

BOUNDARY ADJUSTMENT NOTICE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill extends the deadline for a requirement that municipalities make a certain filing with the lieutenant governor regarding an annexation or boundary adjustment.

Highlighted Provisions:

This bill:

- ▶ extends the deadline for a requirement that municipalities make a certain filing with the lieutenant governor regarding an annexation or boundary adjustment; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-425, as last amended by Laws of Utah 2015, Chapter 352

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

Section 1. Section **10-2-425** is amended to read:

10-2-425. Filing of notice and plat -- Recording and notice requirements --

Effective date of annexation or boundary adjustment.

(1) The legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary, or the

30 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an
31 unincorporated island upon the results of an election held in accordance with Section
32 10-2a-404, shall:

33 (a) within ~~[30]~~ 60 days after enacting the ordinance or the day of the election or, in the
34 case of a boundary adjustment, within ~~[30]~~ 60 days after each of the municipalities involved in
35 the boundary adjustment has enacted an ordinance, file with the lieutenant governor:

36 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
37 meets the requirements of Subsection 67-1a-6.5(3); and

38 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; ~~[and]~~

39 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
40 adjustment, as the case may be, under Section 67-1a-6.5:

41 (i) ~~[(A)]~~ if the annexed area or area subject to the boundary adjustment is located
42 within the boundary of a single county, submit to the recorder of that county~~[(F)]~~ the original~~[:~~
43 ~~(Aa)]~~ notice of an impending boundary action~~[: (Bb)]~~, the original certificate of annexation or
44 boundary adjustment~~[: and (Cc)]~~, the original approved final local entity plat~~[: and (H)]~~, and a
45 certified copy of the ordinance approving the annexation or boundary adjustment; or

46 ~~[(B)]~~ (ii) if the annexed area or area subject to the boundary adjustment is located
47 within the boundaries of more than a single county:

48 ~~[(H)]~~ (A) submit to the recorder of one of those counties~~[:]~~ the original notice of
49 impending boundary action, the original certificate of annexation or boundary adjustment, and
50 the original approved final local entity plat;

51 ~~[(Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and~~
52 ~~(Cc); and]~~

53 ~~[(Bb) a certified copy of the ordinance approving the annexation or boundary~~
54 ~~adjustment; and]~~

55 ~~[(H)]~~ (B) submit to the recorder of each other county~~[:(Aa)]~~ a certified copy of the
56 documents listed in ~~[Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and (Cc)]~~ Subsection (1)(b)(ii)(A);
57 and

58 ~~[(Bb)]~~ (C) submit a certified copy of the ordinance approving the annexation or
59 boundary adjustment~~;~~ to each county described in Subsections (1)(b)(ii)(A) and (B); and
60 (c) concurrently with Subsection (1)(b):

61 ~~[(ii)]~~ (i) send notice of the annexation or boundary adjustment to each affected entity;
62 and

63 ~~[(iii)]~~ (ii) in accordance with Section 26-8a-414, file with the Department of Health:

64 (A) a certified copy of the ordinance approving the annexation of an unincorporated
65 area or the adjustment of a boundary; and

66 (B) a copy of the approved final local entity plat.

67 (2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4,
68 Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class
69 on and after May 12, 2015, also causes an automatic annexation to a local district under
70 Section 17B-1-416 or an automatic withdrawal from a local district under Subsection
71 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant
72 governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5,
73 send notice of the annexation or boundary adjustment to the local district to which the annexed
74 area is automatically annexed or from which the annexed area is automatically withdrawn.

75 (3) Each notice required under Subsection (1) relating to an annexation or boundary
76 adjustment shall state the effective date of the annexation or boundary adjustment, as
77 determined under Subsection (4).

78 (4) An annexation or boundary adjustment under this part is completed and takes
79 effect:

80 (a) for the annexation of or boundary adjustment affecting an area located in a county
81 of the first class, except for an annexation under Section 10-2-418:

82 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
83 certificate of annexation or boundary adjustment if:

84 (A) the certificate is issued during the preceding November 1 through April 30; and

85 (B) the requirements of Subsection (1) are met before that July 1; or

86 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
87 certificate of annexation or boundary adjustment if:

88 (A) the certificate is issued during the preceding May 1 through October 31; and

89 (B) the requirements of Subsection (1) are met before that January 1; and

90 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the
91 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of
92 annexation or boundary adjustment.

93 (5) If an annexation of an unincorporated island is based upon the results of an election
94 held in accordance with Section 10-2a-404:

95 (a) the county and the annexing municipality may agree to a date on which the
96 annexation is complete and takes effect; and

97 (b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of
98 annexation on the date agreed to under Subsection (5)(a).

99 (6) (a) As used in this Subsection (6):

100 (i) "Affected area" means:

101 (A) in the case of an annexation, the annexed area; and

102 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
103 adjustment, is moved from within the boundary of one municipality to within the boundary of
104 another municipality.

105 (ii) "Annexing municipality" means:

106 (A) in the case of an annexation, the municipality that annexes an unincorporated area;
107 and

108 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
109 affected area as a result of a boundary adjustment.

110 (b) The effective date of an annexation or boundary adjustment for purposes of
111 assessing property within an affected area is governed by Section 59-2-305.5.

112 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
113 recorder of each county in which the property is located, a municipality may not:

- 114 (i) levy or collect a property tax on property within an affected area;
- 115 (ii) levy or collect an assessment on property within an affected area; or
- 116 (iii) charge or collect a fee for service provided to property within an affected area,
- 117 unless the municipality was charging and collecting the fee within that area immediately before
- 118 annexation.