

1 LOCAL GOVERNMENT REVISIONS

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Karen Mayne

5 House Sponsor: Eric K. Hutchings

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7 LONG TITLE

8 General Description:

9 This bill enacts provisions related to local government.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ provides population classification for a metro township;
- 14 ▶ amends municipal annexation provisions;
- 15 ▶ enacts "Municipal Incorporation," including:
  - 16 • general provisions;
  - 17 • incorporation provisions of a city;
  - 18 • incorporation provisions of a town; and
  - 19 • incorporation provisions of metro townships and unincorporated islands in a
  - 20 county of the first class on and after May 12, 2015;
- 21 ▶ requires a county of the first class to hold a special election on November 3, 2015,
- 22 for the following ballot propositions:
  - 23 • the incorporation of a planning township as a city, town, metro township; and
  - 24 • whether unincorporated islands should be annexed by an eligible city or remain
  - 25 unincorporated;
- 26 ▶ provides notice and hearing requirements;
- 27 ▶ provides for the determination of metro township council districts and election of
- 28 officers;
- 29 ▶ authorizes a five-member council form of government for a metro township;

- 30           ▶ provides the powers and duties of the metro township council chair and council
- 31 members;
- 32           ▶ repeals and reenacts provisions authorizing a change in form of municipal
- 33 government;
- 34           ▶ enacts provisions related to the administration of a metro township;
- 35           ▶ authorizes a metro township council to, in certain circumstances, prohibit an
- 36 ignition source;
- 37           ▶ requires a township located outside of a county of the first class to change its name
- 38 to "planning advisory area";
- 39           ▶ requires the withdrawal or dissolution of a planning advisory area that is annexed;
- 40           ▶ prohibits a county other than a county of the first class from adopting certain land
- 41 use ordinances requiring revegetation or landscaping;
- 42           ▶ amends definitions for local district provisions;
- 43           ▶ enacts provisions related to the levy of a municipal services district property tax;
- 44           ▶ enacts provisions related to a general obligation bond issued by a municipal services
- 45 district;
- 46           ▶ amends provisions related to a municipal services district board of trustees;
- 47           ▶ enacts language requiring the withdrawal of rural real property from a metro
- 48 township or municipal services district;
- 49           ▶ amends and enacts provisions related to the withdrawal of an area from a local
- 50 district;
- 51           ▶ enacts provisions related to an audit of a municipal services district;
- 52           ▶ authorizes a metro township to levy a 911 charge and impose a sales and use tax;
- 53 and
- 54           ▶ makes technical and conforming amendments.

55 **Money Appropriated in this Bill:**

56           None

57 **Other Special Clauses:**

58 This bill provides revisor instructions.

59 This bill provides a coordination clause to reconcile conflicts between this bill and  
60 other legislation.

61 **Utah Code Sections Affected:**

62 AMENDS:

63 **10-1-104**, as last amended by Laws of Utah 2003, Chapter 292

64 **10-1-114**, as last amended by Laws of Utah 2014, Chapter 189

65 **10-2-302**, as last amended by Laws of Utah 2009, Chapter 350

66 **10-2-401**, as last amended by Laws of Utah 2009, Chapters 92, 205, and 230

67 **10-2-402**, as last amended by Laws of Utah 2011, Chapter 234

68 **10-2-403**, as last amended by Laws of Utah 2010, Chapter 378

69 **10-2-405**, as last amended by Laws of Utah 2009, Chapter 205

70 **10-2-407**, as last amended by Laws of Utah 2010, Chapters 90 and 218

71 **10-2-408**, as last amended by Laws of Utah 2009, Chapter 205

72 **10-2-411**, as last amended by Laws of Utah 2004, Chapters 90 and 202

73 **10-2-413**, as last amended by Laws of Utah 2009, Chapter 230

74 **10-2-414**, as last amended by Laws of Utah 2009, Chapter 205

75 **10-2-415**, as last amended by Laws of Utah 2010, Chapter 90

76 **10-2-416**, as last amended by Laws of Utah 2001, Chapter 206

77 **10-2-418**, as last amended by Laws of Utah 2010, Chapter 90

78 **10-2-425**, as last amended by Laws of Utah 2009, Chapter 350

79 **10-3-205.5**, as last amended by Laws of Utah 2003, Chapter 292

80 **10-3-1302**, as enacted by Laws of Utah 1981, Chapter 57

81 **10-3b-102**, as enacted by Laws of Utah 2008, Chapter 19

82 **10-3b-103**, as last amended by Laws of Utah 2011, Chapter 209

83 **10-3b-202**, as last amended by Laws of Utah 2011, Chapter 209

84 **10-5-102**, as enacted by Laws of Utah 1983, Chapter 34

85 **10-6-103**, as enacted by Laws of Utah 1979, Chapter 26

- 86 **10-6-111**, as last amended by Laws of Utah 2010, Chapter 378
- 87 **15A-5-202.5**, as last amended by Laws of Utah 2014, Chapter 243
- 88 **17-23-17**, as last amended by Laws of Utah 2007, Chapter 329
- 89 **17-23-17.5**, as last amended by Laws of Utah 2014, Chapter 189
- 90 **17-27a-103**, as last amended by Laws of Utah 2014, Chapters 136 and 363
- 91 **17-27a-301**, as last amended by Laws of Utah 2014, Chapter 189
- 92 **17-27a-302**, as last amended by Laws of Utah 2012, Chapter 359
- 93 **17-27a-306**, as last amended by Laws of Utah 2010, Chapters 90 and 218
- 94 **17-27a-505**, as last amended by Laws of Utah 2013, Chapter 476
- 95 **17-34-3**, as last amended by Laws of Utah 2013, Chapter 371
- 96 **17-41-101**, as last amended by Laws of Utah 2014, Chapter 65
- 97 **17B-1-102**, as last amended by Laws of Utah 2011, Chapters 107 and 205
- 98 **17B-1-502**, as last amended by Laws of Utah 2014, Chapter 405
- 99 **17B-1-505**, as last amended by Laws of Utah 2011, Chapter 68
- 100 **17B-1-1002**, as last amended by Laws of Utah 2011, Chapter 282
- 101 **17B-1-1102**, as enacted by Laws of Utah 2007, Chapter 329
- 102 **17B-2a-1102**, as enacted by Laws of Utah 2014, Chapter 405
- 103 **17B-2a-1103**, as enacted by Laws of Utah 2014, Chapter 405
- 104 **17B-2a-1104**, as enacted by Laws of Utah 2014, Chapter 405
- 105 **17B-2a-1106**, as enacted by Laws of Utah 2014, Chapter 405
- 106 **17B-2a-1107**, as enacted by Laws of Utah 2014, Chapter 405
- 107 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 108 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320
- 109 **20A-1-203**, as last amended by Laws of Utah 2014, Chapter 158
- 110 **20A-1-204**, as last amended by Laws of Utah 2013, Chapters 295 and 415
- 111 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 112 **53-2a-208**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 113 **53-2a-802**, as renumbered and amended by Laws of Utah 2013, Chapter 295

- 114 **53A-2-402**, as enacted by Laws of Utah 2006, Chapter 339
- 115 **53B-21-107**, as enacted by Laws of Utah 1987, Chapter 167
- 116 **59-12-203**, as renumbered and amended by Laws of Utah 1987, Chapter 5
- 117 **63I-2-210**, as last amended by Laws of Utah 2014, Chapter 405
- 118 **67-1a-2**, as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last
- 119 amended by Coordination Clause, Laws of Utah 2013, Chapter 182
- 120 **69-2-5**, as last amended by Laws of Utah 2014, Chapter 320
- 121 **69-2-5.5**, as last amended by Laws of Utah 2014, Chapter 320
- 122 **69-2-5.6**, as last amended by Laws of Utah 2014, Chapter 320
- 123 **69-2-5.7**, as last amended by Laws of Utah 2014, Chapter 320
- 124 **78A-7-202**, as last amended by Laws of Utah 2012, Chapter 205

125 ENACTS:

- 126 **10-2-301.5**, Utah Code Annotated 1953
- 127 **10-2a-101**, Utah Code Annotated 1953
- 128 **10-2a-201**, Utah Code Annotated 1953
- 129 **10-2a-301**, Utah Code Annotated 1953
- 130 **10-2a-401**, Utah Code Annotated 1953
- 131 **10-2a-402**, Utah Code Annotated 1953
- 132 **10-2a-403**, Utah Code Annotated 1953
- 133 **10-2a-404**, Utah Code Annotated 1953
- 134 **10-2a-405**, Utah Code Annotated 1953
- 135 **10-2a-406**, Utah Code Annotated 1953
- 136 **10-2a-407**, Utah Code Annotated 1953
- 137 **10-2a-408**, Utah Code Annotated 1953
- 138 **10-2a-409**, Utah Code Annotated 1953
- 139 **10-2a-410**, Utah Code Annotated 1953
- 140 **10-2a-411**, Utah Code Annotated 1953
- 141 **10-2a-412**, Utah Code Annotated 1953

- 142           **10-2a-413**, Utah Code Annotated 1953
- 143           **10-3b-601**, Utah Code Annotated 1953
- 144           **10-3b-602**, Utah Code Annotated 1953
- 145           **10-3b-603**, Utah Code Annotated 1953
- 146           **10-3b-604**, Utah Code Annotated 1953
- 147           **10-3b-605**, Utah Code Annotated 1953
- 148           **10-3b-606**, Utah Code Annotated 1953
- 149           **10-3b-607**, Utah Code Annotated 1953
- 150           **10-3c-101**, Utah Code Annotated 1953
- 151           **10-3c-102**, Utah Code Annotated 1953
- 152           **10-3c-103**, Utah Code Annotated 1953
- 153           **10-3c-201**, Utah Code Annotated 1953
- 154           **10-3c-202**, Utah Code Annotated 1953
- 155           **10-3c-203**, Utah Code Annotated 1953
- 156           **10-3c-204**, Utah Code Annotated 1953
- 157           **10-3c-205**, Utah Code Annotated 1953
- 158           **17B-2a-1110**, Utah Code Annotated 1953
- 159           **17B-2a-1111**, Utah Code Annotated 1953
- 160           **17B-2a-1112**, Utah Code Annotated 1953

161 REPEALS AND REENACTS:

- 162           **10-3b-501**, as enacted by Laws of Utah 2008, Chapter 19
- 163           **10-3b-502**, as enacted by Laws of Utah 2008, Chapter 19
- 164           **10-3b-503**, as last amended by Laws of Utah 2011, Chapter 209
- 165           **10-3b-504**, as enacted by Laws of Utah 2008, Chapter 19

166 RENUMBERS AND AMENDS:

- 167           **10-2a-102**, (Renumbered from 10-2-101, as last amended by Laws of Utah 2012,
- 168 Chapter 359)
- 169           **10-2a-103**, (Renumbered from 10-2-102, as last amended by Laws of Utah 2012,

170 Chapter 359)  
171 **10-2a-104**, (Renumbered from 10-2-118, as enacted by Laws of Utah 1997, Chapter  
172 389)  
173 **10-2a-105**, (Renumbered from 10-2-130, as enacted by Laws of Utah 2014, Chapter  
174 405)  
175 **10-2a-202**, (Renumbered from 10-2-103, as last amended by Laws of Utah 2000,  
176 Chapter 184)  
177 **10-2a-203**, (Renumbered from 10-2-104, as last amended by Laws of Utah 2012,  
178 Chapter 359)  
179 **10-2a-204**, (Renumbered from 10-2-105, as last amended by Laws of Utah 2012,  
180 Chapter 359)  
181 **10-2a-205**, (Renumbered from 10-2-106, as last amended by Laws of Utah 2012,  
182 Chapter 359)  
183 **10-2a-206**, (Renumbered from 10-2-107, as last amended by Laws of Utah 2000,  
184 Chapter 184)  
185 **10-2a-207**, (Renumbered from 10-2-108, as last amended by Laws of Utah 2012,  
186 Chapter 359)  
187 **10-2a-208**, (Renumbered from 10-2-109, as last amended by Laws of Utah 2012,  
188 Chapter 359)  
189 **10-2a-209**, (Renumbered from 10-2-110, as last amended by Laws of Utah 1997,  
190 Second Special Session, Chapter 3)  
191 **10-2a-210**, (Renumbered from 10-2-111, as last amended by Laws of Utah 2014,  
192 Chapter 158)  
193 **10-2a-211**, (Renumbered from 10-2-112, as last amended by Laws of Utah 2008,  
194 Chapter 19)  
195 **10-2a-212**, (Renumbered from 10-2-113, as repealed and reenacted by Laws of Utah  
196 1997, Chapter 389)  
197 **10-2a-213**, (Renumbered from 10-2-114, as last amended by Laws of Utah 2010,

198 Chapter 90)  
199 **10-2a-214**, (Renumbered from 10-2-115, as last amended by Laws of Utah 2009,  
200 Chapter 388)  
201 **10-2a-215**, (Renumbered from 10-2-116, as last amended by Laws of Utah 2012,  
202 Chapter 359)  
203 **10-2a-216**, (Renumbered from 10-2-117, as enacted by Laws of Utah 1997, Chapter  
204 389)  
205 **10-2a-217**, (Renumbered from 10-2-119, as last amended by Laws of Utah 2009,  
206 Chapter 350)  
207 **10-2a-218**, (Renumbered from 10-2-120, as last amended by Laws of Utah 2009,  
208 Chapter 350)  
209 **10-2a-219**, (Renumbered from 10-2-121, as last amended by Laws of Utah 2009,  
210 Chapter 350)  
211 **10-2a-220**, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter  
212 389)  
213 **10-2a-221**, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah  
214 2012, Chapter 359)  
215 **10-2a-302**, (Renumbered from 10-2-125, as last amended by Laws of Utah 2014,  
216 Chapter 189)  
217 **10-2a-303**, (Renumbered from 10-2-126, as last amended by Laws of Utah 2014,  
218 Chapter 189)  
219 **10-2a-304**, (Renumbered from 10-2-127, as last amended by Laws of Utah 2014,  
220 Chapter 158)  
221 **10-2a-305**, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter  
222 359)  
223 **10-2a-306**, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter  
224 359)  
225 REPEALS:



- 226 **10-2-408.5**, as enacted by Laws of Utah 2009, Chapter 205
- 227 **10-3b-505**, as enacted by Laws of Utah 2008, Chapter 19
- 228 **10-3b-506**, as enacted by Laws of Utah 2008, Chapter 19
- 229 **10-3b-507**, as enacted by Laws of Utah 2008, Chapter 19
- 230 **17-27a-307**, as last amended by Laws of Utah 2008, Chapter 250

**Utah Code Sections Affected by Coordination Clause:**

- 232 **10-2-102.13**, Utah Code Annotated 1953
- 233 **10-2-111**, as last amended by Laws of Utah 2014, Chapter 158
- 234 **10-2-116**, as last amended by Laws of Utah 2012, Chapter 359
- 235 **10-2-127**, as last amended by Laws of Utah 2014, Chapter 158
- 236 **10-2-128.1**, Utah Code Annotated 1953
- 237 **10-2-128.2**, Utah Code Annotated 1953
- 238 **10-2-131**, Utah Code Annotated 1953

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

Section 1. Section **10-1-104** is amended to read:

**10-1-104. Definitions.**

As used in this title:

(1) "City" means a municipality that is classified by population as a city of the first class, a city of the second class, a city of the third class, a city of the fourth class, or a city of the fifth class, under Section **10-2-301**.

(2) "Contiguous" means:

(a) if used to described an area, continuous, uninterrupted, and without an island of territory not included as part of the area; and

(b) if used to describe an area's relationship to another area, sharing a common boundary.

(3) "Governing body" means collectively the legislative body and the executive of any municipality. Unless otherwise provided:

- 254 (a) in a city of the first or second class, the governing body is the city commission;
- 255 (b) in a city of the third, fourth, or fifth class, the governing body is the city council;
- 256 ~~and~~
- 257 (c) in a town, the governing body is the town council~~[-];~~ and
- 258 (d) in a metro township, the governing body is the metro township council.
- 259 (4) "Municipal" means of or relating to a municipality.
- 260 (5) (a) "Municipality" means:
- 261 (i) a city of the first class, city of the second class, city of the third class, city of the
- 262 fourth class, city of the fifth class~~[-or];~~
- 263 (ii) a town, as classified in Section 10-2-301[-]; or
- 264 (iii) a metro township as that term is defined in Section 10-2a-403 unless the term is
- 265 used in the context of authorizing, governing, or otherwise regulating the provision of
- 266 municipal services.
- 267 (6) "Peninsula," when used to describe an unincorporated area, means an area
- 268 surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated
- 269 territory and situated so that the length of a line drawn across the unincorporated area from an
- 270 incorporated area to an incorporated area on the opposite side shall be less than 25% of the
- 271 total aggregate boundaries of the unincorporated area.
- 272 (7) "Person" means an individual, corporation, partnership, organization, association,
- 273 trust, governmental agency, or any other legal entity.
- 274 (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances,
- 275 rules, and regulations properly adopted by any municipality unless the construction is clearly
- 276 contrary to the intent of state law.
- 277 (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.
- 278 (10) "Town" means a municipality classified by population as a town under Section
- 279 10-2-301.
- 280 (11) "Unincorporated" means not within a municipality.
- 281 Section 2. Section **10-1-114** is amended to read:

282 **10-1-114. Repealer.**

283 Title 10, Chapter 1, General Provisions; Chapter 2, [~~Incorporation,~~] Classification,  
284 Boundaries, Consolidation, and Dissolution of Municipalities; Chapter 3, Municipal  
285 Government; Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; and Chapter 6,  
286 Uniform Fiscal Procedures Act for Utah Cities, are repealed, except as provided in Section  
287 [10-1-115](#).

288 Section 3. Section **10-2-301.5** is enacted to read:

289 **CHAPTER 2. CLASSIFICATION, BOUNDARIES, CONSOLIDATION, AND**  
290 **DISSOLUTION OF MUNICIPALITIES**

291 **10-2-301.5. Classification of metro townships according to population.**

292 (1) Each metro township, as defined in Section [10-2a-403](#), shall be classified according  
293 to its population, as provided in this section.

294 (2) A metro township with a population of:

295 (a) 1,000 or more is a metro township of the first class; and

296 (b) fewer than 1,000 is a metro township of the second class.

297 Section 4. Section **10-2-302** is amended to read:

298 **10-2-302. Change of class of municipality.**

299 (1) Each municipality shall retain its classification under Section [10-2-301](#) until  
300 changed as provided in this section or Subsection [67-1a-2\(3\)](#).

301 (2) (a) If a municipality's population, as determined by the lieutenant governor under  
302 Subsection [67-1a-2\(3\)](#), indicates that the municipality's population has decreased below the  
303 limit for its current class, the legislative body of the municipality may petition the lieutenant  
304 governor to prepare a certificate indicating the class in which the municipality belongs based  
305 on the decreased population figure.

306 (b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may  
307 not petition under this section to change from a metro township to a city or town.

308 (3) A municipality's change in class is effective on the date of the lieutenant governor's  
309 certificate under Subsection [67-1a-2\(3\)](#).

310 Section 5. Section **10-2-401** is amended to read:

311 **10-2-401. Definitions -- Property owner provisions.**

312 (1) As used in this part:

313 (a) "Affected entity" means:

314 (i) a county of the first or second class in whose unincorporated area the area proposed  
315 for annexation is located;

316 (ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the  
317 area proposed for annexation is located, if the area includes residents or commercial or  
318 industrial development;

319 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -  
320 Local Districts, or special service district under Title 17D, Chapter 1, Special Service District  
321 Act, whose boundary includes any part of an area proposed for annexation;

322 (iv) a school district whose boundary includes any part of an area proposed for  
323 annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

324 (v) a municipality whose boundaries are within 1/2 mile of an area proposed for  
325 annexation.

326 (b) "Annexation petition" means a petition under Section **10-2-403** proposing the  
327 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the  
328 municipality.

329 (c) "Commission" means a boundary commission established under Section **10-2-409**  
330 for the county in which the property that is proposed for annexation is located.

331 (d) "Expansion area" means the unincorporated area that is identified in an annexation  
332 policy plan under Section **10-2-401.5** as the area that the municipality anticipates annexing in  
333 the future.

334 (e) "Feasibility consultant" means a person or firm with expertise in the processes and  
335 economics of local government.

336 (f) "Municipal selection committee" means a committee in each county composed of  
337 the mayor of each municipality within that county.

338 (g) "Planning advisory area" means the same as that term is defined in Section  
339 [17-27a-306](#).

340 [(g)] (h) "Private," with respect to real property, means not owned by the United States  
341 or any agency of the federal government, the state, a county, a municipality, a school district, a  
342 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a  
343 special service district under Title 17D, Chapter 1, Special Service District Act, or any other  
344 political subdivision or governmental entity of the state.

345 [(h)] (i) "Specified county" means a county of the second, third, fourth, fifth, or sixth  
346 class.

347 [(i)] "~~Township~~" ~~has the same meaning as defined in Section [17-27a-103](#).~~

348 (j) "Unincorporated peninsula" means an unincorporated area:

349 (i) that is part of a larger unincorporated area;

350 (ii) that extends from the rest of the unincorporated area of which it is a part;

351 (iii) that is surrounded by land that is within a municipality, except where the area  
352 connects to and extends from the rest of the unincorporated area of which it is a part; and

353 (iv) whose width, at any point where a straight line may be drawn from a place where it  
354 borders a municipality to another place where it borders a municipality, is no more than 25% of  
355 the boundary of the area where it borders a municipality.

356 (k) "Urban development" means:

357 (i) a housing development with more than 15 residential units and an average density  
358 greater than one residential unit per acre; or

359 (ii) a commercial or industrial development for which cost projections exceed  
360 \$750,000 for all phases.

361 (2) For purposes of this part:

362 (a) the owner of real property shall be:

363 (i) except as provided in Subsection (2)(a)(ii), the record title owner according to the  
364 records of the county recorder on the date of the filing of the petition or protest; or

365 (ii) the lessee of military land, as defined in Section [63H-1-102](#), if the area proposed

366 for annexation includes military land that is within a project area described in a project area  
367 plan adopted by the military installation development authority under Title 63H, Chapter 1,  
368 Military Installation Development Authority Act; and

369 (b) the value of private real property shall be determined according to the last  
370 assessment roll for county taxes before the filing of the petition or protest.

371 (3) For purposes of each provision of this part that requires the owners of private real  
372 property covering a percentage or majority of the total private land area within an area to sign a  
373 petition or protest:

374 (a) a parcel of real property may not be included in the calculation of the required  
375 percentage or majority unless the petition or protest is signed by:

376 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
377 ownership interest in that parcel; or

378 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
379 of owners of that parcel;

380 (b) the signature of a person signing a petition or protest in a representative capacity on  
381 behalf of an owner is invalid unless:

382 (i) the person's representative capacity and the name of the owner the person represents  
383 are indicated on the petition or protest with the person's signature; and

384 (ii) the person provides documentation accompanying the petition or protest that  
385 substantiates the person's representative capacity; and

386 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
387 petition or protest on behalf of a deceased owner.

388 Section 6. Section **10-2-402** is amended to read:

389 **10-2-402. Annexation -- Limitations.**

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

392 (b) An unincorporated area may not be annexed to a municipality unless:

393 (i) it is a contiguous area;

394 (ii) it is contiguous to the municipality;  
395 (iii) except as provided in Subsection 10-2-418~~(1)(b)~~(2)(c), annexation will not leave  
396 or create an unincorporated island or unincorporated peninsula; and  
397 (iv) for an area located in a specified county with respect to an annexation that occurs  
398 after December 31, 2002, the area is within the proposed annexing municipality's expansion  
399 area.

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

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

405 (b) A piece of real property that has more than one parcel number is considered to be a  
406 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

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

411 (5) The legislative body of a specified county may not approve urban development  
412 within a municipality's expansion area unless:

413 (a) the county notifies the municipality of the proposed development; and

414 (b) (i) the municipality consents in writing to the development; or

415 (ii) (A) within 90 days after the county's notification of the proposed development, the  
416 municipality submits to the county a written objection to the county's approval of the proposed  
417 development; and

418 (B) the county responds in writing to the municipality's objections.

419 (6) (a) An annexation petition may not be filed under this part proposing the  
420 annexation of an area located in a county that is not the county in which the proposed annexing  
421 municipality is located unless the legislative body of the county in which the area is located has

422 adopted a resolution approving the proposed annexation.

423 (b) Each county legislative body that declines to adopt a resolution approving a  
424 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its  
425 reasons for declining to approve the proposed annexation.

426 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation  
427 Administration has, by a record of decision, approved for the construction or operation of a  
428 Class I, II, or III commercial service airport, as designated by the Federal Aviation  
429 Administration in 14 C.F.R. Part 139.

430 (b) A municipality may not annex an unincorporated area within 5,000 feet of the  
431 center line of any runway of an airport operated or to be constructed and operated by another  
432 municipality unless the legislative body of the other municipality adopts a resolution  
433 consenting to the annexation.

434 (c) A municipality that operates or intends to construct and operate an airport and does  
435 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)  
436 may not deny an annexation petition proposing the annexation of that same area to that  
437 municipality.

438 ~~[(8) An annexation petition may not be filed if it proposes the annexation of an area  
439 that is within a proposed township in a petition to establish a township under Subsection  
440 17-27a-306(1)(c) that has been certified under Subsection 17-27a-306(1)(f), until after the  
441 canvass of an election on the proposed township under Subsection 17-27a-306(1)(h).]~~

442 [(9)] (8) (a) A municipality may not annex an unincorporated area located within a  
443 project area described in a project area plan adopted by the military installation development  
444 authority under Title 63H, Chapter 1, Military Installation Development Authority Act, without  
445 the authority's approval.

446 (b) (i) Except as provided in Subsection [(9)] (8)(b)(ii), the Military Installation  
447 Development Authority may petition for annexation of a project area and contiguous  
448 surrounding land to a municipality as if it was the sole private property owner of the project  
449 area and surrounding land, if the area to be annexed is entirely contained within the boundaries



450 of a military installation.

451 (ii) Before petitioning for annexation under Subsection [~~(9)~~] (8)(b)(i), the Military  
452 Installation Development Authority shall provide the military installation with a copy of the  
453 petition for annexation. The military installation may object to the petition for annexation  
454 within 14 days of receipt of the copy of the annexation petition. If the military installation  
455 objects under this Subsection [~~(9)~~] (8)(b)(ii), the Military Installation Development Authority  
456 may not petition for the annexation as if it was the sole private property owner.

457 (iii) If any portion of an area annexed under a petition for annexation filed by a  
458 Military Installation Development Authority is located in a specified county:

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

460 (B) the provisions of Subsection 10-2-402(6) do not apply.

461 Section 7. Section **10-2-403** is amended to read:

462 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

463 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated  
464 area to a municipality is initiated by a petition as provided in this section.

465 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed  
466 annexation of an area located in a county of the first class, the person or persons intending to  
467 file a petition shall:

468 (A) file with the city recorder or town clerk of the proposed annexing municipality a  
469 notice of intent to file a petition; and

470 (B) send a copy of the notice of intent to each affected entity.

471 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the  
472 area that is proposed to be annexed.

473 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be  
474 annexed is located shall:

475 (A) mail the notice described in Subsection (2)(b)(iii) to:

476 (I) each owner of real property located within the area proposed to be annexed; and

477 (II) each owner of real property located within 300 feet of the area proposed to be

478 annexed; and

479 (B) send to the proposed annexing municipality a copy of the notice and a certificate  
480 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

481 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20  
482 days after receiving from the person or persons who filed the notice of intent:

483 (A) a written request to mail the required notice; and

484 (B) payment of an amount equal to the county's expected actual cost of mailing the  
485 notice.

486 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

487 (A) be in writing;

488 (B) state, in bold and conspicuous terms, substantially the following:

489 "Attention: Your property may be affected by a proposed annexation.

490 Records show that you own property within an area that is intended to be included in a  
491 proposed annexation to (state the name of the proposed annexing municipality) or that is within  
492 300 feet of that area. If your property is within the area proposed for annexation, you may be  
493 asked to sign a petition supporting the annexation. You may choose whether or not to sign the  
494 petition. By signing the petition, you indicate your support of the proposed annexation. If you  
495 sign the petition but later change your mind about supporting the annexation, you may  
496 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
497 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
498 of the proposed annexing municipality) receives notice that the petition has been certified.

499 There will be no public election on the proposed annexation because Utah law does not  
500 provide for an annexation to be approved by voters at a public election. Signing or not signing  
501 the annexation petition is the method under Utah law for the owners of property within the area  
502 proposed for annexation to demonstrate their support of or opposition to the proposed  
503 annexation.

504 You may obtain more information on the proposed annexation by contacting (state the  
505 name, mailing address, telephone number, and email address of the official or employee of the

506 proposed annexing municipality designated to respond to questions about the proposed  
 507 annexation), (state the name, mailing address, telephone number, and email address of the  
 508 county official or employee designated to respond to questions about the proposed annexation),  
 509 or (state the name, mailing address, telephone number, and email address of the person who  
 510 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the  
 511 notice of intent, one of those persons). Once filed, the annexation petition will be available for  
 512 inspection and copying at the office of (state the name of the proposed annexing municipality)  
 513 located at (state the address of the municipal offices of the proposed annexing municipality).";  
 514 and

515 (C) be accompanied by an accurate map identifying the area proposed for annexation.

516 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any  
 517 other information or materials related or unrelated to the proposed annexation.

518 (c) (i) After receiving the certificate from the county as provided in Subsection  
 519 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons  
 520 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for  
 521 the annexation proposed in the notice of intent.

522 (ii) An annexation petition provided by the proposed annexing municipality may be  
 523 duplicated for circulation for signatures.

524 (3) Each petition under Subsection (1) shall:

525 (a) be filed with the city recorder or town clerk, as the case may be, of the proposed  
 526 annexing municipality;

527 (b) contain the signatures of ~~[(i)]~~, if all the real property within the area proposed for  
 528 annexation is owned by a public entity other than the federal government, the owners of all the  
 529 publicly owned real property, or the owners of private real property that:

530 ~~[(A)]~~ (i) is located within the area proposed for annexation;

531 ~~[(B)-(F)]~~ (ii) (A) subject to Subsection (3)(b)~~[(i)-(B)-(H)]~~(ii)(C), covers a majority of the  
 532 private land area within the area proposed for annexation; ~~[and]~~

533 (B) covers 100% of rural real property as that term is defined in Section [17B-2a-1107](#)

534 within the area proposed for annexation; and

535 ~~[(H)]~~ (C) covers 100% of the private land area within the area proposed for annexation,  
536 if the area is within~~[-(Aa)]~~ an agriculture protection area created under Title 17, Chapter 41,  
537 Agriculture and Industrial Protection Areas~~[-or-(Bb)]~~, or a migratory bird production area  
538 created under Title 23, Chapter 28, Migratory Bird Production Area; and

539 ~~[(E)]~~ (iii) is equal in value to at least 1/3 of the value of all private real property within  
540 the area proposed for annexation; ~~[or]~~

541 ~~[(ii)]~~ if all the real property within the area proposed for annexation is owned by a  
542 public entity other than the federal government, the owner of all the publicly owned real  
543 property;

544 ~~[(c)]~~ if the petition proposes the annexation of an area located within a township;  
545 explain that if the annexation petition is granted, the area will also be withdrawn from the  
546 township;

547 ~~[(d)]~~ (c) be accompanied by:

548 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area  
549 proposed for annexation; and

550 (ii) a copy of the notice sent to affected entities as required under Subsection  
551 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

552 ~~[(e)]~~ (d) if the area proposed to be annexed is located in a county of the first class,  
553 contain on each signature page a notice in bold and conspicuous terms that states substantially  
554 the following:

555 "Notice:

556 • There will be no public election on the annexation proposed by this petition because  
557 Utah law does not provide for an annexation to be approved by voters at a public election.

558 • If you sign this petition and later decide that you do not support the petition, you may  
559 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
560 of (state the name of the proposed annexing municipality). If you choose to withdraw your  
561 signature, you shall do so no later than 30 days after (state the name of the proposed annexing

562 municipality) receives notice that the petition has been certified.";

563       ~~[(f)]~~ (e) if the petition proposes the annexation of an area located in a county that is not  
564 the county in which the proposed annexing municipality is located, be accompanied by a copy  
565 of the resolution, required under Subsection 10-2-402(6), of the legislative body of the county  
566 in which the area is located; and

567       ~~[(g)]~~ (f) designate up to five of the signers of the petition as sponsors, one of whom  
568 shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

569       (4) A petition under Subsection (1) may not propose the annexation of all or part of an  
570 area proposed for annexation to a municipality in a previously filed petition that has not been  
571 denied, rejected, or granted.

572       (5) A petition under Subsection (1) proposing the annexation of an area located in a  
573 county of the first class may not propose the annexation of an area that includes some or all of  
574 an area proposed to be incorporated in a request for a feasibility study under Section [~~+0-2-103~~]  
575 10-2a-202 or a petition under Section [~~+0-2-125~~] 10-2a-302 if:

576       (a) the request or petition was filed before the filing of the annexation petition; and

577       (b) the request, a petition under Section [~~+0-2-109~~] 10-2a-208 based on that request, or  
578 a petition under Section [~~+0-2-125~~] 10-2a-302 is still pending on the date the annexation  
579 petition is filed.

580       (6) If practicable and feasible, the boundaries of an area proposed for annexation shall  
581 be drawn:

582       (a) along the boundaries of existing local districts and special service districts for  
583 sewer, water, and other services, along the boundaries of school districts whose boundaries  
584 follow city boundaries or school districts adjacent to school districts whose boundaries follow  
585 city boundaries, and along the boundaries of other taxing entities;

586       (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type  
587 services;

588       (c) to facilitate the consolidation of overlapping functions of local government;

589       (d) to promote the efficient delivery of services; and

590 (e) to encourage the equitable distribution of community resources and obligations.

591 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the  
592 petition to~~[-(a)]~~ the clerk of the county in which the area proposed for annexation is located~~[-~~  
593 ~~and]~~.

594 ~~[(b) if any of the area proposed for annexation is within a township:]~~

595 ~~[(i) the legislative body of the county in which the township is located; and]~~

596 ~~[(ii) the chair of the township planning commission.]~~

597 (8) A property owner who signs an annexation petition proposing to annex an area  
598 located in a county of the first class may withdraw the owner's signature by filing a written  
599 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30  
600 days after the municipal legislative body's receipt of the notice of certification under  
601 Subsection 10-2-405(2)(c)(i).

602 Section 8. Section 10-2-405 is amended to read:

603 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**  
604 **process -- Modified petition.**

605 (1) (a) (i) A municipal legislative body may:

606 (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or

607 (B) accept the petition for further consideration under this part.

608 (ii) A petition shall be considered to have been accepted for further consideration under  
609 this part if a municipal legislative body fails to act to deny or accept the petition under  
610 Subsection (1)(a)(i):

611 (A) in the case of a city of the first or second class, within 14 days after the filing of the  
612 petition; or

613 (B) in the case of a city of the third, fourth, or fifth class ~~[or]~~<sub>2</sub> a town, or a metro  
614 township, at the next regularly scheduled meeting of the municipal legislative body that is at  
615 least 14 days after the date the petition was filed.

616 (b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall,  
617 within five days after the denial, mail written notice of the denial to:

- 618 (i) the contact sponsor; and
- 619 (ii) the clerk of the county in which the area proposed for annexation is located~~[, and]~~;
- 620 ~~[(iii) if any of the area proposed for annexation is within a township:]~~
- 621 ~~[(A) the legislative body of the county in which the township is located; and]~~
- 622 ~~[(B) the chair of the planning commission.]~~

623 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is  
624 considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town  
625 clerk, as the case may be, shall, within 30 days after that acceptance:

626 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the  
627 area proposed for annexation is located the records the city recorder or town clerk needs to  
628 determine whether the petition meets the requirements of Subsections 10-2-403(3), (4), and (5);

629 (b) with the assistance of the municipal attorney, determine whether the petition meets  
630 the requirements of Subsections 10-2-403(3), (4), and (5); and

631 (c) (i) if the city recorder or town clerk determines that the petition meets those  
632 requirements, certify the petition and mail or deliver written notification of the certification to  
633 the municipal legislative body, the contact sponsor, and the county legislative body~~[, and the~~  
634 ~~chair of the planning commission of each township in which any part of the area proposed for~~  
635 ~~annexation is located]~~; or

636 (ii) if the city recorder or town clerk determines that the petition fails to meet any of  
637 those requirements, reject the petition and mail or deliver written notification of the rejection  
638 and the reasons for the rejection to the municipal legislative body, the contact sponsor, and the  
639 county legislative body~~[, and the chair of the planning commission of each township in which~~  
640 ~~any part of the area proposed for annexation is located]~~.

641 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii),  
642 the petition may be modified to correct the deficiencies for which it was rejected and then  
643 refiled with the city recorder or town clerk, as the case may be.

644 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used  
645 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as

646 modified under Subsection (3)(a)(i).

647 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city  
648 recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a  
649 newly filed petition under Subsection 10-2-403(1).

650 (4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records  
651 that a city recorder or town clerk requests under Subsection (2)(a).

652 Section 9. Section 10-2-407 is amended to read:

653 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
654 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
655 **protest filed.**

656 (1) ~~[(a)]~~ A protest to an annexation petition under Section 10-2-403 may be filed by:

657 ~~[(i)]~~ (a) the legislative body or governing board of an affected entity; ~~[or]~~

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

659 ~~[(ii)]~~ (c) for a proposed annexation of an area within a county of the first class, the  
660 owners of private real property that:

661 ~~[(A)]~~ (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
662 annexation;

663 ~~[(B)]~~ (ii) covers at least 25% of the private land area located in the unincorporated area  
664 within 1/2 mile of the area proposed for annexation; and

665 ~~[(C)]~~ (iii) is equal in value to at least 15% of all real property located in the  
666 unincorporated area within 1/2 mile of the area proposed for annexation.

667 ~~[(b) (i)]~~ A planning commission of a township located in a county of the first class may  
668 recommend to the legislative body of the county in which the township is located that the  
669 county legislative body file a protest against a proposed annexation under this part of an area  
670 located within the township.]

671 ~~[(ii) (A)]~~ The township planning commission shall communicate each recommendation  
672 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the city  
673 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)



674 ~~(c)(i).]~~

675 ~~[(B) At the time the recommendation is communicated to the county legislative body~~  
676 ~~under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy~~  
677 ~~of the recommendation to the legislative body of the proposed annexing municipality and to the~~  
678 ~~contact sponsor.]~~

679 (2) (a) Each protest under Subsection (1)~~[(a)]~~ shall:

680 (i) be filed:

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

683 (B) (I) in a county that has already created a commission under Section 10-2-409, with  
684 the commission; or

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

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

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

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

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

697 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

698 (i) immediately notify the county legislative body of the protest; and

699 (ii) deliver the protest to the boundary commission within five days after:

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

701 (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the

702 boundary commission has not previously been created.

703 ~~[(d) Each protest of a proposed annexation of an area located in a county of the first~~  
704 ~~class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and~~  
705 ~~(b):]~~

706 ~~[(i) indicate the typed or printed name and current residence address of each owner~~  
707 ~~signing the protest; and]~~

708 ~~[(ii) designate one of the signers of the protest as the contact person and state the~~  
709 ~~mailing address of the contact person.]]~~

710 (3) (a) (i) If a protest is filed under this section:

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

713 (B) if the municipal legislative body does not deny the annexation petition under  
714 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the  
715 annexation petition until after receipt of the commission's notice of its decision on the protest  
716 under Section 10-2-416.

717 (ii) If a municipal legislative body denies an annexation petition under Subsection  
718 (3)(a)(i)(A), the municipal legislative body shall, within five days after the denial, send notice  
719 of the denial in writing to:

720 (A) the contact sponsor of the annexation petition;

721 (B) the commission; and

722 (C) each entity that filed a protest[;].

723 ~~[(D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an~~  
724 ~~area located in a county of the first class, the contact person; and]~~

725 ~~[(E) if any of the area proposed for annexation is within a township, the legislative~~  
726 ~~body of the county in which the township is located.]]~~

727 (b) (i) If no timely protest is filed under this section, the municipal legislative body  
728 may, subject to Subsection (3)(b)(ii), approve the petition.

729 (ii) Before approving an annexation petition under Subsection (3)(b)(i), the municipal

730 legislative body shall:

731 (A) hold a public hearing; and

732 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

733 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the  
734 municipality and the area proposed for annexation; or

735 (Bb) if there is no newspaper of general circulation in those areas, post written notices  
736 of the hearing in conspicuous places within those areas that are most likely to give notice to  
737 residents within those areas; and

738 (II) publish notice of the hearing on the Utah Public Notice Website created in Section  
739 [63F-1-701](#).

740 ~~[(iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an~~  
741 ~~area that is partly or entirely within a township, the municipal legislative body shall send notice~~  
742 ~~of the approval to the legislative body of the county in which the township is located.]~~

743 Section 10. Section **10-2-408** is amended to read:

744 **10-2-408. Denying or approving the annexation petition -- Notice of approval.**

745 (1) After receipt of the commission's decision on a protest under Subsection  
746 [10-2-416](#)(2), a municipal legislative body may:

747 (a) deny the annexation petition; or

748 (b) subject to Subsection (2), if the commission approves the annexation, approve the  
749 annexation petition consistent with the commission's decision.

750 (2) A municipal legislative body shall exclude rural real property, as that term is  
751 defined in Section [17B-2a-1107](#), unless the owner of the rural real property gives written  
752 consent to include the rural real property.

753 ~~[(2) Within 10 days after approving an annexation under Subsection (1)(b) of an area~~  
754 ~~that is partly or entirely within a township, the municipal legislative body shall send notice of~~  
755 ~~the approval to the legislative body of the county in which the township is located.]~~

756 Section 11. Section **10-2-411** is amended to read:

757 **10-2-411. Disqualification of commission member -- Alternate member.**

758 (1) A member of the boundary commission is disqualified with respect to a protest  
759 before the commission if that member owns property:

760 (a) for a proposed annexation of an area located within a county of the first class:

761 (i) within the area proposed for annexation in a petition that is the subject of the  
762 protest; or

763 (ii) that is in the unincorporated area within 1/2 mile of the area proposed for  
764 annexation in a petition that is the subject of a protest under Subsection 10-2-407(1)(~~(a)~~(ii))(c);  
765 or

766 (b) for a proposed annexation of an area located in a specified county, within the area  
767 proposed for annexation.

768 (2) If a member is disqualified under Subsection (1), the body that appointed the  
769 disqualified member shall appoint an alternate member to serve on the commission for  
770 purposes of the protest as to which the member is disqualified.

771 Section 12. Section 10-2-413 is amended to read:

772 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
773 **study.**

774 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
775 a proposed annexing municipality denies an annexation petition under Subsection  
776 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose  
777 and engage a feasibility consultant within 45 days of:

778 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
779 been created before the filing of the protest; or

780 (ii) the commission's creation, if the commission is created after the filing of a protest.

781 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility  
782 study with respect to a petition that proposes the annexation of an area that:

783 (i) is undeveloped; and

784 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private  
785 real property within the municipality.

- 786 (2) The commission shall require the feasibility consultant to:
- 787 (a) complete a feasibility study on the proposed annexation and submit written results
- 788 of the study to the commission no later than 75 days after the feasibility consultant is engaged
- 789 to conduct the study;
- 790 (b) submit with the full written results of the feasibility study a summary of the results
- 791 no longer than a page in length; and
- 792 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility
- 793 study results and respond to questions at that hearing.
- 794 (3) (a) Subject to Subsection (4), the feasibility study shall consider:
- 795 (i) the population and population density within the area proposed for annexation, the
- 796 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries
- 797 within 1/2 mile of the area proposed for annexation, that municipality;
- 798 (ii) the geography, geology, and topography of and natural boundaries within the area
- 799 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a
- 800 municipality with boundaries within 1/2 mile of the area proposed for annexation, that
- 801 municipality;
- 802 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated
- 803 island or unincorporated peninsula;
- 804 (iv) whether the proposed annexation will hinder or prevent a future and more logical
- 805 and beneficial annexation or a future logical and beneficial incorporation;
- 806 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,
- 807 other municipalities, local districts, special service districts, school districts, and other
- 808 governmental entities;
- 809 (vi) current and five-year projections of demographics and economic base in the area
- 810 proposed for annexation and surrounding unincorporated area, including household size and
- 811 income, commercial and industrial development, and public facilities;
- 812 (vii) projected growth in the area proposed for annexation and the surrounding
- 813 unincorporated area during the next five years;

814 (viii) the present and five-year projections of the cost of governmental services in the  
815 area proposed for annexation;

816 (ix) the present and five-year projected revenue to the proposed annexing municipality  
817 from the area proposed for annexation;

818 (x) the projected impact the annexation will have over the following five years on the  
819 amount of taxes that property owners within the area proposed for annexation, the proposed  
820 annexing municipality, and the remaining unincorporated county will pay;

821 (xi) past expansion in terms of population and construction in the area proposed for  
822 annexation and the surrounding unincorporated area;

823 (xii) the extension during the past 10 years of the boundaries of each other municipality  
824 near the area proposed for annexation, the willingness of the other municipality to annex the  
825 area proposed for annexation, and the probability that another municipality would annex some  
826 or all of the area proposed for annexation during the next five years if the annexation did not  
827 occur;

828 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
829 surrounding area;

830 (xiv) the method of providing and the entity that has provided municipal-type services  
831 in the past to the area proposed for incorporation and the feasibility of municipal-type services  
832 being provided by the proposed annexing municipality; and

833 (xv) the effect on each school district whose boundaries include part or all of the area  
834 proposed for annexation or the proposed annexing municipality.

835 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
836 valorem property tax rates on residential property within the area proposed for annexation at  
837 the same level that residential property within the proposed annexing municipality would be  
838 without the annexation.

839 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that  
840 the level and quality of governmental services that will be provided to the area proposed for  
841 annexation in the future is essentially comparable to the level and quality of governmental

842 services being provided within the proposed annexing municipality at the time of the feasibility  
843 study.

844 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth  
845 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant  
846 in conducting the feasibility study depending upon:

- 847 (i) the size of the area proposed for annexation;
- 848 (ii) the size of the proposed annexing municipality;
- 849 (iii) the extent to which the area proposed for annexation is developed;
- 850 (iv) the degree to which the area proposed for annexation is expected to develop and  
851 the type of development expected; and
- 852 (v) the number and type of protests filed against the proposed annexation.

853 (b) Notwithstanding Subsection (4)(a), the commission may not modify the  
854 requirement that the feasibility consultant provide a full and complete analysis of the items  
855 listed in Subsections (3)(a)(viii), (ix), and (xv).

856 (5) If the results of the feasibility study do not meet the requirements of Subsection  
857 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
858 recommendations as to how the boundaries of the area proposed for annexation may be altered  
859 so that the requirements of Subsection 10-2-416(3) may be met.

860 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and  
861 expenses shall be shared equally by the proposed annexing municipality and each entity or  
862 group under Subsection 10-2-407(1) that files a protest.

863 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property  
864 owners under Subsection 10-2-407(1)[~~(a)(ii)~~](c), the county in which the area proposed for  
865 annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

866 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners  
867 file a protest, the county and the proposed annexing municipality shall equally share the  
868 property owners' share of the feasibility consultant's fees and expenses.

869 Section 13. Section 10-2-414 is amended to read:

870 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

871 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of  
872 an area located in a county of the first class do not meet the requirements of Subsection  
873 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility  
874 consultant's submission of the results of the study, file with the city recorder or town clerk of  
875 the proposed annexing municipality a modified annexation petition altering the boundaries of  
876 the proposed annexation.

877 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the  
878 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation  
879 petition to the clerk of the county in which the area proposed for annexation is located.

880 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the  
881 requirements of Subsections 10-2-403(3), (4), and (5).

882 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified  
883 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same  
884 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and  
885 (3)(a) for an original annexation petition.

886 (b) If the city recorder or town clerk certifies the modified annexation petition under  
887 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send  
888 written notice of the certification to:

- 889 (i) the commission;
- 890 (ii) each entity that filed a protest to the annexation petition; and
- 891 (iii) if a protest was filed under Subsection 10-2-407(1)~~(a)(ii)~~(c), the contact person.

892 (c) (i) If the modified annexation petition proposes the annexation of an area that  
893 includes part or all of a local district, special service district, or school district that was not  
894 included in the area proposed for annexation in the original petition, the city recorder or town  
895 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
896 petition to the board of the local district, special service district, or school district.

897 (ii) If the area proposed for annexation in the modified annexation petition is within



898 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the  
899 area proposed for annexation in the original annexation petition, the city recorder or town  
900 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
901 petition to the legislative body of that municipality.

902 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),  
903 the commission shall engage the feasibility consultant that conducted the feasibility study to  
904 supplement the feasibility study to take into account the information in the modified  
905 annexation petition that was not included in the original annexation petition.

906 (4) The commission shall require the feasibility consultant to complete the  
907 supplemental feasibility study and to submit written results of the supplemental study to the  
908 commission no later than 30 days after the feasibility consultant is engaged to conduct the  
909 supplemental feasibility study.

910 Section 14. Section **10-2-415** is amended to read:

911 **10-2-415. Public hearing -- Notice.**

912 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet  
913 the requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area  
914 located in a county of the first class, the commission shall hold a public hearing within 30 days  
915 of receipt of the feasibility study or supplemental feasibility study results.

916 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

917 (A) require the feasibility consultant to present the results of the feasibility study and, if  
918 applicable, the supplemental feasibility study;

919 (B) allow those present to ask questions of the feasibility consultant regarding the study  
920 results; and

921 (C) allow those present to speak to the issue of annexation.

922 (iii) (A) The commission shall:

923 (I) publish notice of each hearing under Subsection (1)(a)(i):

924 (Aa) at least once a week for two successive weeks in a newspaper of general  
925 circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated

926 area, and the proposed annexing municipality; and

927 (Bb) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;  
928 and

929 (II) send written notice of the hearing to the municipal legislative body of the proposed  
930 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a  
931 protest, and, if a protest was filed under Subsection 10-2-407(1)[~~(a)(ii)~~](c), the contact person.

932 (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of  
933 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the  
934 commission shall give the notice required under that subsection by posting notices, at least  
935 seven days before the hearing, in conspicuous places within those areas that are most likely to  
936 give notice of the hearing to the residents of those areas.

937 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility  
938 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study  
939 is available for inspection and copying at the office of the commission.

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

944 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the  
945 commission chair shall cause notice of the hearing to be published in a newspaper of general  
946 circulation within the area proposed for annexation.

947 (B) Each notice under Subsection (1)(b)(ii)(A) shall:

948 (I) state the date, time, and place of the hearing;

949 (II) briefly summarize the nature of the protest; and

950 (III) state that a copy of the protest is on file at the commission's office.

951 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to  
952 time, but no continued hearing may be held later than 60 days after the original hearing date.

953 (iv) In considering protests, the commission shall consider whether the proposed

954 annexation:

955 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
956 annexation policy plan of the proposed annexing municipality;

957 (B) conflicts with the annexation policy plan of another municipality; and

958 (C) if the proposed annexation includes urban development, will have an adverse tax  
959 consequence on the remaining unincorporated area of the county.

960 (2) (a) The commission shall record each hearing under this section by electronic  
961 means.

962 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if  
963 applicable, information received at the hearing, and the written decision of the commission  
964 shall constitute the record of the hearing.

965 Section 15. Section 10-2-416 is amended to read:

966 **10-2-416. Commission decision -- Time limit -- Limitation on approval of**  
967 **annexation.**

968 (1) Subject to Subsection (3), after the public hearing under Subsection 10-2-415(1) the  
969 boundary commission may:

970 (a) approve the proposed annexation, either with or without conditions;

971 (b) make minor modifications to the proposed annexation and approve it, either with or  
972 without conditions; or

973 (c) disapprove the proposed annexation.

974 (2) The commission shall issue a written decision on the proposed annexation within  
975 30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the  
976 decision to:

977 (a) the legislative body of the county in which the area proposed for annexation is  
978 located;

979 (b) the legislative body of the proposed annexing municipality;

980 (c) the contact person on the annexation petition;

981 (d) the contact person of each entity that filed a protest; and

982 (e) if a protest was filed under Subsection 10-2-407(1)[~~(a)(ii)~~](c) with respect to a  
983 proposed annexation of an area located in a county of the first class, the contact person  
984 designated in the protest.

985 (3) Except for an annexation for which a feasibility study may not be required under  
986 Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area  
987 located within a county of the first class unless the results of the feasibility study under Section  
988 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not  
989 exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

990 Section 16. Section 10-2-418 is amended to read:

991 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
992 **Hearing.**

993 (1) For purposes of an annexation conducted in accordance with this section of an area  
994 located within a county of the first class, "municipal-type services" for purposes of Subsection  
995 (2)(a)(ii)(B) does not include a service provided by a municipality pursuant to a contract that  
996 the municipality has with another political subdivision as "political subdivision" is defined in  
997 Section 17B-1-102.

998 [~~(1)~~] (2) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
999 unincorporated area under this section without an annexation petition if:

1000 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
1001 unincorporated peninsulas contiguous to the municipality;

1002 (B) the majority of each island or peninsula consists of residential or commercial  
1003 development;

1004 (C) the area proposed for annexation requires the delivery of municipal-type services;  
1005 and

1006 (D) the municipality has provided most or all of the municipal-type services to the area  
1007 for more than one year;

1008 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or  
1009 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800

1010 residents; and

1011 (B) the municipality has provided one or more municipal-type services to the area for  
1012 at least one year; or

1013 (iii) (A) the area consists of:

1014 (I) an unincorporated island within or an unincorporated peninsula contiguous to the  
1015 municipality; and

1016 (II) for an area outside of the county of the first class proposed for annexation, no more  
1017 than 50 acres; and

1018 (B) the county in which the area is located, subject to Subsection (3)(b), and the  
1019 municipality agree that the area should be included within the municipality.

1020 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
1021 portion of an unincorporated island or unincorporated peninsula under this section, leaving  
1022 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

1023 (i) in adopting the resolution under Subsection [~~(2)~~] (4)(a)(i), the municipal legislative  
1024 body determines that not annexing the entire unincorporated island or unincorporated peninsula  
1025 is in the municipality's best interest; and

1026 (ii) for an annexation of one or more unincorporated islands under Subsection [~~(1)~~]  
1027 (2)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1028 complies with the requirement of Subsection [~~(1)~~] (2)(a)(ii)(A) relating to the number of  
1029 residents.

1030 (3) (a) This Subsection (3) applies only to an annexation within a county of the first  
1031 class.

1032 (b) A county of the first class shall agree to the annexation if the majority of private  
1033 property owners within the area to be annexed has indicated in writing, subject to Subsection  
1034 (3)(d), to the city or town recorder of the annexing city or town the private property owners'  
1035 consent to be annexed into the municipality.

1036 (c) For purposes of Subsection (3)(b), the majority of private property owners is  
1037 property owners who own:

1038 (i) the majority of the total private land area within the area proposed for annexation;  
1039 and

1040 (ii) private real property equal to at least one half the value of private real property  
1041 within the area proposed for annexation.

1042 (d) (i) A property owner consenting to annexation shall indicate the property owner's  
1043 consent on a form which includes language in substantially the following form:

1044 "Notice: If this written consent is used to proceed with an annexation of your property  
1045 in accordance with Utah Code Section [10-2-418](#), no public election is required by law to  
1046 approve the annexation. If you sign this consent and later decide you do not want to support  
1047 the annexation of your property, you may withdraw your signature by submitting a signed,  
1048 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you  
1049 choose to withdraw your signature, you must do so no later than the close of the public hearing  
1050 on the annexation conducted in accordance with Utah Code Subsection [10-2-418\(4\)\(a\)\(iv\)](#)."

1051 (e) A private property owner may withdraw the property owner's signature indicating  
1052 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the  
1053 close of the public hearing held in accordance with Subsection (4)(a)(iv).

1054 ~~[(2)]~~ (4) (a) The legislative body of each municipality intending to annex an area under  
1055 this section shall:

1056 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1057 area, describing the area proposed to be annexed;

1058 (ii) publish notice:

1059 (A) (I) at least once a week for three successive weeks in a newspaper of general  
1060 circulation within the municipality and the area proposed for annexation; or

1061 (II) if there is no newspaper of general circulation in the areas described in Subsection  
1062 ~~[(2)]~~ (4)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that  
1063 are most likely to give notice to the residents of those areas; and

1064 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks;

1065 (iii) send written notice to the board of each local district and special service district

1066 whose boundaries contain some or all of the area proposed for annexation and to the legislative  
1067 body of the county in which the area proposed for annexation is located; and

1068 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
1069 adoption of the resolution under Subsection [~~(2)~~] (4)(a)(i).

1070 (b) Each notice under Subsections [~~(2)~~] (4)(a)(ii) and (iii) shall:

1071 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1072 to annex the area proposed for annexation;

1073 (ii) state the date, time, and place of the public hearing under Subsection [~~(2)~~]  
1074 (4)(a)(iv);

1075 (iii) describe the area proposed for annexation; and

1076 (iv) except for an annexation that meets the property owner consent requirements of  
1077 Subsection [~~(3)~~] (5)(b), state in conspicuous and plain terms that the municipal legislative body  
1078 will annex the area unless, at or before the public hearing under Subsection [~~(2)~~] (4)(a)(iv),  
1079 written protests to the annexation are filed by the owners of private real property that:

1080 (A) is located within the area proposed for annexation;

1081 (B) covers a majority of the total private land area within the entire area proposed for  
1082 annexation; and

1083 (C) is equal in value to at least 1/2 the value of all private real property within the  
1084 entire area proposed for annexation.

1085 (c) The first publication of the notice required under Subsection [~~(2)~~] (4)(a)(ii)(A) shall  
1086 be within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1087 [~~(2)~~] (4)(a)(i).

1088 [~~(3)~~] (5) (a) Upon conclusion of the public hearing under Subsection [~~(2)~~] (4)(a)(iv),  
1089 the municipal legislative body may adopt an ordinance approving the annexation of the area  
1090 proposed for annexation under this section unless, at or before the hearing, written protests to  
1091 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
1092 owners of private real property that:

1093 (i) is located within the area proposed for annexation;

1094 (ii) covers a majority of the total private land area within the entire area proposed for  
1095 annexation; and

1096 (iii) is equal in value to at least 1/2 the value of all private real property within the  
1097 entire area proposed for annexation.

1098 (b) (i) Upon conclusion of the public hearing under Subsection [~~(2)~~] (4)(a)(iv), a  
1099 municipality may adopt an ordinance approving the annexation of the area proposed for  
1100 annexation under this section without allowing or considering protests under Subsection [~~(3)~~]  
1101 (5)(a) if the owners of at least 75% of the total private land area within the entire area proposed  
1102 for annexation, representing at least 75% of the value of the private real property within the  
1103 entire area proposed for annexation, have consented in writing to the annexation.

1104 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an  
1105 ordinance adopted under Subsection [~~(3)~~] (5)(b)(i), the area annexed shall be conclusively  
1106 presumed to be validly annexed.

1107 [~~(4)~~] (6) (a) If protests are timely filed that comply with Subsection [~~(3)~~] (5), the  
1108 municipal legislative body may not adopt an ordinance approving the annexation of the area  
1109 proposed for annexation, and the annexation proceedings under this section shall be considered  
1110 terminated.

1111 (b) Subsection [~~(4)~~] (6)(a) may not be construed to prohibit the municipal legislative  
1112 body from excluding from a proposed annexation under Subsection [~~(1)~~] (2)(a)(ii) the property  
1113 within an unincorporated island regarding which protests have been filed and proceeding under  
1114 Subsection [~~(1)~~] (2)(b) to annex some or all of the remaining portion of the unincorporated  
1115 island.

1116 Section 17. Section 10-2-425 is amended to read:

1117 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**  
1118 **Effective date of annexation or boundary adjustment.**

1119 (1) The legislative body of each municipality that enacts an ordinance under this part  
1120 approving the annexation of an unincorporated area or the adjustment of a boundary, or the  
1121 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an



1122 unincorporated island upon the results of an election held in accordance with Section  
1123 10-2a-404, shall:

1124 (a) within 30 days after enacting the ordinance or the day of the election or, in the case  
1125 of a boundary adjustment, within 30 days after each of the municipalities involved in the  
1126 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

1127 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
1128 meets the requirements of Subsection 67-1a-6.5(3); and

1129 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1130 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
1131 adjustment, as the case may be, under Section 67-1a-6.5:

1132 (i) (A) if the annexed area or area subject to the boundary adjustment is located within  
1133 the boundary of a single county, submit to the recorder of that county:

1134 (I) the original:

1135 (Aa) notice of an impending boundary action;

1136 (Bb) certificate of annexation or boundary adjustment; and

1137 (Cc) approved final local entity plat; and

1138 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;

1139 or

1140 (B) if the annexed area or area subject to the boundary adjustment is located within the  
1141 boundaries of more than a single county:

1142 (I) submit to the recorder of one of those counties:

1143 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and  
1144 (Cc); and

1145 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1146 adjustment; and

1147 (II) submit to the recorder of each other county:

1148 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),  
1149 and (Cc); and

1150 (Bb) a certified copy of the ordinance approving the annexation or boundary  
1151 adjustment;

1152 (ii) send notice of the annexation or boundary adjustment to each affected entity; and  
1153 (iii) in accordance with Section 26-8a-414, file with the Department of Health:

1154 (A) a certified copy of the ordinance approving the annexation of an unincorporated  
1155 area or the adjustment of a boundary; and

1156 (B) a copy of the approved final local entity plat.

1157 (2) If an annexation or boundary adjustment under this part or Part 4, Incorporation of  
1158 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
1159 12, 2015, also causes an automatic annexation to a local district under Section 17B-1-416 or an  
1160 automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal  
1161 legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of  
1162 annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or  
1163 boundary adjustment to the local district to which the annexed area is automatically annexed or  
1164 from which the annexed area is automatically withdrawn.

1165 (3) Each notice required under Subsection (1) relating to an annexation or boundary  
1166 adjustment shall state the effective date of the annexation or boundary adjustment, as  
1167 determined under Subsection (4).

1168 (4) An annexation or boundary adjustment under this part is completed and takes  
1169 effect:

1170 (a) for the annexation of or boundary adjustment affecting an area located in a county  
1171 of the first class, except for an annexation under Section 10-2-418:

1172 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1173 certificate of annexation or boundary adjustment if:

1174 (A) the certificate is issued during the preceding November 1 through April 30; and  
1175 (B) the requirements of Subsection (1) are met before that July 1; or

1176 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
1177 certificate of annexation or boundary adjustment if:

1178 (A) the certificate is issued during the preceding May 1 through October 31; and

1179 (B) the requirements of Subsection (1) are met before that January 1; and

1180 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the  
1181 date of the lieutenant governor's issuance, under Section [67-1a-6.5](#), of a certificate of  
1182 annexation or boundary adjustment.

1183 (5) If an annexation of an unincorporated island is based upon the results of an election  
1184 held in accordance with Section [10-2a-404](#):

1185 (a) the county and the annexing municipality may agree to a date on which the  
1186 annexation is complete and takes effect; and

1187 (b) the lieutenant governor shall issue, under Section [67-1a-6.5](#), a certification of  
1188 annexation on the date agreed to under Subsection (5)(a).

1189 [~~5~~] (6) (a) As used in this Subsection [~~5~~] (6):

1190 (i) "Affected area" means:

1191 (A) in the case of an annexation, the annexed area; and

1192 (B) in the case of a boundary adjustment, any area that, as a result of the boundary  
1193 adjustment, is moved from within the boundary of one municipality to within the boundary of  
1194 another municipality.

1195 (ii) "Annexing municipality" means:

1196 (A) in the case of an annexation, the municipality that annexes an unincorporated area;  
1197 and

1198 (B) in the case of a boundary adjustment, a municipality whose boundary includes an  
1199 affected area as a result of a boundary adjustment.

1200 (b) The effective date of an annexation or boundary adjustment for purposes of  
1201 assessing property within an affected area is governed by Section [59-2-305.5](#).

1202 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
1203 recorder of each county in which the property is located, a municipality may not:

1204 (i) levy or collect a property tax on property within an affected area;

1205 (ii) levy or collect an assessment on property within an affected area; or

1206 (iii) charge or collect a fee for service provided to property within an affected area,  
1207 unless the municipality was charging and collecting the fee within that area immediately before  
1208 annexation.

1209 Section 18. Section **10-2a-101** is enacted to read:

1210 **CHAPTER 2a. MUNICIPAL INCORPORATION**

1211 **Part 1. General Provisions**

1212 **10-2a-101. Title.**

1213 (1) This chapter is known as "Municipal Incorporation."

1214 (2) This part is known as "General Provisions."

1215 Section 19. Section **10-2a-102**, which is renumbered from Section 10-2-101 is  
1216 renumbered and amended to read:

1217 ~~[10-2-101].~~ **10-2a-102. Definitions.**

1218 (1) As used in this part:

1219 (a) "Feasibility consultant" means a person or firm:

1220 (i) with expertise in the processes and economics of local government; and

1221 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
1222 incorporate.

1223 (b) "Private," with respect to real property, means taxable property.

1224 (2) For purposes of this part:

1225 (a) the owner of real property shall be the record title owner according to the records of  
1226 the county recorder on the date of the filing of the request or petition; and

1227 (b) the value of private real property shall be determined according to the last  
1228 assessment roll for county taxes before the filing of the request or petition.

1229 (3) For purposes of each provision of this part that requires the owners of private real  
1230 property covering a percentage or fraction of the total private land area within an area to sign a  
1231 request or petition:

1232 (a) a parcel of real property may not be included in the calculation of the required  
1233 percentage or fraction unless the request or petition is signed by:

- 1234 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1235 ownership interest in that parcel; or
- 1236 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1237 of owners of that parcel;
- 1238 (b) the signature of a person signing a request or petition in a representative capacity on  
1239 behalf of an owner is invalid unless:
- 1240 (i) the person's representative capacity and the name of the owner the person represents  
1241 are indicated on the request or petition with the person's signature; and
- 1242 (ii) the person provides documentation accompanying the request or petition that  
1243 substantiates the person's representative capacity; and
- 1244 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1245 request or petition on behalf of a deceased owner.

1246 Section 20. Section **10-2a-103**, which is renumbered from Section 10-2-102 is  
1247 renumbered and amended to read:

1248 ~~[10-2-102].~~ **10-2a-103. Incorporation of a contiguous area.**

1249 [(+) A contiguous area of a county not within a municipality may incorporate as a  
1250 municipality as provided in this [part] chapter.

1251 [(2)(a) Incorporation as a city is governed by Sections 10-2-103 through 10-2-124.]

1252 [(b) Incorporation as a town is governed by Sections 10-2-125 through 10-2-129.]

1253 Section 21. Section **10-2a-104**, which is renumbered from Section 10-2-118 is  
1254 renumbered and amended to read:

1255 ~~[10-2-118].~~ **10-2a-104. Elections governed by the Election Code.**

1256 Except as otherwise provided in this [part] chapter, each election under this [part]  
1257 chapter shall be governed by the provisions of Title 20A, Election Code.

1258 Section 22. Section **10-2a-105**, which is renumbered from Section 10-2-130 is  
1259 renumbered and amended to read:

1260 ~~[10-2-130].~~ **10-2a-105. Suspension of township incorporation and annexation**  
1261 **procedures on or after January 1, 2014 -- Exceptions.**

1262 (1) As used in this section:

1263 (a) "Township incorporation procedure" means the following actions, the subject of  
1264 which includes an area located in whole or in part in a township:

1265 (i) a request for incorporation described in Section [~~10-2-103~~] [10-2a-202](#);

1266 (ii) a feasibility study described in Section [~~10-2-106~~] [10-2a-205](#);

1267 (iii) a modified request and a supplemental feasibility study described in Section  
1268 [~~10-2-107~~] [10-2a-206](#); or

1269 (iv) an incorporation petition described in Section [~~10-2-109~~] [10-2a-208](#) that is not  
1270 certified under Section [~~10-2-110~~] [10-2a-109](#).

1271 (b) "Township annexation procedure" means one or more of the following actions, the  
1272 subject of which includes an area located in whole or in part in a township:

1273 (i) a petition to annex described in Section [10-2-403](#);

1274 (ii) a feasibility study described in Section [10-2-413](#);

1275 (iii) a modified annexation petition or supplemental feasibility study described in  
1276 Section [10-2-414](#);

1277 (iv) a boundary commission decision described in Section [10-2-416](#); or

1278 (v) any action described in Section [10-2-418](#) before the adoption of an ordinance to  
1279 approve annexation under Subsection [10-2-418](#)~~(3)~~[\(5\)](#)(b).

1280 (2) (a) Except as provided in Subsections (3) and (4):

1281 (i) if a request for incorporation described in Section [~~10-2-103~~] [10-2a-202](#) is filed  
1282 with the clerk of the county on or after January 1, 2014, a township incorporation procedure  
1283 that is the subject of or otherwise relates to that request is suspended until November 15, 2015;  
1284 and

1285 (ii) if a petition to annex described in Section [10-2-403](#) is filed with the city recorder or  
1286 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of  
1287 or otherwise relates to that petition is suspended until November 15, 2015.

1288 (b) (i) If a township incorporation procedure or township annexation procedure is  
1289 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and

1290 on November 15, 2015.

1291 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection  
1292 (2)(b)(i):

1293 (A) may proceed and the period of time during the suspension does not toll against that  
1294 deadline or timeline; and

1295 (B) does not start over.

1296 (3) Subsection (2) does not apply to a township annexation procedure that:

1297 (a) includes any land area located in whole or in part in a township that is:

1298 (i) 50 acres or more; and

1299 (ii) primarily owned or controlled by a government entity; or

1300 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance  
1301 with Subsection 10-2-403(3) before January 1, 2014.

1302 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the  
1303 petition sponsors may continue to gather petition signatures and file them with the county clerk  
1304 as provided in Section [~~10-2-103~~] 10-2a-202.

1305 (b) The county clerk shall process the petition in accordance with Section [~~10-2-105~~]  
1306 10-2a-204 and may issue a certification or rejection of the petition as provided in Section  
1307 [~~10-2-105~~] 10-2a-204.

1308 (c) Notwithstanding any other provision of [~~Chapter 2, Incorporation, Classification,~~  
1309 ~~Boundaries, Consolidation, and Dissolution of Municipalities~~] this chapter, any further  
1310 processing, including a feasibility study, public hearing, or an incorporation election, is  
1311 suspended until November 15, 2015.

1312 Section 23. Section **10-2a-201** is enacted to read:

1313 **Part 2. Incorporation of a City**

1314 **10-2a-201. Title.**

1315 This part is known as "Incorporation of a City."

1316 Section 24. Section **10-2a-202**, which is renumbered from Section 10-2-103 is  
1317 renumbered and amended to read:

- 1318            ~~[10-2-103]~~.    10-2a-202. Request for feasibility study -- Requirements --  
1319 **Limitations.**
- 1320            (1) The process to incorporate a contiguous area of a county as a city is initiated by a  
1321 request for a feasibility study filed with the clerk of the county in which the area is located.
- 1322            (2) Each request under Subsection (1) shall:
- 1323            (a) be signed by the owners of private real property that:
- 1324            (i) is located within the area proposed to be incorporated;
- 1325            (ii) covers at least 10% of the total private land area within the area; and
- 1326            (iii) is equal in value to at least 7% of the value of all private real property within the  
1327 area;
- 1328            (b) indicate the typed or printed name and current residence address of each owner  
1329 signing the request;
- 1330            (c) describe the contiguous area proposed to be incorporated as a city;
- 1331            (d) designate up to five signers of the request as sponsors, one of whom shall be  
1332 designated as the contact sponsor, with the mailing address and telephone number of each;
- 1333            (e) be accompanied by and circulated with an accurate map or plat, prepared by a  
1334 licensed surveyor, showing the boundaries of the proposed city; and
- 1335            (f) request the county legislative body to commission a study to determine the  
1336 feasibility of incorporating the area as a city.
- 1337            (3) A request for a feasibility study under this section may not propose for  
1338 incorporation an area that includes some or all of an area that is the subject of a completed  
1339 feasibility study or supplemental feasibility study whose results comply with Subsection  
1340 ~~[10-2-109]~~ 10-2a-208(3) unless:
- 1341            (a) the proposed incorporation that is the subject of the completed feasibility study or  
1342 supplemental feasibility study has been defeated by the voters at an election under Section  
1343 ~~[10-2-111]~~ 10-2a-210; or
- 1344            (b) the time provided under Subsection ~~[10-2-109]~~ 10-2a-208(1) for filing an  
1345 incorporation petition based on the completed feasibility study or supplemental feasibility study



1346 has elapsed without the filing of a petition.

1347 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not  
1348 propose for incorporation an area that includes some or all of an area proposed for annexation  
1349 in an annexation petition under Section [10-2-403](#) that:

- 1350 (i) was filed before the filing of the request; and
- 1351 (ii) is still pending on the date the request is filed.

1352 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area  
1353 that includes some or all of an area proposed for annexation in an annexation petition described  
1354 in Subsection (4)(a) if:

- 1355 (i) the proposed annexation area that is part of the area proposed for incorporation does  
1356 not exceed 20% of the area proposed for incorporation;
- 1357 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed  
1358 for incorporation excluding the proposed annexation area; and
- 1359 (iii) excluding the area proposed for annexation from the area proposed for  
1360 incorporation would not cause the area proposed for incorporation to lose its contiguity.

1361 (c) Except as provided in Section [~~10-2-107~~] [10-2a-206](#), each request to which  
1362 Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area  
1363 proposed for annexation.

1364 [~~(5) At the time of filing the request for a feasibility study with the county clerk, the~~  
1365 ~~sponsors of the request shall mail or deliver a copy of the request to the chair of the planning~~  
1366 ~~commission of each township in which any part of the area proposed for incorporation is~~  
1367 ~~located.~~]

1368 Section 25. Section **10-2a-203**, which is renumbered from Section 10-2-104 is  
1369 renumbered and amended to read:

1370 ~~[10-2-104]~~. **10-2a-203**. **Notice to owner of property -- Exclusion of property**  
1371 **from proposed boundaries.**

1372 (1) As used in this section:

1373 (a) "Assessed value" with respect to property means the value at which the property

1374 would be assessed without regard to a valuation for agricultural use under Section [59-2-503](#).

1375 (b) "Owner" means a person having an interest in real property, including an affiliate,  
1376 subsidiary, or parent company.

1377 (c) "Urban" means an area with a residential density of greater than one unit per acre.

1378 (2) Within seven calendar days of the date on which a request under Section [~~10-2-103~~]  
1379 [10-2a-202](#) is filed, the county clerk shall send written notice of the proposed incorporation to  
1380 each record owner of real property owning more than:

1381 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;

1382 or

1383 (b) 10% of the total private land area within the proposed incorporation boundaries.

1384 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all  
1385 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more  
1386 of the total private land area in the proposed incorporation boundaries, the owner may exclude  
1387 all or part of the property owned, controlled, or managed by the owner from the proposed  
1388 boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar  
1389 days of receiving the clerk's notice under Subsection (2).

1390 (4) The county legislative body shall exclude the property identified by an owner in the  
1391 Notice of Exclusion from the proposed incorporation boundaries unless the county legislative  
1392 body finds by clear and convincing evidence in the record that:

1393 (a) the exclusion will leave an unincorporated island within the proposed municipality;

1394 and

1395 (b) the property to be excluded:

1396 (i) is urban; and

1397 (ii) currently receives from the county a majority of municipal-type services including:

1398 (A) culinary or irrigation water;

1399 (B) sewage collection or treatment;

1400 (C) storm drainage or flood control;

1401 (D) recreational facilities or parks;

- 1402 (E) electric generation or transportation;
- 1403 (F) construction or maintenance of local streets and roads;
- 1404 (G) curb and gutter or sidewalk maintenance;
- 1405 (H) garbage and refuse collection; and
- 1406 (I) street lighting.
- 1407 (5) This section applies only to counties of the first or second class.
- 1408 (6) If the county legislative body excludes property from the proposed boundaries
- 1409 under Subsection (4), the county legislative body shall, within five days of the exclusion, send
- 1410 written notice of the exclusion to the contact sponsor.

1411 Section 26. Section **10-2a-204**, which is renumbered from Section 10-2-105 is

1412 renumbered and amended to read:

1413 ~~[10-2-105]~~. **10-2a-204. Processing a request for incorporation -- Certification or**

1414 **rejection by county clerk -- Processing priority -- Limitations -- Planning advisory area**

1415 **planning commission recommendation.**

1416 (1) Within 45 days of the filing of a request under Section ~~[10-2-103]~~ 10-2a-202, the

1417 county clerk shall:

1418 (a) with the assistance of other county officers from whom the clerk requests

1419 assistance, determine whether the request complies with Section ~~[10-2-103]~~ 10-2a-202; and

1420 (b) (i) if the clerk determines that the request complies with Section ~~[10-2-103]~~

1421 10-2a-202:

1422 (A) certify the request and deliver the certified request to the county legislative body;

1423 and

1424 (B) mail or deliver written notification of the certification to ~~[-(F)]~~ the contact sponsor;

1425 ~~[and]~~ or

1426 ~~[(H) the chair of the planning commission of each township in which any part of the~~

1427 ~~area proposed for incorporation is located; or]~~

1428 (ii) if the clerk determines that the request fails to comply with Section ~~[10-2-103]~~

1429 10-2a-202 requirements, reject the request and notify the contact sponsor in writing of the

1430 rejection and the reasons for the rejection.

1431 (2) The county clerk shall certify or reject requests under Subsection (1) in the order in  
1432 which they are filed.

1433 (3) (a) (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request  
1434 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
1435 county clerk.

1436 (ii) A signature on a request under Section [~~10-2-103~~] 10-2a-202 may be used toward  
1437 fulfilling the signature requirement of Subsection [~~10-2-103~~] 10-2a-202(2)(a) for the request as  
1438 modified under Subsection (3)(a)(i).

1439 (b) If a request is amended and refiled under Subsection (3)(a) after having been  
1440 rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed  
1441 request, and its processing priority is determined by the date on which it is refiled.

1442 Section 27. Section **10-2a-205**, which is renumbered from Section 10-2-106 is  
1443 renumbered and amended to read:

1444 [~~10-2-106~~]. **10-2a-205**. **Feasibility study -- Feasibility study consultant.**

1445 (1) Within 60 days of receipt of a certified request under Subsection [~~10-2-105~~]  
1446 10-2a-204(1)(b)(i), the county legislative body shall engage the feasibility consultant chosen  
1447 under Subsection (2) to conduct a feasibility study.

1448 (2) The feasibility consultant shall be chosen:

1449 (a) (i) by the contact sponsor of the incorporation petition with the consent of the  
1450 county; or

1451 (ii) by the county if the designated sponsors state, in writing, that the contact sponsor  
1452 defers selection of the feasibility consultant to the county; and

1453 (b) in accordance with applicable county procurement procedures.

1454 (3) The county legislative body shall require the feasibility consultant to:

1455 (a) complete the feasibility study and submit the written results to the county legislative  
1456 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to  
1457 conduct the study;

1458 (b) submit with the full written results of the feasibility study a summary of the results  
1459 no longer than one page in length; and

1460 (c) attend the public hearings under Subsection [~~10-2-108~~] [10-2a-207\(1\)](#) and present  
1461 the feasibility study results and respond to questions from the public at those hearings.

1462 (4) (a) The feasibility study shall consider:

1463 (i) population and population density within the area proposed for incorporation and  
1464 the surrounding area;

1465 (ii) current and five-year projections of demographics and economic base in the  
1466 proposed city and surrounding area, including household size and income, commercial and  
1467 industrial development, and public facilities;

1468 (iii) projected growth in the proposed city and in adjacent areas during the next five  
1469 years;

1470 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
1471 including overhead, of governmental services in the proposed city, including:

1472 (A) culinary water;

1473 (B) secondary water;

1474 (C) sewer;

1475 (D) law enforcement;

1476 (E) fire protection;

1477 (F) roads and public works;

1478 (G) garbage;

1479 (H) weeds; and

1480 (I) government offices;

1481 (v) assuming the same tax categories and tax rates as currently imposed by the county  
1482 and all other current service providers, the present and five-year projected revenue for the  
1483 proposed city;

1484 (vi) a projection of any new taxes per household that may be levied within the  
1485 incorporated area within five years of incorporation; and

1486 (vii) the fiscal impact on unincorporated areas, other municipalities, local districts,  
1487 special service districts, and other governmental entities in the county.

1488 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
1489 level and quality of governmental services to be provided to the proposed city in the future that  
1490 fairly and reasonably approximate the level and quality of governmental services being  
1491 provided to the proposed city at the time of the feasibility study.

1492 (ii) In determining the present cost of a governmental service, the feasibility consultant  
1493 shall consider:

1494 (A) the amount it would cost the proposed city to provide governmental service for the  
1495 first five years after incorporation; and

1496 (B) the county's present and five-year projected cost of providing governmental  
1497 service.

1498 (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation  
1499 and anticipated growth.

1500 (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year  
1501 projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall  
1502 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
1503 governor.

1504 (6) If the results of the feasibility study or revised feasibility study do not meet the  
1505 requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3), the feasibility consultant shall, as part of  
1506 the feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1507 make recommendations as to how the boundaries of the proposed city may be altered so that  
1508 the requirements of Subsection [~~10-2-109~~] [10-2a-208](#)(3) may be met.

1509 (7) (a) For purposes of this Subsection (7), "pending" means that the process to  
1510 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1511 study under Section [~~10-2-103~~] [10-2a-202](#) but that, as of May 8, 2012, a petition under Section  
1512 [~~10-2-109~~] [10-2a-208](#) has not yet been filed.

1513 (b) The amendments to Subsection (4) that become effective upon the effective date of

1514 this Subsection (7):

1515 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1516 area; and

1517 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1518 petition under Section [~~10-2-109~~] [10-2a-208](#) has been filed.

1519 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of  
1520 May 8, 2012, already completed the feasibility study, the county legislative body shall, within  
1521 20 days after the effective date of this Subsection (7) and except as provided in Subsection  
1522 (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account  
1523 the amendments to Subsection (4) that became effective on the effective date of this Subsection  
1524 (7).

1525 (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall  
1526 require the feasibility consultant to complete the revised feasibility study under Subsection  
1527 (7)(c)(i) within 20 days after being engaged to do so.

1528 (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not  
1529 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1530 after the effective date of this Subsection (7), the request sponsors file with the county clerk a  
1531 written withdrawal of the request signed by all the request sponsors.

1532 (d) All provisions of this part that set forth the incorporation process following the  
1533 completion of a feasibility study shall apply with equal force following the completion of a  
1534 revised feasibility study under this Subsection (7), except that, if a petition under Section  
1535 [~~10-2-109~~] [10-2a-208](#) has already been filed based on the feasibility study that is revised under  
1536 this Subsection (7):

1537 (i) the notice required by Section [~~10-2-108~~] [10-2a-207](#) for the revised feasibility study  
1538 shall include a statement informing signers of the petition of their right to withdraw their  
1539 signatures from the petition and of the process and deadline for withdrawing a signature from  
1540 the petition;

1541 (ii) a signer of the petition may withdraw the signer's signature by filing with the

1542 county clerk a written withdrawal within 30 days after the final notice under Subsection  
 1543 ~~[10-2-108]~~ 10-2a-207(3) has been given with respect to the revised feasibility study; and  
 1544 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
 1545 signature requirements under Subsection ~~[10-2-109]~~ 10-2a-208(2)(a) for a petition based on the  
 1546 revised feasibility study.

1547 Section 28. Section **10-2a-206**, which is renumbered from Section 10-2-107 is  
 1548 renumbered and amended to read:

1549 ~~[10-2-107]~~. **10-2a-206**. **Modified request for feasibility study -- Supplemental**  
 1550 **feasibility study.**

1551 (1) (a) (i) The sponsors of a request may modify the request to alter the boundaries of  
 1552 the proposed city and then refile the request, as modified, with the county clerk if:

1553 (A) the results of the feasibility study do not meet the requirements of Subsection  
 1554 ~~[10-2-109]~~ 10-2a-208(3); or

1555 (B) (I) the request meets the conditions of Subsection ~~[10-2-103]~~ 10-2a-202(4)(b);

1556 (II) the annexation petition that proposed the annexation of an area that is part of the  
 1557 area proposed for incorporation has been denied; and

1558 (III) an incorporation petition based on the request has not been filed.

1559 (ii) (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than  
 1560 90 days after the feasibility consultant's submission of the results of the study.

1561 (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18  
 1562 months after the filing of the original request under Section ~~[10-2-103]~~ 10-2a-202.

1563 (b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a)  
 1564 shall comply with the requirements of Subsections ~~[10-2-103]~~ 10-2a-202(2), (3), and (4)~~, and~~  
 1565 ~~(5)~~.

1566 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section  
 1567 ~~[10-2-103]~~ 10-2a-202 may be used toward fulfilling the signature requirement of Subsection  
 1568 ~~[10-2-103]~~ 10-2a-202(2)(a) for the request as modified under Subsection (1)(a), unless the  
 1569 modified request proposes the incorporation of an area that is more than 20% greater or smaller



1570 than the area described by the original request in terms of:

1571 (A) private land area; or

1572 (B) value of private real property.

1573 (2) Within 20 days after the county clerk's receipt of the modified request, the county  
1574 clerk shall follow the same procedure for the modified request as provided under Subsection  
1575 ~~[10-2-105]~~ [10-2a-204](#)(1) for an original request.

1576 (3) The timely filing of a modified request under Subsection (1) gives the modified  
1577 request the same processing priority under Subsection ~~[10-2-105]~~ [10-2a-204](#)(2) as the original  
1578 request.

1579 (4) Within 10 days after the county legislative body's receipt of a certified modified  
1580 request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection  
1581 (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the  
1582 county legislative body shall commission the feasibility consultant who conducted the  
1583 feasibility study to supplement the feasibility study to take into account the information in the  
1584 modified request that was not included in the original request.

1585 (5) The county legislative body shall require the feasibility consultant to complete the  
1586 supplemental feasibility study and to submit written results of the supplemental study to the  
1587 county legislative body and to the contact sponsor no later than 30 days after the feasibility  
1588 consultant is commissioned to conduct the supplemental feasibility study.

1589 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study  
1590 do not meet the requirements of Subsection ~~[10-2-109]~~ [10-2a-208](#)(3):

1591 (i) the sponsors may file a further modified request as provided in Subsection (1); and

1592 (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection  
1593 (6)(a)(i).

1594 (b) A further modified request under Subsection (6)(a) shall, for purposes of its  
1595 processing priority, be considered as an original request for a feasibility study under Section  
1596 ~~[10-2-103]~~ [10-2a-202](#).

1597 Section 29. Section **10-2a-207**, which is renumbered from Section 10-2-108 is

1598 renumbered and amended to read:

1599 ~~[10-2-108]~~. 10-2a-207. **Public hearings on feasibility study results -- Notice of**  
1600 **hearings.**

1601 (1) If the results of the feasibility study or supplemental feasibility study meet the  
1602 requirements of Subsection ~~[10-2-109]~~ 10-2a-208(3), the county legislative body shall, at its  
1603 next regular meeting after receipt of the results of the feasibility study or supplemental  
1604 feasibility study, schedule at least two public hearings to be held:

1605 (a) within the following 60 days;

1606 (b) at least seven days apart;

1607 (c) in geographically diverse locations within the proposed city; and

1608 (d) for the purpose of allowing:

1609 (i) the feasibility consultant to present the results of the study; and

1610 (ii) the public to become informed about the feasibility study results and to ask  
1611 questions about those results of the feasibility consultant.

1612 (2) At a public hearing described in Subsection (1), the county legislative body shall:

1613 (a) provide a map or plat of the boundary of the proposed city;

1614 (b) provide a copy of the feasibility study for public review; and

1615 (c) allow the public to express its views about the proposed incorporation, including its  
1616 view about the proposed boundary.

1617 (3) (a) (i) The county clerk shall publish notice of the public hearings required under  
1618 Subsection (1):

1619 (A) at least once a week for three successive weeks in a newspaper of general  
1620 circulation within the proposed city; and

1621 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks.

1622 (ii) The last publication of notice required under Subsection (3)(a)(i)(A) shall be at  
1623 least three days before the first public hearing required under Subsection (1).

1624 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation  
1625 within the proposed city, the county clerk shall post at least one notice of the hearings per

1626 1,000 population in conspicuous places within the proposed city that are most likely to give  
1627 notice of the hearings to the residents of the proposed city.

1628 (ii) The clerk shall post the notices under Subsection (3)(b)(i) at least seven days before  
1629 the first hearing under Subsection (1).

1630 (c) The notice under Subsections (3)(a) and (b) shall include the feasibility study  
1631 summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and shall indicate that a full copy of the  
1632 study is available for inspection and copying at the office of the county clerk.

1633 Section 30. Section **10-2a-208**, which is renumbered from Section 10-2-109 is  
1634 renumbered and amended to read:

1635 ~~[10-2-109]~~. **10-2a-208. Incorporation petition -- Requirements and form.**

1636 (1) At any time within one year of the completion of the public hearings required under  
1637 Subsection [~~10-2-108~~] 10-2a-207(1), a petition for incorporation of the area proposed to be  
1638 incorporated as a city may be filed in the office of the clerk of the county in which the area is  
1639 located.

1640 (2) Each petition under Subsection (1) shall:

1641 (a) be signed by:

1642 (i) 10% of all registered voters within the area proposed to be incorporated as a city,  
1643 according to the official voter registration list maintained by the county on the date the petition  
1644 is filed; and

1645 (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting  
1646 precincts within the area proposed to be incorporated as a city, according to the official voter  
1647 registration list maintained by the county on the date the petition is filed;

1648 (b) indicate the typed or printed name and current residence address of each owner  
1649 signing the petition;

1650 (c) describe the area proposed to be incorporated as a city, as described in the  
1651 feasibility study request or modified request that meets the requirements of Subsection (3);

1652 (d) state the proposed name for the proposed city;

1653 (e) designate five signers of the petition as petition sponsors, one of whom shall be

1654 designated as the contact sponsor, with the mailing address and telephone number of each;

1655 (f) state that the signers of the petition appoint the sponsors, if the incorporation  
1656 measure passes, to represent the signers in the process of:

1657 (i) selecting the number of commission or council members the new city will have; and

1658 (ii) drawing district boundaries for the election of commission or council members, if  
1659 the voters decide to elect commission or council members by district;

1660 (g) be accompanied by and circulated with an accurate plat or map, prepared by a  
1661 licensed surveyor, showing the boundaries of the proposed city; and

1662 (h) substantially comply with and be circulated in the following form:

1663 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
1664 city)

1665 To the Honorable County Legislative Body of (insert the name of the county in which  
1666 the proposed city is located) County, Utah:

1667 We, the undersigned owners of real property within the area described in this petition,  
1668 respectfully petition the county legislative body to submit to the registered voters residing  
1669 within the area described in this petition, at the next regular general election, the question of  
1670 whether the area should incorporate as a city. Each of the undersigned affirms that each has  
1671 personally signed this petition and is an owner of real property within the described area, and  
1672 that the current residence address of each is correctly written after the signer's name. The area  
1673 proposed to be incorporated as a city is described as follows: (insert an accurate description of  
1674 the area proposed to be incorporated).

1675 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless  
1676 the results of the feasibility study or supplemental feasibility study show that the average  
1677 annual amount of revenue under Subsection [~~10-2-106~~] [10-2a-205\(4\)\(a\)\(v\)](#) does not exceed the  
1678 average annual amount of cost under Subsection [~~10-2-106~~] [10-2a-205\(4\)\(a\)\(iv\)](#) by more than  
1679 5%.

1680 (4) A signature on a request under Section [~~10-2-103~~] [10-2a-202](#) or a modified request  
1681 under Section [~~10-2-107~~] [10-2a-206](#) may be used toward fulfilling the signature requirement of

1682 Subsection (2)(a):

1683 (a) if the request under Section [~~10-2-103~~] [10-2a-202](#) or modified request under  
1684 Section [~~10-2-107~~] [10-2a-206](#) notified the signer in conspicuous language that the signature,  
1685 unless withdrawn, would also be used for purposes of a petition for incorporation under this  
1686 section; and

1687 (b) unless the signer files with the county clerk a written withdrawal of the signature  
1688 before the petition under this section is filed with the clerk.

1689 (5) (a) A signature does not qualify as a signature to meet the requirement described in  
1690 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

1691 (i) is not located entirely within the boundaries of the proposed city; or

1692 (ii) includes less than 50 registered voters.

1693 (b) A voting precinct that is not located entirely within the boundaries of the proposed  
1694 city does not qualify as a voting precinct to meet the precinct requirements of Subsection  
1695 (2)(a)(ii).

1696 Section 31. Section **10-2a-209**, which is renumbered from Section 10-2-110 is  
1697 renumbered and amended to read:

1698 [~~10-2-110~~]. **10-2a-209. Processing of petition by county clerk -- Certification or**  
1699 **rejection -- Processing priority.**

1700 (1) Within 45 days of the filing of a petition under Section [~~10-2-109~~] [10-2a-208](#), the  
1701 county clerk shall:

1702 (a) with the assistance of other county officers from whom the clerk requests  
1703 assistance, determine whether the petition meets the requirements of Section [~~10-2-109~~]  
1704 [10-2a-208](#); and

1705 (b) (i) if the clerk determines that the petition meets those requirements, certify the  
1706 petition, deliver it to the county legislative body, and notify in writing the contact sponsor of  
1707 the certification; or

1708 (ii) if the clerk determines that the petition fails to meet any of those requirements,  
1709 reject the petition and notify the contact sponsor in writing of the rejection and the reasons for

1710 the rejection.

1711 (2) (a) If the county clerk rejects a petition under Subsection (1)(b)(ii), the petition may  
1712 be modified to correct the deficiencies for which it was rejected and then refiled with the  
1713 county clerk.

1714 (b) A modified petition under Subsection (2)(a) may be filed at any time until 30 days  
1715 after the county clerk notifies the contact sponsor under Subsection (1)(b)(ii), even though the  
1716 modified petition is filed after the expiration of the deadline provided in Subsection [~~10-2-109~~]  
1717 [10-2a-208](#)(1).

1718 (c) A signature on an incorporation petition under Section [~~10-2-109~~] [10-2a-208](#) may  
1719 be used toward fulfilling the signature requirement of Subsection [~~10-2-109~~] [10-2a-208](#)(2)(a)  
1720 for the petition as modified under Subsection (2)(a).

1721 (3) (a) Within 20 days of the county clerk's receipt of a modified petition under  
1722 Subsection (2)(a), the county clerk shall follow the same procedure for the modified petition as  
1723 provided under Subsection (1) for an original petition.

1724 (b) If a county clerk rejects a modified petition under Subsection (1)(b)(ii), no further  
1725 modification of that petition may be filed.

1726 Section 32. Section **10-2a-210**, which is renumbered from Section 10-2-111 is  
1727 renumbered and amended to read:

1728 [~~10-2-111~~]. **10-2a-210. Incorporation election.**

1729 (1) (a) Upon receipt of a certified petition under Subsection [~~10-2-110~~]  
1730 [10-2a-209](#)(1)(b)(i) or a certified modified petition under Subsection [~~10-2-110~~] [10-2a-209](#)(3),  
1731 the county legislative body shall determine and set an election date for the incorporation  
1732 election that is:

1733 (i) (A) on a general election date under Section [20A-1-201](#); or

1734 (B) on a local special election date under Section [20A-1-203](#); and

1735 (ii) at least 65 days after the day that the legislative body receives the certified petition.

1736 (b) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),  
1737 within the boundaries of the proposed city, the person may not vote on the proposed

1738 incorporation.

1739 (2) (a) The county clerk shall publish notice of the election:

1740 (i) in a newspaper of general circulation within the area proposed to be incorporated at  
1741 least once a week for three successive weeks; and

1742 (ii) in accordance with Section 45-1-101 for three weeks.

1743 (b) The notice required by Subsection (2)(a) shall contain:

1744 (i) a statement of the contents of the petition;

1745 (ii) a description of the area proposed to be incorporated as a city;

1746 (iii) a statement of the date and time of the election and the location of polling places;

1747 and

1748 (iv) the feasibility study summary under Subsection [~~10-2-106~~] 10-2a-205(3)(b) and a  
1749 statement that a full copy of the study is available for inspection and copying at the office of  
1750 the county clerk.

1751 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
1752 one day but no more than seven days before the election.

1753 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
1754 circulation within the proposed city, the county clerk shall post at least one notice of the  
1755 election per 1,000 population in conspicuous places within the proposed city that are most  
1756 likely to give notice of the election to the voters of the proposed city.

1757 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
1758 the election under Subsection (1).

1759 (3) If a majority of those casting votes within the area boundaries of the proposed city  
1760 vote to incorporate as a city, the area shall incorporate.

1761 Section 33. Section 10-2a-211, which is renumbered from Section 10-2-112 is  
1762 renumbered and amended to read:

1763 [~~10-2-112~~]. **10-2a-211. Ballot used at the incorporation election.**

1764 (1) The ballot at the incorporation election under Subsection [~~10-2-111~~] 10-2a-210(1)  
1765 shall pose the incorporation question substantially as follows:

1766            Shall the area described as (insert a description of the proposed city) be incorporated as  
1767 the city of (insert the proposed name of the proposed city)?

1768            (2) The ballot shall provide a space for the voter to answer yes or no to the question in  
1769 Subsection (1).

1770            (3) (a) The ballot at the incorporation election shall also pose the question relating to  
1771 the form of government substantially as follows:

1772            If the above incorporation proposal passes, under what form of municipal government  
1773 shall (insert the name of the proposed city) operate? Vote for one:

1774            Five-member council form

1775            Six-member council form

1776            Five-member council-mayor form

1777            Seven-member council-mayor form.

1778            (b) The ballot shall provide a space for the voter to vote for one form of government.

1779            (4) (a) The ballot at the incorporation election shall also pose the question of whether  
1780 to elect city council members by district substantially as follows:

1781            If the above incorporation proposal passes, shall members of the city council of (insert  
1782 the name of the proposed city) be elected by district?

1783            (b) The ballot shall provide a space for the voter to answer yes or no to the question in  
1784 Subsection (4)(a).

1785            Section 34. Section **10-2a-212**, which is renumbered from Section 10-2-113 is  
1786 renumbered and amended to read:

1787            ~~[10-2-113]~~.    **10-2a-212**. **Notification to lieutenant governor of incorporation**  
1788 **election results.**

1789            Within 10 days of the canvass of the incorporation election, the county clerk shall send  
1790 written notice to the lieutenant governor of:

1791            (1) the results of the election; and

1792            (2) if the incorporation measure passes:

1793            (a) the name of the city; and



1794 (b) the class of the city as provided under Section 10-2-301.

1795 Section 35. Section 10-2a-213, which is renumbered from Section 10-2-114 is  
1796 renumbered and amended to read:

1797 ~~[10-2-114]~~. **10-2a-213. Determination of number of council members --**  
1798 **Determination of election districts -- Hearings and notice.**

1799 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
1800 the canvass of the election under Section ~~[10-2-114]~~ 10-2a-210:

1801 (a) if the voters at the incorporation election choose the council-mayor form of  
1802 government, determine the number of council members that will constitute the council of the  
1803 future city;

1804 (b) if the voters at the incorporation election vote to elect council members by district,  
1805 determine the number of council members to be elected by district and draw the boundaries of  
1806 those districts, which shall be substantially equal in population;

1807 (c) determine the initial terms of the mayor and members of the city council so that:

1808 (i) the mayor and approximately half the members of the city council are elected to  
1809 serve an initial term, of no less than one year, that allows their successors to serve a full  
1810 four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

1811 (ii) the remaining members of the city council are elected to serve an initial term, of no  
1812 less than one year, that allows their successors to serve a full four-year term that coincides with  
1813 the schedule established in Subsection 10-3-205(2); and

1814 (d) submit in writing to the county legislative body the results of the sponsors'  
1815 determinations under Subsections (1)(a), (b), and (c).

1816 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition  
1817 sponsors shall hold a public hearing within the future city on the applicable issues under  
1818 Subsections (1)(a), (b), and (c).

1819 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection  
1820 (2)(a):

1821 (A) in a newspaper of general circulation within the future city at least once a week for

1822 two successive weeks before the hearing; and

1823 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks  
1824 before the hearing.

1825 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three  
1826 days before the public hearing under Subsection (2)(a).

1827 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general  
1828 circulation within the future city, the petition sponsors shall post at least one notice of the  
1829 hearing per 1,000 population in conspicuous places within the future city that are most likely to  
1830 give notice of the hearing to the residents of the future city.

1831 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven  
1832 days before the hearing under Subsection (2)(a).

1833 Section 36. Section **10-2a-214**, which is renumbered from Section 10-2-115 is  
1834 renumbered and amended to read:

1835 ~~[10-2-115]~~. **10-2a-214**. **Notice of number of commission or council members to**  
1836 **be elected and of district boundaries -- Declaration of candidacy for city office.**

1837 (1) (a) Within 20 days of the county legislative body's receipt of the information under  
1838 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(d), the county clerk shall publish, in accordance with  
1839 Subsection (1)(b), notice containing:

1840 (i) the number of commission or council members to be elected for the new city;

1841 (ii) if some or all of the commission or council members are to be elected by district, a  
1842 description of the boundaries of those districts as designated by the petition sponsors under  
1843 Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(b);

1844 (iii) information about the deadline for filing a declaration of candidacy for those  
1845 seeking to become candidates for mayor or city commission or council; and

1846 (iv) information about the length of the initial term of each of the city officers, as  
1847 determined by the petition sponsors under Subsection ~~[10-2-114]~~ [10-2a-213](#)(1)(c).

1848 (b) The notice under Subsection (1)(a) shall be published:

1849 (i) in a newspaper of general circulation within the future city at least once a week for

1850 two successive weeks; and

1851 (ii) in accordance with Section 45-1-101 for two weeks.

1852 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general  
1853 circulation within the future city, the county clerk shall post at least one notice per 1,000  
1854 population in conspicuous places within the future city that are most likely to give notice to the  
1855 residents of the future city.

1856 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under  
1857 Subsection (1)(a).

1858 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least  
1859 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

1860 (2) Notwithstanding Subsection 20A-9-203(2)(a), each person seeking to become a  
1861 candidate for mayor or city commission or council of a city incorporating under this part shall,  
1862 within 45 days of the incorporation election under Section [~~10-2-111~~] 10-2a-210, file a  
1863 declaration of candidacy with the clerk of the county in which the future city is located.

1864 Section 37. Section 10-2a-215, which is renumbered from Section 10-2-116 is  
1865 renumbered and amended to read:

1866 [~~10-2-116~~]. **10-2a-215. Election of officers of new city.**

1867 (1) For the election of city officers, the county legislative body shall:

1868 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary  
1869 election; and

1870 (b) hold a final election.

1871 (2) Each election under Subsection (1) shall be:

1872 (a) appropriate to the form of government chosen by the voters at the incorporation  
1873 election;

1874 (b) consistent with the voters' decision about whether to elect commission or council  
1875 members by district and, if applicable, consistent with the boundaries of those districts as  
1876 determined by the petition sponsors; and

1877 (c) consistent with the sponsors' determination of the number of commission or council

1878 members to be elected and the length of their initial term.

1879 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1880 be held at the earliest of the next:

- 1881 (i) regular general election under Section 20A-1-201;
- 1882 (ii) municipal primary election under Section 20A-9-404;
- 1883 (iii) municipal general election under Section 20A-1-202; or
- 1884 (iv) special election under Section 20A-1-204.

1885 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)  
1886 may not be held until 75 days after the incorporation election under Section [~~10-2-111~~]  
1887 10-2a-210.

1888 (4) The final election under Subsection (1)(b) shall be held at the next special election  
1889 date under Section 20A-1-204:

- 1890 (a) after the primary election; or
- 1891 (b) if there is no primary election, more than 75 days after the incorporation election  
1892 under Section [~~10-2-111~~] 10-2a-210.

1893 (5) (a) (i) The county clerk shall publish notice of an election under this section:

1894 (A) at least once a week for two successive weeks in a newspaper of general circulation  
1895 within the future city; and

1896 (B) in accordance with Section 45-1-101 for two weeks.

1897 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more  
1898 than seven days before the election.

1899 (b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general  
1900 circulation within the future city, the county clerk shall post at least one notice of the election  
1901 per 1,000 population in conspicuous places within the future city that are most likely to give  
1902 notice of the election to the voters.

1903 (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven  
1904 days before each election under Subsection (1).

1905 (6) Until the city is incorporated, the county clerk is the election officer for all purposes

1906 in an election of officers of the city approved at an incorporation election.

1907 Section 38. Section **10-2a-216**, which is renumbered from Section 10-2-117 is  
 1908 renumbered and amended to read:

1909 ~~[10-2-117]~~. **10-2a-216. Notification to lieutenant governor of election of city**  
 1910 **officers.**

1911 Within 10 days of the canvass of the final election of city officers under Section  
 1912 ~~[10-2-116]~~ 10-2a-215, the county clerk shall send written notice to the lieutenant governor of  
 1913 the name and position of each officer elected and the term for which each has been elected.

1914 Section 39. Section **10-2a-217**, which is renumbered from Section 10-2-119 is  
 1915 renumbered and amended to read:

1916 ~~[10-2-119]~~. **10-2a-217. Filing of notice and approved final local entity plat with**  
 1917 **lieutenant governor -- Effective date of incorporation -- Necessity of recording documents**  
 1918 **and effect of not recording.**

1919 (1) The mayor-elect of the future city shall:

1920 (a) within 30 days after the canvass of the final election of city officers under Section  
 1921 ~~[10-2-116]~~ 10-2a-215, file with the lieutenant governor:

1922 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
 1923 that meets the requirements of Subsection 67-1a-6.5(3); and

1924 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1925 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
 1926 Section 67-1a-6.5:

1927 (i) if the city is located within the boundary of a single county, submit to the recorder  
 1928 of that county the original:

1929 (A) notice of an impending boundary action;

1930 (B) certificate of incorporation; and

1931 (C) approved final local entity plat; or

1932 (ii) if the city is located within the boundaries of more than a single county, submit the  
 1933 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those

1934 counties and a certified copy of those documents to each other county.

1935 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a  
1936 certificate of incorporation under Section [67-1a-6.5](#).

1937 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be  
1938 lawfully incorporated and existing if, for two years following the city's incorporation:

1939 (i) (A) the city has levied and collected a property tax; or

1940 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use  
1941 tax; and

1942 (ii) no challenge to the existence or incorporation of the city has been filed in the  
1943 district court for the county in which the city is located.

1944 (3) (a) The effective date of an incorporation for purposes of assessing property within  
1945 the new city is governed by Section [59-2-305.5](#).

1946 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
1947 recorder of each county in which the property is located, a newly incorporated city may not:

1948 (i) levy or collect a property tax on property within the city;

1949 (ii) levy or collect an assessment on property within the city; or

1950 (iii) charge or collect a fee for service provided to property within the city.

1951 Section 40. Section **10-2a-218**, which is renumbered from Section 10-2-120 is  
1952 renumbered and amended to read:

1953 ~~[10-2-120]~~. **10-2a-218. Powers of officers-elect.**

1954 (1) Upon the canvass of the final election of city officers under Section ~~[10-2-116]~~  
1955 [10-2a-215](#) and until the future city becomes legally incorporated, the officers of the future city  
1956 may:

1957 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,  
1958 a proposed budget and compilation of ordinances;

1959 (b) negotiate and make personnel contracts and hirings;

1960 (c) negotiate and make service contracts;

1961 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1962 (e) borrow funds from the county in which the future city is located under Subsection  
1963 [~~10-2-121~~] [10-2a-219](#)(3);

1964 (f) borrow funds for startup expenses of the future city;

1965 (g) issue tax anticipation notes in the name of the future city; and

1966 (h) make appointments to the city's planning commission.

1967 (2) The city's legislative body shall review and ratify each contract made by the  
1968 officers-elect under Subsection (1) within 30 days after the effective date of incorporation  
1969 under Section [~~10-2-119~~] [10-2a-217](#).

1970 Section 41. Section **10-2a-219**, which is renumbered from Section 10-2-121 is  
1971 renumbered and amended to read:

1972 [~~10-2-121~~]. **10-2a-219. Division of municipal-type services revenues -- County**  
1973 **may provide startup funds.**

1974 (1) The county in which an area incorporating under this part is located shall, until the  
1975 date of the city's incorporation under Section [~~10-2-119~~] [10-2a-217](#), continue:

1976 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to  
1977 the future city; and

1978 (b) except as otherwise agreed by the county and the officers-elect of the city, to  
1979 provide the same services to the future city as the county provided before the commencement  
1980 of the incorporation proceedings.

1981 (2) (a) The legislative body of the county in which a newly incorporated city is located  
1982 shall share pro rata with the new city, based on the date of incorporation, the taxes and service  
1983 charges or fees levied and collected by the county under Section [17-34-3](#) during the year of the  
1984 new city's incorporation if and to the extent that the new city provides, by itself or by contract,  
1985 the same services for which the county levied and collected the taxes and service charges or  
1986 fees.

1987 (b) (i) The legislative body of a county in which a city incorporated after January 1,  
1988 2004, is located may share with the new city taxes and service charges or fees that were levied  
1989 and collected by the county under Section [17-34-3](#):

1990 (A) before the year of the new city's incorporation;

1991 (B) from the previously unincorporated area that, because of the city's incorporation, is

1992 located within the boundaries of the newly incorporated city; and

1993 (C) for the purpose of providing services to the area that before the new city's

1994 incorporation was unincorporated.

1995 (ii) A county legislative body may share taxes and service charges or fees under

1996 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts

1997 due under a contract for municipal-type services provided by the county to the new city.

1998 (3) (a) The legislative body of a county in which an area incorporating under this part is

1999 located may appropriate county funds to:

2000 (i) before incorporation but after the canvass of the final election of city officers under

2001 Section [~~10-2-116~~] [10-2a-215](#), the officers-elect of the future city to pay startup expenses of the

2002 future city; or

2003 (ii) after incorporation, the new city.

2004 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a

2005 grant, a loan, or as an advance against future distributions under Subsection (2).

2006 Section 42. Section **10-2a-220**, which is renumbered from Section 10-2-123 is

2007 renumbered and amended to read:

2008 ~~[10-2-123]~~. **10-2a-220. Costs of incorporation.**

2009 (1) Subject to Subsection (2), all costs of the incorporation proceeding, including

2010 request certification, feasibility study, petition certification, publication of notices, public

2011 hearings, and elections, shall be paid by the county in which the proposed city is located.

2012 (2) If incorporation occurs, the new municipality shall reimburse the county for the

2013 costs of the notices and hearing under Section [~~10-2-114~~] [10-2a-213](#), the notices and elections

2014 under Section [~~10-2-116~~] [10-2a-215](#), and all other incorporation activities occurring after the

2015 elections under Section [~~10-2-116~~] [10-2a-215](#).

2016 Section 43. Section **10-2a-221**, which is renumbered from Section 10-2-124 is

2017 renumbered and amended to read:



2018 ~~[10-2-124]~~. 10-2a-221. **Incorporation petition or feasibility study before May 8,**  
2019 **2012.**

2020 (1) A party with a petition in process as of January 1, 2012, and not yet filed for final  
2021 certification with the county clerk in accordance with Section ~~[10-2-110]~~ 10-2a-209 as of May  
2022 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as  
2023 provided in Subsection (3).

2024 (2) A party described in Subsection (1) may use a signature on a petition in process as  
2025 of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012.

2026 (3) If on or before May 8, 2012, a feasibility study has been completed for a party  
2027 described in Subsection (1):

- 2028 (a) the completed feasibility study shall fulfill the requirements of this section; and
- 2029 (b) the party is not required to request a new feasibility study.

2030 Section 44. Section **10-2a-301** is enacted to read:

2031 **Part 3. Incorporation of a Town**

2032 **10-2a-301. Title.**

2033 This part is known as "Incorporation of a Town."

2034 Section 45. Section **10-2a-302**, which is renumbered from Section 10-2-125 is  
2035 renumbered and amended to read:

2036 ~~[10-2-125]~~. 10-2a-302. **Incorporation of a town -- Petition.**

2037 (1) As used in this section:

2038 (a) "Assessed value," with respect to agricultural land, means the value at which the  
2039 land would be assessed without regard to a valuation for agricultural use under Section  
2040 59-2-503.

2041 ~~[(c)]~~ (b) "Feasibility consultant" means a person or firm:

- 2042 (i) with expertise in the processes and economics of local government; and
- 2043 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
2044 incorporate.

2045 ~~[(b)]~~ (c) "Financial feasibility study" means a study described in Subsection (7).

2046 (d) "Municipal service" means a publicly provided service that is not provided on a  
2047 countywide basis.

2048 (e) "Nonurban" means having a residential density of less than one unit per acre.

2049 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of  
2050 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

2051 (ii) An area within a county of the first class is not contiguous for purposes of  
2052 Subsection (2)(a)(i) if:

2053 (A) the area includes a strip of land that connects geographically separate areas; and

2054 (B) the distance between the geographically separate areas is greater than the average  
2055 width of the strip of land connecting the geographically separate areas.

2056 (b) The population figure under Subsection (2)(a) shall be determined:

2057 (i) as of the date the incorporation petition is filed; and

2058 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's  
2059 certification under Subsection (6) of a petition filed under Subsection (4).

2060 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to  
2061 incorporate the area as a town with the clerk of the county in which the area is located.

2062 (b) A petition under Subsection (3)(a) shall:

2063 (i) be signed by:

2064 (A) the owners of private real property that:

2065 (I) is located within the area proposed to be incorporated; and

2066 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real  
2067 property within the area; and

2068 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,  
2069 according to the official voter registration list maintained by the county on the date the petition  
2070 is filed;

2071 (ii) designate as sponsors at least five of the property owners who have signed the  
2072 petition, one of whom shall be designated as the contact sponsor, with the mailing address of  
2073 each owner signing as a sponsor;

2074 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a  
2075 licensed surveyor, showing a legal description of the boundary of the proposed town; and  
2076 (iv) substantially comply with and be circulated in the following form:

2077 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
2078 town)

2079 To the Honorable County Legislative Body of (insert the name of the county in which  
2080 the proposed town is located) County, Utah:

2081 We, the undersigned owners of real property and registered voters within the area  
2082 described in this petition, respectfully petition the county legislative body to submit to the  
2083 registered voters residing within the area described in this petition, at the next regular general  
2084 election, the question of whether the area should incorporate as a town. Each of the  
2085 undersigned affirms that each has personally signed this petition and is an owner of real  
2086 property or a registered voter residing within the described area, and that the current residence  
2087 address of each is correctly written after the signer's name. The area proposed to be  
2088 incorporated as a town is described as follows: (insert an accurate description of the area  
2089 proposed to be incorporated).

2090 (c) A petition under this Subsection (3) may not describe an area that includes some or  
2091 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

- 2092 (i) was filed before the filing of the petition; and
- 2093 (ii) is still pending on the date the petition is filed.

2094 (d) A petition may not be filed under this section if the private real property owned by  
2095 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the  
2096 total private land area within the area proposed to be incorporated as a town.

2097 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,  
2098 reinstate the signer's signature on the petition:

- 2099 (i) at any time until the county clerk certifies the petition under Subsection (5); and
- 2100 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

2101 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town

2102 an area located within a county of the first class, the county clerk shall deliver written notice of  
2103 the proposed incorporation:

2104 (i) to each owner of private real property owning more than 1% of the assessed value  
2105 of all private real property within the area proposed to be incorporated as a town; and

2106 (ii) within seven calendar days after the date on which the petition is filed.

2107 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or  
2108 part of the owner's property from the area proposed to be incorporated as a town by filing a  
2109 notice of exclusion:

2110 (i) with the county clerk; and

2111 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

2112 (c) The county legislative body shall exclude from the area proposed to be incorporated  
2113 as a town the property identified in the notice of exclusion under Subsection (4)(b) if:

2114 (i) the property:

2115 (A) is nonurban; and

2116 (B) does not and will not require a municipal service; and

2117 (ii) exclusion will not leave an unincorporated island within the proposed town.

2118 (d) If the county legislative body excludes property from the area proposed to be  
2119 incorporated as a town, the county legislative body shall send written notice of the exclusion to  
2120 the contact sponsor within five days after the exclusion.

2121 (5) No later than 20 days after the filing of a petition under Subsection (3), the county  
2122 clerk shall:

2123 (a) with the assistance of other county officers from whom the clerk requests  
2124 assistance, determine whether the petition complies with the requirements of Subsection (3);  
2125 and

2126 (b) (i) if the clerk determines that the petition complies with those requirements:

2127 (A) certify the petition and deliver the certified petition to the county legislative body;

2128 and

2129 (B) mail or deliver written notification of the certification to:

2130 (I) the contact sponsor; and  
2131 [~~(H)~~ if applicable, the chair of the planning commission of each township in which any  
2132 part of the area proposed for incorporation is located; ~~and~~]  
2133 [~~(H)~~] (II) the Utah Population Estimates Committee; or  
2134 (ii) if the clerk determines that the petition fails to comply with any of those  
2135 requirements, reject the petition and notify the contact sponsor in writing of the rejection and  
2136 the reasons for the rejection.

2137 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to  
2138 correct a deficiency for which it was rejected and then refiled with the county clerk.

2139 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward  
2140 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended  
2141 under Subsection (6)(a)(i) and then refiled with the county clerk.

2142 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been  
2143 rejected by the county clerk under Subsection (5)(b)(ii):

2144 (i) the amended petition shall be considered as a newly filed petition; and  
2145 (ii) the amended petition's processing priority is determined by the date on which it is  
2146 refiled.

2147 (7) (a) (i) The legislative body of a county with which a petition is filed under  
2148 Subsection (4) and certified under Subsection (6) shall commission and pay for a financial  
2149 feasibility study.

2150 (ii) The feasibility consultant shall be chosen:

2151 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection  
2152 (3)(b)(ii), with the consent of the county; or  
2153 (II) by the county if the contact sponsor states, in writing, that the sponsor defers  
2154 selection of the feasibility consultant to the county; and  
2155 (B) in accordance with applicable county procurement procedure.

2156 (iii) The county legislative body shall require the feasibility consultant to complete the  
2157 financial feasibility study and submit written results of the study to the county legislative body

2158 no later than 30 days after the feasibility consultant is engaged to conduct the financial  
2159 feasibility study.

2160 (b) The financial feasibility study shall consider the:

2161 (i) population and population density within the area proposed for incorporation and  
2162 the surrounding area;

2163 (ii) current and five-year projections of demographics and economic base in the  
2164 proposed town and surrounding area, including household size and income, commercial and  
2165 industrial development, and public facilities;

2166 (iii) projected growth in the proposed town and in adjacent areas during the next five  
2167 years;

2168 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,  
2169 including overhead, of governmental services in the proposed town, including:

2170 (A) culinary water;

2171 (B) secondary water;

2172 (C) sewer;

2173 (D) law enforcement;

2174 (E) fire protection;

2175 (F) roads and public works;

2176 (G) garbage;

2177 (H) weeds; and

2178 (I) government offices;

2179 (v) assuming the same tax categories and tax rates as currently imposed by the county  
2180 and all other current service providers, the present and five-year projected revenue for the  
2181 proposed town; and

2182 (vi) a projection of any new taxes per household that may be levied within the  
2183 incorporated area within five years of incorporation.

2184 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a  
2185 level and quality of governmental services to be provided to the proposed town in the future

2186 that fairly and reasonably approximate the level and quality of governmental services being  
2187 provided to the proposed town at the time of the feasibility study.

2188 (ii) In determining the present cost of a governmental service, the feasibility consultant  
2189 shall consider:

2190 (A) the amount it would cost the proposed town to provide governmental service for  
2191 the first five years after incorporation; and

2192 (B) the county's present and five-year projected cost of providing governmental  
2193 service.

2194 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation  
2195 and anticipated growth.

2196 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year  
2197 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall  
2198 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
2199 governor.

2200 (e) The county legislative body shall approve a certified petition proposing the  
2201 incorporation of a town and hold a public hearing as provided in Section [~~10-2-126~~] 10-2a-303.

2202 Section 46. Section **10-2a-303**, which is renumbered from Section 10-2-126 is  
2203 renumbered and amended to read:

2204 [~~10-2-126~~]. **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

2205 (1) If, in accordance with Section [~~10-2-125~~] 10-2a-302, the county clerk certifies a  
2206 petition for incorporation or an amended petition for incorporation, the county legislative body  
2207 shall, at its next regular meeting after completion of the feasibility study, schedule a public  
2208 hearing to:

2209 (a) be held no later than 60 days after the day on which the feasibility study is  
2210 completed; and

2211 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for  
2212 the proposed town.

2213 (2) The county legislative body shall give notice of the public hearing on the proposed

2214 incorporation by:

2215 (a) posting notice of the public hearing on the county's Internet website, if the county  
2216 has an Internet website;

2217 (b) (i) publishing notice of the public hearing at least once a week for two consecutive  
2218 weeks in a newspaper of general circulation within the proposed town; or

2219 (ii) if there is no newspaper of general circulation within the proposed town, posting  
2220 notice of the public hearing in at least five conspicuous public places within the proposed  
2221 town; and

2222 (c) publishing notice of the public hearing on the Utah Public Notice Website created  
2223 in Section [63F-1-701](#).

2224 (3) At the public hearing scheduled in accordance with Subsection (1), the county  
2225 legislative body shall:

2226 (a) (i) provide a copy of the feasibility study; and

2227 (ii) present the results of the feasibility study to the public; and

2228 (b) allow the public to:

2229 (i) review the map or plat of the boundary of the proposed town;

2230 (ii) ask questions and become informed about the proposed incorporation; and

2231 (iii) express its views about the proposed incorporation, including their views about the  
2232 boundary of the area proposed to be incorporated.

2233 (4) A county may not hold an election on the incorporation of a town in accordance  
2234 with Section [~~10-2-127~~] [10-2a-304](#) if the results of the feasibility study show that the five-year  
2235 projected revenues under Subsection [~~10-2-125~~] [10-2a-302\(7\)\(b\)\(v\)](#) exceed the five-year  
2236 projected costs under Subsection [~~10-2-125~~] [10-2a-302\(7\)\(b\)\(iv\)](#) by more than 10%.

2237 Section 47. Section **10-2a-304**, which is renumbered from Section 10-2-127 is  
2238 renumbered and amended to read:

2239 [~~10-2-127~~]. **10-2a-304. Incorporation of a town -- Election to incorporate --**  
2240 **Ballot form.**

2241 (1) (a) Upon receipt of a certified petition [~~under Subsection 10-2-110(1)(b)(i)~~] or a



2242 certified [~~modified~~] amended petition under [~~Subsection 10-2-110(3)~~] Section 10-2a-302, the  
2243 county legislative body shall determine and set an election date for the incorporation election  
2244 that is:

2245 (i) (A) on a general election date under Section 20A-1-201; or  
2246 (B) on a local special election date under Section 20A-1-203; and  
2247 (ii) at least 65 days after the day that the legislative body receives the certified petition.  
2248 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
2249 within the boundaries of the proposed town, the person may not vote on the proposed  
2250 incorporation.

2251 (2) (a) The county clerk shall publish notice of the election:

2252 (i) in a newspaper of general circulation, within the area proposed to be incorporated,  
2253 at least once a week for three successive weeks; and  
2254 (ii) in accordance with Section 45-1-101 for three weeks.

2255 (b) The notice required by Subsection (2)(a) shall contain:

2256 (i) a statement of the contents of the petition;  
2257 (ii) a description of the area proposed to be incorporated as a town;  
2258 (iii) a statement of the date and time of the election and the location of polling places;

2259 and

2260 (iv) the county Internet website address, if applicable, and the address of the county  
2261 office where the feasibility study is available for review.

2262 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
2263 one day but no more than seven days before the election.

2264 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
2265 circulation within the proposed town, the county clerk shall post at least one notice of the  
2266 election per 100 population in conspicuous places within the proposed town that are most  
2267 likely to give notice of the election to the voters of the proposed town.

2268 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
2269 the election under Subsection (1)(a).

2270 (3) The ballot at the incorporation election shall pose the incorporation question  
2271 substantially as follows:

2272 Shall the area described as (insert a description of the proposed town) be incorporated  
2273 as the town of (insert the proposed name of the proposed town)?

2274 (4) The ballot shall provide a space for the voter to answer yes or no to the question in  
2275 Subsection (3).

2276 (5) If a majority of those casting votes within the area boundaries of the proposed town  
2277 vote to incorporate as a town, the area shall incorporate.

2278 Section 48. Section **10-2a-305**, which is renumbered from Section 10-2-128 is  
2279 renumbered and amended to read:

2280 ~~[10-2-128]~~. **10-2a-305. Form of government -- Election of officers of new town.**

2281 (1) A newly incorporated town shall operate under the five-member council form of  
2282 government as defined in Section [10-3b-102](#).

2283 (2) (a) The county legislative body of the county in which a newly incorporated town is  
2284 located shall hold an election for town officers at the next special election after the regular  
2285 general election in which the town incorporation is approved.

2286 (b) The officers elected at an election described in Subsection (2)(a) shall take office at  
2287 noon on the first Monday in January next following the special election described in  
2288 Subsection (2)(a).

2289 Section 49. Section **10-2a-306**, which is renumbered from Section 10-2-129 is  
2290 renumbered and amended to read:

2291 ~~[10-2-129]~~. **10-2a-306. Notice to lieutenant governor -- Effective date of**  
2292 **incorporation -- Effect of recording documents.**

2293 (1) The mayor-elect of the future town shall:

2294 (a) within 30 days after the canvass of the election of town officers under Section  
2295 ~~[10-2-128]~~ [10-2a-305](#), file with the lieutenant governor:

2296 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
2297 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

2298 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

2299 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
2300 Section [67-1a-6.5](#):

2301 (i) if the town is located within the boundary of a single county, submit to the recorder  
2302 of that county the original:

2303 (A) notice of an impending boundary action;

2304 (B) certificate of incorporation; and

2305 (C) approved final local entity plat; or

2306 (ii) if the town is located within the boundaries of more than a single county, submit  
2307 the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
2308 counties and a certified copy of those documents to each other county.

2309 (2) (a) A new town is incorporated:

2310 (i) on December 31 of the year in which the lieutenant governor issues a certificate of  
2311 incorporation under Section [67-1a-6.5](#), if the election of town officers under Section [~~10-2-128~~]  
2312 [10-2a-305](#) is held on a regular general or municipal general election date; or

2313 (ii) on the last day of the month during which the lieutenant governor issues a  
2314 certificate of incorporation under Section [67-1a-6.5](#), if the election of town officers under  
2315 Section [~~10-2-128~~] [10-2a-305](#) is held on any other date.

2316 (b) (i) The effective date of an incorporation for purposes of assessing property within  
2317 the new town is governed by Section [59-2-305.5](#).

2318 (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
2319 recorder of each county in which the property is located, a newly incorporated town may not:

2320 (A) levy or collect a property tax on property within the town;

2321 (B) levy or collect an assessment on property within the town; or

2322 (C) charge or collect a fee for service provided to property within the town.

2323 Section 50. Section **10-2a-401** is enacted to read:

2324 **Part 4. Incorporation of Metro Townships and Unincorporated**  
2325 **Islands in a County of the First Class on and after May 12, 2015**

2326 **10-2a-401. Title.**

2327 This part is known as "Incorporation of Metro Townships and Unincorporated Islands  
2328 in a County of the First Class on and after May 12, 2015."

2329 Section 51. Section **10-2a-402** is enacted to read:

2330 **10-2a-402. Application.**

2331 (1) The provisions of this part:

2332 (a) apply to the following located in a county of the first class:

2333 (i) a planning township established before January 1, 2015; and

2334 (ii) subject to Subsection (2), an unincorporated island located in a county of the first  
2335 class on or after May 12, 2015, and before November 4, 2015; and

2336 (b) do not apply to a planning advisory area, as defined in Section [17-27a-103](#), or any  
2337 other unincorporated area located outside of a county of the first class.

2338 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a  
2339 Town, apply to an unincorporated area described in Subsection (1) for an incorporation as a  
2340 city after November 3, 2015.

2341 (b) The provisions of Chapter 2, Part 4, Annexation:

2342 (i) do not apply to an unincorporated island for purposes of annexation before  
2343 November 4, 2015, unless:

2344 (A) otherwise indicated; or

2345 (B) before July 1, 2015, an annexation petition is filed in accordance with Section  
2346 [10-2-403](#) or an intent to annex resolution is adopted in accordance with Subsection

2347 [10-2-418\(2\)\(a\)\(i\)](#); and

2348 (ii) apply to an unincorporated island that is not annexed at an election under this part  
2349 for purposes of annexation on or after November 4, 2015.

2350 Section 52. Section **10-2a-403** is enacted to read:

2351 **10-2a-403. Definitions.**

2352 As used in this section:

2353 (1) "Ballot proposition" means the same as that term is defined in Section [20A-1-102](#).

2354 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to  
2355 annex an unincorporated island.

2356 (3) "Local special election" means the same as that term is defined in Section  
2357 20A-1-102.

2358 (4) "Municipal services district" means a district created in accordance with Title 11,  
2359 Chapter 2a, Part 11, Municipal Services District Act.

2360 (5) (a) "Metro township" means, except as provided in Subsection (5)(b), a planning  
2361 township that is incorporated in accordance with this part.

2362 (b) "Metro township" does not include a township as that term is used in the context of  
2363 identifying a geographic area in common surveyor practice.

2364 (6) (a) "Planning township" means an area located in a county of the first class that is  
2365 established before January 1, 2015, as a township as defined in and established in accordance  
2366 with law before the enactment of this bill.

2367 (b) "Planning township" does not include rural real property unless the owner of the  
2368 rural real property provides written consent in accordance with Section 10-2a-405.

2369 (7) (a) "Unincorporated island" means an unincorporated area that is completely  
2370 surrounded by one or more municipalities.

2371 (b) "Unincorporated island" does not include a planning township.

2372 Section 53. Section **10-2a-404** is enacted to read:

2373 **10-2a-404. Election.**

2374 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local  
2375 special election on November 3, 2015, on the following ballot propositions:

2376 (i) for registered voters residing within a planning township:

2377 (A) whether the planning township shall be incorporated as a city or town, according to  
2378 the classifications of Section 10-2-301, or as a metro township; and

2379 (B) if the planning township incorporates as a metro township, whether the metro  
2380 township is included in a municipal services district; and

2381 (ii) for registered voters residing within an unincorporated island, whether the island

2382 should maintain its unincorporated status or be annexed into an eligible city.

2383 (b) (i) A metro township incorporated under this part shall be governed by the  
2384 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of  
2385 Municipal Government.

2386 (ii) A city or town incorporated under this part shall be governed by the five-member  
2387 council form of government as defined in Section 10-3b-102.

2388 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
2389 within the boundaries of a planning township or an unincorporated island, the person may not  
2390 vote on the proposed incorporation or annexation.

2391 (3) The county clerk shall publish notice of the election:

2392 (a) in a newspaper of general circulation within the planning township or  
2393 unincorporated island at least once a week for three successive weeks; and

2394 (b) in accordance with Section 45-1-101 for three weeks.

2395 (4) The notice required by Subsection (3) shall contain:

2396 (a) for residents of a planning township:

2397 (i) a statement that the voters will vote:

2398 (A) to incorporate as a city or town, according to the classifications of Section  
2399 10-2-301, or as a metro township; and

2400 (B) if the planning township incorporates as a metro township, whether the metro  
2401 township is included in a municipal services district;

2402 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the  
2403 planning township boundaries that would be effective upon incorporation;

2404 (iii) a statement that if the residents of the planning township elect to incorporate:

2405 (A) as a metro township, the metro township shall be governed by a five-member  
2406 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form  
2407 of Municipal Government; or

2408 (B) as a city or town, the city or town shall be governed by the five-member council  
2409 form of government as defined in Section 10-3b-102; and

2410 (iv) a statement of the date and time of the election and the location of polling places;

2411 (b) for residents of an unincorporated island:

2412 (i) a statement that the voters will vote either to be annexed into an eligible city or  
2413 maintain unincorporated status; and

2414 (ii) a statement of the eligible city, as determined by the county legislative body in  
2415 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

2416 (c) a statement of the date and time of the election and the location of polling places.

2417 (5) The last publication of notice required under Subsection (3) shall occur at least one  
2418 day but no more than seven days before the election.

2419 (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general  
2420 circulation within the proposed metro township or unincorporated island, the county clerk shall  
2421 post at least one notice of the election per 1,000 population in conspicuous places within the  
2422 planning township or unincorporated island that are most likely to give notice of the election to  
2423 the voters of the proposed incorporation or annexation.

2424 (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before  
2425 the election under Subsection (1).

2426 (7) (a) In a planning township, if a majority of those casting votes within the planning  
2427 township vote to:

2428 (i) incorporate as a city or town, the planning township shall incorporate as a city or  
2429 town, respectively; or

2430 (ii) incorporate as a metro township, the planning township shall incorporate as a metro  
2431 township.

2432 (b) If a majority of those casting votes within the planning township vote to incorporate  
2433 as a metro township, and a majority of those casting votes vote to include the metro township  
2434 in a municipal services district and limit the metro township's municipal powers, the metro  
2435 township shall be included in a municipal services district and have limited municipal powers.

2436 (c) In an unincorporated island, if a majority of those casting a vote within the selected  
2437 unincorporated island vote to:

2438 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or  
2439 (ii) remain an unincorporated area, the area shall remain unincorporated.  
2440 (8) The county shall, in consultation with interested parties, prepare and provide  
2441 information on an annexation or incorporation subject to this part and an election held in  
2442 accordance with this section.

2443 Section 54. Section **10-2a-405** is enacted to read:

2444 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**  
2445 **election and incorporation issues -- Rural real property excluded.**

2446 (1) The legislative body of a county of the first class shall before an election described  
2447 in Section [10-2a-404](#):

2448 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
2449 Subsection (1)(b);

2450 (b) hold a public hearing; and

2451 (c) at the public hearing, adopt a resolution:

2452 (i) identifying, including a map prepared by the county surveyor, all unincorporated  
2453 islands within the county;

2454 (ii) identifying each eligible city that will annex each unincorporated island, including  
2455 whether the unincorporated island may be annexed by one eligible city or divided and annexed  
2456 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);  
2457 and

2458 (iii) identifying, including a map prepared by the county surveyor, the planning  
2459 townships within the county and any changes to the boundaries of a planning township that the  
2460 county legislative body proposes under Subsection (5).

2461 (2) The county legislative body shall exclude from a resolution adopted under  
2462 Subsection (1)(c) rural real property unless the owner of the rural real property provides written  
2463 consent to include the property in accordance with Subsection (6).

2464 (3) (a) The county clerk shall publish notice of the public hearing described in  
2465 Subsection (1)(b):



2466 (i) by mailing notice to each owner of real property located in an unincorporated island  
2467 or planning township no later than 15 days before the day of the public hearing;

2468 (ii) at least once a week for three successive weeks in a newspaper of general  
2469 circulation within each unincorporated island, each eligible city, and each planning township;  
2470 and

2471 (iii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
2472 before the day of the public hearing.

2473 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
2474 three days before the first public hearing required under Subsection (1)(b).

2475 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
2476 within an unincorporated island, an eligible city, or a planning township, the county clerk shall  
2477 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
2478 selected unincorporated island, eligible city, or planning township, as applicable, that are most  
2479 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or  
2480 planning township.

2481 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
2482 the hearing under Subsection (1)(b).

2483 (d) The notice under Subsection (3)(a) or (c) shall include:

2484 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
2485 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by  
2486 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
2487 the eligible city or cities; or

2488 (B) for residents of a planning township, a statement that the property in the planning  
2489 township shall be, pending the results of the election held under Section [10-2a-404](#),  
2490 incorporated as a city, town, or metro township;

2491 (ii) the location and time of the public hearing; and

2492 (iii) the county website where a map may be accessed showing:

2493 (A) how the unincorporated island boundaries will change if annexed by an eligible

2494 city; or

2495 (B) how the planning township area boundaries will change, if applicable under  
2496 Subsection (5), when the planning township incorporates as a metro township or as a city or  
2497 town.

2498 (e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the  
2499 county website.

2500 (4) The county legislative body may, by ordinance or resolution adopted at a public  
2501 meeting and in accordance with applicable law, resolve an issue that arises with an election  
2502 held in accordance with this part or the incorporation and establishment of a metro township in  
2503 accordance with this part.

2504 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
2505 meeting, change the boundaries of a planning township.

2506 (b) A change to a planning township boundary under this Subsection (5) is effective  
2507 only upon the vote of the residents of the planning township at an election under Section  
2508 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the  
2509 boundaries of the planning township before the election.

2510 (c) The county legislative body:

2511 (i) may alter a planning township boundary under Subsection (5)(a) only if the  
2512 alteration:

2513 (A) affects less than 5% of the residents residing within the planning advisory area; and

2514 (B) does not increase the area located within the planning township's boundaries; and

2515 (ii) may not alter the boundaries of a planning township whose boundaries are entirely  
2516 surrounded by one or more municipalities.

2517 (6) (a) As used in this Subsection (6), "rural real property" means an area:

2518 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

2519 (ii) that does not include residential units with a density greater than one unit per acre.

2520 (b) Unless an owner of rural real property gives written consent to a county legislative  
2521 body, rural real property described in Subsection (6)(c) may not be:

2522 (i) included in a planning township identified under Subsection (1)(c); or  
 2523 (ii) incorporated as part of a metro township, city, or town, in accordance with this  
 2524 part.

2525 (c) The following rural real property is subject to an owner's written consent under  
 2526 Subsection (6)(b):

2527 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
 2528 consisting of one or more tax parcels;

2529 (ii) rural real property that is not contiguous to, but used in connection with, rural real  
 2530 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
 2531 more tax parcels;

2532 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
 2533 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more  
 2534 contiguous acres of rural real property consisting of one or more tax parcels; or

2535 (iv) rural real property that is located in whole or in part in one of the following as  
 2536 defined in Section [17-41-101](#):

2537 (A) an agricultural protection area;

2538 (B) an industrial protection area; or

2539 (C) a mining protection area.

2540 Section 55. Section **10-2a-406** is enacted to read:

2541 **10-2a-406. Ballot used at metro township incorporation election.**

2542 (1) The ballot at the election to incorporate a planning township as a metro township or  
 2543 as a city or town, respectively, shall pose:

2544 (a) the incorporation question substantially as follows:

2545 "Shall [insert name of planning township] be incorporated as a metro township [insert  
 2546 the proposed name of the proposed metro township, which is the formal name of the planning  
 2547 township with the words "metro township" immediately after the formal name] or as the [insert  
 2548 the appropriate designation of city or town based on population classification] of [insert the  
 2549 proposed name of the proposed city or town, respectively, which is the formal name of the

2550 planning township with, if the area qualifies as a city under the population classifications, the  
2551 word "city" immediately after the formal name or if the area qualifies as a town under the  
2552 population classification, the words "town of" immediately preceding the formal name]?"; and

2553 (b) the question, if a metro township is incorporated, of whether a metro township shall  
2554 be a metro township with limited municipal powers that is included in a municipal services  
2555 district substantially as follows:

2556 "If the majority of voters voting in this election vote to incorporate as a metro township,  
2557 shall the metro township be a metro township with limited municipal powers that is included in  
2558 a municipal services district?".

2559 (2) The ballot shall provide a space for the voter to indicate:

2560 (a) either the metro township or the city or town, respectively, as described in  
2561 Subsection (1)(a); and

2562 (b) whether the metro township shall be a metro township with limited municipal  
2563 powers that is included in a municipal services district.

2564 Section 56. Section **10-2a-407** is enacted to read:

2565 **10-2a-407. Ballot used at unincorporated island annexation election.**

2566 (1) The ballot at the election to either annex an unincorporated island into an eligible  
2567 city or to remain an unincorporated island shall pose the question substantially as follows:

2568 "Shall [insert description of the unincorporated island or part of an island identified in  
2569 the resolution adopted under Section 10-2a-405] be annexed by [insert name of eligible city  
2570 identified in the resolution adopted under Section 10-2a-405] or remain unincorporated?".

2571 (2) The ballot shall provide:

2572 (a) a map of the selected unincorporated island and the eligible city; and

2573 (b) a space for the voter to indicate either to annex into the eligible city or to remain an  
2574 unincorporated area as described in Subsection (1).

2575 Section 57. Section **10-2a-408** is enacted to read:

2576 **10-2a-408. Notification to lieutenant governor of incorporation election results.**

2577 Within 10 days of the canvass of the incorporation and annexation election, the county

2578 clerk shall send written notice to the lieutenant governor of:

2579 (1) the results of the election;

2580 (2) for a planning township:

2581 (a) if the incorporation of a planning township as a metro township passes:

2582 (i) the name of the metro township; and

2583 (ii) the class of the metro township as provided under Section [10-2-301.5](#); and

2584 (b) if the incorporation of a planning township as a city or town passes:

2585 (i) the name of the city or town; and

2586 (ii) if the incorporated area is a city, the class of the city as defined in Section

2587 [10-2-301](#); and

2588 (3) for an unincorporated island, whether the unincorporated island or a portion of the  
2589 island shall be annexed into an eligible city.

2590 Section 58. Section **10-2a-409** is enacted to read:

2591 **10-2a-409. Unincorporated island annexation -- Notice and recording-- Applicable**  
2592 **provisions.**

2593 (1) If the annexation of an unincorporated island into an eligible city passes, the  
2594 legislative body of the eligible city shall comply with Section [10-2-425](#).

2595 (2) The following provisions apply to an annexation under this part:

2596 (a) Section [10-2-420](#);

2597 (b) Section [10-2-421](#);

2598 (c) Section [10-2-422](#);

2599 (d) Section [10-2-426](#); and

2600 (e) Section [10-2-428](#).

2601 Section 59. Section **10-2a-410** is enacted to read:

2602 **10-2a-410. Determination of metro township districts -- Determination of metro**  
2603 **township or city initial officer terms -- Adoption of proposed districts.**

2604 (1) If a metro township is incorporated in accordance with an election held under  
2605 Section [10-2a-404](#):

2606 (a) each of the five metro township council members shall be elected by district; and  
2607 (b) the boundaries of the five council districts for election and the terms of office shall  
2608 be designated and determined in accordance with this section.

2609 (2) (a) If a town is incorporated at an election held in accordance with Section  
2610 10-2a-404, the five council members shall be elected at large for terms as designated and  
2611 determined in accordance with this section.

2612 (b) If a city is incorporated at an election held in accordance with Section 10-2a-404:  
2613 (i) (A) the four members of the council district who are not the mayor shall be elected  
2614 by district; and

2615 (B) the boundaries of the four council districts for election and the term of office shall  
2616 be designated and determined in accordance with this section; and

2617 (ii) the mayor shall be elected at large for a term designated and determined in  
2618 accordance with this section.

2619 (3) (a) No later than 90 days after the election day on which the metro township, city,  
2620 or town is successfully incorporated under this part, the legislative body of the county in which  
2621 the metro township is located shall adopt by resolution:

2622 (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town,  
2623 the council terms for a length of time in accordance with this section; and

2624 (ii) (A) for a metro township, the boundaries of the five council districts; and

2625 (B) for a city, the boundaries of the four council districts.

2626 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
2627 initial terms of the members of the metro township council, city council, or town council so  
2628 that:

2629 (A) approximately half the members of the council, including the mayor in the case of  
2630 a city, are elected to serve an initial term, of no less than one year, that allows their successors  
2631 to serve a full four-year term that coincides with the schedule established in Subsection  
2632 10-3-205(1); and

2633 (B) the remaining members of the council are elected to serve an initial term, of no less

2634 than one year, that allows their successors to serve a full four-year term that coincides with the  
2635 schedule established in Subsection 10-3-205(2).

2636 (ii) For a metro township, the county legislative body shall divide the metro township  
2637 into five council districts that comply with Section 10-3-205.5.

2638 (iii) For a city, the county legislative body shall divide the city into four council  
2639 districts that comply with Section 10-3-205.5.

2640 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under  
2641 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice  
2642 containing:

2643 (i) if applicable, a description of the boundaries of the metro township council or city  
2644 council districts as designated in the resolution;

2645 (ii) information about the deadline for filing a declaration of candidacy for those  
2646 seeking to become candidates for metro township council, city council, town council, or city  
2647 mayor, respectively; and

2648 (iii) information about the length of the initial term of city mayor or each of the metro  
2649 township, city, or town council offices, as described in the resolution.

2650 (b) The notice under Subsection (4)(a) shall be published:

2651 (i) in a newspaper of general circulation within the metro township, city, or town at  
2652 least once a week for two successive weeks; and

2653 (ii) in accordance with Section 45-1-101 for two weeks.

2654 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general  
2655 circulation within the future metro township, city, or town, the county clerk shall post at least  
2656 one notice per 1,000 population in conspicuous places within the future metro township, city,  
2657 or town that are most likely to give notice to the residents of the future metro township, city, or  
2658 town.

2659 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under  
2660 Subsection (4)(a).

2661 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven

2662 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2663 (d) A person seeking to become a candidate for metro township, city, or town council  
2664 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with  
2665 the clerk of the county in which the metro township, city, or town is located for an election  
2666 described in Section 10-2a-411.

2667 Section 60. Section **10-2a-411** is enacted to read:

2668 **10-2a-411. Election of officers of new city, town, or metro township.**

2669 (1) For the election of the initial office holders of a metro township, city, or town,  
2670 respectively, incorporated under Section 10-2a-404, the county legislative body shall:

2671 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary  
2672 election at the next regular primary election, as described in Section 20A-1-201.5, following  
2673 the November 3, 2015, election to incorporate; and

2674 (b) hold a final election at the next regular general election date following the election  
2675 to incorporate.

2676 (2) An election under Subsection (1) for the officers of:

2677 (a) a metro township shall be consistent with the number of council members as  
2678 described in Subsection 10-2a-404(1)(b)(i); and

2679 (b) a city or town shall be consistent with the number of council members, including  
2680 the city mayor as a member of a city council, described in Subsection 10-2a-404(1)(b)(ii).

2681 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2682 (A) at least once a week for two successive weeks in a newspaper of general circulation  
2683 within the future metro township, city, or town; and

2684 (B) in accordance with Section 45-1-101 for two weeks.

2685 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more  
2686 than seven days before the election.

2687 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general  
2688 circulation within the future metro township, city, or town, the county clerk shall post at least  
2689 one notice of the election per 1,000 population in conspicuous places within the future metro



2690 township, city, or town that are most likely to give notice of the election to the voters.

2691 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven  
2692 days before each election under Subsection (1).

2693 (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the  
2694 election officer for all purposes in an election of officers of the metro township, city, or town.

2695 (b) The county clerk is responsible to ensure that:

2696 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date  
2697 described in Subsection (1)(a);

2698 (ii) the final election described in Subsection (1)(b) is held on the date described in  
2699 Subsection (1)(b); and

2700 (iii) the ballot for each election includes each office that is required to be included for  
2701 officials in the metro township, city, or town, and the length of term of each office.

2702 (5) The officers elected at an election described in Subsection (1)(b) shall take office at  
2703 noon on the first Monday in January next following the election.

2704 Section 61. Section **10-2a-412** is enacted to read:

2705 **10-2a-412. Notification to lieutenant governor of election of officers.**

2706 Within 10 days of the canvass of final election of metro township, city, or town officers  
2707 under Section [10-2a-411](#), the county clerk shall send written notice to the lieutenant governor  
2708 of the name and position of each officer elected and the term for which each has been elected.

2709 Section 62. Section **10-2a-413** is enacted to read:

2710 **10-2a-413. Incorporation under this part subject to other provisions.**

2711 (1) An incorporation of a metro township, city, or town under this part is subject to the  
2712 following provisions to the same extent as the incorporation of a city under Part 2,

2713 Incorporation of a City:

2714 (a) Section [10-2a-217](#);

2715 (b) Section [10-2a-219](#); and

2716 (c) Section [10-2a-220](#).

2717 (2) An incorporation of a city or town under this part is subject to Section [10-2a-218](#) to

2718 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2719 Section 63. Section **10-3-205.5** is amended to read:

2720 **10-3-205.5. At-large election of officers -- Election of commissioners or council**  
2721 **members.**

2722 (1) Except as provided in [~~Subsection (2)~~] Subsection (2), (3), or (4), the officers of  
2723 each city shall be elected in an at-large election held at the time and in the manner provided for  
2724 electing municipal officers.

2725 (2) (a) [~~Notwithstanding Subsection (1), the~~] The governing body of a city may by  
2726 ordinance provide for the election of some or all commissioners or council members, as the  
2727 case may be, by district equal in number to the number of commissioners or council members  
2728 elected by district.

2729 (b) (i) Each district shall be of substantially equal population as the other districts.

2730 (ii) Within six months after the Legislature completes its redistricting process, the  
2731 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make  
2732 any adjustments in the boundaries of the districts as may be required to maintain districts of  
2733 substantially equal population.

2734 (3) (a) The municipal council members of a metro township, as defined in Section  
2735 10-2a-403, are elected:

2736 (i) by district in accordance with Subsection 10-2a-410(1)(a)(i); or

2737 (ii) at large in accordance with Subsection 10-2a-410(1)(b).

2738 (b) The council districts in a metro township shall comply with the requirements of  
2739 Subsections (2)(b)(i) and (ii).

2740 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of  
2741 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
2742 12, 2015:

2743 (i) the council members are elected by district in accordance with Section 10-2a-410;

2744 and

2745 (ii) the mayor is elected at large in accordance with Section 10-2a-410.

2746 (b) The council districts in a city described in Subsection (4)(a) shall comply with the  
2747 requirements of Subsections (2)(b)(i) and (ii).

2748 Section 64. Section **10-3-1302** is amended to read:

2749 **10-3-1302. Purpose.**

2750 (1) The purposes of this part are to establish standards of conduct for municipal  
2751 officers and employees and to require these persons to disclose actual or potential conflicts of  
2752 interest between their public duties and their personal interests.

2753 (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part  
2754 may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a  
2755 county employee who is required by law to provide services to the metro township.

2756 Section 65. Section **10-3b-102** is amended to read:

2757 **10-3b-102. Definitions.**

2758 As used in this chapter:

2759 (1) "Council-mayor form of government" means the form of municipal government  
2760 that:

2761 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

2762 (ii) may not be adopted without voter approval; and

2763 (iii) consists of two separate, independent, and equal branches of municipal  
2764 government; and

2765 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal  
2766 Government.

2767 (2) "Five-member council form of government" means the form of municipal  
2768 government described in Part 4, Five-Member Council Form of Municipal Government.

2769 (3) "Metro township" means the same as that term is defined in Section 10-2a-403.

2770 (4) "Metro township council form of government" means the form of metro township  
2771 government described in Part 5, Metro Township Council Form of Municipal Government.

2772 [~~3~~] (5) "Six-member council form of government" means the form of municipal  
2773 government described in Part 3, Six-Member Council Form of Municipal Government.

2774 Section 66. Section **10-3b-103** is amended to read:

2775 **10-3b-103. Forms of municipal government -- Form of government for towns --**  
2776 **Former council-manager form.**

2777 (1) A municipality operating on May 4, 2008, under the council-mayor form of  
2778 government:

2779 (a) shall, on and after May 5, 2008:

2780 (i) operate under a council-mayor form of government, as defined in Section  
2781 **10-3b-102**; and

2782 (ii) be subject to:

2783 (A) this part;

2784 (B) Part 2, Council-mayor Form of Municipal Government;

2785 (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2786 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

2787 and

2788 (b) is not subject to:

2789 (i) Part 3, Six-member Council Form of Municipal Government; ~~[or]~~

2790 (ii) Part 4, Five-member Council Form of Municipal Government~~[-];~~ or

2791 (iii) Part 5, Metro Township Council Form of Municipal Government.

2792 (2) A municipality operating on May 4, 2008 under a form of government known under  
2793 the law then in effect as the six-member council form:

2794 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an  
2795 ordinance appointing a manager for the municipality:

2796 (i) operate under a six-member council form of government, as defined in Section  
2797 **10-3b-102**;

2798 (ii) be subject to:

2799 (A) this part;

2800 (B) Part 3, Six-member Council Form of Municipal Government;

2801 (C) Part ~~[5]~~ 6, Changing to Another Form of Municipal Government; and

2802 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

2803 and

2804 (b) is not subject to:

2805 (i) Part 2, Council-mayor Form of Municipal Government; [~~or~~]

2806 (ii) Part 4, Five-member Council Form of Municipal Government[-]; or

2807 (iii) Part 5, Metro Township Council Form of Municipal Government.

2808 (3) A municipality operating on May 4, 2008, under a form of government known

2809 under the law then in effect as the five-member council form:

2810 (a) shall, on and after May 5, 2008:

2811 (i) operate under a five-member council form of government, as defined in Section

2812 [10-3b-102](#);

2813 (ii) be subject to:

2814 (A) this part;

2815 (B) Part 4, Five-member Council Form of Municipal Government;

2816 (C) Part [~~5~~] 6, Changing to Another Form of Municipal Government; and

2817 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

2818 and

2819 (b) is not subject to:

2820 (i) Part 2, Council-mayor Form of Municipal Government; [~~or~~]

2821 (ii) Part 3, Six-member Council Form of Municipal Government[-]; or

2822 (iii) Part 5, Metro Township Council Form of Municipal Government.

2823 (4) Subject to Subsection (5), each municipality other than a metro township

2824 incorporated on or after May 5, 2008, shall operate under:

2825 (a) the council-mayor form of government, with a five-member council;

2826 (b) the council-mayor form of government, with a seven-member council;

2827 (c) the six-member council form of government; or

2828 (d) the five-member council form of government.

2829 (5) Each town shall operate under a five-member council form of government unless:

- 2830 (a) before May 5, 2008, the town has changed to another form of municipal  
 2831 government; or
- 2832 (b) on or after May 5, 2008, the town changes its form of government as provided in  
 2833 Part ~~[5]~~ 6, Changing to Another Form of Municipal Government.
- 2834 (6) Each metro township:
- 2835 (a) shall operate under a metro township council form of government;
- 2836 (b) is subject to:
- 2837 (i) this part;
- 2838 (ii) Part 5, Metro Township Council Form of Municipal Government; and
- 2839 (iii) except as provided in Subsection (6)(c), other applicable provisions of this title;
- 2840 and
- 2841 (c) is not subject to:
- 2842 (i) Part 2, Council-mayor Form of Municipal Government;
- 2843 (ii) Part 3, Six-member Council Form of Municipal Government; or
- 2844 (iii) Part 4, Five-Member Council Form of Municipal Government.
- 2845 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "council-manager form of  
 2846 government" means the form of municipal government:
- 2847 (i) provided for in Laws of Utah 1977, Chapter 48;
- 2848 (ii) that cannot be adopted without voter approval; and
- 2849 (iii) that provides for, subject to Subsections ~~[(7)]~~ (8) and ~~[(8)]~~ (9), an appointed  
 2850 manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.
- 2851 (b) A municipality operating on May 4, 2008, under the council-manager form of  
 2852 government:
- 2853 (i) shall:
- 2854 (A) continue to operate, on and after May 5, 2008, under the council-manager form of  
 2855 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and
- 2856 (B) be subject to:
- 2857 (I) this Subsection ~~[(6)]~~ (7) and other applicable provisions of this part;

2858 (II) Part [5] 6, Changing to Another Form of Municipal Government; and  
2859 (III) except as provided in Subsection [~~6~~] (7)(b)(ii), other applicable provisions of  
2860 this title; and  
2861 (ii) is not subject to:  
2862 (A) Part 2, Council-mayor Form of Municipal Government;  
2863 (B) Part 3, Six-member Council Form of Municipal Government; [~~or~~]  
2864 (C) Part 4, Five-member Council Form of Municipal Government[~~;~~]; or  
2865 (D) Part 5, Metro Township Council Form of Municipal Government.  
2866 [~~7~~] (8) (a) As used in this Subsection [~~7~~] (8), "interim vacancy period" means the  
2867 period of time that:  
2868 (i) begins on the day on which a municipal general election described in Section  
2869 10-3-201 is held to elect a council member; and  
2870 (ii) ends on the day on which the council member-elect begins the council member's  
2871 term.  
2872 (b) (i) The council may not appoint a manager during an interim vacancy period.  
2873 (ii) Notwithstanding Subsection [~~7~~] (8)(b)(i):  
2874 (A) the council may appoint an interim manager during an interim vacancy period; and  
2875 (B) the interim manager's term shall expire once a new manager is appointed by the  
2876 new administration after the interim vacancy period has ended.  
2877 (c) Subsection [~~7~~] (8)(b) does not apply if all the council members who held office on  
2878 the day of the municipal general election whose term of office was vacant for the election are  
2879 re-elected to the council for the following term.  
2880 [~~8~~] (9) A council that appoints a manager in accordance with this section may not, on  
2881 or after May 10, 2011, enter into an employment contract that contains an automatic renewal  
2882 provision with the manager.  
2883 [~~9~~] (10) Nothing in this section may be construed to prevent or limit a municipality  
2884 operating under any form of municipal government from changing to another form of  
2885 government as provided in Part [5] 6, Changing to Another Form of Municipal Government.

2886 Section 67. Section **10-3b-202** is amended to read:

2887 **10-3b-202. Mayor in council-mayor form of government.**

2888 (1) The mayor in a municipality operating under the council-mayor form of  
2889 government:

2890 (a) is the chief executive and administrative officer of the municipality;

2891 (b) exercises the executive and administrative powers and performs or supervises the  
2892 performance of the executive and administrative duties and functions of the municipality;

2893 (c) shall:

2894 (i) keep the peace and enforce the laws of the municipality;

2895 (ii) execute the policies adopted by the council;

2896 (iii) appoint, with the council's advice and consent, a qualified person for each of the  
2897 following positions:

2898 (A) subject to Subsection (3), chief administrative officer, if required under the  
2899 resolution or petition under Subsection [~~10-3b-503~~] 10-3b-603(1)(a) that proposed the change  
2900 to a council-mayor form of government;

2901 (B) recorder;

2902 (C) treasurer;

2903 (D) engineer; and

2904 (E) attorney;

2905 (iv) provide to the council, at intervals provided by ordinance, a written report to the  
2906 council setting forth:

2907 (A) the amount of budget appropriations;

2908 (B) total disbursements from the appropriations;

2909 (C) the amount of indebtedness incurred or contracted against each appropriation,  
2910 including disbursements and indebtedness incurred and not paid; and

2911 (D) the percentage of the appropriations encumbered;

2912 (v) report to the council the condition and needs of the municipality;

2913 (vi) report to the council any release granted under Subsection (1)(d)(xiii);



2914 (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the  
2915 remittance to the council at the council's next meeting after the remittance;  
2916 (viii) perform each other duty:  
2917 (A) prescribed by statute; or  
2918 (B) required by a municipal ordinance that is not inconsistent with statute;  
2919 (d) may:  
2920 (i) subject to budget constraints:  
2921 (A) appoint:  
2922 (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and  
2923 (II) one or more deputies or administrative assistants to the mayor; and  
2924 (B) (I) create any other administrative office that the mayor considers necessary for  
2925 good government of the municipality; and  
2926 (II) appoint a person to the office;  
2927 (ii) with the council's advice and consent and except as otherwise specifically limited  
2928 by statute, appoint:  
2929 (A) each department head of the municipality;  
2930 (B) each statutory officer of the municipality; and  
2931 (C) each member of a statutory commission, board, or committee of the municipality;  
2932 (iii) dismiss any person appointed by the mayor;  
2933 (iv) as provided in Section [10-3b-204](#), veto an ordinance, tax levy, or appropriation  
2934 passed by the council;  
2935 (v) exercise control of and supervise each executive or administrative department,  
2936 division, or office of the municipality;  
2937 (vi) within the general provisions of statute and ordinance, regulate and prescribe the  
2938 powers and duties of each other executive or administrative officer or employee of the  
2939 municipality;  
2940 (vii) attend each council meeting, take part in council meeting discussions, and freely  
2941 give advice to the council;

2942 (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill  
2943 in all other respects the requirements of, as the case may be:

2944 (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or

2945 (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;

2946 (ix) execute an agreement on behalf of the municipality, or delegate, by written  
2947 executive order, the authority to execute an agreement on behalf of the municipality:

2948 (A) if the obligation under the agreement is within certified budget appropriations; and

2949 (B) subject to Section 10-6-138;

2950 (x) at any reasonable time, examine and inspect the official books, papers, records, or  
2951 documents of:

2952 (A) the municipality; or

2953 (B) any officer, employee, or agent of the municipality;

2954 (xi) remit fines and forfeitures;

2955 (xii) if necessary, call on residents of the municipality over the age of 21 years to assist  
2956 in enforcing the laws of the state and ordinances of the municipality; and

2957 (xiii) release a person imprisoned for a violation of a municipal ordinance; and

2958 (e) may not vote on any matter before the council.

2959 (2) (a) The first mayor elected under a newly established mayor-council form of  
2960 government shall, within six months after taking office, draft and submit to the council a  
2961 proposed ordinance:

2962 (i) providing for the division of the municipality's administrative service into  
2963 departments, divisions, and bureaus; and

2964 (ii) defining the functions and duties of each department, division, and bureau.

2965 (b) Before the council adopts an ordinance on the municipality's administrative service,  
2966 the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness  
2967 in the divisions of the municipal government.

2968 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
2969 time that:

2970 (i) begins on the day on which a municipal general election described in Section  
2971 10-3-201 is held to elect a mayor; and

2972 (ii) ends on the day on which the mayor-elect begins the mayor's term.

2973 (b) Each person appointed as chief administrative officer under Subsection  
2974 (1)(c)(iii)(A) shall be appointed on the basis of:

2975 (i) the person's ability and prior experience in the field of public administration; and

2976 (ii) any other qualification prescribed by ordinance.

2977 (c) (i) The mayor may not appoint a chief administrative officer during an interim  
2978 vacancy period.

2979 (ii) Notwithstanding Subsection (3)(c)(i):

2980 (A) the mayor may appoint an interim chief administrative officer during an interim  
2981 vacancy period; and

2982 (B) the interim chief administrative officer's term shall expire once a new chief  
2983 administrative officer is appointed by the new mayor after the interim vacancy period has  
2984 ended.

2985 (d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the  
2986 municipal general election is re-elected to the mayor's office for the following term.

2987 (4) A mayor who appoints a chief administrative officer in accordance with this section  
2988 may not, on or after May 10, 2011, enter into an employment contract that contains an  
2989 automatic renewal provision with the chief administrative officer.

2990 Section 68. Section 10-3b-501 is repealed and reenacted to read:

2991 **Part 5. Metro Township Council Form of Municipal Government**

2992 **10-3b-501. Metro township government powers vested in a five-member council.**

2993 The powers of municipal government in a metro township, as defined in Section  
2994 10-2a-403, are vested in a council consisting of five members, one of which is the chair.

2995 Section 69. Section 10-3b-502 is repealed and reenacted to read:

2996 **10-3b-502. Governance of metro townships that are not in a municipal services**  
2997 **district.**

2998 For a metro township in which the voters at an election held in accordance with Section  
2999 10-2a-404 do not choose a metro township with limited municipal powers that is included in a  
3000 municipal services district:

3001 (1) (a) the council:

3002 (i) has the same powers, authority, and duties as a council described in Section  
3003 10-3b-403; and

3004 (ii) is not subject to Section 10-3b-504; and

3005 (b) the chair:

3006 (i) has the same powers, authority, and duties as a mayor described in Section  
3007 10-3b-402; and

3008 (ii) is not subject to Section 10-3b-503.

3009 Section 70. Section 10-3b-503 is repealed and reenacted to read:

3010 **10-3b-503. Chair in a metro township included in a municipal services district.**

3011 (1) The chair in a metro township that is included in a municipal services district:

3012 (a) is a regular and voting member of the council;

3013 (b) is elected by the members of the council from among the council members;

3014 (c) is the chair of the council and presides at all council meetings;

3015 (d) exercises ceremonial functions for the municipality;

3016 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken  
3017 by the council;

3018 (f) represents the metro township on the board of a municipal services district; and

3019 (g) has other powers and duties described in this section and otherwise authorized by  
3020 law except as modified by ordinance under Subsection 10-3b-504(2).

3021 (2) Except as provided in Subsection (3), the chair in a metro township that is included  
3022 in a municipal services district:

3023 (a) shall:

3024 (i) keep the peace and enforce the laws of the metro township;

3025 (ii) ensure that all applicable statutes and metro township ordinances and resolutions

3026 are faithfully executed and observed;  
3027 (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the  
3028 remittance to the council at the council's next meeting after the remittance;  
3029 (iv) perform all duties prescribed by statute or metro township ordinance or resolution;  
3030 (v) report to the council the condition and needs of the metro township;  
3031 (vi) report to the council any release granted under Subsection (2)(g)(iv); and  
3032 (b) may:  
3033 (i) recommend for council consideration any measure that the chair considers to be in  
3034 the best interests of the municipality;  
3035 (ii) remit fines and forfeitures;  
3036 (iii) if necessary, call on residents of the municipality over the age of 21 years to assist  
3037 in enforcing the laws of the state and ordinances of the municipality;  
3038 (iv) release a person imprisoned for a violation of a municipal ordinance;  
3039 (v) with the council's advice and consent appoint a person to fill a municipal office or a  
3040 vacancy on a commission or committee of the municipality; and  
3041 (vi) at any reasonable time, examine and inspect the official books, papers, records, or  
3042 documents of:  
3043 (A) the municipality; or  
3044 (B) any officer, employee, or agency of the municipality.  
3045 (3) The powers and duties in Subsection (1) are subject to the council's authority to  
3046 limit or expand the chair's powers and duties under Subsection [10-3b-504\(2\)](#).  
3047 (4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member  
3048 of the council as chair pro tempore, to:  
3049 (i) preside at a council meeting; and  
3050 (ii) perform during the chair's absence, disability, or refusal to act, the duties and  
3051 functions of chair.  
3052 (b) In accordance with Section [10-3c-203](#), the county clerk of the county in which the  
3053 metro township is located shall enter in the minutes of the council meeting the election of a

3054 council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).

3055 Section 71. Section **10-3b-504** is repealed and reenacted to read:

3056 **10-3b-504. Council in a metro township that is included in a municipal services**  
3057 **district.**

3058 (1) The council in a metro township that is included in a municipal services district:

3059 (a) exercises any executive or administrative power and performs or supervises the  
3060 performance of any executive or administrative power, duty, or function that has not been  
3061 given to the chair under Section 10-3b-503 unless the council removes that power, duty, or  
3062 function from the chair in accordance with Subsection (2);

3063 (b) may:

3064 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

3065 (A) removing from the chair any power, duty, or function of the chair; and

3066 (B) reinstating to the chair any power, duty, or function previously removed under  
3067 Subsection (1)(b)(i)(A); and

3068 (ii) adopt an ordinance delegating to the chair any executive or administrative power,  
3069 duty, or function that the council has under Subsection (1)(a); and

3070 (c) may not remove from the chair or delegate:

3071 (i) any of the chair's legislative or judicial powers or ceremonial functions;

3072 (ii) the chair's position as chair of the council; or

3073 (iii) any ex officio position that the chair holds.

3074 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to  
3075 the chair a power, duty, or function provided for in Section 10-3b-503 requires the affirmative

3076 vote of:

3077 (a) the chair and a majority of all other council members; or

3078 (b) all council members except the chair.

3079 (3) The metro township council of a metro township that is included in a municipal  
3080 services district:

3081 (a) shall:

3082           (i) by ordinance, provide for the manner in which a subdivision is approved,  
3083 disapproved, or otherwise regulated;  
3084           (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;  
3085           (iii) perform all duties that the law imposes on the council; and  
3086           (iv) elect one of its members to be chair of the metro township and the chair of the  
3087 council;  
3088           (b) may:  
3089           (i) (A) notwithstanding Subsection (3)(c), appoint a committee of council members or  
3090 citizens to conduct an investigation into an officer, department, or agency of the municipality,  
3091 or any other matter relating to the welfare of the municipality; and  
3092           (B) delegate to an appointed committee powers of inquiry that the council considers  
3093 necessary;  
3094           (ii) make and enforce any additional rule or regulation for the government of the  
3095 council, the preservation of order, and the transaction of the council's business that the council  
3096 considers necessary; and  
3097           (iii) subject to the limitations provided in Subsection (5), take any action allowed under  
3098 Section 10-8-84 that is reasonably related to the safety, health, morals, and welfare of the metro  
3099 township inhabitants; and  
3100           (c) may not:  
3101           (i) direct or request, other than in writing, the appointment of a person to or the  
3102 removal of a person from an executive municipal office;  
3103           (ii) interfere in any way with an executive officer's performance of the officer's duties;  
3104 or  
3105           (iii) publicly or privately give orders to a subordinate of the chair.  
3106           (4) A member of a metro township council as described in this section may not have  
3107 any other compensated employment with the metro township.  
3108           (5) The council of a metro township that is included in a municipal services district  
3109 may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a

3110 municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services  
3111 district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

3112 Section 72. Section **10-3b-601** is enacted to read:

3113 **Part 6. Changing to Another Form of Municipal Government**

3114 **10-3b-601. Authority to change to another form of municipal government.**

3115 (1) As provided in this part, a municipality may change from the form of government  
3116 under which it operates to:

3117 (a) the council-mayor form of government with a five-member council;

3118 (b) the council-mayor form of government with a seven-member council;

3119 (c) the six-member council form of government; or

3120 (d) the five-member council form of government.

3121 (2) (a) A metro township that changes from the metro township council form of  
3122 government to a form described in Subsection (1):

3123 (i) is no longer a metro township; and

3124 (ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority  
3125 of a city or town.

3126 (b) If a metro township with a population that qualifies as a town in accordance with  
3127 Section 10-2-301 changes the metro township's form of government in accordance with this  
3128 part, the metro township may only change to the five-member council form of government.

3129 (3) A municipality other than a metro township may not operate under the metro  
3130 township council form of government.

3131 Section 73. Section **10-3b-602** is enacted to read:

3132 **10-3b-602. Voter approval required for a change in the form of government.**

3133 A municipality may not change its form of government under this part unless voters of  
3134 the municipality approve the change at an election held for that purpose.

3135 Section 74. Section **10-3b-603** is enacted to read:

3136 **10-3b-603. Resolution or petition proposing a change in the form of government.**

3137 (1) The process to change the form of government under which a municipality operates



3138 is initiated by:

3139 (a) the council's adoption of a resolution proposing a change; or

3140 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives  
3141 - Procedures, proposing a change.

3142 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the  
3143 declaring of a petition filed under Subsection (1)(b) as sufficient under Section [20A-7-507](#), the  
3144 council shall hold at least two public hearings on the proposed change.

3145 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on  
3146 the proposed change in the form of government at the next municipal general election or  
3147 regular general election that is more than 75 days after, as the case may be:

3148 (i) a resolution under Subsection (1)(a) is adopted; or

3149 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section  
3150 [20A-7-507](#).

3151 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of  
3152 government may not be held if:

3153 (i) in the case of a proposed change initiated by the council's adoption of a resolution  
3154 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

3155 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),  
3156 enough signatures are withdrawn from the petition within 60 days after the petition is declared  
3157 sufficient under Section [20A-7-507](#) that the petition is no longer sufficient.

3158 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection  
3159 (1)(b) shall:

3160 (a) state the method of election and initial terms of council members; and

3161 (b) specify the boundaries of districts substantially equal in population, if some or all  
3162 council members are to be elected by district.

3163 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing  
3164 a change to a council-mayor form of government may require that, if the change is adopted, the  
3165 mayor appoint, with the council's advice and consent and subject to Section [10-3b-202](#), a chief

3166 administrative officer, to exercise the administrative powers and perform the duties that the  
3167 mayor prescribes.

3168 Section 75. Section **10-3b-604** is enacted to read:

3169 **10-3b-604. Limitations on adoption of a resolution and filing of a petition.**

3170 A resolution may not be adopted under Subsection 10-3b-603(1)(a) and a petition may  
3171 not be filed under Subsection 10-3b-603(1)(b) within:

3172 (1) four years after an election at which voters reject a proposal to change the  
3173 municipality's form of government, if the resolution or petition proposes changing to the same  
3174 form of government that voters rejected at the election; or

3175 (2) four years after the effective date of a change in the form of municipal government  
3176 or an incorporation as a municipality.

3177 Section 76. Section **10-3b-605** is enacted to read:

3178 **10-3b-605. Ballot form.**

3179 The ballot at an election on a proposal to change the municipality's form of government  
3180 shall:

3181 (1) state the ballot question substantially as follows: "Shall [state the municipality's  
3182 name], Utah, change its form of government to the [state "council-mayor form, with a  
3183 five-member council," "council-mayor form, with a seven-member council," "six-member  
3184 council form," or "five-member council form," as applicable]?"; and

3185 (2) provide a space or method for the voter to vote "yes" or "no."

3186 Section 77. Section **10-3b-606** is enacted to read:

3187 **10-3b-606. Election of officers after a change in the form of government.**

3188 (1) If voters approve a proposal to change the municipality's form of government at an  
3189 election held as provided in this part, an election of officers under the new form of government  
3190 shall be held on the municipal general election date following the election at which voters  
3191 approve the proposal.

3192 (2) If a municipality changes its form of government under this part resulting in the  
3193 elimination of an elected official's position, the municipality shall continue to pay that official

3194 at the same rate until the date on which the official's term would have expired, unless under the  
3195 new form of government the official holds municipal office for which the official is regularly  
3196 compensated.

3197 (3) A council member whose term has not expired at the time the municipality changes  
3198 its form of government under this part may, at the council member's option, continue to serve  
3199 as a council member under the new form of government for the remainder of the member's  
3200 term.

3201 (4) The term of the mayor and each council member is four years or until a successor is  
3202 qualified, except that approximately half of the initial council members, chosen by lot, shall  
3203 serve a term of two years or until a successor is qualified.

3204 Section 78. Section **10-3b-607** is enacted to read:

3205 **10-3b-607. Effective date of change in the form of government.**

3206 A change in the form of government under this chapter takes effect at noon on the first  
3207 Monday of January next following the election of officers under Section [10-3b-606](#).

3208 Section 79. Section **10-3c-101** is enacted to read:

3209 **CHAPTER 3c. ADMINISTRATION OF METRO TOWNSHIPS**

3210 **Part 1. General Provisions**

3211 **10-3c-101. Title.**

3212 (1) This chapter is known as "Administration of Metro Townships."

3213 (2) This part is known as "General Provisions."

3214 Section 80. Section **10-3c-102** is enacted to read:

3215 **10-3c-102. Definitions.**

3216 As used in this chapter:

3217 (1) "Municipal services district" means a local district created in accordance with Title  
3218 17B, Chapter 2a, Part 11, Municipal Services District Act.

3219 (2) "Metro township" means a metro township incorporated in accordance with  
3220 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County  
3221 of the First Class on and after May 12, 2015.

3222 Section 81. Section **10-3c-103** is enacted to read:

3223 **10-3c-103. Status and powers.**

3224 A metro township:

3225 (1) is:

3226 (a) a body corporate and politic with perpetual succession;

3227 (b) a quasi-municipal corporation; and

3228 (c) a political subdivision of the state; and

3229 (2) may sue and be sued.

3230 Section 82. Section **10-3c-201** is enacted to read:

3231 **Part 2. Administration of Metro Township**

3232 **10-3c-201. Title.**

3233 This part is known as "Administration of Metro Township."

3234 Section 83. Section **10-3c-202** is enacted to read:

3235 **10-3c-202. Budget.**

3236 A metro township is subject to and shall comply with Chapter 6, Uniform Fiscal

3237 Procedures Act for Utah Cities.

3238 Section 84. Section **10-3c-203** is enacted to read:

3239 **10-3c-203. Administrative and operational services -- Staff provided by county or**  
3240 **municipal services district.**

3241 (1) (a) The following officials elected or appointed, or persons employed by, the county  
3242 in which a municipality township is located shall, for the purposes of interpreting and  
3243 complying with applicable law, fulfill the responsibilities and hold the following metro  
3244 township offices or positions:

3245 (i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the  
3246 metro township;

3247 (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for  
3248 the metro township;

3249 (iii) the county surveyor shall fulfill, on behalf of the metro township, all surveyor

3250 duties imposed by law;

3251 (iv) the county engineer shall fulfill the duties and hold the powers of engineer for the  
3252 metro township;

3253 (v) the district attorney shall provide legal counsel to the metro township; and

3254 (vi) subject to Subsection (1)(b), the county auditor shall fulfill the duties and hold the  
3255 powers of auditor for the metro township.

3256 (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the  
3257 metro township to the extent that the county auditor's powers and duties are described in and  
3258 delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and  
3259 a municipal auditor's powers and duties described in this title are the same.

3260 (ii) Notwithstanding Subsection (1)(b), in a metro township, services described in  
3261 Sections [17-19a-203](#), [17-19a-204](#), and [17-19a-205](#), and services other than those described in  
3262 Subsection (1)(b)(i) that are provided by a municipal auditor in accordance with this title that  
3263 are required by law, shall be performed by county staff other than the county auditor.

3264 (2) (a) Nothing in Subsection (1) may be construed to relieve an official described in  
3265 Subsections (1)(a)(i) through (iv) of a duty to either the county or metro township or a duty to  
3266 fulfill that official's position as required by law.

3267 (b) Notwithstanding Subsection (2)(a), an official or the official's deputy or other  
3268 person described in Subsections (1)(a)(i) through (iv):

3269 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of  
3270 Title 17, Counties, as applicable to that official's or person's county office;

3271 (ii) is paid a salary and benefits and subject to employment discipline in accordance  
3272 with the provisions of Title 17, Counties, as applicable to that official's or person's county  
3273 office;

3274 (iii) is not subject to:

3275 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

3276 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

3277 (iv) is not required to provide a bond for the applicable municipal office if a bond for

3278 the office is required by this title.

3279 (3) The metro township may establish a planning commission in accordance with  
3280 Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.

3281 (4) A municipal services district established in accordance with Section 17B, Chapter  
3282 2a, Part 11, Municipal Services District Act, and of which the metro township is a part, may  
3283 provide staff to the metro township planning commission and appeal authority.

3284 (5) (a) This section applies only to a metro township in which:

3285 (i) the electors at an election under Section 10-2a-404 chose a metro township that is  
3286 included in a municipal services district and has limited municipal powers; or

3287 (ii) the metro township subsequently joins a municipal services district.

3288 (b) This section does not apply to a metro township described in Subsection (5)(a) if  
3289 the municipal services district is dissolved.

3290 Section 85. Section **10-3c-204** is enacted to read:

3291 **10-3c-204. Taxing authority limited.**

3292 (1) A metro township may not impose:

3293 (a) a municipal energy sales and use tax as described in Chapter 1, Part 3, Municipal  
3294 Energy Sales and Use Tax Act; or

3295 (b) a municipal telecommunication's license tax as described in Chapter 1, Part 4,  
3296 Municipal Telecommunications License Tax.

3297 (2) (a) If the electors at an election under Section 10-2a-404 chose a metro township  
3298 that is included in a municipal services district and has limited municipal powers, or a metro  
3299 township subsequently joins a municipal services district, the metro township may not levy or  
3300 impose a tax unless the Legislature expressly provides that the metro township may levy or  
3301 impose the tax.

3302 (b) Subsection (2)(a) does not apply if a municipal services district is dissolved.

3303 Section 86. Section **10-3c-205** is enacted to read:

3304 **10-3c-205. Fees.**

3305 (1) A metro township may impose a fine, fee, or charge.

3306           (2) For a metro township of which the electors at an election under Section 10-2a-404  
 3307 chose a metro township that is included in a municipal services district and has limited  
 3308 municipal powers, or if a metro township subsequently joins a municipal services district, the  
 3309 municipal services district of which a metro township is a part shall, upon request by the metro  
 3310 township, collect on behalf of the metro township all fines, fees, charges, levies, and other  
 3311 payments imposed by the metro township.

3312           Section 87. Section **10-5-102** is amended to read:

3313           **10-5-102. Applicability.**

3314           This chapter shall apply to all:

3315           (1) towns[-]; and

3316           (2) metro townships of the second class to the same extent as a town.

3317           Section 88. Section **10-6-103** is amended to read:

3318           **10-6-103. Applicability.**

3319           This chapter shall apply to all:

3320           (1) cities, including charter cities[-]; and

3321           (2) metro townships of the first class to the same extent as a city.

3322           Section 89. Section **10-6-111** is amended to read:

3323           **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**  
 3324 **-- Budget message -- Review by governing body.**

3325           (1) (a) On or before the first regularly scheduled meeting of the governing body in the  
 3326 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on  
 3327 forms provided by the state auditor, and file with the governing body, a tentative budget for  
 3328 each fund for which a budget is required.

3329           (b) The tentative budget of each fund shall set forth in tabular form:

3330           (i) the actual revenues and expenditures in the last completed fiscal period;

3331           (ii) the budget estimates for the current fiscal period;

3332           (iii) the actual revenues and expenditures for a period of 6 to 21 months, as  
 3333 appropriate, of the current fiscal period;

3334 (iv) the estimated total revenues and expenditures for the current fiscal period;  
3335 (v) the budget officer's estimates of revenues and expenditures for the budget period,  
3336 computed as provided in Subsection (1)(c); and

3337 (vi) if the governing body elects, the actual performance experience to the extent  
3338 established by Section 10-6-154 and available in work units, unit costs, man hours, or man  
3339 years for each budgeted fund on an actual basis for the last completed fiscal period, and  
3340 estimated for the current fiscal period and for the ensuing budget period.

3341 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),  
3342 the budget officer shall estimate:

3343 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

3344 (I) hearing each department head; and

3345 (II) reviewing the budget requests and estimates of the department heads; and

3346 (B) (I) the amount of revenue available to serve the needs of each fund;

3347 (II) the portion of revenue to be derived from all sources other than general property  
3348 taxes; and

3349 (III) the portion of revenue that shall be derived from general property taxes.

3350 (ii) The budget officer may revise any department's estimate under Subsection  
3351 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to  
3352 the governing body.

3353 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall  
3354 compute and disclose in the budget the lowest rate of property tax levy that will raise the  
3355 required amount of revenue, calculating the levy upon the latest taxable value.

3356 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,  
3357 shall contain the estimates of expenditures submitted by department heads, together with  
3358 specific work programs and such other supporting data as this chapter requires or the governing  
3359 body may request. Each city of the first or second class shall, and a city of the third, fourth, or  
3360 fifth class may, submit a supplementary estimate of all capital projects which each department  
3361 head believes should be undertaken within the next three succeeding years.



3362 (b) Each tentative budget submitted by the budget officer to the governing body shall  
3363 be accompanied by a budget message, which shall explain the budget, contain an outline of the  
3364 proposed financial policies of the city for the budget period, and shall describe the important  
3365 features of the budgetary plan. It shall set forth the reasons for salient changes from the  
3366 previous fiscal period in appropriation and revenue items and shall explain any major changes  
3367 in financial policy.

3368 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the  
3369 governing body in any regular meeting or special meeting called for the purpose and may be  
3370 amended or revised in such manner as is considered advisable prior to public hearings, except  
3371 that no appropriation required for debt retirement and interest or reduction of any existing  
3372 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be  
3373 reduced below the minimums so required.

3374 (4) (a) If the municipality is acting pursuant to Section [~~10-2-120~~] 10-2a-218, the  
3375 tentative budget shall:

- 3376 (i) be submitted to the governing body-elect as soon as practicable; and
- 3377 (ii) cover each fund for which a budget is required from the date of incorporation to the  
3378 end of the fiscal year.

3379 (b) The governing body shall substantially comply with all other provisions of this  
3380 chapter, and the budget shall be passed upon incorporation.

3381 Section 90. Section **15A-5-202.5** is amended to read:

3382 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

3383 (1) For IFC, Chapter 3, General Requirements:

3384 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six  
3385 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for  
3386 Wildland Fire Ordinance".

3387 (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is  
3388 deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or  
3389 placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing

3390 substance or object on any surface or article where it can cause an unwanted fire."

3391 (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted  
3392 and rewritten as follows: "When the fire code official determines that hazardous environmental  
3393 conditions necessitate controlled use of any ignition source, including fireworks, lighters,  
3394 matches, sky lanterns, and smoking materials, any of the following may occur:

3395 1. If the hazardous environmental conditions exist in a municipality, the legislative  
3396 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,  
3397 brush-covered, or forest-covered areas or the wildland urban interface area, which means the  
3398 line, area, or zone where structures or other human development meet or intermingle with  
3399 undeveloped wildland or land being used for an agricultural purpose.

3400 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist  
3401 in an unincorporated area, the state forester may prohibit the ignition or use of an ignition  
3402 source in all or part of the areas described in paragraph 1 that are within the unincorporated  
3403 area, after consulting with the county fire code official who has jurisdiction over that area.

3404 3. If the hazardous environmental conditions exist in a metro township created under  
3405 [~~Section 17-27a-306 that is in a county of the first class, the county~~] Title 10, Chapter 2a, Part  
3406 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class  
3407 on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use  
3408 of an ignition source in all or part of the areas described in paragraph 1 that are within the  
3409 township."

3410 (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On  
3411 line 10 delete the words "International Property Maintenance Code and the".

3412 (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete  
3413 the word "shall" and replace it with the word "may".

3414 (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
3415 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
3416 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler  
3417 heads in occupancies meeting classification as light or ordinary hazard."

3418 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

3419 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as  
3420 follows: After the word "buildings" add "to include sororities and fraternity houses".

3421 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following  
3422 footnotes:

3423 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation  
3424 drill for fire conducted at least every two months, to a total of four emergency evacuation drills  
3425 during the nine-month school year. The first emergency evacuation drill for fire shall be  
3426 conducted within 10 school days after the beginning of classes, and the third emergency  
3427 evacuation drill for fire shall be conducted 10 school days after the beginning of the next  
3428 calendar year. The second and fourth emergency evacuation drills may be substituted by a  
3429 security or safety drill to include shelter in place, earthquake drill, or lock down for violence."

3430 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the  
3431 monthly required emergency evacuation drill can be substituted by a security or safety drill to  
3432 include shelter in place, earthquake drill, or lock down for violence. The routine emergency  
3433 evacuation drill for fire must be conducted at least every other evacuation drill."

3434 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are  
3435 required to have one emergency evacuation drill per year, provided the following conditions are  
3436 met:

3437 (A) The building has a fire alarm system in accordance with Section 907.2.

3438 (B) The rooms classified as assembly shall have fire safety floor plans as required in  
3439 Section 404.3.2(4) posted.

3440 (C) The building is not classified a high-rise building.

3441 (D) The building does not contain hazardous materials over the allowable quantities by  
3442 code."

3443 Section 91. Section **17-23-17** is amended to read:

3444 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
3445 **of monuments -- Record of corner changes -- Penalties.**

3446 (1) As used in this section~~["land]~~:

3447 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3448 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3449 Surveyors Licensing Act.

3450 (b) (i) "Township" means a term used in the context of identifying a geographic area in  
3451 common surveyor practice.

3452 (ii) "Township" does not mean a metro township as that term is defined in Section  
3453 [10-2a-403.](#)

3454 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
3455 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
3456 a boundary line shall file a map of the survey that meets the requirements of this section with  
3457 the county surveyor or designated office within 90 days of the establishment or reestablishment  
3458 of a boundary.

3459 (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
3460 (2)(a)(i) is guilty of a class C misdemeanor.

3461 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
3462 separate violation.

3463 (b) The county surveyor or designated office shall file and index the map of the survey.

3464 (c) The map shall be a public record in the office of the county surveyor or designated  
3465 office.

3466 (3) This type of map shall show:

3467 (a) the location of survey by quarter section and township and range;

3468 (b) the date of survey;

3469 (c) the scale of drawing and north point;

3470 (d) the distance and course of all lines traced or established, giving the basis of bearing  
3471 and the distance and course to two or more section corners or quarter corners, including  
3472 township and range, or to identified monuments within a recorded subdivision;

3473 (e) all measured bearings, angles, and distances separately indicated from those of

- 3474 record;
- 3475 (f) a written boundary description of property surveyed;
- 3476 (g) all monuments set and their relation to older monuments found;
- 3477 (h) a detailed description of monuments found and monuments set, indicated
- 3478 separately;
- 3479 (i) the surveyor's seal or stamp; and
- 3480 (j) the surveyor's business name and address.
- 3481 (4) (a) The map shall contain a written narrative that explains and identifies:
- 3482 (i) the purpose of the survey;
- 3483 (ii) the basis on which the lines were established; and
- 3484 (iii) the found monuments and deed elements that controlled the established or
- 3485 reestablished lines.
- 3486 (b) If the narrative is a separate document, it shall contain:
- 3487 (i) the location of the survey by quarter section and by township and range;
- 3488 (ii) the date of the survey;
- 3489 (iii) the surveyor's stamp or seal; and
- 3490 (iv) the surveyor's business name and address.
- 3491 (c) The map and narrative shall be referenced to each other if they are separate
- 3492 documents.
- 3493 (5) The map and narrative shall be created on material of a permanent nature on stable
- 3494 base reproducible material in the sizes required by the county surveyor.
- 3495 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
- 3496 a point on a property or land line shall be durably and visibly marked or tagged with the
- 3497 registered business name or the letters "L.S." followed by the registration number of the
- 3498 surveyor in charge.
- 3499 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall
- 3500 be marked with the official title of the office.
- 3501 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the

3502 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
3503 submit to the county surveyor or designated office a record of the changes made.

3504 (b) The record shall be submitted within 45 days of the corner visits and shall include  
3505 the surveyor's seal, business name, and address.

3506 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
3507 license of any land surveyor who fails to comply with the requirements of this section,  
3508 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and  
3509 Professional Licensing Act.

3510 (9) Each federal or state agency, board, or commission, local district, special service  
3511 district, or municipal corporation that makes a boundary survey of lands within this state shall  
3512 comply with this section.

3513 Section 92. Section 17-23-17.5 is amended to read:

3514 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**  
3515 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

3516 (1) As used in this section:

3517 (a) "Accessory to a corner" means any exclusively identifiable physical object whose  
3518 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing  
3519 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,  
3520 steel or wooden stakes, or other objects.

3521 (b) "Corner," unless otherwise qualified, means a property corner, a property  
3522 controlling corner, a public land survey corner, or any combination of these.

3523 (c) "Geographic coordinates" means mathematical values that designate a position on  
3524 the earth relative to a given reference system. Coordinates shall be established pursuant to  
3525 Title 57, Chapter 10, Utah Coordinate System.

3526 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this  
3527 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
3528 Surveyors Licensing Act.

3529 (e) "Monument" means an accessory that is presumed to occupy the exact position of a

3530 corner.

3531 (f) "Property controlling corner" means a public land survey corner or any property  
3532 corner which does not lie on a property line of the property in question, but which controls the  
3533 location of one or more of the property corners of the property in question.

3534 (g) "Property corner" means a geographic point of known geographic coordinates on  
3535 the surface of the earth, and is on, a part of, and controls a property line.

3536 (h) "Public land survey corner" means any corner actually established and monumented  
3537 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the  
3538 land to a private person from the United States government.

3539 (i) "Reference monument" means a special monument that does not occupy the same  
3540 geographical position as the corner itself, but whose spatial relationship to the corner is  
3541 recorded and which serves to witness the corner.

3542 (j) (i) "Township" means a term used in the context of identifying a geographic area in  
3543 common surveyor practice.

3544 (ii) "Township" does not mean a metro township as that term is defined in Section  
3545 [10-2a-403](#).

3546 (2) (a) Any land surveyor making a boundary survey of lands within this state and  
3547 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the  
3548 county where the corner is situated, a written record to be known as a corner file for every  
3549 public land survey corner and accessory to the corner which is used as control in any survey by  
3550 the surveyor, unless the corner and its accessories are already a matter of record in the county.

3551 (b) Where reasonably possible, the corner file shall include the geographic coordinates  
3552 of the corner.

3553 (c) A surveyor may file a corner record as to any property corner, reference monument,  
3554 or accessory to a corner.

3555 (d) Corner records may be filed concerning corners used before the effective date of  
3556 this section.

3557 (3) The county surveyor of the county containing the corners shall have on record as

3558 part of the official files maps of each township within the county, the bearings and lengths of  
3559 the connecting lines to government corners, and government corners looked for and not found.

3560 (4) The county surveyor shall make these records available for public inspection at the  
3561 county facilities during normal business hours.

3562 (5) Filing fees for corner records shall be established by the county legislative body  
3563 consistent with existing fees for similar services. All corners, monuments, and their  
3564 accessories used prior to the effective date of this section shall be accepted and filed with the  
3565 county surveyor without requiring the payment of the fees.

3566 (6) When a corner record of a public land survey corner is required to be filed under  
3567 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the  
3568 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

3569 (7) A corner record may not be filed unless it is signed by a land surveyor.

3570 (8) All filings relative to official cadastral surveys of the Bureau of Land Management  
3571 of the United States of America performed by authorized personnel shall be exempt from filing  
3572 fees.

3573 Section 93. Section 17-27a-103 is amended to read:

3574 **17-27a-103. Definitions.**

3575 As used in this chapter:

3576 (1) "Affected entity" means a county, municipality, local district, special service  
3577 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
3578 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
3579 property owner, property owners association, public utility, or the Utah Department of  
3580 Transportation, if:

3581 (a) the entity's services or facilities are likely to require expansion or significant  
3582 modification because of an intended use of land;

3583 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

3584 or

3585 (c) the entity has filed with the county a request for notice during the same calendar



3586 year and before the county provides notice to an affected entity in compliance with a  
3587 requirement imposed under this chapter.

3588 (2) "Appeal authority" means the person, board, commission, agency, or other body  
3589 designated by ordinance to decide an appeal of a decision of a land use application or a  
3590 variance.

3591 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
3592 residential property if the sign is designed or intended to direct attention to a business, product,  
3593 or service that is not sold, offered, or existing on the property where the sign is located.

3594 (4) (a) "Charter school" means:

3595 (i) an operating charter school;

3596 (ii) a charter school applicant that has its application approved by a charter school  
3597 authorizer in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

3598 (iii) an entity that is working on behalf of a charter school or approved charter  
3599 applicant to develop or construct a charter school building.

3600 (b) "Charter school" does not include a therapeutic school.

3601 (5) "Chief executive officer" means the person or body that exercises the executive  
3602 powers of the county.

3603 (6) "Conditional use" means a land use that, because of its unique characteristics or  
3604 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
3605 compatible in some areas or may be compatible only if certain conditions are required that  
3606 mitigate or eliminate the detrimental impacts.

3607 (7) "Constitutional taking" means a governmental action that results in a taking of  
3608 private property so that compensation to the owner of the property is required by the:

3609 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3610 (b) Utah Constitution Article I, Section 22.

3611 (8) "Culinary water authority" means the department, agency, or public entity with  
3612 responsibility to review and approve the feasibility of the culinary water system and sources for  
3613 the subject property.

3614 (9) "Development activity" means:

3615 (a) any construction or expansion of a building, structure, or use that creates additional  
3616 demand and need for public facilities;

3617 (b) any change in use of a building or structure that creates additional demand and need  
3618 for public facilities; or

3619 (c) any change in the use of land that creates additional demand and need for public  
3620 facilities.

3621 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
3622 one or more of a person's major life activities, including a person having a record of such an  
3623 impairment or being regarded as having such an impairment.

3624 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
3625 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
3626 802.

3627 (11) "Educational facility":

3628 (a) means:

3629 (i) a school district's building at which pupils assemble to receive instruction in a  
3630 program for any combination of grades from preschool through grade 12, including  
3631 kindergarten and a program for children with disabilities;

3632 (ii) a structure or facility:

3633 (A) located on the same property as a building described in Subsection (11)(a)(i); and

3634 (B) used in support of the use of that building; and

3635 (iii) a building to provide office and related space to a school district's administrative  
3636 personnel; and

3637 (b) does not include:

3638 (i) land or a structure, including land or a structure for inventory storage, equipment  
3639 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

3640 (A) not located on the same property as a building described in Subsection (11)(a)(i);

3641 and

3642 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or  
3643 (ii) a therapeutic school.

3644 (12) "Fire authority" means the department, agency, or public entity with responsibility  
3645 to review and approve the feasibility of fire protection and suppression services for the subject  
3646 property.

3647 (13) "Flood plain" means land that:

3648 (a) is within the 100-year flood plain designated by the Federal Emergency  
3649 Management Agency; or

3650 (b) has not been studied or designated by the Federal Emergency Management Agency  
3651 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
3652 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
3653 Federal Emergency Management Agency.

3654 (14) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

3655 (15) "General plan" means a document that a county adopts that sets forth general  
3656 guidelines for proposed future development of the unincorporated land within the county.

3657 (16) "Geologic hazard" means:

3658 (a) a surface fault rupture;

3659 (b) shallow groundwater;

3660 (c) liquefaction;

3661 (d) a landslide;

3662 (e) a debris flow;

3663 (f) unstable soil;

3664 (g) a rock fall; or

3665 (h) any other geologic condition that presents a risk:

3666 (i) to life;

3667 (ii) of substantial loss of real property; or

3668 (iii) of substantial damage to real property.

3669 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

3670 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
3671 system.

3672 (18) "Identical plans" means building plans submitted to a county that:

3673 (a) are clearly marked as "identical plans";

3674 (b) are substantially identical building plans that were previously submitted to and  
3675 reviewed and approved by the county; and

3676 (c) describe a building that:

3677 (i) is located on land zoned the same as the land on which the building described in the  
3678 previously approved plans is located;

3679 (ii) is subject to the same geological and meteorological conditions and the same law  
3680 as the building described in the previously approved plans;

3681 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
3682 and approved by the county; and

3683 (iv) does not require any additional engineering or analysis.

3684 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
3685 Impact Fees Act.

3686 (20) "Improvement completion assurance" means a surety bond, letter of credit, cash,  
3687 or other security required by a county to guaranty the proper completion of landscaping or  
3688 infrastructure that the land use authority has required as a condition precedent to:

3689 (a) recording a subdivision plat; or

3690 (b) beginning development activity.

3691 (21) "Improvement warranty" means an applicant's unconditional warranty that the  
3692 accepted landscaping or infrastructure:

3693 (a) complies with the county's written standards for design, materials, and  
3694 workmanship; and

3695 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
3696 within the improvement warranty period.

3697 (22) "Improvement warranty period" means a period:

- 3698 (a) no later than one year after a county's acceptance of required landscaping; or  
3699 (b) no later than one year after a county's acceptance of required infrastructure, unless  
3700 the county:
- 3701 (i) determines for good cause that a one-year period would be inadequate to protect the  
3702 public health, safety, and welfare; and
- 3703 (ii) has substantial evidence, on record:
- 3704 (A) of prior poor performance by the applicant; or  
3705 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
3706 and the county has not otherwise required the applicant to mitigate the suspect soil.
- 3707 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
3708 designation that:
- 3709 (a) runs with the land; and  
3710 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
3711 the plat; or  
3712 (ii) designates a development condition that is enclosed within the perimeter of a lot  
3713 described on the plat.
- 3714 (24) "Interstate pipeline company" means a person or entity engaged in natural gas  
3715 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
3716 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 3717 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas  
3718 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
3719 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 3720 (26) "Land use application" means an application required by a county's land use  
3721 ordinance.
- 3722 (27) "Land use authority" means:
- 3723 (a) a person, board, commission, agency, or body, including the local legislative body,  
3724 designated by the local legislative body to act upon a land use application; or  
3725 (b) if the local legislative body has not designated a person, board, commission,

3726 agency, or body, the local legislative body.

3727 (28) "Land use ordinance" means a planning, zoning, development, or subdivision  
3728 ordinance of the county, but does not include the general plan.

3729 (29) "Land use permit" means a permit issued by a land use authority.

3730 (30) "Legislative body" means the county legislative body, or for a county that has  
3731 adopted an alternative form of government, the body exercising legislative powers.

3732 (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
3733 Government Entities - Local Districts, and any other governmental or quasi-governmental  
3734 entity that is not a county, municipality, school district, or the state.

3735 (32) "Lot line adjustment" means the relocation of the property boundary line in a  
3736 subdivision between two adjoining lots with the consent of the owners of record.

3737 (33) "Moderate income housing" means housing occupied or reserved for occupancy  
3738 by households with a gross household income equal to or less than 80% of the median gross  
3739 income for households of the same size in the county in which the housing is located.

3740 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
3741 and expenses incurred in:

3742 (a) verifying that building plans are identical plans; and

3743 (b) reviewing and approving those minor aspects of identical plans that differ from the  
3744 previously reviewed and approved building plans.

3745 (35) "Noncomplying structure" means a structure that:

3746 (a) legally existed before its current land use designation; and

3747 (b) because of one or more subsequent land use ordinance changes, does not conform  
3748 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
3749 the use of land.

3750 (36) "Nonconforming use" means a use of land that:

3751 (a) legally existed before its current land use designation;

3752 (b) has been maintained continuously since the time the land use ordinance regulation  
3753 governing the land changed; and

3754 (c) because of one or more subsequent land use ordinance changes, does not conform  
3755 to the regulations that now govern the use of the land.

3756 (37) "Official map" means a map drawn by county authorities and recorded in the  
3757 county recorder's office that:

3758 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
3759 highways and other transportation facilities;

3760 (b) provides a basis for restricting development in designated rights-of-way or between  
3761 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
3762 the land; and

3763 (c) has been adopted as an element of the county's general plan.

3764 (38) "Parcel boundary adjustment" means a recorded agreement between owners of  
3765 adjoining properties adjusting their mutual boundary if:

3766 (a) no additional parcel is created; and

3767 (b) each property identified in the agreement is unsubdivided land, including a  
3768 remainder of subdivided land.

3769 (39) "Person" means an individual, corporation, partnership, organization, association,  
3770 trust, governmental agency, or any other legal entity.

3771 (40) "Plan for moderate income housing" means a written document adopted by a  
3772 county legislative body that includes:

3773 (a) an estimate of the existing supply of moderate income housing located within the  
3774 county;

3775 (b) an estimate of the need for moderate income housing in the county for the next five  
3776 years as revised biennially;

3777 (c) a survey of total residential land use;

3778 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
3779 income housing; and

3780 (e) a description of the county's program to encourage an adequate supply of moderate  
3781 income housing.

3782           (41) "Planning advisory area" means a contiguous, geographically defined portion of  
3783 the unincorporated area of a county established under this part with planning and zoning  
3784 functions as exercised through the planning advisory area planning commission, as provided in  
3785 this chapter, but with no legal or political identity separate from the county and no taxing  
3786 authority.

3787           ~~[(41)]~~ (42) "Plat" means a map or other graphical representation of lands being laid out  
3788 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

3789           ~~[(42)]~~ (43) "Potential geologic hazard area" means an area that:

3790           (a) is designated by a Utah Geological Survey map, county geologist map, or other  
3791 relevant map or report as needing further study to determine the area's potential for geologic  
3792 hazard; or

3793           (b) has not been studied by the Utah Geological Survey or a county geologist but  
3794 presents the potential of geologic hazard because the area has characteristics similar to those of  
3795 a designated geologic hazard area.

3796           ~~[(43)]~~ (44) "Public agency" means:

3797           (a) the federal government;

3798           (b) the state;

3799           (c) a county, municipality, school district, local district, special service district, or other  
3800 political subdivision of the state; or

3801           (d) a charter school.

3802           ~~[(44)]~~ (45) "Public hearing" means a hearing at which members of the public are  
3803 provided a reasonable opportunity to comment on the subject of the hearing.

3804           ~~[(45)]~~ (46) "Public meeting" means a meeting that is required to be open to the public  
3805 under Title 52, Chapter 4, Open and Public Meetings Act.

3806           ~~[(46)]~~ (47) "Receiving zone" means an unincorporated area of a county that the county  
3807 designates, by ordinance, as an area in which an owner of land may receive a transferable  
3808 development right.

3809           ~~[(47)]~~ (48) "Record of survey map" means a map of a survey of land prepared in



3810 accordance with Section [17-23-17](#).

3811 [~~48~~] [\(49\)](#) "Residential facility for persons with a disability" means a residence:

3812 (a) in which more than one person with a disability resides; and

3813 (b) (i) which is licensed or certified by the Department of Human Services under Title  
3814 62A, Chapter 2, Licensure of Programs and Facilities; or

3815 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
3816 21, Health Care Facility Licensing and Inspection Act.

3817 [~~49~~] [\(50\)](#) "Rules of order and procedure" means a set of rules that govern and  
3818 prescribe in a public meeting:

3819 (a) parliamentary order and procedure;

3820 (b) ethical behavior; and

3821 (c) civil discourse.

3822 [~~50~~] [\(51\)](#) "Sanitary sewer authority" means the department, agency, or public entity  
3823 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
3824 wastewater systems.

3825 [~~51~~] [\(52\)](#) "Sending zone" means an unincorporated area of a county that the county  
3826 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
3827 development right.

3828 [~~52~~] [\(53\)](#) "Site plan" means a document or map that may be required by a county  
3829 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
3830 owner's or developer's proposed development activity meets a land use requirement.

3831 [~~53~~] [\(54\)](#) "Specified public agency" means:

3832 (a) the state;

3833 (b) a school district; or

3834 (c) a charter school.

3835 [~~54~~] [\(55\)](#) "Specified public utility" means an electrical corporation, gas corporation,  
3836 or telephone corporation, as those terms are defined in Section [54-2-1](#).

3837 [~~55~~] [\(56\)](#) "State" includes any department, division, or agency of the state.

3838            [~~(56)~~] (57) "Street" means a public right-of-way, including a highway, avenue,  
3839 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
3840 or other way.

3841            [~~(57)~~] (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
3842 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
3843 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
3844 installment plan or upon any and all other plans, terms, and conditions.

3845            (b) "Subdivision" includes:

3846            (i) the division or development of land whether by deed, metes and bounds description,  
3847 devise and testacy, map, plat, or other recorded instrument; and

3848            (ii) except as provided in Subsection [~~(57)~~] (58)(c), divisions of land for residential and  
3849 nonresidential uses, including land used or to be used for commercial, agricultural, and  
3850 industrial purposes.

3851            (c) "Subdivision" does not include:

3852            (i) a bona fide division or partition of agricultural land for agricultural purposes;

3853            (ii) a recorded agreement between owners of adjoining properties adjusting their  
3854 mutual boundary if:

3855            (A) no new lot is created; and

3856            (B) the adjustment does not violate applicable land use ordinances;

3857            (iii) a recorded document, executed by the owner of record:

3858            (A) revising the legal description of more than one contiguous unsubdivided parcel of  
3859 property into one legal description encompassing all such parcels of property; or

3860            (B) joining a subdivided parcel of property to another parcel of property that has not  
3861 been subdivided, if the joinder does not violate applicable land use ordinances;

3862            (iv) a bona fide division or partition of land in a county other than a first class county  
3863 for the purpose of siting, on one or more of the resulting separate parcels:

3864            (A) an electrical transmission line or a substation;

3865            (B) a natural gas pipeline or a regulation station; or

3866 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
3867 utility service regeneration, transformation, retransmission, or amplification facility;

3868 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
3869 their mutual boundary if:

3870 (A) no new dwelling lot or housing unit will result from the adjustment; and

3871 (B) the adjustment will not violate any applicable land use ordinance;

3872 (vi) a bona fide division or partition of land by deed or other instrument where the land  
3873 use authority expressly approves in writing the division in anticipation of further land use  
3874 approvals on the parcel or parcels; or

3875 (vii) a parcel boundary adjustment.

3876 (d) The joining of a subdivided parcel of property to another parcel of property that has  
3877 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (58) as to  
3878 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
3879 subdivision ordinance.

3880 [~~(58)~~] (59) "Suspect soil" means soil that has:

3881 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
3882 3% swell potential;

3883 (b) bedrock units with high shrink or swell susceptibility; or

3884 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
3885 commonly associated with dissolution and collapse features.

3886 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:

3887 (a) for four or more individuals who are not related to:

3888 (i) the owner of the facility; or

3889 (ii) the primary service provider of the facility;

3890 (b) that serves students who have a history of failing to function:

3891 (i) at home;

3892 (ii) in a public school; or

3893 (iii) in a nonresidential private school; and

3894 (c) that offers:

3895 (i) room and board; and

3896 (ii) an academic education integrated with:

3897 (A) specialized structure and supervision; or

3898 (B) services or treatment related to a disability, an emotional development, a  
3899 behavioral development, a familial development, or a social development.

3900 [~~(60) "Township" means a contiguous, geographically defined portion of the~~  
3901 ~~unincorporated area of a county, established under this part or reconstituted or reinstated under~~  
3902 ~~Section 17-27a-306, with planning and zoning functions as exercised through the township~~  
3903 ~~planning commission, as provided in this chapter, but with no legal or political identity~~  
3904 ~~separate from the county and no taxing authority, except that "township" means a former~~  
3905 ~~township under Laws of Utah 1996, Chapter 308, where the context so indicates.]~~

3906 (61) "Transferable development right" means a right to develop and use land that  
3907 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
3908 land use rights from a designated sending zone to a designated receiving zone.

3909 (62) "Unincorporated" means the area outside of the incorporated area of a  
3910 municipality.

3911 (63) "Water interest" means any right to the beneficial use of water, including:

3912 (a) each of the rights listed in Section 73-1-11; and

3913 (b) an ownership interest in the right to the beneficial use of water represented by:

3914 (i) a contract; or

3915 (ii) a share in a water company, as defined in Section 73-3-3.5.

3916 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
3917 land use zones, overlays, or districts.

3918 Section 94. Section 17-27a-301 is amended to read:

3919 **17-27a-301. Ordinance establishing planning commission required -- Exception --**  
3920 **Ordinance requirements -- Planning advisory area planning commission --**  
3921 **Compensation.**

3922 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
3923 establishing a countywide planning commission for the unincorporated areas of the county not  
3924 within a [township] planning advisory area.

3925 (b) Subsection (1)(a) does not apply if all of the county is included within any  
3926 combination of:

3927 (i) municipalities; and

3928 (ii) [townships] planning advisory areas with their own planning commissions.

3929 (2) (a) The ordinance shall define:

3930 (i) the number and terms of the members and, if the county chooses, alternate  
3931 members;

3932 (ii) the mode of appointment;

3933 (iii) the procedures for filling vacancies and removal from office;

3934 (iv) the authority of the planning commission;

3935 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the  
3936 planning commission in a public meeting; and

3937 (vi) other details relating to the organization and procedures of the planning  
3938 commission.

3939 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with  
3940 Title 52, Chapter 4, Open and Public Meetings Act.

3941 (3) (a) (i) If the county establishes a [township] planning advisory area planning  
3942 commission, the county legislative body shall enact an ordinance that defines:

3943 (A) appointment procedures;

3944 (B) procedures for filling vacancies and removing members from office;

3945 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the  
3946 [township] planning advisory area planning commission in a public meeting; and

3947 (D) details relating to the organization and procedures of each [township] planning  
3948 advisory area planning commission.

3949 (ii) Subsection (3)(a)(i)(C) does not affect the [township] planning advisory area

3950 planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings  
3951 Act.

3952 (b) The planning commission for each [~~township~~] planning advisory area shall consist  
3953 of seven members who [~~except as provided in Subsection (4),~~] shall be appointed by:

3954 (i) in a county operating under a form of government in which the executive and  
3955 legislative functions of the governing body are separated, the county executive with the advice  
3956 and consent of the county legislative body; or

3957 (ii) in a county operating under a form of government in which the executive and  
3958 legislative functions of the governing body are not separated, the county legislative body.

3959 (c) (i) Members shall serve four-year terms and until their successors are appointed [~~or,~~  
3960 ~~as provided in Subsection (4), elected~~] and qualified.

3961 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) [~~and except as provided in~~  
3962 ~~Subsection (4)~~], members of the first planning commissions shall be appointed so that, for each  
3963 commission, the terms of at least one member and no more than two members expire each  
3964 year.

3965 (d) (i) [~~Except as provided in Subsection (3)(d)(ii), each~~] Each member of a [~~township~~]  
3966 planning advisory area planning commission shall be a registered voter residing within the  
3967 [~~township~~] planning advisory area.

3968 [~~(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission~~  
3969 ~~of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
3970 ~~under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter~~  
3971 ~~residing outside the township if that member:]~~

3972 [~~(I) is an owner of real property located within the township; and]~~

3973 [~~(H) resides within the county in which the township is located.]~~

3974 [~~(B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township~~  
3975 ~~planning commission from a list of three persons submitted by the county legislative body.]~~

3976 [~~(H) If the township planning commission has not notified the county legislative body~~  
3977 ~~of its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning~~

3978 commission's receipt of the list, the county legislative body may appoint one of the three  
3979 persons on the list or a registered voter residing within the township as a member of the  
3980 township planning commission.]

3981       ~~[(4) (a) The legislative body of each county in which a township reconstituted under~~  
3982 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~  
3983 ~~17-27a-306(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that~~  
3984 ~~provides for the election of at least three members of the planning commission of that~~  
3985 ~~township.]~~

3986       ~~[(b) (i) Beginning with the 2012 general election, the election of planning commission~~  
3987 ~~members under Subsection (4)(a) shall coincide with the election of other county officers~~  
3988 ~~during even-numbered years.]~~

3989       ~~[(ii) Approximately half the elected planning commission members shall be elected~~  
3990 ~~every four years during elections held on even-numbered years, and the remaining elected~~  
3991 ~~members shall be elected every four years on alternating even-numbered years.]~~

3992       ~~[(c) If no person files a declaration of candidacy in accordance with Section 20A-9-202~~  
3993 ~~for an open township planning commission member position:]~~

3994       ~~[(i) the position may be appointed in accordance with Subsection (3)(b); and]~~

3995       ~~[(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time~~  
3996 ~~that exceeds the elected term for which there was no candidate.]~~

3997       ~~[(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,~~  
3998 ~~2012, enact an ordinance that:]~~

3999       ~~[(i) designates the seats to be elected; and]~~

4000       ~~[(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board~~  
4001 ~~of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the~~  
4002 ~~planning commission of the reconstituted or reinstated township.]~~

4003       ~~[(b) A member appointed under Subsection (5)(a) is considered an elected member.]~~

4004       ~~[(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed~~  
4005 ~~under Subsection (5)(a) shall continue until the time that the member's term as an elected~~

4006 ~~member of the former township planning and zoning board would have expired.]~~

4007 ~~[(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the~~  
4008 ~~terms of the members appointed under Subsection (5)(a) so that the terms of those members~~  
4009 ~~coincide with the schedule under Subsection (4)(b) for elected members.]~~

4010 ~~[(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a~~  
4011 ~~township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established~~  
4012 ~~under Subsection 17-27a-306(1)(k)(i) is located may enact an ordinance allowing each~~  
4013 ~~appointed member of the planning and zoning board of the former township, established under~~  
4014 ~~Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning~~  
4015 ~~commission of the reconstituted or reinstated township until the time that the member's term as~~  
4016 ~~a member of the former township's planning and zoning board would have expired.]~~

4017 ~~[(iii) If a planning commission of a township reconstituted under Laws of Utah 1997,~~  
4018 ~~Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) has more than~~  
4019 ~~one appointed member who resides outside the township, the legislative body of the county in~~  
4020 ~~which that township is located shall, within 15 days of the effective date of this Subsection~~  
4021 ~~(6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a~~  
4022 ~~new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed~~  
4023 ~~member.]~~

4024 ~~[(7) (a) Except as provided in Subsection (7)(b), upon]~~

4025 ~~(ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if~~  
4026 ~~that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory~~  
4027 ~~area.~~

4028 ~~(4) (a) A member of a planning commission who was elected to and served on a~~  
4029 ~~planning commission on May 12, 2015, shall serve out the term to which the member was~~  
4030 ~~elected.~~

4031 ~~(b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant~~  
4032 ~~seat shall be filled by appointment in accordance with this section.~~

4033 ~~(5) Upon the appointment [or election] of all members of a [township] planning~~



4034 advisory area planning commission, each [~~township~~] planning advisory area planning  
 4035 commission under this section shall begin to exercise the powers and perform the duties  
 4036 provided in Section 17-27a-302 with respect to all matters then pending that previously had  
 4037 been under the jurisdiction of the countywide planning commission or [~~township~~] planning  
 4038 advisory area planning and zoning board.

4039 ~~[(b) Notwithstanding Subsection (7)(a), if the members of a former township planning~~  
 4040 ~~and zoning board continue to hold office as members of the planning commission of the~~  
 4041 ~~township planning district under an ordinance enacted under Subsection (5)(a), the township~~  
 4042 ~~planning commission shall immediately begin to exercise the powers and perform the duties~~  
 4043 ~~provided in Section 17-27a-302 with respect to all matters then pending that had previously~~  
 4044 ~~been under the jurisdiction of the township planning and zoning board.]~~

4045 ~~[(8)]~~ (6) The legislative body may fix per diem compensation for the members of the  
 4046 planning commission, based on necessary and reasonable expenses and on meetings actually  
 4047 attended.

4048 Section 95. Section 17-27a-302 is amended to read:

4049 **17-27a-302. Planning commission powers and duties.**

4050 ~~[(1)]~~ Each countywide or [~~township~~] planning advisory area planning commission  
 4051 shall, with respect to the unincorporated area of the county[;] or the [~~township~~] planning  
 4052 advisory area, make a recommendation to the county legislative body for:

4053 ~~[(a)]~~ (1) a general plan and amendments to the general plan;

4054 ~~[(b)]~~ (2) land use ordinances, zoning maps, official maps, and amendments;

4055 ~~[(c)]~~ (3) an appropriate delegation of power to at least one designated land use  
 4056 authority to hear and act on a land use application;

4057 ~~[(d)]~~ (4) an appropriate delegation of power to at least one appeal authority to hear and  
 4058 act on an appeal from a decision of the land use authority; and

4059 ~~[(e)]~~ (5) application processes that:

4060 ~~[(i)]~~ (a) may include a designation of routine land use matters that, upon application  
 4061 and proper notice, will receive informal streamlined review and action if the application is

4062 uncontested; and

4063           [(~~ii~~)] (b) shall protect the right of each:

4064           [(~~A~~)] (i) applicant and third party to require formal consideration of any application by  
4065 a land use authority;

4066           [(~~B~~)] (ii) applicant, adversely affected party, or county officer or employee to appeal a  
4067 land use authority's decision to a separate appeal authority; and

4068           [(~~C~~)] (iii) participant to be heard in each public hearing on a contested application.

4069           [(2)] ~~The planning commission of a township under this part may recommend to the~~  
4070 ~~legislative body of the county in which the township is located that the legislative body file a~~  
4071 ~~protest to a proposed annexation of an area located within the township, as provided in~~  
4072 ~~Subsection 10-2-407(1)(b).]~~

4073           Section 96. Section 17-27a-306 is amended to read:

4074           **17-27a-306. Planning advisory areas.**

4075           (1) (a) A [~~township~~] planning advisory area may be established as provided in this  
4076 Subsection (1).

4077           (b) A [~~township~~] planning advisory area may not be established unless the area to be  
4078 included within the proposed [~~township~~] planning advisory area:

4079           (i) is unincorporated;

4080           (ii) is contiguous; and

4081           (iii) (A) contains:

4082           (I) at least 20% but not more than 80% of:

4083           (Aa) the total private land area in the unincorporated county; or

4084           (Bb) the total value of locally assessed taxable property in the unincorporated county;

4085 or

4086           (II) (Aa) in a county of the [~~first,~~] second[~~,~~] or third class, at least 5% of the total  
4087 population of the unincorporated county, but not less than 300 residents; or

4088           (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
4089 of the unincorporated county; or

4090 (B) has been declared by the United States Census Bureau as a census designated  
4091 place.

4092 (c) (i) The process to establish a [township] planning advisory area is initiated by the  
4093 filing of a petition with the clerk of the county in which the proposed [township] planning  
4094 advisory area is located.

4095 (ii) A petition to establish a [township] planning advisory area may not be filed if it  
4096 proposes the establishment of a [township] planning advisory area that includes an area within  
4097 a proposed [township] planning advisory area in a petition that has previously been certified  
4098 under Subsection (1)(g), until after the canvass of an election on the proposed [township]  
4099 planning advisory area under Subsection (1)(j).

4100 (d) A petition under Subsection (1)(c) to establish a [township] planning advisory area  
4101 shall:

4102 (i) be signed by the owners of private real property that:

4103 (A) is located within the proposed [township] planning advisory area;

4104 (B) covers at least 10% of the total private land area within the proposed [township]  
4105 planning advisory area; and

4106 (C) is equal in value to at least 10% of the value of all private real property within the  
4107 proposed [township] planning advisory area;

4108 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
4109 area proposed to be established as a [township] planning advisory area;

4110 (iii) indicate the typed or printed name and current residence address of each owner  
4111 signing the petition;

4112 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4113 be designated as the contact sponsor, with the mailing address and telephone number of each  
4114 petition sponsor;

4115 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4116 petition for purposes of the petition; and

4117 (vi) request the county legislative body to provide notice of the petition and of a public

4118 hearing, hold a public hearing, and conduct an election on the proposal to establish a  
4119 [township] planning advisory area.

4120 (e) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to establish a [township]  
4121 planning advisory area to the same extent as if it were an incorporation petition under Title 10,  
4122 Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4123 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing  
4124 the establishment of a [township] planning advisory area in a county of the [~~first or~~] second  
4125 class, the county clerk shall provide notice of the filing of the petition to:

4126 (A) each owner of real property owning more than 1% of the assessed value of all real  
4127 property within the proposed [township] planning advisory area; and

4128 (B) each owner of real property owning more than 850 acres of real property within the  
4129 proposed [township] planning advisory area.

4130 (ii) A property owner may exclude all or part of the property owner's property from a  
4131 proposed [township] planning advisory area in a county of the [~~first or~~] second class:

4132 (A) if:

4133 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
4134 property within the proposed [township] planning advisory area;

4135 (Iiii) the property is nonurban; and

4136 (IIIiii) the property does not or will not require municipal provision of municipal-type  
4137 services; or

4138 (Bb) the property owner owns more than 850 acres of real property within the proposed  
4139 [township] planning advisory area; and

4140 (II) exclusion of the property will not leave within the [township] planning advisory  
4141 area an island of property that is not part of the [township] planning advisory area; and

4142 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
4143 under Subsection (1)(f)(i).

4144 (iii) (A) The county legislative body shall exclude from the proposed [township]  
4145 planning advisory area the property identified in a notice of exclusion timely filed under

4146 Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection  
4147 (1)(f)(ii)(A).

4148 (B) If the county legislative body excludes property from a proposed [township]  
4149 planning advisory area under Subsection (1)(f)(iii), the county legislative body shall, within  
4150 five days after the exclusion, send written notice of its action to the contact sponsor.

4151 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
4152 clerk shall:

4153 (A) with the assistance of other county officers from whom the clerk requests  
4154 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
4155 and

4156 (B) (I) if the clerk determines that the petition complies with the requirements of  
4157 Subsection (1)(d):

4158 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4159 and

4160 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4161 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4162 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
4163 rejection and the reasons for the rejection.

4164 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
4165 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4166 county clerk.

4167 (h) (i) Within 90 days after a petition to establish a [township] planning advisory area  
4168 is certified, the county legislative body shall hold a public hearing on the proposal to establish a  
4169 [township] planning advisory area.

4170 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4171 (A) within the boundary of the proposed [township] planning advisory area; or

4172 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4173 practicable.

4174 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
4175 county legislative body shall publish notice of the petition and the time, date, and place of the  
4176 public hearing:

4177 (A) at least once in a newspaper of general circulation in the county; and

4178 (B) on the Utah Public Notice Website created in Section [63F-1-701](#).

4179 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
4180 shall arrange for the proposal to establish a [township] planning advisory area to be submitted  
4181 to voters residing within the proposed [township] planning advisory area at the next regular  
4182 general election that is more than 90 days after the public hearing.

4183 (j) A [township] planning advisory area is established at the time of the canvass of the  
4184 results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters  
4185 voting on the proposal to establish a [township] planning advisory area voted in favor of the  
4186 proposal.

4187 ~~[(k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is~~  
4188 ~~reinstated as a township under this part with the same boundaries and name as before the~~  
4189 ~~dissolution, if the former township consisted of a single, contiguous land area.]~~

4190 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an~~  
4191 ~~ordinance establishing as a township under this part a former township that was dissolved~~  
4192 ~~under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be~~  
4193 ~~reinstated under Subsection (1)(k)(i).]~~

4194 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection~~  
4195 ~~(1)(k)(ii) is subject to the provisions of this part.]~~

4196 ~~[(l) A township established under this section on or after May 5, 1997, may use the~~  
4197 ~~word "township" in its name.]~~

4198 (k) An area that is an established township before May 12, 2015:

4199 (i) is, as of May 12, 2015, a planning advisory area; and

4200 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4201 and

4202            (B) may use the word "planning advisory area" in its name.

4203            (2) The county legislative body may:

4204            (a) assign to the countywide planning commission the duties established in this part  
4205 that would have been assumed by a [township] planning advisory area planning commission  
4206 designated under Subsection (2)(b); or

4207            (b) designate and appoint a planning commission for the [township] planning advisory  
4208 area.

4209            (3) (a) An area within the boundary of a [township] planning advisory area may be  
4210 withdrawn from the [township] planning advisory area as provided in this Subsection (3) or in  
4211 accordance with Subsection (5)(a).

4212            (b) The process to withdraw an area from a [township] planning advisory area is  
4213 initiated by the filing of a petition with the clerk of the county in which the [township] planning  
4214 advisory area is located.

4215            (c) A petition under Subsection (3)(b) shall:

4216            (i) be signed by the owners of private real property that:

4217            (A) is located within the area proposed to be withdrawn from the [township] planning  
4218 advisory area;

4219            (B) covers at least 50% of the total private land area within the area proposed to be  
4220 withdrawn from the [township] planning advisory area; and

4221            (C) is equal in value to at least 33% of the value of all private real property within the  
4222 area proposed to be withdrawn from the [township] planning advisory area;

4223            (ii) state the reason or reasons for the proposed withdrawal;

4224            (iii) be accompanied by an accurate plat or map showing the boundary of the  
4225 contiguous area proposed to be withdrawn from the [township] planning advisory area;

4226            (iv) indicate the typed or printed name and current residence address of each owner  
4227 signing the petition;

4228            (v) designate up to five signers of the petition as petition sponsors, one of whom shall  
4229 be designated as the contact sponsor, with the mailing address and telephone number of each

4230 petition sponsor;

4231 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
4232 petition for purposes of the petition; and

4233 (vii) request the county legislative body to withdraw the area from the [township]  
4234 planning advisory area.

4235 (d) Subsection [~~10-2-101~~] 10-2a-102(3) applies to a petition to withdraw an area from  
4236 a [township] planning advisory area to the same extent as if it were an incorporation petition  
4237 under Title 10, Chapter [~~2, Part 1,~~] 2a, Municipal Incorporation.

4238 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county  
4239 clerk shall:

4240 (A) with the assistance of other county officers from whom the clerk requests  
4241 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);  
4242 and

4243 (B) (I) if the clerk determines that the petition complies with the requirements of  
4244 Subsection (3)(c):

4245 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4246 and

4247 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4248 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4249 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4250 and the reasons for the rejection.

4251 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
4252 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4253 county clerk.

4254 (f) (i) Within 60 days after a petition to withdraw an area from a [township] planning  
4255 advisory area is certified, the county legislative body shall hold a public hearing on the  
4256 proposal to withdraw the area from the [township] planning advisory area.

4257 (ii) A public hearing under Subsection (3)(f)(i) shall be held:



4258 (A) within the area proposed to be withdrawn from the [township] planning advisory  
4259 area; or

4260 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4261 practicable.

4262 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
4263 body shall:

4264 (A) publish notice of the petition and the time, date, and place of the public hearing:

4265 (I) at least once a week for three consecutive weeks in a newspaper of general  
4266 circulation in the [township] planning advisory area; and

4267 (II) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4268 consecutive weeks; and

4269 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
4270 each owner of private real property within the area proposed to be withdrawn.

4271 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
4272 legislative body shall make a written decision on the proposal to withdraw the area from the  
4273 [township] planning advisory area.

4274 (ii) In making its decision as to whether to withdraw the area from the [township]  
4275 planning advisory area, the county legislative body shall consider:

4276 (A) whether the withdrawal would leave the remaining [township] planning advisory  
4277 area in a situation where the future incorporation of an area within the [township] planning  
4278 advisory area or the annexation of an area within the [township] planning advisory area to an  
4279 adjoining municipality would be economically or practically not feasible;

4280 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
4281 area:

4282 (I) whether the proposed subsequent incorporation or withdrawal:

4283 (Aa) will leave or create an unincorporated island or peninsula; or

4284 (Bb) will leave the county with an area within its unincorporated area for which the  
4285 cost, requirements, or other burdens of providing municipal services would materially increase

4286 over previous years; and

4287 (II) whether the municipality to be created or the municipality into which the  
4288 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of  
4289 providing service to the withdrawn area that the county will no longer provide due to the  
4290 incorporation or annexation;

4291 (C) the effects of a withdrawal on adjoining property owners, existing or projected  
4292 county streets or other public improvements, law enforcement, and zoning and other municipal  
4293 services provided by the county; and

4294 (D) whether justice and equity favor the withdrawal.

4295 (h) Upon the written decision of the county legislative body approving the withdrawal  
4296 of an area from a [township] planning advisory area, the area is withdrawn from the [township]  
4297 planning advisory area and the [township] planning advisory area continues as a [township]  
4298 planning advisory area with a boundary that excludes the withdrawn area.

4299 (4) (a) A [township] planning advisory area may be dissolved as provided in this  
4300 Subsection (4).

4301 (b) The process to dissolve a [township] planning advisory area is initiated by the filing  
4302 of a petition with the clerk of the county in which the [township] planning advisory area is  
4303 located.

4304 (c) A petition under Subsection (4)(b) shall:

4305 (i) be signed by registered voters within the [township] planning advisory area equal in  
4306 number to at least 25% of all votes cast by voters within the [township] planning advisory area  
4307 at the last congressional election;

4308 (ii) state the reason or reasons for the proposed dissolution;

4309 (iii) indicate the typed or printed name and current residence address of each person  
4310 signing the petition;

4311 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
4312 be designated as the contact sponsor, with the mailing address and telephone number of each  
4313 petition sponsor;

4314 (v) authorize the petition sponsors to act on behalf of all persons signing the petition  
4315 for purposes of the petition; and

4316 (vi) request the county legislative body to provide notice of the petition and of a public  
4317 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the  
4318 [~~township~~] planning advisory area.

4319 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county  
4320 clerk shall:

4321 (A) with the assistance of other county officers from whom the clerk requests  
4322 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
4323 and

4324 (B) (I) if the clerk determines that the petition complies with the requirements of  
4325 Subsection (4)(c):

4326 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
4327 and

4328 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4329 (II) if the clerk determines that the petition fails to comply with any of the requirements  
4330 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection  
4331 and the reasons for the rejection.

4332 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
4333 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
4334 county clerk.

4335 (e) (i) Within 60 days after a petition to dissolve the [~~township~~] planning advisory area  
4336 is certified, the county legislative body shall hold a public hearing on the proposal to dissolve  
4337 the [~~township~~] planning advisory area.

4338 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4339 (A) within the boundary of the [~~township~~] planning advisory area; or

4340 (B) if holding a public hearing in that area is not practicable, as close to that area as  
4341 practicable.

4342 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
4343 body shall publish notice of the petition and the time, date, and place of the public hearing:

4344 (A) at least once a week for three consecutive weeks in a newspaper of general  
4345 circulation in the [township] planning advisory area; and

4346 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three  
4347 consecutive weeks immediately before the public hearing.

4348 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
4349 shall arrange for the proposal to dissolve the [township] planning advisory area to be submitted  
4350 to voters residing within the [township] planning advisory area at the next regular general  
4351 election that is more than 90 days after the public hearing.

4352 (g) A [township] planning advisory area is dissolved at the time of the canvass of the  
4353 results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters  
4354 voting on the proposal to dissolve the [township] planning advisory area voted in favor of the  
4355 proposal.

4356 (5) (a) If a portion of an area located within a planning advisory area is annexed by a  
4357 municipality or incorporates, that portion is withdrawn from the planning advisory area.

4358 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,  
4359 the planning advisory area is dissolved.

4360 Section 97. Section **17-27a-505** is amended to read:

4361 **17-27a-505. Zoning districts.**

4362 (1) (a) The legislative body may divide the territory over which it has jurisdiction into  
4363 zoning districts of a number, shape, and area that it considers appropriate to carry out the  
4364 purposes of this chapter.

4365 (b) Within those zoning districts, the legislative body may regulate and restrict the  
4366 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and  
4367 the use of land.

4368 (c) A county may enact an ordinance regulating land use and development in a flood  
4369 plain or potential geologic hazard area to:

4370 (i) protect life; and  
4371 (ii) prevent:  
4372 (A) the substantial loss of real property; or  
4373 (B) substantial damage to real property.  
4374 (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use  
4375 ordinance requiring a property owner to revegetate or landscape a single family dwelling  
4376 disturbance area unless the property is located in a flood zone or geologic hazard except as  
4377 required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water  
4378 pollution.

4379 (2) The legislative body shall ensure that the regulations are uniform for each class or  
4380 kind of buildings throughout each zone, but the regulations in one zone may differ from those  
4381 in other zones.

4382 (3) (a) There is no minimum area or diversity of ownership requirement for a zone  
4383 designation.

4384 (b) Neither the size of a zoning district nor the number of landowners within the  
4385 district may be used as evidence of the illegality of a zoning district or of the invalidity of a  
4386 county decision.

4387 Section 98. Section **17-34-3** is amended to read:

4388 **17-34-3. Taxes or service charges.**

4389 (1) (a) If a county furnishes the municipal-type services and functions described in  
4390 Section **17-34-1** to areas of the county outside the limits of incorporated cities or towns, the  
4391 entire cost of the services or functions so furnished shall be defrayed from funds that the county  
4392 has derived from:

4393 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated  
4394 towns or cities;

4395 (ii) service charges or fees the county may impose upon the persons benefited in any  
4396 way by the services or functions; or

4397 (iii) a combination of these sources.

4398 (b) As the taxes or service charges or fees are levied and collected, they shall be placed  
4399 in a special revenue fund of the county and shall be disbursed only for the rendering of the  
4400 services or functions established in Section 17-34-1 within the unincorporated areas of the  
4401 county or as provided in Subsection [~~10-2-121~~] 10-2a-219(2).

4402 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this  
4403 section, the county legislative body may establish a district or districts in the unincorporated  
4404 areas of the county.

4405 (b) A district established by a county as provided in Subsection (2)(a) may be  
4406 reorganized as a local district in accordance with the procedures set forth in Sections  
4407 17D-1-601, 17D-1-603, and 17D-1-604.

4408 (3) Nothing contained in this chapter may be construed to authorize counties to impose  
4409 or levy taxes not otherwise allowed by law.

4410 (4) Notwithstanding any other provision of this chapter, a county providing fire,  
4411 paramedic, and police protection services in a designated recreational area, as provided in  
4412 Subsection 17-34-1(5), may fund those services from the county general fund with revenues  
4413 derived from both inside and outside the limits of cities and towns, and the funding of those  
4414 services is not limited to unincorporated area revenues.

4415 Section 99. Section **17-41-101** is amended to read:

4416 **17-41-101. Definitions.**

4417 As used in this chapter:

4418 (1) "Advisory board" means:

4419 (a) for an agriculture protection area, the agriculture protection area advisory board  
4420 created as provided in Section 17-41-201; and

4421 (b) for an industrial protection area, the industrial protection area advisory board  
4422 created as provided in Section 17-41-201.

4423 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
4424 livestock, and livestock products.

4425 (b) "Agriculture production" includes the processing or retail marketing of any crops,

4426 livestock, and livestock products when more than 50% of the processed or merchandised  
4427 products are produced by the farm operator.

4428 (3) "Agriculture protection area" means a geographic area created under the authority  
4429 of this chapter that is granted the specific legal protections contained in this chapter.

4430 (4) "Applicable legislative body" means:

4431 (a) with respect to a proposed agriculture protection area or industrial protection area:

4432 (i) the legislative body of the county in which the land proposed to be included in an  
4433 agriculture protection area or industrial protection area is located, if the land is within the  
4434 unincorporated part of the county; or

4435 (ii) the legislative body of the city or town in which the land proposed to be included in  
4436 an agriculture protection area or industrial protection area is located; and

4437 (b) with respect to an existing agriculture protection area or industrial protection area:

4438 (i) the legislative body of the county in which the agriculture protection area or  
4439 industrial protection area is located, if the agriculture protection area or industrial protection  
4440 area is within the unincorporated part of the county; or

4441 (ii) the legislative body of the city or town in which the agriculture protection area or  
4442 industrial protection area is located.

4443 (5) "Board" means the Board of Oil, Gas, and Mining created in Section [40-6-4](#).

4444 (6) "Crops, livestock, and livestock products" includes:

4445 (a) land devoted to the raising of useful plants and animals with a reasonable  
4446 expectation of profit, including:

4447 (i) forages and sod crops;

4448 (ii) grains and feed crops;

4449 (iii) livestock as defined in Section [59-2-102](#);

4450 (iv) trees and fruits; or

4451 (v) vegetables, nursery, floral, and ornamental stock; or

4452 (b) land devoted to and meeting the requirements and qualifications for payments or

4453 other compensation under a crop-land retirement program with an agency of the state or federal

4454 government.

4455 (7) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.

4456 (8) "Industrial protection area" means a geographic area created under the authority of  
4457 this chapter that is granted the specific legal protections contained in this chapter.

4458 (9) "Mine operator" means a natural person, corporation, association, partnership,  
4459 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or  
4460 representative, either public or private, including a successor, assign, affiliate, subsidiary, and  
4461 related parent company, that, as of January 1, 2009:

4462 (a) owns, controls, or manages a mining use under a large mine permit issued by the  
4463 division or the board; and

4464 (b) has produced commercial quantities of a mineral deposit from the mining use.

4465 (10) "Mineral deposit" has the same meaning as defined in Section 40-8-4, but  
4466 excludes:

4467 (a) building stone, decorative rock, and landscaping rock; and

4468 (b) consolidated rock that:

4469 (i) is not associated with another deposit of minerals;

4470 (ii) is or may be extracted from land; and

4471 (iii) is put to uses similar to the uses of sand, gravel, and other aggregates.

4472 (11) "Mining protection area" means land where a vested mining use occurs, including  
4473 each surface or subsurface land or mineral estate that a mine operator with a vested mining use  
4474 owns or controls.

4475 (12) "Mining use":

4476 (a) means:

4477 (i) the full range of activities, from prospecting and exploration to reclamation and  
4478 closure, associated with the exploitation of a mineral deposit; and

4479 (ii) the use of the surface and subsurface and groundwater and surface water of an area  
4480 in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or  
4481 will be conducted; and



- 4482 (b) includes, whether conducted on-site or off-site:
- 4483 (i) any sampling, staking, surveying, exploration, or development activity;
- 4484 (ii) any drilling, blasting, excavating, or tunneling;
- 4485 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,
- 4486 development rock, tailings, and other waste material;
- 4487 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;
- 4488 (v) any smelting, refining, autoclaving, or other primary or secondary processing
- 4489 operation;
- 4490 (vi) the recovery of any mineral left in residue from a previous extraction or processing
- 4491 operation;
- 4492 (vii) a mining activity that is identified in a work plan or permitting document;
- 4493 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,
- 4494 structure, facility, equipment, machine, tool, or other material or property that results from or is
- 4495 used in a surface or subsurface mining operation or activity;
- 4496 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,
- 4497 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,
- 4498 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use
- 4499 area, buffer zone, and power production facility;
- 4500 (x) the construction of a storage, factory, processing, or maintenance facility; and
- 4501 (xi) any activity described in Subsection [40-8-4\(14\)\(a\)](#).
- 4502 (13) (a) "Municipal" means of or relating to a city or town.
- 4503 (b) "Municipality" means a city or town.
- 4504 (14) "New land" means surface or subsurface land or mineral estate that a mine
- 4505 operator gains ownership or control of, whether or not that land or mineral estate is included in
- 4506 the mine operator's large mine permit.
- 4507 (15) "Off-site" has the same meaning as provided in Section [40-8-4](#).
- 4508 (16) "On-site" has the same meaning as provided in Section [40-8-4](#).
- 4509 (17) "Planning commission" means:

4510 (a) a countywide planning commission if the land proposed to be included in the  
4511 agriculture protection area or industrial protection area is within the unincorporated part of the  
4512 county and not within a [township] planning advisory area;

4513 (b) a [township] planning advisory area planning commission if the land proposed to  
4514 be included in the agriculture protection area or industrial protection area is within a [township]  
4515 planning advisory area; or

4516 (c) a planning commission of a city or town if the land proposed to be included in the  
4517 agriculture protection area or industrial protection area is within a city or town.

4518 (18) "Political subdivision" means a county, city, town, school district, local district, or  
4519 special service district.

4520 (19) "Proposal sponsors" means the owners of land in agricultural production or  
4521 industrial use who are sponsoring the proposal for creating an agriculture protection area or  
4522 industrial protection area, respectively.

4523 (20) "State agency" means each department, commission, board, council, agency,  
4524 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
4525 unit, bureau, panel, or other administrative unit of the state.

4526 (21) "Unincorporated" means not within a city or town.

4527 (22) "Vested mining use" means a mining use:

4528 (a) by a mine operator; and

4529 (b) that existed or was conducted or otherwise engaged in before a political subdivision  
4530 prohibits, restricts, or otherwise limits a mining use.

4531 Section 100. Section **17B-1-102** is amended to read:

4532 **17B-1-102. Definitions.**

4533 As used in this title:

4534 (1) "Appointing authority" means the person or body authorized to make an  
4535 appointment to the board of trustees.

4536 (2) "Basic local district":

4537 (a) means a local district that is not a specialized local district; and

4538 (b) includes an entity that was, under the law in effect before April 30, 2007, created  
4539 and operated as a local district, as defined under the law in effect before April 30, 2007.

4540 (3) "Bond" means:

4541 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
4542 warrant, certificate of indebtedness, or otherwise; and

4543 (b) a lease agreement, installment purchase agreement, or other agreement that:

4544 (i) includes an obligation by the district to pay money; and

4545 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
4546 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
4547 Act.

4548 (4) "Cemetery maintenance district" means a local district that operates under and is  
4549 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District  
4550 Act, including an entity that was created and operated as a cemetery maintenance district under  
4551 the law in effect before April 30, 2007.

4552 (5) "Drainage district" means a local district that operates under and is subject to the  
4553 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that  
4554 was created and operated as a drainage district under the law in effect before April 30, 2007.

4555 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
4556 water, or other real or personal property required to provide a service that a local district is  
4557 authorized to provide, including any related or appurtenant easement or right-of-way,  
4558 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

4559 (7) "Fire protection district" means a local district that operates under and is subject to  
4560 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an  
4561 entity that was created and operated as a fire protection district under the law in effect before  
4562 April 30, 2007.

4563 (8) "General obligation bond":

4564 (a) means a bond that is directly payable from and secured by ad valorem property  
4565 taxes that are:

- 4566 (i) levied:
- 4567 (A) by the district that issues the bond; and
- 4568 (B) on taxable property within the district; and
- 4569 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;
- 4570 and
- 4571 (b) does not include:
- 4572 (i) a short-term bond;
- 4573 (ii) a tax and revenue anticipation bond; or
- 4574 (iii) a special assessment bond.
- 4575 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other
- 4576 security:
- 4577 (a) to guarantee the proper completion of an improvement;
- 4578 (b) that is required before a local district may provide a service requested by a service
- 4579 applicant; and
- 4580 (c) that is offered to a local district to induce the local district before construction of an
- 4581 improvement begins to:
- 4582 (i) provide the requested service; or
- 4583 (ii) commit to provide the requested service.
- 4584 (10) "Improvement assurance warranty" means a promise that the materials and
- 4585 workmanship of an improvement:
- 4586 (a) comply with standards adopted by a local district; and
- 4587 (b) will not fail in any material respect within an agreed warranty period.
- 4588 (11) "Improvement district" means a local district that operates under and is subject to
- 4589 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
- 4590 entity that was created and operated as a county improvement district under the law in effect
- 4591 before April 30, 2007.
- 4592 (12) "Irrigation district" means a local district that operates under and is subject to the
- 4593 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that

4594 was created and operated as an irrigation district under the law in effect before April 30, 2007.

4595 (13) "Local district" means a limited purpose local government entity, as described in  
4596 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

4597 (a) this chapter; or

4598 (b) (i) this chapter; and

4599 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

4600 (B) Chapter 2a, Part 2, Drainage District Act;

4601 (C) Chapter 2a, Part 3, Fire Protection District Act;

4602 (D) Chapter 2a, Part 4, Improvement District Act;

4603 (E) Chapter 2a, Part 5, Irrigation District Act;

4604 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

4605 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

4606 (H) Chapter 2a, Part 8, Public Transit District Act;

4607 (I) Chapter 2a, Part 9, Service Area Act; [or]

4608 (J) Chapter 2a, Part 10, Water Conservancy District Act[-]; or

4609 (K) Chapter 2a, Part 11, Municipal Services District Act.

4610 (14) "Metropolitan water district" means a local district that operates under and is  
4611 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District  
4612 Act, including an entity that was created and operated as a metropolitan water district under the  
4613 law in effect before April 30, 2007.

4614 (15) "Mosquito abatement district" means a local district that operates under and is  
4615 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District  
4616 Act, including an entity that was created and operated as a mosquito abatement district under  
4617 the law in effect before April 30, 2007.

4618 (16) "Municipal" means of or relating to a municipality.

4619 (17) "Municipality" means a city or town.

4620 (18) "Municipal services district" means a local district that operates under and is  
4621 subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District

4622 Act.

4623 [~~(18)~~] (19) "Person" means an individual, corporation, partnership, organization,  
4624 association, trust, governmental agency, or other legal entity.

4625 [~~(19)~~] (20) "Political subdivision" means a county, city, town, local district under this  
4626 title, special service district under Title 17D, Chapter 1, Special Service District Act, an entity  
4627 created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation  
4628 Act, or any other governmental entity designated in statute as a political subdivision of the  
4629 state.

4630 [~~(20)~~] (21) "Private," with respect to real property, means not owned by the United  
4631 States or any agency of the federal government, the state, a county, or a political subdivision.

4632 [~~(21)~~] (22) "Public entity" means:

4633 (a) the United States or an agency of the United States;

4634 (b) the state or an agency of the state;

4635 (c) a political subdivision of the state or an agency of a political subdivision of the  
4636 state;

4637 (d) another state or an agency of that state; or

4638 (e) a political subdivision of another state or an agency of that political subdivision.

4639 [~~(22)~~] (23) "Public transit district" means a local district that operates under and is  
4640 subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act,  
4641 including an entity that was created and operated as a public transit district under the law in  
4642 effect before April 30, 2007.

4643 [~~(23)~~] (24) "Revenue bond":

4644 (a) means a bond payable from designated taxes or other revenues other than the local  
4645 district's ad valorem property taxes; and

4646 (b) does not include:

4647 (i) an obligation constituting an indebtedness within the meaning of an applicable  
4648 constitutional or statutory debt limit;

4649 (ii) a tax and revenue anticipation bond; or

4650 (iii) a special assessment bond.

4651 [~~(24)~~] (25) "Rules of order and procedure" means a set of rules that govern and  
4652 prescribe in a public meeting:

4653 (a) parliamentary order and procedure;

4654 (b) ethical behavior; and

4655 (c) civil discourse.

4656 [~~(25)~~] (26) "Service applicant" means a person who requests that a local district  
4657 provide a service that the local district is authorized to provide.

4658 [~~(26)~~] (27) "Service area" means a local district that operates under and is subject to the  
4659 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was  
4660 created and operated as a county service area or a regional service area under the law in effect  
4661 before April 30, 2007.

4662 [~~(27)~~] (28) "Short-term bond" means a bond that is required to be repaid during the  
4663 fiscal year in which the bond is issued.

4664 [~~(28)~~] (29) "Special assessment" means an assessment levied against property to pay all  
4665 or a portion of the costs of making improvements that benefit the property.

4666 [~~(29)~~] (30) "Special assessment bond" means a bond payable from special assessments.

4667 [~~(30)~~] (31) "Specialized local district" means a local district that is a cemetery  
4668 maintenance district, a drainage district, a fire protection district, an improvement district, an  
4669 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit  
4670 district, a service area, ~~or~~ a water conservancy district, or a municipal services district.

4671 [~~(31)~~] (32) "Taxable value" means the taxable value of property as computed from the  
4672 most recent equalized assessment roll for county purposes.

4673 [~~(32)~~] (33) "Tax and revenue anticipation bond" means a bond:

4674 (a) issued in anticipation of the collection of taxes or other revenues or a combination  
4675 of taxes and other revenues; and

4676 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
4677 issued.

4678            [~~(33)~~] (34) "Unincorporated" means not included within a municipality.

4679            [~~(34)~~] (35) "Water conservancy district" means a local district that operates under and  
4680 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District  
4681 Act, including an entity that was created and operated as a water conservancy district under the  
4682 law in effect before April 30, 2007.

4683            [~~(35)~~] (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,  
4684 tunnel, power plant, and any facility, improvement, or property necessary or convenient for  
4685 supplying or treating water for any beneficial use, and for otherwise accomplishing the  
4686 purposes of a local district.

4687            Section 101. Section **17B-1-502** is amended to read:

4688            **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**  
4689 **certain circumstances.**

4690            (1) (a) An area within the boundaries of a local district may be withdrawn from the  
4691 local district only as provided in this part or, if applicable, as provided in Part 11, Municipal  
4692 Services District Act.

4693            (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
4694 district within a municipality because of a municipal incorporation under Title 10, Chapter [~~2,~~  
4695 ~~Part 1,~~] 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under  
4696 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the  
4697 process of withdrawing that area from the local district.

4698            (2) (a) An area within the boundaries of a local district is automatically withdrawn  
4699 from the local district by the annexation of the area to a municipality or the adding of the area  
4700 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

4701            (i) the local district provides:

4702            (A) fire protection, paramedic, and emergency services; or

4703            (B) law enforcement service;

4704            (ii) an election for the creation of the local district was not required because of  
4705 Subsection 17B-1-214(3)(d); and



4706 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
4707 not include any of the annexing municipality.

4708 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
4709 Subsection [17B-1-512\(2\)\(b\)](#).

4710 (3) (a) Except as provided in ~~[Subsection]~~ Subsection (3)(c) or (d), an area within the  
4711 boundaries of a local district located in a county of the first class is automatically withdrawn  
4712 from the local district by the incorporation of a municipality whose boundaries include the area  
4713 if:

4714 (i) the local district provides:

4715 (A) fire protection, paramedic, and emergency services;

4716 (B) law enforcement service; or

4717 (C) municipal services, as defined in Section [17B-2a-1102](#);

4718 (ii) an election for the creation of the local district was not required because of  
4719 Subsection [17B-1-214\(3\)\(d\) or \(g\)](#); and

4720 (iii) the legislative body of the newly incorporated municipality:

4721 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of  
4722 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
4723 12, 2015, complies with the feasibility study requirements of Section [17B-2a-1110](#);

4724 ~~[(A)] (B)~~ adopts a resolution no later than 180 days after the effective date of  
4725 incorporation approving the withdrawal that includes the legal description of the area to be  
4726 withdrawn; and

4727 ~~[(B)] (C)~~ delivers a copy of the resolution to the board of trustees of the local district.

4728 (b) The effective date of a withdrawal under this Subsection (3) is governed by  
4729 Subsection [17B-1-512\(2\)\(a\)](#).

4730 (c) Section [17B-1-505](#) shall govern the withdrawal of an incorporated area within a  
4731 county of the first class ~~[if]~~ after the expiration of the 180-day period described in Subsection  
4732 (3)(a)(iii)(B):

4733 (i) the local district from which the area is withdrawn provides:

4734 (A) fire protection, paramedic, and emergency services; [~~or~~]

4735 (B) law enforcement service; [~~and~~] or

4736 (C) municipal services, as defined in Section 17B-2a-1102; and

4737 (ii) an election for the creation of the local district was not required under Subsection

4738 17B-1-214(3)(d) or (g).

4739 (d) An area within the boundaries of a local district that is incorporated as a metro

4740 township and for which the residents of the metro township at an election to incorporate chose

4741 to be included in a municipal services district is not subject to the provisions of this Subsection

4742 (3).

4743 Section 102. Section **17B-1-505** is amended to read:

4744 **17B-1-505. Withdrawal of municipality in certain districts providing fire**

4745 **protection, paramedic, and emergency services or law enforcement service.**

4746 (1) (a) The process to withdraw an area from a local district may be initiated by a

4747 resolution adopted by the legislative body of a municipality, subject to Subsection (1)(b), that is

4748 entirely within the boundaries of a local district:

4749 (i) that provides:

4750 (A) fire protection, paramedic, and emergency services; [~~or~~]

4751 (B) law enforcement service; [~~and~~] or

4752 (C) municipal services, as defined in Section 17B-2a-1102; and

4753 (ii) in the creation of which an election was not required because of Subsection

4754 17B-1-214(3)(d) or (g).

4755 (b) A municipal legislative body of a municipality that is within a municipal services

4756 district established under Chapter 2a, Part 11, Municipal Services District Act, may not adopt a

4757 resolution under Subsection (1)(a) to withdraw from the municipal services district unless the

4758 municipality has conducted a feasibility study in accordance with Section 17B-2a-1110.

4759 [~~(b)~~] (c) Within 10 days after adopting a resolution under Subsection (1)(a), the

4760 municipal legislative body shall submit to the board of trustees of the local district written

4761 notice of the adoption of the resolution, accompanied by a copy of the resolution.

4762 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body  
4763 shall hold an election at the next municipal general election that is more than 60 days after  
4764 adoption of the resolution on the question of whether the municipality should withdraw from  
4765 the local district.

4766 (3) If a majority of those voting on the question of withdrawal at an election held under  
4767 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
4768 district.

4769 (4) (a) Within 10 days after the canvass of an election at which a withdrawal under this  
4770 section is submitted to voters, the municipal legislative body shall send written notice to the  
4771 board of the local district from which the municipality is proposed to withdraw.

4772 (b) Each notice under Subsection (4)(a) shall:

4773 (i) state the results of the withdrawal election; and

4774 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal  
4775 description of the area to be withdrawn, adequate for purposes of the county assessor and  
4776 recorder.

4777 (5) The effective date of a withdrawal under this section is governed by Subsection  
4778 [17B-1-512\(2\)\(a\)](#).

4779 Section 103. Section **17B-1-1002** is amended to read:

4780 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

4781 (1) The rate at which a local district levies a property tax for district operation and  
4782 maintenance expenses on the taxable value of taxable property within the district may not  
4783 exceed:

4784 (a) .0008, for a basic local district;

4785 (b) .0004, for a cemetery maintenance district;

4786 (c) .0004, for a drainage district;

4787 (d) .0008, for a fire protection district;

4788 (e) .0008, for an improvement district;

4789 (f) .0005, for a metropolitan water district;

- 4790 (g) .0004, for a mosquito abatement district;
- 4791 (h) .0004, for a public transit district;
- 4792 (i) (i) .0023, for a service area that:
- 4793 (A) is located in a county of the first or second class; and
- 4794 (B) (I) provides fire protection, paramedic, and emergency services; or
- 4795 (II) subject to Subsection (3), provides law enforcement services; or
- 4796 (ii) .0014, for each other service area; [or]
- 4797 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district[-]; or
- 4798 (k) .0008 for a municipal services district.
- 4799 (2) Property taxes levied by a local district are excluded from the limit applicable to
- 4800 that district under Subsection (1) if the taxes are:
- 4801 (a) levied under Section 17B-1-1103 by a local district, other than a water conservancy
- 4802 district, to pay principal of and interest on general obligation bonds issued by the district;
- 4803 (b) levied to pay debt and interest owed to the United States; or
- 4804 (c) levied to pay assessments or other amounts due to a water users association or other
- 4805 public cooperative or private entity from which the district procures water.
- 4806 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax
- 4807 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a
- 4808 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses
- 4809 on or after November 30 in the year in which the tax is first collected and each subsequent year
- 4810 that the tax is collected:
- 4811 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement
- 4812 services; or
- 4813 (b) any other generally assessed fee for law enforcement services.
- 4814 Section 104. Section 17B-1-1102 is amended to read:
- 4815 **17B-1-1102. General obligation bonds.**
- 4816 (1) Except as provided in Subsection (3), if a district intends to issue general obligation
- 4817 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at

4818 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
4819 Bonding Act.

4820 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
4821 the district, subject, for a water conservancy district, to the property tax levy limits of Section  
4822 [17B-2a-1006](#).

4823 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
4824 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

4825 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
4826 bonds will cause the outstanding principal amount of all of the district's general obligation  
4827 bonds to exceed the amount that results from multiplying the fair market value of the taxable  
4828 property within the district, as determined under Subsection [11-14-301](#)(3)(b), by a number that  
4829 is:

- 4830 (i) .05, for a basic local district;
- 4831 (ii) .004, for a cemetery maintenance district;
- 4832 (iii) .002, for a drainage district;
- 4833 (iv) .004, for a fire protection district;
- 4834 (v) .024, for an improvement district;
- 4835 (vi) .1, for an irrigation district;
- 4836 (vii) .1, for a metropolitan water district;
- 4837 (viii) .0004, for a mosquito abatement district;
- 4838 (ix) .03, for a public transit district; [~~or~~]
- 4839 (x) .12, for a service area[-]; or
- 4840 (xi) .05 for a municipal services district.

4841 (b) Bonds or other obligations of a local district that are not general obligation bonds  
4842 are not included in the limit stated in Subsection (4)(a).

4843 (5) A district may not be considered to be a municipal corporation for purposes of the  
4844 debt limitation of the Utah Constitution, Article XIV, Section 4.

4845 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter

4846 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that  
4847 participates in the agreement creating the administrative or legal entity.

4848 Section 105. Section **17B-2a-1102** is amended to read:

4849 **17B-2a-1102. Definitions.**

4850 As used in this part[~~,"municipal~~]:

4851 (1) "Municipal services" means[~~:(1)~~] one or more of the services identified in Section  
4852 17-34-1 [~~or~~], 17-36-3[~~;~~~~and~~], or 17B-1-202.

4853 [~~(2) any other municipal-type service provided in the district that is in the interest of~~  
4854 ~~the district.~~]

4855 (2) "Metro township" means:

4856 (a) a metro township for which the electors at an election under Section 10-2a-404  
4857 chose a metro township that is included in a municipal services district; or

4858 (b) a metro township that subsequently joins a municipal services district.

4859 Section 106. Section **17B-2a-1103** is amended to read:

4860 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**  
4861 **municipal services districts.**

4862 (1) (a) [~~A~~] Except as provided in Subsection (1)(b) and Section 17B-2a-1110, a  
4863 municipal services district may be created only in unincorporated areas in a county of the first  
4864 class.

4865 (b) [~~Notwithstanding Subsection (1)(a) and subject~~] Subject to Subsection (1)(c), after  
4866 the initial creation of a municipal services district, an area may be annexed into the municipal  
4867 services district in accordance with Chapter 1, Part 4, Annexation, whether that area is  
4868 unincorporated or incorporated.

4869 (c) An area annexed under Subsection (1)(b) may not be located outside of the  
4870 originating county of the first class.

4871 (2) Each municipal services district is governed by the powers stated in:

4872 (a) this part; and

4873 (b) Chapter 1, Provisions Applicable to All Local Districts.

4874 (3) This part applies only to a municipal services district.

4875 (4) A municipal services district is not subject to the provisions of any other part of this  
4876 chapter.

4877 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
4878 Local Districts, and a provision in this part, the provisions in this part govern.

4879 Section 107. Section **17B-2a-1104** is amended to read:

4880 **17B-2a-1104. Additional municipal services district powers.**

4881 In addition to the powers conferred on a municipal services district under Section  
4882 [17B-1-103](#), a municipal services district may:

4883 (1) notwithstanding Subsection [17B-1-202](#)(3), provide [~~one or multiple~~] no more than  
4884 six municipal services; and

4885 (2) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
4886 to carry out the purposes of the district.

4887 Section 108. Section **17B-2a-1106** is amended to read:

4888 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

4889 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
4890 law regarding the membership of a local district board of trustees, the initial board of trustees  
4891 of a municipal services district shall consist of the county legislative body.

4892 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
4893 district board of trustees or the governance of a local district, and, except as provided in  
4894 Subsection (3), if a municipal services district is created in a county of the first class with the  
4895 county executive-council form of government, the initial governance of the municipal services  
4896 district is as follows:

4897 (i) subject to Subsection (2)(b), the county council is the municipal services district  
4898 board of trustees; and

4899 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
4900 services district.

4901 (b) Notwithstanding any other provision of law, the board of trustees of a municipal

4902 services district described in Subsection (2)(a) shall:

4903 (i) act as the legislative body of the district; and

4904 (ii) exercise legislative branch powers and responsibilities established for county  
4905 legislative bodies in:

4906 (A) Title 17, Counties; and

4907 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
4908 executive-council form of county government as described in Section 17-52-504.

4909 (c) Notwithstanding any other provision of law, in a municipal services district  
4910 described in Subsection (2)(a), the executive of the district shall:

4911 (i) act as the executive of the district; and

4912 (ii) exercise executive branch powers and responsibilities established for a county  
4913 executive in:

4914 (A) Title 17, Counties; and

4915 (B) an optional plan, as defined in Section 17-52-101, adopted for a county  
4916 executive-council form of county government as described in Section 17-52-504.

4917 [~~(3) If, after the initial creation of a municipal services district, an area within the~~  
4918 ~~district is incorporated as a municipality and the area is not withdrawn from the district in~~  
4919 ~~accordance with Section 17B-1-502, or an area within a municipality is annexed into the~~  
4920 ~~municipal services district in accordance with Section 17B-2a-1103:]~~

4921 [~~(a) the district's board of trustees shall include a member of that municipality's~~  
4922 ~~governing body; and]~~

4923 [~~(b) the member described in Subsection (3)(a) shall be:]~~

4924 [~~(i) designated by the municipality; and]~~

4925 [~~(ii) a member with powers and duties of other board of trustees members as described~~  
4926 ~~in Subsection (2)(b).]~~

4927 (3) (a) If, after the initial creation of a municipal services district, an area within the  
4928 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not  
4929 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area



4930 within the municipality is annexed into the municipal services district in accordance with  
4931 Section 17B-2a-1103, the district's board of trustees shall be as follows:

4932 (i) subject to Subsection (3)(b), a member of that municipality's governing body;  
4933 (ii) subject to Subsection (4), two members of the county council of the county in  
4934 which the municipal services district is located; and

4935 (iii) the total number of board members shall be an odd number.

4936 (b) A member described in Subsection (3)(a)(i) shall be:

4937 (i) for a municipality other than a metro township, designated by the municipal  
4938 legislative body; and

4939 (ii) for a metro township, the chair of the metro township.

4940 (c) A member of the board of trustees has the powers and duties described in  
4941 Subsection (2)(b).

4942 (d) The county executive is the executive and has the powers and duties as described in  
4943 Subsection (2)(c).

4944 (4) (a) The number of county council members may be increased or decreased to meet  
4945 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

4946 (b) The number of county council members described in Subsection (3)(a)(ii) does not  
4947 include the county mayor.

4948 (5) For a board of trustees described in Subsection (3), each board member's vote is  
4949 weighted using the proportion of the municipal services district population that resides:

4950 (a) for each member described in Subsection (3)(a)(i), within that member's  
4951 municipality; and

4952 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated  
4953 county, with the members' weighted vote divided evenly if there is more than one member on  
4954 the board described in Subsection (3)(a)(ii).

4955 ~~[(4)]~~ (6) The board may adopt a resolution providing for future board members to be  
4956 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

4957 ~~[(5)]~~ (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of

4958 trustees may adopt a resolution to determine the internal governance of the board.

4959 (b) A resolution adopted under Subsection [~~(5)~~] (7)(a) may not alter or impair the board  
4960 of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
4961 duties, powers, or responsibilities described in Subsection (2)(c).

4962 Section 109. Section **17B-2a-1107** is amended to read:

4963 **17B-2a-1107. Exclusion of rural real property.**

4964 (1) As used in this section, "rural real property" means an area:

4965 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

4966 (b) that does not include residential units with a density greater than one unit per acre.

4967 (2) Unless an owner gives written consent, rural real property may not be included in a  
4968 municipal services district if the rural real property:

4969 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one  
4970 or more tax parcels;

4971 (b) is not contiguous to but is used in connection with rural real property that consists  
4972 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

4973 (c) is owned, managed, or controlled by a person, company, or association, including a  
4974 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural  
4975 real property consisting of one or more tax parcels; or

4976 (d) is located in whole or in part in one of the following as defined in Section

4977 [17-41-101](#):

4978 (i) an agricultural protection area;

4979 (ii) a mining protection area; or

4980 (iii) an industrial protection area.

4981 (3) (a) Subject to Subsection (3)(b), an owner of rural real property may withdraw  
4982 consent to inclusion in a municipal services district at any time.

4983 (b) An owner may withdraw consent by submitting a written and signed request to the  
4984 municipal services district board of trustees that:

4985 (i) identifies and describes the rural real property to be withdrawn; and

4986 (ii) requests that the rural real property be withdrawn.

4987 (c) (i) No later than 30 days after the day on which the municipal services district board  
4988 of trustees receives a request that complies with Subsection (3)(b), the board shall adopt a  
4989 resolution withdrawing the rural real property as identified and described in the request.

4990 (ii) The rural real property is withdrawn from and no longer in the jurisdiction of the  
4991 municipal services district upon adoption of the resolution.

4992 Section 110. Section **17B-2a-1110** is enacted to read:

4993 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
4994 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
4995 **transferred to municipal services district.**

4996 (1) A municipality may withdraw from a municipal services district in accordance with  
4997 Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

4998 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
4999 under Subsection (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(A) is tolled  
5000 from the day that the municipality engages the feasibility consultant to the day on which the  
5001 municipality holds the final public hearing under Subsection (5).

5002 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
5003 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or  
5004 [17B-1-505](#), as applicable, engage a feasibility consultant to conduct a feasibility study.

5005 (b) The feasibility consultant shall be chosen:

5006 (i) by the municipal legislative body; and

5007 (ii) in accordance with applicable municipal procurement procedures.

5008 (3) The municipal legislative body shall require the feasibility consultant to:

5009 (a) complete the feasibility study and submit the written results to the municipal  
5010 legislative body before the council adopts a resolution under Section [17B-1-502](#);

5011 (b) submit with the full written results of the feasibility study a summary of the results  
5012 no longer than one page in length; and

5013 (c) attend the public hearings under Subsection (5).

5014           (4) (a) The feasibility study shall consider:  
5015           (i) population and population density within the withdrawing municipality;  
5016           (ii) current and five-year projections of demographics and economic base in the  
5017 withdrawing municipality, including household size and income, commercial and industrial  
5018 development, and public facilities;  
5019           (iii) projected growth in the withdrawing municipality during the next five years;  
5020           (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
5021 including overhead, of municipal services in the withdrawing municipality;  
5022           (v) assuming the same tax categories and tax rates as currently imposed by the  
5023 municipal services district and all other current service providers, the present and five-year  
5024 projected revenue for the withdrawing municipality;  
5025           (vi) a projection of any new taxes per household that may be levied within the  
5026 withdrawing municipality within five years of the withdrawal; and  
5027           (vii) the fiscal impact on other municipalities serviced by the municipal services  
5028 district.  
5029           (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
5030 level and quality of municipal services to be provided to the withdrawing municipality in the  
5031 future that fairly and reasonably approximates the level and quality of municipal services being  
5032 provided to the withdrawing municipality at the time of the feasibility study.  
5033           (ii) In determining the present cost of a municipal service, the feasibility consultant  
5034 shall consider:  
5035           (A) the amount it would cost the withdrawing municipality to provide municipal  
5036 services for the first five years after withdrawing; and  
5037           (B) the municipal services district's present and five-year projected cost of providing  
5038 municipal services.  
5039           (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
5040 and anticipated growth.  
5041           (5) If the results of the feasibility study meet the requirements of Subsection (4), the

5042 municipal legislative body shall, at its next regular meeting after receipt of the results of the  
5043 feasibility study, schedule at least one public hearing to be held:

5044 (a) within the following 60 days; and

5045 (b) for the purpose of allowing:

5046 (i) the feasibility consultant to present the results of the study; and

5047 (ii) the public to become informed about the feasibility study results, including the

5048 requirement that if the municipality withdraws from the municipal services district, the

5049 municipality must comply with Subsection (9), and to ask questions about those results of the

5050 feasibility consultant.

5051 (6) At a public hearing described in Subsection (5), the municipal legislative body

5052 shall:

5053 (a) provide a copy of the feasibility study for public review; and

5054 (b) allow the public to express its views about the proposed withdrawal from the

5055 municipal services district.

5056 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings

5057 required under Subsection (5):

5058 (A) at least once a week for three successive weeks in a newspaper of general

5059 circulation within the municipality; and

5060 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks.

5061 (ii) The municipal clerk or recorder shall publish the last publication of notice required

5062 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under

5063 Subsection (5).

5064 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation

5065 within the proposed municipality, the municipal clerk or recorder shall post at least one notice

5066 of the hearings per 1,000 population in conspicuous places within the municipality that are

5067 most likely to give notice of the hearings to the residents.

5068 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at

5069 least seven days before the first hearing under Subsection (5).

5070 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
5071 summary and shall indicate that a full copy of the study is available for inspection and copying  
5072 at the office of the municipal clerk or recorder.

5073 (8) At a public meeting held after the public hearing required under Subsection (5), the  
5074 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as  
5075 applicable, if the municipality is in compliance with the other requirements of that section.

5076 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
5077 district for 10 years beginning on the next fiscal year immediately following the municipal  
5078 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)  
5079 or [17B-1-505](#) if the results of the feasibility study show that the average annual amount of  
5080 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
5081 (4)(a)(iv) by more than 5%.

5082 Section 111. Section **17B-2a-1111** is enacted to read:

5083 **17B-2a-1111. Withdrawal of a municipality that changes form of government.**

5084 If a municipality after the 180-day period described in Subsection  
5085 [17B-1-502](#)(3)(a)(iii)(A) changes form of government in accordance with Title 10, Chapter 2b,  
5086 Part 6, Changing to Another Form of Municipal Government, the municipality under the new  
5087 form of government may withdraw from a municipal services district only in accordance with  
5088 the provisions of Section [17B-1-505](#).

5089 Section 112. Section **17B-2a-1112** is enacted to read:

5090 **17B-2a-1112. Audit.**

5091 The board of trustees shall provide a copy of an accounting report, as defined in Section  
5092 [51-2a-102](#), to each political subdivision that is provided municipal services by the municipal  
5093 services district that is filed with the state auditor on behalf of the municipal services district in  
5094 accordance with Section [51-2a-203](#).

5095 Section 113. Section **20A-1-102** is amended to read:

5096 **20A-1-102. Definitions.**

5097 As used in this title:

5098 (1) "Active voter" means a registered voter who has not been classified as an inactive  
5099 voter by the county clerk.

5100 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
5101 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

5102 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
5103 upon which a voter records the voter's votes.

5104 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
5105 envelopes.

5106 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

5107 (a) contain the names of offices and candidates and statements of ballot propositions to  
5108 be voted on; and

5109 (b) are used in conjunction with ballot sheets that do not display that information.

5110 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
5111 on the ballot for their approval or rejection including:

5112 (a) an opinion question specifically authorized by the Legislature;

5113 (b) a constitutional amendment;

5114 (c) an initiative;

5115 (d) a referendum;

5116 (e) a bond proposition;

5117 (f) a judicial retention question;

5118 (g) an incorporation of a city or town; or

5119 (h) any other ballot question specifically authorized by the Legislature.

5120 (6) "Ballot sheet":

5121 (a) means a ballot that:

5122 (i) consists of paper or a card where the voter's votes are marked or recorded; and

5123 (ii) can be counted using automatic tabulating equipment; and

5124 (b) includes punch card ballots and other ballots that are machine-countable.

5125 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

5126 together with a staple or stitch in at least three places across the top of the paper in the blank  
5127 space reserved for securing the paper.

5128 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
5129 [20A-4-306](#) to canvass election returns.

5130 (9) "Bond election" means an election held for the purpose of approving or rejecting  
5131 the proposed issuance of bonds by a government entity.

5132 (10) "Book voter registration form" means voter registration forms contained in a  
5133 bound book that are used by election officers and registration agents to register persons to vote.

5134 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
5135 charge by the sender.

5136 (12) "By-mail voter registration form" means a voter registration form designed to be  
5137 completed by the voter and mailed to the election officer.

5138 (13) "Canvass" means the review of election returns and the official declaration of  
5139 election results by the board of canvassers.

5140 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
5141 the canvass.

5142 (15) "Contracting election officer" means an election officer who enters into a contract  
5143 or interlocal agreement with a provider election officer.

5144 (16) "Convention" means the political party convention at which party officers and  
5145 delegates are selected.

5146 (17) "Counting center" means one or more locations selected by the election officer in  
5147 charge of the election for the automatic counting of ballots.

5148 (18) "Counting judge" means a poll worker designated to count the ballots during  
5149 election day.

5150 (19) "Counting poll watcher" means a person selected as provided in Section  
5151 [20A-3-201](#) to witness the counting of ballots.

5152 (20) "Counting room" means a suitable and convenient private place or room,  
5153 immediately adjoining the place where the election is being held, for use by the poll workers



5154 and counting judges to count ballots during election day.

5155 (21) "County officers" means those county officers that are required by law to be  
5156 elected.

5157 (22) "Date of the election" or "election day" or "day of the election":

5158 (a) means the day that is specified in the calendar year as the day that the election  
5159 occurs; and

5160 (b) does not include:

5161 (i) deadlines established for absentee voting; or

5162 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
5163 Voting.

5164 (23) "Elected official" means:

5165 (a) a person elected to an office under Section [20A-1-303](#);

5166 (b) a person who is considered to be elected to a municipal office in accordance with  
5167 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

5168 (c) a person who is considered to be elected to a local district office in accordance with  
5169 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

5170 (24) "Election" means a regular general election, a municipal general election, a  
5171 statewide special election, a local special election, a regular primary election, a municipal  
5172 primary election, and a local district election.

5173 (25) "Election Assistance Commission" means the commission established by Public  
5174 Law 107-252, the Help America Vote Act of 2002.

5175 (26) "Election cycle" means the period beginning on the first day persons are eligible to  
5176 file declarations of candidacy and ending when the canvass is completed.

5177 (27) "Election judge" means a poll worker that is assigned to:

5178 (a) preside over other poll workers at a polling place;

5179 (b) act as the presiding election judge; or

5180 (c) serve as a canvassing judge, counting judge, or receiving judge.

5181 (28) "Election officer" means:

- 5182 (a) the lieutenant governor, for all statewide ballots and elections;
- 5183 (b) the county clerk for:
  - 5184 (i) a county ballot and election; and
  - 5185 (ii) a ballot and election as a provider election officer as provided in Section
  - 5186 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5187 (c) the municipal clerk for:
  - 5188 (i) a municipal ballot and election; and
  - 5189 (ii) a ballot and election as a provider election officer as provided in Section
  - 5190 [20A-5-400.1](#) or [20A-5-400.5](#);
- 5191 (d) the local district clerk or chief executive officer for:
  - 5192 (i) a local district ballot and election; and
  - 5193 (ii) a ballot and election as a provider election officer as provided in Section
  - 5194 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 5195 (e) the business administrator or superintendent of a school district for:
  - 5196 (i) a school district ballot and election; and
  - 5197 (ii) a ballot and election as a provider election officer as provided in Section
  - 5198 [20A-5-400.1](#) or [20A-5-400.5](#).
- 5199 (29) "Election official" means any election officer, election judge, or poll worker.
- 5200 (30) "Election results" means:
  - 5201 (a) for an election other than a bond election, the count of votes cast in the election and
  - 5202 the election returns requested by the board of canvassers; or
  - 5203 (b) for bond elections, the count of those votes cast for and against the bond
  - 5204 proposition plus any or all of the election returns that the board of canvassers may request.
- 5205 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 5206 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 5207 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 5208 form, and the total votes cast form.
- 5209 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting

5210 device or other voting device that records and stores ballot information by electronic means.

5211 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
5212 or logically associated with a record and executed or adopted by a person with the intent to sign  
5213 the record.

5214 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

5215 (b) "Electronic voting device" includes a direct recording electronic voting device.

5216 (35) "Inactive voter" means a registered voter who has:

5217 (a) been sent the notice required by Section 20A-2-306; and

5218 (b) failed to respond to that notice.

5219 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
5220 witness the receipt and safe deposit of voted and counted ballots.

5221 (37) "Judicial office" means the office filled by any judicial officer.

5222 (38) "Judicial officer" means any justice or judge of a court of record or any county  
5223 court judge.

5224 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
5225 Local Government Entities - Local Districts, and includes a special service district under Title  
5226 17D, Chapter 1, Special Service District Act.

5227 (40) "Local district officers" means those local district board members that are required  
5228 by law to be elected.

5229 (41) "Local election" means a regular county election, a regular municipal election, a  
5230 municipal primary election, a local special election, a local district election, and a bond  
5231 election.

5232 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
5233 local school district.

5234 (43) "Local special election" means a special election called by the governing body of a  
5235 local political subdivision in which all registered voters of the local political subdivision may  
5236 vote.

5237 (44) "Municipal executive" means:

5238 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

5239 [or]

5240 (b) the mayor in the council-manager form of government defined in Subsection

5241 [10-3b-103](#)~~[(6)].~~[(7)]; or

5242 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).

5243 (45) "Municipal general election" means the election held in municipalities and, as

5244 applicable, local districts on the first Tuesday after the first Monday in November of each

5245 odd-numbered year for the purposes established in Section [20A-1-202](#).

5246 (46) "Municipal legislative body" means:

5247 (a) the council of the city or town in any form of municipal government~~[-]~~; or

5248 (b) the council of a metro township.

5249 (47) "Municipal office" means an elective office in a municipality.

5250 (48) "Municipal officers" means those municipal officers that are required by law to be

5251 elected.

5252 (49) "Municipal primary election" means an election held to nominate candidates for

5253 municipal office.

5254 (50) "Official ballot" means the ballots distributed by the election officer to the poll

5255 workers to be given to voters to record their votes.

5256 (51) "Official endorsement" means:

5257 (a) the information on the ballot that identifies:

5258 (i) the ballot as an official ballot;

5259 (ii) the date of the election; and

5260 (iii) the facsimile signature of the election officer; and

5261 (b) the information on the ballot stub that identifies:

5262 (i) the poll worker's initials; and

5263 (ii) the ballot number.

5264 (52) "Official register" means the official record furnished to election officials by the

5265 election officer that contains the information required by Section [20A-5-401](#).

- 5266 (53) "Paper ballot" means a paper that contains:  
5267 (a) the names of offices and candidates and statements of ballot propositions to be  
5268 voted on; and  
5269 (b) spaces for the voter to record the voter's vote for each office and for or against each  
5270 ballot proposition.
- 5271 (54) "Pilot project" means the election day voter registration pilot project created in  
5272 Section [20A-4-108](#).
- 5273 (55) "Political party" means an organization of registered voters that has qualified to  
5274 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
5275 and Procedures.
- 5276 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
5277 cast votes.
- 5278 (57) "Polling place" means the building where voting is conducted.
- 5279 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
5280 election, voting, or counting votes.
- 5281 (b) "Poll worker" includes election judges.  
5282 (c) "Poll worker" does not include a watcher.
- 5283 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
5284 in which the voter marks the voter's choice.
- 5285 (60) "Primary convention" means the political party conventions held during the year  
5286 of the regular general election.
- 5287 (61) "Protective counter" means a separate counter, which cannot be reset, that:  
5288 (a) is built into a voting machine; and  
5289 (b) records the total number of movements of the operating lever.
- 5290 (62) "Provider election officer" means an election officer who enters into a contract or  
5291 interlocal agreement with a contracting election officer to conduct an election for the  
5292 contracting election officer's local political subdivision in accordance with Section  
5293 [20A-5-400.1](#).

5294 (63) "Provisional ballot" means a ballot voted provisionally by a person:

5295 (a) whose name is not listed on the official register at the polling place;

5296 (b) whose legal right to vote is challenged as provided in this title; or

5297 (c) whose identity was not sufficiently established by a poll worker.

5298 (64) "Provisional ballot envelope" means an envelope printed in the form required by  
5299 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
5300 verify a person's legal right to vote.

5301 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
5302 duties of the position for which the person was elected.

5303 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
5304 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
5305 after the voter has voted.

5306 (67) "Registration form" means a book voter registration form and a by-mail voter  
5307 registration form.

5308 (68) "Regular ballot" means a ballot that is not a provisional ballot.

5309 (69) "Regular general election" means the election held throughout the state on the first  
5310 Tuesday after the first Monday in November of each even-numbered year for the purposes  
5311 established in Section [20A-1-201](#).

5312 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
5313 each even-numbered year, to nominate candidates of political parties and candidates for  
5314 nonpartisan local school board positions to advance to the regular general election.

5315 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

5316 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
5317 and distributed as provided in Section [20A-5-405](#).

5318 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
5319 punch the ballot for one or more candidates who are members of different political parties.

5320 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
5321 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of

5322 the voter's vote.

5323 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

5324 (76) "Spoiled ballot" means each ballot that:

5325 (a) is spoiled by the voter;

5326 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5327 (c) lacks the official endorsement.

5328 (77) "Statewide special election" means a special election called by the governor or the  
5329 Legislature in which all registered voters in Utah may vote.

5330 (78) "Stub" means the detachable part of each ballot.

5331 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
5332 the poll workers when the official ballots are lost or stolen.

5333 (80) "Ticket" means each list of candidates for each political party or for each group of  
5334 petitioners.

5335 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
5336 counting center.

5337 (82) "Vacancy" means the absence of a person to serve in any position created by  
5338 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
5339 or other cause.

5340 (83) "Valid voter identification" means:

5341 (a) a form of identification that bears the name and photograph of the voter which may  
5342 include:

5343 (i) a currently valid Utah driver license;

5344 (ii) a currently valid identification card that is issued by:

5345 (A) the state; or

5346 (B) a branch, department, or agency of the United States;

5347 (iii) a currently valid Utah permit to carry a concealed weapon;

5348 (iv) a currently valid United States passport; or

5349 (v) a currently valid United States military identification card;

- 5350 (b) one of the following identification cards, whether or not the card includes a  
5351 photograph of the voter:
- 5352 (i) a valid tribal identification card;
  - 5353 (ii) a Bureau of Indian Affairs card; or
  - 5354 (iii) a tribal treaty card; or
- 5355 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
5356 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
5357 may include:
- 5358 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
5359 election;
  - 5360 (ii) a bank or other financial account statement, or a legible copy thereof;
  - 5361 (iii) a certified birth certificate;
  - 5362 (iv) a valid Social Security card;
  - 5363 (v) a check issued by the state or the federal government or a legible copy thereof;
  - 5364 (vi) a paycheck from the voter's employer, or a legible copy thereof;
  - 5365 (vii) a currently valid Utah hunting or fishing license;
  - 5366 (viii) certified naturalization documentation;
  - 5367 (ix) a currently valid license issued by an authorized agency of the United States;
  - 5368 (x) a certified copy of court records showing the voter's adoption or name change;
  - 5369 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
  - 5370 (xii) a currently valid identification card issued by:
    - 5371 (A) a local government within the state;
    - 5372 (B) an employer for an employee; or
    - 5373 (C) a college, university, technical school, or professional school located within the  
5374 state; or
  - 5375 (xiii) a current Utah vehicle registration.
- 5376 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in  
5377 candidate by following the procedures and requirements of this title.



- 5378 (85) "Voter" means a person who:
- 5379 (a) meets the requirements for voting in an election;
- 5380 (b) meets the requirements of election registration;
- 5381 (c) is registered to vote; and
- 5382 (d) is listed in the official register book.
- 5383 (86) "Voter registration deadline" means the registration deadline provided in Section
- 5384 [20A-2-102.5](#).
- 5385 (87) "Voting area" means the area within six feet of the voting booths, voting
- 5386 machines, and ballot box.
- 5387 (88) "Voting booth" means:
- 5388 (a) the space or compartment within a polling place that is provided for the preparation
- 5389 of ballots, including the voting machine enclosure or curtain; or
- 5390 (b) a voting device that is free standing.
- 5391 (89) "Voting device" means:
- 5392 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 5393 piercing the ballots by the voter;
- 5394 (b) a device for marking the ballots with ink or another substance;
- 5395 (c) an electronic voting device or other device used to make selections and cast a ballot
- 5396 electronically, or any component thereof;
- 5397 (d) an automated voting system under Section [20A-5-302](#); or
- 5398 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 5399 by means of automatic tabulating equipment.
- 5400 (90) "Voting machine" means a machine designed for the sole purpose of recording
- 5401 and tabulating votes cast by voters at an election.
- 5402 (91) "Voting poll watcher" means a person appointed as provided in this title to
- 5403 witness the distribution of ballots and the voting process.
- 5404 (92) "Voting precinct" means the smallest voting unit established as provided by law
- 5405 within which qualified voters vote at one polling place.

5406 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
5407 poll watcher, and a testing watcher.

5408 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
5409 Part 8, Western States Presidential Primary.

5410 (95) "Write-in ballot" means a ballot containing any write-in votes.

5411 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
5412 ballot according to the procedures established in this title.

5413 Section 114. Section **20A-1-201.5** is amended to read:

5414 **20A-1-201.5. Primary election dates.**

5415 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
5416 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons  
5417 for:

5418 (a) national, state, school board, and county offices[?]; and

5419 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

5420 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
5421 following the first Monday in August before the regular municipal election to nominate persons  
5422 for municipal offices.

5423 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
5424 election, the Western States Presidential Primary election shall be held throughout the state on  
5425 the first Tuesday in February in the year in which a presidential election will be held.

5426 Section 115. Section **20A-1-203** is amended to read:

5427 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**

5428 **limitations.**

5429 (1) Statewide and local special elections may be held for any purpose authorized by  
5430 law.

5431 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
5432 general elections.

5433 (b) Except as otherwise provided in this title, local special elections shall be conducted

5434 using the procedures for regular municipal elections.

5435 (3) The governor may call a statewide special election by issuing an executive order  
5436 that designates:

5437 (a) the date for the statewide special election; and

5438 (b) the purpose for the statewide special election.

5439 (4) The Legislature may call a statewide special election by passing a joint or  
5440 concurrent resolution that designates:

5441 (a) the date for the statewide special election; and

5442 (b) the purpose for the statewide special election.

5443 (5) (a) The legislative body of a local political subdivision may call a local special  
5444 election only for:

5445 (i) a vote on a bond or debt issue;

5446 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);

5447 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

5448 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

5449 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
5450 legal boundaries should be changed;

5451 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

5452 (vii) a vote to elect members to school district boards for a new school district and a  
5453 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
5454 school district under Section [53A-2-118.1](#);

5455 (viii) an election of town officers of a newly incorporated town under Section  
5456 [~~10-2-128~~] [10-2a-305](#);

5457 (ix) an election of officers for a new city under Section [~~10-2-116~~] [10-2a-215](#);

5458 (x) a vote on a municipality providing cable television services or public  
5459 telecommunications services under Section [10-18-204](#);

5460 (xi) a vote to create a new county under Section [17-3-1](#);

5461 (xii) a vote on the creation of a study committee under Sections [17-52-202](#) and

- 5462 [17-52-203.5](#);
- 5463 (xiii) a vote on a special property tax under Section [53A-16-110](#);
- 5464 (xiv) a vote on the incorporation of a city in accordance with Section [~~10-2-111~~]
- 5465 [10-2a-210](#); [or]
- 5466 (xv) a vote on the incorporation of a town in accordance with Section [~~10-2-127~~]
- 5467 [10-2a-304](#); or
- 5468 (xvi) a vote on incorporation or annexation as described in Section [10-2a-404](#).
- 5469 (b) The legislative body of a local political subdivision may call a local special election
- 5470 by adopting an ordinance or resolution that designates:
- 5471 (i) the date for the local special election as authorized by Section [20A-1-204](#); and
- 5472 (ii) the purpose for the local special election.
- 5473 (c) A local political subdivision may not call a local special election unless the
- 5474 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
- 5475 two-thirds majority of all members of the legislative body, if the local special election is for:
- 5476 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 5477 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 5478 (iii) a vote authorized or required for a sales tax issue as described in Subsection
- 5479 (5)(a)(vi).
- 5480 Section 116. Section **20A-1-204** is amended to read:
- 5481 **20A-1-204. Date of special election -- Legal effect.**
- 5482 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
- 5483 legislative body of a local political subdivision calling a statewide special election or local
- 5484 special election under Section [20A-1-203](#) shall schedule the special election to be held on:
- 5485 (i) the fourth Tuesday in June;
- 5486 (ii) the first Tuesday after the first Monday in November; or
- 5487 (iii) for an election of town officers of a newly incorporated town under Section
- 5488 [~~10-2-128~~] [10-2a-305](#), on any date that complies with the requirements of that subsection.
- 5489 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative

5490 body of a local political subdivision calling a statewide special election or local special election  
5491 under Section 20A-1-203 may not schedule a special election to be held on any other date.

5492 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative  
5493 body of a local political subdivision may call a local special election on a date other than those  
5494 specified in this section if the legislative body:

5495 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,  
5496 requiring that a special election be held on a date other than the ones authorized in statute;

5497 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,  
5498 and the reasons for holding the special election on that other date; and

5499 (C) votes unanimously to hold the special election on that other date.

5500 (ii) The legislative body of a local political subdivision may not call a local special  
5501 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for  
5502 Utah's Western States Presidential Primary.

5503 (d) The legislative body of a local political subdivision may only call a special election  
5504 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after  
5505 the first Monday in November.

5506 (e) Nothing in this section prohibits:

5507 (i) the governor or Legislature from submitting a matter to the voters at the regular  
5508 general election if authorized by law; or

5509 (ii) a local government from submitting a matter to the voters at the regular municipal  
5510 election if authorized by law.

5511 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
5512 special election within a county on the same day as:

5513 (i) another special election;

5514 (ii) a regular general election; or

5515 (iii) a municipal general election.

5516 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

5517 (i) polling places;

- 5518 (ii) ballots;
- 5519 (iii) election officials; and
- 5520 (iv) other administrative and procedural matters connected with the election.
- 5521 Section 117. Section **20A-11-101** is amended to read:
- 5522 **20A-11-101. Definitions.**
- 5523 As used in this chapter:
- 5524 (1) "Address" means the number and street where an individual resides or where a
- 5525 reporting entity has its principal office.
- 5526 (2) "Agent of a reporting entity" means:
- 5527 (a) a person acting on behalf of a reporting entity at the direction of the reporting
- 5528 entity;
- 5529 (b) a person employed by a reporting entity in the reporting entity's capacity as a
- 5530 reporting entity;
- 5531 (c) the personal campaign committee of a candidate or officeholder;
- 5532 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 5533 member's capacity as a member of the personal campaign committee of the candidate or
- 5534 officeholder; or
- 5535 (e) a political consultant of a reporting entity.
- 5536 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 5537 amendments, and any other ballot propositions submitted to the voters that are authorized by
- 5538 the Utah Code Annotated 1953.
- 5539 (4) "Candidate" means any person who:
- 5540 (a) files a declaration of candidacy for a public office; or
- 5541 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 5542 receive contributions or make expenditures to bring about the person's nomination or election
- 5543 to a public office.
- 5544 (5) "Chief election officer" means:
- 5545 (a) the lieutenant governor for state office candidates, legislative office candidates,

5546 officeholders, political parties, political action committees, corporations, political issues  
5547 committees, state school board candidates, judges, and labor organizations, as defined in  
5548 Section 20A-11-1501; and

5549 (b) the county clerk for local school board candidates.

5550 (6) (a) "Contribution" means any of the following when done for political purposes:

5551 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
5552 value given to the filing entity;

5553 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
5554 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
5555 anything of value to the filing entity;

5556 (iii) any transfer of funds from another reporting entity to the filing entity;

5557 (iv) compensation paid by any person or reporting entity other than the filing entity for  
5558 personal services provided without charge to the filing entity;

5559 (v) remuneration from:

5560 (A) any organization or its directly affiliated organization that has a registered lobbyist;

5561 or

5562 (B) any agency or subdivision of the state, including school districts;

5563 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

5564 (vii) in-kind contributions.

5565 (b) "Contribution" does not include:

5566 (i) services provided by individuals volunteering a portion or all of their time on behalf  
5567 of the filing entity if the services are provided without compensation by the filing entity or any  
5568 other person;

5569 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
5570 business; or

5571 (iii) goods or services provided for the benefit of a candidate or political party at less  
5572 than fair market value that are not authorized by or coordinated with the candidate or political  
5573 party.

5574 (7) "Coordinated with" means that goods or services provided for the benefit of a  
5575 candidate or political party are provided:

5576 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
5577 party does not object;

5578 (b) by agreement with the candidate or political party;

5579 (c) in coordination with the candidate or political party; or

5580 (d) using official logos, slogans, and similar elements belonging to a candidate or  
5581 political party.

5582 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
5583 organization that is registered as a corporation or is authorized to do business in a state and  
5584 makes any expenditure from corporate funds for:

5585 (i) the purpose of expressly advocating for political purposes; or

5586 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
5587 proposition.

5588 (b) "Corporation" does not mean:

5589 (i) a business organization's political action committee or political issues committee; or

5590 (ii) a business entity organized as a partnership or a sole proprietorship.

5591 (9) "County political party" means, for each registered political party, all of the persons  
5592 within a single county who, under definitions established by the political party, are members of  
5593 the registered political party.

5594 (10) "County political party officer" means a person whose name is required to be  
5595 submitted by a county political party to the lieutenant governor in accordance with Section  
5596 [20A-8-402](#).

5597 (11) "Detailed listing" means:

5598 (a) for each contribution or public service assistance:

5599 (i) the name and address of the individual or source making the contribution or public  
5600 service assistance;

5601 (ii) the amount or value of the contribution or public service assistance; and



- 5602 (iii) the date the contribution or public service assistance was made; and
- 5603 (b) for each expenditure:
  - 5604 (i) the amount of the expenditure;
  - 5605 (ii) the person or entity to whom it was disbursed;
  - 5606 (iii) the specific purpose, item, or service acquired by the expenditure; and
  - 5607 (iv) the date the expenditure was made.
- 5608 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 5609 for membership in the corporation, to a corporation without receiving full and adequate
- 5610 consideration for the money.
- 5611 (b) "Donor" does not include a person that signs a statement that the corporation may
- 5612 not use the money for an expenditure or political issues expenditure.
- 5613 (13) "Election" means each:
  - 5614 (a) regular general election;
  - 5615 (b) regular primary election; and
  - 5616 (c) special election at which candidates are eliminated and selected.
- 5617 (14) "Electioneering communication" means a communication that:
  - 5618 (a) has at least a value of \$10,000;
  - 5619 (b) clearly identifies a candidate or judge; and
  - 5620 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
  - 5621 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
  - 5622 identified candidate's or judge's election date.
- 5623 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 5624 agent of a reporting entity on behalf of the reporting entity:
  - 5625 (i) any disbursement from contributions, receipts, or from the separate bank account
  - 5626 required by this chapter;
  - 5627 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
  - 5628 or anything of value made for political purposes;
  - 5629 (iii) an express, legally enforceable contract, promise, or agreement to make any

5630 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
5631 value for political purposes;

5632 (iv) compensation paid by a filing entity for personal services rendered by a person  
5633 without charge to a reporting entity;

5634 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
5635 committee; or

5636 (vi) goods or services provided by the filing entity to or for the benefit of another  
5637 reporting entity for political purposes at less than fair market value.

5638 (b) "Expenditure" does not include:

5639 (i) services provided without compensation by individuals volunteering a portion or all  
5640 of their time on behalf of a reporting entity;

5641 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
5642 business; or

5643 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
5644 candidates for office or officeholders in states other than Utah.

5645 (16) "Federal office" means the office of president of the United States, United States  
5646 Senator, or United States Representative.

5647 (17) "Filing entity" means the reporting entity that is required to file a financial  
5648 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

5649 (18) "Financial statement" includes any summary report, interim report, verified  
5650 financial statement, or other statement disclosing contributions, expenditures, receipts,  
5651 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
5652 Retention Elections.

5653 (19) "Governing board" means the individual or group of individuals that determine the  
5654 candidates and committees that will receive expenditures from a political action committee,  
5655 political party, or corporation.

5656 (20) "Incorporation" means the process established by Title 10, Chapter [~~2, Part 1,~~] 2a,  
5657 Municipal Incorporation, by which a geographical area becomes legally recognized as a city

5658 [~~or~~], town, or metro township.

5659 (21) "Incorporation election" means the election authorized by Section [~~10-2-111~~ or  
5660 ~~10-2-127~~] 10-2a-210, 10-2a-304, or 10-2a-404.

5661 (22) "Incorporation petition" means a petition authorized by Section [~~10-2-109~~]  
5662 10-2a-208 or [~~10-2-125~~] 10-2a-302.

5663 (23) "Individual" means a natural person.

5664 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
5665 by or coordinated with a filing entity.

5666 (25) "Interim report" means a report identifying the contributions received and  
5667 expenditures made since the last report.

5668 (26) "Legislative office" means the office of state senator, state representative, speaker  
5669 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
5670 whip of any party caucus in either house of the Legislature.

5671 (27) "Legislative office candidate" means a person who:

5672 (a) files a declaration of candidacy for the office of state senator or state representative;

5673 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
5674 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
5675 assistant whip of any party caucus in either house of the Legislature; or

5676 (c) receives contributions, makes expenditures, or gives consent for any other person to  
5677 receive contributions or make expenditures to bring about the person's nomination, election, or  
5678 appointment to a legislative office.

5679 (28) "Major political party" means either of the two registered political parties that  
5680 have the greatest number of members elected to the two houses of the Legislature.

5681 (29) "Officeholder" means a person who holds a public office.

5682 (30) "Party committee" means any committee organized by or authorized by the  
5683 governing board of a registered political party.

5684 (31) "Person" means both natural and legal persons, including individuals, business  
5685 organizations, personal campaign committees, party committees, political action committees,

5686 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

5687 (32) "Personal campaign committee" means the committee appointed by a candidate to  
5688 act for the candidate as provided in this chapter.

5689 (33) "Personal use expenditure" has the same meaning as provided under Section  
5690 20A-11-104.

5691 (34) (a) "Political action committee" means an entity, or any group of individuals or  
5692 entities within or outside this state, a major purpose of which is to:

5693 (i) solicit or receive contributions from any other person, group, or entity for political  
5694 purposes; or

5695 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
5696 vote for or against any candidate or person seeking election to a municipal or county office.

5697 (b) "Political action committee" includes groups affiliated with a registered political  
5698 party but not authorized or organized by the governing board of the registered political party  
5699 that receive contributions or makes expenditures for political purposes.

5700 (c) "Political action committee" does not mean:

5701 (i) a party committee;

5702 (ii) any entity that provides goods or services to a candidate or committee in the regular  
5703 course of its business at the same price that would be provided to the general public;

5704 (iii) an individual;

5705 (iv) individuals who are related and who make contributions from a joint checking  
5706 account;

5707 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5708 action committee; or

5709 (vi) a personal campaign committee.

5710 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
5711 by another person on behalf of and with the knowledge of the reporting entity, to provide  
5712 political advice to the reporting entity.

5713 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),

5714 where the person:

5715 (i) has already been paid, with money or other consideration;

5716 (ii) expects to be paid in the future, with money or other consideration; or

5717 (iii) understands that the person may, in the discretion of the reporting entity or another  
5718 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
5719 money or other consideration.

5720 (36) "Political convention" means a county or state political convention held by a  
5721 registered political party to select candidates.

5722 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
5723 entities within or outside this state, a major purpose of which is to:

5724 (i) solicit or receive donations from any other person, group, or entity to assist in  
5725 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
5726 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

5727 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
5728 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
5729 proposed ballot proposition or an incorporation in an incorporation election; or

5730 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
5731 ballot or to assist in keeping a ballot proposition off the ballot.

5732 (b) "Political issues committee" does not mean:

5733 (i) a registered political party or a party committee;

5734 (ii) any entity that provides goods or services to an individual or committee in the  
5735 regular course of its business at the same price that would be provided to the general public;

5736 (iii) an individual;

5737 (iv) individuals who are related and who make contributions from a joint checking  
5738 account; or

5739 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5740 issues committee.

5741 (38) (a) "Political issues contribution" means any of the following:

5742 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
5743 anything of value given to a political issues committee;

5744 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
5745 issues donation to influence the approval or defeat of any ballot proposition;

5746 (iii) any transfer of funds received by a political issues committee from a reporting  
5747 entity;

5748 (iv) compensation paid by another reporting entity for personal services rendered  
5749 without charge to a political issues committee; and

5750 (v) goods or services provided to or for the benefit of a political issues committee at  
5751 less than fair market value.

5752 (b) "Political issues contribution" does not include:

5753 (i) services provided without compensation by individuals volunteering a portion or all  
5754 of their time on behalf of a political issues committee; or

5755 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5756 course of business.

5757 (39) (a) "Political issues expenditure" means any of the following when made by a  
5758 political issues committee or on behalf of a political issues committee by an agent of the  
5759 reporting entity:

5760 (i) any payment from political issues contributions made for the purpose of influencing  
5761 the approval or the defeat of:

5762 (A) a ballot proposition; or

5763 (B) an incorporation petition or incorporation election;

5764 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
5765 the express purpose of influencing the approval or the defeat of:

5766 (A) a ballot proposition; or

5767 (B) an incorporation petition or incorporation election;

5768 (iii) an express, legally enforceable contract, promise, or agreement to make any  
5769 political issues expenditure;

5770 (iv) compensation paid by a reporting entity for personal services rendered by a person  
5771 without charge to a political issues committee; or

5772 (v) goods or services provided to or for the benefit of another reporting entity at less  
5773 than fair market value.

5774 (b) "Political issues expenditure" does not include:

5775 (i) services provided without compensation by individuals volunteering a portion or all  
5776 of their time on behalf of a political issues committee; or

5777 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5778 course of business.

5779 (40) "Political purposes" means an act done with the intent or in a way to influence or  
5780 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
5781 against any candidate or a person seeking a municipal or county office at any caucus, political  
5782 convention, or election.

5783 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
5784 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
5785 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
5786 person or by telephone, facsimile, Internet, postal mail, or email.

5787 (b) "Poll" does not include:

5788 (i) a ballot; or

5789 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

5790 (A) the focus group consists of more than three, and less than thirteen, individuals; and

5791 (B) all individuals in the focus group are present during the interview.

5792 (42) "Primary election" means any regular primary election held under the election  
5793 laws.

5794 ~~[(45)]~~ (43) "Publicly identified class of individuals" means a group of 50 or more  
5795 individuals sharing a common occupation, interest, or association that contribute to a political  
5796 action committee or political issues committee and whose names can be obtained by contacting  
5797 the political action committee or political issues committee upon whose financial statement the

5798 individuals are listed.

5799           ~~[(43)]~~ (44) "Public office" means the office of governor, lieutenant governor, state  
5800 auditor, state treasurer, attorney general, state school board member, state senator, state  
5801 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
5802 whip, and assistant whip of any party caucus in either house of the Legislature.

5803           ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided  
5804 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
5805 communicate with the officeholder's constituents:

5806           (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
5807 money or anything of value to an officeholder; or

5808           (ii) goods or services provided at less than fair market value to or for the benefit of the  
5809 officeholder.

5810           (b) "Public service assistance" does not include:

5811           (i) anything provided by the state;

5812           (ii) services provided without compensation by individuals volunteering a portion or all  
5813 of their time on behalf of an officeholder;

5814           (iii) money lent to an officeholder by a financial institution in the ordinary course of  
5815 business;

5816           (iv) news coverage or any publication by the news media; or

5817           (v) any article, story, or other coverage as part of any regular publication of any  
5818 organization unless substantially all the publication is devoted to information about the  
5819 officeholder.

5820           (46) "Receipts" means contributions and public service assistance.

5821           (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
5822 Lobbyist Disclosure and Regulation Act.

5823           (48) "Registered political action committee" means any political action committee that  
5824 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5825 Governor.



5826 (49) "Registered political issues committee" means any political issues committee that  
5827 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5828 Governor.

5829 (50) "Registered political party" means an organization of voters that:

5830 (a) participated in the last regular general election and polled a total vote equal to 2%  
5831 or more of the total votes cast for all candidates for the United States House of Representatives  
5832 for any of its candidates for any office; or

5833 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
5834 Party Formation and Procedures.

5835 (51) (a) "Remuneration" means a payment:

5836 (i) made to a legislator for the period the Legislature is in session; and

5837 (ii) that is approximately equivalent to an amount a legislator would have earned  
5838 during the period the Legislature is in session in the legislator's ordinary course of business.

5839 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

5840 (i) the legislator's primary employer in the ordinary course of business; or

5841 (ii) a person or entity in the ordinary course of business:

5842 (A) because of the legislator's ownership interest in the entity; or

5843 (B) for services rendered by the legislator on behalf of the person or entity.

5844 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
5845 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
5846 action committee, a political issues committee, a corporation, or a labor organization, as  
5847 defined in Section [20A-11-1501](#).

5848 (53) "School board office" means the office of state school board.

5849 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
5850 intangible asset that comprises the contribution.

5851 (b) "Source" means, for political action committees and corporations, the political  
5852 action committee and the corporation as entities, not the contributors to the political action  
5853 committee or the owners or shareholders of the corporation.

5854 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
5855 state auditor, and state treasurer.

5856 (56) "State office candidate" means a person who:

5857 (a) files a declaration of candidacy for a state office; or

5858 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5859 receive contributions or make expenditures to bring about the person's nomination, election, or  
5860 appointment to a state office.

5861 (57) "Summary report" means the year end report containing the summary of a  
5862 reporting entity's contributions and expenditures.

5863 (58) "Supervisory board" means the individual or group of individuals that allocate  
5864 expenditures from a political issues committee.

5865 Section 118. Section **53-2a-208** is amended to read:

5866 **53-2a-208. Local emergency -- Declarations.**

5867 (1) (a) A local emergency may be declared by proclamation of the chief executive  
5868 officer of a municipality or county.

5869 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
5870 days except by or with the consent of the governing body of the municipality or county.

5871 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
5872 shall be filed promptly with the office of the clerk of the affected municipality or county.

5873 (2) A declaration of a local emergency:

5874 (a) constitutes an official recognition that a disaster situation exists within the affected  
5875 municipality or county;

5876 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
5877 from other political subdivisions or from the state or federal government;

5878 (c) activates the response and recovery aspects of any and all applicable local disaster  
5879 emergency plans; and

5880 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

5881 (3) A local emergency proclamation issued under this section shall state:

- 5882 (a) the nature of the local emergency;
- 5883 (b) the area or areas that are affected or threatened; and
- 5884 (c) the conditions which caused the emergency.
- 5885 (4) The emergency declaration process within the state shall be as follows:
- 5886 (a) a city, town, or metro township shall declare to the county;
- 5887 (b) a county shall declare to the state;
- 5888 (c) the state shall declare to the federal government; and
- 5889 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the
- 5890 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 5891 (5) Nothing in this part affects:
- 5892 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 5893 (b) the duties, requests, reimbursements, or other actions taken by a political
- 5894 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
- 5895 Part 3, Statewide Mutual Aid Act.
- 5896 Section 119. Section **53-2a-802** is amended to read:
- 5897 **53-2a-802. Definitions.**
- 5898 (1) (a) "Absent" means:
- 5899 (i) not physically present or not able to be communicated with for 48 hours; or
- 5900 (ii) for local government officers, as defined by local ordinances.
- 5901 (b) "Absent" does not include a person who can be communicated with via telephone,
- 5902 radio, or telecommunications.
- 5903 (2) "Department" means the Department of Administrative Services, the Department of
- 5904 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of
- 5905 Commerce, the Department of Heritage and Arts, the Department of Corrections, the
- 5906 Department of Environmental Quality, the Department of Financial Institutions, the
- 5907 Department of Health, the Department of Human Resource Management, the Department of
- 5908 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,
- 5909 the Department of Natural Resources, the Department of Public Safety, the Public Service

5910 Commission, the Department of Human Services, the State Tax Commission, the Department  
5911 of Technology Services, the Department of Transportation, any other major administrative  
5912 subdivisions of state government, the State Board of Education, the State Board of Regents, the  
5913 Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and  
5914 each institution of higher education within the system of higher education.

5915 (3) "Division" means the Division of Emergency Management established in Title 53,  
5916 Chapter 2a, Part 1, Emergency Management Act.

5917 (4) "Emergency interim successor" means a person designated by this part to exercise  
5918 the powers and discharge the duties of an office when the person legally exercising the powers  
5919 and duties of the office is unavailable.

5920 (5) "Executive director" means the person with ultimate responsibility for managing  
5921 and overseeing the operations of each department, however denominated.

5922 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
5923 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

5924 (b) "Office" does not include the office of governor or the legislative or judicial offices.

5925 (7) "Place of governance" means the physical location where the powers of an office  
5926 are being exercised.

5927 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,  
5928 authorities, and other public corporations and entities whether organized and existing under  
5929 charter or general law.

5930 (9) "Political subdivision officer" means a person holding an office in a political  
5931 subdivision.

5932 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
5933 the executive director of each department.

5934 (11) "Unavailable" means:

5935 (a) absent from the place of governance during a disaster that seriously disrupts normal  
5936 governmental operations, whether or not that absence or inability would give rise to a vacancy  
5937 under existing constitutional or statutory provisions; or

5938 (b) as otherwise defined by local ordinance.

5939 Section 120. Section **53A-2-402** is amended to read:

5940 **53A-2-402. Definitions.**

5941 As used in this part:

5942 (1) "Eligible entity" means:

5943 (a) a city or town with a population density of 3,000 or more people per square mile; or

5944 (b) a county whose unincorporated area includes a qualifying [township] planning  
5945 advisory area.

5946 (2) "Purchase price" means the greater of:

5947 (a) an amount that is the average of:

5948 (i) the appraised value of the surplus property, based on the predominant zone in the  
5949 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

5950 (ii) the appraised value of the surplus property, based on the predominant zone in the  
5951 surrounding area, as indicated in an appraisal obtained by the school district; and

5952 (b) the amount the school district paid to acquire the surplus property.

5953 (3) "Qualifying [township] planning advisory area" means a [township] planning  
5954 advisory area under Section **17-27a-306** that has a population density of 3,000 or more people  
5955 per square mile within the boundaries of the [township] planning advisory area.

5956 (4) "Surplus property" means land owned by a school district that:

5957 (a) was purchased with taxpayer money;

5958 (b) is located within a city or town that is an eligible entity or within a qualifying  
5959 [township] planning advisory area;

5960 (c) consists of one contiguous tract at least three acres in size; and

5961 (d) has been declared by the school district to be surplus.

5962 Section 121. Section **53B-21-107** is amended to read:

5963 **53B-21-107. Investment in bonds by private and public entities -- Approval as**  
5964 **collateral security.**

5965 (1) Any bank, savings and loan association, trust, or insurance company organized

5966 under the laws of this state or federal law may invest its capital and surplus in bonds issued  
5967 under this chapter.

5968 (2) The officers having charge of a sinking fund or any county, city, metro township,  
5969 town, [~~township~~], or school district may invest the sinking fund in bonds issued under this  
5970 chapter.

5971 (3) The bonds shall also be approved as collateral security for the deposit of any public  
5972 funds and for the investment of trust funds.

5973 Section 122. Section **59-12-203** is amended to read:

5974 **59-12-203. County, city, town, or metro township may levy tax -- Contracts**  
5975 **pursuant to Interlocal Cooperation Act.**

5976 [~~Any~~] (1) A county, city, [~~or~~] town, or metro township may [~~levy~~] impose a sales and  
5977 use tax under this part. [~~Any~~]

5978 (2) If a metro township imposes a tax under this part, the metro township is subject to  
5979 the same requirements a city is required to meet under this part.

5980 (3) (a) Except as provided in Subsection (3)(b) and notwithstanding any other  
5981 provision of this part, if a metro township imposes a tax under this part, the State Tax  
5982 Commission shall distribute the revenues collected from the tax to the metro township.

5983 (b) The State Tax Commission shall transfer the revenues collected within a metro  
5984 township under this part to a municipal services district created under Title 17B, Chapter 2a,  
5985 Part 11, Municipal Services District Act, if the metro township:

5986 (i) provides written notice to the State Tax Commission requesting the transfer; and

5987 (ii) designates the municipal services district to which the metro township requests the  
5988 State Tax Commission to transfer the revenues.

5989 (4) A county, city, [~~or~~] town [~~which elects to levy such~~], or metro township that  
5990 imposes a sales and use tax under this part may:

5991 (a) enter into agreements authorized by Title 11, Chapter 13, [~~the~~] Interlocal  
5992 Cooperation Act[;]; and [~~may~~]

5993 (b) use any or all of the [~~revenues derived from the imposition of such~~] revenue

5994 collected from the tax for the mutual benefit of local governments [~~which~~] that elect to contract  
5995 with one another pursuant to [~~the~~] Title 11, Chapter 13, Interlocal Cooperation Act.

5996 Section 123. Section **63I-2-210** is amended to read:

5997 **63I-2-210. Repeal dates -- Title 10.**

5998 (1) Section [~~10-2-130~~] 10-2a-105 is repealed July 1, 2016.

5999 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

6000 Section 124. Section **67-1a-2** is amended to read:

6001 **67-1a-2. Duties enumerated.**

6002 (1) The lieutenant governor shall:

6003 (a) perform duties delegated by the governor, including assignments to serve in any of  
6004 the following capacities:

6005 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
6006 and, upon appointment at the pleasure of the governor and without additional compensation;

6007 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
6008 law for the purpose of advising the governor or coordinating intergovernmental or  
6009 interdepartmental policies or programs;

6010 (iii) as liaison between the governor and the state Legislature to coordinate and  
6011 facilitate the governor's programs and budget requests;

6012 (iv) as liaison between the governor and other officials of local, state, federal, and  
6013 international governments or any other political entities to coordinate, facilitate, and protect the  
6014 interests of the state;

6015 (v) as personal advisor to the governor, including advice on policies, programs,  
6016 administrative and personnel matters, and fiscal or budgetary matters; and

6017 (vi) as chairperson or member of any temporary or permanent boards, councils,  
6018 commissions, committees, task forces, or other group appointed by the governor;

6019 (b) serve on all boards and commissions in lieu of the governor, whenever so  
6020 designated by the governor;

6021 (c) serve as the chief election officer of the state as required by Subsection (2);

- 6022 (d) keep custody of the Great Seal of Utah;
- 6023 (e) keep a register of, and attest, the official acts of the governor;
- 6024 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
- 6025 which the official signature of the governor is required; and
- 6026 (g) furnish a certified copy of all or any part of any law, record, or other instrument
- 6027 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
- 6028 it and pays the fee.
- 6029 (2) (a) As the chief election officer, the lieutenant governor shall:
- 6030 (i) exercise general supervisory authority over all elections;
- 6031 (ii) exercise direct authority over the conduct of elections for federal, state, and
- 6032 multicounty officers and statewide or multicounty ballot propositions and any recounts
- 6033 involving those races;
- 6034 (iii) assist county clerks in unifying the election ballot;
- 6035 (iv) (A) prepare election information for the public as required by statute and as
- 6036 determined appropriate by the lieutenant governor; and
- 6037 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
- 6038 news media on the Internet and in other forms as required by statute or as determined
- 6039 appropriate by the lieutenant governor;
- 6040 (v) receive and answer election questions and maintain an election file on opinions
- 6041 received from the attorney general;
- 6042 (vi) maintain a current list of registered political parties as defined in Section
- 6043 [20A-8-101](#);
- 6044 (vii) maintain election returns and statistics;
- 6045 (viii) certify to the governor the names of those persons who have received the highest
- 6046 number of votes for any office;
- 6047 (ix) ensure that all voting equipment purchased by the state complies with the
- 6048 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-402.5](#) and [20A-5-402.7](#);
- 6049 (x) conduct the study described in Section [67-1a-14](#);



6050 (xi) during a declared emergency, to the extent that the lieutenant governor determines  
6051 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location  
6052 relating to:

- 6053 (A) voting on election day;
- 6054 (B) early voting;
- 6055 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 6056 (D) the counting of an absentee ballot or military-overseas ballot; or
- 6057 (E) the canvassing of election returns; and

6058 (xii) perform other election duties as provided in Title 20A, Election Code.

6059 (b) As chief election officer, the lieutenant governor may not assume the  
6060 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
6061 officials by Title 20A, Election Code.

6062 (3) (a) The lieutenant governor shall:

6063 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's  
6064 incorporation under Title 10, Chapter [~~2, Part 1, Incorporation,~~] 2a, Part 2, Incorporation of a  
6065 City, based on the city's population using the population estimate from the Utah Population  
6066 Estimates Committee; and

6067 (B) (I) prepare a certificate indicating the class in which the new city belongs based on  
6068 the city's population; and

6069 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6070 city's legislative body;

6071 (ii) (A) determine the classification under Section 10-2-301 of a consolidated  
6072 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part  
6073 6, Consolidation of Municipalities, using population information from:

6074 (I) each official census or census estimate of the United States Bureau of the Census;

6075 or

6076 (II) the population estimate from the Utah Population Estimates Committee, if the  
6077 population of a municipality is not available from the United States Bureau of the Census; and

6078 (B) (I) prepare a certificate indicating the class in which the consolidated municipality  
6079 belongs based on the municipality's population; and

6080 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6081 consolidated municipality's legislative body; [~~and~~]

6082 (iii) (A) determine a new metro township's classification under Section [10-2-301.5](#)  
6083 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of  
6084 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
6085 12, 2015, based on the metro township's population using the population estimates from the  
6086 Utah Population Estimates Committee; and

6087 (B) prepare a certificate indicating the class in which the new metro township belongs  
6088 based on the metro township's population and, within 10 days after preparing the certificate,  
6089 deliver a copy of the certificate to the metro township's legislative body; and

6090 [~~(iii)~~] (iv) monitor the population of each municipality using population information  
6091 from:

6092 (A) each official census or census estimate of the United States Bureau of the Census;  
6093 or

6094 (B) the population estimate from the Utah Population Estimates Committee, if the  
6095 population of a municipality is not available from the United States Bureau of the Census.

6096 (b) If the applicable population figure under Subsection (3)(a)(ii) or [~~(iii)~~] (iv) indicates  
6097 that a municipality's population has increased beyond the population for its current class, the  
6098 lieutenant governor shall:

6099 (i) prepare a certificate indicating the class in which the municipality belongs based on  
6100 the increased population figure; and

6101 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6102 legislative body of the municipality whose class has changed.

6103 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or [~~(iii)~~] (iv)  
6104 indicates that a municipality's population has decreased below the population for its current  
6105 class, the lieutenant governor shall send written notification of that fact to the municipality's

6106 legislative body.

6107 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
6108 population has decreased below the population for its current class, the lieutenant governor  
6109 shall:

6110 (A) prepare a certificate indicating the class in which the municipality belongs based  
6111 on the decreased population figure; and

6112 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
6113 legislative body of the municipality whose class has changed.

6114 Section 125. Section 69-2-5 is amended to read:

6115 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

6116 (1) In providing funding of 911 emergency service, any public agency establishing a  
6117 911 emergency service may:

6118 (a) seek assistance from the federal or state government, to the extent constitutionally  
6119 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or  
6120 indirectly;

6121 (b) seek funds appropriated by local governmental taxing authorities for the funding of  
6122 public safety agencies; and

6123 (c) seek gifts, donations, or grants from individuals, corporations, or other private  
6124 entities.

6125 (2) For purposes of providing funding of 911 emergency service, special service  
6126 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur  
6127 indebtedness as provided in Section 17D-1-103.

6128 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of  
6129 this Subsection (3), a county, city, [or] town, or metro township within which 911 emergency  
6130 service is provided may levy a monthly 911 emergency services charge on:

6131 [(i)] (A) each local exchange service switched access line within the boundaries of the  
6132 county, city, [or] town, or metro township;

6133 [(ii)] (B) each revenue producing radio communications access line with a billing

6134 address within the boundaries of the county, city, [~~or~~] town, or metro township; and  
6135 ~~[(iii)] (C)~~ any other service, including voice over Internet protocol, provided to a user  
6136 within the boundaries of the county, city, [~~or~~] town, or metro township that allows the user to  
6137 make calls to and receive calls from the public switched telecommunications network,  
6138 including commercial mobile radio service networks.

6139 (ii) If a metro township levies a charge under this chapter, the metro township is  
6140 subject to the same requirements a city is required to meet under this chapter.

6141 (iii) Except as provided in Subsection (3)(a)(iv) and notwithstanding any other  
6142 provision of this chapter, if a metro township levies a charge described in Subsection (3)(a)(i)  
6143 under this chapter, the State Tax Commission shall distribute the revenue collected from the  
6144 charge to the metro township.

6145 (iv) The State Tax Commission shall transfer the revenues collected within a metro  
6146 township under this chapter to a municipal services district created under Title 17B, Chapter  
6147 2a, Part 11, Municipal Services District Act, if the metro township:

6148 (A) provides written notice to the State Tax Commission requesting the transfer; and

6149 (B) designates the municipal services district to which the metro township requests the  
6150 State Tax Commission to transfer the revenues.

6151 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
6152 telecommunications service is exempt from 911 emergency service charges.

6153 (c) The amount of the charge levied under this section may not exceed:

6154 (i) 61 cents per month for each local exchange service switched access line;

6155 (ii) 61 cents per month for each radio communications access line; and

6156 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

6157 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
6158 provided in Section [59-12-102](#) or [59-12-215](#):

6159 (A) "mobile telecommunications service";

6160 (B) "place of primary use";

6161 (C) "service address"; and

- 6162 (D) "telecommunications service."
- 6163 (ii) An access line described in Subsection (3)(a) is considered to be within the
- 6164 boundaries of a county, city, or town if the telecommunications services provided over the
- 6165 access line are located within the county, city, or town:
- 6166 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
- 6167 Act; and
- 6168 (B) determined in accordance with Section [59-12-215](#).
- 6169 (iii) The rate imposed on an access line under this section shall be determined in
- 6170 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
- 6171 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
- 6172 city, or town in which is located:
- 6173 (A) for a telecommunications service, the purchaser's service address; or
- 6174 (B) for mobile telecommunications service, the purchaser's place of primary use.
- 6175 (iv) The rate imposed on an access line under this section shall be the lower of:
- 6176 (A) the rate imposed by the county, city, or town in which the access line is located
- 6177 under Subsection (3)(d)(ii); or
- 6178 (B) the rate imposed by the county, city, or town in which it is located:
- 6179 (I) for telecommunications service, the purchaser's service address; or
- 6180 (II) for mobile telecommunications service, the purchaser's place of primary use.
- 6181 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
- 6182 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
- 6183 charge being levied.
- 6184 (ii) For purposes of this Subsection (3)(e):
- 6185 (A) "Annexation" means an annexation to:
- 6186 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
- 6187 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.
- 6188 (B) "Annexing area" means an area that is annexed into a county, city, or town.
- 6189 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or

6190 town enacts or repeals a charge or changes the amount of the charge under this section, the  
6191 enactment, repeal, or change shall take effect:

6192 (I) on the first day of a calendar quarter; and

6193 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6194 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

6195 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

6196 (I) that the county, city, or town will enact or repeal a charge or change the amount of  
6197 the charge under this section;

6198 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

6199 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

6200 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6201 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

6202 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge  
6203 increase under this section shall take effect on the first day of the first billing period:

6204 (I) that begins after the effective date of the enactment of the charge or the charge  
6205 increase; and

6206 (II) if the billing period for the charge begins before the effective date of the enactment  
6207 of the charge or the charge increase imposed under this section.

6208 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge  
6209 decrease under this section shall take effect on the first day of the last billing period:

6210 (I) that began before the effective date of the repeal of the charge or the charge  
6211 decrease; and

6212 (II) if the billing period for the charge begins before the effective date of the repeal of  
6213 the charge or the charge decrease imposed under this section.

6214 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will  
6215 result in the enactment, repeal, or a change in the amount of a charge imposed under this  
6216 section for an annexing area, the enactment, repeal, or change shall take effect:

6217 (I) on the first day of a calendar quarter; and

6218 (II) after a 90-day period beginning on the date the State Tax Commission receives  
6219 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that  
6220 annexes the annexing area.

6221 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

6222 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an  
6223 enactment, repeal, or a change in the charge being imposed under this section for the annexing  
6224 area;

6225 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

6226 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

6227 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
6228 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

6229 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge  
6230 increase under this section shall take effect on the first day of the first billing period:

6231 (I) that begins after the effective date of the enactment of the charge or the charge  
6232 increase; and

6233 (II) if the billing period for the charge begins before the effective date of the enactment  
6234 of the charge or the charge increase imposed under this section.

6235 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge  
6236 decrease under this section shall take effect on the first day of the last billing period:

6237 (I) that began before the effective date of the repeal of the charge or the charge  
6238 decrease; and

6239 (II) if the billing period for the charge begins before the effective date of the repeal of  
6240 the charge or the charge decrease imposed under this section.

6241 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this  
6242 section shall:

6243 (i) be billed and collected by the person that provides the:

6244 (A) local exchange service switched access line services; or

6245 (B) radio communications access line services; and

- 6246 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax  
6247 Commission.
- 6248 (g) A 911 emergency services charge on a mobile telecommunications service may be  
6249 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications  
6250 Sourcing Act, 4 U.S.C. Sec. 116 et seq.
- 6251 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:
- 6252 (i) bill the charge imposed by this section in combination with the charge levied under  
6253 Section 69-2-5.6 as one line item charge; and
- 6254 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as  
6255 reimbursement for the cost of billing, collecting, and remitting the levy.
- 6256 (i) The State Tax Commission shall collect, enforce, and administer the charge  
6257 imposed under this Subsection (3) using the same procedures used in the administration,  
6258 collection, and enforcement of the state sales and use taxes under:
- 6259 (i) Title 59, Chapter 1, General Taxation Policies; and
- 6260 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
- 6261 (A) Section 59-12-104;
- 6262 (B) Section 59-12-104.1;
- 6263 (C) Section 59-12-104.2;
- 6264 (D) Section 59-12-104.6;
- 6265 (E) Section 59-12-107.1; and
- 6266 (F) Section 59-12-123.
- 6267 (j) The State Tax Commission shall transmit money collected under this Subsection (3)  
6268 monthly by electronic funds transfer to the county, city, or town that imposes the charge.
- 6269 (k) A person that pays a charge under this section shall pay the charge to the  
6270 commission:
- 6271 (i) monthly on or before the last day of the month immediately following the last day of  
6272 the previous month if:
- 6273 (A) the person is required to file a sales and use tax return with the commission



6274 monthly under Section 59-12-108; or

6275 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6276 12, Sales and Use Tax Act; or

6277 (ii) quarterly on or before the last day of the month immediately following the last day  
6278 of the previous quarter if the person is required to file a sales and use tax return with the  
6279 commission quarterly under Section 59-12-107.

6280 (l) A charge a person pays under this section shall be paid using a form prescribed by  
6281 the State Tax Commission.

6282 (m) The State Tax Commission shall retain and deposit an administrative charge in  
6283 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a  
6284 charge under this section.

6285 (n) A charge under this section is subject to Section 69-2-5.8.

6286 (4) (a) Any money received by a public agency for the provision of 911 emergency  
6287 service shall be deposited in a special emergency telecommunications service fund.

6288 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency  
6289 service fund shall be expended by the public agency to pay the costs of:

6290 (A) establishing, installing, maintaining, and operating a 911 emergency service  
6291 system;

6292 (B) receiving and processing emergency communications from the 911 system or other  
6293 communications or requests for emergency services;

6294 (C) integrating a 911 emergency service system into an established public safety  
6295 dispatch center, including contracting with the providers of local exchange service, radio  
6296 communications service, and vendors of appropriate terminal equipment as necessary to  
6297 implement the 911 emergency services; or

6298 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
6299 services system.

6300 (ii) Revenues derived for the funding of 911 emergency service may be used by the  
6301 public agency for personnel costs associated with receiving and processing communications

6302 and deploying emergency response resources when the system is integrated with any public  
6303 safety dispatch system.

6304 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal  
6305 year does not lapse, and must be carried forward to be used for the purposes described in this  
6306 section.

6307 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
6308 Subsection (3) after the 2004 Annual General Session:

6309 (i) may be used by the public safety answering point for the purposes under Subsection  
6310 (4)(b); and

6311 (ii) shall be deposited into the special 911 emergency service fund described in  
6312 Subsection (4)(a).

6313 (b) Revenue received by a local entity from disbursements from the Utah 911  
6314 Committee under Section [63H-7-306](#):

6315 (i) shall be deposited into the special 911 emergency service fund under Subsection  
6316 (4)(a); and

6317 (ii) shall only be used for that portion of the costs related to the development and  
6318 operation of wireless and land-based enhanced 911 emergency telecommunications service and  
6319 the implementation of 911 services as provided in Subsection (5)(c).

6320 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering  
6321 point's costs for:

6322 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
6323 answering point equipment capable of receiving 911 information;

6324 (ii) database development, operation, and maintenance; and

6325 (iii) personnel costs associated with establishing, installing, maintaining, and operating  
6326 wireless 911 services, including training emergency service personnel regarding receipt and use  
6327 of 911 wireless service information and educating consumers regarding the appropriate and  
6328 responsible use of 911 wireless service.

6329 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the

6330 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
6331 Subsection (3)(c).

6332 Section 126. Section **69-2-5.5** is amended to read:

6333 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**  
6334 **Aided Dispatch Restricted Account -- Administrative charge.**

6335 (1) Subject to Subsection (7), there is imposed an emergency services  
6336 telecommunications charge of 6 cents per month on each local exchange service switched  
6337 access line and each revenue producing radio communications access line that is subject to an  
6338 emergency services telecommunications charge levied by a county, city, [or] town, or metro  
6339 township under Section **69-2-5**.

6340 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge  
6341 imposed under this section shall be billed and collected by the person that provides:

6342 (i) local exchange service switched access line services; or

6343 (ii) radio communications access line services.

6344 (b) A person that pays an emergency services telecommunications charge under this  
6345 section shall pay the emergency services telecommunications charge to the commission:

6346 (i) monthly on or before the last day of the month immediately following the last day of  
6347 the previous month if:

6348 (A) the person is required to file a sales and use tax return with the commission  
6349 monthly under Section **59-12-108**; or

6350 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6351 12, Sales and Use Tax Act; or

6352 (ii) quarterly on or before the last day of the month immediately following the last day  
6353 of the previous quarter if the person is required to file a sales and use tax return with the  
6354 commission quarterly under Section **59-12-107**.

6355 (c) An emergency services telecommunications charge imposed under this section shall  
6356 be deposited into the Computer Aided Dispatch Restricted Account created in Section  
6357 **63H-7-310**.

6358           (3) Emergency services telecommunications charges remitted to the State Tax  
6359 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the  
6360 State Tax Commission.

6361           (4) (a) The State Tax Commission shall administer, collect, and enforce the charge  
6362 imposed under Subsection (1) according to the same procedures used in the administration,  
6363 collection, and enforcement of the state sales and use tax under:

6364           (i) Title 59, Chapter 1, General Taxation Policies; and

6365           (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6366           (A) Section 59-12-104;

6367           (B) Section 59-12-104.1;

6368           (C) Section 59-12-104.2;

6369           (D) Section 59-12-104.6;

6370           (E) Section 59-12-107.1; and

6371           (F) Section 59-12-123.

6372           (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6373 State Tax Commission may make rules to administer, collect, and enforce the emergency  
6374 services telecommunications charges imposed under this section.

6375           (c) The State Tax Commission shall retain and deposit an administrative charge in  
6376 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from  
6377 an emergency services telecommunications charge under this section.

6378           (d) A charge under this section is subject to Section 69-2-5.8.

6379           (5) A provider of local exchange service switched access line services or radio  
6380 communications access line services who fails to comply with this section is subject to  
6381 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

6382           (6) An emergency services telecommunications charge under this section on a mobile  
6383 telecommunications service may be imposed, billed, and collected only to the extent permitted  
6384 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

6385           Section 127. Section 69-2-5.6 is amended to read:

6386           **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**  
6387 **Administrative charge.**

6388           (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911  
6389 emergency service charge of 9 cents per month on each local exchange service switched access  
6390 line and each revenue producing radio communications access line that is subject to a 911  
6391 emergency services charge levied by a county, city, ~~[or]~~ town, or metro township under Section  
6392 69-2-5.

6393           (2) (a) A 911 emergency services charge imposed under this section shall be:

6394           (i) subject to Subsection 69-2-5(3)(g); and

6395           (ii) billed and collected by the person that provides:

6396           (A) local exchange service switched access line services;

6397           (B) radio communications access line services; or

6398           (C) service described in Subsection 69-2-5(3)(a)~~[(iii)]~~(i)(C).

6399           (b) A person that pays a charge under this section shall pay the charge to the  
6400 commission:

6401           (i) monthly on or before the last day of the month immediately following the last day of  
6402 the previous month if:

6403           (A) the person is required to file a sales and use tax return with the commission  
6404 monthly under Section 59-12-108; or

6405           (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
6406 12, Sales and Use Tax Act; or

6407           (ii) quarterly on or before the last day of the month immediately following the last day  
6408 of the previous quarter if the person is required to file a sales and use tax return with the  
6409 commission quarterly under Section 59-12-107.

6410           (c) A charge imposed under this section shall be deposited into the Unified Statewide  
6411 911 Emergency Service Account created by Section 63H-7-304.

6412           (3) The person that bills and collects the charges levied by this section pursuant to  
6413 Subsections (2)(b) and (c) may:

6414 (a) bill the charge imposed by this section in combination with the charge levied under  
6415 Section 69-2-5 as one line item charge; and

6416 (b) retain an amount not to exceed 1.5% of the charges collected under this section as  
6417 reimbursement for the cost of billing, collecting, and remitting the levy.

6418 (4) The State Tax Commission shall collect, enforce, and administer the charges  
6419 imposed under Subsection (1) using the same procedures used in the administration, collection,  
6420 and enforcement of the emergency services telecommunications charge to fund the Computer  
6421 Aided Dispatch Restricted Account under Section 63H-7-310.

6422 (5) Notwithstanding Section 63H-7-304, the State Tax Commission shall retain and  
6423 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the  
6424 State Tax Commission collects from a charge under this section.

6425 (6) A charge under this section is subject to Section 69-2-5.8.

6426 (7) This section sunsets in accordance with Section 63I-1-269.

6427 Section 128. Section 69-2-5.7 is amended to read:

6428 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**  
6429 **Administrative charge.**

6430 (1) As used in this section:

6431 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
6432 service in a transaction.

6433 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
6434 collected by a seller from a consumer in the amount established under Subsection (2).

6435 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
6436 telecommunications service that:

6437 (A) is paid for in advance;

6438 (B) is sold in predetermined units of time or dollars that decline with use in a known  
6439 amount or provides unlimited use of the service for a fixed amount or time; and

6440 (C) allows a caller to access 911 emergency service.

6441 (ii) "Prepaid wireless telecommunications service" does not include a wireless

6442 telecommunications service that is billed:

6443 (A) to a customer on a recurring basis; and

6444 (B) in a manner that includes the emergency services telecommunications charges,  
6445 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line  
6446 assigned to the customer.

6447 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
6448 consumer.

6449 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
6450 from a seller.

6451 (f) "Wireless telecommunications service" means commercial mobile radio service as  
6452 defined by 47 C.F.R. Sec. 20.3, as amended.

6453 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price  
6454 per transaction.

6455 (3) The prepaid wireless 911 service charge shall be collected by the seller from the  
6456 consumer for each transaction occurring in this state.

6457 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
6458 receipt, or similar document that is provided by the seller to the consumer.

6459 (5) For purposes of Subsection (3), the location of a transaction is determined in  
6460 accordance with Sections 59-12-211 through 59-12-215.

6461 (6) When prepaid wireless telecommunications service is sold with one or more other  
6462 products or services for a single non-itemized price, then the percentage specified in Section  
6463 (2) shall apply to the entire non-itemized price.

6464 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
6465 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
6466 charge.

6467 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
6468 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller  
6469 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,

6470 Sales and Use Tax Act.

6471 (9) The State Tax Commission:

6472 (a) shall collect, enforce, and administer the charge imposed under this section using  
6473 the same procedures used in the administration, collection, and enforcement of the state sales  
6474 and use taxes under:

6475 (i) Title 59, Chapter 1, General Taxation Policies; and

6476 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

6477 (A) Section 59-12-104;

6478 (B) Section 59-12-104.1;

6479 (C) Section 59-12-104.2;

6480 (D) Section 59-12-107.1; and

6481 (E) Section 59-12-123;

6482 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected  
6483 under Subsection (9)(a) as reimbursement for administering this section;

6484 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained  
6485 under Subsection (9)(b), as follows:

6486 (i) 80.3% of the revenue shall be distributed to each county, city, [or] town, or metro  
6487 township in the same percentages and in the same manner as the entities receive money to fund  
6488 911 emergency telecommunications services under Section 69-2-5;

6489 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch  
6490 Restricted Account created in Section 63H-7-310; and

6491 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911  
6492 emergency service as in Section 69-2-5.6; and

6493 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
6494 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

6495 (10) A charge under this section is subject to Section 69-2-5.8.

6496 Section 129. Section 78A-7-202 is amended to read:

6497 **78A-7-202. Justice court judges to be appointed -- Procedure.**



- 6498 (1) As used in this section:
- 6499 (a) "Local government executive" means:
- 6500 (i) for a county:
- 6501 (A) the chair of the county commission in a county operating under the county
- 6502 commission or expanded county commission form of county government;
- 6503 (B) the county executive in a county operating under the county executive-council form
- 6504 of county government; and
- 6505 (C) the county manager in a county operating under the council-manager form of
- 6506 county government; [~~and~~]
- 6507 (ii) for a city or town:
- 6508 (A) the mayor of the city or town; or
- 6509 (B) the city manager, in the council-manager form of government described in
- 6510 Subsection [10-3b-103](#)~~[(6)].~~[\(7\)](#); and
- 6511 (iii) for a metro township, the chair of the metro township council.
- 6512 (b) "Local legislative body" means:
- 6513 (i) for a county, the county commission or county council; and
- 6514 (ii) for a city or town, the council of the city or town.
- 6515 (2) There is created in each county a county justice court nominating commission to
- 6516 review applicants and make recommendations to the appointing authority for a justice court
- 6517 position. The commission shall be convened when a new justice court judge position is created
- 6518 or when a vacancy in an existing court occurs for a justice court located within the county.
- 6519 (a) Membership of the justice court nominating commission shall be as follows:
- 6520 (i) one member appointed by:
- 6521 (A) the county commission if the county has a county commission form of
- 6522 government; or
- 6523 (B) the county executive if the county has an executive-council form of government;
- 6524 (ii) one member appointed by the municipalities in the counties as follows:
- 6525 (A) if the county has only one municipality, appointment shall be made by the

6526 governing authority of that municipality; or

6527 (B) if the county has more than one municipality, appointment shall be made by a  
6528 municipal selection committee composed of the mayors of each municipality and the chairs of  
6529 each metro township in the county;

6530 (iii) one member appointed by the county bar association; and

6531 (iv) two members appointed by the governing authority of the jurisdiction where the  
6532 judicial office is located.

6533 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be  
6534 appointed by the regional bar association. If no regional bar association exists, the state bar  
6535 association shall make the appointment.

6536 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing  
6537 authority or an elected official of a county or municipality.

6538 (d) The nominating commission shall submit at least two names to the appointing  
6539 authority of the jurisdiction expected to be served by the judge. The local government  
6540 executive shall appoint a judge from the list submitted and the appointment ratified by the local  
6541 legislative body.

6542 (e) The state court administrator shall provide staff to the commission. The Judicial  
6543 Council shall establish rules and procedures for the conduct of the commission.

6544 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through  
6545 the Utah State Bar, and other appropriate means.

6546 (4) Selection of candidates shall be based on compliance with the requirements for  
6547 office and competence to serve as a judge.

6548 (5) Once selected, every prospective justice court judge shall attend an orientation  
6549 seminar conducted under the direction of the Judicial Council. Upon completion of the  
6550 orientation program, the Judicial Council shall certify the justice court judge as qualified to  
6551 hold office.

6552 (6) The selection of a person to fill the office of justice court judge is effective upon  
6553 certification of the judge by the Judicial Council. A justice court judge may not perform

6554 judicial duties until certified by the Judicial Council.

6555 Section 130. **Repealer.**

6556 This bill repeals:

6557 Section **10-2-408.5, Annexation of an area within a township -- Withdrawing the**  
6558 **area from the township.**

6559 Section **10-3b-505, Ballot form.**

6560 Section **10-3b-506, Election of officers after a change in the form of government.**

6561 Section **10-3b-507, Effective date of change in the form of government.**

6562 Section **17-27a-307, Certain township planning and zoning board dissolved.**

6563 Section 131. **Revisor instructions.**

6564 The Legislature intends that the Office of Legislative Research and General Counsel, in  
6565 preparing the Utah Code database for publication, replace the language "this bill" in Subsection  
6566 10-2a-403(6)(a) to the bill's designated chapter and section number in the Laws of Utah.

6567 Section 132. **Coordinating S.B. 199 with H.B. 97 -- Technical renumbering --**  
6568 **Changing cross references.**

6569 If this S.B. 199 and H.B. 97, Election of Officials of New Municipality, both pass, it is  
6570 the intent of the Legislature that the Office of Legislative Research and General Counsel in  
6571 preparing the Utah Code database for publication:

6572 (1) renumber Section 10-2-128.1 enacted in H.B. 97 to Section 10-2a-305.1, and  
6573 change any internal references to that section;

6574 (2) renumber Section 10-2-128.2 enacted in H.B. 97 to Section 10-2a-305.2, and  
6575 change any internal references to that section;

6576 (3) change cross references in H.B. 97 from:

6577 (a) Section 10-2-116 to Section 10-2a-215;

6578 (b) Section 10-2-127 to Section 10-2a-304; and

6579 (c) Section 10-2-128.2 to Section 10-2a-305.2; and

6580 (4) change any internal cross reference affected by the renumbering.

6581 Section 133. **Coordinating S.B. 199 with H.B. 245 -- Technical renumbering --**

6582 **Changing cross references.**

6583 If this S.B. 199 and H.B. 245, Incorporation Process for Cities and Towns, both pass, it  
6584 is the intent of the Legislature that the Office of Legislative Research and General Counsel in  
6585 preparing the Utah Code database for publication:

6586 (1) renumber Section 10-2-102.13 enacted in H.B. 245 to Section 10-2a-106, and  
6587 change any internal references to that section;

6588 (2) renumber Section 10-2-131 enacted in H.B. 245 to Section 10-2a-307, and change  
6589 any internal references to that section;

6590 (3) change cross references in H.B. 245 from Section 10-2-111 to Section 10-2a-210;  
6591 and

6592 (4) renumber all internal cross references affected by the renumbering.