

## 2nd Sub. H.B. 255

### EXTRA-JURISDICTIONAL MUNICIPAL PROPERTY

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 6, 2018 9:06 AM

Representative **Timothy D. Hawkes** proposes the following amendments:

1. *Page 2, Lines 26 through 34:*

26 Other Special Clauses:

27           ~~{ This bill provides a coordination clause. }~~    None

28 Utah Code Sections Affected:

29 AMENDS:

30           10-8-2, as last amended by Laws of Utah 2014, Chapter 59

31           ~~{ 10-8-15, as last amended by Laws of Utah 2016, Chapter 348 }~~

32           59-2-1101, as last amended by Laws of Utah 2015, Chapters 129 and 261

33           ~~{ Utah Code Sections Affected by Coordination Clause:~~

34           ~~—— 10-8-15, as last amended by Laws of Utah 2016, Chapter 348 }~~

2. *Page 7, Line 183 through Page 8, Line 228:*

183           ~~{ Section 2. Section 10-8-15 is amended to read:~~

184           ~~—— 10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.~~

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

186           ~~—— (i) construct or authorize the construction of waterworks within or without the city~~  
187 ~~limits[,] and~~

188           ~~—— (ii) exercise jurisdiction for the purpose of maintaining and protecting the [same]~~  
189 ~~waterworks described in Subsection (1)(a)(i) from injury and the water from pollution [their~~  
190 ~~jurisdiction shall extend] as described in this section.~~

191           ~~—— (b) The jurisdiction described in Subsection (1)(a)(ii) extends over the territory~~  
192 ~~occupied by [such works] the waterworks described in Subsection (1)(a)(i), and over all~~  
193 ~~reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction,~~  
194 ~~maintenance and operation of the [same] waterworks, and over the stream or source from~~  
195 ~~which the water is taken, for:~~

196           ~~—— (i) 15 miles above the point from which it is taken and for a distance of 300 feet on~~  
197 ~~each side of such stream and over highways along such stream or watercourse within said 15~~  
198 ~~miles and said 300 feet; [provided, that the jurisdiction of] or~~

199           ~~—— (ii) for cities of the first class [shall be over], the entire watershed[, except that].~~

200           ~~(2) Notwithstanding Subsection (1):~~

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

203 ~~— (b) each city of the first class shall provide a highway in and through its corporate~~  
204 ~~limits, and so far as its jurisdiction extends, which may not be closed to cattle, horses, sheep or~~  
205 ~~hogs driven through any [such] city of the first class, or through any territory adjacent thereto~~  
206 ~~over which such city has jurisdiction, but the board of commissioners of such city may enact~~  
207 ~~ordinances placing under police regulations the manner of driving such cattle, sheep, horses~~  
208 ~~and hogs through such city, or any territory adjacent thereto over which it has jurisdiction:~~  
209 ~~{They may}~~  
210 ~~— (3) A city may:~~  
211 ~~— (a) enact all ordinances and regulations necessary to carry the power [herein conferred]~~  
212 ~~described in this section into effect], and are authorized and empowered to]; and~~  
213 ~~— (b) enact ordinances preventing pollution or contamination of the streams or~~  
214 ~~watercourses from which the inhabitants of cities derive their water supply, in whole or in part,~~  
215 ~~for domestic and culinary purposes], and may];~~  
216 ~~— (c) enact ordinances prohibiting or regulating the construction or maintenance of any~~  
217 ~~closet, privy, outhouse or urinal within the area over which the city has jurisdiction], and];~~  
218 ~~— (d) provide for permits for the construction and maintenance of the [same. In granting~~  
219 ~~such permits they may] items described in Subsection (3)(c); and~~  
220 ~~— (e) in granting the permits described in Subsection (3)(d):~~  
221 ~~— (i) annex thereto such reasonable conditions and requirements for the protection of the~~  
222 ~~public health as [they deem proper, and may,] the city considers proper; and~~  
223 ~~— (ii) if deemed advisable, require that all closets, privies and urinals along [such]~~  
224 ~~streams [shall] be provided with effective septic tanks or other germ-destroying~~  
225 ~~instrumentalities.~~  
226 ~~— (4) Regardless of the jurisdiction described in Subsection (1), property that a city of the~~  
227 ~~first class owns outside of the geographic boundaries of the city is subject to property tax in~~  
228 ~~accordance with Subsection 59-2-1101(3)(c). }~~

3. Page 11, Line 322 through Page 13, Line 380:

322 ~~{ Section 4. Coordinating H.B. 255 with H.B. 138 -- Substantive and technical~~  
323 ~~amendments:~~  
324 ~~— If this H.B. 255 and H.B. 138, Extraterritorial Jurisdiction Amendments, both pass and~~  
325 ~~become law, it is the intent of the Legislature that the Office of Legislative Research General~~  
326 ~~Counsel shall prepare the Utah Code database for publication by:~~  
327 ~~— (1) on May 8, 2018, amending Section 10-8-15 to read:~~  
328 ~~— "10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction:~~  
329 ~~— {They may} (1) (a) A city may:~~  
330 ~~— (i) construct or authorize the construction of waterworks within or without the city~~  
331 ~~limits], and~~  
332 ~~— (ii) exercise jurisdiction for the purpose of maintaining and protecting the [same]~~

333 ~~waterworks described in Subsection (1)(a)(i) from injury and the water from pollution [their~~  
334 ~~jurisdiction shall extend] as described in this section.~~  
335 ~~—— (b) The jurisdiction described in Subsection (1)(a)(ii) extends over the territory~~  
336 ~~occupied by [such works] the waterworks described in Subsection (1)(a)(i), and over all~~  
337 ~~reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction,~~  
338 ~~maintenance and operation of the [same] waterworks, and over the stream or source from~~  
339 ~~which the water is taken, for:~~  
340 ~~—— (i) 15 miles above the point from which it is taken and for a distance of 300 feet on~~  
341 ~~each side of such stream and over highways along such stream or watercourse within said 15~~  
342 ~~miles and said 300 feet; [provided, that the jurisdiction of] or~~  
343 ~~—— (ii) for cities of the first class [shall be over], the entire watershed], except that];~~  
344 ~~—— (2) Notwithstanding Subsection (1):~~  
345 ~~—— (a) livestock [shall be permitted to] may graze beyond 1,000 feet from any such stream~~  
346 ~~or source; and [provided further, that]~~  
347 ~~—— (b) each city of the first class shall provide a highway in and through its corporate~~  
348 ~~limits, and so far as its jurisdiction extends, which may not be closed to cattle, horses, sheep or~~  
349 ~~hogs driven through any [such] city of the first class, or through any territory adjacent thereto~~  
350 ~~over which such city has jurisdiction, but the board of commissioners of such city may enact~~  
351 ~~ordinances placing under police regulations the manner of driving such cattle, sheep, horses~~  
352 ~~and hogs through such city, or any territory adjacent thereto over which it has jurisdiction.~~  
353 ~~[They may]~~  
354 ~~—— (3) A city may:~~  
355 ~~—— (a) enact all ordinances and regulations necessary to carry the power [herein conferred]~~  
356 ~~described in this section into effect], and are authorized and empowered to]; and~~  
357 ~~—— (b) enact ordinances preventing pollution or contamination of the streams or~~  
358 ~~watercourses from which the inhabitants of cities derive their water supply, in whole or in part,~~  
359 ~~for domestic and culinary purposes], and may];~~  
360 ~~—— (c) enact ordinances prohibiting or regulating the construction or maintenance of any~~  
361 ~~closet, privy, outhouse or urinal within the area over which the city has jurisdiction[, and];~~  
362 ~~—— (d) provide for permits for the construction and maintenance of the [same. In granting~~  
363 ~~such permits they may] items described in Subsection (3)(c); and~~  
364 ~~—— (e) in granting the permits described in Subsection (3)(d):~~  
365 ~~—— (i) annex thereto such reasonable conditions and requirements for the protection of the~~  
366 ~~public health as [they deem proper, and may,] the city considers proper; and~~  
367 ~~—— (ii) if deemed advisable, require that all closets, privies and urinals along [such]~~  
368 ~~streams [shall] be provided with effective septic tanks or other germ-destroying~~  
369 ~~instrumentalities.~~  
370 ~~—— (4) Regardless of the jurisdiction described in Subsection (1), property that a city of the~~  
371 ~~first class owns outside of the geographic boundaries of the city is subject to property tax in~~  
372 ~~accordance with Subsection 59-2-1101(3)(c)."; and~~

373 ~~—— (2) on July 1, 2020, modifying Subsection 10-8-15(1)(b) to read:~~  
374 ~~—— "(b) The jurisdiction described in Subsection (1)(a)(ii) extends over the territory~~  
375 ~~occupied by the waterworks described in Subsection (1)(a)(i), and over all reservoirs, streams,~~  
376 ~~canals, ditches, pipes and drains used in and necessary for the construction, maintenance and~~  
377 ~~operation of the waterworks, and over the stream or source from which the water is taken, for:~~  
378 ~~(i) 15 miles above the point from which it is taken and for a distance of 300 feet on each side~~  
379 ~~of such stream and over highways along such stream or watercourse within said 15 miles and~~  
380 ~~said 300 feet; or (ii) for cities of the first class, the entire watershed]."~~