

30 Section 1. Section **10-9a-102** is amended to read:

31 **10-9a-102. Purposes -- General land use authority.**

32 (1) The purposes of this chapter are to provide for the health, safety, and welfare, and
33 promote the prosperity, improve the morals, peace and good order, comfort, convenience, and
34 aesthetics of each municipality and its present and future inhabitants and businesses, to protect
35 the tax base, to secure economy in governmental expenditures, to foster the state's agricultural
36 and other industries, to protect both urban and nonurban development, to protect and ensure
37 access to sunlight for solar energy devices, to provide fundamental fairness in land use
38 regulation, and to protect property values.

39 (2) To accomplish the purposes of this chapter, municipalities may enact all
40 ordinances, resolutions, and rules and may enter into other forms of land use controls and
41 development agreements that they consider necessary or appropriate for the use and
42 development of land within the municipality, including ordinances, resolutions, rules,
43 restrictive covenants, easements, and development agreements governing uses, density, open
44 spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and
45 public or alternative transportation, infrastructure, street and building orientation and width
46 requirements, public facilities, fundamental fairness in land use regulation, considerations of
47 surrounding land uses and the balance of the foregoing purposes with a landowner's private
48 property interests, height and location of vegetation, trees, and landscaping, unless expressly
49 prohibited by law.

50 (3) (a) Any ordinance, resolution, or rule enacted by a municipality pursuant to its
51 authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil
52 and gas activity, as described in Section [40-6-2.5](#).

53 (b) A municipality may enact an ordinance, resolution, or rule that regulates surface
54 activity incident to an oil and gas activity if the municipality demonstrates that the regulation:

- 55 (i) is necessary for the purposes of this chapter;
- 56 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
- 57 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas

58 activity, as described in Section [40-6-2.5](#).

59 Section 2. Section **17-27a-102** is amended to read:

60 **17-27a-102. Purposes -- General land use authority.**

61 (1) (a) The purposes of this chapter are to provide for the health, safety, and welfare,
62 and promote the prosperity, improve the morals, peace and good order, comfort, convenience,
63 and aesthetics of each county and its present and future inhabitants and businesses, to protect
64 the tax base, to secure economy in governmental expenditures, to foster the state's agricultural
65 and other industries, to protect both urban and nonurban development, to protect and ensure
66 access to sunlight for solar energy devices, to provide fundamental fairness in land use
67 regulation, and to protect property values.

68 (b) To accomplish the purposes of this chapter, counties may enact all ordinances,
69 resolutions, and rules and may enter into other forms of land use controls and development
70 agreements that they consider necessary or appropriate for the use and development of land
71 within the unincorporated area of the county or a designated mountainous planning district,
72 including ordinances, resolutions, rules, restrictive covenants, easements, and development
73 agreements governing uses, density, open spaces, structures, buildings, energy-efficiency, light
74 and air, air quality, transportation and public or alternative transportation, infrastructure, street
75 and building orientation and width requirements, public facilities, fundamental fairness in land
76 use regulation, considerations of surrounding land uses and the balance of the foregoing
77 purposes with a landowner's private property interests, height and location of vegetation, trees,
78 and landscaping, unless expressly prohibited by law.

79 (2) Each county shall comply with the mandatory provisions of this part before any
80 agreement or contract to provide goods, services, or municipal-type services to any storage
81 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive
82 waste, may be executed or implemented.

83 (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
84 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas
85 activity, as described in Section [40-6-2.5](#).

86 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
87 incident to an oil and gas activity if the county demonstrates that the regulation:
88 (i) is necessary for the purposes of this chapter;
89 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
90 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
91 activity, as described in Section 40-6-2.5.

92 Section 3. Section 40-6-2.5 is enacted to read:

93 **40-6-2.5. Preemption.**

94 (1) (a) As used in this section, "oil and gas activity" means activity associated with the
95 exploration, development, production, processing, and transportation of oil and gas as set forth
96 in Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining, including:

- 97 (i) drilling;
- 98 (ii) hydraulic fracture stimulation;
- 99 (iii) completion, maintenance, reworking, recompletion, disposal, plugging, and
100 abandonment of wells;
- 101 (iv) construction activities;
- 102 (v) secondary and tertiary recovery techniques;
- 103 (vi) remediation activities; and
- 104 (vii) any other activity identified by the Board of Oil, Gas, and Mining.

105 (b) Oil and gas activity does not include any activity or authority directly authorized or
106 granted to a political subdivision by the state.

107 (2) Subject to relevant federal law, regulation of oil and gas activity is of statewide
108 concern and the state regulation of oil and gas activity occupies the whole field of potential
109 regulation.

110 (3) The legislative body of a political subdivision may enact, amend, or enforce a local
111 ordinance, resolution, or rule consistent with its general land use authority that:

- 112 (a) regulates only surface activity that is incident to an oil and gas activity;
- 113 (b) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

114 (c) is not otherwise preempted by state or federal law.

115 Section 4. **Effective date.**

116 If approved by two-thirds of all the members elected to each house, this bill takes effect

117 upon approval by the governor, or the day following the constitutional time limit of Utah

118 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

119 the date of veto override.