

some provisions regarding

Townships

(Text is current through the 2008 General Session)

10-2-427. Annexation involving township -- Special election in township -- Approval by township planning commission.

17-27a-306. Townships.

17-27a-307. Certain township planning and zoning board dissolved.

63I-2-210. Repeal dates -- Title 10.

10-2-427. Annexation involving township -- Special election in township -- Approval by township planning commission.

Notwithstanding any other provision of this part, a municipal legislative body in a county of the first class may not approve an annexation petition under this part which involves the annexation of territory included within a township unless the annexation:

- (1) includes the entire area of the township; or
- (2) has been approved by:
 - (a) a majority of the voters residing within the township in a special election called for that purpose; or
 - (b) the owners of private real property, as evidenced by their written consent, that:
 - (i) covers a majority of the private land area within the township; and
 - (ii) is equal in value to at least 1/2 of the value of all private real property within the township.

17-27a-306. Townships.

- (1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without having received a petition under Subsection (1)(b), enact an ordinance establishing a township within the unincorporated county or dividing the unincorporated county into townships.
- (ii) Before enacting an ordinance under Subsection (1)(a)(i), the county

legislative body shall, after providing reasonable advance notice, hold a public hearing on the proposal to establish a township or to divide the unincorporated county into townships.

- (b) If 25% of the private real property owners in a contiguous area of the unincorporated county petition the county legislative body to establish a township for that area, the county legislative body shall:
 - (i) hold a public hearing to discuss the petition;
 - (ii) at least one week before the public hearing, publish notice of the petition and the time, date, and place of the public hearing at least once in a newspaper of general circulation in the county; and
 - (iii) at the public hearing, consider oral and written testimony from the public and vote on the question of whether or not to establish a township.
- (c) If the county legislative body establishes a township pursuant to a petition, the members of the township planning commission shall be appointed as provided in Subsection 17-27a-301(3)(b) to perform the duties established in this part for the township.
- (d) Except as provided in Subsection (1)(e), each township shall:
 - (i) contain:
 - (A) at least 20% but not more than 80% of:
 - (I) the total private land area in the unincorporated county; or
 - (II) the total value of locally assessed taxable property in the unincorporated county; or
 - (B) (I) in a county of the first, second, or third class, at least 5% of the total population of the unincorporated county; or
 - (II) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of the unincorporated county; or
 - (ii) have been declared by the United States Census Bureau as a census designated place.
- (e) (i) (A) A township that was dissolved under Laws of Utah 1997, Chapter 389, is reinstated as a township under this part with the same boundaries and name as before the dissolution, if the former township consisted of a single, contiguous land area.
- (B) Notwithstanding Subsection (1)(e)(i)(A), a county legislative body may enact an ordinance establishing as a township under this part

- a former township that was dissolved under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be reinstated under Subsection (1)(e)(i)(A).
- (C) A township reinstated under Subsection (1)(e)(i)(A) or established under Subsection (1)(e)(i)(B) shall be subject to the provisions of this part.
- (ii) Each planning district established under Laws of Utah 1995, Chapter 225, and each township planning district established under Laws of Utah 1997, Chapter 389, shall continue in existence as a township, subject to the provisions of this part.
- (f) (i) After May 1, 2002, the legislative body of each county in which a township that has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection (1)(e)(i) is located shall review the township and determine whether its continued existence is advisable.
- (ii) In conducting the review required under Subsection (1)(f)(i), the county legislative body shall hold a public hearing with reasonable, advance, published notice of the hearing and the purpose of the hearing.
- (iii) Each township that has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection (1)(e)(i) and its planning commission shall continue in effect, unless, within 90 days after conducting the review and public hearing required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance dissolves the township and its planning commission.
- (g) A township established under this section on or after May 5, 1997, may use the word "township" in its name.
- (2) (a) If the county legislative body establishes a township without having received a petition, the county legislative body may:
- (i) assign to the countywide planning commission the duties established in this part that would have been assumed by a township planning commission designated under Subsection (2)(a)(ii); or
- (ii) designate a planning commission for the township.
- (b) (i) If the county legislative body fails to designate a planning commission for a township, 40% of the private real property owners in the area proposed to be included in the township, as shown by the last county

assessment roll, may petition the county legislative body to designate and appoint a planning commission for the township.

- (ii) If the county legislative body determines that the petition is validly signed by 40% of the private real property owners in the township, as shown by the last county assessment roll, it shall designate and appoint a planning commission for the township.
- (3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may dissolve township planning commissions created under the authority of this section only by following the procedures and requirements of this Subsection (3).
- (b) If 20% of the private real property owners in the county petition the county legislative body to dissolve township planning commissions and to appoint a countywide planning commission, the county legislative body shall:
- (i) hold a public hearing to discuss the petition;
 - (ii) at least one week before the public hearing, publish notice of the petition and the time, date, and place of the public hearing at least once in a newspaper of general circulation in the county; and
 - (iii) at the public hearing, consider oral and written testimony from the public and vote on the question of whether or not to dissolve township planning commissions and to appoint a countywide planning commission.
- (c) (i) If the county legislative body fails to dissolve township planning commissions and to appoint a countywide planning commission when petitioned to do so by private real property owners under this Subsection (3), 40% of private real property owners in the county, as shown by the last county assessment roll, may petition the county legislative body to dissolve the township planning commissions and to appoint a countywide planning commission.
- (ii) If the county legislative body determines that the petition is validly signed by 40% of private real property owners in the township, as shown by the last county assessment roll, it shall dissolve the township planning commissions and appoint a countywide planning commission.

17-27a-307. Certain township planning and zoning board dissolved.

Except as provided in Subsection 17-27a-306(1)(f), the planning and zoning board of

each township formed before May 5, 1997, under Laws of Utah 1996, Chapter 308, is dissolved.

63I-2-210. Repeal dates -- Title 10.

- (1) Section 10-2-427 is repealed July 1, 2010.
- (2) Subsection 10-9a-305(2) is repealed July 1, 2013.