

**Senator Daniel W. Thatcher** 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 amends provisions related to incorporation and annexation.

**Highlighted Provisions:**

This bill:

- ▶ extends the moratorium on incorporation procedures and annexation procedures.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-2-130**, as enacted by Laws of Utah 2014, Chapter 405

**63I-2-210**, as last amended by Laws of Utah 2014, Chapter 405

---

---

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

Section 1. Section **10-2-130** is amended to read:

**10-2-130. Suspension of township incorporation and annexation procedures on or after January 1, 2014 -- Exceptions.**



26 (1) As used in this section:

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

29 (i) a request for incorporation described in Section 10-2-103;

30 (ii) a feasibility study described in Section 10-2-106;

31 (iii) a modified request and a supplemental feasibility study described in Section  
32 10-2-107; or

33 (iv) an incorporation petition described in Section 10-2-109 that is not certified under  
34 Section 10-2-110.

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

37 (i) a petition to annex described in Section 10-2-403;

38 (ii) a feasibility study described in Section 10-2-413;

39 (iii) a modified annexation petition or supplemental feasibility study described in  
40 Section 10-2-414;

41 (iv) a boundary commission decision described in Section 10-2-416; or

42 (v) any action described in Section 10-2-418 before the adoption of an ordinance to  
43 approve annexation under Subsection 10-2-418(3)(b).

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

45 (i) if a request for incorporation described in Section 10-2-103 is filed with the clerk of  
46 the county on or after January 1, 2014, a township incorporation procedure that is the subject of  
47 or otherwise relates to that request is suspended until November 15, [~~2015~~] 2016; and

48 (ii) if a petition to annex described in Section 10-2-403 is filed with the city recorder or  
49 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of  
50 or otherwise relates to that petition is suspended until November 15, [~~2015~~] 2016.

51 (b) (i) If a township incorporation procedure or township annexation procedure is  
52 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and  
53 on November 15, [~~2015~~] 2016.

54 (ii) On November 16, [~~2015~~] 2016, the applicable deadline or timeline described in  
55 Subsection (2)(b)(i):

56 (A) may proceed and the period of time during the suspension does not toll against that

57 deadline or timeline; and

58 (B) does not start over.

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

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

61 (i) 50 acres or more; and

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

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

65 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the  
66 petition sponsors may continue to gather petition signatures and file them with the county clerk  
67 as provided in Section 10-2-103.

68 (b) The county clerk shall process the petition in accordance with Section 10-2-105 and  
69 may issue a certification or rejection of the petition as provided in Section 10-2-105.

70 (c) Notwithstanding any other provision of Chapter 2, Incorporation, Classification,  
71 Boundaries, Consolidation, and Dissolution of Municipalities, any further processing,  
72 including a feasibility study, public hearing, or an incorporation election, is suspended until  
73 November 15, [~~2015~~] 2016.

74 Section 2. Section 63I-2-210 is amended to read:

75 **63I-2-210. Repeal dates -- Title 10.**

76 (1) Section 10-2-130 is repealed July 1, [~~2016~~] 2017.

77 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.