

**PUBLIC NOTICE AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to public notices.

**Highlighted Provisions:**

This bill:

- ▶ eliminates some requirements to publish certain notices in a newspaper and on a specified legal notice website;
- ▶ requires certain notices to be posted on the Utah Public Notice Website;
- ▶ requires the Division of Archives and Records Service to allow newspapers to request and automatically receive a feed of postings to the Utah Public Notice Website; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**8-5-6**, as last amended by Laws of Utah 2009, Chapter 388

**10-2-406**, as last amended by Laws of Utah 2019, Chapter 255

**10-2-407**, as last amended by Laws of Utah 2019, Chapter 255



- 28 [10-2-415](#), as last amended by Laws of Utah 2020, Chapter 22
- 29 [10-2-418](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 30 [10-2-419](#), as last amended by Laws of Utah 2019, Chapter 255
- 31 [10-2-502.5](#), as last amended by Laws of Utah 2019, Chapter 255
- 32 [10-2-607](#), as last amended by Laws of Utah 2019, Chapter 255
- 33 [10-2-703](#), as last amended by Laws of Utah 2019, Chapter 255
- 34 [10-2-708](#), as last amended by Laws of Utah 2020, Chapter 22
- 35 [10-2a-207](#), as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 36 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 37 [10-2a-210](#), as last amended by Laws of Utah 2020, Chapter 22
- 38 [10-2a-213](#), as last amended by Laws of Utah 2020, Chapter 22
- 39 [10-2a-214](#), as last amended by Laws of Utah 2020, Chapter 22
- 40 [10-2a-215](#), as last amended by Laws of Utah 2020, Chapter 22
- 41 [10-2a-404](#), as enacted by Laws of Utah 2015, Chapter 352
- 42 [10-2a-405](#), as last amended by Laws of Utah 2016, Chapter 176
- 43 [10-2a-410](#), as last amended by Laws of Utah 2017, Chapter 158
- 44 [10-3-301](#), as last amended by Laws of Utah 2020, Chapter 95
- 45 [10-3-711](#), as last amended by Laws of Utah 2004, Chapter 202
- 46 [10-5-108](#), as last amended by Laws of Utah 2017, Chapter 193
- 47 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 48 [10-6-152](#), as last amended by Laws of Utah 2009, Chapter 388
- 49 [10-7-16](#), as last amended by Laws of Utah 2009, Chapter 388
- 50 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 51 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 52 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 53 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 54 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90
- 55 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
- 56 [10-18-303](#), as last amended by Laws of Utah 2009, Chapter 388
- 57 [11-13-219](#), as last amended by Laws of Utah 2015, Chapter 265
- 58 [11-14-202](#), as last amended by Laws of Utah 2020, Chapter 31

- 59 [11-14-315](#), as last amended by Laws of Utah 2010, Chapter 378
- 60 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 61 [11-14a-1](#), as last amended by Laws of Utah 2009, Chapter 388
- 62 [11-30-5](#), as last amended by Laws of Utah 2009, Chapter 388
- 63 [11-39-103](#), as last amended by Laws of Utah 2014, Chapter 196
- 64 [11-42-202](#), as last amended by Laws of Utah 2020, Chapter 282
- 65 [11-42-301](#), as last amended by Laws of Utah 2017, Chapter 470
- 66 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
- 67 [11-42-404](#), as last amended by Laws of Utah 2015, Chapter 396
- 68 [11-42a-201](#), as last amended by Laws of Utah 2018, Chapters 197 and 431
- 69 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 70 [17-27a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 71 [17-27a-306](#), as last amended by Laws of Utah 2015, Chapter 352
- 72 [17-27a-404](#), as last amended by Laws of Utah 2020, Chapter 434
- 73 [17-41-302](#), as last amended by Laws of Utah 2019, Chapter 227
- 74 [17-41-304](#), as last amended by Laws of Utah 2019, Chapter 227
- 75 [17-41-405](#), as last amended by Laws of Utah 2019, Chapter 227
- 76 [17B-1-111](#), as last amended by Laws of Utah 2011, Chapter 47
- 77 [17B-1-211](#), as last amended by Laws of Utah 2013, Chapter 265
- 78 [17B-1-304](#), as last amended by Laws of Utah 2017, Chapter 112
- 79 [17B-1-306](#), as last amended by Laws of Utah 2020, Chapter 31
- 80 [17B-1-313](#), as last amended by Laws of Utah 2009, Chapter 388
- 81 [17B-1-417](#), as last amended by Laws of Utah 2010, Chapter 90
- 82 [17B-1-505.5](#), as enacted by Laws of Utah 2017, Chapter 404
- 83 [17B-1-609](#), as last amended by Laws of Utah 2015, Chapter 436
- 84 [17B-1-643](#), as last amended by Laws of Utah 2016, Chapter 273
- 85 [17B-1-1204](#), as last amended by Laws of Utah 2010, Chapter 90
- 86 [17B-1-1307](#), as last amended by Laws of Utah 2010, Chapter 90
- 87 [17B-2a-705](#), as last amended by Laws of Utah 2019, Chapter 255
- 88 [17B-2a-1007](#), as last amended by Laws of Utah 2018, Chapter 197
- 89 [17B-2a-1110](#), as last amended by Laws of Utah 2016, Chapter 176

- 90 **17C-1-601.5**, as last amended by Laws of Utah 2018, Chapter 101
- 91 **17C-1-701.5**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 92 **17C-1-806**, as last amended by Laws of Utah 2018, Chapter 364
- 93 **17C-2-108**, as last amended by Laws of Utah 2016, Chapter 350
- 94 **17C-3-107**, as last amended by Laws of Utah 2016, Chapter 350
- 95 **17C-4-106**, as last amended by Laws of Utah 2016, Chapter 350
- 96 **17C-4-202**, as last amended by Laws of Utah 2016, Chapter 350
- 97 **17C-5-110**, as enacted by Laws of Utah 2016, Chapter 350
- 98 **17C-5-205**, as last amended by Laws of Utah 2019, Chapter 376
- 99 **20A-1-206**, as last amended by Laws of Utah 2019, Chapter 255
- 100 **20A-3a-604**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 101 **20A-4-104**, as last amended by Laws of Utah 2020, Chapter 31
- 102 **20A-4-304**, as last amended by Laws of Utah 2019, Chapters 255 and 433
- 103 **20A-5-101**, as last amended by Laws of Utah 2019, Chapter 255
- 104 **20A-5-403.5**, as enacted by Laws of Utah 2020, Chapter 31
- 105 **20A-5-405**, as last amended by Laws of Utah 2020, Chapter 31
- 106 **20A-9-203**, as last amended by Laws of Utah 2020, Chapter 22
- 107 **26-8a-405.3**, as last amended by Laws of Utah 2012, Chapters 91, 347 and last
- 108 amended by Coordination Clause, Laws of Utah 2012, Chapter 347
- 109 **38-8-3**, as last amended by Laws of Utah 2013, Chapter 163
- 110 **54-8-10**, as last amended by Laws of Utah 2010, Chapter 90
- 111 **54-8-16**, as last amended by Laws of Utah 2010, Chapter 90
- 112 **54-8-23**, as last amended by Laws of Utah 2009, Chapter 388
- 113 **57-13a-104**, as enacted by Laws of Utah 2013, Chapter 267
- 114 **59-12-402**, as last amended by Laws of Utah 2017, Chapter 422
- 115 **59-12-2208**, as enacted by Laws of Utah 2010, Chapter 263
- 116 **63F-1-701**, as last amended by Laws of Utah 2020, Chapter 154
- 117 **63G-6a-112**, as last amended by Laws of Utah 2020, Chapter 257
- 118 **72-5-105**, as last amended by Laws of Utah 2017, First Special Session, Chapter 2
- 119 **72-6-108**, as last amended by Laws of Utah 2012, Chapter 347
- 120 **76-8-809**, as last amended by Laws of Utah 2009, Chapter 388

121 [78A-7-202](#), as last amended by Laws of Utah 2015, Chapters 99 and 352

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

124 Section 1. Section **8-5-6** is amended to read:

125 **8-5-6. Alternative council or board procedures for notice -- Termination of**  
 126 **rights.**

127 (1) As an alternative to the procedures set forth in Sections [8-5-1](#) through [8-5-4](#), a  
 128 municipal council or cemetery maintenance district board may pass a resolution demanding  
 129 that the owner of a lot, site, or portion of the cemetery, which has been unused for burial  
 130 purposes for more than 60 years, file with the county recorder, city recorder, or town clerk  
 131 notice of any claim to the lot, site, or portion of the cemetery.

132 (2) The municipal council or cemetery maintenance district board shall then cause a  
 133 copy of the resolution to be personally served on the owner in the same manner as personal  
 134 service of process in a civil action. The resolution shall notify the owner that the owner shall,  
 135 within 60 days after service of the resolution on the owner, express interest in maintaining the  
 136 cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to  
 137 use the lot, site, or portion of the cemetery for a burial.

138 (3) If the owner cannot be personally served with the resolution of the municipal  
 139 council or cemetery maintenance district board as required in Subsection (2), the municipal  
 140 council or cemetery maintenance district board shall:

141 (a) publish its resolution~~[-]~~ on the Utah Public Notice Website created in Section  
 142 [63F-1-701](#) for three weeks; and

143 ~~[(a) (i) for three successive weeks in a newspaper of general circulation within the~~  
 144 ~~county; and]~~

145 ~~[(ii) in accordance with Section [45-1-101](#) for three weeks; and]~~

146 (b) mail a copy of the resolution within 14 days after the publication to the owner's last  
 147 known address, if available.

148 (4) If, for 30 days after the last date of service or publication of the municipal council's  
 149 or cemetery maintenance district board's resolution, the owner or person with a legal interest in  
 150 the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of  
 151 the cemetery for burial purposes, the owner's rights are terminated and that portion of the

152 cemetery shall be vested in the municipality or cemetery maintenance district.

153 Section 2. Section **10-2-406** is amended to read:

154 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

155 (1) After receipt of the notice of certification from the city recorder or town clerk under  
156 Subsection **10-2-405(2)(c)(i)**, the municipal legislative body shall publish notice:

157 ~~[(a) (i) at least once a week for three successive weeks, beginning no later than 10 days~~  
158 ~~after the day on which the municipal legislative body receives the notice of certification, in a~~  
159 ~~newspaper of general circulation within:]~~

160 ~~[(A)] (a) within~~ the area proposed for annexation~~[-; and (B)] and~~ the unincorporated  
161 area within 1/2 mile of the area proposed for annexation~~[-; (ii) if there is no newspaper of~~  
162 ~~general circulation in the combined area described in Subsections (1)(a)(i)(A) and (B)],~~ no later  
163 than 10 days after the day on which the municipal legislative body receives the notice of  
164 certification~~[-;]:~~

165 (i) by posting one notice, and at least one additional notice per 2,000 population within  
166 the combined area, in places within the combined area that are most likely to give notice to the  
167 residents within, and the owners of real property located within, the combined area; or

168 ~~[(iii) no later than 10 days after the day on which the municipal legislative body~~  
169 ~~receives the notice of certification;]~~

170 (ii) by mailing the notice to each residence within, and to each owner of real property  
171 located within, the combined area ~~[described in Subsections (1)(a)(i)(A) and (B)];~~

172 ~~[(b) in accordance with Section **45-1-101**, for three weeks, beginning no later than 10~~  
173 ~~days after the day on which the municipal legislative body receives the notice of certification;]~~

174 ~~[(e)] (b)~~ on the Utah Public Notice Website created in Section **63F-1-701**, for three  
175 weeks, beginning no later than 10 days after the day on which the municipal legislative body  
176 receives the notice of certification;

177 ~~[(d)] (c)~~ within 20 days after the day on which the municipal legislative body receives  
178 the notice of certification, by mailing written notice to each affected entity; and

179 ~~[(e)] (d)~~ if the municipality has a website, on the municipality's website for the period  
180 of time described in Subsection (1)~~[(e)](b)~~.

181 (2) The notice described in Subsection (1) shall:

182 (a) state that a petition has been filed with the municipality proposing the annexation of

183 an area to the municipality;

184 (b) state the date of the municipal legislative body's receipt of the notice of certification  
185 under Subsection 10-2-405(2)(c)(i);

186 (c) describe the area proposed for annexation in the annexation petition;

187 (d) state that the complete annexation petition is available for inspection and copying at  
188 the office of the city recorder or town clerk;

189 (e) state in conspicuous and plain terms that the municipality may grant the petition  
190 and annex the area described in the petition unless, within the time required under Subsection  
191 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and  
192 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
193 municipality;

194 (f) state the address of the commission or, if a commission has not yet been created in  
195 the county, the county clerk, where a protest to the annexation petition may be filed;

196 (g) state that the area proposed for annexation to the municipality will also  
197 automatically be annexed to a local district providing fire protection, paramedic, and  
198 emergency services or a local district providing law enforcement service, as the case may be, as  
199 provided in Section 17B-1-416, if:

200 (i) the proposed annexing municipality is entirely within the boundaries of a local  
201 district:

202 (A) that provides fire protection, paramedic, and emergency services or law  
203 enforcement service, respectively; and

204 (B) in the creation of which an election was not required because of Subsection  
205 17B-1-214(3)(c); and

206 (ii) the area proposed to be annexed to the municipality is not already within the  
207 boundaries of the local district; and

208 (h) state that the area proposed for annexation to the municipality will be automatically  
209 withdrawn from a local district providing fire protection, paramedic, and emergency services or  
210 a local district providing law enforcement service, as the case may be, as provided in  
211 Subsection 17B-1-502(2), if:

212 (i) the petition proposes the annexation of an area that is within the boundaries of a  
213 local district:

214 (A) that provides fire protection, paramedic, and emergency services or law  
215 enforcement service, respectively; and

216 (B) in the creation of which an election was not required because of Subsection  
217 17B-1-214(3)(c); and

218 (ii) the proposed annexing municipality is not within the boundaries of the local  
219 district.

220 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a  
221 written protest in terms of the actual date rather than by reference to the statutory citation.

222 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)  
223 for a proposed annexation of an area within a county of the first class shall include a statement  
224 that a protest to the annexation petition may be filed with the commission by property owners if  
225 it contains the signatures of the owners of private real property that:

226 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
227 annexation;

228 (ii) covers at least 25% of the private land area located in the unincorporated area  
229 within 1/2 mile of the area proposed for annexation; and

230 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
231 area within 1/2 mile of the area proposed for annexation.

232 Section 3. Section 10-2-407 is amended to read:

233 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
234 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
235 **protest filed.**

236 (1) A protest to an annexation petition under Section 10-2-403 may be filed by:

237 (a) the legislative body or governing board of an affected entity;

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

239 (c) for a proposed annexation of an area within a county of the first class, the owners of  
240 private real property that:

241 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
242 annexation;

243 (ii) covers at least 25% of the private land area located in the unincorporated area  
244 within 1/2 mile of the area proposed for annexation; and



245 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
246 area within 1/2 mile of the area proposed for annexation.

247 (2) Each protest under Subsection (1) shall:

248 (a) be filed:

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

251 (ii) (A) in a county that has already created a commission under Section 10-2-409, with  
252 the commission; or

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

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

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

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

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

265 (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:

266 (a) immediately notify the county legislative body of the protest; and

267 (b) deliver the protest to the boundary commission within five days after:

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

269 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the  
270 boundary commission has not previously been created.

271 (5) (a) If a protest is filed under this section:

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

274 (ii) if the municipal legislative body does not deny the annexation petition under  
275 Subsection (5)(a)(i), the municipal legislative body may take no further action on the

276 annexation petition until after receipt of the commission's notice of its decision on the protest  
277 under Section 10-2-416.

278 (b) If a municipal legislative body denies an annexation petition under Subsection  
279 (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of  
280 the denial in writing to:

281 (i) the contact sponsor of the annexation petition;

282 (ii) the commission; and

283 (iii) each entity that filed a protest.

284 (6) If no timely protest is filed under this section, the municipal legislative body may,  
285 subject to Subsection (7), approve the petition.

286 (7) Before approving an annexation petition under Subsection (6), the municipal  
287 legislative body shall hold a public hearing and publish notice of the public hearing:

288 ~~[(a) (i) at least seven days before the day of the public hearing in a newspaper of  
289 general circulation within the municipality and the area proposed for annexation;]~~

290 ~~[(ii) if there is no newspaper of general circulation in the combined area described in  
291 Subsection (7)(a)(i);]~~

292 (a) (i) at least seven days before the day of the public hearing, by posting one notice,  
293 and at least one additional notice per 2,000 population within the ~~[combined area]~~ municipality  
294 and the area proposed for annexation, in places within ~~[the]~~ that combined area that are most  
295 likely to give notice to the residents within, and the owners of real property located within, the  
296 combined area; or

297 ~~[(iii)]~~ (ii) at least 10 days before the day of the public hearing by mailing the notice to  
298 each residence within, and to each owner of real property located within, the combined area  
299 described in Subsection (7)(a)(i);

300 (b) on the Utah Public Notice Website created in Section 63F-1-701, for seven days  
301 before the day of the public hearing; and

302 ~~[(c) in accordance with Section 45-1-101, for seven days before the day of the public  
303 hearing; and]~~

304 ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for seven days  
305 before the day of the public hearing.

306 Section 4. Section 10-2-415 is amended to read:

307 **10-2-415. Public hearing -- Notice.**

308 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the  
 309 requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area  
 310 located in a county of the first class, the commission shall hold a public hearing within 30 days  
 311 after the day on which the commission receives the feasibility study or supplemental feasibility  
 312 study results.

313 (b) At the public hearing described in Subsection (1)(a), the commission shall:

314 (i) require the feasibility consultant to present the results of the feasibility study and, if  
 315 applicable, the supplemental feasibility study;

316 (ii) allow those present to ask questions of the feasibility consultant regarding the study  
 317 results; and

318 (iii) allow those present to speak to the issue of annexation.

319 (2) The commission shall publish notice of the public hearing described in Subsection  
 320 (1)(a)[~~:(a) (i) at least once a week for two successive weeks before the public hearing in a~~  
 321 ~~newspaper of general circulation]~~ within the area proposed for annexation, the surrounding 1/2  
 322 mile of unincorporated area, and the proposed annexing municipality[~~;~~];

323 [~~(ii) if there is no newspaper of general circulation within the combined area described~~  
 324 ~~in Subsection (2)(a)(i);]~~

325 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,  
 326 and at least one additional notice per 2,000 population within the combined area, in places  
 327 within the combined area that are most likely to give notice of the public hearing to the  
 328 residents within, and the owners of real property located within, the combined area; or

329 [~~(iii)~~] (ii) by mailing notice to each residence within, and to each owner of real  
 330 property located within, the combined area [~~described in Subsection (2)(a)(i);]~~;

331 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
 332 before the day of the public hearing;

333 [~~(c) in accordance with Section 45-1-101, for two weeks before the day of the public~~  
 334 ~~hearing;]~~

335 [~~(d)~~] (c) by sending written notice of the public hearing to the municipal legislative  
 336 body of the proposed annexing municipality, the contact sponsor on the annexation petition,  
 337 each entity that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(c), the

338 contact person;

339 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for two weeks  
340 before the day of the public hearing; and

341 ~~[(f)]~~ (e) on the county's website for two weeks before the day of the public hearing.

342 (3) The notice described in Subsection (2) shall:

343 (a) be entitled, "notice of annexation hearing";

344 (b) state the name of the annexing municipality;

345 (c) describe the area proposed for annexation; and

346 (d) specify the following sources where an individual may obtain a copy of the  
347 feasibility study conducted in relation to the proposed annexation:

348 (i) if the municipality has a website, the municipality's website;

349 (ii) a municipality's physical address; and

350 (iii) a mailing address and telephone number.

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

355 (5) At least 14 days before the date of a hearing described in Subsection (4), the  
356 commission chair shall publish notice of the hearing:

357 ~~[(a) (i) in a newspaper of general circulation within the area proposed for annexation;]~~

358 ~~[(ii) if there is no newspaper of general circulation within the area proposed for  
359 annexation;]~~

360 (a) (i) by posting one notice, and at least one additional notice per 2,000 population  
361 within the area proposed for annexation, in places within the area that are most likely to give  
362 notice of the hearing to the residents within, and the owners of real property located within, the  
363 area; or

364 ~~[(iii)]~~ (ii) by mailing notice to each resident within, and each owner of real property  
365 located within, the area proposed for annexation;

366 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before  
367 the day of the hearing;

368 ~~[(c) in accordance with Section 45-1-101, for 14 days before the day of the hearing;]~~

369            [~~(d)~~] (c) if the municipality has a website, on the municipality's website for two weeks  
370 before the day of the public hearing; and

371            [~~(e)~~] (d) on the county's website for two weeks before the day of the public hearing.

372            (6) Each notice described in Subsection (5) shall:

373            (a) state the date, time, and place of the hearing;

374            [~~(a)~~] (b) briefly summarize the nature of the protest; and

375            [~~(b)~~] (c) state that a copy of the protest is on file at the commission's office.

376            (7) The commission may continue a hearing under Subsection (4) from time to time,  
377 but no continued hearing may be held later than 60 days after the original hearing date.

378            (8) In considering protests, the commission shall consider whether the proposed  
379 annexation:

380            (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
381 annexation policy plan of the proposed annexing municipality;

382            (b) conflicts with the annexation policy plan of another municipality; and

383            (c) if the proposed annexation includes urban development, will have an adverse tax  
384 consequence on the remaining unincorporated area of the county.

385            (9) (a) The commission shall record each hearing under this section by electronic  
386 means.

387            (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if  
388 applicable, information received at the hearing, and the written decision of the commission  
389 shall constitute the record of the hearing.

390            Section 5. Section 10-2-418 is amended to read:

391            **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
392 **Hearing.**

393            (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in  
394 accordance with this section of an area located within a county of the first class,  
395 "municipal-type services" does not include a service provided by a municipality pursuant to a  
396 contract that the municipality has with another political subdivision as "political subdivision" is  
397 defined in Section 17B-1-102.

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

400 (a) for an unincorporated area within the expansion area of more than one municipality,  
401 each municipality agrees to the annexation; and

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

404 (B) the majority of each island or peninsula consists of residential or commercial  
405 development;

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

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

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

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

415 (iii) the area consists of:

416 (A) an unincorporated island within or an unincorporated peninsula contiguous to the  
417 municipality; and

418 (B) for an area outside of the county of the first class proposed for annexation, no more  
419 than 50 acres; or

420 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a  
421 county of the second class;

422 (B) the area to be annexed is located in the expansion area of a municipality; and

423 (C) the county legislative body in which the municipality is located provides notice to  
424 each property owner within the area to be annexed that the county legislative body will hold a  
425 public hearing, no less than 15 days after the day on which the county legislative body provides  
426 the notice, and may make a recommendation of annexation to the municipality whose  
427 expansion area includes the area to be annexed after the public hearing.

428 (3) Notwithstanding Subsection [10-2-402\(1\)\(b\)\(iii\)](#), a municipality may annex a  
429 portion of an unincorporated island or unincorporated peninsula under this section, leaving  
430 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

431 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body  
432 determines that not annexing the entire unincorporated island or unincorporated peninsula is in  
433 the municipality's best interest; and

434 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),  
435 the entire island of unincorporated area, of which a portion is being annexed, complies with the  
436 requirement of Subsection (2)(b)(ii) relating to the number of residents.

437 (4) (a) This subsection applies only to an annexation within a county of the first class.

438 (b) A county of the first class shall agree to an annexation if the majority of private  
439 property owners within the area to be annexed give written consent to the annexation, in  
440 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

441 (c) For purposes of Subsection (4)(b), the majority of private property owners is  
442 property owners who own:

443 (i) the majority of the total private land area within the area proposed for annexation;  
444 and

445 (ii) private real property equal to at least 1/2 the value of private real property within  
446 the area proposed for annexation.

447 (d) A property owner consenting to annexation shall indicate the property owner's  
448 consent on a form which includes language in substantially the following form:

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

456 (e) A private property owner may withdraw the property owner's signature indicating  
457 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the  
458 close of the public hearing held in accordance with Subsection (5)(b).

459 (5) The legislative body of each municipality intending to annex an area under this  
460 section shall:

461 (a) adopt a resolution indicating the municipal legislative body's intent to annex the

462 area, describing the area proposed to be annexed; and

463 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the  
464 adoption of the resolution described in Subsection (5)(a).

465 (6) A legislative body described in Subsection (5) shall publish notice of a public  
466 hearing described in Subsection (5)(b):

467 ~~[(a) (i) at least once a week for three successive weeks before the public hearing in a~~  
468 ~~newspaper of general circulation within the municipality and the area proposed for~~  
469 ~~annexation;]~~

470 ~~[(ii) if there is no newspaper of general circulation in the combined area described in~~  
471 ~~Subsection (6)(a)(i);]~~

472 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,  
473 and at least one additional notice per 2,000 population in the ~~[combined area]~~ municipality and  
474 the area proposed for annexation, in places within the combined area that are most likely to  
475 give notice to the residents within, and the owners of real property located within, the  
476 combined area; or

477 ~~[(iii)]~~ (ii) at least three weeks before the day of the public hearing, by mailing notice to  
478 each residence within, and each owner of real property located within, the combined area  
479 described in Subsection (6)(a)(i);

480 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
481 before the day of the public hearing;

482 ~~[(c) in accordance with Section [45-1-101](#), for three weeks before the day of the public~~  
483 ~~hearing;]~~

484 ~~[(d)]~~ (c) by sending written notice to:

485 (i) the board of each local district and special service district whose boundaries contain  
486 some or all of the area proposed for annexation; and

487 (ii) the legislative body of the county in which the area proposed for annexation is  
488 located; and

489 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for three weeks  
490 before the day of the public hearing.

491 (7) The legislative body of the annexing municipality shall ensure that:

492 (a) each notice described in Subsection (6):



493 (i) states that the municipal legislative body has adopted a resolution indicating the  
494 municipality's intent to annex the area proposed for annexation;

495 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);  
496 (iii) describes the area proposed for annexation; and  
497 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),  
498 states in conspicuous and plain terms that the municipal legislative body will annex the area  
499 unless, at or before the public hearing described in Subsection (5)(b), written protests to the  
500 annexation are filed by the owners of private real property that:

501 (A) is located within the area proposed for annexation;  
502 (B) covers a majority of the total private land area within the entire area proposed for  
503 annexation; and  
504 (C) is equal in value to at least 1/2 the value of all private real property within the  
505 entire area proposed for annexation; and

506 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14  
507 days after the day on which the municipal legislative body adopts a resolution under Subsection  
508 (5)(a).

509 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the  
510 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an  
511 ordinance approving the annexation of the area proposed for annexation under this section  
512 unless, at or before the hearing, written protests to the annexation have been filed with the  
513 recorder or clerk of the municipality by the owners of private real property that:

514 (i) is located within the area proposed for annexation;  
515 (ii) covers a majority of the total private land area within the entire area proposed for  
516 annexation; and  
517 (iii) is equal in value to at least 1/2 the value of all private real property within the  
518 entire area proposed for annexation.

519 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing  
520 described in Subsection (5)(b), a municipality may adopt an ordinance approving the  
521 annexation of the area proposed for annexation under this section without allowing or  
522 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private  
523 land area within the entire area proposed for annexation, representing at least 75% of the value

524 of the private real property within the entire area proposed for annexation, have consented in  
525 writing to the annexation.

526 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an  
527 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be  
528 validly annexed.

529 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing  
530 described in Subsection (5)(b), a municipality may adopt an ordinance approving the  
531 annexation of an area that the county legislative body proposes for annexation under this  
532 section without allowing or considering protests under Subsection (8)(a) if the county  
533 legislative body has formally recommended annexation to the annexing municipality and has  
534 made a formal finding that:

535 (A) the area to be annexed can be more efficiently served by the municipality than by  
536 the county;

537 (B) the area to be annexed is not likely to be naturally annexed by the municipality in  
538 the future as the result of urban development;

539 (C) annexation of the area is likely to facilitate the consolidation of overlapping  
540 functions of local government; and

541 (D) annexation of the area is likely to result in an equitable distribution of community  
542 resources and obligations.

543 (ii) The county legislative body may base the finding required in Subsection  
544 (8)(c)(i)(B) on:

545 (A) existing development in the area;

546 (B) natural or other conditions that may limit the future development of the area; or

547 (C) other factors that the county legislative body considers relevant.

548 (iii) A county legislative body may make the recommendation for annexation required  
549 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of  
550 information provided at the public hearing, the county legislative body makes a formal finding  
551 that it would be equitable to leave a portion of the island unincorporated.

552 (iv) If a county legislative body has made a recommendation of annexation under  
553 Subsection (8)(c)(i):

554 (A) the relevant municipality is not required to proceed with the recommended

555 annexation; and

556 (B) if the relevant municipality proceeds with annexation, the municipality shall annex  
557 the entire area that the county legislative body recommended for annexation.

558 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an  
559 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be  
560 validly annexed.

561 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely  
562 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance  
563 approving the annexation of the area proposed for annexation, and the annexation proceedings  
564 under this section shall be considered terminated.

565 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding  
566 from a proposed annexation under Subsection (2)(b) the property within an unincorporated  
567 island regarding which protests have been filed and proceeding under Subsection (3) to annex  
568 some or all of the remaining portion of the unincorporated island.

569 Section 6. Section 10-2-419 is amended to read:

570 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

571 (1) The legislative bodies of two or more municipalities having common boundaries  
572 may adjust their common boundaries as provided in this section.

573 (2) The legislative body of each municipality intending to adjust a boundary that is  
574 common with another municipality shall:

575 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a  
576 common boundary; and

577 (b) hold a public hearing on the proposed adjustment no less than 60 days after the  
578 adoption of the resolution under Subsection (2)(a).

579 (3) A legislative body described in Subsection (2) shall publish notice of a public  
580 hearing described in Subsection (2)(b):

581 ~~[(a) (i) at least once a week for three successive weeks before the public hearing in a  
582 newspaper of general circulation within the municipality;]~~

583 ~~[(ii) if there is no newspaper of general circulation within the municipality;]~~

584 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,  
585 and at least one additional notice per 2,000 population of the municipality, in places within the

586 municipality that are most likely to give notice to residents of the municipality; or  
587       ~~[(iii)]~~ (ii) at least three weeks before the day of the public hearing, by mailing notice to  
588 each residence in the municipality;

589       (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks  
590 before the day of the public hearing;

591       ~~[(c) in accordance with Section 45-1-101, for three weeks before the day of the public  
592 hearing;]~~

593       ~~[(d)]~~ (c) if the proposed boundary adjustment may cause any part of real property  
594 owned by the state to be within the geographic boundary of a different local governmental  
595 entity than before the adjustment, by providing written notice, at least 50 days before the day of  
596 the public hearing, to:

597       (i) the title holder of any state-owned real property described in this Subsection (3)(d);  
598 and

599       (ii) the Utah State Developmental Center Board, created under Section 62A-5-202, if  
600 any state-owned real property described in this Subsection (3)(d) is associated with the Utah  
601 State Developmental Center; and

602       ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for three weeks  
603 before the day of the public hearing.

604       (4) The notice described in Subsection (3) shall:

605       (a) state that the municipal legislative body has adopted a resolution indicating the  
606 municipal legislative body's intent to adjust a boundary that the municipality has in common  
607 with another municipality;

608       (b) describe the area proposed to be adjusted;

609       (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

610       (d) state in conspicuous and plain terms that the municipal legislative body will adjust  
611 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written  
612 protest to the adjustment is filed by:

613       (i) an owner of private real property that:

614       (A) is located within the area proposed for adjustment;

615       (B) covers at least 25% of the total private land area within the area proposed for  
616 adjustment; and

617 (C) is equal in value to at least 15% of the value of all private real property within the  
618 area proposed for adjustment; or

619 (ii) a title holder of state-owned real property described in Subsection (3)(d);

620 (e) state that the area that is the subject of the boundary adjustment will, because of the  
621 boundary adjustment, be automatically annexed to a local district providing fire protection,  
622 paramedic, and emergency services or a local district providing law enforcement service, as the  
623 case may be, as provided in Section 17B-1-416, if:

624 (i) the municipality to which the area is being added because of the boundary  
625 adjustment is entirely within the boundaries of a local district:

626 (A) that provides fire protection, paramedic, and emergency services or law  
627 enforcement service, respectively; and

628 (B) in the creation of which an election was not required because of Subsection  
629 17B-1-214(3)(c); and

630 (ii) the municipality from which the area is being taken because of the boundary  
631 adjustment is not within the boundaries of the local district; and

632 (f) state that the area proposed for annexation to the municipality will be automatically  
633 withdrawn from a local district providing fire protection, paramedic, and emergency services,  
634 as provided in Subsection 17B-1-502(2), if:

635 (i) the municipality to which the area is being added because of the boundary  
636 adjustment is not within the boundaries of a local district:

637 (A) that provides fire protection, paramedic, and emergency services; and

638 (B) in the creation of which an election was not required because of Subsection  
639 17B-1-214(3)(c); and

640 (ii) the municipality from which the area is being taken because of the boundary  
641 adjustment is entirely within the boundaries of the local district.

642 ~~[(5) The first publication of the notice described in Subsection (3)(a)(i) shall be within~~  
643 ~~14 days after the day on which the municipal legislative body adopts a resolution under~~  
644 ~~Subsection (2)(a).]~~

645 [(6)] (5) Upon conclusion of the public hearing described in Subsection (2)(b), the  
646 municipal legislative body may adopt an ordinance approving the adjustment of the common  
647 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the

648 adjustment is filed with the city recorder or town clerk by a person described in Subsection  
649 (3)(d)(i) or (ii).

650 ~~[(7)]~~ (6) The municipal legislative body shall comply with the requirements of Section  
651 10-2-425 as if the boundary adjustment were an annexation.

652 ~~[(8)]~~ (7) (a) An ordinance adopted under Subsection ~~[(6)]~~ (5) becomes effective when  
653 each municipality involved in the boundary adjustment has adopted an ordinance under  
654 Subsection ~~[(6)]~~ (5).

655 (b) The effective date of a boundary adjustment under this section is governed by  
656 Section 10-2-425.

657 Section 7. Section 10-2-502.5 is amended to read:

658 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**  
659 **legislative body -- Petition in district court.**

660 (1) No sooner than ~~[seven calendar days after, and no later than 30 calendar days after,~~  
661 ~~the last day on which the petitioner publishes the notice required under Subsection~~  
662 ~~10-2-501(3)(a)]~~ three weeks after notice is provided under Subsection 10-2-501(3), the  
663 legislative body of the municipality in which the area proposed for disconnection is located  
664 shall hold a public hearing.

665 (2) The municipal legislative body shall provide notice of the public hearing:

666 (a) at least seven days before the hearing date, in writing to the petitioner and to the  
667 legislative body of the county in which the area proposed for disconnection is located;

668 ~~[(b) (i) at least seven days before the hearing date, by publishing notice in a newspaper~~  
669 ~~of general circulation within the municipality;]~~

670 ~~[(ii) if there is no newspaper of general circulation within the municipality;]~~

671 (b) (i) at least seven days before the hearing date, by posting one notice, and at least  
672 one additional notice per 2,000 population of the municipality, in places within the  
673 municipality that are most likely to give notice to residents within, and the owners of real  
674 property located within, the municipality; or

675 ~~[(iii)]~~ (ii) at least 10 days before the hearing date, by mailing notice to each residence  
676 within, and each owner of real property located within, the municipality;

677 (c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days  
678 before the hearing date; and

679 ~~[(d) in accordance with Section 45-1-101, for seven days before the hearing date; and]~~  
 680 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for seven days  
 681 before the hearing date.

682 (3) In the public hearing, any person may speak and submit documents regarding the  
 683 disconnection proposal.

684 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

685 (a) determine whether to grant the request for disconnection; and

686 (b) if the municipality determines to grant the request, adopt an ordinance approving  
 687 disconnection of the area from the municipality.

688 (5) (a) A petition against the municipality challenging the municipal legislative body's  
 689 determination under Subsection (4) may be filed in district court by:

690 (i) the petitioner; or

691 (ii) the county in which the area proposed for disconnection is located.

692 (b) Each petition under Subsection (5)(a) shall include a copy of the request for  
 693 disconnection.

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

695 **10-2-607. Notice of election.**

696 If the county legislative bodies find that the resolution or petition for consolidation and  
 697 their attachments substantially conform with the requirements of this part, the county  
 698 legislative bodies shall publish notice of the election for consolidation to the voters of each  
 699 municipality that would become part of the consolidated municipality:

700 ~~[(1) (a) in a newspaper of general circulation within the boundaries of the municipality~~  
 701 ~~at least once a week for four consecutive weeks before the election;]~~

702 ~~[(b) if there is no newspaper of general circulation in the municipality,]~~

703 (1) (a) at least four weeks before the day of the election, by posting one notice, and at  
 704 least one additional notice per 2,000 population of the municipality, in places within the  
 705 municipality that are most likely to give notice to the voters in the municipality; or

706 ~~[(e)]~~ (b) at least four weeks before the day of the election, by mailing notice to each  
 707 registered voter in the municipality;

708 (2) on the Utah Public Notice Website created in Section 63F-1-701, for at least four  
 709 weeks before the day of the election; and

710 ~~[(3) in accordance with Section 45-1-101, for at least four weeks before the day of the~~  
711 ~~election; and]~~

712 ~~[(4)]~~ (3) if the municipality has a website, on the municipality's website for at least four  
713 weeks before the day of the election.

714 Section 9. Section 10-2-703 is amended to read:

715 **10-2-703. Publication of notice of election.**

716 (1) Immediately after setting the date for the election, the court shall order for  
717 publication notice of the:

718 (a) petition; and

719 (b) date the election is to be held to determine the question of dissolution.

720 (2) The notice described in Subsection (1) shall be published:

721 ~~[(a) (i) for at least once a week for a period of four weeks before the election in a~~  
722 ~~newspaper of general circulation in the municipality;]~~

723 ~~[(ii) if there is no newspaper of general circulation in the municipality;]~~

724 (a) (i) at least four weeks before the day of the election, by posting one notice, and at  
725 least one additional notice per 2,000 population of the municipality, in places within the  
726 municipality that are most likely to give notice to the voters in the municipality; or

727 ~~[(iii)]~~ (ii) at least one month before the day of the election, by mailing notice to each  
728 registered voter in the municipality;

729 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks  
730 before the day of the election; and

731 ~~[(c) in accordance with Section 45-1-101, for four weeks before the day of the election;~~  
732 ~~and]~~

733 ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for four weeks  
734 before the day of the election.

735 Section 10. Section 10-2-708 is amended to read:

736 **10-2-708. Notice of disincorporation -- Publication and filing.**

737 When a municipality has been dissolved, the clerk of the court shall publish notice of  
738 the dissolution:

739 ~~[(1) (a) in a newspaper of general circulation in the county in which the municipality is~~  
740 ~~located at least once a week for four consecutive weeks;]~~



741 ~~[(b) if there is no newspaper of general circulation in the county in which the~~  
 742 ~~municipality is located;]~~

743 (1) (a) by posting one notice, and at least one additional notice per 2,000 population of  
 744 the county in places within the county that are most likely to give notice to the residents within,  
 745 and the owners of real property located within, the county, including the residents and owners  
 746 within the municipality that is dissolved; or

747 ~~[(c)]~~ (b) by mailing notice to each residence within, and each owner of real property  
 748 located within, the county;

749 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

750 ~~[(3) in accordance with Section 45-1-101, for four weeks;]~~

751 ~~[(4)]~~ (3) if the municipality has a website, on the municipality's website for four weeks;

752 and

753 ~~[(5)]~~ (4) on the county's website for four weeks.

754 Section 11. Section 10-2a-207 is amended to read:

755 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

756 (1) If the results of the feasibility study or supplemental feasibility study comply with  
 757 Subsection 10-2a-205(6)(a), the lieutenant governor shall, after receipt of the results of the  
 758 feasibility study or supplemental feasibility study, conduct at least two public hearings:

759 (a) within 60 days after the day on which the lieutenant governor receives the results;

760 (b) at least seven days apart;

761 (c) except in a proposed municipality that will be a city of the fifth class or a town, in  
 762 geographically diverse locations;

763 (d) within or near the proposed municipality;

764 (e) to allow the feasibility consultant to present the results of the feasibility study; and

765 (f) to inform the public about the results of the feasibility study.

766 (2) At each public hearing described in Subsection (1), the lieutenant governor shall:

767 (a) provide a map or plat of the boundary of the proposed municipality;

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

769 (c) allow members of the public to express views about the proposed incorporation,  
 770 including views about the proposed boundaries; and

771 (d) allow the public to ask the feasibility consultant questions about the feasibility

772 study.

773 (3) The lieutenant governor shall publish notice of the public hearings described in  
774 Subsection (1):

775 ~~[(a) (i) at least once a week for three consecutive weeks before the first public hearing  
776 in a newspaper of general circulation within the proposed municipality;]~~

777 ~~[(ii) if there is no newspaper of general circulation in the proposed municipality;]~~

778 (a) (i) at least three weeks before the day of the first public hearing, by posting one  
779 notice, and at least one additional notice per 2,000 population of the proposed municipality, in  
780 places within the proposed municipality that are most likely to give notice to the residents  
781 within, and the owners of real property located within, the proposed municipality; or

782 ~~[(iii)]~~ (ii) at least three weeks before the first public hearing, by mailing notice to each  
783 residence within, and each owner of real property located within, the proposed municipality;

784 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
785 before the day of the first public hearing; and

786 ~~[(c) in accordance with Section [45-1-101](#), for three weeks before the day of the first  
787 public hearing; and]~~

788 ~~[(d)]~~ (c) on the lieutenant governor's website for three weeks before the day of the first  
789 public hearing.

790 ~~[(4) The last notice required to be published under Subsection (3)(a)(i) shall be at least  
791 three days before the first public hearing required under Subsection (1).]~~

792 ~~[(5)]~~ (4) (a) Except as provided in Subsection ~~[(5)]~~ (4)(b), the notice described in  
793 Subsection (3) shall include the feasibility study summary described in Subsection  
794 [10-2a-205](#)(3)(c) and shall indicate that a full copy of the study is available on the lieutenant  
795 governor's website and for inspection at the Office of the Lieutenant Governor.

796 (b) Instead of publishing the feasibility summary under Subsection ~~[(5)]~~ (4)(a), the  
797 lieutenant governor may publish a statement that specifies the following sources where a  
798 resident within, or the owner of real property located within, the proposed municipality, may  
799 view or obtain a copy of the feasibility study:

800 (i) the lieutenant governor's website;

801 (ii) the physical address of the Office of the Lieutenant Governor; and

802 (iii) a mailing address and telephone number.

803 Section 12. Section **10-2a-210** is amended to read:

804 **10-2a-210. Incorporation election.**

805 (1) (a) If the lieutenant governor certifies a petition under Subsection **10-2a-209**(1)(b),  
806 the lieutenant governor shall schedule an incorporation election for the proposed municipality  
807 described in the petition to be held on the date of the next regular general election described in  
808 Section **20A-1-201**, or the next municipal general election described in Section **20A-1-202**, that  
809 is at least 65 days after the day on which the lieutenant governor certifies the petition.

810 (b) (i) The lieutenant governor shall direct the county legislative body of the county in  
811 which the proposed municipality is located to hold the election on the date that the lieutenant  
812 governor schedules under Subsection (1)(a).

813 (ii) The county shall hold the election as directed by the lieutenant governor under  
814 Subsection (1)(b)(i).

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

816 ~~[(a) (i) in a newspaper of general circulation within the area proposed to be  
817 incorporated at least once a week for three successive weeks before the election;]~~

818 ~~[(ii) if there is no newspaper of general circulation in the area proposed to be  
819 incorporated;]~~

820 (a) (i) at least three weeks before the day of the election, by posting one notice, and at  
821 least one additional notice per 2,000 population of the area proposed to be incorporated, in  
822 places within the area proposed to be incorporated that are most likely to give notice to the  
823 voters within the area proposed to be incorporated; or

824 ~~[(iii) (ii)]~~ (ii) at least three weeks before the day of the election, by mailing notice to each  
825 registered voter in the area proposed to be incorporated;

826 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for three weeks  
827 before the day of the election;

828 ~~[(c) in accordance with Section **45-1-101**, for three weeks before the day of the  
829 election;]~~

830 ~~[(d)]~~ (c) if the proposed municipality has a website, on the proposed municipality's  
831 website for three weeks before the day of the election; and

832 ~~[(e)]~~ (d) on the county's website for three weeks before the day of the election.

833 (3) (a) The notice required by Subsection (2) shall contain:

- 834 (i) a statement of the contents of the petition;  
835 (ii) a description of the area proposed to be incorporated as a municipality;  
836 (iii) a statement of the date and time of the election and the location of polling places;

837 and

- 838 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in  
839 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the  
840 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

841 ~~[(b) The last notice required to be published under Subsection (2)(a)(i) shall be~~  
842 ~~published at least one day, but no more than seven days, before the day of the election.]~~

843 ~~[(c)]~~ (b) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the  
844 notice may include a statement that specifies the following sources where a registered voter in  
845 area proposed to be incorporated may view or obtain a copy the feasibility study:

- 846 (i) the lieutenant governor's website;  
847 (ii) the physical address of the Office of the Lieutenant Governor; and  
848 (iii) a mailing address and telephone number.

849 (4) An individual may not vote in an incorporation election under this section unless  
850 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the  
851 boundaries of the proposed municipality.

852 (5) If a majority of those who vote in an incorporation election held under this section  
853 cast votes in favor of incorporation, the area shall incorporate.

854 Section 13. Section 10-2a-213 is amended to read:

855 **10-2a-213. Determination of number of council members -- Determination of**  
856 **election districts -- Hearings and notice.**

857 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days  
858 after the day on which the county conducts the canvass of the election under Section  
859 10-2a-212:

- 860 (a) for the incorporation of a city:  
861 (i) if the voters at the incorporation election choose the council-mayor form of  
862 government, determine the number of council members that will constitute the city council of  
863 the city; and  
864 (ii) if the voters at the incorporation election vote to elect council members by district,

865 determine the number of council members to be elected by district and draw the boundaries of  
866 those districts, which shall be substantially equal in population; and

867 (b) for the incorporation of any municipality:

868 (i) determine the initial terms of the mayor and members of the municipal council so  
869 that:

870 (A) the mayor and approximately half the members of the municipal council are  
871 elected to serve an initial term, of no less than one year, that allows the mayor's and members'  
872 successors to serve a full four-year term that coincides with the schedule established in  
873 Subsection 10-3-205(1); and

874 (B) the remaining members of the municipal council are elected to serve an initial  
875 term, of no less than one year, that allows the members' successors to serve a full four-year  
876 term that coincides with the schedule established in Subsection 10-3-205(2); and

877 (ii) submit in writing to the county legislative body the results of the determinations  
878 made by the sponsors under Subsections (1)(a) and (b)(i).

879 (2) A newly incorporated town shall operate under the five-member council form of  
880 government as defined in Section 10-3b-102.

881 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition  
882 sponsors shall hold a public hearing within the future municipality on the applicable issues  
883 described in Subsections (1)(a) and (b)(i).

884 (4) The petition sponsors shall publish notice of the public hearing described in  
885 Subsection (3):

886 ~~[(a) (i) in a newspaper of general circulation within the future municipality at least  
887 once a week for two successive weeks before the public hearing;]~~

888 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~

889 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,  
890 and at least one additional notice per 2,000 population of the future municipality, in places  
891 within the future municipality that are most likely to give notice to the residents within, and the  
892 owners of real property located within, the future municipality; or

893 ~~[(iii) (ii) at least two weeks before the day of the public hearing, by mailing notice to  
894 each residence within, and each owner of real property located within, the future municipality;~~

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

896 before the day of the public hearing;

897 ~~[(e) in accordance with Section 45-1-101, for at least two weeks before the day of the~~  
898 ~~public hearing;]~~

899 ~~[(d)]~~ (c) if the future municipality has a website, for two weeks before the day of the  
900 public hearing; and

901 ~~[(e)]~~ (d) on the county's website for two weeks before the day of the public hearing.

902 ~~[(5) The last notice required to be published under Subsection (4)(a)(i) shall be~~  
903 ~~published at least three days before the day of the public hearing described in Subsection (3).]~~

904 Section 14. Section 10-2a-214 is amended to read:

905 **10-2a-214. Notice of number of commission or council members to be elected and**  
906 **of district boundaries -- Declaration of candidacy for municipal office.**

907 (1) Within 20 days after the day on which a county legislative body receives the  
908 petition sponsors' determination under Subsection 10-2a-213(1)(b)(ii), the county clerk shall  
909 publish, in accordance with Subsection (2), notice containing:

910 (a) the number of municipal council members to be elected for the new municipality;

911 (b) except as provided in Subsection (3), if some or all of the municipal council  
912 members are to be elected by district, a description of the boundaries of those districts;

913 (c) information about the deadline for an individual to file a declaration of candidacy to  
914 become a candidate for mayor or municipal council; and

915 (d) information about the length of the initial term of each of the municipal officers.

916 (2) The county clerk shall publish the notice described in Subsection (1):

917 ~~[(a)(i) in a newspaper of general circulation within the future municipality at least~~  
918 ~~once a week for two consecutive weeks;]~~

919 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~

920 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of  
921 the future municipality, in places within the future municipality that are most likely to give  
922 notice to the residents in the future municipality; or

923 ~~[(iii)]~~ (ii) by mailing notice to each residence in the future municipality;

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

925 ~~[(c) in accordance with Section 45-1-101, for two weeks;]~~

926 ~~[(d)]~~ (c) if the future municipality has a website, on the future municipality's website

927 for two weeks; and

928 ~~(c)~~ (d) on the county's website for two weeks.

929 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the  
930 notice may include a statement that specifies the following sources where a resident of the  
931 future municipality may view or obtain a copy the district:

932 (a) the county website;

933 (b) the physical address of the county offices; and

934 (c) a mailing address and telephone number.

935 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a  
936 candidate for mayor or municipal council of a municipality incorporating under this part shall  
937 file a declaration of candidacy with the clerk of the county in which the future municipality is  
938 located and in accordance with:

939 (a) for an incorporation held on the date of a regular general election, the deadlines for  
940 filing a declaration of candidacy under Section 20A-9-202; or

941 (b) for an incorporation held on the date of a municipal general election, the deadlines  
942 for filing a declaration of candidacy under Section 20A-9-203.

943 Section 15. Section 10-2a-215 is amended to read:

944 **10-2a-215. Election of officers of new municipality -- Primary and final election**  
945 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

946 (1) For the election of municipal officers, the county legislative body shall:

947 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a  
948 primary election; and

949 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a  
950 final election.

951 (2) Each election described in Subsection (1) shall be held:

952 (a) consistent with the petition sponsors' determination of the length of each council  
953 member's initial term; and

954 (b) for the incorporation of a city:

955 (i) appropriate to the form of government chosen by the voters at the incorporation  
956 election;

957 (ii) consistent with the voters' decision about whether to elect city council members by

958 district and, if applicable, consistent with the boundaries of those districts as determined by the  
959 petition sponsors; and

960 (iii) consistent with the sponsors' determination of the number of city council members  
961 to be elected.

962 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),  
963 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

964 (i) regular primary election described in Subsection 20A-1-201.5(1); or

965 (ii) municipal primary election described in Section 20A-9-404.

966 (b) The county shall hold the primary election, if necessary, on the next election date  
967 described in Subsection (3)(a) that is after the incorporation election conducted under Section  
968 10-2a-210.

969 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in  
970 Subsection (1)(b):

971 (i) on the following election date that next follows the date of the incorporation  
972 election held under Subsection 10-2a-210(1)(a);

973 (ii) a regular general election described in Section 20A-1-201; or

974 (iii) a regular municipal general election under Section 20A-1-202.

975 (b) The county shall hold the final election on the earliest of the next election date that  
976 is listed in Subsection (4)(a)(i), (ii), or (iii):

977 (i) that is after a primary election; or

978 (ii) if there is no primary election, that is at least:

979 (A) 75 days after the incorporation election under Section 10-2a-210; and

980 (B) 65 days after the candidate filing period.

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

982 [~~(a) (i) in accordance with Subsection (6), at least once a week for two consecutive~~  
983 ~~weeks before the election in a newspaper of general circulation within the future municipality;]~~

984 [~~(ii) if there is no newspaper of general circulation in the future municipality;]~~

985 (a) (i) at least two weeks before the day of the election, by posting one notice, and at  
986 least one additional notice per 2,000 population of the future municipality, in places within the  
987 future municipality that are most likely to give notice to the voters within the future  
988 municipality; or



989            [(iii)] (ii) at least two weeks before the day of the election, by mailing notice to each  
990 registered voter within the future municipality;

991            (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
992 before the day of the election;

993            [~~(c)~~] ~~in accordance with Section 45-1-101, for two weeks before the day of the~~  
994 ~~election;~~

995            [(d)] (c) if the future municipality has a website, on the future municipality's website  
996 for two weeks before the day of the election; and

997            [(e)] (d) on the county's website for two weeks before the day of the election.

998            [~~(6)~~] ~~The last notice required to be published under Subsection (5)(a)(i) shall be~~  
999 ~~published at least one day but no more than seven days before the day of the election.]~~

1000            [(7)] (6) Until the municipality is incorporated, the county clerk:

1001            (a) is the election officer for all purposes related to the election of municipal officers;

1002            (b) may, as necessary, determine appropriate deadlines, procedures, and instructions  
1003 related to the election of municipal officers for a new municipality that are not otherwise  
1004 contrary to law;

1005            (c) shall require and determine deadlines for municipal office candidates to file  
1006 campaign financial disclosures in accordance with Section 10-3-208; and

1007            (d) shall ensure that the ballot for the election includes each office that is required to be  
1008 included in the election for officers of the newly incorporated municipality, including the term  
1009 of each office.

1010            [(8)] (7) An individual who has filed as a candidate for an office described in this  
1011 section shall comply with:

1012            (a) the campaign finance disclosure requirements described in Section 10-3-208; and

1013            (b) the requirements and deadlines established by the county clerk under this section.

1014            [(9)] (8) Notwithstanding Section 10-3-201, the officers elected at a final election  
1015 described in Subsection (4)(a) shall take office:

1016            (a) after taking the oath of office; and

1017            (b) at noon on the first Monday following the day on which the election official  
1018 transmits a certificate of nomination or election under the officer's seal to each elected  
1019 candidate in accordance with Subsection 20A-4-304(4)(b).

1020 Section 16. Section **10-2a-404** is amended to read:

1021 **10-2a-404. Election.**

1022 (1) (a) Notwithstanding Section **20A-1-203**, a county of the first class shall hold a local  
1023 special election on November 3, 2015, on the following ballot propositions:

1024 (i) for registered voters residing within a planning township:

1025 (A) whether the planning township shall be incorporated as a city or town, according to  
1026 the classifications of Section **10-2-301**, or as a metro township; and

1027 (B) if the planning township incorporates as a metro township, whether the metro  
1028 township is included in a municipal services district; and

1029 (ii) for registered voters residing within an unincorporated island, whether the island  
1030 should maintain its unincorporated status or be annexed into an eligible city.

1031 (b) (i) A metro township incorporated under this part shall be governed by the  
1032 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of  
1033 Municipal Government.

1034 (ii) A city or town incorporated under this part shall be governed by the five-member  
1035 council form of government as defined in Section **10-3b-102**.

1036 (2) Unless a person is a registered voter who resides, as defined in Section **20A-1-102**,  
1037 within the boundaries of a planning township or an unincorporated island, the person may not  
1038 vote on the proposed incorporation or annexation.

1039 (3) The county clerk shall publish notice of the election[:] on the Utah Public Notice  
1040 Website created in Section **63F-1-701** for three weeks before the election.

1041 [~~(a) in a newspaper of general circulation within the planning township or~~  
1042 ~~unincorporated island at least once a week for three successive weeks; and]~~

1043 [~~(b) in accordance with Section **45-1-101** for three weeks.]~~

1044 (4) The notice required by Subsection (3) shall contain:

1045 (a) for residents of a planning township:

1046 (i) a statement that the voters will vote:

1047 (A) to incorporate as a city or town, according to the classifications of Section  
1048 **10-2-301**, or as a metro township; and

1049 (B) if the planning township incorporates as a metro township, whether the metro  
1050 township is included in a municipal services district;

- 1051 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the  
1052 planning township boundaries that would be effective upon incorporation;
- 1053 (iii) a statement that if the residents of the planning township elect to incorporate:  
1054 (A) as a metro township, the metro township shall be governed by a five-member  
1055 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form  
1056 of Municipal Government; or  
1057 (B) as a city or town, the city or town shall be governed by the five-member council  
1058 form of government as defined in Section 10-3b-102; and
- 1059 (iv) a statement of the date and time of the election and the location of polling places;
- 1060 (b) for residents of an unincorporated island:
- 1061 (i) a statement that the voters will vote either to be annexed into an eligible city or  
1062 maintain unincorporated status; and
- 1063 (ii) a statement of the eligible city, as determined by the county legislative body in  
1064 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and
- 1065 (c) a statement of the date and time of the election and the location of polling places.
- 1066 ~~[(5) The last publication of notice required under Subsection (3) shall occur at least one~~  
1067 ~~day but no more than seven days before the election.]~~
- 1068 ~~[(6)(a) In accordance with Subsection (3)(a), if there is no newspaper of general~~  
1069 ~~circulation within the proposed metro township or unincorporated island;]~~
- 1070 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall  
1071 post at least one notice of the election per 1,000 population in conspicuous places within the  
1072 planning township or unincorporated island that are most likely to give notice of the election to  
1073 the voters of the proposed incorporation or annexation.
- 1074 (b) The clerk shall post the notices under Subsection ~~[(6)]~~ (5)(a) at least seven days  
1075 before the election under Subsection (1).
- 1076 ~~[(7)]~~ (6) (a) In a planning township, if a majority of those casting votes within the  
1077 planning township vote to:
- 1078 (i) incorporate as a city or town, the planning township shall incorporate as a city or  
1079 town, respectively; or
- 1080 (ii) incorporate as a metro township, the planning township shall incorporate as a metro  
1081 township.

1082 (b) If a majority of those casting votes within the planning township vote to incorporate  
1083 as a metro township, and a majority of those casting votes vote to include the metro township  
1084 in a municipal services district and limit the metro township's municipal powers, the metro  
1085 township shall be included in a municipal services district and have limited municipal powers.

1086 (c) In an unincorporated island, if a majority of those casting a vote within the selected  
1087 unincorporated island vote to:

1088 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

1089 (ii) remain an unincorporated area, the area shall remain unincorporated.

1090 [~~8~~] (7) The county shall, in consultation with interested parties, prepare and provide  
1091 information on an annexation or incorporation subject to this part and an election held in  
1092 accordance with this section.

1093 Section 17. Section **10-2a-405** is amended to read:

1094 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**  
1095 **election and incorporation issues -- Rural real property excluded.**

1096 (1) The legislative body of a county of the first class shall before an election described  
1097 in Section [10-2a-404](#):

1098 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
1099 Subsection (1)(b);

1100 (b) hold a public hearing; and

1101 (c) at the public hearing, adopt a resolution:

1102 (i) identifying, including a map prepared by the county surveyor, all unincorporated  
1103 islands within the county;

1104 (ii) identifying each eligible city that will annex each unincorporated island, including  
1105 whether the unincorporated island may be annexed by one eligible city or divided and annexed  
1106 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);  
1107 and

1108 (iii) identifying, including a map prepared by the county surveyor, the planning  
1109 townships within the county and any changes to the boundaries of a planning township that the  
1110 county legislative body proposes under Subsection (5).

1111 (2) The county legislative body shall exclude from a resolution adopted under  
1112 Subsection (1)(c) rural real property unless the owner of the rural real property provides written

1113 consent to include the property in accordance with Subsection (7).

1114 (3) (a) The county clerk shall publish notice of the public hearing described in  
1115 Subsection (1)(b):

1116 (i) by mailing notice to each owner of real property located in an unincorporated island  
1117 or planning township no later than 15 days before the day of the public hearing;

1118 ~~[(ii) at least once a week for three successive weeks in a newspaper of general  
1119 circulation within each unincorporated island, each eligible city, and each planning township;  
1120 and]~~

1121 ~~[(iii) (ii) by posting notice on the Utah Public Notice Website created in Section  
1122 63F-1-701, for three weeks before the day of the public hearing[-]; and~~

1123 ~~[(b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
1124 three days before the first public hearing required under Subsection (1)(b).]~~

1125 ~~[(c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
1126 within an unincorporated island, an eligible city, or a planning township, the county clerk shall  
1127 post]~~

1128 (iii) by posting at least one notice of the hearing per 1,000 population in conspicuous  
1129 places within the selected unincorporated island, eligible city, or planning township, as  
1130 applicable, that are most likely to give notice of the hearing to the residents of the  
1131 unincorporated island, eligible city, or planning township.

1132 ~~[(ii) (b) The clerk shall post the notices under Subsection ~~[(3)(c)(i)]~~ (3)(a)(iii) at least  
1133 seven days before the hearing under Subsection (1)(b).~~

1134 ~~[(d) (c) The notice under Subsection (3)(a) ~~[or (c)]~~ shall include:~~

1135 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
1136 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by  
1137 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
1138 the eligible city or cities; or

1139 (B) for residents of a planning township, a statement that the property in the planning  
1140 township shall be, pending the results of the election held under Section 10-2a-404,  
1141 incorporated as a city, town, or metro township;

1142 (ii) the location and time of the public hearing; and

1143 (iii) the county website where a map may be accessed showing:

1144 (A) how the unincorporated island boundaries will change if annexed by an eligible  
1145 city; or

1146 (B) how the planning township area boundaries will change, if applicable under  
1147 Subsection (5), when the planning township incorporates as a metro township or as a city or  
1148 town.

1149 ~~(c)~~ (d) The county clerk shall publish a map described in Subsection (3)~~(c)~~(c)(iii)  
1150 on the county website.

1151 (4) The county legislative body may, by ordinance or resolution adopted at a public  
1152 meeting and in accordance with applicable law, resolve an issue that arises with an election  
1153 held in accordance with this part or the incorporation and establishment of a metro township in  
1154 accordance with this part.

1155 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
1156 meeting, change the boundaries of a planning township.

1157 (b) A change to a planning township boundary under this Subsection (5) is effective  
1158 only upon the vote of the residents of the planning township at an election under Section  
1159 [10-2a-404](#) to incorporate as a metro township or as a city or town and does not affect the  
1160 boundaries of the planning township before the election.

1161 (c) The county legislative body:

1162 (i) may alter a planning township boundary under Subsection (5)(a) only if the  
1163 alteration:

1164 (A) affects less than 5% of the residents residing within the planning advisory area; and

1165 (B) does not increase the area located within the planning township's boundaries; and

1166 (ii) may not alter the boundaries of a planning township whose boundaries are entirely  
1167 surrounded by one or more municipalities.

1168 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an  
1169 annexation or an incorporation process that, if approved, would change the boundaries of a  
1170 planning township.

1171 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1172 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1173 (ii) that does not include residential units with a density greater than one unit per acre.

1174 (b) Unless an owner of rural real property gives written consent to a county legislative

1175 body, rural real property described in Subsection (7)(c) may not be:

- 1176 (i) included in a planning township identified under Subsection (1)(c); or
- 1177 (ii) incorporated as part of a metro township, city, or town, in accordance with this
- 1178 part.

1179 (c) The following rural real property is subject to an owner's written consent under  
1180 Subsection (7)(b):

- 1181 (i) rural real property that consists of 1,500 or more contiguous acres of real property
- 1182 consisting of one or more tax parcels;
- 1183 (ii) rural real property that is not contiguous to, but used in connection with, rural real
- 1184 property that consists of 1,500 or more contiguous acres of real property consisting of one or
- 1185 more tax parcels;
- 1186 (iii) rural real property that is owned, managed, or controlled by a person, company, or
- 1187 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
- 1188 contiguous acres of rural real property consisting of one or more tax parcels; or
- 1189 (iv) rural real property that is located in whole or in part in one of the following as
- 1190 defined in Section 17-41-101:
- 1191 (A) an agricultural protection area;
- 1192 (B) an industrial protection area; or
- 1193 (C) a mining protection area.

1194 Section 18. Section 10-2a-410 is amended to read:

1195 **10-2a-410. Determination of metro township districts -- Determination of metro**  
1196 **township or city initial officer terms -- Adoption of proposed districts.**

1197 (1) (a) If a metro township with a population of 10,000 or more is incorporated in  
1198 accordance with an election held under Section 10-2a-404:

- 1199 (i) each of the five metro township council members shall be elected by district; and
- 1200 (ii) the boundaries of the five council districts for election and the terms of office shall
- 1201 be designated and determined in accordance with this section.

1202 (b) If a metro township with a population of less than 10,000 or a town is incorporated  
1203 at an election held in accordance with Section 10-2a-404, the five council members shall be  
1204 elected at-large for terms as designated and determined in accordance with this section.

1205 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

1206 (i) (A) the four members of the council district who are not the mayor shall be elected  
1207 by district; and

1208 (B) the boundaries of the four council districts for election and the term of office shall  
1209 be designated and determined in accordance with this section; and

1210 (ii) the mayor shall be elected at-large for a term designated and determined in  
1211 accordance with this section.

1212 (2) (a) No later than 90 days after the election day on which the metro township, city,  
1213 or town is successfully incorporated under this part, the legislative body of the county in which  
1214 the metro township, city, or town is located shall adopt by resolution:

1215 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,  
1216 the council terms for a length of time in accordance with this section; and

1217 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of  
1218 the five council districts; and

1219 (B) for a city, the boundaries of the four council districts.

1220 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
1221 initial terms of the members of the metro township council, city council, or town council so  
1222 that:

1223 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the  
1224 council, including the mayor in the case of a city, are elected to serve an initial term, of no less  
1225 than one year, that allows their successors to serve a full four-year term that coincides with the  
1226 schedule established in Subsection 10-3-205(1); and

1227 (B) the remaining members of the council are elected to serve an initial term, of no less  
1228 than one year, that allows their successors to serve a full four-year term that coincides with the  
1229 schedule established in Subsection 10-3-205(2).

1230 (ii) For a city that incorporated in a county of the first class in 2016, the term of office  
1231 for the office of mayor is:

1232 (A) three years for the initial term of office; and

1233 (B) four years for each subsequent term of office.

1234 (iii) For a metro township with a population of 10,000 or more, the county legislative  
1235 body shall divide the metro township into five council districts that comply with Section  
1236 10-3-205.5.



1237 (iv) For a city, the county legislative body shall divide the city into four council  
1238 districts that comply with Section 10-3-205.5.

1239 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under  
1240 Subsection (2), the county clerk shall publish, in accordance with Subsection (3)(b), notice  
1241 containing:

1242 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

1243 (A) for a metro township with a population of 10,000 or more, the metro township  
1244 council districts; or

1245 (B) the city council districts;

1246 (ii) information about the deadline for filing a declaration of candidacy for those  
1247 seeking to become candidates for metro township council, city council, town council, or city  
1248 mayor, respectively; and

1249 (iii) information about the length of the initial term of city mayor or each of the metro  
1250 township, city, or town council offices, as described in the resolution.

1251 (b) The county clerk shall publish the notice required under Subsection (3)(a) [~~shall be~~  
1252 ~~published~~]:

1253 [~~(i) in a newspaper of general circulation within the metro township, city, or town at~~  
1254 ~~least once a week for two successive weeks; and]~~

1255 [~~(ii) in accordance with Section 45-1-101 for two weeks.]~~

1256 [~~(c) (i) In accordance with Subsection (3)(b)(i), if there is no newspaper of general~~  
1257 ~~circulation within the future metro township, city, or town, the county clerk shall post]~~

1258 (i) on the Utah Public Notice Website created in Section 63F-1-701 for two weeks; and

1259 (ii) by posting at least one notice per 1,000 population in conspicuous places within the  
1260 future metro township, city, or town that are most likely to give notice to the residents of the  
1261 future metro township, city, or town.

1262 [~~(ii)~~] (c) The notice under Subsection [~~(3)(c)(i)~~] (3)(b)(ii) shall contain the information  
1263 required under Subsection (3)(a).

1264 [~~(iii)~~] (d) The county clerk shall post the notices under Subsection [~~(3)(c)(i)~~] (3)(b)(ii)  
1265 at least seven days before the deadline for filing a declaration of candidacy under Subsection  
1266 [~~(3)(d)~~] (4).

1267 [~~(d)~~] (4) A person seeking to become a candidate for metro township, city, or town

1268 council or city mayor shall, in accordance with Section 20A-9-202, file a declaration of  
1269 candidacy with the clerk of the county in which the metro township, city, or town is located for  
1270 an election described in Section 10-2a-411.

1271 Section 19. Section 10-3-301 is amended to read:

1272 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
1273 **office -- Mayor and recorder limitations.**

1274 (1) As used in this section:

1275 (a) "Absent" means that an elected municipal officer fails to perform official duties,  
1276 including the officer's failure to attend each regularly scheduled meeting that the officer is  
1277 required to attend.

1278 (b) "Principal place of residence" means the same as that term is defined in Section  
1279 20A-2-105.

1280 (c) "Secondary residence" means a place where an individual resides other than the  
1281 individual's principal place of residence.

1282 (2) (a) On or before May 1 in a year in which there is a municipal general election, the  
1283 municipal clerk shall publish a notice that identifies:

- 1284 (i) the municipal offices to be voted on in the municipal general election; and
- 1285 (ii) the dates for filing a declaration of candidacy for the offices identified under  
1286 Subsection (2)(a)(i).

1287 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

- 1288 (i) on the Utah Public Notice Website established by Section 63F-1-701; and
- 1289 (ii) in at least one of the following ways:

1290 (A) at the principal office of the municipality;

1291 ~~[(B) in a newspaper of general circulation within the municipality at least once a week  
1292 for two successive weeks in accordance with Section 45-1-101;]~~

1293 ~~[(C)] (B) in a newsletter produced by the municipality;~~

1294 ~~[(D)] (C) on a website operated by the municipality; or~~

1295 ~~[(E)] (D) with a utility enterprise fund customer's bill.~~

1296 (3) (a) An individual who files a declaration of candidacy for a municipal office shall  
1297 comply with the requirements described in Section 20A-9-203.

1298 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of

1299 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in  
1300 Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

1301 (A) Saturday or Sunday; or

1302 (B) state holiday as listed in Section 63G-1-301.

1303 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that  
1304 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection  
1305 (3)(b)(i) without maintaining office hours by:

1306 (A) posting the recorder's or clerk's contact information, including a phone number and  
1307 email address, on the recorder's or clerk's office door, the main door to the municipal offices,  
1308 and, if available, on the municipal website; and

1309 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),  
1310 via the contact information described in Subsection (3)(b)(ii)(A).

1311 (4) An individual elected to municipal office shall be a registered voter in the  
1312 municipality in which the individual is elected.

1313 (5) (a) Each elected officer of a municipality shall maintain a principal place of  
1314 residence within the municipality, and within the district that the elected officer represents,  
1315 during the officer's term of office.

1316 (b) Except as provided in Subsection (6), an elected municipal office is automatically  
1317 vacant if the officer elected to the municipal office, during the officer's term of office:

1318 (i) establishes a principal place of residence outside the district that the elected officer  
1319 represents;

1320 (ii) resides at a secondary residence outside the district that the elected officer  
1321 represents for a continuous period of more than 60 days while still maintaining a principal  
1322 place of residence within the district;

1323 (iii) is absent from the district that the elected officer represents for a continuous period  
1324 of more than 60 days; or

1325 (iv) fails to respond to a request, within 30 days after the day on which the elected  
1326 officer receives the request, from the county clerk or the lieutenant governor seeking  
1327 information to determine the officer's residency.

1328 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the  
1329 consent of the municipal legislative body in accordance with Subsection (6)(b) before the

1330 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1331 (i) reside at a secondary residence outside the district that the elected officer represents  
1332 while still maintaining a principal place of residence within the district for a continuous period  
1333 of up to one year during the officer's term of office; or

1334 (ii) be absent from the district that the elected officer represents for a continuous period  
1335 of up to one year during the officer's term of office.

1336 (b) At a public meeting, the municipal legislative body may give the consent described  
1337 in Subsection (6)(a) by majority vote after taking public comment regarding:

1338 (i) whether the legislative body should give the consent; and

1339 (ii) the length of time to which the legislative body should consent.

1340 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or  
1341 treasurer.

1342 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1343 (c) An individual who holds a county elected office may not, at the same time, hold a  
1344 municipal elected office.

1345 (d) The restriction described in Subsection (7)(c) applies regardless of whether the  
1346 individual is elected to the office or appointed to fill a vacancy in the office.

1347 Section 20. Section **10-3-711** is amended to read:

1348 **10-3-711. Publication and posting of ordinances.**

1349 (1) Before an ordinance may take effect, the legislative body of each municipality  
1350 adopting an ordinance, except an ordinance enacted under Section [10-3-706](#), [10-3-707](#),  
1351 [10-3-708](#), [10-3-709](#), or [10-3-710](#), shall:

1352 (a) deposit a copy of the ordinance in the office of the municipal recorder; and

1353 (b) (i) publish a short summary of the ordinance [~~at least once:~~] on the Utah Public  
1354 Notice Website created in Section [63F-1-701](#); or

1355 [~~(A) in a newspaper published within the municipality; or]~~

1356 [~~(B) if there is no newspaper published within the municipality, in a newspaper of~~  
1357 ~~general circulation within the municipality; or]~~

1358 (ii) post a complete copy of the ordinance:

1359 (A) for a city of the first class, in nine public places within the city; or

1360 (B) for any other municipality, in three public places within the municipality.

1361 (2) (a) Any ordinance, code, or book, other than the state code, relating to building or  
1362 safety standards, municipal functions, administration, control, or regulations, may be adopted  
1363 and shall take effect without further publication or posting, if reference is made to the code or  
1364 book and at least one copy has been filed for use and examination by the public in the office of  
1365 the recorder or clerk of the city or town prior to the adoption of the ordinance by the governing  
1366 body.

1367 (b) Any state law relating to building or safety standards, municipal functions,  
1368 administration, control, or regulations, may be adopted and shall take effect without further  
1369 publication or posting if reference is made to the state code.

1370 (c) The ordinance adopting the code or book shall be published in the manner provided  
1371 in this section.

1372 Section 21. Section **10-5-108** is amended to read:

1373 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1374 (1) Prior to the adoption of the final budget or an amendment to a budget, a town  
1375 council shall hold a public hearing to receive public comment.

1376 (2) The town council shall provide notice of the place, purpose, and time of the public  
1377 hearing by ~~[publishing]~~ posting notice at least seven days before the hearing:

1378 ~~[(a) (i) at least once in a newspaper of general circulation in the town, or]~~

1379 ~~[(ii) if there is no newspaper of general circulation, then by posting the notice]~~

1380 (a) in three public places at least 48 hours before the hearing;

1381 (b) on the Utah Public Notice Website created in Section [63F-1-701](#); and

1382 (c) on the home page of the website, either in full or as a link, of the town or metro  
1383 township, if the town or metro township has a publicly viewable website, until the hearing  
1384 takes place.

1385 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust  
1386 expenditures and revenues in conformity with this chapter.

1387 Section 22. Section **10-6-113** is amended to read:

1388 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1389 At the meeting at which each tentative budget is adopted, the governing body shall  
1390 establish the time and place of a public hearing to consider its adoption and shall order that  
1391 notice of the public hearing be published at least seven days prior to the hearing:

1392 ~~[(1) (a) in at least one issue of a newspaper of general circulation published in the~~  
 1393 ~~county in which the city is located; or]~~  
 1394 ~~[(b) if there is not a newspaper as described in Subsection (1)(a);]~~  
 1395 (1) in three public places within the city;  
 1396 (2) on the Utah Public Notice Website created in Section 63F-1-701; and  
 1397 (3) on the home page of the website, either in full or as a link, of the city or metro  
 1398 township, if the city or metro township has a publicly viewable website, until the hearing takes  
 1399 place.

1400 Section 23. Section **10-6-152** is amended to read:

1401 **10-6-152. Notice that audit completed and available for inspection.**

1402 Within 10 days following the receipt of the audit report furnished by the independent  
 1403 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

1404 ~~(1) prepare [and publish: (a) (i) at least twice in a newspaper of general circulation~~  
 1405 ~~published within the county,]~~ a notice to the public that the audit of the city has been  
 1406 completed; ~~[or]~~

1407 ~~[(ii) if a newspaper of general circulation is not published within the county, the notice~~  
 1408 ~~required by this section may be posted]~~

1409 (2) post the notice:

1410 (a) in three public places; and

1411 (b) on the Utah Public Notice Website created in Section 63F-1-701; and

1412 ~~[(b) a notice, published in accordance with Section 45-1-101, to the public that the~~  
 1413 ~~audit of the city has been completed; and]~~

1414 ~~[(2)]~~ (3) make a copy of the notice described in Subsection (1)(a) available for  
 1415 inspection at the office of the city auditor or recorder.

1416 Section 24. Section **10-7-16** is amended to read:

1417 **10-7-16. Call for bids -- Notice -- Contents.**

1418 (1) (a) Before holding an election under Subsection **10-7-15(1)(a)(ii)**, the municipal  
 1419 legislative body shall open to bid the sale or lease of the property mentioned in Section  
 1420 **10-7-15**.

1421 (b) The municipal legislative body shall cause notice of the bid process to be given by  
 1422 publication for at least three consecutive weeks[:] on the Utah Public Notice Website created in

1423 Section 63F-1-701.

1424 [~~(i) in a newspaper published or having general circulation in the city or town; and]~~

1425 [~~(ii) as required in Section 45-1-101.~~]

1426 (c) The notice described in Subsection (1) shall:

1427 (i) give a general description of the property to be sold or leased;

1428 (ii) specify the time when sealed bids for the property, or for a lease on the property,

1429 will be received; and

1430 (iii) specify the time when and the place where the bids will be opened.

1431 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an  
1432 entity with a proven history of successful operation of an electrical generation and distribution  
1433 system, or an equivalent proven history.

1434 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to  
1435 receive any bid submitted for the sale or lease of the electrical works and plant.

1436 (c) A municipal legislative body may not receive a bid unless the municipal legislative  
1437 body determines that the bid is submitted by a responsible bidder.

1438 Section 25. Section 10-7-19 is amended to read:

1439 **10-7-19. Election to authorize -- Notice -- Ballots.**

1440 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or  
1441 the board of trustees of any incorporated town, may aid and encourage the building of railroads  
1442 by granting to any railroad company, for depot or other railroad purposes, real property of the  
1443 city or incorporated town, not necessary for municipal or public purposes, upon the limitations  
1444 and conditions established by the board of commissioners, city council, or board of trustees.

1445 (2) A board of commissioners, city council, or board of trustees may not grant real  
1446 property under Subsection (1) unless the grant is approved by the eligible voters of the city or  
1447 town at the next municipal election, or at a special election called for that purpose by the board  
1448 of commissioners, city council, or board of trustees.

1449 (3) If the question is submitted at a special election, the election shall be held as nearly  
1450 as practicable in conformity with the general election laws of the state.

1451 (4) The board of commissioners, city council, or board of trustees shall publish notice  
1452 of an election described in Subsections (2) and (3):

1453 [~~(a) (i) in a newspaper of general circulation in the city or town once a week for four~~

1454 ~~weeks before the election;]~~

1455  ~~[(ii) if there is no newspaper of general circulation in the city or town;]~~

1456 (a) (i) at least four weeks before the day of the election, by posting one notice, and at  
1457 least one additional notice per 2,000 population of the city or town, in places within the city or  
1458 town that are most likely to give notice to the voters in the city or town; or

1459  ~~[(iii)]~~ (ii) at least four weeks before the day of the election, by mailing notice to each  
1460 registered voter in the city or town;

1461 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks  
1462 before the day of the election; and

1463  ~~[(c) in accordance with Section 45-1-101, for four weeks before the day of the election;~~  
1464  ~~and]~~

1465  ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for at least four  
1466 weeks before the day of the election.

1467 (5) The board of commissioners, city council, or board of trustees shall cause ballots to  
1468 be printed and provided to the eligible voters, which shall read: "For the proposed grant for  
1469 depot or other railroad purposes: Yes. No."

1470 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,  
1471 city council, or board of trustees shall convey the real property to the railroad company.

1472 Section 26. Section 10-8-2 is amended to read:

1473 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**  
1474 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1475 (1) (a) A municipal legislative body may:

1476 (i) appropriate money for corporate purposes only;

1477 (ii) provide for payment of debts and expenses of the corporation;

1478 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and  
1479 dispose of real and personal property for the benefit of the municipality, whether the property is  
1480 within or without the municipality's corporate boundaries, if the action is in the public interest  
1481 and complies with other law;

1482 (iv) improve, protect, and do any other thing in relation to this property that an  
1483 individual could do; and

1484 (v) subject to Subsection (2) and after first holding a public hearing, authorize



1485 municipal services or other nonmonetary assistance to be provided to or waive fees required to  
1486 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1487 (b) A municipality may:

1488 (i) furnish all necessary local public services within the municipality;

1489 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities  
1490 located and operating within and operated by the municipality; and

1491 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property  
1492 located inside or outside the corporate limits of the municipality and necessary for any of the  
1493 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,  
1494 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1495 (c) Each municipality that intends to acquire property by eminent domain under  
1496 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

1497 (d) Subsection (1)(b) may not be construed to diminish any other authority a  
1498 municipality may claim to have under the law to acquire by eminent domain property located  
1499 inside or outside the municipality.

1500 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to  
1501 the provisions of Subsection (3).

1502 (b) The total amount of services or other nonmonetary assistance provided or fees  
1503 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the  
1504 municipality's budget for that fiscal year.

1505 (3) It is considered a corporate purpose to appropriate money for any purpose that, in  
1506 the judgment of the municipal legislative body, provides for the safety, health, prosperity,  
1507 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality  
1508 subject to this Subsection (3).

1509 (a) The net value received for any money appropriated shall be measured on a  
1510 project-by-project basis over the life of the project.

1511 (b) (i) A municipal legislative body shall establish the criteria for a determination  
1512 under this Subsection (3).

1513 (ii) A municipal legislative body's determination of value received is presumed valid  
1514 unless a person can show that the determination was arbitrary, capricious, or illegal.

1515 (c) The municipality may consider intangible benefits received by the municipality in

1516 determining net value received.

1517 (d) (i) Before the municipal legislative body makes any decision to appropriate any  
1518 funds for a corporate purpose under this section, the municipal legislative body shall hold a  
1519 public hearing.

1520 (ii) ~~[The]~~ At least 14 days before the date of the hearing, the municipal legislative body  
1521 shall publish a notice of the hearing described in Subsection (3)(d)(i) by posting notice:

1522 (A) ~~[in a newspaper of general circulation at least 14 days before the date of the~~  
1523 ~~hearing or, if there is no newspaper of general circulation, by posting notice]~~ in at least three  
1524 conspicuous places within the municipality ~~[for the same time period];~~ and

1525 (B) on the Utah Public Notice Website created in Section [63F-1-701](#) ~~[, at least 14 days~~  
1526 ~~before the date of the hearing].~~

1527 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the  
1528 municipality shall perform a study that analyzes and demonstrates the purpose for an  
1529 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1530 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at  
1531 the municipality for review by interested parties at least 14 days immediately before the public  
1532 hearing described in Subsection (3)(d)(i).

1533 (iii) A municipality shall consider the following factors when conducting the study  
1534 described in Subsection (3)(e)(i):

1535 (A) what identified benefit the municipality will receive in return for any money or  
1536 resources appropriated;

1537 (B) the municipality's purpose for the appropriation, including an analysis of the way  
1538 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,  
1539 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1540 (C) whether the appropriation is necessary and appropriate to accomplish the  
1541 reasonable goals and objectives of the municipality in the area of economic development, job  
1542 creation, affordable housing, elimination of a development impediment, job preservation, the  
1543 preservation of historic structures and property, and any other public purpose.

1544 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,  
1545 to make an appropriation.

1546 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district

1547 court within 30 days after the day on which the municipal legislative body makes a decision.

1548 (iii) Any appeal shall be based on the record of the proceedings before the legislative  
1549 body.

1550 (iv) A decision of the municipal legislative body shall be presumed to be valid unless  
1551 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1552 (g) The provisions of this Subsection (3) apply only to those appropriations made after  
1553 May 6, 2002.

1554 (h) This section applies only to appropriations not otherwise approved pursuant to Title  
1555 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform  
1556 Fiscal Procedures Act for Utah Cities.

1557 (4) (a) Before a municipality may dispose of a significant parcel of real property, the  
1558 municipality shall:

1559 (i) provide reasonable notice of the proposed disposition at least 14 days before the  
1560 opportunity for public comment under Subsection (4)(a)(ii); and

1561 (ii) allow an opportunity for public comment on the proposed disposition.

1562 (b) Each municipality shall, by ordinance, define what constitutes:

1563 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1564 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1565 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire  
1566 real property for the purpose of expanding the municipality's infrastructure or other facilities  
1567 used for providing services that the municipality offers or intends to offer shall provide written  
1568 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1569 (i) the property is located:

1570 (A) outside the boundaries of the municipality; and

1571 (B) in a county of the first or second class; and

1572 (ii) the intended use of the property is contrary to:

1573 (A) the anticipated use of the property under the general plan of the county in whose  
1574 unincorporated area or the municipality in whose boundaries the property is located; or

1575 (B) the property's current zoning designation.

1576 (b) Each notice under Subsection (5)(a) shall:

1577 (i) indicate that the municipality intends to acquire real property;

1578 (ii) identify the real property; and

1579 (iii) be sent to:

1580 (A) each county in whose unincorporated area and each municipality in whose  
1581 boundaries the property is located; and

1582 (B) each affected entity.

1583 (c) A notice under this Subsection (5) is a protected record as provided in Subsection  
1584 63G-2-305(8).

1585 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality  
1586 previously provided notice under Section 10-9a-203 identifying the general location within the  
1587 municipality or unincorporated part of the county where the property to be acquired is located.

1588 (ii) If a municipality is not required to comply with the notice requirement of  
1589 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide  
1590 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real  
1591 property.

1592 Section 27. Section 10-8-15 is amended to read:

1593 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

1594 (1) As used in this section, "affected entity" means a:

1595 (a) county that has land use authority over land subject to an ordinance or regulation  
1596 described in this section;

1597 (b) local health department, as that term is defined in Section 26A-1-102, that has  
1598 jurisdiction pursuant to Section 26A-1-108 over land subject to an ordinance or regulation  
1599 described in this section;

1600 (c) municipality that has enacted or has the right to enact an ordinance or regulation  
1601 described in this section over the land subject to an ordinance or regulation described in this  
1602 section; and

1603 (d) municipality that has land use authority over land subject to an ordinance or  
1604 regulation described in this section.

1605 (2) A municipality may construct or authorize the construction of waterworks within or  
1606 without the municipal limits, and for the purpose of maintaining and protecting the same from  
1607 injury and the water from pollution the municipality's jurisdiction shall extend over the territory  
1608 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used

1609 in and necessary for the construction, maintenance and operation of the same, and over the  
1610 stream or other source from which the water is taken, for 15 miles above the point from which  
1611 it is taken and for a distance of 300 feet on each side of such stream and over highways along  
1612 such stream or watercourse within said 15 miles and said 300 feet.

1613 (3) The jurisdiction of a city of the first class shall additionally be over the entire  
1614 watershed within the county of origin of the city of the first class and subject to Subsection (6)  
1615 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or  
1616 source; and provided further, that the city of the first class shall provide a highway in and  
1617 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not  
1618 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any  
1619 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners  
1620 of the city may enact ordinances placing under police regulations the manner of driving such  
1621 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over  
1622 which the city has jurisdiction.

1623 (4) A municipality may enact all ordinances and regulations necessary to carry the  
1624 power herein conferred into effect, and is authorized and empowered to enact ordinances  
1625 preventing pollution or contamination of the streams or watercourses from which the  
1626 municipality derives the municipality's water supply, in whole or in part, for domestic and  
1627 culinary purposes, and may enact ordinances prohibiting or regulating the construction or  
1628 maintenance of any closet, privy, outhouse or urinal within the area over which the  
1629 municipality has jurisdiction, and provide for permits for the construction and maintenance of  
1630 the same.

1631 (5) In granting a permit described in Subsection (4), a municipality may annex thereto  
1632 such reasonable conditions and requirements for the protection of the public health as the  
1633 municipality determines proper, and may, if determined advisable, require that all closets,  
1634 privies and urinals along such streams shall be provided with effective septic tanks or other  
1635 germ-destroying instrumentalities.

1636 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the  
1637 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all  
1638 municipalities and counties that have jurisdiction over the area where the watershed is located.

1639 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance

1640 or regulation under the authority of this section shall:

- 1641 (i) hold a public hearing on the proposed ordinance or regulation; and
- 1642 (ii) give notice of the date, place, and time of the hearing, as described in Subsection
- 1643 (7)(b).

1644 (b) At least ten days before the day on which the public hearing described in

1645 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

- 1646 (i) mailed to:
  - 1647 (A) each affected entity;
  - 1648 (B) the director of the Division of Drinking Water; and
  - 1649 (C) the director of the Division of Water Quality; and
  - 1650 ~~[(ii) published:]~~
  - 1651 ~~[(A) in a newspaper of general circulation in the county in which the land subject to the~~
  - 1652 ~~proposed ordinance or regulation is located; and]~~
  - 1653 ~~[(B)]~~ (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).

1654 (c) An ordinance or regulation adopted under the authority of this section may not

1655 conflict with:

- 1656 (i) existing federal or state statutes; or
- 1657 (ii) a rule created pursuant to a federal or state statute governing drinking water or
- 1658 water quality.

1659 (d) A municipality that enacts an ordinance or regulation under the authority of this

1660 section shall:

- 1661 (i) provide a copy of the ordinance or regulation to each affected entity; and
- 1662 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
- 1663 source protection plan.

1664 Section 28. Section **10-9a-204** is amended to read:

1665 **10-9a-204. Notice of public hearings and public meetings to consider general plan**

1666 **or modifications.**

- 1667 (1) Each municipality shall provide:
  - 1668 (a) notice of the date, time, and place of the first public hearing to consider the original
  - 1669 adoption or any modification of all or any portion of a general plan; and
  - 1670 (b) notice of each public meeting on the subject.

1671 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar  
1672 days before the public hearing and shall be:

- 1673 ~~[(a) (i) published in a newspaper of general circulation in the area; and]~~  
1674 ~~[(ii)]~~ (a) published on the Utah Public Notice Website created in Section 63F-1-701;  
1675 (b) mailed to each affected entity; and  
1676 (c) posted:  
1677 (i) in at least three public locations within the municipality; or  
1678 (ii) on the municipality's official website.

1679 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
1680 before the meeting and shall be:

- 1681 ~~[(a) (i) submitted to a newspaper of general circulation in the area; and]~~  
1682 ~~[(ii)]~~ (a) published on the Utah Public Notice Website created in Section 63F-1-701;  
1683 and  
1684 (b) posted:  
1685 (i) in at least three public locations within the municipality; or  
1686 (ii) on the municipality's official website.

1687 Section 29. Section 10-18-203 is amended to read:

1688 **10-18-203. Feasibility study on providing cable television or public**  
1689 **telecommunications services -- Public hearings.**

1690 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of  
1691 the municipality shall require the feasibility consultant to:

- 1692 (a) complete the feasibility study in accordance with this section;  
1693 (b) submit to the legislative body by no later than 180 days from the date the feasibility  
1694 consultant is hired to conduct the feasibility study:  
1695 (i) the full written results of the feasibility study; and  
1696 (ii) a summary of the results that is no longer than one page in length; and  
1697 (c) attend the public hearings described in Subsection (4) to:  
1698 (i) present the feasibility study results; and  
1699 (ii) respond to questions from the public.

1700 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

- 1701 (a) (i) if the municipality is proposing to provide cable television services to

1702 subscribers, whether the municipality providing cable television services in the manner  
1703 proposed by the municipality will hinder or advance competition for cable television services  
1704 in the municipality; or

1705 (ii) if the municipality is proposing to provide public telecommunications services to  
1706 subscribers, whether the municipality providing public telecommunications services in the  
1707 manner proposed by the municipality will hinder or advance competition for public  
1708 telecommunications services in the municipality;

1709 (b) whether but for the municipality any person would provide the proposed:

1710 (i) cable television services; or

1711 (ii) public telecommunications services;

1712 (c) the fiscal impact on the municipality of:

1713 (i) the capital investment in facilities that will be used to provide the proposed:

1714 (A) cable television services; or

1715 (B) public telecommunications services; and

1716 (ii) the expenditure of funds for labor, financing, and administering the proposed:

1717 (A) cable television services; or

1718 (B) public telecommunications services;

1719 (d) the projected growth in demand in the municipality for the proposed:

1720 (i) cable television services; or

1721 (ii) public telecommunications services;

1722 (e) the projections at the time of the feasibility study and for the next five years, of a  
1723 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the  
1724 facilities necessary to provide the proposed:

1725 (i) cable television services; or

1726 (ii) public telecommunications services; and

1727 (f) the projections at the time of the feasibility study and for the next five years of the  
1728 revenues to be generated from the proposed:

1729 (i) cable television services; or

1730 (ii) public telecommunications services.

1731 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),  
1732 the feasibility consultant shall assume that the municipality will price the proposed cable



1733 television services or public telecommunications services consistent with Subsection  
1734 [10-18-303](#)(5).

1735 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection  
1736 [10-18-202](#)(3), the legislative body, at the next regular meeting after the legislative body  
1737 receives the results of the feasibility study, shall schedule at least two public hearings to be  
1738 held:

- 1739 (a) within 60 days of the meeting at which the public hearings are scheduled;  
1740 (b) at least seven days apart; and  
1741 (c) for the purpose of allowing:  
1742 (i) the feasibility consultant to present the results of the feasibility study; and  
1743 (ii) the public to:  
1744 (A) become informed about the feasibility study results; and  
1745 (B) ask questions of the feasibility consultant about the results of the feasibility study.

1746 (5) (a) ~~[Except as provided in Subsection (5)(b), the]~~ The municipality shall publish  
1747 notice of the public hearings required under Subsection (4) by:

1748 ~~[(i) at least once a week for three consecutive weeks in a newspaper of general  
1749 circulation in the municipality and at least three days before the first public hearing required  
1750 under Subsection (4); and]~~

1751 ~~[(ii) (i) posting the notice on the Utah Public Notice Website created in Section  
1752 [63F-1-701](#), for three weeks, at least three days before the first public hearing required under  
1753 Subsection (4)[-]; and~~

1754 ~~[(b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general  
1755 circulation in the municipality, for each 1,000 residents, the municipality shall post]~~

1756 (ii) posting at least one notice of the hearings per 1,000 residents, in a conspicuous  
1757 place within the municipality that is likely to give notice of the hearings to the greatest number  
1758 of residents of the municipality.

1759 ~~[(ii) (b) The municipality shall post the notices at least seven days before the first  
1760 public hearing required under Subsection (4) is held.~~

1761 Section 30. Section **10-18-302** is amended to read:

1762 **10-18-302. Bonding authority.**

1763 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the

1764 legislative body of a municipality may by resolution determine to issue one or more revenue  
1765 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide  
1766 to subscribers:

1767 (a) a cable television service; or

1768 (b) a public telecommunications service.

1769 (2) The resolution described in Subsection (1) shall:

1770 (a) describe the purpose for which the indebtedness is to be created; and

1771 (b) specify the dollar amount of the one or more bonds proposed to be issued.

1772 (3) (a) A revenue bond issued under this section shall be secured and paid for:

1773 (i) from the revenues generated by the municipality from providing:

1774 (A) cable television services with respect to revenue bonds issued to finance facilities  
1775 for the municipality's cable television services; and

1776 (B) public telecommunications services with respect to revenue bonds issued to finance  
1777 facilities for the municipality's public telecommunications services; and

1778 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues  
1779 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

1780 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections  
1781 (4) and (5), the revenue bond is approved by the registered voters in an election held:

1782 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title  
1783 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

1784 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;

1785 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the  
1786 revenue bond; and

1787 (C) the municipality or municipalities annually appropriate the revenues described in  
1788 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

1789 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the  
1790 origination, financing, or other carrying costs associated with the one or more revenue bonds  
1791 issued under this section from the town or city, respectively, general funds or other enterprise  
1792 funds of the municipality.

1793 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created  
1794 pursuant to an agreement:

1795 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and  
1796 (ii) to which a municipality is a party.

1797 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or  
1798 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal  
1799 entity that issues revenue bonds, if:

1800 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is  
1801 a member of a municipal entity that is issuing revenue bonds has published the first notice  
1802 described in Subsection (4)(b)(iii);

1803 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that  
1804 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge  
1805 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in  
1806 this Subsection (4)(b)(ii);

1807 (iii) (A) the municipality that is issuing the revenue bonds or the municipality that is a  
1808 member of the municipal entity that is issuing the revenue bonds has~~[-(A)]~~ held a public  
1809 hearing for which public notice was given by publication of the notice~~[-(F) in a newspaper~~  
1810 ~~published in the municipality or in a newspaper of general circulation within the municipality~~  
1811 ~~for two consecutive weeks, with the first publication being not less than 14 days before the~~  
1812 ~~public hearing; and (H)]~~ on the Utah Public Notice Website created in Section [63F-1-701](#), for  
1813 two weeks before the public hearing; and

1814 (B) the notice identifies:

1815 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding  
1816 Act;

1817 (II) the purpose for the bonds to be issued;

1818 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will  
1819 be pledged in any fiscal year;

1820 (IV) the maximum number of years that the pledge will be in effect; and

1821 (V) the time, place, and location for the public hearing;

1822 (iv) the municipal entity that issues revenue bonds:

1823 (A) adopts a final financing plan; and

1824 (B) in accordance with Title 63G, Chapter 2, Government Records Access and  
1825 Management Act, makes available to the public at the time the municipal entity adopts the final

1826 financing plan:

1827 (I) the final financing plan; and

1828 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,  
1829 Chapter 2, Government Records Access and Management Act;

1830 (v) any municipality that is a member of a municipal entity described in Subsection  
1831 (4)(b)(iv):

1832 (A) not less than 30 calendar days after the municipal entity complies with Subsection  
1833 (4)(b)(iv)(B), holds a final public hearing;

1834 (B) provides notice, at the time the municipality schedules the final public hearing, to  
1835 any person who has provided to the municipality a written request for notice; and

1836 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all  
1837 interested parties; and

1838 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not  
1839 more than 50% of the average annual debt service of all revenue bonds described in this section  
1840 to provide service throughout the municipality or municipal entity may be paid from the  
1841 revenues described in Subsection (3)(a)(ii).

1842 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply  
1843 to a municipality that issues revenue bonds if:

1844 (a) (i) the municipality that is issuing the revenue bonds has~~[-(i)]~~ held a public hearing  
1845 for which public notice was given by publication of the notice~~[-(A) in a newspaper published~~  
1846 ~~in the municipality or in a newspaper of general circulation within the municipality for two~~  
1847 ~~consecutive weeks, with the first publication being not less than 14 days before the public~~  
1848 ~~hearing; and(B)]~~ on the Utah Public Notice Website created in Section 63F-1-701, for 14 days  
1849 before the public hearing; and

1850 (ii) the notice identifies:

1851 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government  
1852 Bonding Act;

1853 (B) the purpose for the bonds to be issued;

1854 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be  
1855 pledged in any fiscal year;

1856 (D) the maximum number of years that the pledge will be in effect; and

1857 (E) the time, place, and location for the public hearing; and

1858 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not  
1859 more than 50% of the average annual debt service of all revenue bonds described in this section  
1860 to provide service throughout the municipality or municipal entity may be paid from the  
1861 revenues described in Subsection (3)(a)(ii).

1862 (6) A municipality that issues bonds pursuant to this section may not make or grant any  
1863 undue or unreasonable preference or advantage to itself or to any private provider of:

1864 (a) cable television services; or

1865 (b) public telecommunications services.

1866 Section 31. Section **10-18-303** is amended to read:

1867 **10-18-303. General operating limitations.**

1868 A municipality that provides a cable television service or a public telecommunications  
1869 service under this chapter is subject to the operating limitations of this section.

1870 (1) A municipality that provides a cable television service shall comply with:

1871 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and

1872 (b) the regulations issued by the Federal Communications Commission under the Cable  
1873 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.

1874 (2) A municipality that provides a public telecommunications service shall comply  
1875 with:

1876 (a) the Telecommunications Act of 1996, Pub. L. 104-104;

1877 (b) the regulations issued by the Federal Communications Commission under the  
1878 Telecommunications Act of 1996, Pub. L. 104-104;

1879 (c) Section [54-8b-2.2](#) relating to:

1880 (i) the interconnection of essential facilities; and

1881 (ii) the purchase and sale of essential services; and

1882 (d) the rules made by the Public Service Commission of Utah under Section [54-8b-2.2](#).

1883 (3) A municipality may not cross subsidize its cable television services or its public  
1884 telecommunications services with:

1885 (a) tax dollars;

1886 (b) income from other municipal or utility services;

1887 (c) below-market rate loans from the municipality; or

- 1888 (d) any other means.
- 1889 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
- 1890 advantage to itself or to any private provider of:
- 1891 (i) cable television services; or
- 1892 (ii) public telecommunications services.
- 1893 (b) A municipality shall apply without discrimination as to itself and to any private
- 1894 provider the municipality's ordinances, rules, and policies, including those relating to:
- 1895 (i) obligation to serve;
- 1896 (ii) access to public rights of way;
- 1897 (iii) permitting;
- 1898 (iv) performance bonding;
- 1899 (v) reporting; and
- 1900 (vi) quality of service.
- 1901 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
- 1902 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.
- 1903 (5) In calculating the rates charged by a municipality for a cable television service or a
- 1904 public telecommunications service, the municipality:
- 1905 (a) shall include within its rates an amount equal to all taxes, fees, and other
- 1906 assessments that would be applicable to a similarly situated private provider of the same
- 1907 services, including:
- 1908 (i) federal, state, and local taxes;
- 1909 (ii) franchise fees;
- 1910 (iii) permit fees;
- 1911 (iv) pole attachment fees; and
- 1912 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and
- 1913 (b) may not price any cable television service or public telecommunications service at a
- 1914 level that is less than the sum of:
- 1915 (i) the actual direct costs of providing the service;
- 1916 (ii) the actual indirect costs of providing the service; and
- 1917 (iii) the amount determined under Subsection (5)(a).
- 1918 (6) (a) A municipality that provides cable television services or public

1919 telecommunications services shall establish and maintain a comprehensive price list of all cable  
1920 television services or public telecommunications services offered by the municipality.

1921 (b) The price list required by Subsection (6)(a) shall:

1922 (i) include all terms and conditions relating to the municipality providing each cable  
1923 television service or public telecommunications service offered by the municipality;

1924 ~~[(ii) (A) be published in a newspaper having general circulation in the municipality;~~  
1925 ~~and]~~

1926 ~~[(B) be published in accordance with Section [45-1-101](#); and]~~

1927 (ii) be posted on the Utah Public Notice Website created in Section [63F-1-701](#); and

1928 (iii) be available for inspection:

1929 (A) at a designated office of the municipality; and

1930 (B) during normal business hours.

1931 (c) At least five days before the date a change to a municipality's price list becomes  
1932 effective, the municipality shall:

1933 (i) notify the following of the change:

1934 (A) all subscribers to the services for which the price list is being changed; and

1935 (B) any other persons requesting notification of any changes to the municipality's price  
1936 list; and

1937 (ii) publish notice on the Utah Public Notice Website created in Section [63F-1-701](#).

1938 ~~[(ii) (A) publish notice in a newspaper of general circulation in the municipality; and]~~

1939 ~~[(B) publish notice in accordance with Section [45-1-101](#).]~~

1940 ~~[(d) In accordance with Subsection (6)(c)(ii)(A), if there is no newspaper of general~~  
1941 ~~circulation in the municipality, the municipality shall publish the notice required by this~~  
1942 ~~Subsection (6) in a newspaper of general circulation that is nearest the municipality.]~~

1943 ~~[(e)]~~ (d) A municipality may not offer a cable television service or a public  
1944 telecommunications service except in accordance with the prices, terms, and conditions set  
1945 forth in the municipality's price list.

1946 (7) A municipality may not offer to provide or provide cable television services or  
1947 public telecommunications services to a subscriber that does not reside within the geographic  
1948 boundaries of the municipality.

1949 (8) (a) A municipality shall keep accurate books and records of the municipality's:

1950 (i) cable television services; and  
1951 (ii) public telecommunications services.  
1952 (b) The books and records required to be kept under Subsection (8)(a) are subject to  
1953 legislative audit to verify the municipality's compliance with the requirements of this chapter  
1954 including:  
1955 (i) pricing;  
1956 (ii) recordkeeping; and  
1957 (iii) antidiscrimination.  
1958 (9) A municipality may not receive distributions from the Universal Public  
1959 Telecommunications Service Support Fund established in Section 54-8b-15.  
1960 Section 32. Section 11-13-219 is amended to read:  
1961 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**  
1962 **resolution or agreement.**  
1963 (1) As used in this section:  
1964 (a) "Enactment" means:  
1965 (i) a resolution adopted or proceedings taken by a governing body under the authority  
1966 of this chapter, and includes a resolution, indenture, or other instrument providing for the  
1967 issuance of bonds; and  
1968 (ii) an agreement or other instrument that is authorized, executed, or approved by a  
1969 governing body under the authority of this chapter.  
1970 (b) "Governing body" means:  
1971 (i) the legislative body of a public agency; or  
1972 (ii) the governing authority of an interlocal entity created under this chapter.  
1973 (c) "Notice of agreement" means the notice authorized by Subsection (3)(c).  
1974 (d) "Notice of bonds" means the notice authorized by Subsection (3)(d).  
1975 ~~[(e) "Official newspaper" means the newspaper selected by a governing body under~~  
1976 ~~Subsection (4)(b) to publish its enactments.]~~  
1977 (2) Any enactment taken or made under the authority of this chapter is not subject to  
1978 referendum.  
1979 (3) (a) A governing body need not publish any enactment taken or made under the  
1980 authority of this chapter.



1981 (b) A governing body may provide for the publication of any enactment taken or made  
 1982 by it under the authority of this chapter according to the publication requirements established  
 1983 by this section.

1984 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution  
 1985 or other proceeding authorizing or approving an agreement, document, or other instrument, the  
 1986 governing body may, instead of publishing the full text of the agreement, resolution, or other  
 1987 proceeding, publish a notice of agreement containing:

1988 (A) the names of the parties to the agreement;

1989 (B) the general subject matter of the agreement;

1990 (C) the term of the agreement;

1991 (D) a description of the payment obligations, if any, of the parties to the agreement;

1992 and

1993 (E) a statement that the resolution and agreement will be available for review at the  
 1994 governing body's principal place of business during regular business hours for 30 days after the  
 1995 publication of the notice of agreement.

1996 (ii) The governing body shall make a copy of the resolution or other proceeding and a  
 1997 copy of the contract available at its principal place of business during regular business hours  
 1998 for 30 days after the publication of the notice of agreement.

1999 (d) If the enactment is a resolution or other proceeding authorizing the issuance of  
 2000 bonds, the governing body may, instead of publishing the full text of the resolution or other  
 2001 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds  
 2002 that contains the information described in Subsection [11-14-316\(2\)](#).

2003 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or  
 2004 notice of agreement, the governing body shall comply with the requirements of this Subsection  
 2005 (4).

2006 ~~[(b) If there is more than one newspaper of general circulation, or more than one  
 2007 newspaper, published within the boundaries of the governing body, the governing body may  
 2008 designate one of those newspapers as the official newspaper for all publications made under  
 2009 this section.]~~

2010 ~~[(c) (i) (A)]~~ (b) The governing body shall ~~[publish]~~ post the enactment, notice of  
 2011 bonds, or notice of agreement ~~[in:]~~ on the Utah Public Notice Website created in Section

2012 [63F-1-701.](#)

2013 [~~(F) the official newspaper;~~]

2014 [~~(H) the newspaper published in the municipality in which the principal office of the~~  
2015 ~~governmental entity is located; or]~~

2016 [~~(H) if no newspaper is published in that municipality, in a newspaper having general~~  
2017 ~~circulation in the municipality; and]~~

2018 [~~(B) as required in Section [45-1-101.](#)]~~

2019 [~~(ii) The governing body may publish the enactment, notice of bonds, or notice of~~  
2020 ~~agreement;]~~

2021 [~~(A) (I) in a newspaper of general circulation; or]~~

2022 [~~(H) in a newspaper that is published within the boundaries of any public agency that is~~  
2023 ~~a party to the enactment or agreement; and]~~

2024 [~~(B) as required in Section [45-1-101.](#)]~~

2025 (5) (a) Any person in interest may contest the legality of an enactment or any action  
2026 performed or instrument issued under the authority of the enactment for 30 days after the  
2027 [~~publication~~] posting of the enactment, notice of bonds, or notice of agreement.

2028 (b) After the 30 days have passed, no one may contest the regularity, formality, or  
2029 legality of the enactment or any action performed or instrument issued under the authority of  
2030 the enactment for any cause whatsoever.

2031 Section 33. Section **11-14-202** is amended to read:

2032 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2033 (1) The governing body shall publish notice of the election:

2034 [~~(a) (i) once per week for three consecutive weeks before the election in a newspaper of~~  
2035 ~~general circulation in the local political subdivision, in accordance with Section [11-14-316](#), the~~  
2036 ~~first publication occurring not less than 21, nor more than 35, days before the day of the~~  
2037 ~~election;]~~

2038 [~~(ii) if there is no newspaper of general circulation in the local political subdivision;]~~

2039 (a) (i) at least 21 days before the day of the election, by posting one notice, and at least  
2040 one additional notice per 2,000 population of the local political subdivision, in places within  
2041 the local political subdivision that are most likely to give notice to the voters in the local  
2042 political subdivision; or

2043            ~~[(iii)]~~ (ii) at least three weeks before the day of the election, by mailing notice to each  
2044 registered voter in the local political subdivision;

2045            (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks  
2046 before the day of the election; and

2047            ~~[(c) in accordance with Section 45-1-101, for three weeks before the day of the  
2048 election; and]~~

2049            ~~[(d)]~~ (c) if the local political subdivision has a website, on the local political  
2050 subdivision's website for at least three weeks before the day of the election.

2051            (2) When the debt service on the bonds to be issued will increase the property tax  
2052 imposed upon the average value of a residence by an amount that is greater than or equal to \$15  
2053 per year, the governing body shall prepare and mail either a voter information pamphlet or a  
2054 notification described in Subsection (8):

2055            (a) at least 15 days, but not more than 45 days, before the bond election;

2056            (b) to each household containing a registered voter who is eligible to vote on the  
2057 bonds; and

2058            (c) that includes the information required by Subsections (4) and (5).

2059            (3) The election officer may change the location of, or establish an additional:

2060            (a) voting precinct polling place, in accordance with Subsection (6);

2061            (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2062            (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2063            (4) The notice described in Subsection (1) and the voter information pamphlet  
2064 described in Subsection (2):

2065            (a) shall include, in the following order:

2066            (i) the date of the election;

2067            (ii) the hours during which the polls will be open;

2068            (iii) the address of the Statewide Electronic Voter Information Website and, if  
2069 available, the address of the election officer's website, with a statement indicating that the  
2070 election officer will post on the website the location of each polling place for each voting  
2071 precinct, each early voting polling place, and each election day voting center, including any  
2072 changes to the location of a polling place and the location of an additional polling place;

2073            (iv) a phone number that a voter may call to obtain information regarding the location

2074 of a polling place; and

2075 (v) the title and text of the ballot proposition, including the property tax cost of the

2076 bond described in Subsection [11-14-206\(2\)\(a\)](#); and

2077 (b) may include the location of each polling place.

2078 (5) The voter information pamphlet required by this section shall include:

2079 (a) the information required under Subsection (4); and

2080 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,

2081 which may be based on information the governing body determines to be useful, including:

2082 (i) expected debt service on the bonds to be issued;

2083 (ii) a description of the purpose, remaining principal balance, and maturity date of any

2084 outstanding general obligation bonds of the issuer;

2085 (iii) funds other than property taxes available to pay debt service on general obligation

2086 bonds;

2087 (iv) timing of expenditures of bond proceeds;

2088 (v) property values; and

2089 (vi) any additional information that the governing body determines may be useful to

2090 explain the property tax impact of issuance of the bonds.

2091 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the

2092 deadlines described in Subsections (1) and (2):

2093 (i) if necessary, change the location of a voting precinct polling place; or

2094 (ii) if the election officer determines that the number of voting precinct polling places

2095 is insufficient due to the number of registered voters who are voting, designate additional

2096 voting precinct polling places.

2097 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the

2098 location of a voting precinct polling place or designates an additional voting precinct polling

2099 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,

2100 times, and location of a changed voting precinct polling place or an additional voting precinct

2101 polling place:

2102 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

2103 Information Website;

2104 (ii) by posting the information on the website of the election officer, if available; and

2105 (iii) by posting notice:

2106 (A) of a change in the location of a voting precinct polling place, at the new location  
2107 and, if possible, the old location; and

2108 (B) of an additional voting precinct polling place, at the additional voting precinct  
2109 polling place.

2110 (7) The governing body shall pay the costs associated with the notice required by this  
2111 section.

2112 (8) (a) The governing body may mail a notice printed on a postage prepaid,  
2113 preaddressed return form that a person may use to request delivery of a voter information  
2114 pamphlet by mail.

2115 (b) The notice described in Subsection (8)(a) shall include:

2116 (i) the website upon which the voter information pamphlet is available; and

2117 (ii) the phone number a voter may call to request delivery of a voter information  
2118 pamphlet by mail.

2119 (9) A local school board shall comply with the voter information pamphlet  
2120 requirements described in Section [53G-4-603](#).

2121 Section 34. Section **11-14-315** is amended to read:

2122 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**  
2123 **provisions -- Budget provision required -- Applicable procedures for issuance.**

2124 Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be  
2125 incontestable in the hands of bona fide purchasers or holders for value and are not invalid for  
2126 any irregularity or defect in the proceedings for their issuance and sale. This chapter is  
2127 intended to afford an alternative method for the issuance of bonds by local political  
2128 subdivisions and may not be so construed as to deprive any local political subdivision of the  
2129 right to issue its bonds under authority of any other statute, but nevertheless this chapter shall  
2130 constitute full authority for the issue and sale of bonds by local political subdivisions. The  
2131 provisions of Section [11-1-1](#), Utah Code Annotated 1953, are not applicable to bonds issued  
2132 under this chapter. Any local political subdivision subject to the provisions of any budget law  
2133 shall in its annual budget make proper provision for the payment of principal and interest  
2134 currently falling due on bonds issued hereunder, but no provision need be made in any such  
2135 budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of the

2136 proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of bonds  
 2137 hereunder shall be necessary except as herein specifically required, nor shall the publication of  
 2138 any resolution, proceeding or notice relating to the issuance of the bonds be necessary except as  
 2139 herein required. Any publication made hereunder [~~may be made in any newspaper conforming~~  
 2140 ~~to the terms hereof in which legal notices may be published under the laws of Utah, without~~  
 2141 ~~regard to the designation thereof as the official journal or newspaper of the local political~~  
 2142 ~~subdivision, and as required in Section 45-1-101]~~ shall be made by posting on the Utah Public  
 2143 Notice Website created in Section 63F-1-701. No resolution adopted or proceeding taken  
 2144 hereunder shall be subject to referendum petition or to an election other than as herein required.  
 2145 All proceedings adopted hereunder may be adopted on a single reading at any legally convened  
 2146 meeting of the governing body.

2147 Section 35. Section 11-14-318 is amended to read:

2148 **11-14-318. Public hearing required.**

2149 (1) Before issuing bonds authorized under this chapter, a local political subdivision  
 2150 shall:

2151 (a) in accordance with Subsection (2), provide public notice of the local political  
 2152 subdivision's intent to issue bonds; and

2153 (b) hold a public hearing:

2154 (i) if an election is required under this chapter:

2155 (A) no sooner than 30 days before the day on which the notice of election is published  
 2156 under Section 11-14-202; and

2157 (B) no later than five business days before the day on which the notice of election is  
 2158 published under Section 11-14-202; and

2159 (ii) to receive input from the public with respect to:

2160 (A) the issuance of the bonds; and

2161 (B) the potential economic impact that the improvement, facility, or property for which  
 2162 the bonds pay all or part of the cost will have on the private sector.

2163 (2) A local political subdivision shall:

2164 (a) publish the notice required by Subsection (1)(a) [~~:(i) once each week for two~~  
 2165 ~~consecutive weeks in the official newspaper described in Section 11-14-316 with the first~~  
 2166 ~~publication being not less than 14 days before the public hearing required by Subsection (1)(b);~~

2167 ~~and (ii)]~~ on the Utah Public Notice Website, created under Section ~~63F-1-701~~, no less than 14  
 2168 days before the public hearing required by Subsection (1)(b); and

2169 (b) ensure that the notice:

2170 (i) identifies:

2171 (A) the purpose for the issuance of the bonds;

2172 (B) the maximum principal amount of the bonds to be issued;

2173 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and

2174 (D) the time, place, and location of the public hearing; and

2175 (ii) informs the public that the public hearing will be held for the purposes described in  
 2176 Subsection (1)(b)(ii).

2177 Section 36. Section **11-14a-1** is amended to read:

2178 **11-14a-1. Notice of debt issuance.**

2179 (1) For purposes of this chapter:

2180 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,  
 2181 and contracts with municipal building authorities.

2182 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2183 (b) (i) "Local government entity" means a county, city, town, school district, local  
 2184 district, or special service district.

2185 (ii) "Local government entity" does not mean an entity created by an interlocal  
 2186 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over  
 2187 \$10,000,000.

2188 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly  
 2189 or partially to fund a rejected project.

2190 (d) "Rejected Project" means a project for which a local government entity sought  
 2191 voter approval for general obligation bond financing and failed to receive that approval.

2192 (2) Unless a local government entity complies with the requirements of this section, it  
 2193 may not adopt a new debt resolution.

2194 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2195 ~~[(i) advertise its intent to issue debt in a newspaper of general circulation:]~~

2196 ~~[(A) (I) at least once each week for the two weeks before the meeting at which the  
 2197 resolution will be considered; and]~~

2198 ~~[(H) on no less than 1/4 page or a 5 x 7 inch advertisement with type size no smaller~~  
2199 ~~than 18 point and surrounded by a 1/4 inch border; and]~~

2200 ~~[(B) in accordance with Section 45-1-101;]~~

2201 (i) advertise the local government entity's intent to issue debt by posting a notice of that  
2202 intent on the Utah Public Notice Website created in Section 63F-1-701, for the two weeks  
2203 before the meeting at which the resolution will be considered; or

2204 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least  
2205 95% of the residents of the local government entity.

2206 (b) The local government entity shall ensure that the notice:

2207 (i) except for website publication, is at least as large as the bill or other mailing that it  
2208 accompanies;

2209 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2210 (iii) contains the information required by Subsection (3)(c).

2211 (c) The local government entity shall ensure that the advertisement or notice described  
2212 in Subsection (3)(a):

2213 (i) identifies the local government entity;

2214 (ii) states that the entity will meet on a day, time, and place identified in the  
2215 advertisement or notice to hear public comments regarding a resolution authorizing the  
2216 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2217 (iii) contains:

2218 (A) the name of the entity that will issue the debt;

2219 (B) the purpose of the debt; and

2220 (C) that type of debt and the maximum principal amount that may be issued;

2221 (iv) invites all concerned citizens to attend the public hearing; and

2222 (v) states that some or all of the proposed debt would fund a project whose general  
2223 obligation bond financing was rejected by the voters.

2224 (4) (a) The resolution considered at the hearing shall identify:

2225 (i) the type of debt proposed to be issued;

2226 (ii) the maximum principal amount that might be issued;

2227 (iii) the interest rate;

2228 (iv) the term of the debt; and



2229 (v) how the debt will be repaid.

2230 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the  
2231 hearing need not be in final form and need not be adopted or rejected at the meeting at which  
2232 the public hearing is held.

2233 (ii) The local government entity may not, in the final resolution, increase the maximum  
2234 principal amount of debt contained in the notice and discussed at the hearing.

2235 (c) The local government entity may adopt, amend and adopt, or reject the resolution at  
2236 a later meeting without recomplying with the published notice requirements of this section.

2237 Section 37. Section **11-30-5** is amended to read:

2238 **11-30-5. Publication of order for hearing.**

2239 (1) Prior to the date set for hearing, the clerk of the court shall cause the order to be  
2240 published[:] by posting the order on the Utah Public Notice Website created in Section  
2241 63F-1-701 for three weeks.

2242 [~~(a) once each week for three consecutive weeks;~~]

2243 [~~(i) in a newspaper published or of general circulation within the boundaries of the~~  
2244 ~~public body; or]~~

2245 [~~(ii) if the public body has no defined boundaries or there is no newspaper published or~~  
2246 ~~of general circulation within the defined boundaries, a newspaper reasonably calculated to~~  
2247 ~~notify all parties, which has been approved by the court; and]~~

2248 [~~(b) in accordance with Section 45-1-101 for three weeks.]~~

2249 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may  
2250 be made defendants to the action, in which case notice may be made, and if so made shall be  
2251 considered sufficient, by mailing a copy of the order to each holder's last-known address.

2252 (3) By publication of the order, all defendants shall have been duly served and shall be  
2253 parties to the proceedings.

2254 Section 38. Section **11-39-103** is amended to read:

2255 **11-39-103. Requirements for undertaking a building improvement or public**  
2256 **works project -- Request for bids -- Authority to reject bids.**

2257 (1) If the estimated cost of the building improvement or public works project exceeds  
2258 the bid limit, the local entity shall, if it determines to proceed with the building improvement or  
2259 public works project:

2260 (a) request bids for completion of the building improvement or public works project  
2261 by:

2262 [~~(i) (A) publishing notice at least twice in a newspaper published or of general~~  
2263 ~~circulation in the local entity at least five days before opening the bids; or]~~

2264 [~~(B) if there is no newspaper published or of general circulation in the local entity as~~  
2265 ~~described in Subsection (1)(a)(i)(A);]~~

2266 (i) posting notice at least five days before opening the bids in at least five public places  
2267 in the local entity and leaving the notice posted for at least three days; and

2268 (ii) [~~publishing notice in accordance with Section 45-1-101~~] posting notice on the Utah  
2269 Public Notice Website created in Section 63F-1-701, at least five days before opening the bids;  
2270 and

2271 (b) except as provided in Subsection (3), enter into a contract for the completion of the  
2272 building improvement or public works project with:

2273 (i) the lowest responsive responsible bidder; or

2274 (ii) for a design-build project formulated by a local entity, a responsible bidder that:

2275 (A) offers design-build services; and

2276 (B) satisfies the local entity's criteria relating to financial strength, past performance,  
2277 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder  
2278 to perform fully and in good faith the contract requirements for a design-build project.

2279 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject  
2280 any or all bids submitted.

2281 (b) (i) The cost of a building improvement or public works project may not be divided  
2282 to avoid:

2283 (A) exceeding the bid limit; and

2284 (B) subjecting the local entity to the requirements of this section.

2285 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a  
2286 building improvement or public works project that would, without dividing, exceed the bid  
2287 limit if the local entity complies with the requirements of this section with respect to each part  
2288 of the building improvement or public works project that results from dividing the cost.

2289 (3) (a) The local entity may reject any or all bids submitted.

2290 (b) If the local entity rejects all bids submitted but still intends to undertake the

2291 building improvement or public works project, the local entity shall again request bids by  
2292 following the procedure provided in Subsection (1)(a).

2293 (c) If, after twice requesting bids by following the procedure provided in Subsection  
2294 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing  
2295 body may undertake the building improvement or public works project as it considers  
2296 appropriate.

2297 Section 39. Section **11-42-202** is amended to read:

2298 **11-42-202. Requirements applicable to a notice of a proposed assessment area**  
2299 **designation.**

2300 (1) Each notice required under Subsection **11-42-201**(2)(a) shall:

2301 (a) state that the local entity proposes to:

2302 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
2303 assessment area;

2304 (ii) provide an improvement to property within the proposed assessment area; and

2305 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
2306 property within the assessment area;

2307 (b) describe the proposed assessment area by any reasonable method that allows an  
2308 owner of property in the proposed assessment area to determine that the owner's property is  
2309 within the proposed assessment area;

2310 (c) describe, in a general and reasonably accurate way, the improvements to be  
2311 provided to the assessment area, including:

2312 (i) the nature of the improvements; and

2313 (ii) the location of the improvements, by reference to streets or portions or extensions  
2314 of streets or by any other means that the governing body chooses that reasonably describes the  
2315 general location of the improvements;

2316 (d) state the estimated cost of the improvements as determined by a project engineer;

2317 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the  
2318 estimated total assessment specific to the benefitted property for which the notice is mailed;

2319 (f) state that the local entity proposes to levy an assessment on benefitted property  
2320 within the assessment area to pay some or all of the cost of the improvements according to the  
2321 estimated benefits to the property from the improvements;

2322 (g) if applicable, state that an unassessed benefitted government property will receive  
2323 improvements for which the cost will be allocated proportionately to the remaining benefitted  
2324 properties within the proposed assessment area and that a description of each unassessed  
2325 benefitted government property is available for public review at the location or website  
2326 described in Subsection (6);

2327 (h) state the assessment method by which the governing body proposes to calculate the  
2328 proposed assessment, including, if the local entity is a municipality or county, whether the  
2329 assessment will be collected:

2330 (i) by directly billing a property owner; or

2331 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317  
2332 and in compliance with Section 11-42-401;

2333 (i) state:

2334 (i) the date described in Section 11-42-203 and the location at which protests against  
2335 designation of the proposed assessment area or of the proposed improvements are required to  
2336 be filed;

2337 (ii) the method by which the governing body will determine the number of protests  
2338 required to defeat the designation of the proposed assessment area or acquisition or  
2339 construction of the proposed improvements; and

2340 (iii) in large, boldface, and conspicuous type that a property owner must protest the  
2341 designation of the assessment area in writing if the owner objects to the area designation or  
2342 being assessed for the proposed improvements, operation and maintenance costs, or economic  
2343 promotion activities;

2344 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2345 (k) if the governing body elects to create and fund a reserve fund under Section  
2346 11-42-702, include a description of:

2347 (i) how the reserve fund will be funded and replenished; and

2348 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of  
2349 the bonds;

2350 (l) if the governing body intends to designate a voluntary assessment area, include a  
2351 property owner consent form that:

2352 (i) estimates the total assessment to be levied against the particular parcel of property;

- 2353 (ii) describes any additional benefits that the governing body expects the assessed  
2354 property to receive from the improvements;
- 2355 (iii) designates the date and time by which the fully executed consent form is required  
2356 to be submitted to the governing body; and
- 2357 (iv) if the governing body intends to enforce an assessment lien on the property in  
2358 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):
- 2359 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;
- 2360 (B) gives the trustee the power of sale;
- 2361 (C) is binding on the property owner and all successors; and
- 2362 (D) explains that if an assessment or an installment of an assessment is not paid when  
2363 due, the local entity may sell the property owner's property to satisfy the amount due plus  
2364 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;
- 2365 (m) if the local entity intends to levy an assessment to pay operation and maintenance  
2366 costs or for economic promotion activities, include:
- 2367 (i) a description of the operation and maintenance costs or economic promotion  
2368 activities to be paid by assessments and the initial estimated annual assessment to be levied;
- 2369 (ii) a description of how the estimated assessment will be determined;
- 2370 (iii) a description of how and when the governing body will adjust the assessment to  
2371 reflect the costs of:
- 2372 (A) in accordance with Section 11-42-406, current economic promotion activities; or
- 2373 (B) current operation and maintenance costs;
- 2374 (iv) a description of the method of assessment if different from the method of  
2375 assessment to be used for financing any improvement; and
- 2376 (v) a statement of the maximum number of years over which the assessment will be  
2377 levied for:
- 2378 (A) operation and maintenance costs; or
- 2379 (B) economic promotion activities;
- 2380 (n) if the governing body intends to divide the proposed assessment area into  
2381 classifications under Subsection 11-42-201(1)(b), include a description of the proposed  
2382 classifications;
- 2383 (o) if applicable, state the portion and value of the improvement that will be increased

2384 in size or capacity to serve property outside of the assessment area and how the increases will  
2385 be financed; and

2386 (p) state whether the improvements will be financed with a bond and, if so, the  
2387 currently estimated interest rate and term of financing, subject to Subsection (2), for which the  
2388 benefitted properties within the assessment area may be obligated.

2389 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be  
2390 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as  
2391 subject to the market rate at the time of the issuance of the bond.

2392 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information  
2393 that the governing body considers to be appropriate, including:

2394 (a) the amount or proportion of the cost of the improvement to be paid by the local  
2395 entity or from sources other than an assessment;

2396 (b) the estimated total amount of each type of assessment for the various improvements  
2397 to be financed according to the method of assessment that the governing body chooses; and

2398 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

2399 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

2400 ~~[(a) (i) (A) be published in a newspaper of general circulation within the local entity's~~  
2401 ~~jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at~~  
2402 ~~least five but not more than 20 days before the day of the hearing required in Section~~  
2403 ~~11-42-204; or]~~

2404 ~~[(B) if there is no newspaper of general circulation within the local entity's~~  
2405 ~~jurisdictional boundaries;]~~

2406 (a) (i) be posted in at least three public places within the local entity's jurisdictional  
2407 boundaries at least 20 but not more than 35 days before the day of the hearing required in  
2408 Section 11-42-204; and

2409 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for  
2410 four weeks before the deadline for filing protests specified in the notice under Subsection  
2411 (1)(i); and

2412 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of  
2413 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed  
2414 assessment area at the property owner's mailing address.

2415 (5) (a) The local entity may record the version of the notice that is published or posted  
2416 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description  
2417 and tax identification number as identified in county records, against the property proposed to  
2418 be assessed.

2419 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year  
2420 after the day on which the local entity records the notice if the local entity has failed to adopt  
2421 the designation ordinance or resolution under Section 11-42-201 designating the assessment  
2422 area for which the notice was recorded.

2423 (6) A local entity shall make available on the local entity's website, or, if no website is  
2424 available, at the local entity's place of business, the address and type of use of each unassessed  
2425 benefitted government property described in Subsection (1)(g).

2426 (7) If a governing body fails to provide actual or constructive notice under this section,  
2427 the local entity may not assess a levy against a benefitted property omitted from the notice  
2428 unless:

2429 (a) the property owner gives written consent;

2430 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did  
2431 not object to the levy of the assessment before the final hearing of the board of equalization; or

2432 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date  
2433 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,  
2434 Subsection 11-42-207(1)(d)(i) are met.

2435 Section 40. Section 11-42-301 is amended to read:

2436 **11-42-301. Improvements made only under contract let to lowest responsive,**  
2437 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**  
2438 **contract requirement.**

2439 (1) Except as otherwise provided in this section, a local entity may make improvements  
2440 in an assessment area only under contract let to the lowest responsive, responsible bidder for  
2441 the kind of service, material, or form of construction that the local entity's governing body  
2442 determines in compliance with any applicable local entity ordinances.

2443 (2) A local entity may:

2444 (a) divide improvements into parts;

2445 (b) (i) let separate contracts for each part; or

2446 (ii) combine multiple parts into the same contract; and

2447 (c) let a contract on a unit basis.

2448 (3) (a) A local entity may not let a contract until after [~~publishing~~] posting notice as  
2449 provided in Subsection (3)(b)[~~:(i) at least one time in a newspaper of general circulation within~~  
2450 ~~the boundaries of the local entity at least 15 days before the date specified for receipt of bids;~~  
2451 ~~and (ii) in accordance with Section 45-1-101~~] on the Utah Public Notice Website created in  
2452 Section 63F-1-701, at least 15 days before the date specified for receipt of bids.

2453 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will  
2454 receive sealed bids at a specified time and place for the construction of the improvements.

2455 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to  
2456 publish the notice or to publish the notice within 15 days before the date specified for receipt of  
2457 bids, the governing body may proceed to let a contract for the improvements if the local entity  
2458 receives at least three sealed and bona fide bids from contractors by the time specified for the  
2459 receipt of bids.

2460 (d) A local entity may publish a notice required under this Subsection (3) at the same  
2461 time as a notice under Section 11-42-202.

2462 (4) (a) A local entity may accept as a sealed bid a bid that is:

2463 (i) manually sealed and submitted; or

2464 (ii) electronically sealed and submitted.

2465 (b) The governing body or project engineer shall, at the time specified in the notice  
2466 under Subsection (3), open and examine the bids.

2467 (c) In open session, the governing body:

2468 (i) shall declare the bids; and

2469 (ii) may reject any or all bids if the governing body considers the rejection to be for the  
2470 public good.

2471 (d) The local entity may award the contract to the lowest responsive, responsible bidder  
2472 even if the price bid by that bidder exceeds the estimated costs as determined by the project  
2473 engineer.

2474 (e) A local entity may in any case:

2475 (i) refuse to award a contract;

2476 (ii) obtain new bids after giving a new notice under Subsection (3);



2477 (iii) determine to abandon the assessment area; or  
2478 (iv) not make some of the improvements proposed to be made.  
2479 (5) A local entity is not required to let a contract as provided in this section for:  
2480 (a) an improvement or part of an improvement the cost of which or the making of  
2481 which is donated or contributed;  
2482 (b) an improvement that consists of furnishing utility service or maintaining  
2483 improvements;  
2484 (c) labor, materials, or equipment supplied by the local entity;  
2485 (d) the local entity's acquisition of completed or partially completed improvements in  
2486 an assessment area;  
2487 (e) design, engineering, and inspection costs incurred with respect to the construction  
2488 of improvements in an assessment area; or  
2489 (f) additional work performed in accordance with the terms of a contract duly let to the  
2490 lowest responsive, responsible bidder.  
2491 (6) A local entity may itself furnish utility service and maintain improvements within  
2492 an assessment area.  
2493 (7) (a) A local entity may acquire completed or partially completed improvements in an  
2494 assessment area, but may not pay an amount for those improvements that exceeds their fair  
2495 market value.  
2496 (b) Upon the local entity's payment for completed or partially completed  
2497 improvements, title to the improvements shall be conveyed to the local entity or another public  
2498 agency.  
2499 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works  
2500 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an  
2501 assessment area.  
2502 Section 41. Section 11-42-402 is amended to read:  
2503 **11-42-402. Notice of assessment and board of equalization hearing.**  
2504 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:  
2505 (1) state:  
2506 (a) that an assessment list is completed and available for examination at the offices of  
2507 the local entity;

2508 (b) the total estimated or actual cost of the improvements;  
 2509 (c) the amount of the total estimated or actual cost of the proposed improvements to be  
 2510 paid by the local entity;

2511 (d) the amount of the assessment to be levied against benefitted property within the  
 2512 assessment area;

2513 (e) the assessment method used to calculate the proposed assessment;

2514 (f) the unit cost used to calculate the assessments shown on the assessment list, based  
 2515 on the assessment method used to calculate the proposed assessment; and

2516 (g) the dates, times, and place of the board of equalization hearings under Subsection  
 2517 11-42-401(2)(b)(i);

2518 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first  
 2519 hearing of the board of equalization is held[~~:(i) be published at least once in a newspaper of~~  
 2520 ~~general circulation within the local entity's jurisdictional boundaries; or (ii) if there is no~~  
 2521 ~~newspaper of general circulation within the local entity's jurisdictional boundaries]~~, be posted  
 2522 in at least three public places within the local entity's jurisdictional boundaries; and

2523 (b) be published on the Utah Public Notice Website created in Section 63F-1-701 for  
 2524 35 days immediately before the day on which the first hearing of the board of equalization is  
 2525 held; and

2526 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of  
 2527 the notice under Subsection (2) to each owner of property to be assessed within the proposed  
 2528 assessment area at the property owner's mailing address.

2529 Section 42. Section 11-42-404 is amended to read:

2530 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**  
 2531 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**  
 2532 **interest.**

2533 (1) (a) After receiving a final report from a board of equalization under Subsection  
 2534 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection  
 2535 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an  
 2536 assessment against benefitted property within the assessment area designated in accordance  
 2537 with Part 2, Designating an Assessment Area.

2538 (b) Except as provided in Subsection (1)(c), a local entity may not levy more than one

2539 assessment under this chapter for an assessment area designated in accordance with Part 2,  
2540 Designating an Assessment Area.

2541 (c) A local entity may levy more than one assessment in an assessment area designated  
2542 in accordance with Part 2, Designating an Assessment Area, if:

2543 (i) the local entity has adopted a designation resolution or designation ordinance for  
2544 each assessment in accordance with Section 11-42-201; and

2545 (ii) the assessment is levied to pay:

2546 (A) subject to Section 11-42-401, operation and maintenance costs;

2547 (B) subject to Section 11-42-406, the costs of economic promotion activities; or

2548 (C) the costs of environmental remediation activities.

2549 (d) An assessment resolution or ordinance adopted under Subsection (1)(a):

2550 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to  
2551 be assessed;

2552 (ii) need not include the legal description or tax identification number of the parcels of  
2553 property assessed in the assessment area; and

2554 (iii) is adequate for purposes of identifying the property to be assessed within the  
2555 assessment area if the assessment resolution or ordinance incorporates by reference the  
2556 corrected assessment list that describes the property assessed by legal description and tax  
2557 identification number.

2558 (2) (a) A local entity that adopts an assessment resolution or ordinance shall give notice  
2559 of the adoption by:

2560 ~~[(i)(A) publishing a copy of the resolution or ordinance, or a summary of the~~  
2561 ~~resolution or ordinance, once in a newspaper of general circulation within the local entity's~~  
2562 ~~jurisdictional boundaries; or]~~

2563 ~~[(B) if there is no newspaper of general circulation with the local entity's jurisdictional~~  
2564 ~~boundaries as described in Subsection (2)(a)(i);]~~

2565 (i) posting a copy of the resolution or ordinance in at least three public places within  
2566 the local entity's jurisdictional boundaries for at least 21 days; and

2567 (ii) ~~[publishing, in accordance with Section 45-1-101;]~~ posting a copy of the resolution  
2568 or ordinance on the Utah Public Notice Website created in Section 63F-1-701 for at least 21  
2569 days.

- 2570 (b) No other publication or posting of the resolution or ordinance is required.
- 2571 (3) Notwithstanding any other statutory provision regarding the effective date of a
- 2572 resolution or ordinance, each assessment resolution or ordinance takes effect:
- 2573 (a) on the date of publication or posting of the notice under Subsection (2); or
- 2574 (b) at a later date provided in the resolution or ordinance.
- 2575 (4) (a) The governing body of each local entity that has adopted an assessment
- 2576 resolution or ordinance under Subsection (1) shall, within five days after the day on which the
- 2577 25-day prepayment period under Subsection 11-42-411(6) has passed, file a notice of
- 2578 assessment interest with the recorder of the county in which the assessed property is located.
- 2579 (b) Each notice of assessment interest under Subsection (4)(a) shall:
- 2580 (i) state that the local entity has an assessment interest in the assessed property;
- 2581 (ii) if the assessment is to pay operation and maintenance costs or for economic
- 2582 promotion activities, state the maximum number of years over which an assessment will be
- 2583 payable; and
- 2584 (iii) describe the property assessed by legal description and tax identification number.
- 2585 (c) A local entity's failure to file a notice of assessment interest under this Subsection
- 2586 (4) has no affect on the validity of an assessment levied under an assessment resolution or
- 2587 ordinance adopted under Subsection (1).

2588 Section 43. Section 11-42a-201 is amended to read:

2589 **11-42a-201. Resolution or ordinance designating an energy assessment area,**  
2590 **levying an assessment, and issuing an energy assessment bond.**

- 2591 (1) (a) Except as otherwise provided in this chapter, and subject to the requirements of
- 2592 this part, at the request of a property owner on whose property or for whose benefit an
- 2593 improvement is being installed or being reimbursed, a governing body of a local entity may
- 2594 adopt an energy assessment resolution or an energy assessment ordinance that:
- 2595 (i) designates an energy assessment area;
- 2596 (ii) levies an assessment within the energy assessment area; and
- 2597 (iii) if applicable, authorizes the issuance of an energy assessment bond.
- 2598 (b) The governing body of a local entity may, by adopting a parameters resolution,
- 2599 delegate to an officer of the local entity, in accordance with the parameters resolution, the
- 2600 authority to:

- 2601 (i) execute an energy assessment resolution or ordinance that:
- 2602 (A) designates an energy assessment area;
- 2603 (B) levies an energy assessment lien; and
- 2604 (C) approves the final interest rate, price, principal amount, maturities, redemption
- 2605 features, and other terms of the energy assessment bonds; and
- 2606 (ii) approve and execute all documents related to the designation of the energy
- 2607 assessment area, the levying of the energy assessment lien, and the issuance of the energy
- 2608 assessment bonds.
- 2609 (c) The boundaries of a proposed energy assessment area may:
- 2610 (i) include property that is not intended to be assessed; and
- 2611 (ii) overlap, be coextensive with, or be substantially coterminous with the boundaries
- 2612 of any other energy assessment area or an assessment area created under Title 11, Chapter 42,
- 2613 Assessment Area Act.
- 2614 (d) The energy assessment resolution or ordinance described in Subsection (1)(a) is
- 2615 adequate for purposes of identifying the property to be assessed within the energy assessment
- 2616 area if the resolution or ordinance describes the property to be assessed by legal description and
- 2617 tax identification number.
- 2618 (2) (a) A local entity that adopts an energy assessment resolution or ordinance under
- 2619 Subsection (1)(a) or a parameters resolution under Subsection (1)(b) shall give notice of the
- 2620 adoption of the energy assessment resolution or ordinance or the parameters resolution by~~[(i)~~
- 2621 ~~publishing a copy or a summary of the resolution or ordinance once in a newspaper of general~~
- 2622 ~~circulation where the energy assessment area is located; or (ii) if there is no newspaper of~~
- 2623 ~~general circulation where the energy assessment area is located;]~~ posting a copy of the
- 2624 resolution or ordinance:
- 2625 (i) in at least three public places within the local entity's jurisdictional boundaries for at
- 2626 least 21 days~~[-];~~ and
- 2627 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for at least 21
- 2628 days.
- 2629 (b) Except as provided in Subsection (2)(a), a local entity is not required to make any
- 2630 other publication or posting of the resolution or ordinance.
- 2631 (3) Notwithstanding any other statutory provision regarding the effective date of a

2632 resolution or ordinance, each energy assessment resolution or ordinance takes effect on the  
2633 later of:

2634 (a) the date on which the governing body of the local entity adopts the energy  
2635 assessment resolution or ordinance;

2636 (b) the date of publication or posting of the notice of adoption of either the energy  
2637 assessment resolution or ordinance or the parameters resolution described in Subsection (2); or

2638 (c) at a later date as provided in the resolution or ordinance.

2639 (4) (a) The governing body of each local entity that has adopted an energy assessment  
2640 resolution or ordinance under Subsection (1) shall, within five days after the effective date of  
2641 the resolution or ordinance, file a notice of assessment interest with the recorder of the county  
2642 in which the property to be assessed is located.

2643 (b) Each notice of assessment interest under Subsection (4)(a) shall:

2644 (i) state that the local entity has an assessment interest in the property to be assessed;

2645 and

2646 (ii) describe the property to be assessed by legal description and tax identification  
2647 number.

2648 (c) If a local entity fails to file a notice of assessment interest under this Subsection (4):

2649 (i) the failure does not invalidate the designation of an energy assessment area; and

2650 (ii) the local entity may not assess a levy against a subsequent purchaser of a benefitted  
2651 property that lacked recorded notice unless:

2652 (A) the subsequent purchaser gives written consent;

2653 (B) the subsequent purchaser has actual notice of the assessment levy; or

2654 (C) the subsequent purchaser purchased the property after a corrected notice was filed  
2655 under Subsection (4)(d).

2656 (d) The local entity may file a corrected notice if the entity fails to comply with the date  
2657 or other requirements for filing a notice of assessment interest.

2658 (e) If a governing body has filed a corrected notice under Subsection (4)(d), the local  
2659 entity may not retroactively collect or adjust the amount of the levy to recapture lost funds for a  
2660 levy that the local entity was prohibited from collecting, if applicable, under Subsection (4)(c).

2661 Section 44. Section **17-27a-204** is amended to read:

2662 **17-27a-204. Notice of public hearings and public meetings to consider general**

2663 **plan or modifications.**

2664 (1) A county shall provide:

2665 (a) notice of the date, time, and place of the first public hearing to consider the original  
2666 adoption or any modification of all or any portion of a general plan; and

2667 (b) notice of each public meeting on the subject.

2668 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar  
2669 days before the public hearing and shall be:

2670 [~~(a) (i) published in a newspaper of general circulation in the area; and~~]

2671 [~~(ii)~~] (a) published on the Utah Public Notice Website created in Section 63F-1-701;

2672 (b) mailed to each affected entity; and

2673 (c) posted:

2674 (i) in at least three public locations within the county; or

2675 (ii) on the county's official website.

2676 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
2677 before the meeting and shall be:

2678 [~~(a) (i) submitted to a newspaper of general circulation in the area; and~~]

2679 [~~(ii)~~] (a) published on the Utah Public Notice Website created in Section 63F-1-701;

2680 and

2681 (b) posted:

2682 (i) in at least three public locations within the county; or

2683 (ii) on the county's official website.

2684 Section 45. Section 17-27a-205 is amended to read:

2685 **17-27a-205. Notice of public hearings and public meetings on adoption or**  
2686 **modification of land use regulation.**

2687 (1) Each county shall give:

2688 (a) notice of the date, time, and place of the first public hearing to consider the  
2689 adoption or modification of a land use regulation; and

2690 (b) notice of each public meeting on the subject.

2691 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

2692 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

2693 (b) posted:

2694 (i) in at least three public locations within the county; or  
2695 (ii) on the county's official website; and  
2696 ~~[(c) (i) published:]~~  
2697 ~~[(A) in a newspaper of general circulation in the area at least 10 calendar days before~~  
2698 ~~the public hearing; and]~~  
2699 ~~[(B)]~~ (c) (i) posted on the Utah Public Notice Website created in Section 63F-1-701, at  
2700 least 10 calendar days before the public hearing; or  
2701 (ii) mailed at least 10 days before the public hearing to:  
2702 (A) each property owner whose land is directly affected by the land use ordinance  
2703 change; and  
2704 (B) each adjacent property owner within the parameters specified by county ordinance.  
2705 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
2706 before the hearing and shall be posted:  
2707 (a) in at least three public locations within the county; or  
2708 (b) on the county's official website.  
2709 (4) (a) A county shall send a courtesy notice to each owner of private real property  
2710 whose property is located entirely or partially within the proposed zoning map enactment or  
2711 amendment at least 10 days before the scheduled day of the public hearing.  
2712 (b) The notice shall:  
2713 (i) identify with specificity each owner of record of real property that will be affected  
2714 by the proposed zoning map or map amendments;  
2715 (ii) state the current zone in which the real property is located;  
2716 (iii) state the proposed new zone for the real property;  
2717 (iv) provide information regarding or a reference to the proposed regulations,  
2718 prohibitions, and permitted uses that the property will be subject to if the zoning map or map  
2719 amendment is adopted;  
2720 (v) state that the owner of real property may no later than 10 days after the day of the  
2721 first public hearing file a written objection to the inclusion of the owner's property in the  
2722 proposed zoning map or map amendment;  
2723 (vi) state the address where the property owner should file the protest;  
2724 (vii) notify the property owner that each written objection filed with the county will be



2725 provided to the county legislative body; and

2726 (viii) state the location, date, and time of the public hearing described in Section  
2727 17-27a-502.

2728 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)  
2729 for a public hearing on a zoning map or map amendment, the notice required in this Subsection  
2730 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent  
2731 separately.

2732 Section 46. Section 17-27a-306 is amended to read:

2733 **17-27a-306. Planning advisory areas.**

2734 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

2735 (b) A planning advisory area may not be established unless the area to be included  
2736 within the proposed planning advisory area:

2737 (i) is unincorporated;

2738 (ii) is contiguous; and

2739 (iii) (A) contains:

2740 (I) at least 20% but not more than 80% of:

2741 (Aa) the total private land area in the unincorporated county; or

2742 (Bb) the total value of locally assessed taxable property in the unincorporated county;

2743 or

2744 (II) (Aa) in a county of the second or third class, at least 5% of the total population of  
2745 the unincorporated county, but not less than 300 residents; or

2746 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
2747 of the unincorporated county; or

2748 (B) has been declared by the United States Census Bureau as a census designated  
2749 place.

2750 (c) (i) The process to establish a planning advisory area is initiated by the filing of a  
2751 petition with the clerk of the county in which the proposed planning advisory area is located.

2752 (ii) A petition to establish a planning advisory area may not be filed if it proposes the  
2753 establishment of a planning advisory area that includes an area within a proposed planning  
2754 advisory area in a petition that has previously been certified under Subsection (1)(g), until after  
2755 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

2756 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:  
2757 (i) be signed by the owners of private real property that:  
2758 (A) is located within the proposed planning advisory area;  
2759 (B) covers at least 10% of the total private land area within the proposed planning  
2760 advisory area; and  
2761 (C) is equal in value to at least 10% of the value of all private real property within the  
2762 proposed planning advisory area;  
2763 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
2764 area proposed to be established as a planning advisory area;  
2765 (iii) indicate the typed or printed name and current residence address of each owner  
2766 signing the petition;  
2767 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
2768 be designated as the contact sponsor, with the mailing address and telephone number of each  
2769 petition sponsor;  
2770 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
2771 petition for purposes of the petition; and  
2772 (vi) request the county legislative body to provide notice of the petition and of a public  
2773 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning  
2774 advisory area.  
2775 (e) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a planning advisory area  
2776 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal  
2777 Incorporation.  
2778 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing  
2779 the establishment of a planning advisory area in a county of the second class, the county clerk  
2780 shall provide notice of the filing of the petition to:  
2781 (A) each owner of real property owning more than 1% of the assessed value of all real  
2782 property within the proposed planning advisory area; and  
2783 (B) each owner of real property owning more than 850 acres of real property within the  
2784 proposed planning advisory area.  
2785 (ii) A property owner may exclude all or part of the property owner's property from a  
2786 proposed planning advisory area in a county of the second class:

2787 (A) if:  
2788 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
2789 property within the proposed planning advisory area;  
2790 (Iiii) the property is nonurban; and  
2791 (IIIiii) the property does not or will not require municipal provision of municipal-type  
2792 services; or  
2793 (Bb) the property owner owns more than 850 acres of real property within the proposed  
2794 planning advisory area; and  
2795 (II) exclusion of the property will not leave within the planning advisory area an island  
2796 of property that is not part of the planning advisory area; and  
2797 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
2798 under Subsection (1)(f)(i).  
2799 (iii) (A) The county legislative body shall exclude from the proposed planning advisory  
2800 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if  
2801 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).  
2802 (B) If the county legislative body excludes property from a proposed planning advisory  
2803 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the  
2804 exclusion, send written notice of its action to the contact sponsor.  
2805 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
2806 clerk shall:  
2807 (A) with the assistance of other county officers from whom the clerk requests  
2808 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
2809 and  
2810 (B) (I) if the clerk determines that the petition complies with the requirements of  
2811 Subsection (1)(d):  
2812 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
2813 and  
2814 (Bb) mail or deliver written notification of the certification to the contact sponsor; or  
2815 (II) if the clerk determines that the petition fails to comply with any of the requirements  
2816 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
2817 rejection and the reasons for the rejection.

2818 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
2819 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
2820 county clerk.

2821 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,  
2822 the county legislative body shall hold a public hearing on the proposal to establish a planning  
2823 advisory area.

2824 (ii) A public hearing under Subsection (1)(h)(i) shall be:

2825 (A) within the boundary of the proposed planning advisory area; or

2826 (B) if holding a public hearing in that area is not practicable, as close to that area as  
2827 practicable.

2828 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
2829 county legislative body shall publish notice of the petition and the time, date, and place of the  
2830 public hearing[~~:(A) at least once in a newspaper of general circulation in the county; and (B)]  
2831 on the Utah Public Notice Website created in Section 63F-1-701.~~

2832 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
2833 shall arrange for the proposal to establish a planning advisory area to be submitted to voters  
2834 residing within the proposed planning advisory area at the next regular general election that is  
2835 more than 90 days after the public hearing.

2836 (j) A planning advisory area is established at the time of the canvass of the results of an  
2837 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the  
2838 proposal to establish a planning advisory area voted in favor of the proposal.

2839 (k) An area that is an established township before May 12, 2015:

2840 (i) is, as of May 12, 2015, a planning advisory area; and

2841 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

2842 and

2843 (B) may use the word "planning advisory area" in its name.

2844 (2) The county legislative body may:

2845 (a) assign to the countywide planning commission the duties established in this part  
2846 that would have been assumed by a planning advisory area planning commission designated  
2847 under Subsection (2)(b); or

2848 (b) designate and appoint a planning commission for the planning advisory area.

2849 (3) (a) An area within the boundary of a planning advisory area may be withdrawn  
2850 from the planning advisory area as provided in this Subsection (3) or in accordance with  
2851 Subsection (5)(a).

2852 (b) The process to withdraw an area from a planning advisory area is initiated by the  
2853 filing of a petition with the clerk of the county in which the planning advisory area is located.

2854 (c) A petition under Subsection (3)(b) shall:

2855 (i) be signed by the owners of private real property that:

2856 (A) is located within the area proposed to be withdrawn from the planning advisory  
2857 area;

2858 (B) covers at least 50% of the total private land area within the area proposed to be  
2859 withdrawn from the planning advisory area; and

2860 (C) is equal in value to at least 33% of the value of all private real property within the  
2861 area proposed to be withdrawn from the planning advisory area;

2862 (ii) state the reason or reasons for the proposed withdrawal;

2863 (iii) be accompanied by an accurate plat or map showing the boundary of the  
2864 contiguous area proposed to be withdrawn from the planning advisory area;

2865 (iv) indicate the typed or printed name and current residence address of each owner  
2866 signing the petition;

2867 (v) designate up to five signers of the petition as petition sponsors, one of whom shall  
2868 be designated as the contact sponsor, with the mailing address and telephone number of each  
2869 petition sponsor;

2870 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
2871 petition for purposes of the petition; and

2872 (vii) request the county legislative body to withdraw the area from the planning  
2873 advisory area.

2874 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning  
2875 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter  
2876 2a, Municipal Incorporation.

2877 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county  
2878 clerk shall:

2879 (A) with the assistance of other county officers from whom the clerk requests

2880 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);  
2881 and

2882 (B) (I) if the clerk determines that the petition complies with the requirements of  
2883 Subsection (3)(c):

2884 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
2885 and

2886 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2887 (II) if the clerk determines that the petition fails to comply with any of the requirements  
2888 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
2889 and the reasons for the rejection.

2890 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
2891 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
2892 county clerk.

2893 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area  
2894 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw  
2895 the area from the planning advisory area.

2896 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

2897 (A) within the area proposed to be withdrawn from the planning advisory area; or

2898 (B) if holding a public hearing in that area is not practicable, as close to that area as  
2899 practicable.

2900 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
2901 body shall:

2902 (A) publish notice of the petition and the time, date, and place of the public hearing[:

2903 ~~(f) at least once a week for three consecutive weeks in a newspaper of general circulation in the~~  
2904 ~~planning advisory area; and (H)] on the Utah Public Notice Website created in Section~~  
2905 [63F-1-701](#), for three consecutive weeks; and

2906 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
2907 each owner of private real property within the area proposed to be withdrawn.

2908 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
2909 legislative body shall make a written decision on the proposal to withdraw the area from the  
2910 planning advisory area.

2911 (ii) In making its decision as to whether to withdraw the area from the planning  
2912 advisory area, the county legislative body shall consider:

2913 (A) whether the withdrawal would leave the remaining planning advisory area in a  
2914 situation where the future incorporation of an area within the planning advisory area or the  
2915 annexation of an area within the planning advisory area to an adjoining municipality would be  
2916 economically or practically not feasible;

2917 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
2918 area:

2919 (I) whether the proposed subsequent incorporation or withdrawal:

2920 (Aa) will leave or create an unincorporated island or peninsula; or

2921 (Bb) will leave the county with an area within its unincorporated area for which the  
2922 cost, requirements, or other burdens of providing municipal services would materially increase  
2923 over previous years; and

2924 (II) whether the municipality to be created or the municipality into which the  
2925 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of  
2926 providing service to the withdrawn area that the county will no longer provide due to the  
2927 incorporation or annexation;

2928 (C) the effects of a withdrawal on adjoining property owners, existing or projected  
2929 county streets or other public improvements, law enforcement, and zoning and other municipal  
2930 services provided by the county; and

2931 (D) whether justice and equity favor the withdrawal.

2932 (h) Upon the written decision of the county legislative body approving the withdrawal  
2933 of an area from a planning advisory area, the area is withdrawn from the planning advisory area  
2934 and the planning advisory area continues as a planning advisory area with a boundary that  
2935 excludes the withdrawn area.

2936 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

2937 (b) The process to dissolve a planning advisory area is initiated by the filing of a  
2938 petition with the clerk of the county in which the planning advisory area is located.

2939 (c) A petition under Subsection (4)(b) shall:

2940 (i) be signed by registered voters within the planning advisory area equal in number to  
2941 at least 25% of all votes cast by voters within the planning advisory area at the last

2942 congressional election;

2943           (ii) state the reason or reasons for the proposed dissolution;

2944           (iii) indicate the typed or printed name and current residence address of each person

2945 signing the petition;

2946           (iv) designate up to five signers of the petition as petition sponsors, one of whom shall

2947 be designated as the contact sponsor, with the mailing address and telephone number of each

2948 petition sponsor;

2949           (v) authorize the petition sponsors to act on behalf of all persons signing the petition

2950 for purposes of the petition; and

2951           (vi) request the county legislative body to provide notice of the petition and of a public

2952 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning

2953 advisory area.

2954           (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county

2955 clerk shall:

2956               (A) with the assistance of other county officers from whom the clerk requests

2957 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);

2958 and

2959               (B) (I) if the clerk determines that the petition complies with the requirements of

2960 Subsection (4)(c):

2961                   (Aa) certify the petition and deliver the certified petition to the county legislative body;

2962 and

2963                   (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2964               (II) if the clerk determines that the petition fails to comply with any of the requirements

2965 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection

2966 and the reasons for the rejection.

2967           (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition

2968 may be amended to correct the deficiencies for which it was rejected and then refiled with the

2969 county clerk.

2970           (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,

2971 the county legislative body shall hold a public hearing on the proposal to dissolve the planning

2972 advisory area.



2973 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

2974 (A) within the boundary of the planning advisory area; or

2975 (B) if holding a public hearing in that area is not practicable, as close to that area as  
2976 practicable.

2977 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
2978 body shall publish notice of the petition and the time, date, and place of the public hearing[:

2979 ~~(A) at least once a week for three consecutive weeks in a newspaper of general circulation in  
2980 the planning advisory area; and (B)] on the Utah Public Notice Website created in Section~~

2981 [63F-1-701](#), for three consecutive weeks immediately before the public hearing.

2982 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
2983 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters  
2984 residing within the planning advisory area at the next regular general election that is more than  
2985 90 days after the public hearing.

2986 (g) A planning advisory area is dissolved at the time of the canvass of the results of an  
2987 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the  
2988 proposal to dissolve the planning advisory area voted in favor of the proposal.

2989 (5) (a) If a portion of an area located within a planning advisory area is annexed by a  
2990 municipality or incorporates, that portion is withdrawn from the planning advisory area.

2991 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,  
2992 the planning advisory area is dissolved.

2993 Section 47. Section **17-27a-404** is amended to read:

2994 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
2995 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
2996 **by legislative body.**

2997 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
2998 amend the general plan, the planning commission shall schedule and hold a public hearing on  
2999 the proposed plan or amendment.

3000 (b) The planning commission shall provide notice of the public hearing, as required by  
3001 Section [17-27a-204](#).

3002 (c) After the public hearing, the planning commission may modify the proposed  
3003 general plan or amendment.

3004 (2) The planning commission shall forward the proposed general plan or amendment to  
3005 the legislative body.

3006 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body  
3007 shall provide notice of its intent to consider the general plan proposal.

3008 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
3009 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
3010 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection  
3011 (3)(b).

3012 (ii) The hearing format shall allow adequate time for public comment at the actual  
3013 public hearing, and shall also allow for public comment in writing to be submitted to the  
3014 legislative body for not fewer than 90 days after the date of the public hearing.

3015 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
3016 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are  
3017 complete.

3018 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
3019 the state Legislature, executive director of the Department of Environmental Quality, the state  
3020 planning coordinator, the Resource Development Coordinating Committee, and any other  
3021 citizens or entities who specifically request notice in writing.

3022 (iii) Public notice shall be given by publication[~~:(A) in at least one major Utah~~  
3023 ~~newspaper having broad general circulation in the state; (B) in at least one Utah newspaper~~  
3024 ~~having a general circulation focused mainly on the county where the proposed high-level~~  
3025 ~~nuclear waste or greater than class C radioactive waste site is to be located; and (C)] on the  
3026 Utah Public Notice Website created in Section 63F-1-701.~~

3027 (iv) The notice shall be published to allow reasonable time for interested parties and  
3028 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),  
3029 including[~~:(A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days~~  
3030 ~~before the date of the hearing to be held under this Subsection (3); and (B)] publication  
3031 described in Subsection (3)(c)(iii)[~~(B) or (C)] for 180 days before the date of the hearing to be~~  
3032 held under this Subsection (3).~~

3033 (4) (a) After the public hearing required under this section, the legislative body may  
3034 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3035 (b) The legislative body shall respond in writing and in a substantive manner to all  
 3036 those providing comments as a result of the hearing required by Subsection (3).

3037 (c) If the county legislative body rejects the proposed general plan or amendment, it  
 3038 may provide suggestions to the planning commission for the planning commission's review and  
 3039 recommendation.

3040 (5) The legislative body shall adopt:

3041 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

3042 (b) a transportation and traffic circulation element as provided in Subsection

3043 17-27a-403(2)(a)(ii);

3044 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to  
 3045 provide a realistic opportunity to meet the need for additional moderate income housing; and

3046 (d) before August 1, 2017, a resource management plan as provided by Subsection

3047 17-27a-403(2)(a)(iv).

3048 Section 48. Section 17-41-302 is amended to read:

3049 **17-41-302. Notice of proposal for creation of protection area -- Responses.**

3050 (1) An applicable legislative body shall provide notice of the proposal by:

3051 ~~[(a) (i) publishing notice in a newspaper having general circulation within:]~~

3052 ~~[(A) the same county as the land proposed for inclusion within an agriculture~~  
 3053 ~~protection area, industrial protection area, or critical infrastructure materials protection area, as~~  
 3054 ~~the case may be, if the land is within the unincorporated part of the county; or]~~

3055 ~~[(B) the same city or town as the land proposed for inclusion within an agriculture~~  
 3056 ~~protection area, industrial protection area, or critical infrastructure materials protection area, as~~  
 3057 ~~the case may be, if the land is within a city or town; and]~~

3058 ~~[(ii) as required in Section 45-1-101;]~~

3059 (a) posting notice on the Utah Public Notice Website created in Section 63F-1-701;

3060 (b) posting notice at five public places, designated by the county or municipal  
 3061 legislative body, within or near the proposed agriculture protection area, industrial protection  
 3062 area, or critical infrastructure materials protection area; and

3063 (c) mailing written notice to each owner of land within 1,000 feet of the land proposed  
 3064 for inclusion within an agriculture protection area, industrial protection area, or critical  
 3065 infrastructure materials protection area.

3066 (2) The notice shall contain:  
3067 (a) a statement that a proposal for the creation of an agriculture protection area,  
3068 industrial protection area, or critical infrastructure materials protection area has been filed with  
3069 the applicable legislative body;  
3070 (b) a statement that the proposal will be open to public inspection in the office of the  
3071 applicable legislative body;  
3072 (c) a statement that any person affected by the establishment of the area may, within 15  
3073 days of the date of the notice, file with the applicable legislative body:  
3074 (i) written objections to the proposal; or  
3075 (ii) a written request to modify the proposal to exclude land from or add land to the  
3076 proposed protection area;  
3077 (d) a statement that the applicable legislative body will submit the proposal to the  
3078 advisory committee and to the planning commission for review and recommendations;  
3079 (e) a statement that the applicable legislative body will hold a public hearing to discuss  
3080 and hear public comment on:  
3081 (i) the proposal to create the agriculture protection area, industrial protection area, or  
3082 critical infrastructure materials protection area;  
3083 (ii) the recommendations of the advisory committee and planning commission; and  
3084 (iii) any requests for modification of the proposal and any objections to the proposal;  
3085 and  
3086 (f) a statement indicating the date, time, and place of the public hearing.  
3087 (3) (a) A person wishing to modify the proposal for the creation of the agriculture  
3088 protection area, industrial protection area, or critical infrastructure materials protection area  
3089 shall, within 15 days after the date of the notice, file a written request for modification of the  
3090 proposal, which identifies specifically the land that should be added to or removed from the  
3091 proposal.  
3092 (b) A person wishing to object to the proposal for the creation of the agriculture  
3093 protection area, industrial protection area, or critical infrastructure materials protection area  
3094 shall, within 15 days after the date of the notice, file a written objection to the creation of the  
3095 relevant protection area.  
3096 Section 49. Section **17-41-304** is amended to read:

3097 **17-41-304. Public hearing -- Review and action on proposal.**

3098 (1) After receipt of the written reports from the advisory committee and planning  
3099 commission, or after the 45 days have expired, whichever is earlier, the county or municipal  
3100 legislative body shall:

3101 (a) schedule a public hearing;

3102 (b) provide notice of the public hearing by:

3103 [~~(i) publishing notice:~~]

3104 [~~(A) in a newspaper having general circulation within:~~]

3105 [~~(F) the same county as the land proposed for inclusion within the agriculture protection  
3106 area, industrial protection area, or critical infrastructure materials protection area, if the land is  
3107 within the unincorporated part of the county; or]~~

3108 [~~(H) the same city or town as the land proposed for inclusion within an agriculture  
3109 protection area, industrial protection area, or critical infrastructure materials protection area, if  
3110 the land is within a city or town; and]~~

3111 [~~(B)~~] (i) posting notice on the Utah Public Notice Website created in Section  
3112 [63F-1-701](#);

3113 (ii) posting notice at five public places, designated by the applicable legislative body,  
3114 within or near the proposed agriculture protection area, industrial protection area, or critical  
3115 infrastructure materials protection area; and

3116 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed  
3117 for inclusion within an agriculture protection area, industrial protection area, or critical  
3118 infrastructure materials protection area; and

3119 (c) ensure that the notice includes:

3120 (i) the time, date, and place of the public hearing on the proposal;

3121 (ii) a description of the proposed agriculture protection area, industrial protection area,  
3122 or critical infrastructure materials protection area;

3123 (iii) any proposed modifications to the proposed agriculture protection area, industrial  
3124 protection area, or critical infrastructure materials protection area;

3125 (iv) a summary of the recommendations of the advisory committee and planning  
3126 commission; and

3127 (v) a statement that interested persons may appear at the public hearing and speak in

3128 favor of or against the proposal, any proposed modifications to the proposal, or the  
3129 recommendations of the advisory committee and planning commission.

3130 (2) The applicable legislative body shall:

3131 (a) convene the public hearing at the time, date, and place specified in the notice; and

3132 (b) take oral or written testimony from interested persons.

3133 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative  
3134 body shall approve, modify and approve, or reject the proposal.

3135 (b) The creation of an agriculture protection area, industrial protection area, or critical  
3136 infrastructure materials protection area is effective at the earlier of:

3137 (i) the applicable legislative body's approval of a proposal or modified proposal; or

3138 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if  
3139 the applicable legislative body has failed to approve or reject the proposal within that time.

3140 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area  
3141 is effective only if the applicable legislative body, at its discretion, approves a proposal or  
3142 modified proposal.

3143 (4) (a) To give constructive notice of the existence of the agriculture protection area,  
3144 industrial protection area, or critical infrastructure materials protection area to all persons who  
3145 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant  
3146 protection area within 10 days of the creation of the relevant protection area, the applicable  
3147 legislative body shall file an executed document containing a legal description of the relevant  
3148 protection area with:

3149 (i) the county recorder of deeds; and

3150 (ii) the affected planning commission.

3151 (b) If the legal description of the property to be included in the relevant protection area  
3152 is available through the county recorder's office, the applicable legislative body shall use that  
3153 legal description in its executed document required in Subsection (4)(a).

3154 (5) Within 10 days of the recording of the agriculture protection area, the applicable  
3155 legislative body shall:

3156 (a) send written notification to the commissioner of agriculture and food that the  
3157 agriculture protection area has been created; and

3158 (b) include in the notification:

3159 (i) the number of landowners owning land within the agriculture protection area;

3160 (ii) the total acreage of the area;

3161 (iii) the date of approval of the area; and

3162 (iv) the date of recording.

3163 (6) The applicable legislative body's failure to record the notice required under  
3164 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the  
3165 creation of an agriculture protection area.

3166 (7) The applicable legislative body may consider the cost of recording notice under  
3167 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee  
3168 under Subsection 17-41-301(4)(b).

3169 Section 50. Section 17-41-405 is amended to read:

3170 **17-41-405. Eminent domain restrictions.**

3171 (1) A political subdivision having or exercising eminent domain powers may not  
3172 condemn for any purpose any land within an agriculture protection area that is being used for  
3173 agricultural production, land within an industrial protection area that is being put to an  
3174 industrial use, or land within a critical infrastructure materials protection area, unless the  
3175 political subdivision obtains approval, according to the procedures and requirements of this  
3176 section, from the applicable legislative body and the advisory board.

3177 (2) Any condemnor wishing to condemn property within an agriculture protection area,  
3178 industrial protection area, or critical infrastructure materials protection area shall file a notice  
3179 of condemnation with the applicable legislative body and the relevant protection area's advisory  
3180 board at least 30 days before filing an eminent domain complaint.

3181 (3) The applicable legislative body and the advisory board shall:

3182 (a) hold a joint public hearing on the proposed condemnation at a location within the  
3183 county in which the relevant protection area is located;

3184 (b) ~~publish~~ post notice of the time, date, place, and purpose of the public hearing:

3185 ~~[(i) in a newspaper of general circulation within the relevant protection area; and]~~

3186 ~~[(ii)]~~ (i) on the Utah Public Notice Website created in Section 63F-1-701; and

3187 ~~[(c) post notice of the time, date, place, and purpose of the public hearing]~~

3188 (ii) in five conspicuous public places, designated by the applicable legislative body,  
3189 within or near the relevant protection area.

3190 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or  
3191 liquid waste materials, the applicable legislative body and the advisory board may approve the  
3192 condemnation only if there is no reasonable and prudent alternative to the use of the land  
3193 within the agriculture protection area, industrial protection area, or critical infrastructure  
3194 materials protection area for the project.

3195 (b) If the condemnation is for any other purpose, the applicable legislative body and the  
3196 advisory board may approve the condemnation only if:

3197 (i) the proposed condemnation would not have an unreasonably adverse effect upon the  
3198 preservation and enhancement of:

3199 (A) agriculture within the agriculture protection area;

3200 (B) the industrial use within the industrial protection area; or

3201 (C) critical infrastructure materials operations within the critical infrastructure  
3202 materials protection area; or

3203 (ii) there is no reasonable and prudent alternative to the use of the land within the [the]  
3204 relevant protection area for the project.

3205 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable  
3206 legislative body and the advisory board shall approve or reject the proposed condemnation.

3207 (b) If the applicable legislative body and the advisory board fail to act within the 60  
3208 days or such further time as the applicable legislative body establishes, the condemnation shall  
3209 be considered rejected.

3210 (6) The applicable legislative body or the advisory board may request the county or  
3211 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of  
3212 this section.

3213 Section 51. Section **17B-1-111** is amended to read:

3214 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

3215 (1) (a) If a local district wishes to impose impact fees, the board of trustees of the local  
3216 district shall:

3217 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,  
3218 Chapter 36a, Impact Fees Act;

3219 (ii) make a copy of the impact fee resolution available to the public at least 14 days  
3220 before the date of the public hearing and hold a public hearing on the proposed impact fee



3221 resolution; and

3222 (iii) provide reasonable notice of the public hearing at least 14 days before the date of  
3223 the hearing.

3224 (b) After the public hearing, the board of trustees may:

3225 (i) adopt the impact fee resolution as proposed;

3226 (ii) amend the impact fee resolution and adopt or reject it as amended; or

3227 (iii) reject the resolution.

3228 (2) A local district meets the requirements of reasonable notice required by this section  
3229 if it:

3230 (a) posts notice of the hearing or meeting in at least three public places within the  
3231 jurisdiction [~~and publishes notice of the hearing or meeting in a newspaper of general~~  
3232 ~~circulation in the jurisdiction, if one is available~~]; or

3233 (b) gives actual notice of the hearing or meeting.

3234 (3) The local district's board of trustees may enact a resolution establishing stricter  
3235 notice requirements than those required by this section.

3236 (4) (a) Proof that one of the two forms of notice required by this section was given is  
3237 prima facie evidence that notice was properly given.

3238 (b) If notice given under authority of this section is not challenged within 30 days from  
3239 the date of the meeting for which the notice was given, the notice is considered adequate and  
3240 proper.

3241 Section 52. Section **17B-1-211** is amended to read:

3242 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3243 (1) Before holding a public hearing or set of public hearings under Section **17B-1-210**,  
3244 the legislative body of each county or municipality with which a request is filed or that adopts a  
3245 resolution under Subsection **17B-1-203(1)(d)** and the board of trustees of each local district  
3246 that adopts a resolution under Subsection **17B-1-203(1)(e)** shall:

3247 [~~(a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice~~  
3248 ~~in a newspaper or combination of newspapers of general circulation within the applicable area~~  
3249 ~~in accordance with Subsection (2); or]~~

3250 [~~(B) if there is no newspaper or combination of newspapers of general circulation~~  
3251 ~~within the applicable area, post notice]~~

3252 (a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population  
3253 of ~~that~~ the applicable area and at places within the area that are most likely to provide actual  
3254 notice to residents of the area; and

3255 (ii) publish notice on the Utah Public Notice Website created in Section 63F-1-701, for  
3256 two weeks before the hearing or the first of the set of hearings; or

3257 (b) mail a notice to each registered voter residing within and each owner of real  
3258 property located within the proposed local district.

3259 ~~[(2) Each published notice under Subsection (1)(a)(i)(A) shall:]~~

3260 ~~[(a) be no less than 1/4 page in size, use type no smaller than 18 point, and be~~  
3261 ~~surrounded by a 1/4-inch border;]~~

3262 ~~[(b) if possible, appear in a newspaper that is published at least one day per week;]~~

3263 ~~[(c) if possible, appear in a newspaper of general interest and readership in the area and~~  
3264 ~~not of limited subject matter;]~~

3265 ~~[(d) be placed in a portion of the newspaper other than where legal notices and~~  
3266 ~~classified advertisements appear; and]~~

3267 ~~[(e) be published once each week for four consecutive weeks, with the final publication~~  
3268 ~~being no fewer than five and no more than 20 days before the hearing or the first of the set of~~  
3269 ~~hearings.]]~~

3270 ~~[(3)]~~ (2) Each notice required under Subsection (1) shall:

3271 (a) if the hearing or set of hearings is concerning a resolution:

3272 (i) contain the entire text or an accurate summary of the resolution; and

3273 (ii) state the deadline for filing a protest against the creation of the proposed local  
3274 district;

3275 (b) clearly identify each governing body involved in the hearing or set of hearings;

3276 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
3277 the hearing or set of hearings; and

3278 (d) describe or include a map of the entire proposed local district.

3279 ~~[(4)]~~ (3) County or municipal legislative bodies may jointly provide the notice required  
3280 under this section if all the requirements of this section are met as to each notice.

3281 Section 53. Section 17B-1-304 is amended to read:

3282 **17B-1-304. Appointment procedures for appointed members.**

3283 (1) The appointing authority may, by resolution, appoint persons to serve as members  
3284 of a local district board by following the procedures established by this section.

3285 (2) (a) In any calendar year when appointment of a new local district board member is  
3286 required, the appointing authority shall prepare a notice of vacancy that contains:

3287 (i) the positions that are vacant that shall be filled by appointment;

3288 (ii) the qualifications required to be appointed to those positions;

3289 (iii) the procedures for appointment that the governing body will follow in making  
3290 those appointments; and

3291 (iv) the person to be contacted and any deadlines that a person shall meet who wishes  
3292 to be considered for appointment to those positions.

3293 (b) The appointing authority shall:

3294 (i) post the notice of vacancy in four public places within the local district at least one  
3295 month before the deadline for accepting nominees for appointment; and

3296 [~~(ii) publish the notice of vacancy:~~]

3297 [~~(A) in a daily newspaper of general circulation within the local district for five  
3298 consecutive days before the deadline for accepting nominees for appointment; or]~~]

3299 [~~(B) in a local weekly newspaper circulated within the local district in the week before  
3300 the deadline for accepting nominees for appointment; and]~~]

3301 [(iii)] (ii) [~~publish~~] post the notice of vacancy [~~in accordance with Section 45-1-101]~~  
3302 on the Utah Public Notice Website, created in Section 63F-1-701, for five days before the  
3303 deadline for accepting nominees for appointment.

3304 (c) The appointing authority may bill the local district for the cost of preparing,  
3305 printing, and publishing the notice.

3306 (3) (a) Not sooner than two months after the appointing authority is notified of the  
3307 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants  
3308 who meet the qualifications established by law.

3309 (b) The appointing authority shall:

3310 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the  
3311 appointment;

3312 (ii) allow any interested persons to be heard; and

3313 (iii) adopt a resolution appointing a person to the local district board.

3314 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the  
3315 appointing authority, the appointing authority shall select the appointee from the two top  
3316 candidates by lot.

3317 (4) Persons appointed to serve as members of the local district board serve four-year  
3318 terms, but may be removed for cause at any time after a hearing by two-thirds vote of the  
3319 appointing body.

3320 (5) (a) At the end of each board member's term, the position is considered vacant, and,  
3321 after following the appointment procedures established in this section, the appointing authority  
3322 may either reappoint the incumbent board member or appoint a new member.

3323 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a  
3324 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

3325 (6) Notwithstanding any other provision of this section, if the appointing authority  
3326 appoints one of its own members and that member meets all applicable statutory board member  
3327 qualifications, the appointing authority need not comply with Subsection (2) or (3).

3328 Section 54. Section 17B-1-306 is amended to read:

3329 **17B-1-306. Local district board -- Election procedures.**

3330 (1) Except as provided in Subsection (12), each elected board member shall be selected  
3331 as provided in this section.

3332 (2) (a) Each election of a local district board member shall be held:

3333 (i) at the same time as the municipal general election or the regular general election, as  
3334 applicable; and

3335 (ii) at polling places designated by the local district board in consultation with the  
3336 county clerk for each county in which the local district is located, which polling places shall  
3337 coincide with municipal general election or regular general election polling places, as  
3338 applicable, whenever feasible.

3339 (b) The local district board, in consultation with the county clerk, may consolidate two  
3340 or more polling places to enable voters from more than one district to vote at one consolidated  
3341 polling place.

3342 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under  
3343 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
3344 polling place per division of the district, designated by the district board.

3345 (ii) Each polling place designated by an irrigation district board under Subsection  
3346 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection  
3347 (2)(a)(ii).

3348 (3) The clerk of each local district with a board member position to be filled at the next  
3349 municipal general election or regular general election, as applicable, shall provide notice of:

3350 (a) each elective position of the local district to be filled at the next municipal general  
3351 election or regular general election, as applicable;

3352 (b) the constitutional and statutory qualifications for each position; and

3353 (c) the dates and times for filing a declaration of candidacy.

3354 (4) The clerk of the local district shall publish the notice described in Subsection (3):

3355 (a) by posting the notice on the Utah Public Notice Website created in Section  
3356 63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

3357 (b) [(†)] by posting the notice in at least five public places within the local district at  
3358 least 10 days before the first day for filing a declaration of candidacy; [or] and

3359 [~~(ii) publishing the notice:~~]

3360 [~~(A) in a newspaper of general circulation within the local district at least three but no  
3361 more than 10 days before the first day for filing a declaration of candidacy;~~]

3362 [~~(B) in accordance with Section 45-1-101, for 10 days before the first day for filing a  
3363 declaration of candidacy; and]~~

3364 (c) if the local district has a website, on the local district's website for 10 days before  
3365 the first day for filing a declaration of candidacy.

3366 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective  
3367 local district board position, an individual shall file a declaration of candidacy in person with  
3368 an official designated by the local district, during office hours, within the candidate filing  
3369 period for the applicable election year in which the election for the local district board is held.

3370 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the  
3371 filing time shall be extended until the close of normal office hours on the following regular  
3372 business day.

3373 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a  
3374 declaration of candidacy with the official designated by the local district if:

3375 (i) the individual is located outside of the state during the entire filing period;

3376 (ii) the designated agent appears in person before the official designated by the local  
3377 district; and

3378 (iii) the individual communicates with the official designated by the local district using  
3379 an electronic device that allows the individual and official to see and hear each other.

3380 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
3381 individual, the filing officer shall:

3382 (A) read to the individual the constitutional and statutory qualification requirements for  
3383 the office that the individual is seeking; and

3384 (B) require the individual to state whether the individual meets those requirements.

3385 (ii) If the individual does not meet the qualification requirements for the office, the  
3386 filing officer may not accept the individual's declaration of candidacy.

3387 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
3388 officer shall accept the individual's declaration of candidacy.

3389 (e) The declaration of candidacy shall be in substantially the following form:

3390 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
3391 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
3392 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
3393 office of board of trustees member for \_\_\_\_\_ (state the name of the local  
3394 district); that I am a candidate for that office to be voted upon at the next election; and that, if  
3395 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing  
3396 period, and I hereby request that my name be printed upon the official ballot for that election.

3397 (Signed) \_\_\_\_\_

3398 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
3399 of \_\_\_\_\_, \_\_\_\_\_.

3400 (Signed) \_\_\_\_\_

3401 (Clerk or Notary Public)"

3402 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
3403 Subsection (5)(e).

3404 (g) Each individual wishing to become a valid write-in candidate for an elective local  
3405 district board position is governed by Section [20A-9-601](#).

3406 (h) If at least one individual does not file a declaration of candidacy as required by this

3407 section, an individual shall be appointed to fill that board position in accordance with the  
3408 appointment provisions of Section 20A-1-512.

3409 (i) If only one candidate files a declaration of candidacy and there is no write-in  
3410 candidate who complies with Section 20A-9-601, the board, in accordance with Section  
3411 20A-1-206, may:

3412 (i) consider the candidate to be elected to the position; and

3413 (ii) cancel the election.

3414 (6) (a) A primary election may be held if:

3415 (i) the election is authorized by the local district board; and

3416 (ii) the number of candidates for a particular local board position or office exceeds  
3417 twice the number of persons needed to fill that position or office.

3418 (b) The primary election shall be conducted:

3419 (i) on the same date as the municipal primary election or the regular primary election,  
3420 as applicable; and

3421 (ii) according to the procedures for primary elections provided under Title 20A,  
3422 Election Code.

3423 (7) (a) Except as provided in Subsection (7)(c), within one business day after the  
3424 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate  
3425 names to the clerk of each county in which the local district is located.

3426 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section  
3427 20A-6-305, the clerk of each county in which the local district is located and the local district  
3428 clerk shall coordinate the placement of the name of each candidate for local district office in  
3429 the nonpartisan section of the ballot with the appropriate election officer.

3430 (ii) If consolidation of the local district election ballot with the municipal general  
3431 election ballot or the regular general election ballot, as applicable, is not feasible, the local  
3432 district board of trustees, in consultation with the county clerk, shall provide for a separate  
3433 local district election ballot to be administered by poll workers at polling locations designated  
3434 under Subsection (2).

3435 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board  
3436 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3437 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall

3438 prescribe the form of the ballot for each board member election.

3439 (B) Each ballot for an election of an irrigation district board member shall be in a  
3440 nonpartisan format.

3441 (C) The name of each candidate shall be placed on the ballot in the order specified  
3442 under Section 20A-6-305.

3443 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

3444 (i) be a registered voter within the district, except for an election of:

3445 (A) an irrigation district board of trustees member; or

3446 (B) a basic local district board of trustees member who is elected by property owners;

3447 and

3448 (ii) meet the requirements to vote established by the district.

3449 (b) Each voter may vote for as many candidates as there are offices to be filled.

3450 (c) The candidates who receive the highest number of votes are elected.

3451 (9) Except as otherwise provided by this section, the election of local district board  
3452 members is governed by Title 20A, Election Code.

3453 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a  
3454 local district board shall serve a four-year term, beginning at noon on the January 1 after the  
3455 person's election.

3456 (b) A person elected shall be sworn in as soon as practical after January 1.

3457 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse  
3458 the county or municipality holding an election under this section for the costs of the election  
3459 attributable to that local district.

3460 (b) Each irrigation district shall bear its own costs of each election it holds under this  
3461 section.

3462 (12) This section does not apply to an improvement district that provides electric or gas  
3463 service.

3464 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,  
3465 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3466 (14) (a) As used in this Subsection (14), "board" means:

3467 (i) a local district board; or

3468 (ii) the administrative control board of a special service district that has elected



3469 members on the board.

3470 (b) A board may hold elections for membership on the board at a regular general  
3471 election instead of a municipal general election if the board submits an application to the  
3472 lieutenant governor that:

3473 (i) requests permission to hold elections for membership on the board at a regular  
3474 general election instead of a municipal general election; and

3475 (ii) indicates that holding elections at the time of the regular general election is  
3476 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
3477 material reason.

3478 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant  
3479 governor may approve the application if the lieutenant governor concludes that holding the  
3480 elections at the regular general election is beneficial based on the criteria described in  
3481 Subsection (14)(b)(ii).

3482 (d) If the lieutenant governor approves a board's application described in this section:

3483 (i) all future elections for membership on the board shall be held at the time of the  
3484 regular general election; and

3485 (ii) the board may not hold elections at the time of a municipal general election unless  
3486 the board receives permission from the lieutenant governor to hold all future elections for  
3487 membership on the board at a municipal general election instead of a regular general election,  
3488 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3489 Section 55. Section **17B-1-313** is amended to read:

3490 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**  
3491 **No contest after contest period.**

3492 (1) After the board of trustees of a local district adopts a resolution or takes other  
3493 action on behalf of the district, the board may provide for the publication of a notice of the  
3494 resolution or other action.

3495 (2) Each notice under Subsection (1) shall:

3496 (a) include, as the case may be:

3497 (i) the language of the resolution or a summary of the resolution; or

3498 (ii) a description of the action taken by the board;

3499 (b) state that:

3500 (i) any person in interest may file an action in district court to contest the regularity,  
3501 formality, or legality of the resolution or action within 30 days after the date of publication; and

3502 (ii) if the resolution or action is not contested by filing an action in district court within  
3503 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or  
3504 action after the expiration of the 30-day period; and

3505 [~~(c) be published:~~]

3506 [~~(i) in a newspaper that is published or has general circulation in the district; and]~~

3507 [~~(ii) as required in Section 45-1-101:~~]

3508 (c) be posted on the Utah Public Notice Website created in Section 63F-1-701.

3509 (3) For a period of 30 days after the date of the publication, any person in interest may  
3510 contest the regularity, formality, or legality of the resolution or other action by filing an action  
3511 in district court.

3512 (4) After the expiration of the 30-day period under Subsection (3), no one may contest  
3513 the regularity, formality, or legality of the resolution or action for any cause.

3514 Section 56. Section 17B-1-417 is amended to read:

3515 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**  
3516 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**  
3517 **Recording requirements -- Effective date.**

3518 (1) As used in this section, "affected area" means the area located within the  
3519 boundaries of one local district that will be removed from that local district and included within  
3520 the boundaries of another local district because of a boundary adjustment under this section.

3521 (2) The boards of trustees of two or more local districts having a common boundary  
3522 and providing the same service on the same wholesale or retail basis may adjust their common  
3523 boundary as provided in this section.

3524 (3) (a) The board of trustees of each local district intending to adjust a boundary that is  
3525 common with another local district shall:

3526 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

3527 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
3528 after the adoption of the resolution under Subsection (3)(a)(i); and

3529 [~~(iii) (A) publish notice:~~]

3530 [~~(i) (Aa) once a week for two successive weeks in a newspaper of general circulation~~]

3531 ~~within the local district; or]~~  
3532  ~~[(Bb) if there is no newspaper of general circulation within the local district, post~~  
3533  ~~notice]~~  
3534 (iii) (A) post notice:  
3535 (I) in at least four conspicuous places within the local district at least two weeks before  
3536 the public hearing; and  
3537 (II) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks; or  
3538 (B) mail a notice to each owner of property located within the affected area and to each  
3539 registered voter residing within the affected area.  
3540 (b) The notice required under Subsection (3)(a)(iii) shall:  
3541 (i) state that the board of trustees of the local district has adopted a resolution  
3542 indicating the board's intent to adjust a boundary that the local district has in common with  
3543 another local district that provides the same service as the local district;  
3544 (ii) describe the affected area;  
3545 (iii) state the date, time, and location of the public hearing required under Subsection  
3546 (3)(a)(ii);  
3547 (iv) provide a local district telephone number where additional information about the  
3548 proposed boundary adjustment may be obtained;  
3549 (v) explain the financial and service impacts of the boundary adjustment on property  
3550 owners or residents within the affected area; and  
3551 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
3552 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
3553 written protests to the adjustment are filed with the board by:  
3554 (A) the owners of private real property that:  
3555 (I) is located within the affected area;  
3556 (II) covers at least 50% of the total private land area within the affected area; and  
3557 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
3558 property within the affected area; or  
3559 (B) registered voters residing within the affected area equal in number to at least 50%  
3560 of the votes cast in the affected area for the office of governor at the last regular general  
3561 election before the filing of the protests.

3562 ~~[(c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be~~  
3563 ~~within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).]~~

3564 ~~[(d)]~~ (c) The boards of trustees of the local districts whose boundaries are being  
3565 adjusted may jointly:

3566 (i) ~~[publish, post,]~~ post or mail the notice required under Subsection (3)(a)(iii); and  
3567 (ii) hold the public hearing required under Subsection (3)(a)(ii).

3568 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
3569 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
3570 the public hearing, written protests to the boundary adjustment have been filed with the board  
3571 by:

3572 (a) the owners of private real property that:

3573 (i) is located within the affected area;

3574 (ii) covers at least 50% of the total private land area within the affected area; and

3575 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
3576 property within the affected area; or

3577 (b) registered voters residing within the affected area equal in number to at least 50%  
3578 of the votes cast in the affected area for the office of governor at the last regular general  
3579 election before the filing of the protests.

3580 (5) A resolution adopted under Subsection (4) does not take effect until the board of  
3581 each local district whose boundaries are being adjusted has adopted a resolution under  
3582 Subsection (4).

3583 (6) The board of the local district whose boundaries are being adjusted to include the  
3584 affected area shall:

3585 (a) within 30 days after the resolutions take effect under Subsection (5), file with the  
3586 lieutenant governor:

3587 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
3588 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

3589 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

3590 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment  
3591 under Section [67-1a-6.5](#):

3592 (i) if the affected area is located within the boundary of a single county, submit to the

3593 recorder of that county:

3594 (A) the original:

3595 (I) notice of an impending boundary action;

3596 (II) certificate of boundary adjustment; and

3597 (III) approved final local entity plat; and

3598 (B) a certified copy of each resolution adopted under Subsection (4); or

3599 (ii) if the affected area is located within the boundaries of more than a single county:

3600 (A) submit to the recorder of one of those counties:

3601 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

3602 (II) a certified copy of each resolution adopted under Subsection (4); and

3603 (B) submit to the recorder of each other county:

3604 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

3605 and

3606 (II) a certified copy of each resolution adopted under Subsection (4).

3607 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment  
3608 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are  
3609 being adjusted to include the affected area, and the affected area is withdrawn from the local  
3610 district whose boundaries are being adjusted to exclude the affected area.

3611 (b) (i) The effective date of a boundary adjustment under this section for purposes of  
3612 assessing property within the affected area is governed by Section 59-2-305.5.

3613 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the  
3614 recorder of the county in which the property is located, a local district in whose boundary an  
3615 affected area is included because of a boundary adjustment under this section may not:

3616 (A) levy or collect a property tax on property within the affected area;

3617 (B) levy or collect an assessment on property within the affected area; or

3618 (C) charge or collect a fee for service provided to property within the affected area.

3619 (iii) Subsection (7)(b)(ii)(C):

3620 (A) may not be construed to limit a local district's ability before a boundary adjustment  
3621 to charge and collect a fee for service provided to property that is outside the local district's  
3622 boundary; and

3623 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the

3624 local district's boundary adjustment, with respect to a fee that the local district was charging for  
3625 service provided to property within the area affected by the boundary adjustment immediately  
3626 before the boundary adjustment.

3627 Section 57. Section **17B-1-505.5** is amended to read:

3628 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**  
3629 **district providing fire protection, paramedic, and emergency services or law enforcement**  
3630 **service.**

3631 (1) As used in this section:

3632 (a) "Feasibility consultant" means a person with expertise in:

3633 (i) the processes and economics of local government; and

3634 (ii) the economics of providing fire protection, paramedic, and emergency services or  
3635 law enforcement service.

3636 (b) "Feasibility study" means a study to determine the functional and financial  
3637 feasibility of a municipality's withdrawal from a first responder local district.

3638 (c) "First responder district" means a local district, other than a municipal services  
3639 district, that provides:

3640 (i) fire protection, paramedic, and emergency services; or

3641 (ii) law enforcement service.

3642 (d) "Withdrawing municipality" means a municipality whose legislative body has  
3643 adopted a resolution under Subsection **17B-1-505(3)(a)** to initiate the process of the  
3644 municipality's withdrawal from a first responder district.

3645 (2) This section applies and a feasibility study shall be conducted, as provided in this  
3646 section, if:

3647 (a) the legislative body of a municipality has adopted a resolution under Subsection  
3648 **17B-1-505(3)(a)** to initiate the process of the municipality's withdrawal from a first responder  
3649 district;

3650 (b) the municipality and first responder district have not agreed in writing to the  
3651 withdrawal; and

3652 (c) a feasibility study is a condition under Subsection **17B-1-505(6)(a)** for an election  
3653 to be held approving the withdrawal.

3654 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first

3655 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

3656 (b) The withdrawing municipality and first responder district shall jointly choose and  
3657 engage a feasibility consultant according to applicable municipal or local district procurement  
3658 procedures.

3659 (c) (i) If the withdrawing municipality and first responder district cannot agree on and  
3660 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the  
3661 legislative body of the withdrawing municipality submits written notice to the first responder  
3662 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder  
3663 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of  
3664 at least eight feasibility consultants provided by the Utah Association of Certified Public  
3665 Accountants.

3666 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a  
3667 feasibility consultant that has had a contract to provide services to the withdrawing  
3668 municipality or first responder district at any time during the two-year period immediately  
3669 preceding the date the list is provided under Subsection (3)(c)(i).

3670 (iii) (A) Beginning with the first responder district, the first responder district and  
3671 withdrawing municipality shall alternately eliminate one feasibility consultant each from the  
3672 list of feasibility consultants until one feasibility consultant remains.

3673 (B) Within five days after receiving the list of consultants from the Utah Association of  
3674 Certified Public Accountants, the first responder district shall make the first elimination of a  
3675 feasibility consultant from the list and notify the withdrawing municipality in writing of the  
3676 elimination.

3677 (C) After the first elimination of a feasibility consultant from the list, the withdrawing  
3678 municipality and first responder district shall each, within three days after receiving the written  
3679 notification of the preceding elimination, notify the other in writing of the elimination of a  
3680 feasibility consultant from the list.

3681 (d) If a withdrawing municipality and first responder district do not engage a feasibility  
3682 consultant under Subsection (3)(b), the withdrawing municipality and first responder district  
3683 shall engage the feasibility consultant that has not been eliminated from the list at the  
3684 completion of the process described in Subsection (3)(c).

3685 (4) A feasibility consultant that conducts a feasibility study under this section shall be

3686 independent of and unaffiliated with the withdrawing municipality and first responder district.

3687 (5) In conducting a feasibility study under this section, the feasibility consultant shall  
3688 consider:

3689 (a) population and population density within the withdrawing municipality;

3690 (b) current and five-year projections of demographics and economic base in the  
3691 withdrawing municipality, including household size and income, commercial and industrial  
3692 development, and public facilities;

3693 (c) projected growth in the withdrawing municipality during the next five years;

3694 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,  
3695 including overhead, of providing the same service in the withdrawing municipality as is  
3696 provided by the first responder district, including:

3697 (i) the estimated cost if the first responder district continues to provide service; and

3698 (ii) the estimated cost if the withdrawing municipality provides service;

3699 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,  
3700 including overhead, of the first responder district providing service with:

3701 (i) the municipality included in the first responder district's service area; and

3702 (ii) the withdrawing municipality excluded from the first responder district's service  
3703 area;

3704 (f) a projection of any new taxes per household that may be levied within the  
3705 withdrawing municipality within five years after the withdrawal;

3706 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other  
3707 municipalities and unincorporated areas served by the first responder district, including any rate  
3708 increase that may become necessary to maintain required coverage ratios for the first responder  
3709 district's debt;

3710 (h) the physical and other assets that will be required by the withdrawing municipality  
3711 to provide, without interruption or diminution of service, the same service that is being  
3712 provided by the first responder district;

3713 (i) the physical and other assets that will no longer be required by the first responder  
3714 district to continue to provide the current level of service to the remainder of the first responder  
3715 district, excluding the withdrawing municipality, and could be transferred to the withdrawing  
3716 municipality;



3717 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder  
3718 district's assets between the first responder district and the withdrawing municipality, effective  
3719 upon the withdrawal of the withdrawing municipality from the first responder district;

3720 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first  
3721 responder district and any local building authority of the first responder district, between the  
3722 withdrawing municipality and the remaining first responder district, taking into consideration:

3723 (i) any requirement to maintain the excludability of interest from the income of the  
3724 holder of the debt, liability, or obligation for federal income tax purposes; and

3725 (ii) any first responder district assets that have been purchased with the proceeds of  
3726 bonds issued by the first responder district that the first responder district will retain and any of  
3727 those assets that will be transferred to the withdrawing municipality;

3728 (l) the number and classification of first responder district employees who will no  
3729 longer be required to serve the remaining portions of the first responder district after the  
3730 withdrawing municipality withdraws from the first responder district, including the dollar  
3731 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost  
3732 associated with termination of the employees if the withdrawing municipality does not employ  
3733 the employees;

3734 (m) maintaining as a base, for a period of three years after withdrawal, the existing  
3735 schedule of pay and benefits for first responder district employees who are transferred to the  
3736 employment of the withdrawing municipality; and

3737 (n) any other factor that the feasibility consultant considers relevant to the question of  
3738 the withdrawing municipality's withdrawal from the first responder district.

3739 (6) (a) For purposes of Subsections (5)(d) and (e):

3740 (i) the feasibility consultant shall assume a level and quality of service to be provided  
3741 in the future to the withdrawing municipality that fairly and reasonably approximates the level  
3742 and quality of service that the first responder district provides to the withdrawing municipality  
3743 at the time of the feasibility study;

3744 (ii) in determining the present value cost of a service that the first responder district  
3745 provides, the feasibility consultant shall consider:

3746 (A) the cost to the withdrawing municipality of providing the service for the first five  
3747 years after the withdrawal; and

3748 (B) the first responder district's present and five-year projected cost of providing the  
3749 same service within the withdrawing municipality; and

3750 (iii) the feasibility consultant shall consider inflation and anticipated growth in  
3751 calculating the cost of providing service.

3752 (b) The feasibility consultant may not consider an allocation of first responder district  
3753 assets or a transfer of first responder district employees to the extent that the allocation or  
3754 transfer would impair the first responder district's ability to continue to provide the current  
3755 level of service to the remainder of the first responder district without the withdrawing  
3756 municipality, unless the first responder district consents to the allocation or transfer.

3757 (7) A feasibility consultant may retain an architect, engineer, or other professional, as  
3758 the feasibility consultant considers prudent and as provided in the agreement with the  
3759 withdrawing municipality and first responder district, to assist the feasibility consultant to  
3760 conduct a feasibility study.

3761 (8) The withdrawing municipality and first responder district shall require the  
3762 feasibility consultant to:

3763 (a) complete the feasibility study within a time established by the withdrawing  
3764 municipality and first responder district;

3765 (b) prepare and submit a written report communicating the results of the feasibility  
3766 study, including a one-page summary of the results; and

3767 (c) attend all public hearings relating to the feasibility study under Subsection (14).

3768 (9) A written report of the results of a feasibility study under this section shall:

3769 (a) contain a recommendation concerning whether a withdrawing municipality's  
3770 withdrawal from a first responder district is functionally and financially feasible for both the  
3771 first responder district and the withdrawing municipality; and

3772 (b) include any conditions the feasibility consultant determines need to be satisfied in  
3773 order to make the withdrawal functionally and financially feasible, including:

3774 (i) first responder district assets and liabilities to be allocated to the withdrawing  
3775 municipality; and

3776 (ii) (A) first responder district employees to become employees of the withdrawing  
3777 municipality; and

3778 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first

3779 responder district employees that the withdrawing municipality needs to assume.

3780 (10) The withdrawing municipality and first responder district shall equally share the  
3781 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing  
3782 municipality and first responder district and the feasibility consultant.

3783 (11) (a) Upon completion of the feasibility study and preparation of a written report,  
3784 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and  
3785 first responder district.

3786 (b) (i) A withdrawing municipality or first responder district that disagrees with any  
3787 aspect of a feasibility study report may, within 20 business days after receiving a copy of the  
3788 report under Subsection (11)(a), submit to the feasibility consultant a written objection  
3789 detailing the disagreement.

3790 (ii) (A) A withdrawing municipality that submits a written objection under Subsection  
3791 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

3792 (B) A first responder district that submits a written objection under Subsection  
3793 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

3794 (iii) A withdrawing municipality or first responder district may, within 10 business  
3795 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility  
3796 consultant a written response to the objection.

3797 (iv) (A) A withdrawing municipality that submits a response under Subsection  
3798 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

3799 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall  
3800 simultaneously deliver a copy of the response to the withdrawing municipality.

3801 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,  
3802 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for  
3803 submitting a response to an objection:

3804 (A) modify the feasibility study report or explain in writing why the feasibility  
3805 consultant is not modifying the feasibility study report; and

3806 (B) deliver the modified feasibility study report or written explanation to the  
3807 withdrawing municipality and first responder local district.

3808 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)  
3809 for submitting an objection or, if an objection is submitted, within seven days after receiving a

3810 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least  
3811 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

3812 (a) make a copy of the report available to the public at the primary office of the  
3813 withdrawing municipality; and

3814 (b) if the withdrawing municipality has a website, post a copy of the report on the  
3815 municipality's website.

3816 (13) A feasibility study report or, if a feasibility study report is modified under  
3817 Subsection (11), a modified feasibility study report may not be challenged unless the basis of  
3818 the challenge is that the report results from collusion or fraud.

3819 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for  
3820 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following  
3821 the withdrawing municipality's receipt of the modified feasibility study report or written  
3822 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality  
3823 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be  
3824 held:

3825 (i) within the following 60 days; and

3826 (ii) for the purpose of allowing:

3827 (A) the feasibility consultant to present the results of the feasibility study; and

3828 (B) the public to become informed about the feasibility study results, to ask the  
3829 feasibility consultant questions about the feasibility study, and to express the public's views  
3830 about the proposed withdrawal.

3831 (b) At a public hearing under Subsection (14)(a), the legislative body of the  
3832 withdrawing municipality shall:

3833 (i) provide a copy of the feasibility study for public review; and

3834 (ii) allow the public to:

3835 (A) ask the feasibility consultant questions about the feasibility study; and

3836 (B) express the public's views about the withdrawing municipality's proposed  
3837 withdrawal from the first responder district.

3838 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a  
3839 hearing under Subsection (14)~~[(i) at least once a week for three successive weeks in a~~  
3840 ~~newspaper of general circulation within the withdrawing municipality, with the last publication~~

3841 occurring no less than three days before the first public hearing held under Subsection (14); and  
3842 (ii)] on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive  
3843 weeks immediately before the public hearing.

3844 (b) A notice under Subsection (15)(a) shall state:

3845 (i) the date, time, and location of the public hearing; and

3846 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the  
3847 office of the withdrawing municipality or on the withdrawing municipality's website.

3848 (16) Unless the withdrawing municipality and first responder district agree otherwise,  
3849 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to  
3850 be functionally and financially feasible for the withdrawing municipality and first responder  
3851 district are binding on the withdrawing municipality and first responder district if the  
3852 withdrawal occurs.

3853 Section 58. Section 17B-1-609 is amended to read:

3854 **17B-1-609. Hearing to consider adoption -- Notice.**

3855 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

3856 (a) establish the time and place of a public hearing to consider its adoption; and

3857 (b) except as provided in Subsection (6), order that notice of the hearing:

3858 ~~[(i) (A) be published at least seven days before the hearing in at least one issue of a  
3859 newspaper of general circulation in the county or counties in which the district is located; or~~

3860 ~~— (B) if no newspaper is circulated generally in the county or counties;]~~

3861 (i) be posted in three public places within the district; and

3862 (ii) be published at least seven days before the hearing on the Utah Public Notice  
3863 Website created in Section 63F-1-701.

3864 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
3865 required in Subsection (1)(b):

3866 (a) may be combined with the notice required under Section 59-2-919; and

3867 (b) shall be published in accordance with the advertisement provisions of Section  
3868 59-2-919.

3869 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the  
3870 notice required in Subsection (1)(b):

3871 (a) may be combined with the notice required under Section 17B-1-643; and

3872 (b) shall be published or mailed in accordance with the notice provisions of Section  
3873 17B-1-643.

3874 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is  
3875 prima facie evidence that notice was properly given.

3876 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within  
3877 30 days after the day on which the hearing is held, the notice is adequate and proper.

3878 (6) A board of trustees of a local district with an annual operating budget of less than  
3879 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

3880 (a) mailing a written notice, postage prepaid, to each voter in the local district; and

3881 (b) posting the notice in three public places within the district.

3882 Section 59. Section 17B-1-643 is amended to read:

3883 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

3884 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
3885 by a local district, each local district board of trustees shall first hold a public hearing at which:

3886 (i) the local district shall demonstrate its need to impose or increase the fee; and

3887 (ii) any interested person may speak for or against the proposal to impose a fee or to  
3888 increase an existing fee.

3889 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
3890 no earlier than 6 p.m.

3891 (c) A public hearing required under this Subsection (1) may be combined with a public  
3892 hearing on a tentative budget required under Section 17B-1-610.

3893 (d) Except to the extent that this section imposes more stringent notice requirements,  
3894 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,  
3895 in holding the public hearing under Subsection (1)(a).

3896 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as  
3897 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

3898 ~~[(b) The notice required under Subsection (2)(a) shall be published:]~~

3899 (b) The local district board shall:

3900 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website  
3901 established in Section 63F-1-701; and

3902 ~~[(ii) (A) in a newspaper or combination of newspapers of general circulation in the~~

3903 local district, if there is a newspaper or combination of newspapers of general circulation in the  
3904 local district; or]

3905 ~~[(B) if there is no newspaper or combination of newspapers of general circulation in~~  
3906 ~~the local district, the local district board shall]~~

3907 (ii) post at least one [notice] of the notices required under Subsection (2)(a) per 1,000  
3908 population within the local district, at places within the local district that are most likely to  
3909 provide actual notice to residents within the local district.

3910 ~~[(c) (i) The notice described in Subsection (2)(b)(ii)(A):]~~

3911 ~~[(A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18~~  
3912 ~~point, and surrounded by a 1/4-inch border;]~~

3913 ~~[(B) may not be placed in that portion of the newspaper where legal notices and~~  
3914 ~~classified advertisements appear;]~~

3915 ~~[(C) whenever possible, shall appear in a newspaper that is published at least one day~~  
3916 ~~per week;]~~

3917 ~~[(D) shall be in a newspaper or combination of newspapers of general interest and~~  
3918 ~~readership in the local district, and not of limited subject matter; and]~~

3919 ~~[(E) shall be run once each week for the two weeks preceding the hearing.]~~

3920 ~~[(f)] (c) The notice described in Subsection (2)(b) shall state that the local district~~  
3921 ~~board intends to impose or increase a fee for a service provided by the local district and will~~  
3922 ~~hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not~~  
3923 ~~less than seven days after the day the first notice is published, for the purpose of hearing~~  
3924 ~~comments regarding the proposed imposition or increase of a fee and to explain the reasons for~~  
3925 ~~the proposed imposition or increase.~~

3926 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of  
3927 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those  
3928 within the district who:

3929 (A) will be charged the fee for a district service, if the fee is being imposed for the first  
3930 time; or

3931 (B) are being charged a fee, if the fee is proposed to be increased.

3932 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)~~[(f)]~~.

3933 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing

3934 fee.

3935 (e) If the hearing required under this section is combined with the public hearing  
3936 required under Section 17B-1-610, the notice required under this Subsection (2):

3937 (i) may be combined with the notice required under Section 17B-1-609; and

3938 (ii) shall be ~~published,~~ posted~~;~~ or mailed in accordance with the notice provisions of  
3939 this section.

3940 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie  
3941 evidence that notice was properly given.

3942 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)  
3943 within 30 days after the date of the hearing, the notice is considered adequate and proper.

3944 (3) After holding a public hearing under Subsection (1), a local district board may:

3945 (a) impose the new fee or increase the existing fee as proposed;

3946 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
3947 then impose the new fee or increase the existing fee as adjusted; or

3948 (c) decline to impose the new fee or increase the existing fee.

3949 (4) This section applies to each new fee imposed and each increase of an existing fee  
3950 that occurs on or after July 1, 1998.

3951 (5) (a) This section does not apply to an impact fee.

3952 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,  
3953 Impact Fees Act.

3954 Section 60. Section 17B-1-1204 is amended to read:

3955 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
3956 **supplemented validation petition.**

3957 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a  
3958 validation petition, the local district that filed the petition shall post notice:

3959 ~~[(a) publish notice:]~~

3960 ~~[(i) at least once a week for three consecutive weeks in a newspaper of general  
3961 circulation in the county in which the principal office of the district is located; and]~~

3962 ~~[(ii)]~~ (a) on the Utah Public Notice Website created in Section 63F-1-701, for three  
3963 weeks immediately before the hearing; and

3964 (b) ~~[post notice in its]~~ in the local district's principal office at least 21 days before the



3965 date set for the hearing.

3966 (2) Each notice under Subsection (1) shall:

3967 (a) state the date, time, and place of the hearing on the validation petition;

3968 (b) include a general description of the contents of the validation petition; and

3969 (c) if applicable, state the location where a complete copy of a contract that is the  
3970 subject of the validation petition may be examined.

3971 (3) If a district amends or supplements a validation petition under Subsection  
3972 [17B-1-1202](#)(3) after publishing and posting notice as required under Subsection (1), the district  
3973 is not required to publish or post notice again unless required by the court.

3974 Section 61. Section [17B-1-1307](#) is amended to read:

3975 **17B-1-1307. Notice of public hearing and of dissolution.**

3976 (1) Before holding a public hearing required under Section [17B-1-1306](#), the  
3977 administrative body shall:

3978 (a) post notice of the public hearing and of the proposed dissolution:

3979 [~~(a) (i) publish notice of the public hearing and of the proposed dissolution:~~]

3980 [~~(A) in a newspaper of general circulation within the local district proposed to be  
3981 dissolved; and]~~

3982 [~~(B)~~] (i) on the Utah Public Notice Website created in Section [63F-1-701](#), for 30 days  
3983 before the public hearing; and

3984 (ii) [~~post notice of the public hearing and of the proposed dissolution~~] in at least four  
3985 conspicuous places within the local district proposed to be dissolved, no less than five and no  
3986 more than 30 days before the public hearing; or

3987 (b) mail a notice to each owner of property located within the local district and to each  
3988 registered voter residing within the local district.

3989 (2) Each notice required under Subsection (1) shall:

3990 (a) identify the local district proposed to be dissolved and the service it was created to  
3991 provide; and

3992 (b) state the date, time, and location of the public hearing.

3993 Section 62. Section [17B-2a-705](#) is amended to read:

3994 **17B-2a-705. Taxation -- Additional levy -- Election.**

3995 (1) If a mosquito abatement district board of trustees determines that the funds required

3996 during the next ensuing fiscal year will exceed the maximum amount that the district is  
3997 authorized to levy under Subsection 17B-1-103(2)(g), the board of trustees may call an election  
3998 on a date specified in Section 20A-1-204 and submit to district voters the question of whether  
3999 the district should be authorized to impose an additional tax to raise the necessary additional  
4000 funds.

4001 (2) The board shall publish notice of the election:

4002 [~~(a) (i) in a newspaper of general circulation within the district at least once, no later~~  
4003 ~~than four weeks before the day of the election;~~]

4004 [~~(ii) if there is no newspaper of general circulation in the district, at least four weeks~~  
4005 ~~before the day of the election;~~]

4006 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of  
4007 the district, in places within the district that are most likely to give notice to the voters in the  
4008 district; or

4009 [~~(iii)~~] (ii) at least four weeks before the day of the election, by mailing notice to each  
4010 registered voter in the district;

4011 (b) by posting notice on the Utah Public Notice Website created in Section 63F-1-701,  
4012 for four weeks before the day of the election; and

4013 [~~(c) in accordance with Section 45-1-101, for four weeks before the day of the election;~~  
4014 ~~and~~]

4015 [~~(d)~~] (c) if the district has a website, by posting notice on the district's website for four  
4016 weeks before the day of the election.

4017 (3) No particular form of ballot is required, and no informalities in conducting the  
4018 election may invalidate the election, if it is otherwise fairly conducted.

4019 (4) At the election each ballot shall contain the words, "Shall the district be authorized  
4020 to impose an additional tax to raise the additional sum of \$ \_\_\_\_?"

4021 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority  
4022 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an  
4023 additional levy to raise the additional amount of money required.

4024 Section 63. Section 17B-2a-1007 is amended to read:

4025 **17B-2a-1007. Contract assessments.**

4026 (1) As used in this section:

- 4027 (a) "Assessed land" means:
- 4028 (i) for a contract assessment under a water contract with a private water user, the land
- 4029 owned by the private water user that receives the beneficial use of water under the water
- 4030 contract; or
- 4031 (ii) for a contract assessment under a water contract with a public water user, the land
- 4032 within the boundaries of the public water user that is within the boundaries of the water
- 4033 conservancy district and that receives the beneficial use of water under the water contract.
- 4034 (b) "Contract assessment" means an assessment levied as provided in this section by a
- 4035 water conservancy district on assessed land.
- 4036 (c) "Governing body" means:
- 4037 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 4038 (ii) for a local district, the board of trustees of the local district;
- 4039 (iii) for a special service district:
- 4040 (A) the legislative body of the county, city, or town that established the special service
- 4041 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 4042 (B) the administrative control board of the special service district, if an administrative
- 4043 control board has been appointed under Section 17D-1-301; and
- 4044 (iv) for any other political subdivision of the state, the person or body with authority to
- 4045 govern the affairs of the political subdivision.
- 4046 (d) "Petitioner" means a private petitioner or a public petitioner.
- 4047 (e) "Private petitioner" means an owner of land within a water conservancy district
- 4048 who submits a petition to a water conservancy district under Subsection (3) to enter into a
- 4049 water contract with the district.
- 4050 (f) "Private water user" means an owner of land within a water conservancy district
- 4051 who enters into a water contract with the district.
- 4052 (g) "Public petitioner" means a political subdivision of the state:
- 4053 (i) whose territory is partly or entirely within the boundaries of a water conservancy
- 4054 district; and
- 4055 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
- 4056 into a water contract with the district.
- 4057 (h) "Public water user" means a political subdivision of the state:

4058 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
4059 district; and

4060 (ii) that enters into a water contract with the district.

4061 (i) "Water contract" means a contract between a water conservancy district and a  
4062 private water user or a public water user under which the water user purchases, leases, or  
4063 otherwise acquires the beneficial use of water from the water conservancy district for the  
4064 benefit of:

4065 (i) land owned by the private water user; or

4066 (ii) land within the public water user's boundaries that is also within the boundaries of  
4067 the water conservancy district.

4068 (j) "Water user" means a private water user or a public water user.

4069 (2) A water conservancy district may levy a contract assessment as provided in this  
4070 section.

4071 (3) (a) The governing body of a public petitioner may authorize its chief executive  
4072 officer to submit a written petition on behalf of the public petitioner to a water conservancy  
4073 district requesting to enter into a water contract.

4074 (b) A private petitioner may submit a written petition to a water conservancy district  
4075 requesting to enter into a water contract.

4076 (c) Each petition under this Subsection (3) shall include:

4077 (i) the petitioner's name;

4078 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

4079 (iii) a description of the land upon which the water will be used;

4080 (iv) the price to be paid for the water;

4081 (v) the amount of any service, turnout, connection, distribution system, or other charge  
4082 to be paid;

4083 (vi) whether payment will be made in cash or annual installments;

4084 (vii) a provision requiring the contract assessment to become a lien on the land for  
4085 which the water is petitioned and is to be allotted; and

4086 (viii) an agreement that the petitioner is bound by the provisions of this part and the  
4087 rules and regulations of the water conservancy district board of trustees.

4088 (4) (a) If the board of a water conservancy district desires to consider a petition

4089 submitted by a petitioner under Subsection (3), the board shall:

4090 (i) [~~publish~~] post notice of the petition and of the hearing required under Subsection  
4091 (4)(a)(ii) [~~at least once a week in two successive weeks in a newspaper of general circulation~~  
4092 ~~within the county in which the political subdivision or private petitioner's land, as the case may~~  
4093 ~~be, is located~~] on the Utah Public Notice Website, created in Section 63F-1-701, for at least  
4094 two successive weeks immediately before the date of the hearing; and

4095 (ii) hold a public hearing on the petition.

4096 (b) Each notice under Subsection (4)(a)(i) shall:

4097 (i) state that a petition has been filed and that the district is considering levying a  
4098 contract assessment; and

4099 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

4100 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the  
4101 water conservancy district shall:

4102 (A) allow any interested person to appear and explain why the petition should not be  
4103 granted; and

4104 (B) consider each written objection to the granting of the petition that the board  
4105 receives before or at the hearing.

4106 (ii) The board of trustees may adjourn and reconvene the hearing as the board  
4107 considers appropriate.

4108 (d) (i) Any interested person may file with the board of the water conservancy district,  
4109 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting  
4110 a petition.

4111 (ii) Each person who fails to submit a written objection within the time provided under  
4112 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and  
4113 levying a contract assessment.

4114 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of  
4115 trustees of a water conservancy district may:

4116 (a) deny the petition; or

4117 (b) grant the petition, if the board considers granting the petition to be in the best  
4118 interests of the district.

4119 (6) The board of a water conservancy district that grants a petition under this section

4120 may:

4121 (a) make an allotment of water for the benefit of assessed land;

4122 (b) authorize any necessary construction to provide for the use of water upon the terms  
4123 and conditions stated in the water contract;

4124 (c) divide the district into units and fix a different rate for water purchased or otherwise  
4125 acquired and for other charges within each unit, if the rates and charges are equitable, although  
4126 not equal and uniform, for similar classes of services throughout the district; and

4127 (d) levy a contract assessment on assessed land.

4128 (7) (a) The board of trustees of each water conservancy district that levies a contract  
4129 assessment under this section shall:

4130 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment  
4131 to be recorded in the office of the recorder of each county in which assessed land is located;  
4132 and

4133 (ii) on or before July 1 of each year after levying the contract assessment, certify to the  
4134 auditor of each county in which assessed land is located the amount of the contract assessment.

4135 (b) Upon the recording of the resolution, ordinance, or order, in accordance with  
4136 Subsection (7)(a)(i):

4137 (i) the contract assessment associated with allotting water to the assessed land under  
4138 the water contract becomes a political subdivision lien, as that term is defined in Section  
4139 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision  
4140 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

4141 (ii) (A) the board of trustees of the water conservancy district shall certify the amount  
4142 of the assessment to the county treasurer; and

4143 (B) the county treasurer shall include the certified amount on the property tax notice  
4144 required by Section [59-2-1317](#) for that year.

4145 (c) (i) Each county in which assessed land is located shall collect the contract  
4146 assessment in the same manner as taxes levied by the county.

4147 (ii) If the amount of a contract assessment levied under this section is not paid in full in  
4148 a given year:

4149 (A) by September 15, the governing body of the water conservancy district that levies  
4150 the contract assessment shall certify any unpaid amount to the treasurer of the county in which

4151 the property is located; and

4152 (B) the county treasurer shall include the certified amount on the property tax notice  
4153 required by Section [59-2-1317](#) for that year.

4154 (8) (a) The board of trustees of each water conservancy district that levies a contract  
4155 assessment under this section shall:

4156 (i) hold a public hearing, before August 8 of each year in which a contract assessment  
4157 is levied, to hear and consider objections filed under Subsection (8)(b); and

4158 ~~[(ii) twice publish a notice, at least a week apart:]~~

4159 ~~[(A) in a newspaper of general circulation in each county with assessed land included  
4160 within the district boundaries or, if there is no newspaper of general circulation within the  
4161 county, in a newspaper of general circulation in an adjoining county; and]~~

4162 (ii) post a notice:

4163 (A) on the Utah Public Notice Website, created in Section [63F-1-701](#), for at least the  
4164 two consecutive weeks before the public hearing; and

4165 (B) that contains a general description of the assessed land, the amount of the contract  
4166 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

4167 (b) An owner of assessed land within the water conservancy district who believes that  
4168 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the  
4169 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to  
4170 the assessment, stating the grounds for the objection.

4171 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and  
4172 consider the evidence and arguments supporting each objection.

4173 (ii) After hearing and considering the evidence and arguments supporting an objection,  
4174 the board of trustees:

4175 (A) shall enter a written order, stating its decision; and

4176 (B) may modify the assessment.

4177 (d) (i) An owner of assessed land may file a petition in district court seeking review of  
4178 a board of trustees' order under Subsection (8)(c)(ii)(A).

4179 (ii) Each petition under Subsection (8)(d)(i) shall:

4180 (A) be filed within 30 days after the board enters its written order;

4181 (B) state specifically the part of the board's order for which review is sought; and

4182 (C) be accompanied by a bond with good and sufficient security in an amount not  
4183 exceeding \$200, as determined by the court clerk.

4184 (iii) If more than one owner of assessed land seeks review, the court may, upon a  
4185 showing that the reviews may be consolidated without injury to anyone's interests, consolidate  
4186 the reviews and hear them together.

4187 (iv) The court shall act as quickly as possible after a petition is filed.

4188 (v) A court may not disturb a board of trustees' order unless the court finds that the  
4189 contract assessment on the petitioner's assessed land is manifestly disproportionate to  
4190 assessments imposed upon other land in the district.

4191 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is  
4192 conclusively considered to have been made in proportion to the benefits conferred on the land  
4193 in the district.

4194 (9) Each resolution, ordinance, or order under which a water conservancy district  
4195 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect  
4196 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district  
4197 may continue to levy the assessment according to the terms of the resolution, ordinance, or  
4198 order.

4199 (10) A contract assessment is not a levy of an ad valorem property tax and is not  
4200 subject to the limits stated in Section [17B-2a-1006](#).

4201 Section 64. Section **17B-2a-1110** is amended to read:

4202 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
4203 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
4204 **transferred to municipal services district.**

4205 (1) (a) A municipality may withdraw from a municipal services district in accordance  
4206 with Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

4207 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
4208 under Subsection (2)(a), the 180 days described in Subsection [17B-1-502\(3\)\(a\)\(iii\)\(B\)](#) is tolled  
4209 from the day that the municipality engages the feasibility consultant to the day on which the  
4210 municipality holds the final public hearing under Subsection (5).

4211 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
4212 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or



- 4213 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.
- 4214 (b) The feasibility consultant shall be chosen:
- 4215 (i) by the municipal legislative body; and
- 4216 (ii) in accordance with applicable municipal procurement procedures.
- 4217 (3) The municipal legislative body shall require the feasibility consultant to:
- 4218 (a) complete the feasibility study and submit the written results to the municipal
- 4219 legislative body before the council adopts a resolution under Section 17B-1-502;
- 4220 (b) submit with the full written results of the feasibility study a summary of the results
- 4221 no longer than one page in length; and
- 4222 (c) attend the public hearings under Subsection (5).
- 4223 (4) (a) The feasibility study shall consider:
- 4224 (i) population and population density within the withdrawing municipality;
- 4225 (ii) current and five-year projections of demographics and economic base in the
- 4226 withdrawing municipality, including household size and income, commercial and industrial
- 4227 development, and public facilities;
- 4228 (iii) projected growth in the withdrawing municipality during the next five years;
- 4229 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
- 4230 including overhead, of municipal services in the withdrawing municipality;
- 4231 (v) assuming the same tax categories and tax rates as currently imposed by the
- 4232 municipal services district and all other current service providers, the present and five-year
- 4233 projected revenue for the withdrawing municipality;
- 4234 (vi) a projection of any new taxes per household that may be levied within the
- 4235 withdrawing municipality within five years of the withdrawal; and
- 4236 (vii) the fiscal impact on other municipalities serviced by the municipal services
- 4237 district.
- 4238 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
- 4239 level and quality of municipal services to be provided to the withdrawing municipality in the
- 4240 future that fairly and reasonably approximates the level and quality of municipal services being
- 4241 provided to the withdrawing municipality at the time of the feasibility study.
- 4242 (ii) In determining the present cost of a municipal service, the feasibility consultant
- 4243 shall consider:

4244 (A) the amount it would cost the withdrawing municipality to provide municipal  
4245 services for the first five years after withdrawing; and

4246 (B) the municipal services district's present and five-year projected cost of providing  
4247 municipal services.

4248 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
4249 and anticipated growth.

4250 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
4251 municipal legislative body shall, at its next regular meeting after receipt of the results of the  
4252 feasibility study, schedule at least one public hearing to be held:

4253 (a) within the following 60 days; and

4254 (b) for the purpose of allowing:

4255 (i) the feasibility consultant to present the results of the study; and

4256 (ii) the public to become informed about the feasibility study results, including the  
4257 requirement that if the municipality withdraws from the municipal services district, the  
4258 municipality must comply with Subsection (9), and to ask questions about those results of the  
4259 feasibility consultant.

4260 (6) At a public hearing described in Subsection (5), the municipal legislative body  
4261 shall:

4262 (a) provide a copy of the feasibility study for public review; and

4263 (b) allow the public to express its views about the proposed withdrawal from the  
4264 municipal services district.

4265 (7) (a) [(†)] The municipal clerk or recorder shall publish notice of the public hearings  
4266 required under Subsection (5):

4267 [~~(A) at least once a week for three successive weeks in a newspaper of general  
4268 circulation within the municipality; and]~~

4269 [(B)] (i) by posting the notice on the Utah Public Notice Website created in Section  
4270 [63F-1-701](#), for three weeks[-]; and

4271 [~~(ii) The municipal clerk or recorder shall publish the last publication of notice  
4272 required under Subsection (7)(a)(i)(A) at least three days before the first public hearing  
4273 required under Subsection (5).]~~

4274 [(b) (i) ~~If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation~~

4275 ~~within the proposed municipality, the municipal clerk or recorder shall post]~~

4276 (ii) by posting at least one notice of the hearings per 1,000 population in conspicuous  
4277 places within the municipality that are most likely to give notice of the hearings to the  
4278 residents.

4279 [(ii)] (b) The municipal clerk or recorder shall post the notices under Subsection  
4280 [(7)(b)(i)] (7)(a)(ii) at least seven days before the first hearing under Subsection (5).

4281 (c) The notice under [~~Subsections (7)(a) and (b)~~] Subsection (7)(a) shall include the  
4282 feasibility study summary and shall indicate that a full copy of the study is available for  
4283 inspection and copying at the office of the municipal clerk or recorder.

4284 (8) At a public meeting held after the public hearing required under Subsection (5), the  
4285 municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as  
4286 applicable, if the municipality is in compliance with the other requirements of that section.

4287 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
4288 district for 10 years beginning on the next fiscal year immediately following the municipal  
4289 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502  
4290 or 17B-1-505 if the results of the feasibility study show that the average annual amount of  
4291 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
4292 (4)(a)(iv) by more than 5%.

4293 Section 65. Section 17C-1-601.5 is amended to read:

4294 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**  
4295 **Auditor forms -- Requirement to file form.**

4296 (1) Each agency shall prepare an annual budget of the agency's revenues and  
4297 expenditures for each fiscal year.

4298 (2) The board shall adopt each agency budget:

- 4299 (a) for an agency created by a municipality, before June 30; or  
4300 (b) for an agency created by a county, before December 15.

4301 (3) The agency's fiscal year shall be the same as the fiscal year of the community that  
4302 created the agency.

4303 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the  
4304 annual budget.

4305 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4306           ~~[(i) (A) publishing at least one notice in a newspaper of general circulation within the~~  
4307 ~~agency boundaries, one week before the public hearing, or]~~

4308           ~~[(B) if there is no newspaper of general circulation within the agency boundaries;]~~

4309           (i) posting a notice of the public hearing in at least three public places within the  
4310 agency boundaries; and

4311           (ii) publishing notice on the Utah Public Notice Website created in Section 63F-1-701,  
4312 at least one week before the public hearing.

4313           (c) Each agency shall make the annual budget available for public inspection at least  
4314 three days before the date of the public hearing.

4315           (5) The state auditor shall prescribe the budget forms and the categories to be contained  
4316 in each annual budget, including:

4317           (a) revenues and expenditures for the budget year;

4318           (b) legal fees; and

4319           (c) administrative costs, including rent, supplies, and other materials, and salaries of  
4320 agency personnel.

4321           (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of  
4322 the annual budget with the auditor of the county in which the agency is located, the State Tax  
4323 Commission, the state auditor, the State Board of Education, and each taxing entity from which  
4324 the agency receives project area funds.

4325           (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
4326 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the  
4327 state auditor.

4328           Section 66. Section 17C-1-701.5 is amended to read:

4329           **17C-1-701.5. Agency dissolution -- Restrictions -- Notice -- Recording**  
4330 **requirements -- Agency records -- Dissolution expenses.**

4331           (1) (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance,  
4332 dissolve an agency.

4333           (b) A community legislative body may adopt an ordinance described in Subsection  
4334 (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans,  
4335 indebtedness, or advances, and no legally binding contractual obligations with a person other  
4336 than the community.

4337 (2) (a) The community legislative body shall:

4338 (i) within 10 days after adopting an ordinance described in Subsection (1), file with the  
 4339 lieutenant governor a copy of a notice of an impending boundary action, as defined in Section  
 4340 [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

4341 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section  
 4342 [67-1a-6.5](#), submit to the recorder of the county in which the agency is located:

4343 (A) the original notice of an impending boundary action;

4344 (B) the original certificate of dissolution; and

4345 (C) a certified copy of the ordinance that dissolves the agency.

4346 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under  
 4347 Section [67-1a-6.5](#), the agency is dissolved.

4348 (c) Within 10 days after receiving the certificate of dissolution from the lieutenant  
 4349 governor under Section [67-1a-6.5](#), the community legislative body shall send a copy of the  
 4350 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of  
 4351 Education, and each taxing entity.

4352 (d) The community legislative body shall ~~[publish]~~ post a notice of dissolution ~~[in a~~  
 4353 ~~newspaper of general circulation in the county in which the dissolved agency is located]~~ on the  
 4354 Utah Public Notice Website created in Section [63F-1-701](#).

4355 (3) The books, documents, records, papers, and seal of each dissolved agency shall be  
 4356 deposited for safekeeping and reference with the recorder of the community that dissolved the  
 4357 agency.

4358 (4) The agency shall pay all expenses of the dissolution.

4359 Section 67. Section **17C-1-806** is amended to read:

4360 **17C-1-806. Requirements for notice provided by agency.**

4361 (1) The notice required by Section [17C-1-805](#) shall be given by:

4362 ~~[(a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a~~  
 4363 ~~newspaper of general circulation within the county in which the project area or proposed~~  
 4364 ~~project area is located, at least 14 days before the hearing;]~~

4365 ~~[(ii) if there is no newspaper of general circulation;]~~

4366 (a) (i) posting notice at least 14 days before the day of the hearing in at least three  
 4367 conspicuous places within the county in which the project area or proposed project area is

4368 located; or  
4369           [(iii)] (ii) posting notice, excluding the map described in Subsection (3)(b), at least 14  
4370 days before the day on which the hearing is held on:  
4371           (A) the Utah Public Notice Website described in Section 63F-1-701; and  
4372           (B) the public website of a community located within the boundaries of the project  
4373 area; and  
4374           (b) at least 30 days before the hearing, mailing notice to:  
4375           (i) each record owner of property located within the project area or proposed project  
4376 area;  
4377           (ii) the State Tax Commission;  
4378           (iii) the assessor and auditor of the county in which the project area or proposed project  
4379 area is located; and  
4380           (iv) (A) if a project area is subject to a taxing entity committee, each member of the  
4381 taxing entity committee and the State Board of Education; or  
4382           (B) if a project area is not subject to a taxing entity committee, the legislative body or  
4383 governing board of each taxing entity within the boundaries of the project area or proposed  
4384 project area.  
4385           (2) The mailing of the notice to record property owners required under Subsection  
4386 (1)(b)(i) shall be conclusively considered to have been properly completed if:  
4387           (a) the agency mails the notice to the property owners as shown in the records,  
4388 including an electronic database, of the county recorder's office and at the addresses shown in  
4389 those records; and  
4390           (b) the county recorder's office records used by the agency in identifying owners to  
4391 whom the notice is mailed and their addresses were obtained or accessed from the county  
4392 recorder's office no earlier than 30 days before the mailing.  
4393           (3) The agency shall include in each notice required under Section 17C-1-805:  
4394           (a) (i) a boundary description of the project area or proposed project area; or  
4395           (ii) (A) a mailing address or telephone number where a person may request that a copy  
4396 of the boundary description be sent at no cost to the person by mail, email, or facsimile  
4397 transmission; and  
4398           (B) if the agency or community has an Internet website, an Internet address where a

4399 person may gain access to an electronic, printable copy of the boundary description and other  
4400 related information;

4401 (b) a map of the boundaries of the project area or proposed project area;

4402 (c) an explanation of the purpose of the hearing; and

4403 (d) a statement of the date, time, and location of the hearing.

4404 (4) The agency shall include in each notice under Subsection (1)(b):

4405 (a) a statement that property tax revenue resulting from an increase in valuation of  
4406 property within the project area or proposed project area will be paid to the agency for project  
4407 area development rather than to the taxing entity to which the tax revenue would otherwise  
4408 have been paid if:

4409 (i) (A) the taxing entity committee consents to the project area budget; or

4410 (B) one or more taxing entities agree to share property tax revenue under an interlocal  
4411 agreement; and

4412 (ii) the project area plan provides for the agency to receive tax increment; and

4413 (b) an invitation to the recipient of the notice to submit to the agency comments  
4414 concerning the subject matter of the hearing before the date of the hearing.

4415 (5) An agency may include in a notice under Subsection (1) any other information the  
4416 agency considers necessary or advisable, including the public purpose achieved by the project  
4417 area development and any future tax benefits expected to result from the project area  
4418 development.

4419 Section 68. Section **17C-2-108** is amended to read:

4420 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**  
4421 **of plan -- Contesting the formation of the plan.**

4422 (1) (a) Upon the community legislative body's adoption of an urban renewal project  
4423 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community  
4424 legislative body shall provide notice as provided in Subsection (1)(b) by:

4425 ~~[(i) (A) publishing or causing to be published a notice in a newspaper of general~~  
4426 ~~circulation within the agency's boundaries; or]~~

4427 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4428 (i) causing a notice to be posted in at least three public places within the agency's  
4429 boundaries; and

4430 (ii) posting a notice on the Utah Public Notice Website described in Section  
4431 63F-1-701.

4432 (b) Each notice under Subsection (1)(a) shall:

4433 (i) set forth the community legislative body's ordinance adopting the project area plan  
4434 or a summary of the ordinance; and

4435 (ii) include a statement that the project area plan is available for general public  
4436 inspection and the hours for inspection.

4437 (2) The project area plan shall become effective on the date of:

4438 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4439 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4440 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4441 Subsection (2), any person may contest the project area plan or the procedure used to adopt the  
4442 project area plan if the plan or procedure fails to comply with applicable statutory  
4443 requirements.

4444 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4445 the project area plan or procedure used to adopt the project area plan for any cause.

4446 (4) Upon adoption of the project area plan by the community legislative body, the  
4447 agency may carry out the project area plan.

4448 (5) Each agency shall make the project area plan available to the general public at the  
4449 agency's office during normal business hours.

4450 Section 69. Section 17C-3-107 is amended to read:

4451 **17C-3-107. Notice of economic development project area plan adoption --**

4452 **Effective date of plan -- Contesting the formation of the plan.**

4453 (1) (a) Upon the community legislative body's adoption of an economic development  
4454 project area plan, or an amendment to the project area plan under Section 17C-3-109 that  
4455 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4456 ~~[(i) publishing or causing to be published a notice:]~~

4457 ~~[(A) in a newspaper of general circulation within the agency's boundaries; or]~~

4458 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4459 (i) causing a notice to be posted in at least three public places within the agency's  
4460 boundaries; and



4461 (ii) posting a notice on the Utah Public Notice Website described in Section  
4462 63F-1-701.

4463 (b) Each notice under Subsection (1)(a) shall:

4464 (i) set forth the community legislative body's ordinance adopting the project area plan  
4465 or a summary of the ordinance; and

4466 (ii) include a statement that the project area plan is available for public inspection and  
4467 the hours for inspection.

4468 (2) The project area plan shall become effective on the date of:

4469 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4470 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4471 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4472 Subsection (2), any person may contest the project area plan or the procedure used to adopt the  
4473 project area plan if the plan or procedure fails to comply with applicable statutory  
4474 requirements.

4475 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4476 the project area plan or procedure used to adopt the project area plan for any cause.

4477 (4) Upon adoption of the economic development project area plan by the community  
4478 legislative body, the agency may implement the project area plan.

4479 (5) Each agency shall make the economic development project area plan available to  
4480 the general public at the agency's office during normal business hours.

4481 Section 70. Section **17C-4-106** is amended to read:

4482 **17C-4-106. Notice of community development project area plan adoption --**

4483 **Effective date of plan -- Contesting the formation of the plan.**

4484 (1) (a) Upon the community legislative body's adoption of a community development  
4485 project area plan, the community legislative body shall provide notice as provided in  
4486 Subsection (1)(b) by:

4487 [~~(i) (A) publishing or causing to be published a notice in a newspaper of general~~  
4488 ~~circulation within the agency's boundaries; or]~~

4489 [~~(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4490 (i) causing a notice to be posted in at least three public places within the agency's  
4491 boundaries; and

4492 (ii) [~~publishing~~] posting a notice or causing a notice to be [~~published in accordance~~  
4493 ~~with Section 45-1-101~~] posted on the Utah Public Notice Website created in Section  
4494 63F-1-701.

4495 (b) Each notice under Subsection (1)(a) shall:

4496 (i) set forth the community legislative body's ordinance adopting the community  
4497 development project area plan or a summary of the ordinance; and

4498 (ii) include a statement that the project area plan is available for general public  
4499 inspection and the hours for inspection.

4500 (2) The community development project area plan shall become effective on the date  
4501 of[:] the posting of the notice under Subsection (1)(a).

4502 [~~(a) if notice was published under Subsection (1)(a), publication of the notice; or]~~

4503 [~~(b) if notice was posted under Subsection (1)(a), posting of the notice.]~~

4504 (3) (a) For a period of 30 days after the effective date of the community development  
4505 project area plan under Subsection (2), any person may contest the project area plan or the  
4506 procedure used to adopt the project area plan if the plan or procedure fails to comply with  
4507 applicable statutory requirements.

4508 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4509 the community development project area plan or procedure used to adopt the project area plan  
4510 for any cause.

4511 (4) Upon adoption of the community development project area plan by the community  
4512 legislative body, the agency may carry out the project area plan.

4513 (5) Each agency shall make the adopted project area plan available to the public at the  
4514 agency's office during normal business hours.

4515 Section 71. Section ~~17C-4-202~~ is amended to read:

4516 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**  
4517 **the community development project area plan -- Notice -- Effective date of resolution or**  
4518 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**  
4519 **of resolution or interlocal agreement.**

4520 (1) The approval and adoption of each resolution or interlocal agreement under  
4521 Subsection ~~17C-4-201~~(2) shall be in an open and public meeting.

4522 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section

4523 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4524 ~~[(i)(A) publishing or causing to be published a notice in a newspaper of general~~

4525 ~~circulation within the agency's boundaries; or]~~

4526 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4527 (i) causing a notice to be posted in at least three public places within the agency's

4528 boundaries; and

4529 (ii) ~~[publishing]~~ posting or causing to be ~~[published]~~ posted a notice on the Utah Public

4530 Notice Website created in Section 63F-1-701.

4531 (b) Each notice under Subsection (2)(a) shall:

4532 (i) set forth a summary of the resolution or interlocal agreement; and

4533 (ii) include a statement that the resolution or interlocal agreement is available for

4534 public inspection and the hours of inspection.

4535 (3) The resolution or interlocal agreement shall become effective on the date of ~~[:]~~ the

4536 posting of the notice under Subsection (2)(a).

4537 ~~[(a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of~~

4538 ~~the notice; or]~~

4539 ~~[(b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.]~~

4540 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal

4541 agreement under Subsection (3), any person may contest the resolution or interlocal agreement

4542 or the procedure used to adopt the resolution or interlocal agreement if the resolution or

4543 interlocal agreement or procedure fails to comply with applicable statutory requirements.

4544 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

4545 (i) the resolution or interlocal agreement;

4546 (ii) a distribution of tax increment to the agency under the resolution or interlocal

4547 agreement; or

4548 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

4549 (5) Each agency that is to receive project area funds under a resolution or interlocal

4550 agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters

4551 into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal

4552 agreement, as the case may be, available at the taxing entity's offices to the public for

4553 inspection and copying during normal business hours.

4554 Section 72. Section 17C-5-110 is amended to read:

4555 **17C-5-110. Notice of community reinvestment project area plan adoption --**  
4556 **Effective date of plan -- Contesting the formation of the plan.**

4557 (1) (a) Upon a community legislative body's adoption of a community reinvestment  
4558 project area plan in accordance with Section 17C-5-109, or an amendment to a community  
4559 reinvestment project area plan in accordance with Section 17C-5-112, the community  
4560 legislative body shall provide notice of the adoption or amendment in accordance with  
4561 Subsection (1)(b) by:

4562 ~~[(i) (A) causing a notice to be published in a newspaper of general circulation within~~  
4563 ~~the community; or]~~

4564 ~~[(B) if there is no newspaper of general circulation within the community;]~~

4565 (i) causing a notice to be posted in at least three public places within the community;  
4566 and

4567 (ii) posting a notice on the Utah Public Notice Website described in Section  
4568 63F-1-701.

4569 (b) A notice described in Subsection (1)(a) shall include:

4570 (i) a copy of the community legislative body's ordinance, or a summary of the  
4571 ordinance, that adopts the community reinvestment project area plan; and

4572 (ii) a statement that the community reinvestment project area plan is available for  
4573 public inspection and the hours for inspection.

4574 (2) A community reinvestment project area plan is effective on the day on which notice  
4575 of adoption is published or posted in accordance with Subsection (1)(a).

4576 (3) A community reinvestment project area is considered created the day on which the  
4577 community reinvestment project area plan becomes effective as described in Subsection (2).

4578 (4) (a) Within 30 days after the day on which a community reinvestment project area  
4579 plan is effective, a person may contest the community reinvestment project area plan or the  
4580 procedure used to adopt the community reinvestment project area plan if the community  
4581 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4582 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not  
4583 contest the community reinvestment project area plan or the procedure used to adopt the  
4584 community reinvestment project area plan.

4585 (5) Upon adoption of a community reinvestment project area plan by the community  
4586 legislative body, the agency may implement the community reinvestment project area plan.

4587 (6) The agency shall make the community reinvestment project area plan available to  
4588 the public at the agency's office during normal business hours.

4589 Section 73. Section **17C-5-205** is amended to read:

4590 **17C-5-205. Interlocal agreement to provide project area funds for the community**  
4591 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**  
4592 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**  
4593 **agreement.**

4594 (1) An agency shall:

4595 (a) approve and adopt an interlocal agreement described in Section **17C-5-204** at an  
4596 open and public meeting; and

4597 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community  
4598 Reinvestment Project Area."

4599 (2) (a) Upon the execution of an interlocal agreement described in Section **17C-5-204**,  
4600 the agency shall provide notice of the execution by:

4601 ~~[(i) (A) publishing or causing to be published a notice in a newspaper of general~~  
4602 ~~circulation within the agency's boundaries, or]~~

4603 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries,]~~

4604 (i) causing the notice to be posted in at least three public places within the agency's  
4605 boundaries; and

4606 (ii) ~~[publishing]~~ posting the notice or causing the notice to be ~~[published]~~ posted on the  
4607 Utah Public Notice Website created in Section **63F-1-701**.

4608 (b) A notice described in Subsection (2)(a) shall include:

4609 (i) a summary of the interlocal agreement; and

4610 (ii) a statement that the interlocal agreement:

4611 (A) is available for public inspection and the hours for inspection; and

4612 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or  
4613 sales and use tax revenue.

4614 (3) An interlocal agreement described in Section **17C-5-204** is effective the day on  
4615 which the notice described in Subsection (2) is ~~[published or]~~ posted in accordance with

4616 Subsection (2)(a).

4617 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a  
4618 person may contest the interlocal agreement or the procedure used to adopt the interlocal  
4619 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4620 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not  
4621 contest:

4622 (i) the interlocal agreement;

4623 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

4624 (iii) the agency's use of project area funds under the interlocal agreement.

4625 (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204

4626 shall make a copy of the interlocal agreement available to the public at the taxing entity's office  
4627 for inspection and copying during normal business hours.

4628 Section 74. Section 20A-1-206 is amended to read:

4629 **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**

4630 **Notice.**

4631 (1) A municipal legislative body may cancel a local election if:

4632 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection  
4633 10-3-205.5(1); and

4634 (B) the number of municipal officer candidates, including any eligible write-in  
4635 candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the  
4636 number of open at-large municipal offices for which the candidates have filed; or

4637 (ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);

4638 (B) the number of municipal officer candidates, including any eligible write-in  
4639 candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed  
4640 the number of open at-large municipal offices for which the candidates have filed; and

4641 (C) each municipal officer candidate, including any eligible write-in candidates under  
4642 Section 20A-9-601, in each district is unopposed;

4643 (b) there are no other municipal ballot propositions; and

4644 (c) the municipal legislative body passes, no later than 20 days before the day of the  
4645 scheduled election, a resolution that cancels the election and certifies that:

4646 (i) each municipal officer candidate is:

- 4647 (A) unopposed; or
- 4648 (B) a candidate for an at-large municipal office for which the number of candidates  
4649 does not exceed the number of open at-large municipal offices; and
- 4650 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
- 4651 (2) A municipal legislative body that cancels a local election in accordance with  
4652 Subsection (1) shall give notice that the election is cancelled by:
- 4653 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter  
4654 Information Website as described in Section [20A-7-801](#), for 15 consecutive days before the day  
4655 of the scheduled election;
- 4656 (b) if the municipality has a public website, posting notice on the municipality's public  
4657 website for 15 days before the day of the scheduled election;
- 4658 (c) if the municipality publishes a newsletter or other periodical, publishing notice in  
4659 the next scheduled newsletter or other periodical published before the day of the scheduled  
4660 election;
- 4661 ~~[(d)(i) publishing notice at least twice in a newspaper of general circulation in the  
4662 municipality before the day of the scheduled election;]~~
- 4663 ~~[(ii) if there is no newspaper of general circulation in the municipality;]~~
- 4664 (d)(i) at least 10 days before the day of the scheduled election, ~~[by]~~ posting one notice,  
4665 and at least one additional notice per 2,000 population within the municipality, in places within  
4666 the municipality that are most likely to give notice to the voters in the municipality; or
- 4667 ~~[(iii)]~~ (ii) at least 10 days before the day of the scheduled election, mailing notice to  
4668 each registered voter in the municipality; and
- 4669 (e) ~~[in accordance with Section [45-1-101](#), publishing]~~ posting notice on the Utah  
4670 Public Notice Website, created in Section [63F-1-701](#), for at least 10 days before the day of the  
4671 scheduled election.
- 4672 (3) A local district board may cancel an election as described in Section [17B-1-306](#) if:
- 4673 (a) (i) (A) any local district officers are elected in an at-large election; and
- 4674 (B) the number of local district officer candidates for the at-large local district offices,  
4675 including any eligible write-in candidates under Section [20A-9-601](#), does not exceed the  
4676 number of open at-large local district offices for which the candidates have filed; or
- 4677 (ii) (A) the local district has divided the local district into divisions under Section

4678 17B-1-306.5;

4679 (B) the number of local district officer candidates, including any eligible write-in  
4680 candidates under Section 20A-9-601, for the at-large local district offices within the local  
4681 district, if any, does not exceed the number of open at-large local district offices for which the  
4682 candidates have filed; and

4683 (C) each local district officer candidate, including any eligible write-in candidates  
4684 under Section 20A-9-601, in each division of the local district is unopposed;

4685 (b) there are no other local district ballot propositions; and

4686 (c) the local district governing body, no later than 20 days before the day of the  
4687 scheduled election, adopts a resolution that cancels the election and certifies that:

4688 (i) each local district officer candidate is:

4689 (A) unopposed; or

4690 (B) a candidate for an at-large local district office for which the number of candidates  
4691 does not exceed the number of open at-large local district offices; and

4692 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

4693 (4) A local district that cancels a local election in accordance with Subsection (3) shall  
4694 publish notice that the election is cancelled:

4695 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter  
4696 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day  
4697 of the scheduled election;

4698 (b) if the local district has a public website, by posting notice on the local district's  
4699 public website for 15 days before the day of the scheduled election;

4700 (c) if the local district publishes a newsletter or other periodical, by publishing notice  
4701 in the next scheduled newsletter or other periodical published before the day of the scheduled  
4702 election;

4703 ~~[(d) (i) at least twice in a newspaper of general circulation in the local district before  
4704 the scheduled election;]~~

4705 ~~[(ii) if there is no newspaper of general circulation in the local district,]~~

4706 (d) at least 10 days before the day of the scheduled election[;]:

4707 (i) by posting one notice, and at least one additional notice per 2,000 population of the  
4708 local district, in places within the local district that are most likely to give notice to the voters



4709 in the local district; or

4710 ~~[(iii) at least 10 days before the day of the scheduled election;]~~

4711 (ii) by mailing notice to each registered voter in the local district; and

4712 (e) ~~[in accordance with Section 45-1-101]~~ by posting notice on the Utah Public Notice  
4713 Website, created in Section 63F-1-701, for at least 10 days before the day of the scheduled  
4714 election.

4715 (5) A municipal legislative body that posts a notice in accordance with Subsection  
4716 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for  
4717 a notice that fails to post due to technical or other error by the publisher of the Statewide  
4718 Electronic Voter Information Website.

4719 Section 75. Section **20A-3a-604** is amended to read:

4720 **20A-3a-604. Notice of time and place of early voting.**

4721 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the  
4722 election officer shall, at least 19 days before the date of the election, publish notice of the dates,  
4723 times, and locations of early voting:

4724 ~~[(a) (i) in one issue of a newspaper of general circulation in the county;]~~

4725 ~~[(ii) if there is no newspaper of general circulation in the county, in addition to posting~~  
4726 ~~the notice described in Subsection (1)(b);]~~

4727 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of  
4728 the county, in places within the county that are most likely to give notice to the residents in the  
4729 county; or

4730 ~~[(iii)]~~ (ii) by mailing notice to each registered voter in the county;

4731 (b) by posting the notice at each early voting polling place;

4732 (c) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before  
4733 the day of the election; and

4734 ~~[(d) in accordance with Section 45-1-101, for 19 days before the date of the election;~~  
4735 ~~and]~~

4736 ~~[(e)]~~ (d) on the county's website for 19 days before the day of the election.

4737 (2) Instead of publishing all dates, times, and locations of early voting under  
4738 Subsection (1), the election officer may publish a statement that specifies the following sources  
4739 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

- 4740 (a) the county's website;
- 4741 (b) the physical address of the county's offices; and
- 4742 (c) a mailing address and telephone number.
- 4743 (3) The election officer shall include in the notice described in Subsection (1):
- 4744 (a) the address of the Statewide Electronic Voter Information Website and, if available,
- 4745 the address of the election officer's website, with a statement indicating that the election officer
- 4746 will post on the website the location of each early voting polling place, including any changes
- 4747 to the location of an early voting polling place and the location of additional early voting
- 4748 polling places; and
- 4749 (b) a phone number that a voter may call to obtain information regarding the location
- 4750 of an early voting polling place.

4751 Section 76. Section ~~20A-4-104~~ is amended to read:

4752 **20A-4-104. Counting ballots electronically.**

4753 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the

4754 election officer shall test the automatic tabulating equipment to ensure that it will accurately

4755 count the votes cast for all offices and all measures.

4756 (b) The election officer shall publish public notice of the time and place of the test:

4757 ~~[(i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of~~

4758 ~~general circulation in the county, municipality, or jurisdiction where the equipment is used;]~~

4759 ~~[(B) if there is no daily or weekly newspaper of general circulation in the county,~~

4760 ~~municipality, or jurisdiction where the equipment is used;]~~

4761 (i) at least 10 days before the day of the test~~[;]~~;

4762 (A) by posting one notice, and at least one additional notice per 2,000 population of the

4763 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction

4764 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

4765 ~~[(C) at least 10 days before the day of the test;]~~

4766 (B) by mailing notice to each registered voter in the county, municipality, or

4767 jurisdiction where the equipment is used;

4768 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks

4769 before the day of the test; and

4770 ~~[(iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the~~

4771 test; and]

4772           ~~[(iv)]~~ (iii) if the county, municipality, or jurisdiction has a website, on the website for  
4773 four weeks before the day of the test.

4774           (c) The election officer shall conduct the test by processing a preaudited group of  
4775 ballots.

4776           (d) The election officer shall ensure that:

4777           (i) a predetermined number of valid votes for each candidate and measure are recorded  
4778 on the ballots;

4779           (ii) for each office, one or more ballots have votes in excess of the number allowed by  
4780 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

4781           (iii) a different number of valid votes are assigned to each candidate for an office, and  
4782 for and against each measure.

4783           (e) If any error is detected, the election officer shall determine the cause of the error  
4784 and correct it.

4785           (f) The election officer shall ensure that:

4786           (i) the automatic tabulating equipment produces an errorless count before beginning  
4787 the actual counting; and

4788           (ii) the automatic tabulating equipment passes the same test at the end of the count  
4789 before the election returns are approved as official.

4790           (2) (a) The election officer or the election officer's designee shall supervise and direct  
4791 all proceedings at the counting center.

4792           (b) (i) Proceedings at the counting center are public and may be observed by interested  
4793 persons.

4794           (ii) Only those persons authorized to participate in the count may touch any ballot or  
4795 return.

4796           (c) The election officer shall deputize and administer an oath or affirmation to all  
4797 persons who are engaged in processing and counting the ballots that they will faithfully  
4798 perform their assigned duties.

4799           (3) If any ballot is damaged or defective so that it cannot properly be counted by the  
4800 automatic tabulating equipment, the election officer shall ensure that two counting judges  
4801 jointly:

- 4802 (a) make a true replication of the ballot with an identifying serial number;
- 4803 (b) substitute the replicated ballot for the damaged or defective ballot;
- 4804 (c) label the replicated ballot "replicated"; and
- 4805 (d) record the replicated ballot's serial number on the damaged or defective ballot.
- 4806 (4) The election officer may:
  - 4807 (a) conduct an unofficial count before conducting the official count in order to provide
  - 4808 early unofficial returns to the public;
  - 4809 (b) release unofficial returns from time to time after the polls close; and
  - 4810 (c) report the progress of the count for each candidate during the actual counting of
  - 4811 ballots.
- 4812 (5) The election officer shall review and evaluate the provisional ballot envelopes and
- 4813 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).
- 4814 (6) (a) The election officer or the election officer's designee shall:
  - 4815 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
  - 4816 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- 4817 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 4818 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
- 4819 count the valid write-in vote as being the obvious intent of the voter.
- 4820 (7) (a) The election officer shall certify the return printed by the automatic tabulating
- 4821 equipment, to which have been added write-in and absentee votes, as the official return of each
- 4822 voting precinct.
- 4823 (b) Upon completion of the count, the election officer shall make official returns open
- 4824 to the public.
- 4825 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
- 4826 tabulating equipment, the election officer may direct that they be counted manually according
- 4827 to the procedures and requirements of this part.
- 4828 (9) After the count is completed, the election officer shall seal and retain the programs,
- 4829 test materials, and ballots as provided in Section [20A-4-202](#).
- 4830 Section 77. Section **20A-4-304** is amended to read:
- 4831 **20A-4-304. Declaration of results -- Canvassers' report.**
- 4832 (1) Each board of canvassers shall:

- 4833 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,  
4834 declare "elected" or "nominated" those persons who:
- 4835 (i) had the highest number of votes; and  
4836 (ii) sought election or nomination to an office completely within the board's  
4837 jurisdiction;
- 4838 (b) declare:
- 4839 (i) "approved" those ballot propositions that:
- 4840 (A) had more "yes" votes than "no" votes; and  
4841 (B) were submitted only to the voters within the board's jurisdiction;
- 4842 (ii) "rejected" those ballot propositions that:
- 4843 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
4844 votes; and  
4845 (B) were submitted only to the voters within the board's jurisdiction;
- 4846 (c) certify the vote totals for persons and for and against ballot propositions that were  
4847 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
4848 the lieutenant governor; and
- 4849 (d) if applicable, certify the results of each local district election to the local district  
4850 clerk.
- 4851 (2) As soon as the result is declared, the election officer shall prepare a report of the  
4852 result, which shall contain:
- 4853 (a) the total number of votes cast in the board's jurisdiction;  
4854 (b) the names of each candidate whose name appeared on the ballot;  
4855 (c) the title of each ballot proposition that appeared on the ballot;  
4856 (d) each office that appeared on the ballot;  
4857 (e) from each voting precinct:
- 4858 (i) the number of votes for each candidate;  
4859 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate  
4860 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each  
4861 potential ballot-counting phase and the name of the candidate excluded in each canvassing  
4862 phase; and  
4863 (iii) the number of votes for and against each ballot proposition;

4864 (f) the total number of votes given in the board's jurisdiction to each candidate, and for  
4865 and against each ballot proposition;

4866 (g) the number of ballots that were rejected; and

4867 (h) a statement certifying that the information contained in the report is accurate.

4868 (3) The election officer and the board of canvassers shall:

4869 (a) review the report to ensure that it is correct; and

4870 (b) sign the report.

4871 (4) The election officer shall:

4872 (a) record or file the certified report in a book kept for that purpose;

4873 (b) prepare and transmit a certificate of nomination or election under the officer's seal  
4874 to each nominated or elected candidate;

4875 (c) publish a copy of the certified report in accordance with Subsection (5); and

4876 (d) file a copy of the certified report with the lieutenant governor.

4877 (5) Except as provided in Subsection (6), the election officer shall, no later than seven  
4878 days after the day on which the board of canvassers declares the election results, publish the  
4879 certified report described in Subsection (2):

4880 [~~(a) (i) at least once in a newspaper of general circulation within the jurisdiction;~~]

4881 [~~(ii) if there is no newspaper of general circulation within the jurisdiction;~~]

4882 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of  
4883 the jurisdiction, in places within the jurisdiction that are most likely to give notice to the  
4884 residents of the jurisdiction; or

4885 [~~(iii) (ii)~~] (ii) by mailing notice to each residence within the jurisdiction;

4886 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for one week; and

4887 [~~(c) in accordance with Section [45-1-101](#), for one week; and~~]

4888 [~~(d)~~] (c) if the jurisdiction has a website, on the jurisdiction's website for one week.

4889 (6) Instead of publishing the entire certified report under Subsection (5), the election  
4890 officer may publish a statement that:

4891 (a) includes the following: "The Board of Canvassers for [indicate name of  
4892 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
4893 election]."; and

4894 (b) specifies the following sources where an individual may view or obtain a copy of

4895 the entire certified report:

4896 (i) if the jurisdiction has a website, the jurisdiction's website;

4897 (ii) the physical address for the jurisdiction; and

4898 (iii) a mailing address and telephone number.

4899 (7) When there has been a regular general or a statewide special election for statewide  
4900 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
4901 or more county ballot proposition, each board of canvassers shall:

4902 (a) prepare a separate report detailing the number of votes for each candidate and the  
4903 number of votes for and against each ballot proposition; and

4904 (b) transmit the separate report by registered mail to the lieutenant governor.

4905 (8) In each county election, municipal election, school election, local district election,  
4906 and local special election, the election officer shall transmit the reports to the lieutenant  
4907 governor within 14 days after the date of the election.

4908 (9) In a regular primary election and in a presidential primary election, the board shall  
4909 transmit to the lieutenant governor:

4910 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
4911 governor not later than the second Tuesday after the election; and

4912 (b) a complete tabulation showing voting totals for all primary races, precinct by  
4913 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
4914 primary election.

4915 Section 78. Section **20A-5-101** is amended to read:

4916 **20A-5-101. Notice of election.**

4917 (1) On or before November 15 in the year before each regular general election year, the  
4918 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

4919 (a) designates the offices to be filled at the next year's regular general election;

4920 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
4921 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),  
4922 and [20A-9-408](#) for those offices; and

4923 (c) contains a description of any ballot propositions to be decided by the voters that  
4924 have qualified for the ballot as of that date.

4925 (2) No later than seven business days after the day on which the lieutenant governor

4926 transmits the written notice described in Subsection (1), each county clerk shall publish notice,  
4927 in accordance with Subsection (3):

4928 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in  
4929 each voting precinct within the county; and

4930 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places  
4931 where the notice was posted;

4932 [~~(b) (i) in a newspaper of general circulation in the county;~~]

4933 [~~(ii) if there is no newspaper of general circulation within the county, in addition to the  
4934 notice described in Subsection (2)(a);~~]

4935 (b) (i) by posting one notice, and at least one additional notice per 2,000 population of  
4936 the county, in places within the county that are most likely to give notice of the election to the  
4937 voters in the county; or

4938 [~~(iii) (ii) by mailing notice to each registered voter in the county;~~]

4939 (c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days  
4940 before the day of the election; and

4941 [~~(d) in accordance with Section 45-1-101, for seven days before the day of the election;  
4942 and]~~

4943 [~~(e) (d) on the county's website for seven days before the day of the election.~~]

4944 (3) The notice described in Subsection (2) shall:

4945 (a) designate the offices to be voted on in that election; and

4946 (b) identify the dates for filing a declaration of candidacy for those offices.

4947 (4) Except as provided in Subsection (6), before each election, the election officer shall  
4948 give printed notice of the following information:

4949 (a) the date of election;

4950 (b) the hours during which the polls will be open;

4951 (c) the polling places for each voting precinct, early voting polling place, and election  
4952 day voting center;

4953 (d) the address of the Statewide Electronic Voter Information Website and, if available,  
4954 the address of the election officer's website, with a statement indicating that the election officer  
4955 will post on the website any changes to the location of a polling place and the location of any  
4956 additional polling place;



4957 (e) a phone number that a voter may call to obtain information regarding the location of  
4958 a polling place; and

4959 (f) the qualifications for persons to vote in the election.

4960 (5) To provide the printed notice described in Subsection (4), the election officer shall  
4961 publish the notice:

4962 ~~[(a) (i) in a newspaper of general circulation in the jurisdiction to which the election  
4963 pertains at least two days before the day of the election;]~~

4964 ~~[(ii) if there is no newspaper of general circulation in the jurisdiction to which the  
4965 election pertains;]~~

4966 (a) (i) at least two days before the day of the election, by posting one notice, and at  
4967 least one additional notice per 2,000 population of the jurisdiction, in places within the  
4968 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

4969 ~~[(iii)]~~ (ii) by mailing the notice to each registered voter who resides in the jurisdiction  
4970 to which the election pertains at least five days before the day of the election;

4971 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two days  
4972 before the day of the election; and

4973 ~~[(c) in accordance with Section [45-1-101](#), for two days before the day of the election;  
4974 and]~~

4975 ~~[(d)]~~ (c) if the jurisdiction has a website, on the jurisdiction's website for two days  
4976 before the day of the election.

4977 (6) Instead of including the information described in Subsection (4) in the notice, the  
4978 election officer may give printed notice that:

4979 (a) is entitled "Notice of Election";

4980 (b) includes the following: "A [indicate election type] will be held in [indicate the  
4981 jurisdiction] on [indicate date of election]. Information relating to the election, including  
4982 polling places, polling place hours, and qualifications of voters may be obtained from the  
4983 following sources:"; and

4984 (c) specifies the following sources where an individual may view or obtain the  
4985 information described in Subsection (4):

4986 (i) if the jurisdiction has a website, the jurisdiction's website;

4987 (ii) the physical address of the jurisdiction offices; and

4988 (iii) a mailing address and telephone number.

4989 Section 79. Section **20A-5-403.5** is amended to read:

4990 **20A-5-403.5. Ballot drop boxes.**

4991 (1) An election officer:

4992 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

4993 (b) shall clearly mark each ballot drop box as an official ballot drop box for the  
4994 election officer's jurisdiction.

4995 (2) Except as provided in Section **20A-1-308** or Subsection (5), the election officer  
4996 shall, at least 19 days before the date of the election, publish notice of the location of each  
4997 ballot drop box designated under Subsection (1):

4998 [~~(a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the~~  
4999 ~~election;~~]

5000 [~~(ii) if there is no newspaper of general circulation in the jurisdiction holding the~~  
5001 ~~election;~~]

5002 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of  
5003 the jurisdiction holding the election, in places within the jurisdiction that are most likely to give  
5004 notice to the residents in the jurisdiction; or

5005 [~~(iii)~~ (ii)] by mailing notice to each registered voter in the jurisdiction holding the  
5006 election;

5007 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for 19 days before  
5008 the day of the election; and

5009 [~~(c) in accordance with Section **45-1-101**, for 19 days before the date of the election;~~  
5010 ~~and]~~

5011 [~~(d)~~ (c)] on the jurisdiction's website for 19 days before the day of the election.

5012 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the  
5013 election officer may publish a statement that specifies the following sources where a voter may  
5014 view or obtain a copy of all ballot drop box locations:

5015 (a) the jurisdiction's website;

5016 (b) the physical address of the jurisdiction's offices; and

5017 (c) a mailing address and telephone number.

5018 (4) The election officer shall include in the notice described in Subsection (2):

5019 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
5020 the address of the election officer's website, with a statement indicating that the election officer  
5021 will post on the website the location of each ballot drop box, including any changes to the  
5022 location of a ballot drop box and the location of additional ballot drop boxes; and

5023 (b) a phone number that a voter may call to obtain information regarding the location  
5024 of a ballot drop box.

5025 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the  
5026 deadline described in Subsection (2):

5027 (i) if necessary, change the location of a ballot drop box; or

5028 (ii) if the election officer determines that the number of ballot drop boxes is  
5029 insufficient due to the number of registered voters who are voting, designate additional ballot  
5030 drop boxes.

5031 (b) Except as provided in Section 20A-1-308, if an election officer changes the  
5032 location of a ballot box or designates an additional ballot drop box location, the election officer  
5033 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or  
5034 the additional ballot drop box location:

5035 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

5036 (ii) by posting the information on the website of the election officer, if available; and

5037 (iii) by posting notice:

5038 (A) for a change in the location of a ballot drop box, at the new location and, if  
5039 possible, the old location; and

5040 (B) for an additional ballot drop box location, at the additional ballot drop box  
5041 location.

5042 (6) An election officer may, at any time, authorize two or more poll workers to remove  
5043 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

5044 Section 80. Section 20A-5-405 is amended to read:

5045 **20A-5-405. Election officer to provide ballots.**

5046 (1) An election officer shall:

5047 (a) provide ballots for every election of public officers in which the voters, or any of  
5048 the voters, within the election officer's jurisdiction participate;

5049 (b) cause the name of every candidate whose nomination has been certified to or filed

5050 with the election officer in the manner provided by law to be included on each ballot;

5051 (c) cause any ballot proposition that has qualified for the ballot as provided by law to

5052 be included on each ballot;

5053 (d) ensure that the ballots are prepared and in the possession of the election officer

5054 before commencement of voting;

5055 (e) allow candidates and their agents and the sponsors of ballot propositions that have

5056 qualified for the official ballot to inspect the ballots;

5057 (f) cause sample ballots to be printed that are in the same form as official ballots and

5058 that contain the same information as official ballots but that are printed on different colored

5059 paper than official ballots or are identified by a watermark;

5060 (g) ensure that the sample ballots are printed and in the possession of the election

5061 officer at least seven days before commencement of voting;

5062 (h) make the sample ballots available for public inspection by:

5063 (i) posting a copy of the sample ballot in the election officer's office at least seven days

5064 before commencement of voting;

5065 (ii) mailing a copy of the sample ballot to:

5066 (A) each candidate listed on the ballot; and

5067 (B) the lieutenant governor;

5068 (iii) publishing a copy of the sample ballot:

5069 [~~(A) except as provided in Subsection (2), at least seven days before the day of the~~

5070 ~~election in a newspaper of general circulation in the jurisdiction holding the election;]~~

5071 [~~(B) if there is no newspaper of general circulation in the jurisdiction holding the~~

5072 ~~election;]~~

5073 (A) at least seven days before the day of the election, by posting one copy of the

5074 sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the

5075 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in

5076 the jurisdiction; or

5077 [~~(C)~~] (B) at least 10 days before the day of the election, by mailing a copy of the

5078 sample ballot to each registered voter who resides in the jurisdiction holding the election;

5079 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created

5080 in Section [63F-1-701](#), for seven days before the day of the election; and

5081 ~~[(v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at~~  
5082 ~~least seven days before the day of the election; and]~~

5083 ~~[(vi)]~~ (v) if the jurisdiction has a website, publishing a copy of the sample ballot for at  
5084 least seven days before the day of the election;

5085 (i) deliver at least five copies of the sample ballot to poll workers for each polling  
5086 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5087 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough  
5088 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in  
5089 each voting precinct.

5090 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the  
5091 election officer may publish a statement that:

5092 (a) is entitled, "sample ballot";

5093 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the  
5094 upcoming [indicate type and date of election] may be obtained from the following sources:";  
5095 and

5096 (c) specifies the following sources where an individual may view or obtain a copy of  
5097 the sample ballot:

5098 (i) if the jurisdiction has a website, the jurisdiction's website;

5099 (ii) the physical address of the jurisdiction's offices; and

5100 (iii) a mailing address and telephone number.

5101 (3) (a) Each election officer shall, without delay, correct any error discovered in any  
5102 ballot, if the correction can be made without interfering with the timely distribution of the  
5103 ballots.

5104 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is  
5105 not possible to correct the error or omission, the election officer shall direct the poll workers to  
5106 make the necessary corrections on the manual ballots before the ballots are distributed.

5107 (ii) If the election officer discovers an error or omission in an electronic ballot and it is  
5108 not possible to correct the error or omission by revising the electronic ballot, the election  
5109 officer shall direct the poll workers to post notice of each error or omission with instructions on  
5110 how to correct each error or omission in a prominent position at each polling booth.

5111 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a

5112 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5113 (A) an error or omission has occurred in:

5114 (I) the publication of the name or description of a candidate;

5115 (II) the preparation or display of an electronic ballot; or

5116 (III) in the printing of sample or official manual ballots; and

5117 (B) the election officer has failed to correct or provide for the correction of the error or  
5118 omission.

5119 (ii) The district court shall issue an order requiring correction of any error in a ballot or  
5120 an order to show cause why the error should not be corrected if it appears to the court that the  
5121 error or omission has occurred and the election officer has failed to correct or provide for the  
5122 correction of the error or [~~ommission~~] omission.

5123 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah  
5124 Supreme Court within five days after the day on which the district court enters the decision.

5125 Section 81. Section **20A-9-203** is amended to read:

5126 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5127 (1) An individual may become a candidate for any municipal office if:

5128 (a) the individual is a registered voter; and

5129 (b) (i) the individual has resided within the municipality in which the individual seeks  
5130 to hold elective office for the 12 consecutive months immediately before the date of the  
5131 election; or

5132 (ii) the territory in which the individual resides was annexed into the municipality, the  
5133 individual has resided within the annexed territory or the municipality the 12 consecutive  
5134 months immediately before the date of the election.

5135 (2) (a) For purposes of determining whether an individual meets the residency  
5136 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
5137 before the election, the municipality is considered to have been incorporated 12 months before  
5138 the date of the election.

5139 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
5140 council position shall, if elected from a district, be a resident of the council district from which  
5141 the candidate is elected.

5142 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent

5143 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
5144 against the elective franchise may not hold office in this state until the right to hold elective  
5145 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

5146 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
5147 regardless of the nomination method by which the individual is seeking to become a candidate:

5148 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal  
5149 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a  
5150 declaration of candidacy, in person with the city recorder or town clerk, during the office hours  
5151 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1  
5152 and June 7 of any odd-numbered year; and

5153 (ii) pay the filing fee, if one is required by municipal ordinance.

5154 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
5155 declaration of candidacy with the city recorder or town clerk if:

5156 (i) the individual is located outside of the state during the entire filing period;

5157 (ii) the designated agent appears in person before the city recorder or town clerk;

5158 (iii) the individual communicates with the city recorder or town clerk using an  
5159 electronic device that allows the individual and city recorder or town clerk to see and hear each  
5160 other; and

5161 (iv) the individual provides the city recorder or town clerk with an email address to  
5162 which the city recorder or town clerk may send the individual the copies described in  
5163 Subsection (4).

5164 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5165 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting  
5166 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during  
5167 the office hours described in Section [10-3-301](#) and not later than the close of those office  
5168 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support  
5169 of the nomination petition of the lesser of at least:

5170 (A) 25 registered voters who reside in the municipality; or

5171 (B) 20% of the registered voters who reside in the municipality; and

5172 (ii) paying the filing fee, if one is required by municipal ordinance.

5173 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination

5174 petition, the filing officer shall:

5175 (i) read to the prospective candidate or individual filing the petition the constitutional  
5176 and statutory qualification requirements for the office that the candidate is seeking;

5177 (ii) require the candidate or individual filing the petition to state whether the candidate  
5178 meets the requirements described in Subsection (4)(a)(i); and

5179 (iii) inform the candidate or the individual filing the petition that an individual who  
5180 holds a municipal elected office may not, at the same time, hold a county elected office.

5181 (b) If the prospective candidate does not meet the qualification requirements for the  
5182 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5183 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
5184 filing officer shall:

5185 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
5186 written on the declaration of candidacy;

5187 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
5188 for the office the candidate is seeking and inform the candidate that failure to comply will  
5189 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5190 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
5191 Electronic Voter Information Website Program and inform the candidate of the submission  
5192 deadline under Subsection 20A-7-801(4)(a);

5193 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
5194 described under Section 20A-9-206 and inform the candidate that:

5195 (A) signing the pledge is voluntary; and

5196 (B) signed pledges shall be filed with the filing officer; and

5197 (v) accept the declaration of candidacy or nomination petition.

5198 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
5199 officer shall:

5200 (i) accept the candidate's pledge; and

5201 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
5202 candidate's pledge to the chair of the county or state political party of which the candidate is a  
5203 member.

5204 (5) (a) The declaration of candidacy shall be in substantially the following form:



5205 "I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_,  
 5206 County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a  
 5207 registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet  
 5208 the legal qualifications required of candidates for this office. If filing via a designated agent, I  
 5209 attest that I will be out of the state of Utah during the entire candidate filing period. I will file  
 5210 all campaign financial disclosure reports as required by law and I understand that failure to do  
 5211 so will result in my disqualification as a candidate for this office and removal of my name from  
 5212 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5213 \_\_\_\_\_  
 5214 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this  
 5215 \_\_\_\_\_(month\day\year).

5216 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."[:-]

5217 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
 5218 not sign the form described in Subsection (5)(a).

5219 (c) (i) A nomination petition shall be in substantially the following form:

5220 "NOMINATION PETITION

5221 The undersigned residents of (name of municipality), being registered voters, nominate  
 5222 (name of nominee) for the office of (name of office) for the (length of term of office)."

5223 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
 5224 individuals signing the petition and each individual's address and phone number.

5225 (6) If the declaration of candidacy or nomination petition fails to state whether the  
 5226 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
 5227 for the four-year term.

5228 (7) (a) The clerk shall verify with the county clerk that all candidates are registered  
 5229 voters.

5230 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
 5231 print the candidate's name on the ballot.

5232 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
 5233 clerk shall:

5234 (a) publish a list of the names of the candidates as they will appear on the ballot:

5235 [~~(i) (A) in at least two successive publications of a newspaper of general circulation in~~

5236 ~~the municipality;]~~  
5237  ~~[(B) if there is no newspaper of general circulation in the municipality;]~~  
5238 (i) (A) by posting one copy of the list, and at least one additional copy of the list per  
5239 2,000 population of the municipality, in places within the municipality that are most likely to  
5240 give notice to the voters in the municipality; or  
5241 ~~[(C)] (B)~~ by mailing notice to each registered voter in the municipality;  
5242 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;  
5243 and  
5244 ~~[(iii) in accordance with Section 45-1-101, for seven days; and]~~  
5245 ~~[(iv)] (iii)~~ if the municipality has a website, on the municipality's website for seven  
5246 days; and  
5247 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
5248 the ballot.  
5249 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
5250 declaration of candidacy or nomination petition filed under this section after the candidate  
5251 filing period ends.  
5252 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
5253 this section is valid unless a person files a written objection with the clerk before 5 p.m. within  
5254 five days after the last day for filing.  
5255 (b) If a person files an objection, the clerk shall:  
5256 (i) mail or personally deliver notice of the objection to the affected candidate  
5257 immediately; and  
5258 (ii) decide any objection within 48 hours after the objection is filed.  
5259 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
5260 days after the day on which the clerk sustains the objection, correct the problem for which the  
5261 objection is sustained by amending the candidate's declaration of candidacy or nomination  
5262 petition, or by filing a new declaration of candidacy.  
5263 (d) (i) The clerk's decision upon objections to form is final.  
5264 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
5265 prompt application is made to the district court.  
5266 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

5267 of its discretion, agrees to review the lower court decision.

5268 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
5269 candidate by filing a written affidavit with the municipal clerk.

5270 Section 82. Section **26-8a-405.3** is amended to read:

5271 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

5272 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under  
5273 Section **26-8a-405.2**, or for non-911 services under Section **26-8a-405.4**, shall be solicited  
5274 through a request for proposal and the provisions of this section.

5275 (b) The governing body of the political subdivision shall approve the request for  
5276 proposal prior to the notice of the request for proposals under Subsection (1)(c).

5277 (c) [(†)] Notice of the request for proposals shall be published:

5278 [~~(A) at least once a week for three consecutive weeks in a newspaper of general~~  
5279 ~~circulation published in the county; or]~~

5280 [~~(B) if there is no such newspaper, then notice shall be posted]~~

5281 (i) by posting the notice for at least 20 days in at least five public places in the county;  
5282 and

5283 [~~(ii) in accordance with Section **45-1-101** for at least 20 days.]~~

5284 (ii) by posting the notice on the Utah Public Notice Website, created in Section  
5285 **63F-1-701**, for at least 20 days.

5286 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing  
5287 offerors during the process of negotiations.

5288 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the  
5289 political subdivision shall hold a presubmission conference with interested applicants for the  
5290 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

5291 (ii) A political subdivision shall allow at least 90 days from the presubmission  
5292 conference for the proposers to submit proposals.

5293 (c) Subsequent to the presubmission conference, the political subdivision may issue  
5294 addenda to the request for proposals. An addenda to a request for proposal shall be finalized  
5295 and posted by the political subdivision at least 45 days before the day on which the proposal  
5296 must be submitted.

5297 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with

5298 respect to any opportunity for discussion and revisions of proposals, and revisions may be  
5299 permitted after submission and before a contract is awarded for the purpose of obtaining best  
5300 and final offers.

5301 (e) In conducting discussions, there shall be no disclosures of any information derived  
5302 from proposals submitted by competing offerors.

5303 (3) (a) (i) A political subdivision may select an applicant approved by the department  
5304 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the  
5305 most responsible offeror as defined in Section 63G-6a-103.

5306 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose  
5307 proposal is determined in writing to be the most advantageous to the political subdivision,  
5308 taking into consideration price and the evaluation factors set forth in the request for proposal.

5309 (b) The applicants who are approved under Section 26-8a-405 and who are selected  
5310 under this section may be the political subdivision issuing the request for competitive sealed  
5311 proposals, or any other public entity or entities, any private person or entity, or any  
5312 combination thereof.

5313 (c) A political subdivision may reject all of the competitive proposals.

5314 (4) In seeking competitive sealed proposals and awarding contracts under this section,  
5315 a political subdivision:

5316 (a) shall apply the public convenience and necessity factors listed in Subsections  
5317 26-8a-408(2) through (6);

5318 (b) shall require the applicant responding to the proposal to disclose how the applicant  
5319 will meet performance standards in the request for proposal;

5320 (c) may not require or restrict an applicant to a certain method of meeting the  
5321 performance standards, including:

5322 (i) requiring ambulance medical personnel to also be a firefighter; or

5323 (ii) mandating that offerors use fire stations or dispatch services of the political  
5324 subdivision;

5325 (d) shall require an applicant to submit the proposal:

5326 (i) based on full cost accounting in accordance with generally accepted accounting  
5327 principals; and

5328 (ii) if the applicant is a governmental entity, in addition to the requirements of

5329 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and  
5330 in compliance with the State of Utah Legal Compliance Audit Guide; and

5331 (e) shall set forth in the request for proposal:

5332 (i) the method for determining full cost accounting in accordance with generally  
5333 accepted accounting principles, and require an applicant to submit the proposal based on such  
5334 full cost accounting principles;

5335 (ii) guidelines established to further competition and provider accountability; and

5336 (iii) a list of the factors that will be considered by the political subdivision in the award  
5337 of the contract, including by percentage, the relative weight of the factors established under this  
5338 Subsection (4)(e), which may include such things as:

5339 (A) response times;

5340 (B) staging locations;

5341 (C) experience;

5342 (D) quality of care; and

5343 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

5344 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement  
5345 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply  
5346 to the procurement process required by this section, except as provided in Subsection (5)(c).

5347 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have  
5348 jurisdiction to review and determine an appeal of an offeror under this section.

5349 (c) (i) An offeror may appeal the solicitation or award as provided by the political  
5350 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror  
5351 may appeal under the provisions of Subsections (5)(a) and (b).

5352 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine  
5353 whether the solicitation or award was made in accordance with the procedures set forth in this  
5354 section and Section [26-8a-405.2](#).

5355 (d) The determination of an issue of fact by the appeals board shall be final and  
5356 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section  
5357 [63G-6a-1705](#).

5358 Section 83. Section **38-8-3** is amended to read:

5359 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

- 5360 (1) An owner may enforce a lien described in Section 38-8-2 against an occupant if:
- 5361 (a) the occupant is in default for a continuous 30-day period; and
- 5362 (b) the owner provides written notice of the owner's intent to enforce the lien, in
- 5363 accordance with the requirements of this section, to:
- 5364 (i) the occupant;
- 5365 (ii) each lienholder disclosed by the occupant under Subsection 38-8-2(3)(b);
- 5366 (iii) each person that has filed a valid financing statement with the Division of
- 5367 Corporations and Commercial Code; and
- 5368 (iv) each person identified as a lienholder in the records of the Motor Vehicle Division.
- 5369 (2) An owner shall provide the written notice described in Subsection (1)(b):
- 5370 (a) in person;
- 5371 (b) by certified mail, to the person's last known address; or
- 5372 (c) subject to Subsection (3), by email, to the person's last known email address.
- 5373 (3) If an owner sends a notice described in Subsection (2) by email and does not
- 5374 receive a response, return receipt, or delivery confirmation from the email address to which the
- 5375 notice was sent within three business days after the day on which the notice was sent, the
- 5376 owner shall deliver the notice in person or by certified mail to the person's last known address.
- 5377 (4) A written notice described in Subsection (1)(b) shall include:
- 5378 (a) an itemized statement of the owner's claim showing the sum due at the time of the
- 5379 notice and the date when the sum became due;
- 5380 (b) a brief description of the personal property subject to the lien that permits the
- 5381 person to identify the property, unless the property is locked, fastened, sealed, tied, or
- 5382 otherwise stored in a manner that prevents immediate identification of the property;
- 5383 (c) if permitted by the terms of the rental agreement, a notice that the occupant may not
- 5384 access the occupant's personal property until the occupant complies with the requirements
- 5385 described in Subsection (9);
- 5386 (d) the name, street address, and telephone number of the owner or the individual the
- 5387 occupant may contact to respond to the notification;
- 5388 (e) a demand for payment within a specified time not less than 15 days after the day on
- 5389 which the notice is delivered; and
- 5390 (f) a conspicuous statement that, unless the claim is paid within the time stated in the

5391 notice, the personal property will be advertised for sale and will be sold at a specified time and  
5392 place.

5393 (5) A notice under this section shall be presumed delivered when it is deposited with  
5394 the United States Postal Service and properly addressed with postage prepaid.

5395 (6) (a) (i) After the expiration of the time given in the notice, the owner shall publish  
5396 an advertisement of the sale of the personal property subject to the lien once in a newspaper of  
5397 general circulation in the county where the self-service storage facility is located.

5398 ~~[(b)]~~ (ii) An advertisement described in Subsection (6)(a)(i) shall include:

5399 ~~[(i)]~~ (A) the address of the self-service storage facility and the number, if any, of the  
5400 space where the personal property is located;

5401 ~~[(ii)]~~ (B) the name of the occupant; and

5402 ~~[(iii)]~~ (C) the time, place, and manner of the sale, which shall take place not sooner  
5403 than 15 days after the day on which the sale is advertised under Subsection (6)(a)(i).

5404 (b) Subsection (6)(a) does not apply if:

5405 (i) the owner:

5406 (A) provided the notice described in Subsection (1)(b) by email; and

5407 (B) received a response, return receipt, or delivery confirmation from the email address  
5408 to which the notice was sent; or

5409 (ii) the owner:

5410 (A) provided the notice described in Subsection (1)(b) by certified mail; and

5411 (B) has evidence of providing the notice by certified mail.

5412 (7) A sale of the personal property shall conform to the terms of the notice provided for  
5413 in this section.

5414 (8) A sale of the personal property shall be held at the self-service storage facility, at  
5415 the nearest suitable place to where the personal property is held or stored, or online.

5416 (9) Before a sale of personal property under this section, the occupant may pay the  
5417 amount necessary to satisfy the lien and the reasonable expenses incurred under this section  
5418 and thereby redeem the personal property; upon receipt of this payment, the owner shall return  
5419 the personal property, and thereafter the owner shall have no liability to any person with respect  
5420 to that personal property.

5421 (10) A purchaser in good faith of the personal property sold to satisfy a lien as

5422 provided for in this chapter takes the property free of any rights of persons against whom the  
5423 lien was valid and free of any rights of a secured creditor, despite noncompliance by the owner  
5424 with the requirements of this section.

5425 (11) In the event of a sale under this section, the owner may satisfy the lien for the  
5426 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior  
5427 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good  
5428 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge  
5429 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for  
5430 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or  
5431 other person in interest does not claim the balance of the proceeds within one year of the date  
5432 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no  
5433 further claim against the owner.

5434 (12) If the requirements of this chapter are not satisfied, if the sale of the personal  
5435 property is not in conformity with the notice of sale, or if there is a willful violation of this  
5436 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any  
5437 other person.

5438 Section 84. Section **54-8-10** is amended to read:

5439 **54-8-10. Public hearing -- Notice -- Publication.**

5440 (1) Such notice shall be:

5441 [~~(a) (i) published;~~]

5442 [~~(A) in full one time in a newspaper of general circulation in the district; or (B) if there~~  
5443 ~~be no such newspaper, in a newspaper of general circulation in the county, city, or town in~~  
5444 ~~which the district is located; and]~~

5445 [(~~it~~)] (a) published on the Utah Public Notice Website created in Section [63F-1-701](#);

5446 and

5447 (b) posted in not less than three public places in the district.

5448 (2) A copy of the notice shall be mailed by certified mail to the last known address of  
5449 each owner of land within the proposed district whose property will be assessed for the cost of  
5450 the improvement.

5451 (3) The address to be used for that purpose shall be that last appearing on the real  
5452 property assessment rolls of the county in which the property is located.



5453 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so  
5454 mailed addressed to the street number of each piece of improved property to be affected by the  
5455 assessment.

5456 (5) Mailed notices and the published notice shall state where a copy of the resolution  
5457 creating the district will be available for inspection by any interested parties.

5458 Section 85. Section **54-8-16** is amended to read:

5459 **54-8-16. Notice of assessment -- Publication.**

5460 (1) After the preparation of a resolution under Section [54-8-14](#), notice of a public  
5461 hearing on the proposed assessments shall be given.

5462 (2) The notice described in Subsection (1) shall be:

5463 [~~(a) published:~~]

5464 [~~(i) one time in a newspaper in which the first notice of hearing was published at least  
5465 20 days before the date fixed for the hearing; and]~~

5466 [(~~it~~) (a) published on the Utah Public Notice Website created in Section [63F-1-701](#),  
5467 for at least 20 days before the date fixed for the hearing; and

5468 (b) mailed by certified mail not less than 15 days prior to the date fixed for such  
5469 hearing to each owner of real property whose property will be assessed for part of the cost of  
5470 the improvement at the last known address of such owner using for such purpose the names  
5471 and addresses appearing on the last completed real property assessment rolls of the county  
5472 wherein said affected property is located.

5473 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so  
5474 mailed addressed to the street number of each piece of improved property to be affected by  
5475 such assessment.

5476 (4) Each notice shall state that at the specified time and place, the governing body will  
5477 hold a public hearing upon the proposed assessments and shall state that any owner of any  
5478 property to be assessed pursuant to the resolution will be heard on the question of whether his  
5479 property will be benefited by the proposed improvement to the amount of the proposed  
5480 assessment against his property and whether the amount assessed against his property  
5481 constitutes more than his proper proportional share of the total cost of the improvement.

5482 (5) The notice shall further state where a copy of the resolution proposed to be adopted  
5483 levying the assessments against all real property in the district will be on file for public

5484 inspection, and that subject to such changes and corrections therein as may be made by the  
5485 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

5486 (6) A published notice shall describe the boundaries or area of the district with  
5487 sufficient particularity to permit each owner of real property therein to ascertain that his  
5488 property lies in the district.

5489 (7) The mailed notice may refer to the district by name and date of creation and shall  
5490 state the amount of the assessment proposed to be levied against the real property of the person  
5491 to whom the notice is mailed.

5492 Section 86. Section **54-8-23** is amended to read:

5493 **54-8-23. Objection to amount of assessment -- Civil action -- Litigation to**  
5494 **question or attack proceedings or legality of bonds.**

5495 (1) No special assessment levied under this chapter shall be declared void, nor shall  
5496 any such assessment or part thereof be set aside in consequence of any error or irregularity  
5497 permitted or appearing in any of the proceedings under this chapter, but any party feeling  
5498 aggrieved by any such special assessment or proceeding may bring a civil action to cause such  
5499 grievance to be adjudicated if such action is commenced prior to the expiration of the period  
5500 specified in this section.

5501 (2) The burden of proof to show that such special assessment or part thereof is invalid,  
5502 inequitable or unjust shall rest upon the party who brings such suit.

5503 (3) Any such litigation shall not be regarded as an appeal within the meaning of the  
5504 prohibition contained in Section [54-8-18](#).

5505 (4) Every person whose property is subject to such special assessment and who fails to  
5506 appear during the public hearings on said assessments to raise his objection to such tax shall be  
5507 deemed to have waived all objections to such levy except the objection that the governing body  
5508 lacks jurisdiction to levy such tax.

5509 (5) For a period of 20 days after the governing body has adopted the enactment  
5510 authorizing the assessment, any taxpayer in the district shall have the right to institute litigation  
5511 for the purpose of questioning or attacking the proceedings pursuant to which the assessments  
5512 have been authorized subject to the provisions of the preceding paragraph.

5513 (6) Whenever any enactment authorizing the issuance of any bonds pursuant to the  
5514 improvement contemplated shall have been adopted such resolution shall be [~~published~~]

5515 posted on the Utah Public Notice Website created in Section [63F-1-701](#).

5516 ~~[(a) once in a newspaper in which the original notice of hearing was published; and]~~

5517 ~~[(b) as required in Section [45-1-101](#).]~~

5518 (7) For a period of 20 days thereafter, any person whose property shall have been  
5519 assessed and any taxpayer in the district shall have the right to institute litigation for the  
5520 purpose of questioning or attacking the legality of such bonds.

5521 (8) After the expiration of such 20-day period, all proceedings theretofore had by the  
5522 governing body, the bonds to be issued pursuant thereto, and the special assessments from  
5523 which such bonds are to be paid, shall become incontestable, and no suit attacking or  
5524 questioning the legality thereof may be instituted in this state, and no court shall have the  
5525 authority to inquire into such matters.

5526 Section 87. Section **57-13a-104** is amended to read:

5527 **57-13a-104. Abandonment of prescriptive easement for water conveyance.**

5528 (1) A holder of a prescriptive easement for a water conveyance established under  
5529 Section [57-13a-102](#) may, in accordance with this section, abandon all or part of the easement.

5530 (2) A holder of a prescriptive easement for a water conveyance established under  
5531 Section [57-13a-102](#) who seeks to abandon the easement or part of the easement shall:

5532 (a) in each county where the easement or part of the easement is located~~[-(i)]~~, file in  
5533 the office of the county recorder a notice of intent to abandon the prescriptive easement that  
5534 describes the easement or part of the easement to be abandoned; ~~[and]~~

5535 ~~[(ii) publish the notice of intent to abandon the prescriptive easement once a week for~~  
5536 ~~two consecutive weeks in:]~~

5537 ~~[(A) a local newspaper of general circulation that is published in the area generally~~  
5538 ~~served by the water conveyance that utilizes the easement; or]~~

5539 ~~[(B) if a newspaper described in Subsection (2)(a)(ii)(A) does not exist, in a newspaper~~  
5540 ~~of general circulation in the county;]~~

5541 (b) post copies of the notice of intent to abandon the prescriptive easement in three  
5542 public places located within the area generally served by the water conveyance that utilizes the  
5543 easement;

5544 (c) mail a copy of the notice of intent to abandon the prescriptive easement to each  
5545 municipal and county government where the easement or part of the easement is located;

5546 (d) [~~in accordance with Section 45-1-101, publish~~] post a copy of the notice of intent to  
 5547 abandon the prescriptive easement on the [~~public legal notice website described in Subsection~~  
 5548 ~~45-1-101(2)(b)] Utah Public Notice Website created in Section 63F-1-701; and~~

5549 (e) after meeting the requirements of Subsections (2)(a), (b), (c), and (d) and at least 45  
 5550 days after the last day on which the holder of the easement [~~publishes~~] posts the notice of intent  
 5551 to abandon the prescriptive easement in accordance with Subsection [~~(2)(a)(ii)] (2)(b), file in~~  
 5552 the office of the county recorder for each county where the easement or part of the easement is  
 5553 located a notice of abandonment that contains the same description required by Subsection  
 5554 (2)(a)(i).

5555 (3) (a) Upon completion of the requirements described in Subsection (2) by the holder  
 5556 of a prescriptive easement for a water conveyance established under Section 57-13a-102:

5557 (i) all interest to the easement or part of the easement abandoned by the holder of the  
 5558 easement is extinguished; and

5559 (ii) subject to each legal right that exists as described in Subsection (3)(b), the owner of  
 5560 a servient estate whose land was encumbered by the easement or part of the easement  
 5561 abandoned may reclaim the land area occupied by the former easement or part of the easement  
 5562 and resume full utilization of the land without liability to the former holder of the easement.

5563 (b) Abandonment of a prescriptive easement under this section does not affect a legal  
 5564 right to have water delivered or discharged through the water conveyance and easement  
 5565 established by a person other than the holder of the easement who abandons an easement as  
 5566 provided in this section.

5567 Section 88. Section **59-12-402** is amended to read:

5568 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**  
 5569 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**  
 5570 **Notice requirements -- Ordinance requirements -- Prohibition of military installation**  
 5571 **development authority imposition of tax.**

5572 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in  
 5573 which the transient room capacity as defined in Section 59-12-405 is greater than or equal to  
 5574 66% of the municipality's permanent census population may, in addition to the sales tax  
 5575 authorized under Section 59-12-401, impose an additional resort communities sales tax in an  
 5576 amount that is less than or equal to .5% on the transactions described in Subsection

5577 59-12-103(1) located within the municipality.

5578 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not  
5579 impose a tax under this section on:

5580 (i) the sale of:

5581 (A) a motor vehicle;

5582 (B) an aircraft;

5583 (C) a watercraft;

5584 (D) a modular home;

5585 (E) a manufactured home; or

5586 (F) a mobile home;

5587 (ii) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
5588 are exempt from taxation under Section 59-12-104; and

5589 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and  
5590 food ingredients.

5591 (c) For purposes of this Subsection (1), the location of a transaction shall be  
5592 determined in accordance with Sections 59-12-211 through 59-12-215.

5593 (d) A municipality imposing a tax under this section shall impose the tax on the  
5594 purchase price or sales price for amounts paid or charged for food and food ingredients if the  
5595 food and food ingredients are sold as part of a bundled transaction attributable to food and food  
5596 ingredients and tangible personal property other than food and food ingredients.

5597 (2) (a) An amount equal to the total of any costs incurred by the state in connection  
5598 with the implementation of Subsection (1) which exceed, in any year, the revenues received by  
5599 the state from its collection fees received in connection with the implementation of Subsection  
5600 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax  
5601 provided for in Subsection (1).

5602 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among  
5603 those cities and towns according to the amount of revenue the respective cities and towns  
5604 generate in that year through imposition of that tax.

5605 (3) To impose an additional resort communities sales tax under this section, the  
5606 governing body of the municipality shall:

5607 (a) pass a resolution approving the tax; and

5608 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided  
5609 in Subsection (4).

5610 (4) To obtain voter approval for an additional resort communities sales tax under  
5611 Subsection (3)(b), a municipality shall:

5612 (a) hold the additional resort communities sales tax election during:

5613 (i) a regular general election; or

5614 (ii) a municipal general election; and

5615 (b) ~~[publish]~~ post notice of the election:

5616 (i) 15 days or more before the day on which the election is held; and

5617 ~~[(ii) (A) in a newspaper of general circulation in the municipality; and]~~

5618 ~~[(B) as required in Section 45-1-101.]~~

5619 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

5620 (5) An ordinance approving an additional resort communities sales tax under this  
5621 section shall provide an effective date for the tax as provided in Section 59-12-403.

5622 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the  
5623 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the  
5624 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to  
5625 Section 10-1-203.

5626 (b) The exception from the voter approval requirements in Subsection (6)(a) does not  
5627 apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only  
5628 one class of businesses based on gross receipts pursuant to Section 10-1-203.

5629 (7) A military installation development authority authorized to impose a resort  
5630 communities tax under Section 59-12-401 may not impose an additional resort communities  
5631 sales tax under this section.

5632 Section 89. Section 59-12-2208 is amended to read:

5633 **59-12-2208. Legislative body approval requirements -- Voter approval**  
5634 **requirements.**

5635 (1) Subject to the other provisions of this section, before imposing a sales and use tax  
5636 under this part, a county, city, or town legislative body shall:

5637 (a) obtain approval to impose the sales and use tax from a majority of the members of  
5638 the county, city, or town legislative body; and

5639 (b) submit an opinion question to the county's, city's, or town's registered voters voting  
5640 on the imposition of the sales and use tax so that each registered voter has the opportunity to  
5641 express the registered voter's opinion on whether a sales and use tax should be imposed under  
5642 this section.

5643 (2) The opinion question required by this section shall state:

5644 "Shall (insert the name of the county, city, or town), Utah, be authorized to impose a  
5645 (insert the tax rate of the sales and use tax) sales and use tax for (list the purposes for which the  
5646 revenues collected from the sales and use tax shall be expended)?"

5647 (3) (a) Subject to Subsection (3)(b), the election required by this section shall be held:

5648 (i) at a regular general election conducted in accordance with the procedures and  
5649 requirements of Title 20A, Election Code, governing regular general elections; or

5650 (ii) at a municipal general election conducted in accordance with the procedures and  
5651 requirements of Section [20A-1-202](#).

5652 (b) (i) Subject to Subsection (3)(b)(ii), the county clerk of the county in which the  
5653 opinion question required by this section will be submitted to registered voters shall, no later  
5654 than 15 days before the date of the election:

5655 [~~(A) publish a notice;~~]

5656 [~~(F) once in a newspaper published in that county; and]~~

5657 [~~(H) as required in Section [45-1-101](#); or]~~

5658 (A) post a notice on the Utah Public Notice Website created in Section [63F-1-701](#); or

5659 (B) (I) cause a copy of the notice to be posted in a conspicuous place most likely to  
5660 give notice of the election to the registered voters voting on the imposition of the sales and use  
5661 tax; and

5662 (II) prepare an affidavit of that posting, showing a copy of the notice and the places  
5663 where the notice was posted.

5664 (ii) The notice under Subsection (3)(b)(i) shall:

5665 (A) state that an opinion question will be submitted to the county's, city's, or town's  
5666 registered voters voting on the imposition of a sales and use tax under this section so that each  
5667 registered voter has the opportunity to express the registered voter's opinion on whether a sales  
5668 and use tax should be imposed under this section; and

5669 (B) list the purposes for which the revenues collected from the sales and use tax shall



5670 be expended.

5671 (4) A county, city, or town that submits an opinion question to registered voters under  
5672 this section is subject to Section [20A-11-1203](#).

5673 (5) Subject to Section [59-12-2209](#), if a county, city, or town legislative body  
5674 determines that a majority of the county's, city's, or town's registered voters voting on the  
5675 imposition of a sales and use tax under this part have voted in favor of the imposition of the  
5676 sales and use tax in accordance with this section, the county, city, or town legislative body shall  
5677 impose the sales and use tax.

5678 (6) If, after imposing a sales and use tax under this part, a county, city, or town  
5679 legislative body seeks to impose a tax rate for the sales and use tax that exceeds or is less than  
5680 the tax rate stated in the opinion question described in Subsection (2) or repeals the tax rate  
5681 stated in the opinion question described in Subsection (2), the county, city, or town legislative  
5682 body shall:

5683 (a) obtain approval from a majority of the members of the county, city, or town  
5684 legislative body to impose a tax rate for the sales and use tax that exceeds or is less than the tax  
5685 rate stated in the opinion question described in Subsection (2) or repeals the tax rate stated in  
5686 the opinion question described in Subsection (2); and

5687 (b) in accordance with the procedures and requirements of this section, submit an  
5688 opinion question to the county's, city's, or town's registered voters voting on the tax rate so that  
5689 each registered voter has the opportunity to express the registered voter's opinion on whether to  
5690 impose a tax rate for the sales and use tax that exceeds or is less than the tax rate stated in the  
5691 opinion question described in Subsection (2) or repeal the tax rate stated in the opinion  
5692 question described in Subsection (2).

5693 Section 90. Section **63F-1-701** is amended to read:

5694 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

5695 (1) As used in this part:

5696 (a) "Division" means the Division of Archives and Records Service of the Department  
5697 of Administrative Services.

5698 (b) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).

5699 (c) "Public body" means the same as that term is defined in Section [52-4-103](#).

5700 (d) "Public information" means a public body's public notices, minutes, audio



5701 recordings, and other materials that are required to be posted to the website under Title 52,  
5702 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

5703 (e) "Website" means the Utah Public Notice Website created under this section.

5704 (2) There is created the Utah Public Notice Website to be administered by the Division  
5705 of Archives and Records Service.

5706 (3) The website shall consist of an Internet website provided to assist the public to find  
5707 posted public information.

5708 (4) The division, with the technical assistance of the Department of Technology  
5709 Services, shall create the website that shall:

5710 (a) allow a public body, or other certified entity, to easily post any public information,  
5711 including the contact information required under Subsections [17B-1-303\(9\)](#) and  
5712 [17D-1-106\(1\)\(b\)\(ii\)](#);

5713 (b) allow the public to easily search the public information by:

5714 (i) public body name;

5715 (ii) date of posting of the notice;

5716 (iii) date of any meeting or deadline included as part of the public information; and

5717 (iv) any other criteria approved by the division;

5718 (c) allow the public to easily search and view past, archived public information;

5719 (d) allow an individual to subscribe to receive updates and notices associated with a  
5720 public body or a particular type of public information;

5721 (e) be easily accessible by the public from the State of Utah home page;

5722 (f) have a unique and simplified website address;

5723 (g) be directly accessible via a link from the main page of the official state website;

5724 [~~and~~]

5725 (h) allow a newspaper to request and automatically receive a transmission of a posting  
5726 to the website as the posting occurs; and

5727 [~~h~~] (i) include other links, features, or functionality that will assist the public in  
5728 obtaining and reviewing public information posted on the website, as may be approved by the  
5729 division.

5730 (5) (a) Subject to Subsection (5)(b), the division and the governor's office shall  
5731 coordinate to ensure that the website, the database described in Section [67-1-2.5](#), and the

5732 website described in Section 67-1-2.5 automatically share appropriate information in order to  
5733 ensure that:

5734 (i) an individual who subscribes to receive information under Subsection (4)(d) for an  
5735 executive board automatically receives notifications of vacancies on the executive board that  
5736 will be publicly filled, including a link to information regarding how an individual may apply  
5737 to fill the vacancy; and

5738 (ii) an individual who accesses an executive board's information on the website has  
5739 access to the following through the website:

5740 (A) the executive board's information in the database, except an individual's physical  
5741 address, e-mail address, or phone number; and

5742 (B) the portal described in Section 67-1-2.5 through which an individual may provide  
5743 input on an appointee to, or member of, the executive board.

5744 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon  
5745 as reasonably possible within existing funds appropriated to the division and the governor's  
5746 office.

5747 (6) Before August 1 of each year, the division shall:

5748 (a) identify each executive board that is a public body that did not submit to the  
5749 website a notice of a public meeting during the previous fiscal year; and

5750 (b) report the name of each identified executive board to the governor's boards and  
5751 commissions administrator.

5752 (7) The division is responsible for:

5753 (a) establishing and maintaining the website, including the provision of equipment,  
5754 resources, and personnel as is necessary;

5755 (b) providing a mechanism for public bodies or other certified entities to have access to  
5756 the website for the purpose of posting and modifying public information; and

5757 (c) maintaining an archive of all public information posted to the website.

5758 (8) A public body is responsible for the content the public body is required to post to  
5759 the website and the timing of posting of that information.

5760 Section 91. Section 63G-6a-112 is amended to read:

5761 **63G-6a-112. Required public notice.**

5762 (1) A procurement unit that issues a solicitation shall ~~publish~~ post notice of the

5763 solicitation:

5764 (a) at least seven days before the day of the deadline for submission of a solicitation  
5765 response; and

5766 [~~(b) (i) in a newspaper of general circulation in the state;~~]

5767 [~~(ii) in a newspaper of local circulation in the area;~~]

5768 [~~(A) directly impacted by the procurement; or~~]

5769 [~~(B) over which the procurement unit has jurisdiction;~~]

5770 [~~(iii)~~] (b) (i) on the main website for the procurement unit; or

5771 [~~(iv)~~] (ii) on a state website that is owned, managed by, or provided under contract  
5772 with, the division for posting a public procurement notice.

5773 (2) A procurement unit may reduce the seven-day period described in Subsection (1), if  
5774 the procurement unit's procurement official signs a written statement that:

5775 (a) states that a shorter time is needed; and

5776 (b) determines that competition from multiple sources may be obtained within the  
5777 shorter period of time.

5778 (3) (a) It is the responsibility of a person seeking information provided by a notice  
5779 published under this section to seek out, find, and respond to the notice.

5780 (b) As a courtesy and in order to promote competition, a procurement unit may  
5781 provide, but is not required to provide, individual notice.

5782 Section 92. Section **72-5-105** is amended to read:

5783 **72-5-105. Highways, streets, or roads once established continue until abandoned**  
5784 **-- Temporary closure.**

5785 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads  
5786 once established shall continue to be highways, streets, or roads until formally abandoned or  
5787 vacated by written order, resolution, or ordinance resolution of a highway authority having  
5788 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has  
5789 been duly recorded in the office of the recorder of the county or counties where the highway,  
5790 street, or road is located.

5791 (2) (a) For purposes of assessment, upon the recordation of an order executed by the  
5792 proper authority with the county recorder's office, title to the vacated or abandoned highway,  
5793 street, or road shall vest to the adjoining record owners, with one-half of the width of the

5794 highway, street, or road assessed to each of the adjoining owners.

5795 (b) Provided, however, that should a description of an owner of record extend into the  
5796 vacated or abandoned highway, street, or road that portion of the vacated or abandoned  
5797 highway, street, or road shall vest in the record owner, with the remainder of the highway,  
5798 street, or road vested as otherwise provided in this Subsection (2).

5799 (c) Title to a highway, street, or road that a local highway authority closes to vehicular  
5800 traffic under Subsection (3) or (7) remains vested in the city.

5801 (3) (a) In accordance with this section, a state or local highway authority may  
5802 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,  
5803 C, or D road or R.S. 2477 right-of-way.

5804 (b) (i) A temporary closure authorized under this section is not an abandonment.

5805 (ii) The erection of a barrier or sign on a highway, street, or road once established is  
5806 not an abandonment.

5807 (iii) An interruption of the public's continuous use of a highway, street, or road once  
5808 established is not an abandonment even if the interruption is allowed to continue unabated.

5809 (c) A temporary closure under Subsection (3)(a) may be authorized only under the  
5810 following circumstances:

5811 (i) when a federal authority, or other person, provides an alternate route to an R.S.  
5812 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

5813 (A) accepted by the highway authority; and

5814 (B) formalized by a federal permit or a written agreement between the federal authority  
5815 or other person and the highway authority;

5816 (ii) when a state or local highway authority determines that correction or mitigation of  
5817 injury to private or public land resources is necessary on or near a class B or D road or portion  
5818 of a class B or D road; or

5819 (iii) when a local highway authority makes a finding that temporary closure of all or  
5820 part of a class C road is necessary to mitigate unsafe conditions.

5821 (d) (i) If a local highway authority temporarily closes all or part of a class C road under  
5822 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to  
5823 another public use or purpose related to the mitigation of the unsafe condition.

5824 (ii) If a local highway authority temporarily closes all or part of a class C road under

5825 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement  
5826 between the local highway authority and another entity, the local highway authority may not  
5827 reopen the closed portion of the road until the lease agreement terminates.

5828 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.  
5829 2477 right-of-way temporarily closed under this section if the alternate route is closed for any  
5830 reason.

5831 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

5832 (i) be authorized annually; and

5833 (ii) not exceed two years or the time it takes to complete the correction or mitigation,  
5834 whichever is less.

5835 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway  
5836 authority shall pass an ordinance to temporarily or indefinitely close the road.

5837 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),  
5838 a highway authority shall:

5839 (a) hold a hearing on the proposed temporary or indefinite closure;

5840 (b) provide notice of the hearing by mailing a notice to the Department of  
5841 Transportation and all owners of property abutting the highway; and

5842 (c) except for a closure under Subsection (3)(c)(iii)[:], post the notice:

5843 [~~(i) publishing the notice:~~]

5844 [~~(A) in a newspaper of general circulation in the county at least once a week for four  
5845 consecutive weeks before the hearing; and]~~

5846 [~~(B)~~] (i) on the Utah Public Notice Website created in Section 63F-1-701, for four  
5847 weeks before the hearing; or

5848 (ii) [~~posting the notice~~] in three public places for at least four consecutive weeks before  
5849 the hearing.

5850 (6) The right-of-way and easements, if any, of a property owner and the franchise rights  
5851 of any public utility may not be impaired by a temporary or indefinite closure authorized under  
5852 this section.

5853 (7) (a) A local highway authority may close to vehicular travel and convert to another  
5854 public use or purpose a highway, road, or street over which the local highway authority has  
5855 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding

5856 that:

5857 (i) the closed highway, road, or street is not necessary for vehicular travel;  
5858 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury  
5859 to private or public land resources on or near the highway, road, or street; or  
5860 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe  
5861 conditions.

5862 (b) If a local highway authority indefinitely closes all or part of a highway, road, or  
5863 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease  
5864 agreement between the local highway authority and another entity, the local highway authority  
5865 may not reopen the closed portion of the road until the lease agreement terminates.

5866 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

5867 Section 93. Section **72-6-108** is amended to read:

5868 **72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.**

5869 (1) A county executive for class B roads and the municipal executive for class C roads  
5870 shall cause plans, specifications, and estimates to be made prior to the construction of any  
5871 improvement project, as defined in Section [72-6-109](#), on a class B or C road if the estimated  
5872 cost for any one project exceeds the bid limit as defined in Section [72-6-109](#) for labor,  
5873 equipment, and materials.

5874 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let  
5875 to the lowest responsible bidder.

5876 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,  
5877 equipment, and materials, the project may not be divided to permit the construction in parts,  
5878 unless each part is done by contract.

5879 (3) ~~(a)~~ The advertisement on bids shall be ~~published~~ posted:

5880 ~~[(i) in a newspaper of general circulation in the county in which the work is to be~~  
5881 ~~performed at least once a week for three consecutive weeks; and]~~

5882 ~~[(ii) in accordance with Section [45-1-101](#) for three weeks.]~~

5883 (a) on the Utah Public Notice Website, created in Section [63F-1-701](#), for three weeks;

5884 and

5885 ~~(b) [If there is no newspaper of general circulation as described in Subsection (3)(a)(i),~~  
5886 ~~the notice shall be posted]~~ for at least 20 days in at least five public places in the county.

5887 (4) The county or municipal executive or their designee shall receive sealed bids and  
5888 open the bids at the time and place designated in the advertisement. The county or municipal  
5889 executive or their designee may then award the contract but may reject any and all bids.

5890 (5) The person, firm, or corporation that is awarded a contract under this section is  
5891 subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

5892 (6) If any payment on a contract with a private contractor for construction or  
5893 improvement of a class B or C road is retained or withheld, the payment shall be retained or  
5894 withheld and released as provided in Section 13-8-5.

5895 Section 94. Section 76-8-809 is amended to read:

5896 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**  
5897 **-- Posting of notices.**

5898 Any individual, partnership, association, corporation, municipal corporation or state or  
5899 any political subdivision thereof engaged in or preparing to engage in the manufacture,  
5900 transportation or storage of any product to be used in the preparation of the United States or  
5901 any of the states for defense or for war or in the prosecution of war by the United States, or in  
5902 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or  
5903 any of said natural or artificial persons operating any public utility who has property so used  
5904 which he or it believes will be endangered if public use and travel is not restricted or prohibited  
5905 on one or more highways or parts thereof upon which the property abuts, may petition the  
5906 highway commissioners of any city, town, or county to close one or more of the highways or  
5907 parts thereof to public use and travel or to restrict by order the use and travel upon one or more  
5908 of the highways or parts thereof.

5909 Upon receipt of the petition, the highway commissioners shall set a day for hearing and  
5910 give notice [~~thereof by publication in a newspaper having general circulation in the city, town,~~  
5911 ~~or county in which the property is located and as required in Section 45-1-101, the publication~~  
5912 ~~shall be made] of the hearing by posting a notice on the Utah Public Notice Website, created in  
5913 Section 63F-1-701, at least seven days prior to the date set for hearing. If, after hearing, the  
5914 highway commissioners determine that the public safety and the safety of the property of the  
5915 petitioner so require, they shall by suitable order close to public use and travel or reasonably  
5916 restrict the use of and travel upon one or more of the highways or parts thereof; provided the  
5917 highway commissioners may issue written permits to travel over the highway so closed or~~

5918 restricted to responsible and reputable persons for a term, under conditions and in a form as the  
5919 commissioners may prescribe. Appropriate notices in letters at least three inches high shall be  
5920 posted conspicuously at each end of any highway so closed or restricted by an order. The  
5921 highway commissioners may at any time revoke or modify any order so made.

5922 Section 95. Section **78A-7-202** is amended to read:

5923 **78A-7-202. Justice court judges to be appointed -- Procedure.**

5924 (1) As used in this section:

5925 (a) "Local government executive" means:

5926 (i) for a county:

5927 (A) the chair of the county commission in a county operating under the county  
5928 commission or expanded county commission form of county government;

5929 (B) the county executive in a county operating under the county executive-council form  
5930 of county government; and

5931 (C) the county manager in a county operating under the council-manager form of  
5932 county government;

5933 (ii) for a city or town:

5934 (A) the mayor of the city or town; or

5935 (B) the city manager, in the council-manager form of government described in

5936 Subsection **10-3b-103**(7); and

5937 (iii) for a metro township, the chair of the metro township council.

5938 (b) "Local legislative body" means:

5939 (i) for a county, the county commission or county council; and

5940 (ii) for a city or town, the council of the city or town.

5941 (2) There is created in each county a county justice court nominating commission to  
5942 review applicants and make recommendations to the appointing authority for a justice court  
5943 position. The commission shall be convened when a new justice court judge position is created  
5944 or when a vacancy in an existing court occurs for a justice court located within the county.

5945 (a) Membership of the justice court nominating commission shall be as follows:

5946 (i) one member appointed by:

5947 (A) the county commission if the county has a county commission form of

5948 government; or



- 5949 (B) the county executive if the county has an executive-council form of government;  
5950 (ii) one member appointed by the municipalities in the counties as follows:  
5951 (A) if the county has only one municipality, appointment shall be made by the  
5952 governing authority of that municipality; or  
5953 (B) if the county has more than one municipality, appointment shall be made by a  
5954 municipal selection committee composed of the mayors of each municipality and the chairs of  
5955 each metro township in the county;  
5956 (iii) one member appointed by the county bar association; and  
5957 (iv) two members appointed by the governing authority of the jurisdiction where the  
5958 judicial office is located.
- 5959 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be  
5960 appointed by the regional bar association. If no regional bar association exists, the state bar  
5961 association shall make the appointment.
- 5962 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing  
5963 authority or an elected official of a county or municipality.
- 5964 (d) The nominating commission shall submit at least three names to the appointing  
5965 authority of the jurisdiction expected to be served by the judge. The local government  
5966 executive shall appoint a judge from the list submitted and the appointment ratified by the local  
5967 legislative body.
- 5968 (e) The state court administrator shall provide staff to the commission. The Judicial  
5969 Council shall establish rules and procedures for the conduct of the commission.
- 5970 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through  
5971 the Utah State Bar, on the Utah Public Notice Website, created in Section [63F-1-701](#), and  
5972 through other appropriate means.
- 5973 (4) Selection of candidates shall be based on compliance with the requirements for  
5974 office and competence to serve as a judge.
- 5975 (5) Once selected, every prospective justice court judge shall attend an orientation  
5976 seminar conducted under the direction of the Judicial Council. Upon completion of the  
5977 orientation program, the Judicial Council shall certify the justice court judge as qualified to  
5978 hold office.
- 5979 (6) The selection of a person to fill the office of justice court judge is effective upon

5980 certification of the judge by the Judicial Council. A justice court judge may not perform  
5981 judicial duties until certified by the Judicial Council.