

Representative Michael E. Noel proposes the following substitute bill:

EXTRATERRITORIAL JURISDICTION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies provisions regarding the extraterritorial jurisdiction of a city of the first class; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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.



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

27 (i) construct or authorize the construction of waterworks within or without the city
28 limits~~[-]~~; and

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

32 (b) The jurisdiction described in Subsection (1)(a)(ii) shall extend over the territory
33 occupied by ~~[such works]~~ waterworks, and over all reservoirs, streams, canals, ditches, pipes
34 and drains used in and necessary for the construction, maintenance and operation of the same,
35 and over the stream or source from which the water is taken, for 15 miles above the point from
36 which it is taken and for a distance of 300 feet on each side of such stream and over highways
37 along such stream or watercourse within said 15 miles and said 300 feet~~[-provided, that the~~
38 ~~jurisdiction of cities of the first class shall be over the entire watershed, except that].~~

39 (2) Notwithstanding Subsection (1):

40 (a) livestock shall be permitted to graze beyond 1,000 feet from any such stream or
41 source; and ~~[provided further, that]~~

42 (b) each city of the first class shall provide a highway in and through its corporate
43 limits, and so far as its jurisdiction extends, which may not be closed to cattle, horses, sheep or
44 hogs driven through any ~~[such]~~ city of the first class, or through any territory adjacent thereto
45 over which such city has jurisdiction, but the board of commissioners of such city may enact
46 ordinances placing under police regulations the manner of driving such cattle, sheep, horses
47 and hogs through such city, or any territory adjacent thereto over which it has jurisdiction.

48 (3) ~~[They]~~ A city may enact all ordinances and regulations necessary to carry the power
49 ~~[herein conferred]~~ described in this section into effect, and ~~[are]~~ is authorized and empowered
50 to enact ordinances preventing pollution or contamination of the streams or watercourses from
51 which the inhabitants of cities derive their water supply, in whole or in part, for domestic and
52 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
53 maintenance of any closet, privy, outhouse or urinal within the area over which the city has
54 jurisdiction, and provide for permits for the construction and maintenance of the same.

55 (4) In granting ~~[such permits they]~~ the permits described in Subsection (3), a city may
56 annex thereto such reasonable conditions and requirements for the protection of the public

57 health as [~~they deem~~] the city considers proper, and may, if [~~deemed~~] considered advisable,
58 require that all closets, privies, and urinals along such streams shall be provided with effective
59 septic tanks or other germ-destroying instrumentalities.

60 Section 2. **Effective date.**

61 This bill takes effect on July 1, 2020.