

1 **EXTRATERRITORIAL JURISDICTION AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill modifies provisions related to the extraterritorial jurisdiction of a city.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ defines terms;
- 11 ▶ modifies provisions regarding the extraterritorial jurisdiction of a city;
- 12 ▶ provides a process by which a municipality may adopt an ordinance or regulation
- 13 under the municipality's extraterritorial jurisdiction; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **10-8-15**, as last amended by Laws of Utah 2016, Chapter 348

22

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

24 Section 1. Section **10-8-15** is amended to read:

25 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

26 (1) As used in this section, "affected entity" means a:

27 (a) county that has land use authority over land subject to an ordinance or regulation
28 described in this section;

29 (b) local health department, as that term is defined in Section 26A-1-102, that has
30 jurisdiction pursuant to Section 26A-1-108 over land subject to an ordinance or regulation
31 described in this section;

32 (c) municipality that has enacted or proposes to enact an ordinance or regulation

33 described in this section over the land subject to an ordinance or regulation described in this
34 section; and

35 (d) municipality that has land use authority over land subject to an ordinance or
36 regulation described in this section.

37 ~~[They]~~ (1) A municipality may construct or authorize the construction of waterworks
38 within or without the city limits, and for the purpose of maintaining and protecting the same
39 from injury and the water from pollution their jurisdiction shall extend over the territory
40 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
41 in and necessary for the construction, maintenance and operation of the same, and over the
42 stream or other source from which the water is taken, for 15 miles above the point from which
43 it is taken and for a distance of 300 feet on each side of such stream and over highways along
44 such stream or watercourse within said 15 miles and said 300 feet~~[- provided, that the].~~

45 (2) The jurisdiction of [cities] a city of the first class shall additionally be over the
46 entire watershed~~[- except]~~ within the county of origin of the city of the first class and subject to
47 Subsection (5) provided that livestock shall be permitted to graze beyond 1,000 feet from any
48 such stream or source; and provided further, that each city of the first class shall provide a
49 highway in and through its corporate limits, and so far as its jurisdiction extends, which may
50 not be closed to cattle, horses, sheep, ~~[or]~~ hogs, or goats driven through any such city, or
51 through any territory adjacent thereto over which such city has jurisdiction, but the board of
52 commissioners of such city may enact ordinances placing under police regulations the manner
53 of driving such cattle, sheep, horses, ~~[and]~~ hogs, and goats through such city, or any territory
54 adjacent thereto over which ~~[it]~~ the city has jurisdiction. ~~[They]~~

55 (3) A municipality may enact all ordinances and regulations necessary to carry the
56 power herein conferred into effect, and are authorized and empowered to enact ordinances
57 preventing pollution or contamination of the streams or watercourses from which the
58 inhabitants of ~~[cities]~~ the municipality derive their water supply, in whole or in part, for
59 domestic and culinary purposes, and may enact ordinances prohibiting or regulating the
60 construction or maintenance of any closet, privy, outhouse or urinal within the area over which
61 the city has jurisdiction, and provide for permits for the construction and maintenance of the
62 same.

63 (4) In granting [such permits they] a permit described in Subsection (3), a municipality

64 may annex thereto such reasonable conditions and requirements for the protection of the public
65 health as they [~~deem~~] determine proper, and may, if [~~deemed~~] determined advisable, require
66 that all closets, privies and urinals along such streams shall be provided with effective septic
67 tanks or other germ-destroying instrumentalities.

68 (5) A city of the first class may only exercise extraterritorial jurisdiction outside of its
69 county of origin, as described in Subsection (2), pursuant to a written agreement with all
70 municipalities and counties that have jurisdiction over the area where the watershed is located.

71 (6) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
72 or regulation under the authority of this section shall:

73 (i) hold a public hearing on the proposed ordinance or regulation; and

74 (ii) give notice of the date, place, and time of the hearing, as described in Subsection

75 (6)(b).

76 (b) At least ten days before the day on which the public hearing described in
77 Subsection (6)(a)(i) is to be held, the notice described in Subsection (6)(a)(ii) shall be:

78 (i) mailed to:

79 (A) each affected entity;

80 (B) the director of the Division of Drinking Water; and

81 (C) the director of the Division of Water Quality; and

82 (ii) published:

83 (A) in a newspaper of general circulation in the county in which the land subject to the
84 proposed ordinance or regulation is located; and

85 (B) on the Utah Public Notice Website created in Section 63F-1-701.

86 (c) An ordinance or regulation adopted under the authority of this section may not
87 conflict with:

88 (i) existing federal or state statutes; or

89 (ii) rules created pursuant to a federal or state statute governing drinking water or water
90 quality.

91 (d) A municipality that enacts an ordinance or regulation under the authority of this
92 section shall:

93 (i) provide a copy of the ordinance or regulation to each affected entity; and

94 (ii) include a copy of the ordinance or regulation in its drinking water source protection

95 plan.