

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 ▶ provides for the incorporation of a metro township after November 3, 2015;
- 28 ▶ provides for the determination of metro township council districts and election of
- 29 officers;
- 30 ▶ authorizes a 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 ▶ authorizes a metro township to initiate the creation of a school district;
- 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 May 12, 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 (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 (c) 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 as a township as defined in and established in 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 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 Subsection [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.

2719 Section 60. Section **10-2a-411** is enacted to read:

2720 **10-2a-411. Determination of metro township 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](#).

2785 Section 61. Section **10-2a-412** is enacted to read:

2786 **10-2a-412. Election of officers of new city, town, or 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 62. Section **10-2a-413** is enacted to read:

2823 **10-2a-413. Notification to lieutenant governor of election of officers.**

2824 Within 10 days of the canvass of final election of metro township, city, or town officers
2825 under Section [10-2a-412](#), the county clerk shall send written notice to the lieutenant governor
2826 of the name and position of each officer elected and the term for which each has been elected.

2827 Section 63. Section **10-2a-414** is enacted to read:

2828 **10-2a-414. Incorporation under this part subject to 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 64. 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 10-2a-411(1)(a)(i); or

2855 (ii) at large in accordance with Subsection 10-2a-411(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 10-2a-411;
2862 and

2863 (ii) the mayor is elected at large in accordance with Section 10-2a-411.

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 97. 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 in a county other than a
4194 county of the first class 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 than 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, in a county other than
4317 a county of the first class:

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 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 (II) 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 (II) 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 (III) 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 (II) 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)(III), 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 (II) 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)(II), 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 (II) 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 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) 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)(II) 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 (II) 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 (III) 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 (I) the individual resides within the boundaries of that secondary school as of the day
6320 before the new school district is created; and

6321 (II) 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](#).

6488 Section 123. 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, ~~[or] 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, ~~[or] 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, ~~[or] 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, ~~[or] 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.