

**EXTRATERRITORIAL JURISDICTION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ modifies provisions regarding extraterritorial jurisdiction; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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

[~~They~~] (1) (a) A city may:

(i) construct or authorize the construction of waterworks within or without the city limits~~;~~; and



28           (ii) exercise jurisdiction only for the purpose of maintaining and ~~[protecting the same~~  
29 ~~from injury and the water from pollution their jurisdiction]~~ operating the waterworks described  
30 in Subsection (1)(a)(i).

31           (b) The jurisdiction described in Subsection (1)(a)(ii) shall extend over the territory  
32 occupied by ~~[such works]~~ waterworks, and over ~~[all]~~ the city's reservoirs, streams, canals,  
33 ditches, pipes ~~[and]~~, drains ~~[used in and]~~, and property easements necessary for the  
34 construction, maintenance, and operation of the ~~[same, and over the stream or source from~~  
35 ~~which the water is taken, for 15 miles above the point from which it is taken and for a distance~~  
36 ~~of 300 feet on each side of such stream and over highways along such stream or watercourse~~  
37 ~~within said 15 miles and said 300 feet; provided, that the jurisdiction of cities of the first class~~  
38 ~~shall be over the entire watershed, except that livestock shall be permitted to graze beyond~~  
39 ~~1,000 feet from any such stream or source; and provided further, that each city of the first class~~  
40 ~~shall provide a highway in and through its corporate limits, and so far as its jurisdiction~~  
41 ~~extends, which may not be closed to cattle, horses, sheep or hogs driven through any such city,~~  
42 ~~or through any territory adjacent thereto over which such city has jurisdiction, but the board of~~  
43 ~~commissioners of such city may enact ordinances placing under police regulations the manner~~  
44 ~~of driving such cattle, sheep, horses and hogs through such city, or any territory adjacent~~  
45 ~~thereto over which it has jurisdiction]~~ waterworks described in Subsection (1)(a)(i).

46           ~~[They may enact all ordinances and regulations necessary to carry the power herein~~  
47 ~~conferred into effect, and are authorized and empowered to enact ordinances preventing~~  
48 ~~pollution or contamination of the streams or watercourses from which the inhabitants of cities~~  
49 ~~derive their water supply, in whole or in part, for domestic and culinary purposes, and may~~  
50 ~~enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy,~~  
51 ~~outhouse or urinal within the area over which the city has jurisdiction, and provide for permits~~  
52 ~~for the construction and maintenance of the same. In granting such permits they may annex~~  
53 ~~thereto such reasonable conditions and requirements for the protection of the public health as~~  
54 ~~they deem proper, and may, if deemed advisable, require that all closets, privies and urinals~~  
55 ~~along such streams shall be provided with effective septic tanks or other germ-destroying~~  
56 ~~instrumentalities.]~~

57           (2) The Department of Environmental Quality created in Section [19-1-104](#) and the  
58 local health department authorized under Section [26A-1-103](#):

59 (a) establish standards and administer controls to maintain water quality in watersheds  
60 to protect human health; and

61 (b) may set standards and administer controls for the construction and operation of city  
62 waterworks located inside and outside a city's limits.

63 (3) Livestock shall be permitted to graze in an area that is at least 1,000 feet away from  
64 a water source or stream that provides a city's water.

65 (4) (a) A city of the first class shall provide a highway in and through the city's  
66 corporate limits, and so far as the city's jurisdiction extends, that may not be closed to cattle,  
67 horses, sheep, or hogs driven through the city of the first class.

68 (b) The legislative body of a city of the first class may enact an ordinance placing  
69 under police regulation the manner of driving cattle, horses, sheep, or hogs as described in  
70 Subsection (4)(a).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**