

TOWN AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill amends town incorporation provisions.

Highlighted Provisions:

This bill:

- ▶ corrects an incorrect reference in the town incorporation code.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-127, as last amended by Laws of Utah 2014, Chapter 158

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

Section 1. Section **10-2-127** is amended to read:

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

(1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] Section 10-2-125, the county legislative body shall determine and set an election date for the incorporation election that is:

(i) (A) on a general election date under Section **20A-1-201**; or

(B) on a local special election date under Section **20A-1-203**; and

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

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

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

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

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

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

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

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

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

42 and

43 (iv) the county Internet website address, if applicable, and the address of the county
44 office where the feasibility study is available for review.

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

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

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

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

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

57 (4) The ballot shall provide a space for the voter to answer yes or no to the question in

58 Subsection (3).

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