countywide planning commission the duties established in this part  
 4324 that would have been assumed by a [township] planning advisory area planning commission  
 4325 designated under Subsection (2)(b); or

4326 (b) designate and appoint a planning commission for the [township] planning advisory  
 4327 area.

4328 (3) (a) An area within the boundary of a [township] planning advisory area may be  
 4329 withdrawn from the [township] planning advisory area as provided in this Subsection (3) or in  
 4330 accordance with Subsection (5)(a).

4331 (b) The process to withdraw an area from a [township] planning advisory area is  
 4332 initiated by the filing of a petition with the clerk of the county in which the [township] planning  
 4333 advisory area is located.

4334 (c) A petition under Subsection (3)(b) shall:

- 4335 (i) be signed by the owners of private real property that:
- 4336 (A) is located within the area proposed to be withdrawn from the [township] planning
- 4337 advisory area;
- 4338 (B) covers at least 50% of the total private land area within the area proposed to be
- 4339 withdrawn from the [township] planning advisory area; and
- 4340 (C) is equal in value to at least 33% of the value of all private real property within the
- 4341 area proposed to be withdrawn from the [township] planning advisory area;
- 4342 (ii) state the reason or reasons for the proposed withdrawal;
- 4343 (iii) be accompanied by an accurate plat or map showing the boundary of the
- 4344 contiguous area proposed to be withdrawn from the [township] planning advisory area;
- 4345 (iv) indicate the typed or printed name and current residence address of each owner
- 4346 signing the petition;
- 4347 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
- 4348 be designated as the contact sponsor, with the mailing address and telephone number of each
- 4349 petition sponsor;
- 4350 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
- 4351 petition for purposes of the petition; and
- 4352 (vii) request the county legislative body to withdraw the area from the [township]
- 4353 planning advisory area.
- 4354 (d) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to withdraw an area from
- 4355 a [township] planning advisory area to the same extent as if it were an incorporation petition
- 4356 under Title 10, Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.
- 4357 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
- 4358 clerk shall:
- 4359 (A) with the assistance of other county officers from whom the clerk requests
- 4360 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
- 4361 and
- 4362 (B) (I) if the clerk determines that the petition complies with the requirements of
- 4363 Subsection (3)(c):
- 4364 (Aa) certify the petition and deliver the certified petition to the county legislative body;
- 4365 and

4366 (Bb) mail or deliver written notification of the certification to the contact sponsor; or  
4367 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4368 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4369 and the reasons for the rejection.

4370 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
4371 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4372 county clerk.

4373 (f) (i) Within 60 days after a petition to withdraw an area from a [township] planning  
4374 advisory area is certified, the county legislative body shall hold a public hearing on the  
4375 proposal to withdraw the area from the [township] planning advisory area.

4376 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

4377 (A) within the area proposed to be withdrawn from the [township] planning advisory  
4378 area; or

4379 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4380 practicable.

4381 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
4382 body shall:

4383 (A) publish notice of the petition and the time, date, and place of the public hearing:

4384 (I) at least once a week for three consecutive weeks in a newspaper of general  
4385 circulation in the [township] planning advisory area; and

4386 (II) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4387 consecutive weeks; and

4388 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
4389 each owner of private real property within the area proposed to be withdrawn.

4390 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
4391 legislative body shall make a written decision on the proposal to withdraw the area from the  
4392 [township] planning advisory area.

4393 (ii) In making its decision as to whether to withdraw the area from the [township]  
4394 planning advisory area, the county legislative body shall consider:

4395 (A) whether the withdrawal would leave the remaining [township] planning advisory  
4396 area in a situation where the future incorporation of an area within the [township] planning

4397 advisory area or the annexation of an area within the [township] planning advisory area to an  
4398 adjoining municipality would be economically or practically not feasible;

4399 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
4400 area:

4401 (I) whether the proposed subsequent incorporation or withdrawal:

4402 (Aa) will leave or create an unincorporated island or peninsula; or

4403 (Bb) will leave the county with an area within its unincorporated area for which the  
4404 cost, requirements, or other burdens of providing municipal services would materially increase  
4405 over previous years; and

4406 (II) whether the municipality to be created or the municipality into which the  
4407 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of  
4408 providing service to the withdrawn area that the county will no longer provide due to the  
4409 incorporation or annexation;

4410 (C) the effects of a withdrawal on adjoining property owners, existing or projected  
4411 county streets or other public improvements, law enforcement, and zoning and other municipal  
4412 services provided by the county; and

4413 (D) whether justice and equity favor the withdrawal.

4414 (h) Upon the written decision of the county legislative body approving the withdrawal  
4415 of an area from a [township] planning advisory area, the area is withdrawn from the [township]  
4416 planning advisory area and the [township] planning advisory area continues as a [township]  
4417 planning advisory area with a boundary that excludes the withdrawn area.

4418 (4) (a) A [township] planning advisory area may be dissolved as provided in this  
4419 Subsection (4).

4420 (b) The process to dissolve a [township] planning advisory area is initiated by the filing  
4421 of a petition with the clerk of the county in which the [township] planning advisory area is  
4422 located.

4423 (c) A petition under Subsection (4)(b) shall:

4424 (i) be signed by registered voters within the [township] planning advisory area equal in  
4425 number to at least 25% of all votes cast by voters within the [township] planning advisory area  
4426 at the last congressional election;

4427 (ii) state the reason or reasons for the proposed dissolution;

4428 (iii) indicate the typed or printed name and current residence address of each person  
4429 signing the petition;

4430 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4431 be designated as the contact sponsor, with the mailing address and telephone number of each  
4432 petition sponsor;

4433 (v) authorize the petition sponsors to act on behalf of all persons signing the petition  
4434 for purposes of the petition; and

4435 (vi) request the county legislative body to provide notice of the petition and of a public  
4436 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the  
4437 [township] planning advisory area.

4438 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county  
4439 clerk shall:

4440 (A) with the assistance of other county officers from whom the clerk requests  
4441 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
4442 and

4443 (B) (I) if the clerk determines that the petition complies with the requirements of  
4444 Subsection (4)(c):

4445 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4446 and

4447 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4448 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4449 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4450 and the reasons for the rejection.

4451 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
4452 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4453 county clerk.

4454 (e) (i) Within 60 days after a petition to dissolve the [township] planning advisory area  
4455 is certified, the county legislative body shall hold a public hearing on the proposal to dissolve  
4456 the [township] planning advisory area.

4457 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4458 (A) within the boundary of the [township] planning advisory area; or



4459 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4460 practicable.

4461 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
4462 body shall publish notice of the petition and the time, date, and place of the public hearing:

4463 (A) at least once a week for three consecutive weeks in a newspaper of general  
4464 circulation in the [township] planning advisory area; and

4465 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4466 consecutive weeks immediately before the public hearing.

4467 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
4468 shall arrange for the proposal to dissolve the [township] planning advisory area to be submitted  
4469 to voters residing within the [township] planning advisory area at the next regular general  
4470 election that is more than 90 days after the public hearing.

4471 (g) A [township] planning advisory area is dissolved at the time of the canvass of the  
4472 results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters  
4473 voting on the proposal to dissolve the [township] planning advisory area voted in favor of the  
4474 proposal.

4475 (5) (a) If a portion of an area located within a planning advisory area is annexed by a  
4476 municipality or incorporates, that portion is withdrawn from the planning advisory area.

4477 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,  
4478 the planning advisory area is dissolved.

4479 Section 98. Section 17-27a-505 is amended to read:

4480 **17-27a-505. Zoning districts.**

4481 (1) (a) The legislative body may divide the territory over which it has jurisdiction into  
4482 zoning districts of a number, shape, and area that it considers appropriate to carry out the  
4483 purposes of this chapter.

4484 (b) Within those zoning districts, the legislative body may regulate and restrict the  
4485 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and  
4486 the use of land.

4487 (c) A county may enact an ordinance regulating land use and development in a flood  
4488 plain or potential geologic hazard area to:

4489 (i) protect life; and

4490 (ii) prevent:

4491 (A) the substantial loss of real property; or

4492 (B) substantial damage to real property.

4493 (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use  
4494 ordinance requiring a property owner to revegetate or landscape a single family dwelling  
4495 disturbance area unless the property is located in a flood zone or geologic hazard except as  
4496 required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water  
4497 pollution.

4498 (2) The legislative body shall ensure that the regulations are uniform for each class or  
4499 kind of buildings throughout each zone, but the regulations in one zone may differ from those  
4500 in other zones.

4501 (3) (a) There is no minimum area or diversity of ownership requirement for a zone  
4502 designation.

4503 (b) Neither the size of a zoning district nor the number of landowners within the  
4504 district may be used as evidence of the illegality of a zoning district or of the invalidity of a  
4505 county decision.

4506 Section 99. Section ~~17-34-3~~ is amended to read:

4507 **17-34-3. Taxes or service charges.**

4508 (1) (a) If a county furnishes the municipal-type services and functions described in  
4509 Section ~~17-34-1~~ to areas of the county outside the limits of incorporated cities or towns, the  
4510 entire cost of the services or functions so furnished shall be defrayed from funds that the county  
4511 has derived from:

4512 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated  
4513 towns or cities;

4514 (ii) service charges or fees the county may impose upon the persons benefited in any  
4515 way by the services or functions; or

4516 (iii) a combination of these sources.

4517 (b) As the taxes or service charges or fees are levied and collected, they shall be placed  
4518 in a special revenue fund of the county and shall be disbursed only for the rendering of the  
4519 services or functions established in Section ~~17-34-1~~ within the unincorporated areas of the  
4520 county or as provided in Subsection [~~10-2-121~~] 10-2a-219(2).

4521 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this  
4522 section, the county legislative body may establish a district or districts in the unincorporated  
4523 areas of the county.

4524 (b) A district established by a county as provided in Subsection (2)(a) may be  
4525 reorganized as a local district in accordance with the procedures set forth in Sections  
4526 17D-1-601, 17D-1-603, and 17D-1-604.

4527 (3) Nothing contained in this chapter may be construed to authorize counties to impose  
4528 or levy taxes not otherwise allowed by law.

4529 (4) Notwithstanding any other provision of this chapter, a county providing fire,  
4530 paramedic, and police protection services in a designated recreational area, as provided in  
4531 Subsection 17-34-1(5), may fund those services from the county general fund with revenues  
4532 derived from both inside and outside the limits of cities and towns, and the funding of those  
4533 services is not limited to unincorporated area revenues.

4534 Section 100. Section 17-41-101 is amended to read:

4535 **17-41-101. Definitions.**

4536 As used in this chapter:

4537 (1) "Advisory board" means:

4538 (a) for an agriculture protection area, the agriculture protection area advisory board  
4539 created as provided in Section 17-41-201; and

4540 (b) for an industrial protection area, the industrial protection area advisory board  
4541 created as provided in Section 17-41-201.

4542 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
4543 livestock, and livestock products.

4544 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
4545 livestock, and livestock products when more than 50% of the processed or merchandised  
4546 products are produced by the farm operator.

4547 (3) "Agriculture protection area" means a geographic area created under the authority  
4548 of this chapter that is granted the specific legal protections contained in this chapter.

4549 (4) "Applicable legislative body" means:

4550 (a) with respect to a proposed agriculture protection area or industrial protection area:

4551 (i) the legislative body of the county in which the land proposed to be included in an

4552 agriculture protection area or industrial protection area is located, if the land is within the  
4553 unincorporated part of the county; or  
4554 (ii) the legislative body of the city or town in which the land proposed to be included in  
4555 an agriculture protection area or industrial protection area is located; and  
4556 (b) with respect to an existing agriculture protection area or industrial protection area:  
4557 (i) the legislative body of the county in which the agriculture protection area or  
4558 industrial protection area is located, if the agriculture protection area or industrial protection  
4559 area is within the unincorporated part of the county; or  
4560 (ii) the legislative body of the city or town in which the agriculture protection area or  
4561 industrial protection area is located.  
4562 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.  
4563 (6) "Crops, livestock, and livestock products" includes:  
4564 (a) land devoted to the raising of useful plants and animals with a reasonable  
4565 expectation of profit, including:  
4566 (i) forages and sod crops;  
4567 (ii) grains and feed crops;  
4568 (iii) livestock as defined in Section 59-2-102;  
4569 (iv) trees and fruits; or  
4570 (v) vegetables, nursery, floral, and ornamental stock; or  
4571 (b) land devoted to and meeting the requirements and qualifications for payments or  
4572 other compensation under a crop-land retirement program with an agency of the state or federal  
4573 government.  
4574 (7) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.  
4575 (8) "Industrial protection area" means a geographic area created under the authority of  
4576 this chapter that is granted the specific legal protections contained in this chapter.  
4577 (9) "Mine operator" means a natural person, corporation, association, partnership,  
4578 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or  
4579 representative, either public or private, including a successor, assign, affiliate, subsidiary, and  
4580 related parent company, that, as of January 1, 2009:  
4581 (a) owns, controls, or manages a mining use under a large mine permit issued by the  
4582 division or the board; and

4583 (b) has produced commercial quantities of a mineral deposit from the mining use.

4584 (10) "Mineral deposit" has the same meaning as defined in Section 40-8-4, but

4585 excludes:

4586 (a) building stone, decorative rock, and landscaping rock; and

4587 (b) consolidated rock that:

4588 (i) is not associated with another deposit of minerals;

4589 (ii) is or may be extracted from land; and

4590 (iii) is put to uses similar to the uses of sand, gravel, and other aggregates.

4591 (11) "Mining protection area" means land where a vested mining use occurs, including

4592 each surface or subsurface land or mineral estate that a mine operator with a vested mining use

4593 owns or controls.

4594 (12) "Mining use":

4595 (a) means:

4596 (i) the full range of activities, from prospecting and exploration to reclamation and

4597 closure, associated with the exploitation of a mineral deposit; and

4598 (ii) the use of the surface and subsurface and groundwater and surface water of an area

4599 in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or

4600 will be conducted; and

4601 (b) includes, whether conducted on-site or off-site:

4602 (i) any sampling, staking, surveying, exploration, or development activity;

4603 (ii) any drilling, blasting, excavating, or tunneling;

4604 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,

4605 development rock, tailings, and other waste material;

4606 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;

4607 (v) any smelting, refining, autoclaving, or other primary or secondary processing

4608 operation;

4609 (vi) the recovery of any mineral left in residue from a previous extraction or processing

4610 operation;

4611 (vii) a mining activity that is identified in a work plan or permitting document;

4612 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,

4613 structure, facility, equipment, machine, tool, or other material or property that results from or is

4614 used in a surface or subsurface mining operation or activity;

4615 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,

4616 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,

4617 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use

4618 area, buffer zone, and power production facility;

4619 (x) the construction of a storage, factory, processing, or maintenance facility; and

4620 (xi) any activity described in Subsection 40-8-4(14)(a).

4621 (13) (a) "Municipal" means of or relating to a city or town.

4622 (b) "Municipality" means a city or town.

4623 (14) "New land" means surface or subsurface land or mineral estate that a mine

4624 operator gains ownership or control of, whether or not that land or mineral estate is included in

4625 the mine operator's large mine permit.

4626 (15) "Off-site" has the same meaning as provided in Section 40-8-4.

4627 (16) "On-site" has the same meaning as provided in Section 40-8-4.

4628 (17) "Planning commission" means:

4629 (a) a countywide planning commission if the land proposed to be included in the

4630 agriculture protection area or industrial protection area is within the unincorporated part of the

4631 county and not within a [~~township~~] planning advisory area;

4632 (b) a [~~township~~] planning advisory area planning commission if the land proposed to

4633 be included in the agriculture protection area or industrial protection area is within a [~~township~~]

4634 planning advisory area; or

4635 (c) a planning commission of a city or town if the land proposed to be included in the

4636 agriculture protection area or industrial protection area is within a city or town.

4637 (18) "Political subdivision" means a county, city, town, school district, local district, or

4638 special service district.

4639 (19) "Proposal sponsors" means the owners of land in agricultural production or

4640 industrial use who are sponsoring the proposal for creating an agriculture protection area or

4641 industrial protection area, respectively.

4642 (20) "State agency" means each department, commission, board, council, agency,

4643 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

4644 unit, bureau, panel, or other administrative unit of the state.

4645 (21) "Unincorporated" means not within a city or town.

4646 (22) "Vested mining use" means a mining use:

4647 (a) by a mine operator; and

4648 (b) that existed or was conducted or otherwise engaged in before a political subdivision

4649 prohibits, restricts, or otherwise limits a mining use.

4650 Section 101. Section **17B-1-102** is amended to read:

4651 **17B-1-102. Definitions.**

4652 As used in this title:

4653 (1) "Appointing authority" means the person or body authorized to make an  
4654 appointment to the board of trustees.

4655 (2) "Basic local district":

4656 (a) means a local district that is not a specialized local district; and

4657 (b) includes an entity that was, under the law in effect before April 30, 2007, created  
4658 and operated as a local district, as defined under the law in effect before April 30, 2007.

4659 (3) "Bond" means:

4660 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
4661 warrant, certificate of indebtedness, or otherwise; and

4662 (b) a lease agreement, installment purchase agreement, or other agreement that:

4663 (i) includes an obligation by the district to pay money; and

4664 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
4665 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
4666 Act.

4667 (4) "Cemetery maintenance district" means a local district that operates under and is  
4668 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District  
4669 Act, including an entity that was created and operated as a cemetery maintenance district under  
4670 the law in effect before April 30, 2007.

4671 (5) "Drainage district" means a local district that operates under and is subject to the  
4672 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that  
4673 was created and operated as a drainage district under the law in effect before April 30, 2007.

4674 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
4675 water, or other real or personal property required to provide a service that a local district is

4676 authorized to provide, including any related or appurtenant easement or right-of-way,  
4677 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

4678 (7) "Fire protection district" means a local district that operates under and is subject to  
4679 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an  
4680 entity that was created and operated as a fire protection district under the law in effect before  
4681 April 30, 2007.

4682 (8) "General obligation bond":

4683 (a) means a bond that is directly payable from and secured by ad valorem property  
4684 taxes that are:

4685 (i) levied:

4686 (A) by the district that issues the bond; and

4687 (B) on taxable property within the district; and

4688 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

4689 and

4690 (b) does not include:

4691 (i) a short-term bond;

4692 (ii) a tax and revenue anticipation bond; or

4693 (iii) a special assessment bond.

4694 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
4695 security:

4696 (a) to guarantee the proper completion of an improvement;

4697 (b) that is required before a local district may provide a service requested by a service  
4698 applicant; and

4699 (c) that is offered to a local district to induce the local district before construction of an  
4700 improvement begins to:

4701 (i) provide the requested service; or

4702 (ii) commit to provide the requested service.

4703 (10) "Improvement assurance warranty" means a promise that the materials and  
4704 workmanship of an improvement:

4705 (a) comply with standards adopted by a local district; and

4706 (b) will not fail in any material respect within an agreed warranty period.



4707 (11) "Improvement district" means a local district that operates under and is subject to  
4708 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
4709 entity that was created and operated as a county improvement district under the law in effect  
4710 before April 30, 2007.

4711 (12) "Irrigation district" means a local district that operates under and is subject to the  
4712 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that  
4713 was created and operated as an irrigation district under the law in effect before April 30, 2007.

4714 (13) "Local district" means a limited purpose local government entity, as described in  
4715 Section [17B-1-103](#), that operates under, is subject to, and has the powers set forth in:

4716 (a) this chapter; or

4717 (b) (i) this chapter; and

4718 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

4719 (B) Chapter 2a, Part 2, Drainage District Act;

4720 (C) Chapter 2a, Part 3, Fire Protection District Act;

4721 (D) Chapter 2a, Part 4, Improvement District Act;

4722 (E) Chapter 2a, Part 5, Irrigation District Act;

4723 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

4724 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

4725 (H) Chapter 2a, Part 8, Public Transit District Act;

4726 (I) Chapter 2a, Part 9, Service Area Act; ~~or~~

4727 (J) Chapter 2a, Part 10, Water Conservancy District Act~~[-];~~ or

4728 (K) Chapter 2a, Part 11, Municipal Services District Act.

4729 (14) "Metropolitan water district" means a local district that operates under and is  
4730 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District  
4731 Act, including an entity that was created and operated as a metropolitan water district under the  
4732 law in effect before April 30, 2007.

4733 (15) "Mosquito abatement district" means a local district that operates under and is  
4734 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District  
4735 Act, including an entity that was created and operated as a mosquito abatement district under  
4736 the law in effect before April 30, 2007.

4737 (16) "Municipal" means of or relating to a municipality.

4738 (17) "Municipality" means a city or town.

4739 (18) "Municipal services district" means a local district that operates under and is  
4740 subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District  
4741 Act.

4742 [~~(18)~~] (19) "Person" means an individual, corporation, partnership, organization,  
4743 association, trust, governmental agency, or other legal entity.

4744 [~~(19)~~] (20) "Political subdivision" means a county, city, town, local district under this  
4745 title, special service district under Title 17D, Chapter 1, Special Service District Act, an entity  
4746 created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation  
4747 Act, or any other governmental entity designated in statute as a political subdivision of the  
4748 state.

4749 [~~(20)~~] (21) "Private," with respect to real property, means not owned by the United  
4750 States or any agency of the federal government, the state, a county, or a political subdivision.

4751 [~~(21)~~] (22) "Public entity" means:

4752 (a) the United States or an agency of the United States;

4753 (b) the state or an agency of the state;

4754 (c) a political subdivision of the state or an agency of a political subdivision of the  
4755 state;

4756 (d) another state or an agency of that state; or

4757 (e) a political subdivision of another state or an agency of that political subdivision.

4758 [~~(22)~~] (23) "Public transit district" means a local district that operates under and is  
4759 subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act,  
4760 including an entity that was created and operated as a public transit district under the law in  
4761 effect before April 30, 2007.

4762 [~~(23)~~] (24) "Revenue bond":

4763 (a) means a bond payable from designated taxes or other revenues other than the local  
4764 district's ad valorem property taxes; and

4765 (b) does not include:

4766 (i) an obligation constituting an indebtedness within the meaning of an applicable  
4767 constitutional or statutory debt limit;

4768 (ii) a tax and revenue anticipation bond; or

4769 (iii) a special assessment bond.

4770 [~~(24)~~] (25) "Rules of order and procedure" means a set of rules that govern and  
4771 prescribe in a public meeting:

4772 (a) parliamentary order and procedure;

4773 (b) ethical behavior; and

4774 (c) civil discourse.

4775 [~~(25)~~] (26) "Service applicant" means a person who requests that a local district  
4776 provide a service that the local district is authorized to provide.

4777 [~~(26)~~] (27) "Service area" means a local district that operates under and is subject to the  
4778 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was  
4779 created and operated as a county service area or a regional service area under the law in effect  
4780 before April 30, 2007.

4781 [~~(27)~~] (28) "Short-term bond" means a bond that is required to be repaid during the  
4782 fiscal year in which the bond is issued.

4783 [~~(28)~~] (29) "Special assessment" means an assessment levied against property to pay all  
4784 or a portion of the costs of making improvements that benefit the property.

4785 [~~(29)~~] (30) "Special assessment bond" means a bond payable from special assessments.

4786 [~~(30)~~] (31) "Specialized local district" means a local district that is a cemetery  
4787 maintenance district, a drainage district, a fire protection district, an improvement district, an  
4788 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit  
4789 district, a service area, ~~[or]~~ a water conservancy district, or a municipal services district.

4790 [~~(31)~~] (32) "Taxable value" means the taxable value of property as computed from the  
4791 most recent equalized assessment roll for county purposes.

4792 [~~(32)~~] (33) "Tax and revenue anticipation bond" means a bond:

4793 (a) issued in anticipation of the collection of taxes or other revenues or a combination  
4794 of taxes and other revenues; and

4795 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
4796 issued.

4797 [~~(33)~~] (34) "Unincorporated" means not included within a municipality.

4798 [~~(34)~~] (35) "Water conservancy district" means a local district that operates under and  
4799 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District

4800 Act, including an entity that was created and operated as a water conservancy district under the  
4801 law in effect before April 30, 2007.

4802 [~~(35)~~] (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,  
4803 tunnel, power plant, and any facility, improvement, or property necessary or convenient for  
4804 supplying or treating water for any beneficial use, and for otherwise accomplishing the  
4805 purposes of a local district.

4806 Section 102. Section **17B-1-502** is amended to read:

4807 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**  
4808 **certain circumstances.**

4809 (1) (a) An area within the boundaries of a local district may be withdrawn from the  
4810 local district only as provided in this part or, if applicable, as provided in Part 11, Municipal  
4811 Services District Act.

4812 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
4813 district within a municipality because of a municipal incorporation under Title 10, Chapter [2,  
4814 ~~Part 1,~~] 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under  
4815 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the  
4816 process of withdrawing that area from the local district.

4817 (2) (a) An area within the boundaries of a local district is automatically withdrawn  
4818 from the local district by the annexation of the area to a municipality or the adding of the area  
4819 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

4820 (i) the local district provides:

4821 (A) fire protection, paramedic, and emergency services; or

4822 (B) law enforcement service;

4823 (ii) an election for the creation of the local district was not required because of

4824 Subsection 17B-1-214(3)(d); and

4825 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
4826 not include any of the annexing municipality.

4827 (b) The effective date of a withdrawal under this Subsection (2) is governed by

4828 Subsection 17B-1-512(2)(b).

4829 (3) (a) Except as provided in [~~Subsection~~] Subsection (3)(c) or (d), an area within the  
4830 boundaries of a local district located in a county of the first class is automatically withdrawn

4831 from the local district by the incorporation of a municipality whose boundaries include the area  
4832 if:

4833 (i) the local district provides:

4834 (A) fire protection, paramedic, and emergency services;

4835 (B) law enforcement service; or

4836 (C) municipal services, as defined in Section [17B-2a-1102](#);

4837 (ii) an election for the creation of the local district was not required because of

4838 Subsection [17B-1-214\(3\)\(d\)](#) or [\(g\)](#); and

4839 (iii) the legislative body of the newly incorporated municipality:

4840 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of

4841 Metro Townships and Unincorporated Islands in a County of the First Class on and after May

4842 12, 2015, complies with the feasibility study requirements of Section [17B-2a-1110](#);

4843 ~~[(A)]~~ (B) adopts a resolution no later than 180 days after the effective date of

4844 incorporation approving the withdrawal that includes the legal description of the area to be

4845 withdrawn; and

4846 ~~[(B)]~~ (C) delivers a copy of the resolution to the board of trustees of the local district.

4847 (b) The effective date of a withdrawal under this Subsection (3) is governed by

4848 Subsection [17B-1-512\(2\)\(a\)](#).

4849 (c) Section [17B-1-505](#) shall govern the withdrawal of an incorporated area within a

4850 county of the first class ~~[if]~~ after the expiration of the 180-day period described in Subsection

4851 (3)(a)(iii)(B):

4852 (i) the local district from which the area is withdrawn provides:

4853 (A) fire protection, paramedic, and emergency services; ~~[or]~~

4854 (B) law enforcement service; ~~[and]~~ or

4855 (C) municipal services, as defined in Section [17B-2a-1102](#); and

4856 (ii) an election for the creation of the local district was not required under Subsection

4857 [17B-1-214\(3\)\(d\)](#) or [\(g\)](#).

4858 (d) An area within the boundaries of a local district that is incorporated as a metro

4859 township and for which the residents of the metro township at an election to incorporate chose

4860 to be included in a municipal services district is not subject to the provisions of this Subsection

4861 (3).

4862 Section 103. Section **17B-1-505** is amended to read:

4863 **17B-1-505. Withdrawal of municipality in certain districts providing fire**  
4864 **protection, paramedic, and emergency services or law enforcement service.**

4865 (1) (a) The process to withdraw an area from a local district may be initiated by a  
4866 resolution adopted by the legislative body of a municipality, subject to Subsection (1)(b), that is  
4867 entirely within the boundaries of a local district:

4868 (i) that provides:

4869 (A) fire protection, paramedic, and emergency services; [~~or~~]

4870 (B) law enforcement service; [~~and~~] or

4871 (C) municipal services, as defined in Section [17B-2a-1102](#); and

4872 (ii) in the creation of which an election was not required because of Subsection  
4873 [17B-1-214\(3\)\(d\)](#) or (g).

4874 (b) A municipal legislative body of a municipality that is within a municipal services  
4875 district established under Chapter 2a, Part 11, Municipal Services District Act, may not adopt a  
4876 resolution under Subsection (1)(a) to withdraw from the municipal services district unless the  
4877 municipality has conducted a feasibility study in accordance with Section [17B-2a-1110](#).

4878 [~~(b)~~] (c) Within 10 days after adopting a resolution under Subsection (1)(a), the  
4879 municipal legislative body shall submit to the board of trustees of the local district written  
4880 notice of the adoption of the resolution, accompanied by a copy of the resolution.

4881 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body  
4882 shall hold an election at the next municipal general election that is more than 60 days after  
4883 adoption of the resolution on the question of whether the municipality should withdraw from  
4884 the local district.

4885 (3) If a majority of those voting on the question of withdrawal at an election held under  
4886 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
4887 district.

4888 (4) (a) Within 10 days after the canvass of an election at which a withdrawal under this  
4889 section is submitted to voters, the municipal legislative body shall send written notice to the  
4890 board of the local district from which the municipality is proposed to withdraw.

4891 (b) Each notice under Subsection (4)(a) shall:

4892 (i) state the results of the withdrawal election; and

4893 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal  
 4894 description of the area to be withdrawn, adequate for purposes of the county assessor and  
 4895 recorder.

4896 (5) The effective date of a withdrawal under this section is governed by Subsection  
 4897 [17B-1-512](#)(2)(a).

4898 Section 104. Section **17B-1-1002** is amended to read:

4899 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

4900 (1) The rate at which a local district levies a property tax for district operation and  
 4901 maintenance expenses on the taxable value of taxable property within the district may not  
 4902 exceed:

4903 (a) .0008, for a basic local district;

4904 (b) .0004, for a cemetery maintenance district;

4905 (c) .0004, for a drainage district;

4906 (d) .0008, for a fire protection district;

4907 (e) .0008, for an improvement district;

4908 (f) .0005, for a metropolitan water district;

4909 (g) .0004, for a mosquito abatement district;

4910 (h) .0004, for a public transit district;

4911 (i) (i) .0023, for a service area that:

4912 (A) is located in a county of the first or second class; and

4913 (B) (I) provides fire protection, paramedic, and emergency services; or

4914 (II) subject to Subsection (3), provides law enforcement services; or

4915 (ii) .0014, for each other service area; [~~or~~]

4916 (j) the rates provided in Section [17B-2a-1006](#), for a water conservancy district[~~;~~]; or

4917 (k) .0008 for a municipal services district.

4918 (2) Property taxes levied by a local district are excluded from the limit applicable to  
 4919 that district under Subsection (1) if the taxes are:

4920 (a) levied under Section [17B-1-1103](#) by a local district, other than a water conservancy  
 4921 district, to pay principal of and interest on general obligation bonds issued by the district;

4922 (b) levied to pay debt and interest owed to the United States; or

4923 (c) levied to pay assessments or other amounts due to a water users association or other

4924 public cooperative or private entity from which the district procures water.

4925 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax  
4926 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a  
4927 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses  
4928 on or after November 30 in the year in which the tax is first collected and each subsequent year  
4929 that the tax is collected:

4930 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement  
4931 services; or

4932 (b) any other generally assessed fee for law enforcement services.

4933 Section 105. Section 17B-1-1102 is amended to read:

4934 **17B-1-1102. General obligation bonds.**

4935 (1) Except as provided in Subsection (3), if a district intends to issue general obligation  
4936 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at  
4937 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
4938 Bonding Act.

4939 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
4940 the district, subject, for a water conservancy district, to the property tax levy limits of Section  
4941 17B-2a-1006.

4942 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
4943 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

4944 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
4945 bonds will cause the outstanding principal amount of all of the district's general obligation  
4946 bonds to exceed the amount that results from multiplying the fair market value of the taxable  
4947 property within the district, as determined under Subsection 11-14-301(3)(b), by a number that  
4948 is:

- 4949 (i) .05, for a basic local district;
- 4950 (ii) .004, for a cemetery maintenance district;
- 4951 (iii) .002, for a drainage district;
- 4952 (iv) .004, for a fire protection district;
- 4953 (v) .024, for an improvement district;
- 4954 (vi) .1, for an irrigation district;



4955 (vii) .1, for a metropolitan water district;

4956 (viii) .0004, for a mosquito abatement district;

4957 (ix) .03, for a public transit district; [~~or~~]

4958 (x) .12, for a service area[-]; or

4959 (xi) .05 for a municipal services district.

4960 (b) Bonds or other obligations of a local district that are not general obligation bonds  
4961 are not included in the limit stated in Subsection (4)(a).

4962 (5) A district may not be considered to be a municipal corporation for purposes of the  
4963 debt limitation of the Utah Constitution, Article XIV, Section 4.

4964 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter  
4965 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that  
4966 participates in the agreement creating the administrative or legal entity.

4967 Section 106. Section **17B-2a-1102** is amended to read:

4968 **17B-2a-1102. Definitions.**

4969 As used in this part[~~,"municipal~~]:

4970 (1) "Municipal services" means[~~:(1)~~] one or more of the services identified in Section  
4971 17-34-1 [or], 17-36-3[~~;~~and], or 17B-1-202.

4972 [~~(2) any other municipal-type service provided in the district that is in the interest of~~  
4973 ~~the district.]~~

4974 (2) "Metro township" means:

4975 (a) a metro township for which the electors at an election under Section 10-2a-404  
4976 chose a metro township that is included in a municipal services district; or

4977 (b) a metro township that subsequently joins a municipal services district.

4978 Section 107. Section **17B-2a-1103** is amended to read:

4979 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**  
4980 **municipal services districts.**

4981 (1) (a) [~~A~~] Except as provided in Subsection (1)(b) and Section 17B-2a-1110, a  
4982 municipal services district may be created only in unincorporated areas in a county of the first  
4983 class.

4984 (b) [~~Notwithstanding Subsection (1)(a) and subject~~] Subject to Subsection (1)(c), after  
4985 the initial creation of a municipal services district, an area may be annexed into the municipal

4986 services district in accordance with Chapter 1, Part 4, Annexation, whether that area is  
4987 unincorporated or incorporated.

4988 (c) An area annexed under Subsection (1)(b) may not be located outside of the  
4989 originating county of the first class.

4990 (2) Each municipal services district is governed by the powers stated in:

4991 (a) this part; and

4992 (b) Chapter 1, Provisions Applicable to All Local Districts.

4993 (3) This part applies only to a municipal services district.

4994 (4) A municipal services district is not subject to the provisions of any other part of this  
4995 chapter.

4996 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
4997 Local Districts, and a provision in this part, the provisions in this part govern.

4998 Section 108. Section **17B-2a-1104** is amended to read:

4999 **17B-2a-1104. Additional municipal services district powers.**

5000 In addition to the powers conferred on a municipal services district under Section  
5001 [17B-1-103](#), a municipal services district may:

5002 (1) notwithstanding Subsection [17B-1-202](#)(3), provide [~~one or multiple~~] no more than  
5003 six municipal services; and

5004 (2) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
5005 to carry out the purposes of the district.

5006 Section 109. Section **17B-2a-1106** is amended to read:

5007 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

5008 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
5009 law regarding the membership of a local district board of trustees, the initial board of trustees  
5010 of a municipal services district shall consist of the county legislative body.

5011 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
5012 district board of trustees or the governance of a local district, and, except as provided in  
5013 Subsection (3), if a municipal services district is created in a county of the first class with the  
5014 county executive-council form of government, the initial governance of the municipal services  
5015 district is as follows:

5016 (i) subject to Subsection (2)(b), the county council is the municipal services district

5017 board of trustees; and

5018 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
5019 services district.

5020 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
5021 services district described in Subsection (2)(a) shall:

5022 (i) act as the legislative body of the district; and

5023 (ii) exercise legislative branch powers and responsibilities established for county  
5024 legislative bodies in:

5025 (A) Title 17, Counties; and

5026 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
5027 executive-council form of county government as described in Section 17-52-504.

5028 (c) Notwithstanding any other provision of law, in a municipal services district  
5029 described in Subsection (2)(a), the executive of the district shall:

5030 (i) act as the executive of the district; and

5031 (ii) exercise executive branch powers and responsibilities established for a county  
5032 executive in:

5033 (A) Title 17, Counties; and

5034 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
5035 executive-council form of county government as described in Section 17-52-504.

5036 ~~[(3) If, after the initial creation of a municipal services district, an area within the~~  
5037 ~~district is incorporated as a municipality and the area is not withdrawn from the district in~~  
5038 ~~accordance with Section 17B-1-502, or an area within a municipality is annexed into the~~  
5039 ~~municipal services district in accordance with Section 17B-2a-1103:]~~

5040 ~~[(a) the district's board of trustees shall include a member of that municipality's~~  
5041 ~~governing body; and]~~

5042 ~~[(b) the member described in Subsection (3)(a) shall be:]~~

5043 ~~[(i) designated by the municipality; and]~~

5044 ~~[(ii) a member with powers and duties of other board of trustees members as described~~  
5045 ~~in Subsection (2)(b).]~~

5046 (3) (a) If, after the initial creation of a municipal services district, an area within the  
5047 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not

5048 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area  
5049 within the municipality is annexed into the municipal services district in accordance with  
5050 Section 17B-2a-1103, the district's board of trustees shall be as follows:

5051 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

5052 (ii) subject to Subsection (4), two members of the county council of the county in  
5053 which the municipal services district is located; and

5054 (iii) the total number of board members shall be an odd number.

5055 (b) A member described in Subsection (3)(a)(i) shall be:

5056 (i) for a municipality other than a metro township, designated by the municipal  
5057 legislative body; and

5058 (ii) for a metro township, the chair of the metro township.

5059 (c) A member of the board of trustees has the powers and duties described in  
5060 Subsection (2)(b).

5061 (d) The county executive is the executive and has the powers and duties as described in  
5062 Subsection (2)(c).

5063 (4) (a) The number of county council members may be increased or decreased to meet  
5064 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

5065 (b) The number of county council members described in Subsection (3)(a)(ii) does not  
5066 include the county mayor.

5067 (5) For a board of trustees described in Subsection (3), each board member's vote is  
5068 weighted using the proportion of the municipal services district population that resides:

5069 (a) for each member described in Subsection (3)(a)(i), within that member's  
5070 municipality; and

5071 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated  
5072 county, with the members' weighted vote divided evenly if there is more than one member on  
5073 the board described in Subsection (3)(a)(ii).

5074 ~~[(4)]~~ (6) The board may adopt a resolution providing for future board members to be  
5075 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

5076 ~~[(5)]~~ (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of  
5077 trustees may adopt a resolution to determine the internal governance of the board.

5078 (b) A resolution adopted under Subsection ~~[(5)]~~ (7)(a) may not alter or impair the board

5079 of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
5080 duties, powers, or responsibilities described in Subsection (2)(c).

5081 Section 110. Section **17B-2a-1107** is amended to read:

5082 **17B-2a-1107. Exclusion of rural real property.**

5083 (1) As used in this section, "rural real property" means an area:

5084 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

5085 (b) that does not include residential units with a density greater than one unit per acre.

5086 (2) Unless an owner gives written consent, rural real property may not be included in a  
5087 municipal services district if the rural real property:

5088 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one  
5089 or more tax parcels;

5090 (b) is not contiguous to but is used in connection with rural real property that consists  
5091 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

5092 (c) is owned, managed, or controlled by a person, company, or association, including a  
5093 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural  
5094 real property consisting of one or more tax parcels; or

5095 (d) is located in whole or in part in one of the following as defined in Section  
5096 **17-41-101**:

5097 (i) an agricultural protection area;

5098 (ii) a mining protection area; or

5099 (iii) an industrial protection area.

5100 (3) (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw  
5101 consent to inclusion in a municipal services district at any time.

5102 (b) An owner may withdraw consent by submitting a written and signed request to the  
5103 municipal services district board of trustees that:

5104 (i) identifies and describes the rural real property to be withdrawn; and

5105 (ii) requests that the rural real property be withdrawn.

5106 (c) (i) No later than 30 days after the day on which the municipal services district board  
5107 of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a  
5108 resolution withdrawing the rural real property as identified and described in the request.

5109 (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the

5110 municipal services district upon adoption of the resolution.

5111 Section 111. Section **17B-2a-1110** is enacted to read:

5112 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**

5113 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**

5114 **transferred to municipal services district.**

5115 (1) A municipality may withdraw from a municipal services district in accordance with  
5116 Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

5117 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
5118 under Section (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(A) is tolled  
5119 from the day that the municipality engages the feasibility consultant to the day on which the  
5120 municipality holds the final public hearing under Subsection (5).

5121 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
5122 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or  
5123 [17B-1-505](#), as applicable, engage a feasibility consultant to conduct a feasibility study.

5124 (b) The feasibility consultant shall be chosen:

5125 (i) by the municipal legislative body; and

5126 (ii) in accordance with applicable municipal procurement procedures.

5127 (3) The municipal legislative body shall require the feasibility consultant to:

5128 (a) complete the feasibility study and submit the written results to the municipal  
5129 legislative body before the council adopts a resolution under Section [17B-1-502](#);

5130 (b) submit with the full written results of the feasibility study a summary of the results  
5131 no longer than one page in length; and

5132 (c) attend the public hearings under Subsection (5).

5133 (4) (a) The feasibility study shall consider:

5134 (i) population and population density within the withdrawing municipality;

5135 (ii) current and five-year projections of demographics and economic base in the  
5136 withdrawing municipality, including household size and income, commercial and industrial  
5137 development, and public facilities;

5138 (iii) projected growth in the withdrawing municipality during the next five years;

5139 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
5140 including overhead, of municipal services in the withdrawing municipality;

5141 (v) assuming the same tax categories and tax rates as currently imposed by the  
5142 municipal services district and all other current service providers, the present and five-year  
5143 projected revenue for the withdrawing municipality;

5144 (vi) a projection of any new taxes per household that may be levied within the  
5145 withdrawing municipality within five years of the withdrawal; and

5146 (vii) the fiscal impact on other municipalities serviced by the municipal services  
5147 district.

5148 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
5149 level and quality of municipal services to be provided to the withdrawing municipality in the  
5150 future that fairly and reasonably approximate the level and quality of municipal services being  
5151 provided to the withdrawing municipality at the time of the feasibility study.

5152 (ii) In determining the present cost of a municipal service, the feasibility consultant  
5153 shall consider:

5154 (A) the amount it would cost the withdrawing municipality to provide municipal  
5155 services for the first five years after withdrawing; and

5156 (B) the municipal services district's present and five-year projected cost of providing  
5157 municipal services.

5158 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
5159 and anticipated growth.

5160 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
5161 municipal legislative body shall, at its next regular meeting after receipt of the results of the  
5162 feasibility study, schedule at least one public hearing to be held:

5163 (a) within the following 60 days; and

5164 (b) for the purpose of allowing:

5165 (i) the feasibility consultant to present the results of the study; and

5166 (ii) the public to become informed about the feasibility study results, including the  
5167 requirement that if the municipality withdraws from the municipal services district, the  
5168 municipality must comply with Subsection (9), and to ask questions about those results of the  
5169 feasibility consultant.

5170 (6) At a public hearing described in Subsection (5), the municipal legislative body  
5171 shall:

5172 (a) provide a copy of the feasibility study for public review; and  
5173 (b) allow the public to express its views about the proposed withdrawal from the  
5174 municipal services district.

5175 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings  
5176 required under Subsection (5):

5177 (A) at least once a week for three successive weeks in a newspaper of general  
5178 circulation within the municipality; and

5179 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

5180 (ii) The municipal clerk or recorder shall publish the last publication of notice required  
5181 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under  
5182 Subsection (5).

5183 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation  
5184 within the proposed municipality, the municipal clerk or recorder shall post at least one notice  
5185 of the hearings per 1,000 population in conspicuous places within the municipality that are  
5186 most likely to give notice of the hearings to the residents.

5187 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at  
5188 least seven days before the first hearing under Subsection (5).

5189 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
5190 summary and shall indicate that a full copy of the study is available for inspection and copying  
5191 at the office of the municipal clerk or recorder.

5192 (8) At a public meeting held after the public hearing required under Subsection (5), the  
5193 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as  
5194 applicable, if the municipality is in compliance with the other requirements of that section.

5195 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
5196 district for 10 years beginning on the next fiscal year immediately following the municipal  
5197 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)  
5198 or [17B-1-505](#) if the results of the feasibility study show that the average annual amount of  
5199 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
5200 (4)(a)(iv) by more than 5%.

5201 Section 112. Section **17B-2a-1111** is enacted to read:

5202 **17B-2a-1111. Withdrawal of a municipality that changes form of government.**



5203 If a municipality after the 180-day period described in Subsection  
5204 17B-1-502(3)(a)(iii)(A) changes form of government in accordance with Title 10, Chapter 2b,  
5205 Part 6, Changing to Another Form of Municipal Government, the municipality under the new  
5206 form of government may withdraw from a municipal services district only in accordance with  
5207 the provisions of Section 17B-1-505.

5208 Section 113. Section **17B-2a-1112** is enacted to read:

5209 **17B-2a-1112. Audit.**

5210 The board of trustees shall provide a copy of an accounting report, as defined in Section  
5211 51-2a-102, to each political subdivision that is provided municipal services by the municipal  
5212 services district that is filed with the state auditor on behalf of the municipal services district in  
5213 accordance with Section 51-2a-203.

5214 Section 114. Section **20A-1-102** is amended to read:

5215 **20A-1-102. Definitions.**

5216 As used in this title:

5217 (1) "Active voter" means a registered voter who has not been classified as an inactive  
5218 voter by the county clerk.

5219 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
5220 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

5221 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
5222 upon which a voter records the voter's votes.

5223 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
5224 envelopes.

5225 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

5226 (a) contain the names of offices and candidates and statements of ballot propositions to  
5227 be voted on; and

5228 (b) are used in conjunction with ballot sheets that do not display that information.

5229 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
5230 on the ballot for their approval or rejection including:

5231 (a) an opinion question specifically authorized by the Legislature;

5232 (b) a constitutional amendment;

5233 (c) an initiative;

- 5234 (d) a referendum;
- 5235 (e) a bond proposition;
- 5236 (f) a judicial retention question;
- 5237 (g) an incorporation of a city or town; or
- 5238 (h) any other ballot question specifically authorized by the Legislature.
- 5239 (6) "Ballot sheet":
- 5240 (a) means a ballot that:
- 5241 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 5242 (ii) can be counted using automatic tabulating equipment; and
- 5243 (b) includes punch card ballots and other ballots that are machine-countable.
- 5244 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 5245 together with a staple or stitch in at least three places across the top of the paper in the blank
- 5246 space reserved for securing the paper.
- 5247 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 5248 [20A-4-306](#) to canvass election returns.
- 5249 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 5250 the proposed issuance of bonds by a government entity.
- 5251 (10) "Book voter registration form" means voter registration forms contained in a
- 5252 bound book that are used by election officers and registration agents to register persons to vote.
- 5253 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 5254 charge by the sender.
- 5255 (12) "By-mail voter registration form" means a voter registration form designed to be
- 5256 completed by the voter and mailed to the election officer.
- 5257 (13) "Canvass" means the review of election returns and the official declaration of
- 5258 election results by the board of canvassers.
- 5259 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 5260 the canvass.
- 5261 (15) "Contracting election officer" means an election officer who enters into a contract
- 5262 or interlocal agreement with a provider election officer.
- 5263 (16) "Convention" means the political party convention at which party officers and
- 5264 delegates are selected.

5265 (17) "Counting center" means one or more locations selected by the election officer in  
5266 charge of the election for the automatic counting of ballots.

5267 (18) "Counting judge" means a poll worker designated to count the ballots during  
5268 election day.

5269 (19) "Counting poll watcher" means a person selected as provided in Section  
5270 20A-3-201 to witness the counting of ballots.

5271 (20) "Counting room" means a suitable and convenient private place or room,  
5272 immediately adjoining the place where the election is being held, for use by the poll workers  
5273 and counting judges to count ballots during election day.

5274 (21) "County officers" means those county officers that are required by law to be  
5275 elected.

5276 (22) "Date of the election" or "election day" or "day of the election":

5277 (a) means the day that is specified in the calendar year as the day that the election  
5278 occurs; and

5279 (b) does not include:

5280 (i) deadlines established for absentee voting; or

5281 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
5282 Voting.

5283 (23) "Elected official" means:

5284 (a) a person elected to an office under Section 20A-1-303;

5285 (b) a person who is considered to be elected to a municipal office in accordance with  
5286 Subsection 20A-1-206(1)(c)(ii); or

5287 (c) a person who is considered to be elected to a local district office in accordance with  
5288 Subsection 20A-1-206(3)(c)(ii).

5289 (24) "Election" means a regular general election, a municipal general election, a  
5290 statewide special election, a local special election, a regular primary election, a municipal  
5291 primary election, and a local district election.

5292 (25) "Election Assistance Commission" means the commission established by Public  
5293 Law 107-252, the Help America Vote Act of 2002.

5294 (26) "Election cycle" means the period beginning on the first day persons are eligible to  
5295 file declarations of candidacy and ending when the canvass is completed.

- 5296 (27) "Election judge" means a poll worker that is assigned to:
- 5297 (a) preside over other poll workers at a polling place;
- 5298 (b) act as the presiding election judge; or
- 5299 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 5300 (28) "Election officer" means:
- 5301 (a) the lieutenant governor, for all statewide ballots and elections;
- 5302 (b) the county clerk for:
- 5303 (i) a county ballot and election; and
- 5304 (ii) a ballot and election as a provider election officer as provided in Section
- 5305 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5306 (c) the municipal clerk for:
- 5307 (i) a municipal ballot and election; and
- 5308 (ii) a ballot and election as a provider election officer as provided in Section
- 5309 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5310 (d) the local district clerk or chief executive officer for:
- 5311 (i) a local district ballot and election; and
- 5312 (ii) a ballot and election as a provider election officer as provided in Section
- 5313 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 5314 (e) the business administrator or superintendent of a school district for:
- 5315 (i) a school district ballot and election; and
- 5316 (ii) a ballot and election as a provider election officer as provided in Section
- 5317 [20A-5-400.1](#) or [20A-5-400.5](#).
- 5318 (29) "Election official" means any election officer, election judge, or poll worker.
- 5319 (30) "Election results" means:
- 5320 (a) for an election other than a bond election, the count of votes cast in the election and
- 5321 the election returns requested by the board of canvassers; or
- 5322 (b) for bond elections, the count of those votes cast for and against the bond
- 5323 proposition plus any or all of the election returns that the board of canvassers may request.
- 5324 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 5325 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 5326 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition

5327 form, and the total votes cast form.

5328 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
5329 device or other voting device that records and stores ballot information by electronic means.

5330 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
5331 or logically associated with a record and executed or adopted by a person with the intent to sign  
5332 the record.

5333 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

5334 (b) "Electronic voting device" includes a direct recording electronic voting device.

5335 (35) "Inactive voter" means a registered voter who has:

5336 (a) been sent the notice required by Section [20A-2-306](#); and

5337 (b) failed to respond to that notice.

5338 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
5339 witness the receipt and safe deposit of voted and counted ballots.

5340 (37) "Judicial office" means the office filled by any judicial officer.

5341 (38) "Judicial officer" means any justice or judge of a court of record or any county  
5342 court judge.

5343 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
5344 Local Government Entities - Local Districts, and includes a special service district under Title  
5345 17D, Chapter 1, Special Service District Act.

5346 (40) "Local district officers" means those local district board members that are required  
5347 by law to be elected.

5348 (41) "Local election" means a regular county election, a regular municipal election, a  
5349 municipal primary election, a local special election, a local district election, and a bond  
5350 election.

5351 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
5352 local school district.

5353 (43) "Local special election" means a special election called by the governing body of a  
5354 local political subdivision in which all registered voters of the local political subdivision may  
5355 vote.

5356 (44) "Municipal executive" means:

5357 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

5358 [or]

5359 (b) the mayor in the council-manager form of government defined in Subsection

5360 [10-3b-103](#)~~[(6)].~~[\(7\)](#); or

5361 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).

5362 (45) "Municipal general election" means the election held in municipalities and, as  
5363 applicable, local districts on the first Tuesday after the first Monday in November of each  
5364 odd-numbered year for the purposes established in Section [20A-1-202](#).

5365 (46) "Municipal legislative body" means:

5366 (a) the council of the city or town in any form of municipal government~~[-]~~; or

5367 (b) the council of a metro township.

5368 (47) "Municipal office" means an elective office in a municipality.

5369 (48) "Municipal officers" means those municipal officers that are required by law to be  
5370 elected.

5371 (49) "Municipal primary election" means an election held to nominate candidates for  
5372 municipal office.

5373 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
5374 workers to be given to voters to record their votes.

5375 (51) "Official endorsement" means:

5376 (a) the information on the ballot that identifies:

5377 (i) the ballot as an official ballot;

5378 (ii) the date of the election; and

5379 (iii) the facsimile signature of the election officer; and

5380 (b) the information on the ballot stub that identifies:

5381 (i) the poll worker's initials; and

5382 (ii) the ballot number.

5383 (52) "Official register" means the official record furnished to election officials by the  
5384 election officer that contains the information required by Section [20A-5-401](#).

5385 (53) "Paper ballot" means a paper that contains:

5386 (a) the names of offices and candidates and statements of ballot propositions to be  
5387 voted on; and

5388 (b) spaces for the voter to record the voter's vote for each office and for or against each

5389 ballot proposition.

5390 (54) "Pilot project" means the election day voter registration pilot project created in  
5391 Section [20A-4-108](#).

5392 (55) "Political party" means an organization of registered voters that has qualified to  
5393 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
5394 and Procedures.

5395 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
5396 cast votes.

5397 (57) "Polling place" means the building where voting is conducted.

5398 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
5399 election, voting, or counting votes.

5400 (b) "Poll worker" includes election judges.

5401 (c) "Poll worker" does not include a watcher.

5402 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
5403 in which the voter marks the voter's choice.

5404 (60) "Primary convention" means the political party conventions held during the year  
5405 of the regular general election.

5406 (61) "Protective counter" means a separate counter, which cannot be reset, that:

5407 (a) is built into a voting machine; and

5408 (b) records the total number of movements of the operating lever.

5409 (62) "Provider election officer" means an election officer who enters into a contract or  
5410 interlocal agreement with a contracting election officer to conduct an election for the  
5411 contracting election officer's local political subdivision in accordance with Section  
5412 [20A-5-400.1](#).

5413 (63) "Provisional ballot" means a ballot voted provisionally by a person:

5414 (a) whose name is not listed on the official register at the polling place;

5415 (b) whose legal right to vote is challenged as provided in this title; or

5416 (c) whose identity was not sufficiently established by a poll worker.

5417 (64) "Provisional ballot envelope" means an envelope printed in the form required by  
5418 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
5419 verify a person's legal right to vote.

5420 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
5421 duties of the position for which the person was elected.

5422 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
5423 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
5424 after the voter has voted.

5425 (67) "Registration form" means a book voter registration form and a by-mail voter  
5426 registration form.

5427 (68) "Regular ballot" means a ballot that is not a provisional ballot.

5428 (69) "Regular general election" means the election held throughout the state on the first  
5429 Tuesday after the first Monday in November of each even-numbered year for the purposes  
5430 established in Section [20A-1-201](#).

5431 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
5432 each even-numbered year, to nominate candidates of political parties and candidates for  
5433 nonpartisan local school board positions to advance to the regular general election.

5434 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

5435 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
5436 and distributed as provided in Section [20A-5-405](#).

5437 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
5438 punch the ballot for one or more candidates who are members of different political parties.

5439 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
5440 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
5441 the voter's vote.

5442 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

5443 (76) "Spoiled ballot" means each ballot that:

5444 (a) is spoiled by the voter;

5445 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5446 (c) lacks the official endorsement.

5447 (77) "Statewide special election" means a special election called by the governor or the  
5448 Legislature in which all registered voters in Utah may vote.

5449 (78) "Stub" means the detachable part of each ballot.

5450 (79) "Substitute ballots" means replacement ballots provided by an election officer to



5451 the poll workers when the official ballots are lost or stolen.

5452 (80) "Ticket" means each list of candidates for each political party or for each group of  
5453 petitioners.

5454 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
5455 counting center.

5456 (82) "Vacancy" means the absence of a person to serve in any position created by  
5457 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
5458 or other cause.

5459 (83) "Valid voter identification" means:

5460 (a) a form of identification that bears the name and photograph of the voter which may  
5461 include:

5462 (i) a currently valid Utah driver license;

5463 (ii) a currently valid identification card that is issued by:

5464 (A) the state; or

5465 (B) a branch, department, or agency of the United States;

5466 (iii) a currently valid Utah permit to carry a concealed weapon;

5467 (iv) a currently valid United States passport; or

5468 (v) a currently valid United States military identification card;

5469 (b) one of the following identification cards, whether or not the card includes a  
5470 photograph of the voter:

5471 (i) a valid tribal identification card;

5472 (ii) a Bureau of Indian Affairs card; or

5473 (iii) a tribal treaty card; or

5474 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
5475 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
5476 may include:

5477 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
5478 election;

5479 (ii) a bank or other financial account statement, or a legible copy thereof;

5480 (iii) a certified birth certificate;

5481 (iv) a valid Social Security card;

- 5482 (v) a check issued by the state or the federal government or a legible copy thereof;
- 5483 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 5484 (vii) a currently valid Utah hunting or fishing license;
- 5485 (viii) certified naturalization documentation;
- 5486 (ix) a currently valid license issued by an authorized agency of the United States;
- 5487 (x) a certified copy of court records showing the voter's adoption or name change;
- 5488 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 5489 (xii) a currently valid identification card issued by:
  - 5490 (A) a local government within the state;
  - 5491 (B) an employer for an employee; or
  - 5492 (C) a college, university, technical school, or professional school located within the
  - 5493 state; or
  - 5494 (xiii) a current Utah vehicle registration.
- 5495 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 5496 candidate by following the procedures and requirements of this title.
- 5497 (85) "Voter" means a person who:
  - 5498 (a) meets the requirements for voting in an election;
  - 5499 (b) meets the requirements of election registration;
  - 5500 (c) is registered to vote; and
  - 5501 (d) is listed in the official register book.
- 5502 (86) "Voter registration deadline" means the registration deadline provided in Section
- 5503 [20A-2-102.5](#).
- 5504 (87) "Voting area" means the area within six feet of the voting booths, voting
- 5505 machines, and ballot box.
- 5506 (88) "Voting booth" means:
  - 5507 (a) the space or compartment within a polling place that is provided for the preparation
  - 5508 of ballots, including the voting machine enclosure or curtain; or
  - 5509 (b) a voting device that is free standing.
- 5510 (89) "Voting device" means:
  - 5511 (a) an apparatus in which ballot sheets are used in connection with a punch device for
  - 5512 piercing the ballots by the voter;

- 5513 (b) a device for marking the ballots with ink or another substance;
- 5514 (c) an electronic voting device or other device used to make selections and cast a ballot
- 5515 electronically, or any component thereof;
- 5516 (d) an automated voting system under Section [20A-5-302](#); or
- 5517 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 5518 by means of automatic tabulating equipment.

5519 (90) "Voting machine" means a machine designed for the sole purpose of recording  
5520 and tabulating votes cast by voters at an election.

5521 (91) "Voting poll watcher" means a person appointed as provided in this title to  
5522 witness the distribution of ballots and the voting process.

5523 (92) "Voting precinct" means the smallest voting unit established as provided by law  
5524 within which qualified voters vote at one polling place.

5525 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
5526 poll watcher, and a testing watcher.

5527 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
5528 Part 8, Western States Presidential Primary.

5529 (95) "Write-in ballot" means a ballot containing any write-in votes.

5530 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
5531 ballot according to the procedures established in this title.

5532 Section 115. Section **20A-1-201.5** is amended to read:

5533 **20A-1-201.5. Primary election dates.**

5534 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
5535 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons  
5536 for:

5537 (a) national, state, school board, and county offices[~~;~~]; and

5538 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

5539 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
5540 following the first Monday in August before the regular municipal election to nominate persons  
5541 for municipal offices.

5542 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
5543 election, the Western States Presidential Primary election shall be held throughout the state on

5544 the first Tuesday in February in the year in which a presidential election will be held.

5545 Section 116. Section **20A-1-203** is amended to read:

5546 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
5547 **limitations.**

5548 (1) Statewide and local special elections may be held for any purpose authorized by  
5549 law.

5550 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
5551 general elections.

5552 (b) Except as otherwise provided in this title, local special elections shall be conducted  
5553 using the procedures for regular municipal elections.

5554 (3) The governor may call a statewide special election by issuing an executive order  
5555 that designates:

5556 (a) the date for the statewide special election; and

5557 (b) the purpose for the statewide special election.

5558 (4) The Legislature may call a statewide special election by passing a joint or  
5559 concurrent resolution that designates:

5560 (a) the date for the statewide special election; and

5561 (b) the purpose for the statewide special election.

5562 (5) (a) The legislative body of a local political subdivision may call a local special  
5563 election only for:

5564 (i) a vote on a bond or debt issue;

5565 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);

5566 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

5567 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

5568 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
5569 legal boundaries should be changed;

5570 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

5571 (vii) a vote to elect members to school district boards for a new school district and a  
5572 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
5573 school district under Section [53A-2-118.1](#);

5574 (viii) an election of town officers of a newly incorporated town under Section

- 5575 [~~10-2-128~~] [10-2a-305](#);
- 5576 (ix) an election of officers for a new city under Section [~~10-2-116~~] [10-2a-215](#);
- 5577 (x) a vote on a municipality providing cable television services or public
- 5578 telecommunications services under Section [10-18-204](#);
- 5579 (xi) a vote to create a new county under Section [17-3-1](#);
- 5580 (xii) a vote on the creation of a study committee under Sections [17-52-202](#) and
- 5581 [17-52-203.5](#);
- 5582 (xiii) a vote on a special property tax under Section [53A-16-110](#);
- 5583 (xiv) a vote on the incorporation of a city in accordance with Section [~~10-2-111~~]
- 5584 [10-2a-210](#); [or]
- 5585 (xv) a vote on the incorporation of a town in accordance with Section [~~10-2-127~~]
- 5586 [10-2a-304](#); or
- 5587 (xvi) a vote on incorporation or annexation as described in Section [10-2a-404](#).
- 5588 (b) The legislative body of a local political subdivision may call a local special election
- 5589 by adopting an ordinance or resolution that designates:
- 5590 (i) the date for the local special election as authorized by Section [20A-1-204](#); and
- 5591 (ii) the purpose for the local special election.
- 5592 (c) A local political subdivision may not call a local special election unless the
- 5593 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
- 5594 two-thirds majority of all members of the legislative body, if the local special election is for:
- 5595 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 5596 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 5597 (iii) a vote authorized or required for a sales tax issue as described in Subsection
- 5598 (5)(a)(vi).
- 5599 Section 117. Section **20A-1-204** is amended to read:
- 5600 **20A-1-204. Date of special election -- Legal effect.**
- 5601 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
- 5602 legislative body of a local political subdivision calling a statewide special election or local
- 5603 special election under Section [20A-1-203](#) shall schedule the special election to be held on:
- 5604 (i) the fourth Tuesday in June;
- 5605 (ii) the first Tuesday after the first Monday in November; or

5606 (iii) for an election of town officers of a newly incorporated town under Section  
5607 [~~10-2-128~~] [10-2a-305](#), on any date that complies with the requirements of that subsection.

5608 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative  
5609 body of a local political subdivision calling a statewide special election or local special election  
5610 under Section [20A-1-203](#) may not schedule a special election to be held on any other date.

5611 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative  
5612 body of a local political subdivision may call a local special election on a date other than those  
5613 specified in this section if the legislative body:

5614 (A) determines and declares that there is a disaster, as defined in Section [53-2a-102](#),  
5615 requiring that a special election be held on a date other than the ones authorized in statute;

5616 (B) identifies specifically the nature of the disaster, as defined in Section [53-2a-102](#),  
5617 and the reasons for holding the special election on that other date; and

5618 (C) votes unanimously to hold the special election on that other date.

5619 (ii) The legislative body of a local political subdivision may not call a local special  
5620 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for  
5621 Utah's Western States Presidential Primary.

5622 (d) The legislative body of a local political subdivision may only call a special election  
5623 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after  
5624 the first Monday in November.

5625 (e) Nothing in this section prohibits:

5626 (i) the governor or Legislature from submitting a matter to the voters at the regular  
5627 general election if authorized by law; or

5628 (ii) a local government from submitting a matter to the voters at the regular municipal  
5629 election if authorized by law.

5630 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
5631 special election within a county on the same day as:

5632 (i) another special election;

5633 (ii) a regular general election; or

5634 (iii) a municipal general election.

5635 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

5636 (i) polling places;

5637 (ii) ballots;  
5638 (iii) election officials; and  
5639 (iv) other administrative and procedural matters connected with the election.  
5640 Section 118. Section **20A-11-101** is amended to read:  
5641 **20A-11-101. Definitions.**  
5642 As used in this chapter:  
5643 (1) "Address" means the number and street where an individual resides or where a  
5644 reporting entity has its principal office.  
5645 (2) "Agent of a reporting entity" means:  
5646 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
5647 entity;  
5648 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
5649 reporting entity;  
5650 (c) the personal campaign committee of a candidate or officeholder;  
5651 (d) a member of the personal campaign committee of a candidate or officeholder in the  
5652 member's capacity as a member of the personal campaign committee of the candidate or  
5653 officeholder; or  
5654 (e) a political consultant of a reporting entity.  
5655 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
5656 amendments, and any other ballot propositions submitted to the voters that are authorized by  
5657 the Utah Code Annotated 1953.  
5658 (4) "Candidate" means any person who:  
5659 (a) files a declaration of candidacy for a public office; or  
5660 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5661 receive contributions or make expenditures to bring about the person's nomination or election  
5662 to a public office.  
5663 (5) "Chief election officer" means:  
5664 (a) the lieutenant governor for state office candidates, legislative office candidates,  
5665 officeholders, political parties, political action committees, corporations, political issues  
5666 committees, state school board candidates, judges, and labor organizations, as defined in  
5667 Section [20A-11-1501](#); and

- 5668 (b) the county clerk for local school board candidates.
- 5669 (6) (a) "Contribution" means any of the following when done for political purposes:
- 5670 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 5671 value given to the filing entity;
- 5672 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 5673 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 5674 anything of value to the filing entity;
- 5675 (iii) any transfer of funds from another reporting entity to the filing entity;
- 5676 (iv) compensation paid by any person or reporting entity other than the filing entity for
- 5677 personal services provided without charge to the filing entity;
- 5678 (v) remuneration from:
- 5679 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 5680 or
- 5681 (B) any agency or subdivision of the state, including school districts;
- 5682 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 5683 (vii) in-kind contributions.
- 5684 (b) "Contribution" does not include:
- 5685 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 5686 of the filing entity if the services are provided without compensation by the filing entity or any
- 5687 other person;
- 5688 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 5689 business; or
- 5690 (iii) goods or services provided for the benefit of a candidate or political party at less
- 5691 than fair market value that are not authorized by or coordinated with the candidate or political
- 5692 party.
- 5693 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 5694 candidate or political party are provided:
- 5695 (a) with the candidate's or political party's prior knowledge, if the candidate or political
- 5696 party does not object;
- 5697 (b) by agreement with the candidate or political party;
- 5698 (c) in coordination with the candidate or political party; or



5699 (d) using official logos, slogans, and similar elements belonging to a candidate or  
5700 political party.

5701 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
5702 organization that is registered as a corporation or is authorized to do business in a state and  
5703 makes any expenditure from corporate funds for:

5704 (i) the purpose of expressly advocating for political purposes; or

5705 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
5706 proposition.

5707 (b) "Corporation" does not mean:

5708 (i) a business organization's political action committee or political issues committee; or

5709 (ii) a business entity organized as a partnership or a sole proprietorship.

5710 (9) "County political party" means, for each registered political party, all of the persons  
5711 within a single county who, under definitions established by the political party, are members of  
5712 the registered political party.

5713 (10) "County political party officer" means a person whose name is required to be  
5714 submitted by a county political party to the lieutenant governor in accordance with Section  
5715 [20A-8-402](#).

5716 (11) "Detailed listing" means:

5717 (a) for each contribution or public service assistance:

5718 (i) the name and address of the individual or source making the contribution or public  
5719 service assistance;

5720 (ii) the amount or value of the contribution or public service assistance; and

5721 (iii) the date the contribution or public service assistance was made; and

5722 (b) for each expenditure:

5723 (i) the amount of the expenditure;

5724 (ii) the person or entity to whom it was disbursed;

5725 (iii) the specific purpose, item, or service acquired by the expenditure; and

5726 (iv) the date the expenditure was made.

5727 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
5728 for membership in the corporation, to a corporation without receiving full and adequate  
5729 consideration for the money.

5730 (b) "Donor" does not include a person that signs a statement that the corporation may  
5731 not use the money for an expenditure or political issues expenditure.

5732 (13) "Election" means each:

5733 (a) regular general election;

5734 (b) regular primary election; and

5735 (c) special election at which candidates are eliminated and selected.

5736 (14) "Electioneering communication" means a communication that:

5737 (a) has at least a value of \$10,000;

5738 (b) clearly identifies a candidate or judge; and

5739 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
5740 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
5741 identified candidate's or judge's election date.

5742 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
5743 agent of a reporting entity on behalf of the reporting entity:

5744 (i) any disbursement from contributions, receipts, or from the separate bank account  
5745 required by this chapter;

5746 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
5747 or anything of value made for political purposes;

5748 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5749 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
5750 value for political purposes;

5751 (iv) compensation paid by a filing entity for personal services rendered by a person  
5752 without charge to a reporting entity;

5753 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
5754 committee; or

5755 (vi) goods or services provided by the filing entity to or for the benefit of another  
5756 reporting entity for political purposes at less than fair market value.

5757 (b) "Expenditure" does not include:

5758 (i) services provided without compensation by individuals volunteering a portion or all  
5759 of their time on behalf of a reporting entity;

5760 (ii) money lent to a reporting entity by a financial institution in the ordinary course of

5761 business; or

5762 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
5763 candidates for office or officeholders in states other than Utah.

5764 (16) "Federal office" means the office of president of the United States, United States  
5765 Senator, or United States Representative.

5766 (17) "Filing entity" means the reporting entity that is required to file a financial  
5767 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

5768 (18) "Financial statement" includes any summary report, interim report, verified  
5769 financial statement, or other statement disclosing contributions, expenditures, receipts,  
5770 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
5771 Retention Elections.

5772 (19) "Governing board" means the individual or group of individuals that determine the  
5773 candidates and committees that will receive expenditures from a political action committee,  
5774 political party, or corporation.

5775 (20) "Incorporation" means the process established by Title 10, Chapter [~~2, Part 1,~~] 2a,  
5776 Municipal Incorporation, by which a geographical area becomes legally recognized as a city  
5777 [~~or~~], town, or metro township.

5778 (21) "Incorporation election" means the election authorized by Section [~~10-2-111 or~~  
5779 ~~10-2-127~~] 10-2a-210, 10-2a-304, or 10-2a-404.

5780 (22) "Incorporation petition" means a petition authorized by Section [~~10-2-109~~]  
5781 10-2a-208 or [~~10-2-125~~] 10-2a-302.

5782 (23) "Individual" means a natural person.

5783 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
5784 by or coordinated with a filing entity.

5785 (25) "Interim report" means a report identifying the contributions received and  
5786 expenditures made since the last report.

5787 (26) "Legislative office" means the office of state senator, state representative, speaker  
5788 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
5789 whip of any party caucus in either house of the Legislature.

5790 (27) "Legislative office candidate" means a person who:

5791 (a) files a declaration of candidacy for the office of state senator or state representative;

5792 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
5793 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
5794 assistant whip of any party caucus in either house of the Legislature; or

5795 (c) receives contributions, makes expenditures, or gives consent for any other person to  
5796 receive contributions or make expenditures to bring about the person's nomination, election, or  
5797 appointment to a legislative office.

5798 (28) "Major political party" means either of the two registered political parties that  
5799 have the greatest number of members elected to the two houses of the Legislature.

5800 (29) "Officeholder" means a person who holds a public office.

5801 (30) "Party committee" means any committee organized by or authorized by the  
5802 governing board of a registered political party.

5803 (31) "Person" means both natural and legal persons, including individuals, business  
5804 organizations, personal campaign committees, party committees, political action committees,  
5805 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

5806 (32) "Personal campaign committee" means the committee appointed by a candidate to  
5807 act for the candidate as provided in this chapter.

5808 (33) "Personal use expenditure" has the same meaning as provided under Section  
5809 [20A-11-104](#).

5810 (34) (a) "Political action committee" means an entity, or any group of individuals or  
5811 entities within or outside this state, a major purpose of which is to:

5812 (i) solicit or receive contributions from any other person, group, or entity for political  
5813 purposes; or

5814 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
5815 vote for or against any candidate or person seeking election to a municipal or county office.

5816 (b) "Political action committee" includes groups affiliated with a registered political  
5817 party but not authorized or organized by the governing board of the registered political party  
5818 that receive contributions or makes expenditures for political purposes.

5819 (c) "Political action committee" does not mean:

5820 (i) a party committee;

5821 (ii) any entity that provides goods or services to a candidate or committee in the regular  
5822 course of its business at the same price that would be provided to the general public;

- 5823 (iii) an individual;
- 5824 (iv) individuals who are related and who make contributions from a joint checking  
5825 account;
- 5826 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5827 action committee; or
- 5828 (vi) a personal campaign committee.
- 5829 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
5830 by another person on behalf of and with the knowledge of the reporting entity, to provide  
5831 political advice to the reporting entity.
- 5832 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
5833 where the person:
- 5834 (i) has already been paid, with money or other consideration;
- 5835 (ii) expects to be paid in the future, with money or other consideration; or
- 5836 (iii) understands that the person may, in the discretion of the reporting entity or another  
5837 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
5838 money or other consideration.
- 5839 (36) "Political convention" means a county or state political convention held by a  
5840 registered political party to select candidates.
- 5841 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
5842 entities within or outside this state, a major purpose of which is to:
- 5843 (i) solicit or receive donations from any other person, group, or entity to assist in  
5844 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
5845 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- 5846 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
5847 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
5848 proposed ballot proposition or an incorporation in an incorporation election; or
- 5849 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
5850 ballot or to assist in keeping a ballot proposition off the ballot.
- 5851 (b) "Political issues committee" does not mean:
- 5852 (i) a registered political party or a party committee;
- 5853 (ii) any entity that provides goods or services to an individual or committee in the

5854 regular course of its business at the same price that would be provided to the general public;

5855 (iii) an individual;

5856 (iv) individuals who are related and who make contributions from a joint checking  
5857 account; or

5858 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5859 issues committee.

5860 (38) (a) "Political issues contribution" means any of the following:

5861 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
5862 anything of value given to a political issues committee;

5863 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
5864 issues donation to influence the approval or defeat of any ballot proposition;

5865 (iii) any transfer of funds received by a political issues committee from a reporting  
5866 entity;

5867 (iv) compensation paid by another reporting entity for personal services rendered  
5868 without charge to a political issues committee; and

5869 (v) goods or services provided to or for the benefit of a political issues committee at  
5870 less than fair market value.

5871 (b) "Political issues contribution" does not include:

5872 (i) services provided without compensation by individuals volunteering a portion or all  
5873 of their time on behalf of a political issues committee; or

5874 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5875 course of business.

5876 (39) (a) "Political issues expenditure" means any of the following when made by a  
5877 political issues committee or on behalf of a political issues committee by an agent of the  
5878 reporting entity:

5879 (i) any payment from political issues contributions made for the purpose of influencing  
5880 the approval or the defeat of:

5881 (A) a ballot proposition; or

5882 (B) an incorporation petition or incorporation election;

5883 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
5884 the express purpose of influencing the approval or the defeat of:

5885 (A) a ballot proposition; or  
5886 (B) an incorporation petition or incorporation election;  
5887 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5888 political issues expenditure;  
5889 (iv) compensation paid by a reporting entity for personal services rendered by a person  
5890 without charge to a political issues committee; or  
5891 (v) goods or services provided to or for the benefit of another reporting entity at less  
5892 than fair market value.

5893 (b) "Political issues expenditure" does not include:  
5894 (i) services provided without compensation by individuals volunteering a portion or all  
5895 of their time on behalf of a political issues committee; or  
5896 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5897 course of business.

5898 (40) "Political purposes" means an act done with the intent or in a way to influence or  
5899 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
5900 against any candidate or a person seeking a municipal or county office at any caucus, political  
5901 convention, or election.

5902 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
5903 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
5904 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
5905 person or by telephone, facsimile, Internet, postal mail, or email.

5906 (b) "Poll" does not include:  
5907 (i) a ballot; or  
5908 (ii) an interview of a focus group that is conducted, in person, by one individual, if:  
5909 (A) the focus group consists of more than three, and less than thirteen, individuals; and  
5910 (B) all individuals in the focus group are present during the interview.

5911 (42) "Primary election" means any regular primary election held under the election  
5912 laws.

5913 ~~[(45)]~~ (43) "Publicly identified class of individuals" means a group of 50 or more  
5914 individuals sharing a common occupation, interest, or association that contribute to a political  
5915 action committee or political issues committee and whose names can be obtained by contacting

5916 the political action committee or political issues committee upon whose financial statement the  
5917 individuals are listed.

5918 ~~[(43)]~~ (44) "Public office" means the office of governor, lieutenant governor, state  
5919 auditor, state treasurer, attorney general, state school board member, state senator, state  
5920 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
5921 whip, and assistant whip of any party caucus in either house of the Legislature.

5922 ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided  
5923 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
5924 communicate with the officeholder's constituents:

5925 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
5926 money or anything of value to an officeholder; or

5927 (ii) goods or services provided at less than fair market value to or for the benefit of the  
5928 officeholder.

5929 (b) "Public service assistance" does not include:

5930 (i) anything provided by the state;

5931 (ii) services provided without compensation by individuals volunteering a portion or all  
5932 of their time on behalf of an officeholder;

5933 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
5934 business;

5935 (iv) news coverage or any publication by the news media; or

5936 (v) any article, story, or other coverage as part of any regular publication of any  
5937 organization unless substantially all the publication is devoted to information about the  
5938 officeholder.

5939 (46) "Receipts" means contributions and public service assistance.

5940 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
5941 Lobbyist Disclosure and Regulation Act.

5942 (48) "Registered political action committee" means any political action committee that  
5943 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5944 Governor.

5945 (49) "Registered political issues committee" means any political issues committee that  
5946 is required by this chapter to file a statement of organization with the Office of the Lieutenant



5947 Governor.

5948 (50) "Registered political party" means an organization of voters that:

5949 (a) participated in the last regular general election and polled a total vote equal to 2%  
5950 or more of the total votes cast for all candidates for the United States House of Representatives  
5951 for any of its candidates for any office; or

5952 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
5953 Party Formation and Procedures.

5954 (51) (a) "Remuneration" means a payment:

5955 (i) made to a legislator for the period the Legislature is in session; and

5956 (ii) that is approximately equivalent to an amount a legislator would have earned  
5957 during the period the Legislature is in session in the legislator's ordinary course of business.

5958 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

5959 (i) the legislator's primary employer in the ordinary course of business; or

5960 (ii) a person or entity in the ordinary course of business:

5961 (A) because of the legislator's ownership interest in the entity; or

5962 (B) for services rendered by the legislator on behalf of the person or entity.

5963 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
5964 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
5965 action committee, a political issues committee, a corporation, or a labor organization, as  
5966 defined in Section [20A-11-1501](#).

5967 (53) "School board office" means the office of state school board.

5968 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
5969 intangible asset that comprises the contribution.

5970 (b) "Source" means, for political action committees and corporations, the political  
5971 action committee and the corporation as entities, not the contributors to the political action  
5972 committee or the owners or shareholders of the corporation.

5973 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
5974 state auditor, and state treasurer.

5975 (56) "State office candidate" means a person who:

5976 (a) files a declaration of candidacy for a state office; or

5977 (b) receives contributions, makes expenditures, or gives consent for any other person to

5978 receive contributions or make expenditures to bring about the person's nomination, election, or  
5979 appointment to a state office.

5980 (57) "Summary report" means the year end report containing the summary of a  
5981 reporting entity's contributions and expenditures.

5982 (58) "Supervisory board" means the individual or group of individuals that allocate  
5983 expenditures from a political issues committee.

5984 Section 119. Section **53-2a-208** is amended to read:

5985 **53-2a-208. Local emergency -- Declarations.**

5986 (1) (a) A local emergency may be declared by proclamation of the chief executive  
5987 officer of a municipality or county.

5988 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
5989 days except by or with the consent of the governing body of the municipality or county.

5990 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
5991 shall be filed promptly with the office of the clerk of the affected municipality or county.

5992 (2) A declaration of a local emergency:

5993 (a) constitutes an official recognition that a disaster situation exists within the affected  
5994 municipality or county;

5995 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
5996 from other political subdivisions or from the state or federal government;

5997 (c) activates the response and recovery aspects of any and all applicable local disaster  
5998 emergency plans; and

5999 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

6000 (3) A local emergency proclamation issued under this section shall state:

6001 (a) the nature of the local emergency;

6002 (b) the area or areas that are affected or threatened; and

6003 (c) the conditions which caused the emergency.

6004 (4) The emergency declaration process within the state shall be as follows:

6005 (a) a city, town, or metro township shall declare to the county;

6006 (b) a county shall declare to the state;

6007 (c) the state shall declare to the federal government; and

6008 (d) a tribe, as defined in Section [23-13-12.5](#), shall declare as determined under the

6009 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

6010 (5) Nothing in this part affects:

6011 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

6012 (b) the duties, requests, reimbursements, or other actions taken by a political

6013 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,

6014 Part 3, Statewide Mutual Aid Act.

6015 Section 120. Section 53-2a-802 is amended to read:

6016 **53-2a-802. Definitions.**

6017 (1) (a) "Absent" means:

6018 (i) not physically present or not able to be communicated with for 48 hours; or

6019 (ii) for local government officers, as defined by local ordinances.

6020 (b) "Absent" does not include a person who can be communicated with via telephone,

6021 radio, or telecommunications.

6022 (2) "Department" means the Department of Administrative Services, the Department of

6023 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of

6024 Commerce, the Department of Heritage and Arts, the Department of Corrections, the

6025 Department of Environmental Quality, the Department of Financial Institutions, the

6026 Department of Health, the Department of Human Resource Management, the Department of

6027 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,

6028 the Department of Natural Resources, the Department of Public Safety, the Public Service

6029 Commission, the Department of Human Services, the State Tax Commission, the Department

6030 of Technology Services, the Department of Transportation, any other major administrative

6031 subdivisions of state government, the State Board of Education, the State Board of Regents, the

6032 Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and

6033 each institution of higher education within the system of higher education.

6034 (3) "Division" means the Division of Emergency Management established in Title 53,

6035 Chapter 2a, Part 1, Emergency Management Act.

6036 (4) "Emergency interim successor" means a person designated by this part to exercise

6037 the powers and discharge the duties of an office when the person legally exercising the powers

6038 and duties of the office is unavailable.

6039 (5) "Executive director" means the person with ultimate responsibility for managing

6040 and overseeing the operations of each department, however denominated.

6041 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
6042 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

6043 (b) "Office" does not include the office of governor or the legislative or judicial offices.

6044 (7) "Place of governance" means the physical location where the powers of an office  
6045 are being exercised.

6046 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,  
6047 authorities, and other public corporations and entities whether organized and existing under  
6048 charter or general law.

6049 (9) "Political subdivision officer" means a person holding an office in a political  
6050 subdivision.

6051 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
6052 the executive director of each department.

6053 (11) "Unavailable" means:

6054 (a) absent from the place of governance during a disaster that seriously disrupts normal  
6055 governmental operations, whether or not that absence or inability would give rise to a vacancy  
6056 under existing constitutional or statutory provisions; or

6057 (b) as otherwise defined by local ordinance.

6058 ~~H→ [Section 121. Section 53A-2-118 is amended to read:~~

6059 ~~———— 53A-2-118. Creation of new school district -- Initiation of process -- Procedures~~  
6060 ~~to be followed:~~

6061 ~~———— (1) A new school district may be created from one or more existing school districts, as~~  
6062 ~~provided in this section:~~

6063 ~~———— (2) (a) The process to create a new school district may be initiated:~~

6064 ~~———— (i) through a citizens' initiative petition;~~

6065 ~~———— (ii) at the request of the board of the existing district or districts to be affected by the~~  
6066 ~~creation of the new district; or~~

6067 ~~———— (iii) at the request of a city or metro township within the boundaries of the school~~  
6068 ~~district or at the request of interlocal agreement participants, pursuant to Section 53A-2-118.1:~~

6069 ~~———— (b) (i) Each petition submitted under Subsection (2)(a)(i) shall be signed by qualified~~  
6070 ~~electors residing within the geographical boundaries of the proposed new school district equal ☆~~

6071 ~~☛ in number to at least 15% of the number of electors in the area who voted for the office of~~  
6072 ~~governor at the last regular general election.~~

6073 ~~—— (ii) Each request or petition submitted under Subsection (2)(a) shall:~~

6074 ~~—— (A) be filed with the clerk of each county in which any part of the proposed new school~~  
6075 ~~district is located;~~

6076 ~~—— (B) indicate the typed or printed name and current residence address of each governing~~  
6077 ~~board member making a request, or registered voter signing a petition, as the case may be;~~

6078 ~~—— (C) describe the proposed new school district boundaries; and~~

6079 ~~—— (D) designate up to five signers of the petition or request as sponsors, one of whom~~  
6080 ~~shall be designated as the contact sponsor, with the mailing address and telephone number of~~  
6081 ~~each.~~

6082 ~~—— (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,~~  
6083 ~~reinstate the signer's signature at any time before the filing of the petition by filing a written~~  
6084 ~~withdrawal or reinstatement with the county clerk.~~

6085 ~~—— (d) The process under Subsection (2)(a)(i) may only be initiated once during any~~  
6086 ~~four-year period.~~

6087 ~~—— (e) A new district may not be formed pursuant to Subsection (2)(a) if the student~~  
6088 ~~population of the proposed new district is less than 3,000 or the existing district's student~~  
6089 ~~population would be less than 3,000 because of the creation of the new school district.~~

6090 ~~—— (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five~~  
6091 ~~business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each~~  
6092 ~~county with which a request or petition is filed shall:~~

6093 ~~—— (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),~~  
6094 ~~and (e), as applicable; and~~

6095 ~~—— (ii) (A) if the county clerk determines that the request or petition complies with the~~  
6096 ~~applicable requirements:~~

6097 ~~—— (I) certify the request or petition and deliver the certified request or petition to the~~  
6098 ~~county legislative body; and~~

6099 ~~—— (H) mail or deliver written notification of the certification to the contact sponsor; or~~  
6100 ~~—— (B) if the county clerk determines that the request or petition fails to comply with any~~  
6101 ~~of the applicable requirements, reject the request or petition and notify the contact sponsor in~~ ☛

- 6102 ~~☒ writing of the rejection and reasons for the rejection:~~
- 6103 ~~—— (g) If the county clerk fails to certify or reject a request or petition within the time~~
- 6104 ~~specified in Subsection (2)(f), the request or petition shall be considered to be certified.~~
- 6105 ~~—— (h) (i) If the county clerk rejects a request or petition, the request or petition may be~~
- 6106 ~~amended to correct the deficiencies for which it was rejected and then refiled.~~
- 6107 ~~—— (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled~~
- 6108 ~~after having been rejected by a county clerk.~~
- 6109 ~~—— (i) If a county legislative body receives a request from a school board under Subsection~~
- 6110 ~~(2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or~~
- 6111 ~~before December 1:~~
- 6112 ~~—— (i) the county legislative body shall appoint an ad hoc advisory committee, as provided~~
- 6113 ~~by Subsection (3), on or before January 1;~~
- 6114 ~~—— (ii) the ad hoc advisory committee shall submit its report and recommendations to the~~
- 6115 ~~county legislative body, as provided by Subsection (3), on or before July 1; and~~
- 6116 ~~—— (iii) if the legislative body of each county with which a request or petition is filed~~
- 6117 ~~approves a proposal to create a new district, the proposal shall be submitted to the respective~~
- 6118 ~~county clerk to be voted on by the electors of each existing district at the regular general or~~
- 6119 ~~municipal general election held in November.~~
- 6120 ~~—— (3) (a) The legislative body of each county with which a request or petition is filed~~
- 6121 ~~shall appoint an ad hoc advisory committee to review and make recommendations on a request~~
- 6122 ~~for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).~~
- 6123 ~~—— (b) The advisory committee shall:~~
- 6124 ~~—— (i) seek input from:~~
- 6125 ~~—— (A) those requesting the creation of the new school district;~~
- 6126 ~~—— (B) the school board and school personnel of each existing school district;~~
- 6127 ~~—— (C) those citizens residing within the geographical boundaries of each existing school~~
- 6128 ~~district;~~
- 6129 ~~—— (D) the State Board of Education; and~~
- 6130 ~~—— (E) other interested parties;~~
- 6131 ~~—— (ii) review data and gather information on at least:~~
- 6132 ~~—— (A) the financial viability of the proposed new school district; ☒~~

- 6133 ~~⊗ (B) the proposal's financial impact on each existing school district;~~
- 6134 ~~—— (C) the exact placement of school district boundaries; and~~
- 6135 ~~—— (D) the positive and negative effects of creating a new school district and whether the~~
- 6136 ~~positive effects outweigh the negative if a new school district were to be created; and~~
- 6137 ~~—— (iii) make a report to the county legislative body in a public meeting on the committee's~~
- 6138 ~~activities, together with a recommendation on whether to create a new school district.~~
- 6139 ~~—— (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):~~
- 6140 ~~—— (a) The county legislative body shall provide for a 45-day public comment period on~~
- 6141 ~~the report and recommendation to begin on the day the report is given under Subsection~~
- 6142 ~~(3)(b)(iii).~~
- 6143 ~~—— (b) Within 14 days after the end of the comment period, the legislative body of each~~
- 6144 ~~county with which a request or petition is filed shall vote on the creation of the proposed new~~
- 6145 ~~school district.~~
- 6146 ~~—— (c) The proposal is approved if a majority of the members of the legislative body of~~
- 6147 ~~each county with which a request or petition is filed votes in favor of the proposal.~~
- 6148 ~~—— (d) If the proposal is approved, the legislative body of each county with which a~~
- 6149 ~~request or petition is filed shall submit the proposal to the county clerk to be voted on:~~
- 6150 ~~—— (i) by the legal voters of each existing school district;~~
- 6151 ~~—— (ii) in accordance with the procedures and requirements applicable to a regular general~~
- 6152 ~~election under Title 20A, Election Code; and~~
- 6153 ~~—— (iii) at the next regular general election or municipal general election, whichever is~~
- 6154 ~~first.~~
- 6155 ~~—— (e) Creation of the new school district shall occur if a majority of the electors within~~
- 6156 ~~both the proposed school district and each remaining school district voting on the proposal vote~~
- 6157 ~~in favor of the creation of the new district.~~
- 6158 ~~—— (f) Each county legislative body shall comply with the requirements of Section~~
- 6159 ~~53A-2-101.5.~~
- 6160 ~~—— (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is~~
- 6161 ~~approved by the electors, the existing district's documented costs to study and implement the~~
- 6162 ~~proposal shall be reimbursed by the new district.~~
- 6163 ~~—— (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection~~ ⊗

6164 ☉ ~~(2)(f) or (g), the legislative body of each county in which part of the proposed new school~~  
6165 ~~district is located shall submit the proposal to the respective clerk of each county to be voted~~  
6166 ~~on:~~

6167 ~~—— (i) by the legal voters residing within the proposed new school district boundaries;~~  
6168 ~~—— (ii) in accordance with the procedures and requirements applicable to a regular general~~  
6169 ~~election under Title 20A, Election Code; and~~

6170 ~~—— (iii) at the next regular general election or municipal general election, whichever is~~  
6171 ~~first.~~

6172 ~~—— (b) (i) If a majority of the legal voters within the proposed new school district~~  
6173 ~~boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the~~  
6174 ~~creation of the new district:~~

6175 ~~—— (A) each county legislative body shall comply with the requirements of Section~~  
6176 ~~53A-2-101.5; and~~

6177 ~~—— (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,~~  
6178 ~~the new district is created.~~

6179 ~~—— (ii) Notwithstanding the creation of a new district as provided in Subsection~~  
6180 ~~(5)(b)(i)(B):~~

6181 ~~—— (A) a new school district may not begin to provide educational services to the area~~  
6182 ~~within the new district until July 1 of the second calendar year following the school board~~  
6183 ~~general election date described in Subsection 53A-2-118.1(3)(a)(i);~~

6184 ~~—— (B) a remaining district may not begin to provide educational services to the area~~  
6185 ~~within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and~~

6186 ~~—— (C) each existing district shall continue, until the time specified in Subsection~~  
6187 ~~(5)(b)(ii)(A), to provide educational services within the entire area covered by the existing~~  
6188 ~~district.~~

6189 ~~—— Section 122. Section 53A-2-118.1 is amended to read:~~

6190 ~~—— 53A-2-118.1. Proposal initiated by a city, metro township, or interlocal agreement~~  
6191 ~~participants to create a school district -- Boundaries -- Election of local school board~~  
6192 ~~members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.~~

6193 ~~—— (1) (a) After conducting a feasibility study, a city or metro township with a population~~  
6194 ~~of at least 50,000, as determined by the lieutenant governor using the process described in ☉~~



6195 ☉ Subsection ~~67-1a-2(3)~~, may by majority vote of the legislative body, submit for voter approval  
 6196 a measure to create a new school district with boundaries contiguous with that city's or metro  
 6197 township's boundaries, in accordance with Section ~~53A-2-118~~:  
 6198 ——— (b) (i) The determination of all matters relating to the scope, adequacy, and other  
 6199 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the  
 6200 city's or metro township's legislative body.  
 6201 ——— (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of  
 6202 a legal action or other challenge to:  
 6203 ——— (A) an election for voter approval of the creation of a new school district; or  
 6204 ——— (B) the creation of the new school district.  
 6205 ——— (2) (a) By majority vote of the legislative body, a city or metro township of any class, a  
 6206 town, or a county, may, together with one or more other cities, metro townships, towns, or the  
 6207 county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal  
 6208 Cooperation Act, for the purpose of submitting for voter approval a measure to create a new  
 6209 school district.  
 6210 ——— (b) (i) In accordance with Section ~~53A-2-118~~, interlocal agreement participants under  
 6211 Subsection (2)(a) may submit a proposal for voter approval if:  
 6212 ——— (A) the interlocal agreement participants conduct a feasibility study prior to submitting  
 6213 the proposal to the county;  
 6214 ——— (B) the combined population within the proposed new school district boundaries is at  
 6215 least 50,000;  
 6216 ——— (C) the new school district boundaries:  
 6217 ——— (I) are contiguous;  
 6218 ——— (H) do not completely surround or otherwise completely geographically isolate a  
 6219 portion of an existing school district that is not part of the proposed new school district from  
 6220 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);  
 6221 ——— (HH) include the entire boundaries of each participant city, metro township, or town,  
 6222 except as provided in Subsection (2)(d)(ii); and  
 6223 ——— (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and  
 6224 ——— (D) the combined population within the proposed new school district of interlocal  
 6225 agreement participants that have entered into an interlocal agreement proposing to create a new ☉

6226     ⊛ school district is at least 80% of the total population of the proposed new school district.  
6227     ~~———— (ii) The determination of all matters relating to the scope, adequacy, and other aspects~~  
6228     ~~of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new~~  
6229     ~~feasibility study or revise a previous feasibility study due to a change in the proposed new~~  
6230     ~~school district boundaries, is within the exclusive discretion of the legislative bodies of the~~  
6231     ~~interlocal agreement participants that enter into an interlocal agreement to submit for voter~~  
6232     ~~approval a measure to create a new school district.~~  
6233     ~~———— (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the~~  
6234     ~~basis of a legal action or other challenge to:~~  
6235     ~~———— (A) an election for voter approval of the creation of a new school district; or~~  
6236     ~~———— (B) the creation of the new school district.~~  
6237     ~~———— (iv) For purposes of determining whether the boundaries of a proposed new school~~  
6238     ~~district cross county lines under Subsection (2)(b)(i)(C)(IV):~~  
6239     ~~———— (A) a municipality located in more than one county and entirely within the boundaries~~  
6240     ~~of a single school district is considered to be entirely within the same county as other~~  
6241     ~~participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's~~  
6242     ~~land area and population is located in that same county than outside the county; and~~  
6243     ~~———— (B) a municipality located in more than one county that participates in an interlocal~~  
6244     ~~agreement under Subsection (2)(a) with respect to some but not all of the area within the~~  
6245     ~~municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may~~  
6246     ~~not be considered to cross county lines.~~  
6247     ~~———— (c) (i) A county may only participate in an interlocal agreement under this Subsection~~  
6248     ~~(2) for the unincorporated areas of the county.~~  
6249     ~~———— (ii) Boundaries of a new school district created under this section may include:~~  
6250     ~~———— (A) a portion of one or more existing school districts; and~~  
6251     ~~———— (B) a portion of the unincorporated area of a county, including a portion of a township.~~  
6252     ~~———— (d) (i) As used in this Subsection (2)(d):~~  
6253     ~~———— (A) "Isolated area" means an area that:~~  
6254     ~~———— (i) is entirely within the boundaries of a municipality that, except for that area, is~~  
6255     ~~entirely within a school district different than the school district in which the area is located;~~  
6256     ~~and~~     ⊛

6257 ☉ (H) would, because of the creation of a new school district from the existing district in  
6258 which the area is located, become completely geographically isolated.

6259 ——— (B) "Municipality's school district" means the school district that includes all of the  
6260 municipality in which the isolated area is located except the isolated area.

6261 ——— (ii) Notwithstanding Subsection (2)(b)(i)(C)(H), a municipality may be a participant in  
6262 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
6263 within the municipality's boundaries if:

6264 ——— (A) the portion of the municipality proposed to be included in the new school district  
6265 would, if not included, become an isolated area upon the creation of the new school district; or  
6266 ——— (B) (I) the portion of the municipality proposed to be included in the new school  
6267 district is within the boundaries of the same school district that includes the other interlocal  
6268 agreement participants; and

6269 ——— (H) the portion of the municipality proposed to be excluded from the new school  
6270 district is within the boundaries of a school district other than the school district that includes  
6271 the other interlocal agreement participants.

6272 ——— (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(H), a proposal to create a new school  
6273 district may be submitted for voter approval pursuant to an interlocal agreement under  
6274 Subsection (2)(a), even though the new school district boundaries would create an isolated  
6275 area, if:

6276 ——— (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
6277 participants;

6278 ——— (H) the interlocal participants submit a written request to the municipality in which the  
6279 potential isolated area is located, requesting the municipality to enter into an interlocal  
6280 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to  
6281 create a new school district that includes the potential isolated area; and

6282 ——— (H) 90 days after a request under Subsection (2)(d)(iii)(A)(H) is submitted, the  
6283 municipality has not entered into an interlocal agreement as requested in the request.

6284 ——— (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(H) shall hold  
6285 one or more public hearings to allow input from the public and affected school districts  
6286 regarding whether or not the municipality should enter into an interlocal agreement with  
6287 respect to the potential isolated area. ☉

6288 ☒ ~~(C) (I) This Subsection (2)(d)(iii)(C) applies if:~~

6289 ~~—— (Aa) a new school district is created under this section after a measure is submitted to~~

6290 ~~voters based on the authority of Subsection (2)(d)(iii)(A); and~~

6291 ~~—— (Bb) the creation of the new school district results in an isolated area.~~

6292 ~~—— (H) The isolated area shall, on July 1 of the second calendar year following the local~~

6293 ~~school board general election date described in Subsection (3)(a)(i), become part of the~~

6294 ~~municipality's school district.~~

6295 ~~—— (HH) Unless the isolated area is the only remaining part of the existing district, the~~

6296 ~~process described in Subsection (4) shall be modified to:~~

6297 ~~—— (Aa) include a third transition team, appointed by the local school board of the~~

6298 ~~municipality's school district, to represent that school district; and~~

6299 ~~—— (Bb) require allocation of the existing district's assets and liabilities among the new~~

6300 ~~district, the remaining district, and the municipality's school district.~~

6301 ~~—— (IV) The existing district shall continue to provide educational services to the isolated~~

6302 ~~area until July 1 of the second calendar year following the local school board general election~~

6303 ~~date described in Subsection (3)(a)(i):~~

6304 ~~—— (3) (a) If a proposal under this section is approved by voters:~~

6305 ~~—— (i) an election shall be held at the next regular general election to elect:~~

6306 ~~—— (A) members to the local school board of the existing school district whose terms are~~

6307 ~~expiring;~~

6308 ~~—— (B) all members to the local school board of the new school district; and~~

6309 ~~—— (C) all members to the local school board of the remaining district;~~

6310 ~~—— (ii) the assets and liabilities of the existing school district shall be divided between the~~

6311 ~~remaining school district and the new school district as provided in Subsection (5) and Section~~

6312 ~~53A-2-121;~~

6313 ~~—— (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and~~

6314 ~~53A-2-122;~~

6315 ~~—— (iv) (A) an individual residing within the boundaries of a new school district at the~~

6316 ~~time the new school district is created may, for six school years after the creation of the new~~

6317 ~~school district, elect to enroll in a secondary school located outside the boundaries of the new~~

6318 ~~school district if: ☒~~

6319 ☒ ~~(f) the individual resides within the boundaries of that secondary school as of the day~~  
6320 ~~before the new school district is created; and~~

6321 ~~———(H) the individual would have been eligible to enroll in that secondary school had the~~  
6322 ~~new school district not been created; and~~

6323 ~~———(B) the school district in which the secondary school is located shall provide~~  
6324 ~~educational services, including, if provided before the creation of the new school district,~~  
6325 ~~busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school~~  
6326 ~~year for which the individual makes the election; and~~

6327 ~~———(v) within one year after the new district begins providing educational services, the~~  
6328 ~~superintendent of each remaining district affected and the superintendent of the new district~~  
6329 ~~shall meet, together with the Superintendent of Public Instruction, to determine if further~~  
6330 ~~boundary changes should be proposed in accordance with Section 53A-2-104.~~

6331 ~~———(b) (i) The terms of the initial members of the local school board of the new district and~~  
6332 ~~remaining district shall be staggered and adjusted by the county legislative body so that~~  
6333 ~~approximately half of the local school board is elected every two years.~~

6334 ~~———(ii) The term of a member of the existing local school board, including a member~~  
6335 ~~elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local~~  
6336 ~~school board general election date described in Subsection (3)(a)(i), regardless of when the~~  
6337 ~~term would otherwise have terminated.~~

6338 ~~———(iii) Notwithstanding the existence of a local school board for the new district and a~~  
6339 ~~local school board for the remaining district under Subsection (3)(a)(i), the local school board~~  
6340 ~~of the existing district shall continue, until the time specified in Subsection~~  
6341 ~~53A-2-118(5)(b)(ii)(A), to function and exercise authority as a local school board to the extent~~  
6342 ~~necessary to continue to provide educational services to the entire existing district.~~

6343 ~~———(iv) A person may simultaneously serve as or be elected to be a member of the local~~  
6344 ~~school board of an existing district and a member of the local school board of:~~

6345 ~~———(A) a new district; or~~

6346 ~~———(B) a remaining district.~~

6347 ~~———(4) (a) Within 45 days after the canvass date for the election at which voters approve~~  
6348 ~~the creation of a new district:~~

6349 ~~———(i) a transition team to represent the remaining district shall be appointed by the ☒~~

6350 ~~☛ members of the existing local school board who reside within the area of the remaining district,~~  
 6351 ~~in consultation with:~~  
 6352 ~~—— (A) the legislative bodies of all municipalities in the area of the remaining district; and~~  
 6353 ~~—— (B) the legislative body of the county in which the remaining district is located, if the~~  
 6354 ~~remaining district includes one or more unincorporated areas of the county; and~~  
 6355 ~~—— (ii) another transition team to represent the new district shall be appointed by:~~  
 6356 ~~—— (A) for a new district located entirely within the boundaries of a single city or metro~~  
 6357 ~~township, the legislative body of that city or metro township; or~~  
 6358 ~~—— (B) for each other new district, the legislative bodies of all interlocal agreement~~  
 6359 ~~participants.~~  
 6360 ~~—— (b) The local school board of the existing school district shall, within 60 days after the~~  
 6361 ~~canvass date for the election at which voters approve the creation of a new district:~~  
 6362 ~~—— (i) prepare an inventory of the existing district's:~~  
 6363 ~~—— (A) assets, both tangible and intangible, real and personal; and~~  
 6364 ~~—— (B) liabilities; and~~  
 6365 ~~—— (ii) deliver a copy of the inventory to each of the transition teams.~~  
 6366 ~~—— (c) The transition teams appointed under Subsection (4)(a) shall:~~  
 6367 ~~—— (i) determine the allocation of the existing district's assets and, except for indebtedness~~  
 6368 ~~under Section 53A-2-121, liabilities between the remaining district and the new district in~~  
 6369 ~~accordance with Subsection (5);~~  
 6370 ~~—— (ii) prepare a written report detailing how the existing district's assets and, except for~~  
 6371 ~~indebtedness under Section 53A-2-121, liabilities are to be allocated; and~~  
 6372 ~~—— (iii) deliver a copy of the written report to:~~  
 6373 ~~—— (A) the local school board of the existing district;~~  
 6374 ~~—— (B) the local school board of the remaining district; and~~  
 6375 ~~—— (C) the local school board of the new district.~~  
 6376 ~~—— (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and~~  
 6377 ~~deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the~~  
 6378 ~~election at which voters approve the creation of a new district, unless that deadline is extended~~  
 6379 ~~by the mutual agreement of:~~  
 6380 ~~—— (i) the local school board of the existing district; and~~ ☛

6381 ☉ (ii) ~~(A) the legislative body of the city or metro township in which the new district is~~  
6382 ~~located, for a new district located entirely within a single city or metro township; or~~  
6383 ~~—— (B) the legislative bodies of all interlocal agreement participants, for each other new~~  
6384 ~~district.~~

6385 ~~—— (e) (i) All costs and expenses of the transition team that represents a remaining district~~  
6386 ~~shall be borne by the remaining district.~~

6387 ~~—— (ii) All costs and expenses of the transition team that represents a new district shall~~  
6388 ~~initially be borne by:~~

6389 ~~—— (A) the city or metro township whose legislative body appoints the transition team, if~~  
6390 ~~the transition team is appointed by the legislative body of a single city or single metro~~  
6391 ~~township; or~~

6392 ~~—— (B) the interlocal agreement participants, if the transition team is appointed by the~~  
6393 ~~legislative bodies of interlocal agreement participants.~~

6394 ~~—— (iii) The new district may, to a maximum of \$500,000, reimburse the city, metro~~  
6395 ~~township, or interlocal agreement participants for:~~

6396 ~~—— (A) transition team costs and expenses; and~~

6397 ~~—— (B) startup costs and expenses incurred by the city, metro township, or interlocal~~  
6398 ~~agreement participants on behalf of the new district.~~

6399 ~~—— (5) (a) As used in this Subsection (5):~~

6400 ~~—— (i) "Associated property" means furniture, equipment, or supplies located in or~~  
6401 ~~specifically associated with a physical asset.~~

6402 ~~—— (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection~~  
6403 ~~(5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or~~  
6404 ~~employee by law or school district accounting practice.~~

6405 ~~—— (B) "Discretionary asset or liability" does not include a physical asset, associated~~  
6406 ~~property, a vehicle, or bonded indebtedness.~~

6407 ~~—— (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection~~  
6408 ~~(5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee~~  
6409 ~~by law or school district accounting practice.~~

6410 ~~—— (B) "Nondiscretionary asset or liability" does not include a physical asset, associated~~  
6411 ~~property, a vehicle, or bonded indebtedness. ☉~~

6412 ☒ (iv) ~~"Physical asset" means a building, land, or water right together with revenue~~  
6413 ~~derived from the lease or use of the building, land, or water right.~~

6414 ~~—— (b) Except as provided in Subsection (5)(c), the transition teams appointed under~~  
6415 ~~Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the~~  
6416 ~~allocation date, both tangible and intangible, real and personal, to the new district and~~  
6417 ~~remaining district as follows:~~

6418 ~~—— (i) a physical asset and associated property shall be allocated to the school district in~~  
6419 ~~which the physical asset is located;~~

6420 ~~—— (ii) a discretionary asset or liability shall be allocated between the new district and~~  
6421 ~~remaining district in proportion to the student populations of the school districts;~~

6422 ~~—— (iii) a nondiscretionary asset shall be allocated to the school district where the project,~~  
6423 ~~school, student, or employee to which the nondiscretionary asset is tied will be located;~~

6424 ~~—— (iv) vehicles used for pupil transportation shall be allocated:~~

6425 ~~—— (A) according to the transportation needs of schools, as measured by the number and~~  
6426 ~~assortment of vehicles used to serve transportation routes serving schools within the new~~  
6427 ~~district and remaining district; and~~

6428 ~~—— (B) in a manner that gives each school district a fleet of vehicles for pupil~~  
6429 ~~transportation that is equivalent in terms of age, condition, and variety of carrying capacities;~~  
6430 ~~and~~

6431 ~~—— (v) other vehicles shall be allocated:~~

6432 ~~—— (A) in proportion to the student populations of the school districts; and~~

6433 ~~—— (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,~~  
6434 ~~condition, and carrying capacities.~~

6435 ~~—— (c) By mutual agreement, the transition teams may allocate an asset or liability in a~~  
6436 ~~manner different than the allocation method specified in Subsection (5)(b):~~

6437 ~~—— (6) (a) As used in this Subsection (6):~~

6438 ~~—— (i) "New district startup costs" means:~~

6439 ~~—— (A) costs and expenses incurred by a new district in order to prepare to begin providing~~  
6440 ~~educational services on July 1 of the second calendar year following the local school board~~  
6441 ~~general election date described in Subsection (3)(a)(i); and~~

6442 ~~—— (B) the costs and expenses of the transition team that represents the new district. ☒~~



- 6443 ☒ (ii) ~~"Remaining district startup costs" means:~~
- 6444 ~~—— (A) costs and expenses incurred by a remaining district in order to:~~
- 6445 ~~—— (I) make necessary adjustments to deal with the impacts resulting from the creation of~~
- 6446 ~~the new district; and~~
- 6447 ~~—— (II) prepare to provide educational services within the remaining district once the new~~
- 6448 ~~district begins providing educational services within the new district; and~~
- 6449 ~~—— (B) the costs and expenses of the transition team that represents the remaining district.~~
- 6450 ~~—— (b) (i) By January 1 of the year following the local school board general election date~~
- 6451 ~~described in Subsection (3)(a)(i), the existing district shall make half of the undistributed~~
- 6452 ~~reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the~~
- 6453 ~~remaining district and the new district, as provided in this Subsection (6).~~
- 6454 ~~—— (ii) The existing district may make additional funds available for the use of the~~
- 6455 ~~remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)~~
- 6456 ~~through an interlocal agreement.~~
- 6457 ~~—— (c) The existing district shall make the money under Subsection (6)(b) available to the~~
- 6458 ~~remaining district and the new district proportionately based on student population.~~
- 6459 ~~—— (d) The money made available under Subsection (6)(b) may be accessed and spent by:~~
- 6460 ~~—— (i) for the remaining district, the local school board of the remaining district; and~~
- 6461 ~~—— (ii) for the new district, the local school board of the new district.~~
- 6462 ~~—— (e) (i) The remaining district may use its portion of the money made available under~~
- 6463 ~~Subsection (6)(b) to pay for remaining district startup costs.~~
- 6464 ~~—— (ii) The new district may use its portion of the money made available under Subsection~~
- 6465 ~~(6)(b) to pay for new district startup costs.~~
- 6466 ~~—— (7) (a) The existing district shall transfer title or, if applicable, partial title of property~~
- 6467 ~~to the new school district in accordance with the allocation of property by the transition teams;~~
- 6468 ~~as stated in the report under Subsection (4)(c)(ii):~~
- 6469 ~~—— (b) The existing district shall complete each transfer of title or, if applicable, partial~~
- 6470 ~~title to real property and vehicles by July 1 of the second calendar year following the local~~
- 6471 ~~school board general election date described in Subsection (3)(a)(i), except as that date is~~
- 6472 ~~changed by the mutual agreement of:~~
- 6473 ~~—— (i) the local school board of the existing district; ☒~~

6474     ⊗     ~~(ii) the local school board of the remaining district; and~~  
6475     ~~(iii) the local school board of the new district.~~  
6476     ~~(c) The existing district shall complete the transfer of all property not included in~~  
6477     ~~Subsection (7)(b) by November 1 of the second calendar year after the local school board~~  
6478     ~~general election date described in Subsection (3)(a)(i).~~  
6479     ~~(8) Except as provided in Subsections (6) and (7), after the creation election date an~~  
6480     ~~existing school district may not transfer or agree to transfer title to district property without the~~  
6481     ~~prior consent of:~~  
6482     ~~(a) the legislative body of the city or metro township in which the new district is~~  
6483     ~~located, for a new district located entirely within a single city or metro township; or~~  
6484     ~~(b) the legislative bodies of all interlocal agreement participants, for each other new~~  
6485     ~~district.~~  
6486     ~~(9) This section does not apply to the creation of a new district initiated through a~~  
6487     ~~citizens' initiative petition or at the request of a local school board under Section 53A-2-118.] ←Ĥ~~  
6488             Section Ĥ→ [123] 120 ←Ĥ . Section 53A-2-402 is amended to read:  
6489             **53A-2-402. Definitions.**  
6490             As used in this part:  
6491             (1) "Eligible entity" means:  
6492                 (a) a city or town with a population density of 3,000 or more people per square mile; or  
6493                 (b) a county whose unincorporated area includes a qualifying [township] planning  
6494             advisory area.  
6495             (2) "Purchase price" means the greater of:  
6496                 (a) an amount that is the average of:  
6497                     (i) the appraised value of the surplus property, based on the predominant zone in the  
6498                     surrounding area, as indicated in an appraisal obtained by the eligible entity; and  
6499                     (ii) the appraised value of the surplus property, based on the predominant zone in the  
6500                     surrounding area, as indicated in an appraisal obtained by the school district; and  
6501                 (b) the amount the school district paid to acquire the surplus property.  
6502                 (3) "Qualifying [township] planning advisory area" means a [township] planning  
6503             advisory area under Section 17-27a-306 that has a population density of 3,000 or more people  
6504             per square mile within the boundaries of the [township] planning advisory area.

- 6505 (4) "Surplus property" means land owned by a school district that:
- 6506 (a) was purchased with taxpayer money;
- 6507 (b) is located within a city or town that is an eligible entity or within a qualifying
- 6508 [township] planning advisory area;
- 6509 (c) consists of one contiguous tract at least three acres in size; and
- 6510 (d) has been declared by the school district to be surplus.

6511 Section 124. Section **53B-21-107** is amended to read:

6512 **53B-21-107. Investment in bonds by private and public entities -- Approval as**  
6513 **collateral security.**

6514 (1) Any bank, savings and loan association, trust, or insurance company organized  
6515 under the laws of this state or federal law may invest its capital and surplus in bonds issued  
6516 under this chapter.

6517 (2) The officers having charge of a sinking fund or any county, city, metro township,  
6518 town, [township], or school district may invest the sinking fund in bonds issued under this  
6519 chapter.

6520 (3) The bonds shall also be approved as collateral security for the deposit of any public  
6521 funds and for the investment of trust funds.

6522 Section 125. Section **59-12-203** is amended to read:

6523 **59-12-203. County, city, town, or metro township may levy tax -- Contracts**  
6524 **pursuant to Interlocal Cooperation Act.**

6525 ~~[Any]~~ (1) A county, city, [or] town, or metro township may [levy] impose a sales and  
6526 use tax under this part. [Any]

6527 (2) If a metro township imposes a tax under this part, the metro township is subject to  
6528 the same requirements a city is required to meet under this part.

6529 (3) (a) Except as provided in Subsection (3)(b) and notwithstanding any other  
6530 provision of this part, if a metro township imposes a tax under this part, the State Tax  
6531 Commission shall distribute the revenues collected from the tax to the metro township.

6532 (b) The State Tax Commission shall transfer the revenues collected within a metro  
6533 township under this part to a municipal services district created under Title 17B, Chapter 2a,  
6534 Part 11, Municipal Services District Act, if the metro township:

6535 (i) provides written notice to the State Tax Commission requesting the transfer; and

6536 (ii) designates the municipal services district to which the metro township requests the  
6537 State Tax Commission to transfer the revenues.

6538 (4) A county, city, [or] town [which elects to levy such], or metro township that  
6539 imposes a sales and use tax under this part may:

6540 (a) enter into agreements authorized by Title 11, Chapter 13, [the] Interlocal  
6541 Cooperation Act[;]; and [may]

6542 (b) use any or all of the [revenues derived from the imposition of such] revenue  
6543 collected from the tax for the mutual benefit of local governments [which] that elect to contract  
6544 with one another pursuant to [the] Title 11, Chapter 13, Interlocal Cooperation Act.

6545 Section 126. Section **63I-2-210** is amended to read:

6546 **63I-2-210. Repeal dates -- Title 10.**

6547 (1) Section [~~10-2-130~~] 10-2a-105 is repealed July 1, 2016.

6548 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

6549 Section 127. Section **67-1a-2** is amended to read:

6550 **67-1a-2. Duties enumerated.**

6551 (1) The lieutenant governor shall:

6552 (a) perform duties delegated by the governor, including assignments to serve in any of  
6553 the following capacities:

6554 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
6555 and, upon appointment at the pleasure of the governor and without additional compensation;

6556 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
6557 law for the purpose of advising the governor or coordinating intergovernmental or  
6558 interdepartmental policies or programs;

6559 (iii) as liaison between the governor and the state Legislature to coordinate and  
6560 facilitate the governor's programs and budget requests;

6561 (iv) as liaison between the governor and other officials of local, state, federal, and  
6562 international governments or any other political entities to coordinate, facilitate, and protect the  
6563 interests of the state;

6564 (v) as personal advisor to the governor, including advice on policies, programs,  
6565 administrative and personnel matters, and fiscal or budgetary matters; and

6566 (vi) as chairperson or member of any temporary or permanent boards, councils,

6567 commissions, committees, task forces, or other group appointed by the governor;  
6568 (b) serve on all boards and commissions in lieu of the governor, whenever so  
6569 designated by the governor;  
6570 (c) serve as the chief election officer of the state as required by Subsection (2);  
6571 (d) keep custody of the Great Seal of Utah;  
6572 (e) keep a register of, and attest, the official acts of the governor;  
6573 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
6574 which the official signature of the governor is required; and  
6575 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
6576 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
6577 it and pays the fee.

6578 (2) (a) As the chief election officer, the lieutenant governor shall:

6579 (i) exercise general supervisory authority over all elections;

6580 (ii) exercise direct authority over the conduct of elections for federal, state, and  
6581 multicounty officers and statewide or multicounty ballot propositions and any recounts  
6582 involving those races;

6583 (iii) assist county clerks in unifying the election ballot;

6584 (iv) (A) prepare election information for the public as required by statute and as  
6585 determined appropriate by the lieutenant governor; and  
6586 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
6587 news media on the Internet and in other forms as required by statute or as determined  
6588 appropriate by the lieutenant governor;

6589 (v) receive and answer election questions and maintain an election file on opinions  
6590 received from the attorney general;

6591 (vi) maintain a current list of registered political parties as defined in Section  
6592 [20A-8-101](#);

6593 (vii) maintain election returns and statistics;

6594 (viii) certify to the governor the names of those persons who have received the highest  
6595 number of votes for any office;

6596 (ix) ensure that all voting equipment purchased by the state complies with the  
6597 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-402.5](#) and [20A-5-402.7](#);

- 6598 (x) conduct the study described in Section 67-1a-14;
- 6599 (xi) during a declared emergency, to the extent that the lieutenant governor determines
- 6600 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location
- 6601 relating to:
- 6602 (A) voting on election day;
- 6603 (B) early voting;
- 6604 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 6605 (D) the counting of an absentee ballot or military-overseas ballot; or
- 6606 (E) the canvassing of election returns; and
- 6607 (xii) perform other election duties as provided in Title 20A, Election Code.
- 6608 (b) As chief election officer, the lieutenant governor may not assume the
- 6609 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
- 6610 officials by Title 20A, Election Code.
- 6611 (3) (a) The lieutenant governor shall:
- 6612 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's
- 6613 incorporation under Title 10, Chapter [~~2, Part 1, Incorporation,~~] 2a, Part 2, Incorporation of a
- 6614 City, based on the city's population using the population estimate from the Utah Population
- 6615 Estimates Committee; and
- 6616 (B) (I) prepare a certificate indicating the class in which the new city belongs based on
- 6617 the city's population; and
- 6618 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
- 6619 city's legislative body;
- 6620 (ii) (A) determine the classification under Section 10-2-301 of a consolidated
- 6621 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
- 6622 6, Consolidation of Municipalities, using population information from:
- 6623 (I) each official census or census estimate of the United States Bureau of the Census;
- 6624 or
- 6625 (II) the population estimate from the Utah Population Estimates Committee, if the
- 6626 population of a municipality is not available from the United States Bureau of the Census; and
- 6627 (B) (I) prepare a certificate indicating the class in which the consolidated municipality
- 6628 belongs based on the municipality's population; and

6629 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6630 consolidated municipality's legislative body; ~~and~~

6631 (iii) (A) determine a new metro township's classification under Section 10-2-301.5  
6632 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of  
6633 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
6634 12, 2015, based on the metro township's population using the population estimates from the  
6635 Utah Population Estimates Committee; and

6636 (B) prepare a certificate indicating the class in which the new metro township belongs  
6637 based on the metro township's population and, within 10 days after preparing the certificate,  
6638 deliver a copy of the certificate to the metro township's legislative body; and

6639 ~~[(iii)]~~ (iv) monitor the population of each municipality using population information  
6640 from:

6641 (A) each official census or census estimate of the United States Bureau of the Census;  
6642 or

6643 (B) the population estimate from the Utah Population Estimates Committee, if the  
6644 population of a municipality is not available from the United States Bureau of the Census.

6645 (b) If the applicable population figure under Subsection (3)(a)(ii) or ~~[(iii)]~~ (iv) indicates  
6646 that a municipality's population has increased beyond the population for its current class, the  
6647 lieutenant governor shall:

6648 (i) prepare a certificate indicating the class in which the municipality belongs based on  
6649 the increased population figure; and

6650 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6651 legislative body of the municipality whose class has changed.

6652 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or ~~[(iii)]~~ (iv)  
6653 indicates that a municipality's population has decreased below the population for its current  
6654 class, the lieutenant governor shall send written notification of that fact to the municipality's  
6655 legislative body.

6656 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
6657 population has decreased below the population for its current class, the lieutenant governor  
6658 shall:

6659 (A) prepare a certificate indicating the class in which the municipality belongs based

6660 on the decreased population figure; and

6661 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6662 legislative body of the municipality whose class has changed.

6663 Section 128. Section **69-2-5** is amended to read:

6664 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

6665 (1) In providing funding of 911 emergency service, any public agency establishing a  
6666 911 emergency service may:

6667 (a) seek assistance from the federal or state government, to the extent constitutionally  
6668 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or  
6669 indirectly;

6670 (b) seek funds appropriated by local governmental taxing authorities for the funding of  
6671 public safety agencies; and

6672 (c) seek gifts, donations, or grants from individuals, corporations, or other private  
6673 entities.

6674 (2) For purposes of providing funding of 911 emergency service, special service  
6675 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur  
6676 indebtedness as provided in Section 17D-1-103.

6677 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of  
6678 this Subsection (3), a county, city, ~~town,~~ or metro township within which 911 emergency  
6679 service is provided may levy a monthly 911 emergency services charge on:

6680 ~~(i)~~ (A) each local exchange service switched access line within the boundaries of the  
6681 county, city, ~~town,~~ or metro township;

6682 ~~(ii)~~ (B) each revenue producing radio communications access line with a billing  
6683 address within the boundaries of the county, city, ~~town,~~ or metro township; and

6684 ~~(iii)~~ (C) any other service, including voice over Internet protocol, provided to a user  
6685 within the boundaries of the county, city, ~~town,~~ or metro township that allows the user to  
6686 make calls to and receive calls from the public switched telecommunications network,  
6687 including commercial mobile radio service networks.

6688 (ii) If a metro township levies a charge under this chapter, the metro township is  
6689 subject to the same requirements a city is required to meet under this chapter.

6690 (iii) Except as provided in Subsection (3)(a)(iv) and notwithstanding any other



6691 provision of this chapter, if a metro township levies a charge described in Subsection (3)(a)(i)  
6692 under this chapter, the State Tax Commission shall distribute the revenue collected from the  
6693 charge to the metro township.

6694 (iv) The State Tax Commission shall transfer the revenues collected within a metro  
6695 township under this chapter to a municipal services district created under Title 17B, Chapter  
6696 2a, Part 11, Municipal Services District Act, if the metro township:

6697 (A) provides written notice to the State Tax Commission requesting the transfer; and

6698 (B) designates the municipal services district to which the metro township requests the  
6699 State Tax Commission to transfer the revenues.

6700 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
6701 telecommunications service is exempt from 911 emergency service charges.

6702 (c) The amount of the charge levied under this section may not exceed:

6703 (i) 61 cents per month for each local exchange service switched access line;

6704 (ii) 61 cents per month for each radio communications access line; and

6705 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

6706 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
6707 provided in Section [59-12-102](#) or [59-12-215](#):

6708 (A) "mobile telecommunications service";

6709 (B) "place of primary use";

6710 (C) "service address"; and

6711 (D) "telecommunications service."

6712 (ii) An access line described in Subsection (3)(a) is considered to be within the  
6713 boundaries of a county, city, or town if the telecommunications services provided over the  
6714 access line are located within the county, city, or town:

6715 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax  
6716 Act; and

6717 (B) determined in accordance with Section [59-12-215](#).

6718 (iii) The rate imposed on an access line under this section shall be determined in  
6719 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection  
6720 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,  
6721 city, or town in which is located:

- 6722 (A) for a telecommunications service, the purchaser's service address; or  
6723 (B) for mobile telecommunications service, the purchaser's place of primary use.  
6724 (iv) The rate imposed on an access line under this section shall be the lower of:  
6725 (A) the rate imposed by the county, city, or town in which the access line is located  
6726 under Subsection (3)(d)(ii); or  
6727 (B) the rate imposed by the county, city, or town in which it is located:  
6728 (I) for telecommunications service, the purchaser's service address; or  
6729 (II) for mobile telecommunications service, the purchaser's place of primary use.  
6730 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent  
6731 to levy the charge under this Subsection (3) at least 30 days before the effective date of the  
6732 charge being levied.  
6733 (ii) For purposes of this Subsection (3)(e):  
6734 (A) "Annexation" means an annexation to:  
6735 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or  
6736 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.  
6737 (B) "Annexing area" means an area that is annexed into a county, city, or town.  
6738 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or  
6739 town enacts or repeals a charge or changes the amount of the charge under this section, the  
6740 enactment, repeal, or change shall take effect:  
6741 (I) on the first day of a calendar quarter; and  
6742 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6743 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.  
6744 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:  
6745 (I) that the county, city, or town will enact or repeal a charge or change the amount of  
6746 the charge under this section;  
6747 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);  
6748 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and  
6749 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6750 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.  
6751 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge  
6752 increase under this section shall take effect on the first day of the first billing period:

6753 (I) that begins after the effective date of the enactment of the charge or the charge  
6754 increase; and

6755 (II) if the billing period for the charge begins before the effective date of the enactment  
6756 of the charge or the charge increase imposed under this section.

6757 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge  
6758 decrease under this section shall take effect on the first day of the last billing period:

6759 (I) that began before the effective date of the repeal of the charge or the charge  
6760 decrease; and

6761 (II) if the billing period for the charge begins before the effective date of the repeal of  
6762 the charge or the charge decrease imposed under this section.

6763 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will  
6764 result in the enactment, repeal, or a change in the amount of a charge imposed under this  
6765 section for an annexing area, the enactment, repeal, or change shall take effect:

6766 (I) on the first day of a calendar quarter; and

6767 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6768 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that  
6769 annexes the annexing area.

6770 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

6771 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an  
6772 enactment, repeal, or a change in the charge being imposed under this section for the annexing  
6773 area;

6774 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

6775 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

6776 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6777 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

6778 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge  
6779 increase under this section shall take effect on the first day of the first billing period:

6780 (I) that begins after the effective date of the enactment of the charge or the charge  
6781 increase; and

6782 (II) if the billing period for the charge begins before the effective date of the enactment  
6783 of the charge or the charge increase imposed under this section.

6784 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge  
6785 decrease under this section shall take effect on the first day of the last billing period:

6786 (I) that began before the effective date of the repeal of the charge or the charge  
6787 decrease; and

6788 (II) if the billing period for the charge begins before the effective date of the repeal of  
6789 the charge or the charge decrease imposed under this section.

6790 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this  
6791 section shall:

6792 (i) be billed and collected by the person that provides the:

6793 (A) local exchange service switched access line services; or

6794 (B) radio communications access line services; and

6795 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax  
6796 Commission.

6797 (g) A 911 emergency services charge on a mobile telecommunications service may be  
6798 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications  
6799 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6800 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

6801 (i) bill the charge imposed by this section in combination with the charge levied under  
6802 Section 69-2-5.6 as one line item charge; and

6803 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as  
6804 reimbursement for the cost of billing, collecting, and remitting the levy.

6805 (i) The State Tax Commission shall collect, enforce, and administer the charge  
6806 imposed under this Subsection (3) using the same procedures used in the administration,  
6807 collection, and enforcement of the state sales and use taxes under:

6808 (i) Title 59, Chapter 1, General Taxation Policies; and

6809 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6810 (A) Section 59-12-104;

6811 (B) Section 59-12-104.1;

6812 (C) Section 59-12-104.2;

6813 (D) Section 59-12-104.6;

6814 (E) Section 59-12-107.1; and

6815 (F) Section 59-12-123.

6816 (j) The State Tax Commission shall transmit money collected under this Subsection (3)  
6817 monthly by electronic funds transfer to the county, city, or town that imposes the charge.

6818 (k) A person that pays a charge under this section shall pay the charge to the  
6819 commission:

6820 (i) monthly on or before the last day of the month immediately following the last day of  
6821 the previous month if:

6822 (A) the person is required to file a sales and use tax return with the commission  
6823 monthly under Section 59-12-108; or

6824 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6825 12, Sales and Use Tax Act; or

6826 (ii) quarterly on or before the last day of the month immediately following the last day  
6827 of the previous quarter if the person is required to file a sales and use tax return with the  
6828 commission quarterly under Section 59-12-107.

6829 (l) A charge a person pays under this section shall be paid using a form prescribed by  
6830 the State Tax Commission.

6831 (m) The State Tax Commission shall retain and deposit an administrative charge in  
6832 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a  
6833 charge under this section.

6834 (n) A charge under this section is subject to Section 69-2-5.8.

6835 (4) (a) Any money received by a public agency for the provision of 911 emergency  
6836 service shall be deposited in a special emergency telecommunications service fund.

6837 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency  
6838 service fund shall be expended by the public agency to pay the costs of:

6839 (A) establishing, installing, maintaining, and operating a 911 emergency service  
6840 system;

6841 (B) receiving and processing emergency communications from the 911 system or other  
6842 communications or requests for emergency services;

6843 (C) integrating a 911 emergency service system into an established public safety  
6844 dispatch center, including contracting with the providers of local exchange service, radio  
6845 communications service, and vendors of appropriate terminal equipment as necessary to

6846 implement the 911 emergency services; or

6847 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
6848 services system.

6849 (ii) Revenues derived for the funding of 911 emergency service may be used by the  
6850 public agency for personnel costs associated with receiving and processing communications  
6851 and deploying emergency response resources when the system is integrated with any public  
6852 safety dispatch system.

6853 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal  
6854 year does not lapse, and must be carried forward to be used for the purposes described in this  
6855 section.

6856 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
6857 Subsection (3) after the 2004 Annual General Session:

6858 (i) may be used by the public safety answering point for the purposes under Subsection  
6859 (4)(b); and

6860 (ii) shall be deposited into the special 911 emergency service fund described in  
6861 Subsection (4)(a).

6862 (b) Revenue received by a local entity from disbursements from the Utah 911  
6863 Committee under Section [63H-7-306](#):

6864 (i) shall be deposited into the special 911 emergency service fund under Subsection  
6865 (4)(a); and

6866 (ii) shall only be used for that portion of the costs related to the development and  
6867 operation of wireless and land-based enhanced 911 emergency telecommunications service and  
6868 the implementation of 911 services as provided in Subsection (5)(c).

6869 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering  
6870 point's costs for:

6871 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
6872 answering point equipment capable of receiving 911 information;

6873 (ii) database development, operation, and maintenance; and

6874 (iii) personnel costs associated with establishing, installing, maintaining, and operating  
6875 wireless 911 services, including training emergency service personnel regarding receipt and use  
6876 of 911 wireless service information and educating consumers regarding the appropriate and

6877 responsible use of 911 wireless service.

6878 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the  
6879 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
6880 Subsection (3)(c).

6881 Section 129. Section **69-2-5.5** is amended to read:

6882 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**  
6883 **Aided Dispatch Restricted Account -- Administrative charge.**

6884 (1) Subject to Subsection (7), there is imposed an emergency services  
6885 telecommunications charge of 6 cents per month on each local exchange service switched  
6886 access line and each revenue producing radio communications access line that is subject to an  
6887 emergency services telecommunications charge levied by a county, city, ~~or~~ town, or metro  
6888 township under Section [69-2-5](#).

6889 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge  
6890 imposed under this section shall be billed and collected by the person that provides:

- 6891 (i) local exchange service switched access line services; or
- 6892 (ii) radio communications access line services.

6893 (b) A person that pays an emergency services telecommunications charge under this  
6894 section shall pay the emergency services telecommunications charge to the commission:

6895 (i) monthly on or before the last day of the month immediately following the last day of  
6896 the previous month if:

6897 (A) the person is required to file a sales and use tax return with the commission  
6898 monthly under Section [59-12-108](#); or

6899 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6900 12, Sales and Use Tax Act; or

6901 (ii) quarterly on or before the last day of the month immediately following the last day  
6902 of the previous quarter if the person is required to file a sales and use tax return with the  
6903 commission quarterly under Section [59-12-107](#).

6904 (c) An emergency services telecommunications charge imposed under this section shall  
6905 be deposited into the Computer Aided Dispatch Restricted Account created in Section  
6906 [63H-7-310](#).

6907 (3) Emergency services telecommunications charges remitted to the State Tax

6908 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the  
6909 State Tax Commission.

6910 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge  
6911 imposed under Subsection (1) according to the same procedures used in the administration,  
6912 collection, and enforcement of the state sales and use tax under:

6913 (i) Title 59, Chapter 1, General Taxation Policies; and

6914 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6915 (A) Section 59-12-104;

6916 (B) Section 59-12-104.1;

6917 (C) Section 59-12-104.2;

6918 (D) Section 59-12-104.6;

6919 (E) Section 59-12-107.1; and

6920 (F) Section 59-12-123.

6921 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6922 State Tax Commission may make rules to administer, collect, and enforce the emergency  
6923 services telecommunications charges imposed under this section.

6924 (c) The State Tax Commission shall retain and deposit an administrative charge in  
6925 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from  
6926 an emergency services telecommunications charge under this section.

6927 (d) A charge under this section is subject to Section 69-2-5.8.

6928 (5) A provider of local exchange service switched access line services or radio  
6929 communications access line services who fails to comply with this section is subject to  
6930 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

6931 (6) An emergency services telecommunications charge under this section on a mobile  
6932 telecommunications service may be imposed, billed, and collected only to the extent permitted  
6933 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6934 Section 130. Section 69-2-5.6 is amended to read:

6935 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**  
6936 **Administrative charge.**

6937 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911  
6938 emergency service charge of 9 cents per month on each local exchange service switched access



6939 line and each revenue producing radio communications access line that is subject to a 911  
6940 emergency services charge levied by a county, city, [or] town, or metro township under Section  
6941 69-2-5.

6942 (2) (a) A 911 emergency services charge imposed under this section shall be:

6943 (i) subject to Subsection 69-2-5(3)(g); and

6944 (ii) billed and collected by the person that provides:

6945 (A) local exchange service switched access line services;

6946 (B) radio communications access line services; or

6947 (C) service described in Subsection 69-2-5(3)(a)[(iii)](i)(C).

6948 (b) A person that pays a charge under this section shall pay the charge to the  
6949 commission:

6950 (i) monthly on or before the last day of the month immediately following the last day of  
6951 the previous month if:

6952 (A) the person is required to file a sales and use tax return with the commission  
6953 monthly under Section 59-12-108; or

6954 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6955 12, Sales and Use Tax Act; or

6956 (ii) quarterly on or before the last day of the month immediately following the last day  
6957 of the previous quarter if the person is required to file a sales and use tax return with the  
6958 commission quarterly under Section 59-12-107.

6959 (c) A charge imposed under this section shall be deposited into the Unified Statewide  
6960 911 Emergency Service Account created by Section 63H-7-304.

6961 (3) The person that bills and collects the charges levied by this section pursuant to  
6962 Subsections (2)(b) and (c) may:

6963 (a) bill the charge imposed by this section in combination with the charge levied under  
6964 Section 69-2-5 as one line item charge; and

6965 (b) retain an amount not to exceed 1.5% of the charges collected under this section as  
6966 reimbursement for the cost of billing, collecting, and remitting the levy.

6967 (4) The State Tax Commission shall collect, enforce, and administer the charges  
6968 imposed under Subsection (1) using the same procedures used in the administration, collection,  
6969 and enforcement of the emergency services telecommunications charge to fund the Computer

6970 Aided Dispatch Restricted Account under Section 63H-7-310.

6971 (5) Notwithstanding Section 63H-7-304, the State Tax Commission shall retain and  
6972 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the  
6973 State Tax Commission collects from a charge under this section.

6974 (6) A charge under this section is subject to Section 69-2-5.8.

6975 (7) This section sunsets in accordance with Section 63I-1-269.

6976 Section 131. Section 69-2-5.7 is amended to read:

6977 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**

6978 **Administrative charge.**

6979 (1) As used in this section:

6980 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
6981 service in a transaction.

6982 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
6983 collected by a seller from a consumer in the amount established under Subsection (2).

6984 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
6985 telecommunications service that:

6986 (A) is paid for in advance;

6987 (B) is sold in predetermined units of time or dollars that decline with use in a known  
6988 amount or provides unlimited use of the service for a fixed amount or time; and

6989 (C) allows a caller to access 911 emergency service.

6990 (ii) "Prepaid wireless telecommunications service" does not include a wireless  
6991 telecommunications service that is billed:

6992 (A) to a customer on a recurring basis; and

6993 (B) in a manner that includes the emergency services telecommunications charges,  
6994 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line  
6995 assigned to the customer.

6996 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
6997 consumer.

6998 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
6999 from a seller.

7000 (f) "Wireless telecommunications service" means commercial mobile radio service as

7001 defined by 47 C.F.R. Sec. 20.3, as amended.

7002 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price  
7003 per transaction.

7004 (3) The prepaid wireless 911 service charge shall be collected by the seller from the  
7005 consumer for each transaction occurring in this state.

7006 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
7007 receipt, or similar document that is provided by the seller to the consumer.

7008 (5) For purposes of Subsection (3), the location of a transaction is determined in  
7009 accordance with Sections [59-12-211](#) through [59-12-215](#).

7010 (6) When prepaid wireless telecommunications service is sold with one or more other  
7011 products or services for a single non-itemized price, then the percentage specified in Section  
7012 (2) shall apply to the entire non-itemized price.

7013 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
7014 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
7015 charge.

7016 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
7017 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller  
7018 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,  
7019 Sales and Use Tax Act.

7020 (9) The State Tax Commission:

7021 (a) shall collect, enforce, and administer the charge imposed under this section using  
7022 the same procedures used in the administration, collection, and enforcement of the state sales  
7023 and use taxes under:

7024 (i) Title 59, Chapter 1, General Taxation Policies; and

7025 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

7026 (A) Section [59-12-104](#);

7027 (B) Section [59-12-104.1](#);

7028 (C) Section [59-12-104.2](#);

7029 (D) Section [59-12-107.1](#); and

7030 (E) Section [59-12-123](#);

7031 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected

7032 under Subsection (9)(a) as reimbursement for administering this section;

7033 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained  
7034 under Subsection (9)(b), as follows:

7035 (i) 80.3% of the revenue shall be distributed to each county, city, [or] town, or metro  
7036 township in the same percentages and in the same manner as the entities receive money to fund  
7037 911 emergency telecommunications services under Section 69-2-5;

7038 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch  
7039 Restricted Account created in Section 63H-7-310; and

7040 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911  
7041 emergency service as in Section 69-2-5.6; and

7042 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
7043 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

7044 (10) A charge under this section is subject to Section 69-2-5.8.  
7045 Section 132. Section 78A-7-202 is amended to read:

7046 **78A-7-202. Justice court judges to be appointed -- Procedure.**

7047 (1) As used in this section:

7048 (a) "Local government executive" means:

7049 (i) for a county:

7050 (A) the chair of the county commission in a county operating under the county  
7051 commission or expanded county commission form of county government;

7052 (B) the county executive in a county operating under the county executive-council form  
7053 of county government; and

7054 (C) the county manager in a county operating under the council-manager form of  
7055 county government; [and]

7056 (ii) for a city or town:

7057 (A) the mayor of the city or town; or

7058 (B) the city manager, in the council-manager form of government described in  
7059 Subsection 10-3b-103[~~(6)~~](7); and

7060 (iii) for a metro township, the chair of the metro township council.

7061 (b) "Local legislative body" means:

7062 (i) for a county, the county commission or county council; and

- 7063 (ii) for a city or town, the council of the city or town.
- 7064 (2) There is created in each county a county justice court nominating commission to  
7065 review applicants and make recommendations to the appointing authority for a justice court  
7066 position. The commission shall be convened when a new justice court judge position is created  
7067 or when a vacancy in an existing court occurs for a justice court located within the county.
- 7068 (a) Membership of the justice court nominating commission shall be as follows:
- 7069 (i) one member appointed by:
- 7070 (A) the county commission if the county has a county commission form of  
7071 government; or
- 7072 (B) the county executive if the county has an executive-council form of government;
- 7073 (ii) one member appointed by the municipalities in the counties as follows:
- 7074 (A) if the county has only one municipality, appointment shall be made by the  
7075 governing authority of that municipality; or
- 7076 (B) if the county has more than one municipality, appointment shall be made by a  
7077 municipal selection committee composed of the mayors of each municipality and the chairs of  
7078 each metro township in the county;
- 7079 (iii) one member appointed by the county bar association; and
- 7080 (iv) two members appointed by the governing authority of the jurisdiction where the  
7081 judicial office is located.
- 7082 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be  
7083 appointed by the regional bar association. If no regional bar association exists, the state bar  
7084 association shall make the appointment.
- 7085 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing  
7086 authority or an elected official of a county or municipality.
- 7087 (d) The nominating commission shall submit at least two names to the appointing  
7088 authority of the jurisdiction expected to be served by the judge. The local government  
7089 executive shall appoint a judge from the list submitted and the appointment ratified by the local  
7090 legislative body.
- 7091 (e) The state court administrator shall provide staff to the commission. The Judicial  
7092 Council shall establish rules and procedures for the conduct of the commission.
- 7093 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through

7094 the Utah State Bar, and other appropriate means.

7095 (4) Selection of candidates shall be based on compliance with the requirements for  
7096 office and competence to serve as a judge.

7097 (5) Once selected, every prospective justice court judge shall attend an orientation  
7098 seminar conducted under the direction of the Judicial Council. Upon completion of the  
7099 orientation program, the Judicial Council shall certify the justice court judge as qualified to  
7100 hold office.

7101 (6) The selection of a person to fill the office of justice court judge is effective upon  
7102 certification of the judge by the Judicial Council. A justice court judge may not perform  
7103 judicial duties until certified by the Judicial Council.

7104 Section 133. **Repealer.**

7105 This bill repeals:

7106 Section [10-2-408.5](#), **Annexation of an area within a township -- Withdrawing the**  
7107 **area from the township.**

7108 Section [10-3b-505](#), **Ballot form.**

7109 Section [10-3b-506](#), **Election of officers after a change in the form of government.**

7110 Section [10-3b-507](#), **Effective date of change in the form of government.**

7111 Section [17-27a-307](#), **Certain township planning and zoning board dissolved.**

7112 Section 134. **Revisor instructions.**

7113 The Legislature intends that the Office of Legislative Research and General Counsel, in  
7114 preparing the Utah Code database for publication, replace the language "this bill" in Subsection  
7115 10-2a-403(6)(a) to the bill's designated chapter and section number in the Laws of Utah.

7116 Section 135. **Coordinating S.B. 199 with H.B. 97 -- Technical renumbering --**  
7117 **Changing cross references.**

7118 If this S.B. 199 and H.B. 97, Election of Officials of New Municipality, both pass, it is  
7119 the intent of the Legislature that the Office of Legislative Research and General Counsel in  
7120 preparing the Utah Code database for publication:

7121 (1) renumber Section [10-2-128.1](#) enacted in H.B. 97 to Section [10-2a-305.1](#), and  
7122 change any internal references to that section;

7123 (2) renumber Section [10-2-128.2](#) enacted in H.B. 97 to Section [10-2a-305.2](#), and  
7124 change any internal references to that section;

7125 (3) change cross references in H.B. 97 from:

7126 (a) Section 10-2-116 to Section 10-2a-215;

7127 (b) Section 10-2-127 to Section 10-2a-304; and

7128 (c) Section 10-2-128.2 to Section 10-2a-305.2;

7129 (4) change any internal cross reference affected by the renumbering.

7130 Section 136. **Coordinating S.B. 199 with H.B. 245 -- Technical renumbering --**

7131 **Changing cross references.**

7132 If this S.B. 199 and H.B. 245, Incorporation Process for Cities and Towns, both pass, it  
7133 is the intent of the Legislature that the Office of Legislative Research and General Counsel in  
7134 preparing the Utah Code database for publication:

7135 (1) renumber Section 10-2-102.13 enacted in H.B. 245 to Section 10-2a-106, and  
7136 change any internal references to that section;

7137 (2) renumber Section 10-2-131 enacted in H.B. 245 to Section 10-2a-307, and change  
7138 any internal references to that section;

7139 (3) change cross references in H.B. 245 from Section 10-2-111 to Section 10-2a-210;

7140 and

7141 (4) renumber all internal cross references affected by the renumbering.