

Effective 5/13/2014

17B-1-215 Notice and plat to lieutenant governor -- Recording requirements -- Certificate of incorporation -- Local district incorporated as specialized local district or basic local district -- Effective date.

- (1)
 - (a) Within the time specified in Subsection (1)(b), the responsible body shall file with the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
 - (b) The responsible body shall file the documents listed in Subsection (1)(a) with the lieutenant governor within 10 days after:
 - (i) the canvass of an election under Section 17B-1-214, if a majority of those voting at the election within the proposed local district as a whole vote in favor of the creation of a local district;
 - (ii) certification of a petition as to which the election requirement of Subsection 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), or (c); or
 - (iii) adoption of a resolution, under Subsection 17B-1-213(5) approving the creation of a local district for which an election was not required under Subsection 17B-1-214(3)(d), (e), (f), or (g) by the legislative body of each county whose unincorporated area is included within and the legislative body of each municipality whose area is included within the proposed local district, or by the board of trustees of the initiating local district.
- (2) Upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5, the responsible body shall:
 - (a) if the local district is located within the boundary of a single county, submit to the recorder of that county:
 - (i) the original:
 - (A) notice of an impending boundary action;
 - (B) certificate of incorporation; and
 - (C) approved final local entity plat; and
 - (ii) if applicable, a certified copy of each resolution adopted under Subsection 17B-1-213(5); or
 - (b) if the local district is located within the boundaries of more than a single county:
 - (i) submit to the recorder of one of those counties:
 - (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and
 - (B) if applicable, a certified copy of each resolution adopted under Subsection 17B-1-213(5); and
 - (ii) submit to the recorder of each other county:
 - (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C); and
 - (B) if applicable, a certified copy of each resolution adopted under Subsection 17B-1-213(5).
- (3) The area of each local district consists of:
 - (a) if an election was held under Section 17B-1-214, the area of the new local district as approved at the election;
 - (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c), the area of the proposed local district as described in the petition; or
 - (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), (f), or (g), the area of the new local district as described in the resolution adopted under Subsection 17B-1-213(5).
- (4)

- (a) Upon the lieutenant governor's issuance of the certificate of incorporation under Section 67-1a-6.5, the local district is created and incorporated as:
 - (i) the type of specialized local district that was specified in the petition under Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e), if the petition or resolution proposed the creation of a specialized local district; or
 - (ii) a basic local district, if the petition or resolution did not propose the creation of a specialized local district.
- (b)
 - (i) The effective date of a local district's incorporation for purposes of assessing property within the local district is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (2) are recorded in the office of the recorder of each county in which the property is located, a newly incorporated local district may not:
 - (A) levy or collect a property tax on property within the local district;
 - (B) levy or collect an assessment on property within the local district; or
 - (C) charge or collect a fee for service provided to property within the local district.

Amended by Chapter 405, 2014 General Session