

Senator Evan J. Vickers proposes the following substitute bill:

MUNICIPALITY INCORPORATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill amends provisions related to incorporating a municipality.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the procedures and requirements for incorporating a municipality;
- ▶ modifies the procedures and requirements to request exclusion from an area proposed for incorporation;
- ▶ establishes a procedure and requirements for requesting inclusion in an area proposed for incorporation;
- ▶ transfers many of the duties currently fulfilled by the lieutenant governor, in relation to municipal incorporation, to the county of the area proposed for incorporation;
- ▶ describes the duties of the lieutenant governor in relation to municipal incorporation;
- ▶ provides for transition to the new incorporation process for a municipality; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-2-402**, as last amended by Laws of Utah 2021, Chapter 112

31 **10-2a-102**, as last amended by Laws of Utah 2019, Chapter 165

32 **10-2a-103**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered
33 and amended by Laws of Utah 2015, Chapter 352

34 **10-2a-104**, as renumbered and amended by Laws of Utah 2015, Chapter 352

35 **10-2a-106**, as last amended by Laws of Utah 2019, Chapter 165 and further amended
36 by Revisor Instructions, Laws of Utah 2019, Chapter 165

37 **10-2a-201.5**, as last amended by Laws of Utah 2021, Chapter 112

38 **10-2a-202**, as last amended by Laws of Utah 2019, Chapter 165

39 **10-2a-204**, as last amended by Laws of Utah 2019, Chapter 165

40 **10-2a-205**, as last amended by Laws of Utah 2019, Chapter 165

41 **10-2a-206**, as last amended by Laws of Utah 2021, Chapter 112

42 **10-2a-207**, as last amended by Laws of Utah 2021, Chapters 84, 112, 345, and 355

43 **10-2a-208**, as last amended by Laws of Utah 2019, Chapter 165

44 **10-2a-209**, as last amended by Laws of Utah 2019, Chapter 165

45 **10-2a-210**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

46 **10-2a-213**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

47 **10-2a-214**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

48 **10-2a-220**, as last amended by Laws of Utah 2019, Chapter 165

49 ENACTS:

50 **10-2a-204.3**, Utah Code Annotated 1953

51 RENUMBERS AND AMENDS:

52 **10-2a-204.5**, (Renumbered from 10-2a-203, as last amended by Laws of Utah 2021,
53 Chapter 112)

54 REPEALS:

55 **10-2a-101**, as enacted by Laws of Utah 2015, Chapter 352

56 **10-2a-201**, as last amended by Laws of Utah 2019, Chapter 165

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

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

Section 1. Section **10-2-402** is amended to read:

10-2-402. Annexation -- Limitations.

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

(b) Except as provided in Subsection (1)(c), an unincorporated area may not be annexed to a municipality unless:

(i) the unincorporated area is a contiguous area;

(ii) the unincorporated area is contiguous to the municipality;

(iii) annexation will not leave or create an unincorporated island or unincorporated peninsula:

(A) except as provided in Subsection **10-2-418(3)**; or

(B) unless the county and municipality have otherwise agreed; and

(iv) for an area located in a specified county, the area is within the proposed annexing municipality's expansion area.

(c) A municipality may annex an unincorporated area within a specified county that does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated island or unincorporated peninsula, if:

(i) the area is within the annexing municipality's expansion area;

(ii) the specified county in which the area is located and the annexing municipality agree to the annexation;

(iii) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and

(iv) the annexation is for the purpose of providing municipal services to the area.

(2) Except as provided in Section **10-2-418**, a municipality may not annex an unincorporated area unless a petition under Section **10-2-403** is filed requesting annexation.

(3) (a) An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation petition under Section **10-2-403**.

(b) A piece of real property that has more than one parcel number is considered to be a

88 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

89 (4) A municipality may not annex an unincorporated area in a specified county for the
90 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
91 annex the same or a related area unless the municipality has the ability and intent to benefit the
92 annexed area by providing municipal services to the annexed area.

93 (5) (a) As used in this subsection, "expansion area urban development" means:

94 (i) for a specified county, urban development within a city or town's expansion area; or

95 (ii) for a county of the first class, urban development within a city or town's expansion
96 area that:

97 (A) consists of 50 or more acres;

98 (B) requires the county to change the zoning designation of the land on which the
99 urban development is located; and

100 (C) does not include commercial or industrial development that is located within a
101 mining protection area as defined in Section 17-41-101, regardless of whether the commercial
102 or industrial development is for a mining use as defined in Section 17-41-101.

103 (b) A county legislative body may not approve expansion area urban development
104 unless:

105 (i) the county notifies the city or town of the proposed development; and

106 (ii) (A) the city or town consents in writing to the development;

107 (B) within 90 days after the county's notification of the proposed development, the city
108 or town submits to the county a written objection to the county's approval of the proposed
109 development and the county responds in writing to the city or town's objection; or

110 (C) the city or town fails to respond to the county's notification of the proposed
111 development within 90 days after the day on which the county provides the notice.

112 (6) (a) As used in this Subsection (6), "airport" means an area that the Federal Aviation
113 Administration has, by a record of decision, approved for the construction or operation of a
114 Class I, II, or III commercial service airport, as designated by the Federal Aviation
115 Administration in 14 C.F.R. Part 139.

116 (b) A municipality may not annex an unincorporated area within 5,000 feet of the
117 center line of any runway of an airport operated or to be constructed and operated by another
118 municipality unless the legislative body of the other municipality adopts a resolution

119 consenting to the annexation.

120 (c) A municipality that operates or intends to construct and operate an airport and does
121 not adopt a resolution consenting to the annexation of an area described in Subsection (6)(b)
122 may not deny an annexation petition proposing the annexation of that same area to that
123 municipality.

124 (7) (a) As used in this Subsection (7), "project area" means a project area as defined in
125 Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by
126 the Military Installation Development Authority under Title 63H, Chapter 1, Military
127 Installation Development Authority Act.

128 (b) A municipality may not annex an unincorporated area located within a project area
129 without the authority's approval.

130 (c) (i) Except as provided in Subsection (7)(c)(ii), the Military Installation
131 Development Authority may petition for annexation of the following areas to a municipality as
132 if the Military Installation Development Authority was the sole private property owner within
133 the area:

134 (A) an area within a project area;

135 (B) an area that is contiguous to a project area and within the boundaries of a military
136 installation;

137 (C) an area owned by the Military Installation Development Authority; and

138 (D) an area that is contiguous to an area owned by the Military Installation

139 Development Authority that the Military Installation Development Authority plans to add to an
140 existing project area.

141 (ii) If any portion of an area annexed under a petition for annexation filed by the
142 Military Installation Development Authority is located in a specified county:

143 (A) the annexation process shall follow the requirements for a specified county; and

144 (B) the provisions of Section 10-2-402.5 do not apply.

145 (8) A municipality may not annex an unincorporated area if:

146 (a) the area is proposed for incorporation in:

147 (i) a feasibility study conducted under Section 10-2a-205; or

148 (ii) a supplemental feasibility study conducted under Section 10-2a-206; and

149 (b) the lieutenant governor completes the [~~first~~] second public hearing on the proposed

150 incorporation under Subsection [10-2a-207\(4\)](#)~~]; and~~].

151 ~~[(c) the time period for a specified landowner, as defined in Section [10-2a-203](#), to~~
152 ~~request that the lieutenant governor exclude the specified landowner's property from the~~
153 ~~proposed incorporation under Subsection [10-2a-207\(5\)\(a\)](#) has expired.]~~

154 Section 2. Section **10-2a-102** is amended to read:

155 **10-2a-102. Definitions.**

156 (1) As used in this part and Part 2, Incorporation of a Municipality:

157 (a) "Contact sponsor" means the person designated in the feasibility request as the
158 contact sponsor under Subsection [10-2a-202\(2\)\(d\)](#).

159 (b) (i) "Contiguous" means, except as provided in Subsection (1)(b)(ii), the same as
160 that term is defined in Section [10-1-104](#).

161 (ii) "Contiguous" does not include a circumstance where:

162 (A) two areas of land are only connected by a strip of land between geographically
163 separate areas; and

164 (B) the distance between the geographically separate areas described in Subsection
165 (1)(b)(ii)(A) is greater than the average width of the strip of land connecting the geographically
166 separate areas.

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

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

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

171 (d) "Feasibility request" means a request, described in Section [10-2a-202](#), for a
172 feasibility study for the proposed incorporation of a municipality.

173 ~~[(b)]~~ (e) (i) "Municipal service" means any of the following that are publicly provided:

174 (A) culinary water;

175 (B) secondary water;

176 (C) sewer service;

177 (D) storm drainage or flood control;

178 (E) recreational facilities or parks;

179 (F) electrical power generation or distribution;

180 (G) construction or maintenance of local streets and roads;

- 181 (H) street lighting;
- 182 (I) curb, gutter, and sidewalk maintenance;
- 183 (J) law or code enforcement service;
- 184 (K) fire protection service;
- 185 (L) animal services;
- 186 (M) planning and zoning;
- 187 (N) building permits and inspections;
- 188 (O) refuse collection; or
- 189 (P) weed control.
- 190 (ii) "Municipal service" includes the physical facilities required to provide a service
- 191 described in Subsection ~~[(1)(b)(f)]~~ (1)(e)(i).
- 192 ~~[(e)]~~ (f) "Private," with respect to real property, means taxable property.
- 193 (2) For purposes of this part:
- 194 (a) the owner of real property shall be the record title owner according to the records of
- 195 the county recorder on the date of the filing of the feasibility request or petition for
- 196 incorporation; and
- 197 (b) the value of private real property shall be determined according to the last
- 198 assessment roll for county taxes before the filing of the feasibility request or petition for
- 199 incorporation.
- 200 (3) For purposes of each provision of this part that requires the owners of private real
- 201 property covering a percentage or fraction of the total private land area within an area to sign a
- 202 feasibility request or a petition for incorporation:
- 203 (a) a parcel of real property may not be included in the calculation of the required
- 204 percentage or fraction unless the feasibility request or petition for incorporation is signed by:
- 205 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
- 206 ownership interest in that parcel; or
- 207 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
- 208 of owners of that parcel;
- 209 (b) the signature of a person signing a feasibility request or a petition for incorporation
- 210 in a representative capacity on behalf of an owner is invalid unless:
- 211 (i) the person's representative capacity and the name of the owner the person represents

212 are indicated on the feasibility request or petition for incorporation with the person's signature;
213 and

214 (ii) the person provides documentation accompanying the feasibility request or petition
215 for incorporation that substantiates the person's representative capacity; and

216 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
217 feasibility request or a petition for incorporation on behalf of a deceased owner.

218 Section 3. Section **10-2a-103** is amended to read:

219 **10-2a-103. Incorporation of a contiguous area -- Incorporation involving more**
220 **than one county.**

221 (1) A contiguous area of a county not within a municipality may incorporate as a
222 municipality as provided in this chapter.

223 (2) If a proposed incorporation relates to an area in more than one county:

224 (a) the individual who files the feasibility request shall file the request with each
225 county containing a portion of the area proposed for incorporation; and

226 (b) the counties shall work together, in accordance with direction given by the
227 lieutenant governor, to complete the actions required by this chapter.

228 Section 4. Section **10-2a-104** is amended to read:

229 **10-2a-104. Elections governed by the Election Code.**

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

232 Section 5. Section **10-2a-106** is amended to read:

233 **10-2a-106. Feasibility request filed before changes to law take effect.**

234 [(1) If a request for a feasibility study to incorporate a city is filed under Section
235 ~~10-2a-202~~ before May 12, 2015, the request and a subsequent feasibility study, petition, public
236 hearing, election, and any other city incorporation action applicable to that request shall be
237 filed with and be acted upon, held, processed, or paid for by the county legislative body or
238 county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015,
239 Chapter 157, takes effect.]

240 [(2) If a petition to incorporate a town is filed before May 12, 2015, the petition and a
241 subsequent feasibility study, petition, public hearing, election, and any other town
242 incorporation action applicable to that petition to incorporate shall be filed with and be acted

243 ~~upon, held, processed, or paid for by the county legislative body or county clerk, as applicable,~~
 244 ~~as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.]~~

245 ~~[(3)]~~ (1) If an individual files a ~~[request for a]~~ feasibility ~~[study for the incorporation of~~
 246 ~~a city, or an application for an incorporation petition for the incorporation of a]~~ request for a
 247 city or town~~;~~ before May 14, 2019, the process for incorporating ~~[that]~~ the city or town ~~[under~~
 248 ~~that request or application]~~ is not subject to Laws of Utah 2019, Chapter 165 or this bill, and is
 249 instead subject to the municipal incorporation law in effect on the day on which the individual
 250 files the feasibility request.

251 (2) If an individual files a feasibility request for a city or town before May 3, 2023, the
 252 process for incorporating the city or town is not subject to this bill, and is subject to the
 253 municipal incorporation law in effect on the day on which the individual files the feasibility
 254 request.

255 Section 6. Section **10-2a-201.5** is amended to read:

256 **10-2a-201.5. Qualifications for incorporation.**

257 (1) (a) An area may incorporate as a town in accordance with this part if the area:

- 258 (i) ~~[subject to Subsection (1)(c),]~~ is contiguous;
 259 (ii) has a population of at least 100 people, but fewer than 1,000 people; and
 260 (iii) is not already part of a municipality.

261 (b) An area may incorporate as a city in accordance with this part if the area:

- 262 (i) ~~[subject to Subsection (1)(c),]~~ is contiguous;
 263 (ii) has a population of 1,000 people or more; and
 264 (iii) is not already part of a municipality.

265 ~~[(c) An area is not contiguous for purposes of Subsection (1)(a)(i) or (b)(i) if:]~~

266 ~~[(i) the area includes a strip of land that connects geographically separate areas; and]~~

267 ~~[(ii) the distance between the geographically separate areas is greater than the average~~
 268 ~~width of the strip of land connecting the geographically separate areas.]~~

269 (2) (a) An area may not incorporate under this part if:

- 270 (i) the area has a population of fewer than 100 people; or
 271 (ii) except as provided in Subsection (2)(b), the area has an average population density
 272 of fewer than seven people per square mile.

273 (b) ~~[Subject to Subsection (1)(c), an area that does not comply with Subsection~~

274 ~~(2)(a)(ii) may incorporate under this part if the]~~ Subsection (2)(a)(ii) does not prohibit
275 incorporation of an area if:

276 (i) noncompliance with Subsection (2)(a)(ii) is necessary to connect separate areas that
277 share a demonstrable community interest[-]; and

278 (ii) the area is contiguous.

279 ~~(3) [Subject to Subsection (1)(c), an]~~ An area incorporating under this part may not
280 include land owned by the United States federal government unless:

281 (a) the area, including the land owned by the United States federal government, is
282 contiguous; and

283 (b) [(a)] (i) incorporating the land is necessary to connect separate areas that share a
284 demonstrable community interest; or

285 [(b)] (ii) excluding the land from the incorporating area would create an unincorporated
286 island within the proposed municipality.

287 (4) (a) Except as provided in Subsection (4)(b), an area incorporating under this part
288 may not include some or all of an area proposed for annexation in an annexation petition under
289 Section 10-2-403 that:

290 (i) was filed before the filing of the request for a feasibility study, described in Section
291 10-2a-202, relating to the incorporating area; and

292 (ii) is still pending on the date the request for the feasibility study described in
293 Subsection (4)(a)(i) is filed.

294 (b) A ~~request for a~~ feasibility ~~study~~ request may propose for incorporation an area
295 that includes some or all of an area proposed for annexation in an annexation petition described
296 in Subsection (4)(a) if:

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

299 (ii) the feasibility request complies with Subsections 10-2a-202(1) ~~and (2)]~~ through
300 (4) with respect to excluding the proposed annexation area from the area proposed for
301 incorporation; and

302 (iii) excluding the area proposed for annexation from the area proposed for
303 incorporation would not cause the area proposed for incorporation to not be contiguous ~~under~~
304 ~~Subsection (1)(c)].~~

305 (c) Except as provided in Section ~~10-2a-206~~, the lieutenant governor shall consider
306 each feasibility request to which Subsection (4)(b) applies as not proposing the incorporation of
307 an area proposed for annexation.

308 (5) (a) An area incorporating under this part may not include part of a parcel of real
309 property and exclude part of that same parcel unless the owner of the parcel gives written
310 consent to exclude part of the parcel.

311 (b) A piece of real property that has more than one parcel number is considered to be a
312 single parcel for purposes of Subsection (5)(a) if owned by the same owner.

313 Section 7. Section ~~10-2a-202~~ is amended to read:

314 **~~10-2a-202. Feasibility request -- Requirements -- Limitations.~~**

315 (1) The process to incorporate a contiguous area of a county as a municipality is
316 initiated by an individual filing a [~~request for a feasibility study with the Office of the~~
317 ~~Lieutenant Governor that:~~] feasibility request with the county clerk.

318 (a) [~~is signed by~~] the signatures of the owners of private real property that:

319 (i) is located within the area proposed to be incorporated;

320 (ii) covers at least 10% of the total private land area within the area; and

321 (iii) is equal in market value to at least 7% of the market value of all private real
322 property within the area;

323 (b) [~~indicates~~] the typed or printed name and current residence address of each owner
324 signing the request;

325 (2) The feasibility request shall include:

326 [~~(c)~~] (a) [~~describes~~] a description of the contiguous area proposed to be incorporated as
327 a municipality;

328 [~~(d)~~] (b) [~~designates~~] a designation of up to five signers of the request as sponsors, one
329 of whom is designated as the contact sponsor, with the mailing address and telephone number
330 of each;

331 [~~(e)~~] (c) [~~is accompanied by and circulated with~~] an accurate map or plat, prepared by a
332 licensed surveyor, showing a legal description of the boundaries of the proposed municipality;
333 and

334 [~~(f)~~] (d) [~~requests the lieutenant governor to~~] a request that the lieutenant governor
335 commission a study to determine the feasibility of incorporating the area as a municipality.

336 (3) The individual described in Subsection (1) shall, on the day on which the individual
337 files the feasibility request, provide to the lieutenant governor:

338 (a) written notice that the individual filed the feasibility request that indicates the day
339 on which the individual filed the feasibility request; and

340 (b) a complete copy of the feasibility request.

341 ~~[(2)]~~ (4) A feasibility request ~~[for a feasibility study under this section]~~ may not
342 propose for incorporation an area that includes some or all of an area that is the subject of a
343 completed feasibility study or supplemental feasibility study whose results comply with
344 Subsection ~~[10-2a-205(6)(a)]~~ 10-2a-205(5)(a) unless:

345 (a) the proposed incorporation that is the subject of the completed feasibility study or
346 supplemental feasibility study has been defeated by the voters at an election under Section
347 10-2a-210; or

348 (b) the time described in Subsection 10-2a-208(1) for filing an incorporation petition
349 based on the completed feasibility study or supplemental feasibility study has elapsed without
350 the sponsors filing an incorporation petition under Section 10-2a-208.

351 ~~[(3)]~~ (5) Sponsors may not file a feasibility request ~~[under this section regarding]~~
352 relating to the incorporation of a town if the cumulative private real property that the sponsors
353 own exceeds 40% of the total private land area within the boundaries of the proposed town.

354 Section 8. Section **10-2a-204** is amended to read:

355 **10-2a-204. Processing a feasibility request -- Certification or rejection --**

356 **Processing priority -- Determination by the Utah Population Committee.**

357 (1) Within 45 days after the day on which an individual files a feasibility request under
358 Section 10-2a-202, the ~~[lieutenant governor]~~ county clerk shall:

359 (a) ~~[with the assistance of other county officers of the county in which the~~
360 ~~incorporation is proposed from whom the lieutenant governor requests assistance;]~~ determine
361 whether the feasibility request complies with Section 10-2a-202; and

362 (b) notify the lieutenant governor, in writing, of the determination made under
363 Subsection (1)(a) and the grounds for the determination.

364 (2) The county clerk:

365 (a) shall keep the lieutenant governor apprised of the county clerk's progress in making
366 the determination described in Subsection (1)(a); and

367 (b) may consult with the lieutenant governor in making the determination described in
 368 Subsection (1)(a).

369 ~~[(b)]~~ (3) Within five days after the day on which the county clerk provides the
 370 notification described in Subsection (1)(b), the lieutenant governor shall:

371 (a) review the determination and the grounds for the determination to evaluate whether
 372 the feasibility request complies with Section 10-2a-202; and

373 (b) (i) uphold the determination;

374 (ii) reverse the determination; or

375 (iii) require the county clerk to provide additional information that the lieutenant
 376 governor identifies as necessary for the lieutenant governor to uphold or reverse the county
 377 clerk's determination.

378 (4) If the office requires the county clerk to provide additional information under
 379 Subsection (3)(b)(iii):

380 (a) the county clerk shall provide the additional information to the office within five
 381 days after the day on which the office notifies the county clerk that the additional information
 382 is required; and

383 (b) the office shall, within five days after the day on which the county clerk provides
 384 the additional information, uphold or reverse the determination of the county clerk described in
 385 Subsection (1)(b).

386 ~~[(i)]~~ (5) [if the lieutenant governor] If the lieutenant governor determines that the
 387 feasibility request complies with Section 10-2a-202, the lieutenant governor shall:

388 ~~[(A)]~~ (a) certify the request;

389 ~~[(B)]~~ (b) transmit written notification of the certification to the contact sponsor; and

390 ~~[(C)]~~ (c) transmit written notification of the certification to the Utah Population
 391 Committee[; or].

392 ~~[(ii)]~~ (6) [if the lieutenant governor] If the lieutenant governor determines that the
 393 feasibility request fails to comply with Section 10-2a-202, the lieutenant governor shall reject
 394 the feasibility request and notify the contact sponsor in writing of the rejection and the
 395 [reasons] grounds for the rejection.

396 ~~[(2)]~~ (7) (a) Within 20 days after the day on which the lieutenant governor transmits
 397 written notification under Subsection ~~[(1)(b)(i)(C)]~~, (5)(c), the Utah Population Committee

398 shall:

399 (i) determine whether, on the date the sponsors filed the feasibility request [~~under~~
400 ~~Section 10-2a-202 for the proposed municipality~~], the proposed municipality complied with the
401 population, population density, and contiguity requirements described in Section 10-2a-201.5;
402 and

403 (ii) provide notice of the determination to the lieutenant governor and the county clerk.

404 (b) If the Utah Population Committee determines that a proposed municipality does not
405 comply with the population, population density, or contiguity requirements described in
406 Section 10-2a-201.5, the lieutenant governor shall rescind the certification described in
407 Subsection [~~(1)(b)(i)~~] (5)(a) and reject the [~~application in accordance with Subsection~~
408 ~~(1)(b)(i)~~] feasibility request.

409 [~~(3)~~] (8) The lieutenant governor shall certify or reject feasibility requests [~~under~~
410 ~~Subsection (1)~~] in the order in which the requests are filed.

411 [~~(4)~~] (9) (a) (i) If the lieutenant governor [~~rejects a request under Subsection~~
412 ~~(1)(b)(i)~~] determines that the feasibility request fails to comply with Section 10-2a-202, or
413 rejects the feasibility request under Subsection (7)(b), the sponsors may, subject to Section
414 10-2a-206, amend the feasibility request to correct the deficiencies [~~for which the lieutenant~~
415 ~~governor rejected the request~~] and refile the feasibility request with the [~~lieutenant governor~~
416 county clerk].

417 [~~(ii)~~] (b) The sponsors shall submit any amended feasibility request within 90 days
418 after the day on which the lieutenant governor [~~rejects the request under Subsection (1)(b)(i)~~]
419 makes the determination or rejection described in Subsection (9)(a).

420 [~~(iii)~~] (c) The sponsors may reuse a signature described in Subsection
421 [~~10-2a-202(1)(a)~~] 10-2a-202(2)(a) that is on a rejected feasibility request or on an amended
422 feasibility request described in Subsection [~~(4)(a)(i)~~] (9)(a).

423 [~~(b)~~] (d) The county clerk and the lieutenant governor shall consider a feasibility
424 request that is amended and refiled under Subsection [~~(4)(a)~~] (9)(a) as a newly filed feasibility
425 request and process the feasibility request in accordance with [~~Subsection (3)~~] this section.

426 Section 9. Section **10-2a-204.3** is enacted to read:

427 **10-2a-204.3. Notice to property owners -- First public hearing.**

428 (1) Unless the lieutenant governor rescinds the certification under Subsection

429 10-2a-204(7)(b), the county clerk shall:

430 (a) hold the first public hearing in relation to the proposed incorporation, at a location
431 approved by the lieutenant governor, no later than 30 days after the day on which the county
432 clerk receives the notice described in Subsection 10-2a-204(7)(a)(ii);

433 (b) publish notice of the hearing in accordance with Subsection 10-2a-207(7); and

434 (c) within seven calendar days after the day on which the county clerk receives the
435 notice described in Subsection 10-2a-204(7)(a)(ii), mail written notice of the proposed
436 incorporation and of the first public hearing described in this section to:

437 (i) each residence within, and each owner of real property located within:

438 (A) the proposed incorporation boundaries; and

439 (B) 300 feet of the proposed incorporation boundaries;

440 (ii) the contact sponsor; and

441 (iii) the lieutenant governor.

442 (2) The written notice provided by the county clerk under Subsections (1)(b) and (c)
443 shall include:

444 (a) the following statement:

445 "NOTICE OF PROPOSED INCORPORATION AND FIRST PUBLIC HEARING

446 You have received this notice because you reside or own property within an area
447 proposed for incorporation, or an area within 300 feet of an area proposed for incorporation.
448 The first public hearing in relation to the proposed incorporation will be held on [insert date,
449 time, and location]. The purpose of the first public hearing is to provide information regarding
450 the proposed incorporation, the incorporation process, including the process for deciding
451 whether to incorporate, and certain rights you may have in relation to the proposed
452 incorporation. A specified landowner, as defined in Utah Code Section 10-2a-204.5, may,
453 within 30 days after the day of the public hearing, request that the county clerk exclude all or
454 part of the specified landowner's land from the area proposed for incorporation. A specified
455 landowner may not request exclusion after the end of th 30-day period. Any owner of land
456 within a county where the area proposed for incorporation is located may, within 30 days after
457 the day of the public hearing, request that the county clerk include all or part of that land in the
458 area proposed for incorporation. An owner of land may not request inclusion after the end of th
459 30-day period."; and

460 (b) a clear description of the area proposed for incorporation.
461 (3) Notwithstanding that the county conducts the first public hearing, the lieutenant
462 governor, or a designee of the lieutenant governor shall:
463 (a) direct the proceedings at the first public hearing, with the assistance of the county
464 clerk as needed;
465 (b) provide information regarding the proposed incorporation, the incorporation
466 process, including the process for deciding whether to incorporate, and the rights citizens may
467 have in relation to the proposed incorporation;
468 (c) describe the process by which a specified landowner may request that the county
469 clerk exclude all or part of the specified landowner's land from the area proposed for
470 incorporation;
471 (d) describe the process by which an owner of land described in Subsection
472 10-2a-204.5(2)(b) may request that the county clerk include all or part of that land in the area
473 proposed for incorporation;
474 (e) describe the criteria for granting a request for exclusion or inclusion of land; and
475 (f) answer questions from individuals who attend the first public hearing.
476 (4) The contact sponsor, or an agent of the contact sponsor, and the county clerk, or an
477 employee of the county clerk designated by the county clerk, shall attend the first public
478 hearing.
479 (5) The county clerk shall:
480 (a) provide the location and equipment for the public hearing, subject to approval by
481 the lieutenant governor; and
482 (b) ensure compliance with the requirements of Title 52, Chapter 4, Open and Public
483 Meetings Act, in relation to the public hearing.
484 Section 10. Section **10-2a-204.5**, which is renumbered from Section 10-2a-203 is
485 renumbered and amended to read:
486 ~~[10-2a-203].~~ **10-2a-204.5. Notice to owner of property -- Exclusion or**
487 **inclusion of property from or in proposed municipality.**
488 (1) As used in this section:
489 ~~[(a) "Assessed value" with respect to property means the value at which the property~~
490 ~~would be assessed without regard to a valuation for agricultural use under Section 59-2-503.]~~

491 ~~[(b)]~~ (a) "Owner" means a person having an interest in real property, including an
 492 affiliate, subsidiary, or parent company.

493 ~~[(c)]~~ (b) "Specified landowner" means a record owner of real property:

494 (i) who owns more than:

495 (A) 1% of the assessed fair market value, as of January 1 of the current year, of all
 496 property within the boundaries of a proposed incorporation; or

497 (B) 10% of the total private land area within the boundaries of a proposed
 498 incorporation; or

499 (ii) located in a mining protection area as defined in Section 17-41-101.

500 ~~[(2) Within seven calendar days after the day on which an individual files a request for~~
 501 ~~a feasibility study under Section 10-2a-202, the lieutenant governor shall mail written notice of~~
 502 ~~the proposed incorporation to each residence within, and each owner of real property located~~
 503 ~~within:]~~

504 ~~[(a) the proposed incorporation boundaries; and]~~

505 ~~[(b) 300 feet of the proposed incorporation boundaries.]~~

506 ~~[(3)]~~ (2) ~~[A specified landowner may, within]~~ Within 30 calendar days after the day ~~[on~~
 507 ~~which the specified landowner receives notice under Subsection (2),]~~ of the first public hearing
 508 described in Section 10-2a-204.3:

509 (a) a specified landowner may request that the ~~[lieutenant governor]~~ county clerk
 510 exclude all or part of the ~~[property]~~ land owned by the specified landowner from the proposed
 511 incorporation by filing a ~~[notice of]~~ request for exclusion with the ~~[Office of the Lieutenant~~
 512 ~~Governor]~~ county clerk that describes the ~~[property]~~ land for which the specified landowner
 513 requests exclusion; or

514 (b) any owner of land located within county where the area proposed for incorporation
 515 is located may file a request that all or part of that land be included in the area proposed for
 516 incorporation by filing a request for inclusion with the county clerk that describes the land that
 517 the landowner desires to include.

518 ~~[(4)]~~ (3) The ~~[lieutenant governor]~~ county clerk shall exclude the ~~[property]~~ land
 519 identified by a specified landowner under Subsection ~~[(3)]~~ (2)(a) from the proposed
 520 incorporation boundaries unless the ~~[lieutenant governor]~~ county clerk finds by clear and
 521 convincing evidence that:

522 (a) the exclusion will leave an unincorporated island within the proposed municipality;
523 and

524 (b) the ~~[property]~~ land receives from the county a majority of currently provided
525 municipal services.

526 (4) The county clerk shall include land identified by a landowner under Subsection
527 (2)(b) in the proposed incorporation boundaries unless the county clerk finds by clear and
528 convincing evidence that:

529 (a) the land will not be contiguous with the area of the proposed municipality, taking
530 into account other requests for inclusion or requests for exclusion received before the deadline
531 described in Subsection (2); or

532 (b) the inclusion will cause the area proposed for incorporation to violate a requirement
533 for incorporation described in this part.

534 (5) The county clerk shall:

535 (a) no earlier than 30 days after, but no later than 44 days after, the day of the first
536 public hearing described in Section [10-2a-204.3](#), make a determination on all timely requests
537 for exclusion or inclusion;

538 (b) forward to the lieutenant governor for review:

539 (i) all timely requests for exclusion or inclusion;

540 (ii) the county clerk's determination on each of the requests described in Subsection
541 (5)(b)(i); and

542 (iii) the reasons, including the supporting data, for each determination described in
543 Subsection (5)(b)(ii); and

544 ~~[(5)] [(a)]~~ (c) [Within] within five days after the day on which the lieutenant governor
545 makes a final determination on whether to include or exclude ~~[a property]~~ land under
546 ~~Subsection [(4), the lieutenant governor]~~ (7), the county clerk shall mail or transmit written
547 notice of whether the [property] land is included or excluded from the proposed incorporation
548 boundaries to:

549 (i) for a request for exclusion, the specified landowner that requested the [property's]
550 exclusion; [and]

551 (ii) for a request for inclusion, the owner of land that requested the inclusion; and

552 ~~[(ii)]~~ (iii) the contact sponsor.

553 ~~[(b)] (6) [If the lieutenant governor makes a determination to include a property under~~
 554 ~~Subsection (4), the lieutenant governor]~~ For a request for exclusion or inclusion that is denied,
 555 the county clerk shall include, in the written notice described in Subsection [(5)(a)] (6)(c), a
 556 detailed explanation of the [lieutenant governor's determination] reason for the denial and the
 557 facts supporting the denial.

558 (7) Within 14 days after the day on which the lieutenant governor receives the
 559 information described in Subsection (5)(b) the lieutenant governor shall:

560 (a) review each determination;

561 (b) uphold or reverse each determination; and

562 (c) forward to the county clerk:

563 (i) the lieutenant governor's final determinations; and

564 (ii) if the lieutenant governor reverses a determination of the county clerk, the reason
 565 for the reversal and the supporting facts.

566 Section 11. Section **10-2a-205** is amended to read:

567 **10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for**
 568 **proceeding with incorporation.**

569 ~~[(1) Within 90 days after the day on which the lieutenant governor receives a request~~
 570 ~~that the lieutenant governor certifies under Subsection 10-2a-204(1)(b)(i), the lieutenant~~
 571 ~~governor shall engage a feasibility consultant selected, in accordance with Subsection (2), to~~
 572 ~~conduct a feasibility study.]~~

573 (1) Unless the lieutenant governor rescinds the certification under Subsection
 574 10-2a-204(7)(b), the lieutenant governor shall, within 90 days after the day on which the
 575 lieutenant governor certifies a feasibility request under Subsection 10-2a-204(5)(a), in
 576 accordance with Subsection (2), engage a feasibility consultant to conduct a feasibility study.

577 (2) [(a)] The lieutenant governor shall:

578 (a) select a feasibility consultant in accordance with Title 63G, Chapter 6a, Utah
 579 Procurement Code[-];

580 (b) [The lieutenant governor shall ensure that a feasibility consultant selected under
 581 Subsection (2)(a)] ensure that the feasibility consultant:

582 (i) has expertise in the processes and economics of local government; and

583 (ii) is not affiliated with[-]

584 ~~[(A)]~~ a sponsor of the feasibility ~~[study]~~ request ~~[to which the feasibility study relates;]~~

585 or

586 ~~[(B)]~~ the county in which the proposed municipality is located.

587 ~~[(3)]~~ (c) ~~[The lieutenant governor shall]~~ require the feasibility consultant to:

588 ~~[(a)]~~ (i) submit a draft of the feasibility study to each applicable person with whom the
589 feasibility consultant is required to consult under Subsection ~~[(4)(e)]~~ (3)(c) within 90 days after
590 the day on which the lieutenant governor engages the feasibility consultant to conduct the
591 study;

592 ~~[(b)]~~ (ii) allow each person to whom the consultant provides a draft under Subsection
593 ~~[(3)(a)]~~ (2)(c)(i) to review and provide comment on the draft;

594 ~~[(e)]~~ (iii) submit a completed feasibility study, including a one-page summary of the
595 results, to the following within 120 days after the day on which the lieutenant governor engages
596 the feasibility consultant to conduct the feasibility study:

597 ~~[(i)]~~ (A) the lieutenant governor;

598 ~~[(ii)]~~ (B) the county legislative body of the county in which the incorporation is
599 proposed;

600 ~~[(iii)]~~ (C) the contact sponsor; and

601 ~~[(iv)]~~ (D) each person to whom the consultant provided a draft under Subsection
602 ~~[(3)(a)]~~ (2)(c)(i); and

603 ~~[(d)]~~ (iv) attend the public hearings described in Section [10-2a-207](#) to present the
604 feasibility study results and respond to questions from the public.

605 ~~[(4)]~~ (3) (a) The feasibility ~~[consultant]~~ study shall ~~[ensure that the feasibility study~~
606 ~~includes]~~ include:

607 (i) an analysis of the population and population density within the area proposed for
608 incorporation and the surrounding area;

609 (ii) the current and projected five-year demographics and tax base within the
610 boundaries of the proposed municipality and surrounding area, including household size and
611 income, commercial and industrial development, and public facilities;

612 (iii) subject to Subsection ~~[(4)(b)]~~ (3)(b), the current and five-year projected cost of
613 providing municipal services to the proposed municipality, including administrative costs;

614 (iv) assuming the same tax categories and tax rates as currently imposed by the county

615 and all other current service providers, the present and five-year projected revenue for the
616 proposed municipality;

617 (v) an analysis of the risks and opportunities that might affect the actual costs described
618 in Subsection ~~[(4)(a)(iii)]~~ (3)(a)(iii) or revenues described in Subsection ~~[(4)(a)(iv)]~~ (3)(a)(iv)
619 of the newly incorporated municipality;

620 (vi) an analysis of new revenue sources that may be available to the newly incorporated
621 municipality that are not available before the area incorporates, including an analysis of the
622 amount of revenues the municipality might obtain from those revenue sources;

623 (vii) the projected tax burden per household of any new taxes that may be levied within
624 the proposed municipality within five years after incorporation;

625 (viii) the fiscal impact of the municipality's incorporation on unincorporated areas,
626 other municipalities, local districts, special service districts, and other governmental entities in
627 the county; and

628 (ix) if the ~~[lieutenant governor]~~ county clerk excludes property from, or includes
629 property in, the proposed municipality under Section ~~[10-2a-203]~~ 10-2a-204.5, an update to the
630 map and legal description described in Subsection ~~[10-2a-202(1)(e)]~~ 10-2a-202(2)(e).

631 (b) (i) ~~[For purposes of Subsection (4)(a)(iii)]~~ In calculating the projected costs under
632 Subsection (3)(a)(iii), the feasibility consultant shall assume the proposed municipality will
633 provide a level and quality of municipal services that fairly and reasonably approximate the
634 level and quality of municipal services that are provided to the area of the proposed
635 municipality at the time the feasibility consultant conducts the feasibility study.

636 (ii) In ~~[determining the present]~~ calculating the current cost of a municipal service
637 under Subsection (3)(a)(iii), the feasibility consultant shall consider:

638 (A) the amount it would cost the proposed municipality to provide the municipal
639 service for the first five years after the municipality's incorporation; and

640 (B) the current municipal service provider's present and five-year projected cost of
641 providing the municipal service.

642 (iii) In calculating costs under Subsection ~~[(4)(a)(iii)]~~ (3)(a)(iii), the feasibility
643 consultant shall account for inflation and anticipated growth.

644 (c) In conducting the feasibility study, the feasibility consultant shall consult with the
645 following before submitting a draft of the feasibility study under Subsection ~~[(3)(a)]~~ (2)(c)(i):

646 (i) if the proposed municipality will include lands owned by the United States federal
647 government, the entity within the United States federal government that has jurisdiction over
648 the land;

649 (ii) if the proposed municipality will include lands owned by the state, the entity within
650 state government that has jurisdiction over the land;

651 (iii) each entity that provides a municipal service to a portion of the proposed
652 municipality; and

653 (iv) ~~any~~ each other special service district that provides services to a portion of the
654 proposed municipality.

655 ~~[(5)]~~ (4) If the five-year projected revenues calculated under Subsection ~~[(4)(a)(iv)]~~
656 (3)(a)(iv) exceed the five-year projected costs calculated under Subsection ~~[(4)(a)(iii)]~~
657 (3)(a)(iii) by more than 5%, the feasibility consultant shall project and report the expected
658 annual revenue surplus to the contact sponsor and the lieutenant governor.

659 ~~[(6)]~~ (5) (a) Except as provided in Subsection ~~[(6)(b)]~~ (5)(b), if the results of the
660 feasibility study, or a supplemental feasibility study described in Section 10-2a-206, show that
661 the average annual amount of revenue calculated under Subsection ~~[(4)(a)(iv)]~~ (3)(a)(iv) does
662 not exceed the average annual cost calculated under Subsection ~~[(4)(a)(iii)]~~ (3)(a)(iii) by more
663 than 5%, the process to incorporate the area that is the subject of the feasibility study or
664 supplemental feasibility study may not proceed.

665 (b) The process to incorporate an area described in Subsection ~~[(6)(a)]~~ (5)(a) may
666 proceed if a subsequent supplemental feasibility study conducted under Section 10-2a-206 for
667 the proposed incorporation demonstrates compliance with Subsection ~~[(6)(a)]~~ (5)(a).

668 ~~[(7)]~~ (6) If the results of the feasibility study or revised feasibility study do not comply
669 with Subsection ~~[(6)]~~ (5), and if requested by the sponsors of the request, the feasibility
670 consultant shall, as part of the feasibility study or revised feasibility study, make
671 recommendations regarding how the boundaries of the proposed municipality may be altered to
672 comply with Subsection ~~[(6)]~~ (5).

673 ~~[(8)]~~ (7) The lieutenant governor shall post a copy of the feasibility study, and any
674 supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's
675 website and make a copy available for public review at the ~~[Office of the Lieutenant Governor]~~
676 lieutenant governor's office.

677 Section 12. Section **10-2a-206** is amended to read:

678 **10-2a-206. Modified feasibility request -- Supplemental feasibility study.**

679 (1) (a) The sponsors of a feasibility [~~study~~] request may modify the request to alter the
680 boundaries of the proposed municipality and refile the modified feasibility request with the
681 [~~lieutenant governor~~] county clerk if:

682 (i) the results of the feasibility study do not comply with Subsection [~~10-2a-205(6)(a)~~]
683 10-2a-205(5)(a); or

684 (ii) (A) the feasibility request complies with Subsection 10-2a-201.5(4)(b);

685 (B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that proposed
686 the annexation of an area that is part of the area proposed for incorporation has been denied;
687 and

688 (C) an incorporation petition based on the feasibility request has not been filed[;].

689 [~~(iii) (A) the lieutenant governor completes the first public hearing described in~~
690 ~~Subsection 10-2a-207(4); and]~~

691 [~~(B) property is excluded from the proposed municipality in accordance with~~
692 ~~Subsection 10-2a-207(5)(b); or]~~

693 [~~(iv) before the time period for a specified landowner, as defined in Section 10-2a-203,~~
694 ~~to request that the lieutenant governor exclude the specified landowner's property from the~~
695 ~~proposed incorporation under Subsection 10-2a-207(5)(a) has expired, a municipal legislative~~
696 ~~body:]~~

697 [~~(A) approves an annexation petition proposing the annexation of an area that is part of~~
698 ~~the area proposed for incorporation under Section 10-2-407 or 10-2-408; or]~~

699 [~~(B) adopts an ordinance approving the annexation of an area that is part of the area~~
700 ~~proposed for incorporation under Section 10-2-418:]~~

701 (b) (i) The sponsors of a feasibility [~~study~~] request may not file a modified request
702 under Subsection (1)(a)(i) more than 90 days after the day on which the feasibility consultant
703 submits the final results of the feasibility study under Subsection [~~10-2a-205(3)(c)~~]
704 10-2a-205(2)(c)(iii).

705 (ii) The sponsors of a feasibility request may not file a modified request under
706 Subsection (1)(a)(ii) more than 18 months after filing the original feasibility request under
707 Section 10-2a-202.

708 ~~[(iii) The sponsors of a request may not file a modified request under Subsection~~
709 ~~(1)(a)(iii) more than 90 days after the day on which the lieutenant governor mails or transmits~~
710 ~~written notice under Subsection [10-2a-207\(4\)\(c\)](#).]~~

711 ~~[(iv) The sponsors of a request may not file a modified request under Subsection~~
712 ~~(1)(a)(iv) more than 90 days after the day on which the municipal legislative body:]~~

713 ~~[(A) approves the annexation petition under Section [10-2-407](#) or [10-2-408](#); or]~~

714 ~~[(B) adopts the ordinance approving the annexation under Section [10-2-418](#).]~~

715 (c) (i) Subject to Subsection (1)(c)(ii), each modified feasibility request under
716 Subsection (1)(a) shall comply with Subsections [10-2a-202\(1\)](#) ~~[and (2)]~~ through (4) and
717 Subsection [10-2a-201.5\(4\)](#).

718 (ii) Notwithstanding Subsection (1)(c)(i), a signature on a feasibility request filed under
719 Section [10-2a-202](#) may be used toward fulfilling the signature requirement of Subsection
720 ~~[[10-2a-202\(1\)\(a\)](#)] [10-2a-202\(2\)\(a\)](#)~~ for the feasibility request as modified under Subsection
721 (1)(a), unless the modified feasibility request proposes the incorporation of an area that is more
722 than 20% larger or smaller than the area described by the original feasibility request in terms
723 of:

724 (A) private land area; or

725 (B) market value of private real property.

726 ~~[(2)] (d)~~ Within 20 days after the ~~[lieutenant governor's receipt of]~~ day on which the
727 county clerk receives the modified request, the ~~[lieutenant governor]~~ county clerk and the
728 lieutenant governor shall follow the same procedure ~~[under Subsection [10-2a-204\(1\)](#)] described~~
729 in Subsections [10-2a-204\(1\)](#) through (6) for the modified feasibility request as for an original
730 feasibility request.

731 ~~[(3)] (2)~~ The timely filing of a modified feasibility request under Subsection (1) gives
732 the modified feasibility request the same processing priority under Subsection ~~[[10-2a-204\(3\)](#)]~~
733 [10-2a-204\(8\)](#) as the original feasibility request.

734 ~~[(4)] (3)~~ Within 10 days after the day on which the ~~[lieutenant governor]~~ county clerk
735 receives a modified feasibility request under Subsection (1)(a) that relates to a request for
736 which a feasibility study has already been completed, the lieutenant governor shall commission
737 the feasibility consultant who conducted the feasibility study to conduct a supplemental
738 feasibility study that accounts for the modified feasibility request.

739 ~~[(5)]~~ (4) The lieutenant governor shall require the feasibility consultant to:

740 (a) submit a draft of the supplemental feasibility study to each applicable person with

741 whom the feasibility consultant is required to consult under Subsection [~~10-2a-205(4)(c)~~]

742 [10-2a-205\(3\)\(c\)](#) within 30 days after the day on which the feasibility consultant is engaged to

743 conduct the supplemental study;

744 (b) allow each person to whom the consultant provided a draft under Subsection

745 [~~(5)(a)~~] [\(4\)\(a\)](#) to review and provide comment on the draft; and

746 (c) submit a completed supplemental feasibility study, to the following within 45 days

747 after the day on which the feasibility consultant is engaged to conduct the feasibility study:

748 (i) the lieutenant governor;

749 (ii) the county legislative body of the county in which the incorporation is proposed;

750 (iii) the contact sponsor; and

751 (iv) each person to whom the consultant provided a draft under Subsection [~~(5)(a)~~]

752 [\(4\)\(a\)](#).

753 ~~[(6)]~~ [\(5\)](#) (a) Subject to Subsection [~~(6)(b)~~] [\(5\)\(b\)](#), if the results of the supplemental

754 feasibility study do not comply with Subsection [~~10-2a-205(6)(a)~~] [10-2a-205\(5\)\(a\)](#), the

755 sponsors may further modify the request in accordance with Subsection (1).

756 (b) Subsections [~~(2), (4), and (5)~~] [\(1\)\(d\)](#), [\(5\)](#), and [\(6\)](#) apply to a modified feasibility

757 request described in Subsection [~~(6)(a)~~].

758 (c) The [~~lieutenant governor~~] county clerk shall consider a modified feasibility request

759 described in Subsection [~~(6)(a)~~] [\(5\)\(a\)](#) as an original feasibility request [~~for a feasibility study~~]

760 for purposes of determining the modified feasibility request's processing priority under

761 Subsection [~~10-2a-204(3)~~] [10-2a-204\(8\)](#).

762 Section 13. Section **10-2a-207** is amended to read:

763 **10-2a-207. Additional public hearings on feasibility study results -- Notice of**

764 **hearings.**

765 (1) As used in this section, "specified landowner" means the same as that term is

766 defined in Section [~~10-2a-203~~] [10-2a-204.5](#).

767 (2) If the results of the feasibility study or supplemental feasibility study comply with

768 Subsection [~~10-2a-205(6)(a)~~] [10-2a-205\(5\)\(a\)](#), the [~~lieutenant governor~~] county clerk shall,

769 after receipt of the results of the feasibility study or supplemental feasibility study, conduct

770 [~~two~~] additional public hearings in accordance with this section.

771 (3) (a) If an area proposed for incorporation is approved for annexation after the
772 feasibility study or supplemental feasibility study is conducted but before the [~~lieutenant~~
773 ~~governor~~] county clerk conducts the [~~first~~] second public hearing under Subsection (4), the
774 [~~lieutenant governor~~] county clerk may not conduct the [~~first~~] second public hearing under
775 Subsection (4) unless:

776 (i) the sponsors of the feasibility study file a modified feasibility request [~~for a~~
777 ~~feasibility study~~] in accordance with Section [10-2a-206](#); and

778 (ii) the results of the supplemental feasibility study comply with Subsection
779 [~~10-2a-205(6)(a)]~~ [10-2a-205\(5\)\(a\)](#).

780 (b) For purposes of Subsection (3)(a), an area is approved for annexation if [~~a~~
781 ~~condition described in Subsection 10-2a-206(1)(a)(iv) occurs~~] a municipal legislative body:

782 (i) approves an annexation petition proposing the annexation of an area that is part of
783 the area proposed for incorporation under Section [10-2-407](#) or [10-2-408](#); or

784 (ii) adopts an ordinance approving the annexation of an area that is part of the area
785 proposed for incorporation under Section [10-2-418](#).

786 (4) The [~~lieutenant governor~~] county clerk shall conduct the [~~first~~] second public
787 hearing:

788 (a) within 60 days after the day on which the [~~lieutenant governor~~] county clerk
789 receives the results under Subsection (2) or (3)(a)(ii);

790 (b) at a location approved by the lieutenant governor within or near the proposed
791 municipality;

792 (c) to allow the feasibility consultant to present the results of the feasibility study[;] and
793 [~~(d) to~~] inform the public about the results [~~of the feasibility study~~].

794 [~~(5) (a) Within 30 calendar days after the day on which the lieutenant governor~~
795 ~~completes the first public hearing under Subsection (4), a specified landowner may request that~~
796 ~~the lieutenant governor exclude all or part of the property owned by the specified landowner~~
797 ~~from the proposed incorporation by filing a notice of exclusion with the Office of the~~
798 ~~Lieutenant Governor that describes the property for which the specified landowner requests~~
799 ~~exclusion.]~~

800 [~~(b) The lieutenant governor shall exclude the property identified by a specified~~

801 landowner under Subsection (5)(a) from the proposed incorporation boundaries unless the
802 lieutenant governor finds by clear and convincing evidence that:]

803 [(i) the exclusion will leave an unincorporated island within the proposed municipality;
804 and]

805 [(ii) the property receives from the county a majority of currently provided municipal
806 services:]

807 [(c) (i) Within five days after the day on which the lieutenant governor determines
808 whether to exclude property under Subsection (5)(b), the lieutenant governor shall mail or
809 transmit written notice of whether the property is included or excluded from the proposed
810 municipality to:]

811 [(A) the specified landowner that requested the property's exclusion; and]
812 [(B) the contact sponsor:]

813 [(ii) If the lieutenant governor makes a determination to include a property under
814 Subsection (5)(b), the lieutenant governor shall include, in the written notice described in
815 Subsection (5)(c)(i), a detailed explanation of the lieutenant governor's determination:]

816 [(d) (i) If the lieutenant governor excludes property from the proposed municipality
817 under Subsection (5)(b), or if an area proposed for incorporation is approved for annexation
818 within the time period for a specified landowner to request an exclusion under Subsection
819 (5)(a), the lieutenant governor may not conduct the second public hearing under Subsection (6);
820 unless:]

821 [(A) the sponsors of the feasibility study file a modified request for a feasibility study
822 in accordance with Section 10-2a-206; and]

823 [(B) the results of the supplemental feasibility study comply with Subsection
824 10-2a-205(6)(a):]

825 [(ii) For purposes of Subsection (5)(d)(i), an area is approved for annexation if a
826 condition described in Subsection 10-2a-206(1)(a)(iv) occurs:]

827 [(6) The lieutenant governor shall conduct the second public hearing:]

828 [(a) (i) within 30 days after the day on which the time period described in Subsection
829 (5)(a) expires, if Subsection (5)(d) does not apply; or]

830 [(ii) within 30 days after the day on which the lieutenant governor receives the results
831 of the supplemental feasibility study described in Subsection (5)(d)(i)(B), if Subsection (5)(d)

832 ~~applies;~~
833 ~~[(b) within or near the proposed municipality; and]~~
834 ~~[(c) to allow the feasibility consultant to present the results of and inform the public~~
835 ~~about:]~~
836 ~~[(i) the feasibility study presented to the public in the first public hearing under~~
837 ~~Subsection (4), if Subsection (5)(d) does not apply; or]~~
838 ~~[(ii) the supplemental feasibility study described in Subsection (5)(d)(i)(B), if~~
839 ~~Subsection (5)(d) applies.]~~
840 (5) The county clerk shall:
841 (a) conduct an additional public hearing following each occasion when, after the day of
842 the second public hearing, the county clerk receives the results of a supplemental feasibility
843 study that comply with Subsection 10-2a-205(5); and
844 (b) hold the public hearing described in Subsection (5)(a):
845 (i) within 30 days after the day on which the county clerk receives the results of the
846 supplemental feasibility study;
847 (ii) at a location approved by the lieutenant governor within or near the proposed
848 municipality;
849 (iii) to inform the public that the feasibility presented to the public at the preceding
850 public hearing does not apply; and
851 (iv) to allow the feasibility consultant to present the results of the supplemental
852 feasibility study and inform the public about the results.
853 ~~[(7)] (6) At each public hearing required under this section, the [lieutenant governor]~~
854 ~~county clerk shall:~~
855 (a) provide a map or plat of the boundary of the proposed municipality;
856 (b) provide a copy of the applicable feasibility study for public review;
857 (c) allow members of the public to express views about the proposed incorporation,
858 including views about the proposed boundaries; and
859 (d) allow the public to ask the feasibility consultant questions about the applicable
860 feasibility study.
861 ~~[(8)] (7) The [lieutenant governor] county clerk shall publish notice of each public~~
862 ~~hearing required under this section and Section 10-2a-204.3:~~

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

867 (ii) at least three weeks before the public hearing, by mailing notice to each residence
 868 within, and each owner of real property located within, the proposed municipality;

869 (b) on the Utah Public Notice Website created in Section [63A-16-601](#), for three weeks
 870 before the day of the public hearing; and

871 (c) on the [~~lieutenant governor's~~] county's website for three weeks before the day of the
 872 public hearing.

873 ~~[(9)]~~ (8) (a) Except as provided in Subsection ~~[(9)(b);]~~ (8)(b), for a hearing described in
 874 this section, the notice described in Subsection ~~[(8)]~~ (7) shall:

875 (i) include the feasibility study summary described in Subsection ~~[10-2a-205(3)(c)]~~
 876 10-2a-205(2)(c)(iii); and

877 (ii) indicate that a full copy of the feasibility study is available on the [~~lieutenant~~
 878 ~~governor's~~] county's website and for inspection at the [~~Office of the Lieutenant Governor; and~~]
 879 county clerk's office.

880 ~~[(iii) indicate that under no circumstances may property be excluded or annexed from~~
 881 ~~the proposed incorporation after the time period specified in Subsection (5)(a) has expired, if~~
 882 ~~the notice is for the first public hearing under Subsection (4).]~~

883 (b) Instead of publishing the feasibility summary under Subsection ~~[(9)(a)(i), the~~
 884 ~~lieutenant governor]~~ (8)(a)(i), the county clerk may publish a statement that specifies the
 885 following sources where a resident within, or the owner of real property located within, the
 886 proposed municipality, may view or obtain a copy of the feasibility study:

887 (i) the [~~lieutenant governor's~~] county's website;

888 (ii) the physical address of the [~~Office of the Lieutenant Governor]~~ county clerk's
 889 office; and

890 (iii) a mailing address and telephone number.

891 Section 14. Section **10-2a-208** is amended to read:

892 **10-2a-208. Petition for incorporation -- Requirements and form.**

893 (1) At any time within one year after the day on which the [~~lieutenant governor]~~ county

894 clerk completes the public hearings [~~described in~~] required under Section 10-2a-207,
895 individuals within the proposed municipality may proceed with the incorporation process by
896 circulating, and submitting to the [~~lieutenant governor an incorporation~~] county clerk, a petition
897 for incorporation that, to be certified under Subsection 10-2a-209(1)(b)(i), is required to be
898 signed by:

899 (a) 10% of all registered voters within the area proposed to be incorporated as a
900 municipality, as of the [~~date~~] day on which the petition for incorporation is filed;

901 (b) if the petition for incorporation proposes the incorporation of a city, and subject to
902 Subsection (4), 10% of all registered voters within 90% of the voting precincts within the area
903 proposed to be incorporated as a city, as of the [~~date~~] day on which the petition for
904 incorporation is filed; and

905 (c) the owners of private real property that:

906 (i) is located within the proposed municipality;

907 (ii) covers at least 10% of the total private land area within the proposed municipality;

908 and

909 (iii) [~~is~~] on January 1 of the current year, was equal in assessed fair market value to at
910 least 7% of the assessed fair market value of all private real property within the proposed
911 municipality.

912 (2) The [~~petition sponsors shall ensure that the~~] petition for incorporation shall:

913 (a) [~~includes~~] include the typed or printed name and current residence address of each
914 voter [~~that~~] who signs the petition for incorporation;

915 (b) [~~describes~~] describe the area proposed to be incorporated as a municipality, as
916 described in the feasibility [~~study~~] request or the modified feasibility request that complies with
917 Subsection [~~10-2a-205(6)(a)~~] 10-2a-205(5)(a);

918 (c) [~~states~~] state the proposed name for the proposed municipality;

919 (d) [~~designates~~] designate five signers of the petition for incorporation as petition
920 sponsors, one of whom is designated as the contact sponsor, with the mailing address and
921 telephone number of each;

922 (e) if the sponsors propose the incorporation of a city, [~~states~~] state that the signers of
923 the petition for incorporation appoint the sponsors, if the incorporation measure passes, to
924 represent the signers in:

925 (i) selecting the number of commission or council members the new city will have; and
 926 (ii) drawing district boundaries for the election of council members, if the voters
 927 decide to elect council members by district;

928 (f) ~~[is]~~ be accompanied by and circulated with an accurate plat or map, prepared by a
 929 licensed surveyor, showing the boundaries of the proposed municipality; and

930 (g) substantially ~~[complies]~~ comply with and ~~[is]~~ be circulated in the following form:
 931 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
 932 municipality)

933 To the ~~[Honorable Lieutenant Governor]~~ [name of county legislative body]:

934 We, the undersigned registered voters within the area described in this petition for
 935 incorporation, respectfully petition ~~[the lieutenant governor to direct]~~ the county legislative
 936 body to submit to the registered voters residing within the area described in this petition for
 937 incorporation, at the next regular general election, the question of whether the area should
 938 incorporate as a municipality. Each of the undersigned affirms that each has personally signed
 939 this petition for incorporation and is a registered voter who resides within the described area,
 940 and that the current residence address of each is correctly written after the signer's name. The
 941 area proposed to be incorporated as a municipality is described as follows: [insert an
 942 accurate description of the area proposed to be incorporated] .

943 (3) (a) ~~[A]~~ Except as provided in Subsection (3)(b), a valid signature on a feasibility
 944 request described in Section 10-2a-202 or a modified feasibility request described in Section
 945 10-2a-206 may ~~[not]~~ be used toward fulfilling the signature requirement described in
 946 Subsection (1):]

947 ~~[(a)]~~ if the feasibility request notified the signer in conspicuous language that the
 948 signature, unless withdrawn, would also be used for a petition for incorporation under this
 949 section~~[-and]~~.

950 (b) ~~[unless]~~ A signature described in Subsection (3)(a) may not be used toward
 951 fulfilling the signature requirement described in Subsection (1) if the signer files with the
 952 [lieutenant governor] county clerk a written withdrawal of the signature before the petition for
 953 incorporation is filed with the county clerk under this section ~~[with the lieutenant governor]~~.

954 (4) (a) A signature does not qualify under Subsection (1)(b) if the signature is gathered
 955 from a voting precinct that:

956 (i) except in a proposed municipality that will be a city of the fifth class, is not located
957 entirely within the boundaries of a proposed city; or

958 (ii) includes less than 50 registered voters.

959 (b) A voting precinct that is not located entirely within the boundaries of the proposed
960 city does not qualify as a voting precinct under Subsection (1)(b).

961 Section 15. Section **10-2a-209** is amended to read:

962 **10-2a-209. Processing of petition by county clerk -- Certification or rejection --**
963 **Petition modification.**

964 (1) Within 45 days after the day on which [~~an incorporation~~] a petition for
965 incorporation is filed under Section **10-2a-208**, the [~~lieutenant governor~~] county clerk shall:

966 (a) [~~with the assistance of other county officers of the county in which the~~
967 ~~incorporation is proposed, and from whom the lieutenant governor requests assistance,]~~

968 determine whether the petition for incorporation complies with Section **10-2a-208**; and

969 (b) (i) if the [~~lieutenant governor~~] county clerk determines that the petition for
970 incorporation complies with Section **10-2a-208**, certify the petition for incorporation and notify
971 in writing the contact sponsor of the certification; or

972 (ii) if the [~~lieutenant governor~~] county clerk determines that the petition for
973 incorporation fails to comply with Section **10-2a-208**, reject the petition for incorporation and
974 notify the contact sponsor in writing of the rejection and the reasons for the rejection.

975 (2) (a) If the [~~lieutenant governor~~] county clerk rejects a petition for incorporation
976 under Subsection (1)(b)(ii), the [~~petition~~] sponsors of the petition for incorporation may correct
977 the deficiencies for which the petition for incorporation was rejected and refile the petition for
978 incorporation with the [~~lieutenant governor~~] county clerk.

979 (b) Notwithstanding the deadline described in Subsection **10-2a-208**(1), the [~~petition~~]
980 sponsors of the petition for incorporation may file a modified petition for incorporation under
981 Subsection (2)(a) no later than 30 days after the day on which the [~~lieutenant governor~~] county
982 clerk notifies the contact sponsor of rejection under Subsection (1)(b)(ii).

983 (c) A valid signature on [~~an incorporation~~] a petition for incorporation described in
984 Section **10-2a-208** may be used toward fulfilling the signature requirement described in
985 Subsection **10-2a-208**(1) for a petition for incorporation that is modified under Subsection
986 (2)(a).

987 (3) (a) Within 20 days after the day on which the [~~lieutenant governor~~] county clerk
988 receives a modified petition for incorporation under Subsection (2)(a), the [~~lieutenant~~
989 ~~governor~~] county clerk shall review the modified petition for incorporation in accordance with
990 Subsection (1).

991 (b) The sponsors of [~~an incorporation~~] a petition for incorporation may not modify the
992 petition for incorporation more than once.

993 Section 16. Section **10-2a-210** is amended to read:

994 **10-2a-210. Incorporation election -- Notice of election -- Voter information**
995 **pamphlet.**

996 (1) (a) If the [~~lieutenant governor~~] county clerk certifies a petition for incorporation
997 under Subsection **10-2a-209**(1)(b), the lieutenant governor shall schedule an incorporation
998 election for the proposed municipality described in the petition for incorporation to be held on
999 the date of the next regular general election described in Section **20A-1-201**, or the next
1000 municipal general election described in Section **20A-1-202**, that is at least 65 days after the day
1001 on which the [~~lieutenant governor~~] county clerk certifies the petition for incorporation.

1002 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1003 which the proposed municipality is located to hold the election on the date that the lieutenant
1004 governor schedules under Subsection (1)(a).

1005 (ii) The county legislative body shall hold the election as directed by the lieutenant
1006 governor under Subsection (1)(b)(i).

1007 (2) The county clerk shall provide notice of the election:

1008 (a) (i) by publishing notice in a newspaper of general circulation within the area
1009 proposed to be incorporated at least once a week for three successive weeks before the election;

1010 (ii) at least three weeks before the day of the election, by posting one notice, and at
1011 least one additional notice per 2,000 population of the area proposed to be incorporated, in
1012 places within the area proposed to be incorporated that are most likely to give notice to the
1013 voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or

1014 (iii) at least three weeks before the day of the election, by mailing notice to each
1015 registered voter in the area proposed to be incorporated;

1016 (b) by posting notice on the Utah Public Notice Website, created in Section
1017 **63A-16-601**, for three weeks before the day of the election;

1018 (c) if the proposed municipality has a website, by posting notice on the proposed
1019 municipality's website for three weeks before the day of the election; and

1020 (d) by posting notice on the county's website for three weeks before the day of the
1021 election.

1022 (3) (a) The notice [~~required by~~] described in Subsection (2) shall [~~contain~~] include:

1023 (i) a statement of the contents of the petition for incorporation;

1024 (ii) a description of the area proposed to be incorporated as a municipality;

1025 (iii) a statement of the date and time of the election and the location of polling places;

1026 and

1027 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in
1028 Subsection [~~10-2a-205(3)(c)~~] 10-2a-205(2)(c)(iii) and a statement that a full copy of the study
1029 is available on the [~~lieutenant governor's~~] county's website and for inspection at the [~~Office of~~
1030 ~~the Lieutenant Governor~~] county offices.

1031 (b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice
1032 may include a statement that specifies the following sources where a registered voter in the area
1033 proposed to be incorporated may view or obtain a copy of the feasibility study:

1034 (i) the [~~lieutenant governor's~~] county's website;

1035 (ii) the physical address of the [~~Office of the Lieutenant Governor~~] county clerk office;

1036 and

1037 (iii) a mailing address and telephone number.

1038 (4) (a) In addition to the notice [~~required under~~] described in Subsection (2), the county
1039 clerk shall publish and distribute, before the incorporation election is held, a voter information
1040 pamphlet:

1041 (i) in accordance with the procedures and requirements of Section 20A-7-402;

1042 (ii) in consultation with the lieutenant governor; and

1043 (iii) in a manner that the county clerk determines is adequate, subject to Subsections

1044 (4)(a)(i) and (ii).

1045 (b) The voter information pamphlet described in Subsection (4)(a):

1046 (i) shall inform the public of the proposed incorporation; and

1047 (ii) may include written statements, printed in the same font style and point size, from
1048 proponents and opponents of the proposed incorporation.

1049 (5) An individual may not vote in an incorporation election under this section unless
1050 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1051 boundaries of the proposed municipality.

1052 (6) If a majority of those who vote in an incorporation election held under this section
1053 cast votes in favor of incorporation, the area shall incorporate.

1054 Section 17. Section 10-2a-213 is amended to read:

1055 **10-2a-213. Determination of number of council members -- Determination of**
1056 **election districts -- Hearings and notice.**

1057 (1) If the incorporation proposal passes, the [~~petition~~] sponsors of the petition for
1058 incorporation shall, within 60 days after the day on which the county conducts the canvass of
1059 the election under Section 10-2a-212:

1060 (a) for the incorporation of a city:

1061 (i) if the voters at the incorporation election choose the council-mayor form of
1062 government, determine the number of council members that will constitute the city council of
1063 the city; and

1064 (ii) if the voters at the incorporation election vote to elect council members by district,
1065 determine the number of council members to be elected by district and draw the boundaries of
1066 those districts, which shall be substantially equal in population; and

1067 (b) for the incorporation of any municipality:

1068 (i) determine the initial terms of the mayor and members of the municipal council so
1069 that:

1070 (A) the mayor and approximately half the members of the municipal council are
1071 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
1072 successors to serve a full four-year term that coincides with the schedule established in
1073 Subsection 10-3-205(1); and

1074 (B) the remaining members of the municipal council are elected to serve an initial
1075 term, of no less than one year, that allows the members' successors to serve a full four-year
1076 term that coincides with the schedule established in Subsection 10-3-205(2); and

1077 (ii) submit in writing to the county legislative body the results of the determinations
1078 made by the sponsors under Subsections (1)(a) and (b)(i).

1079 (2) A newly incorporated town shall operate under the five-member council form of

1080 government as defined in Section [10-3b-102](#).

1081 (3) Before making a determination under Subsection (1)(a) or (b)(i), the ~~[petition]~~
1082 sponsors of the petition for incorporation shall, under the direction of the county clerk, hold a
1083 public hearing within the future municipality on the applicable issues described in Subsections
1084 (1)(a) and (b)(i).

1085 (4) ~~[The petition sponsors shall provide notice]~~ Notice of the public hearing described
1086 in Subsection (3) shall be provided as follows:

1087 (a) the sponsors of the petition for incorporation shall:

1088 (i) at least two weeks before the day of the public hearing, ~~[by posting]~~ post one notice,
1089 and at least one additional notice per 2,000 population of the future municipality, in places
1090 within the future municipality that are most likely to give notice to the residents within, and the
1091 owners of real property located within, the future municipality, subject to a maximum of 10
1092 notices; or

1093 (ii) at least two weeks before the day of the public hearing, ~~[by mailing]~~ mail notice to
1094 each residence within, and each owner of real property located within, the future municipality;

1095 (b) ~~[by posting]~~ the county clerk shall post notice on the Utah Public Notice Website,
1096 created in Section [63A-16-601](#), for two weeks before the day of the public hearing;

1097 (c) if the future municipality has a website, ~~[by posting]~~ the sponsors of the petition for
1098 incorporation shall post notice on the future municipality's website for two weeks before the
1099 day of the public hearing; and

1100 (d) ~~[by posting notice]~~ the county clerk shall post notice on the county's website for
1101 two weeks before the day of the public hearing.

1102 Section 18. Section **10-2a-214** is amended to read:

1103 **10-2a-214. Notice of number of commission or council members to be elected and**
1104 **of district boundaries -- Declaration of candidacy for municipal office.**

1105 (1) Within 20 days after the day on which a county legislative body receives the
1106 ~~[petition sponsors' determination under]~~ determination described in Subsection
1107 [10-2a-213](#)(1)(b)(ii), the county clerk shall provide a notice, in accordance with Subsection (2),
1108 containing:

1109 (a) the number of municipal council members to be elected for the new municipality;

1110 (b) except as provided in Subsection (3), if some or all of the municipal council

- 1111 members are to be elected by district, a description of the boundaries of those districts;
- 1112 (c) information about the deadline for an individual to file a declaration of candidacy to
- 1113 become a candidate for mayor or municipal council; and
- 1114 (d) information about the length of the initial term of each of the municipal officers.
- 1115 (2) The county clerk shall provide the notice described in Subsection (1):
- 1116 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
- 1117 the future municipality, in places within the future municipality that are most likely to give
- 1118 notice to the residents in the future municipality, subject to a maximum of 10 notices; or
- 1119 (ii) by mailing notice to each residence in the future municipality;
- 1120 (b) by posting notice on the Utah Public Notice Website, created in Section
- 1121 [63A-16-601](#), for two weeks;
- 1122 (c) if the future municipality has a website, by posting notice on the future
- 1123 municipality's website for two weeks; and
- 1124 (d) by posting notice on the county's website for two weeks.
- 1125 (3) Instead of including a description of the district boundaries under Subsection (1)(b),
- 1126 the notice may include a statement that specifies the following sources where a resident of the
- 1127 future municipality may view or obtain a copy of the district boundaries:
- 1128 (a) the county website;
- 1129 (b) the physical address of the county [~~offices~~] clerk's office; and
- 1130 (c) a mailing address and telephone number.
- 1131 (4) Notwithstanding Subsection [20A-9-203](#)(3)(a), each individual seeking to become a
- 1132 candidate for mayor or municipal council of a municipality incorporating under this part shall
- 1133 file a declaration of candidacy with the clerk of the county in which the future municipality is
- 1134 located and in accordance with:
- 1135 (a) for an incorporation held on the date of a regular general election, the deadlines for
- 1136 filing a declaration of candidacy under Section [20A-9-202](#); or
- 1137 (b) for an incorporation held on the date of a municipal general election, the deadlines
- 1138 for filing a declaration of candidacy under Section [20A-9-203](#).
- 1139 Section 19. Section **10-2a-220** is amended to read:
- 1140 **10-2a-220. Costs of incorporation -- Fees established by lieutenant governor.**
- 1141 (1) (a) There is created an expendable special revenue fund known as the "Municipal

1142 Incorporation Expendable Special Revenue Fund."

1143 (b) The fund shall consist of:

1144 (i) appropriations from the Legislature; and

1145 (ii) fees the [~~Office of the Lieutenant Governor~~] lieutenant governor collects and remits
1146 to the fund under this section.

1147 (c) The [~~Office of the Lieutenant Governor~~] lieutenant governor shall deposit all
1148 money collected under this section into the fund.

1149 (2) (a) The lieutenant governor shall establish a fee in accordance with Section
1150 63J-1-504 for a cost incurred by the lieutenant governor or the county for an incorporation
1151 proceeding, including:

1152 (i) a request certification;

1153 (ii) a feasibility study;

1154 (iii) a petition certification;

1155 (iv) publication of notices;

1156 (v) public hearings;

1157 (vi) all other incorporation activities occurring after the elections; and

1158 (vii) any other cost incurred by the lieutenant governor or county in relation to an
1159 incorporation proceeding.

1160 (b) A cost under Subsection (2)(a) does not include a cost incurred by a county for
1161 holding an election under Section 10-2a-210.

1162 (3) The lieutenant governor shall pay for a cost described in Subsection (2)(a) using
1163 funds from the Municipal Incorporation Expendable Special Revenue Fund.

1164 (4) (a) An area that incorporates as a municipality shall pay:

1165 (i) to the lieutenant governor each fee established under Subsection (2) for each cost
1166 described in Subsection (2)(a) incurred by the lieutenant governor or the county; and

1167 (ii) the county for a cost described in Subsection (2)(b).

1168 (b) The lieutenant governor shall execute a payback agreement with each new
1169 municipality for the new municipality to pay the fees described in Subsection (4)(a) over a
1170 period that, except as provided in Subsection (4)(c), may not exceed five years.

1171 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the
1172 deadline described in Subsection (4)(b) by amending the payback agreement described in

1173 Subsection (4)(b).

1174 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects
1175 under Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.

1176 (5) If the lieutenant governor expends funds from the Municipal Incorporation
1177 Expendable Special Revenue Fund that are not repaid to the lieutenant governor under
1178 Subsection (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall
1179 appropriate money to the fund in an amount equal to the funds that are not repaid.

1180 Section 20. **Repealer.**

1181 This bill repeals:

1182 Section **10-2a-101**, Title.

1183 Section **10-2a-201**, Title.