

Effective 5/3/2023

63G-30-102 Public notice classifications and requirements.

- (1) A public body or a government official that is required to provide a class A notice:
 - (a) shall publish the public notice on the Utah Public Notice Website;
 - (b) shall publish the public notice on the public body's or government official's official website, if the public body or government official:
 - (i) maintains an official website; and
 - (ii) has an annual operating budget of \$250,000 or more; and
 - (c) except as provided in Subsection (4), and subject to Subsection (5), post the public notice in connection with the affected area as follows:
 - (i) if the affected area is a municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;
 - (ii) if the affected area is a proposed municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;
 - (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i), (1)(c)(ii), or (1)(c)(iv) through (viii), in a public location in or near the affected area that is reasonably likely to be seen by:
 - (A) residents of the affected area; or
 - (B) if there are no residents within the affected area, individuals who pass through or near the affected area;
 - (iv) if the affected area is a county, in a public location within the county that is reasonably likely to be seen by residents of the county;
 - (v) if the affected area is a municipality with a population of 2,000 or more, or a proposed municipality with a population of 2,000 or more, in a public location within the municipality or proposed municipality that is reasonably likely to be seen by residents of the municipality or proposed municipality;
 - (vi) if the affected area is a public street, on or adjacent to the public street;
 - (vii) if the affected area is an easement:
 - (A) on or adjacent to the easement; or
 - (B) in a public location that is reasonably likely to be seen by persons who are likely to be impacted by the easement; or
 - (viii) if the affected area is an interlocal entity, within, or as applicable near, each jurisdiction that is part of the interlocal entity, in accordance with the provisions of this Subsection (1) that apply to that jurisdiction.
- (2) Subject to Subsection (5), a public body or a government official that is required to provide a class B notice shall:
 - (a) comply with the requirements described in Subsection (1) for a class A notice;
 - (b) if a statute, county ordinance, or municipal ordinance requires that the notice be provided for a designated geographic area, mail or otherwise deliver the public notice or a notice summary statement to each residence within, and, in accordance with Subsection (3), to each owner of real property located within, the designated geographic area; and
 - (c) if a statute, county ordinance, or municipal ordinance requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or a notice summary statement, in accordance with Subsection (3), to each designated person and real property owner.

- (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the public body or government official shall:
 - (a) use the current residential or business address of the real property owner;
 - (b) if the public body or government official is not reasonably able to obtain the address described in Subsection (3)(a), use the last known address of the real property owner that the public body or government official is able to obtain via a reasonable inquiry into public records; or
 - (c) if the public body or government official is not reasonably able to obtain an address described in Subsection (3)(a) or (b), post the notice on the real property.
- (4) A government official, a public body, or any other body that is required to post notice under Subsection (1) is not required to comply with Subsection (1)(c) if:
 - (a) the affected area is the state;
 - (b) the body is a specified body, as defined in Section 52-4-103;
 - (c) the public body is the Legislature or a public body within the state legislative branch; or
 - (d) the government official is required to post the notice on behalf of a body described in Subsection (4)(b) or (c).
- (5) If a statute, ordinance, or rule requires a public body or government official to provide notice for a period of time:
 - (a) in relation to posting the notice on the Utah Public Notice Website, the requirement is not violated due to temporary technological issues that interrupt the posting, unless the posting is interrupted for more than 25% of the required posting time;
 - (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:
 - (i) the notice is posted at or, except to the extent prohibited by law, before the beginning of the period of time;
 - (ii) the public body or government official does not remove the posting before the end of the period of time; and
 - (iii) until the end of the period of time, the public body or government official:
 - (A) periodically verifies that the notice remains in place; and
 - (B) replaces the notice within a reasonable time after discovering that the notice has been removed or damaged; and
 - (c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing is made at or, except to the extent prohibited by law, before, the beginning of the period of time.

Enacted by Chapter 435, 2023 General Session