

**EXTRATERRITORIAL JURISDICTION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

House Sponsor: Timothy D. Hawkes

---

---

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies provisions regarding the extraterritorial jurisdiction of a municipality to enact protections for the municipality's water works and water sources;
- ▶ provides a process by which a municipality may adopt an ordinance or regulation under the municipality's 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

---

---

*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.**

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

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

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

35 (c) municipality that has enacted or has the right to enact an ordinance or regulation  
36 described in this section over the land subject to an ordinance or regulation described in this  
37 section; and

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

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

49 (3) The jurisdiction of [cities] a city of the first class shall additionally be over the  
50 entire watershed[; ~~except~~] within the county of origin of the city of the first class and subject to  
51 Subsection (6) provided that livestock shall be permitted to graze beyond 1,000 feet from any  
52 such stream or source; and provided further, that [each] the city of the first class shall provide a  
53 highway in and through [its] the city's corporate limits, and so far as [its] the city's jurisdiction  
54 extends, which may not be closed to cattle, horses, sheep, [or] hogs, or goats driven through  
55 [any such] the city, or through any territory adjacent thereto over which [such] the city has  
56 jurisdiction, but the board of commissioners of [such] the city may enact ordinances placing  
57 under police regulations the manner of driving such cattle, sheep, horses, [and] hogs, and goats

58 through ~~[such]~~ the city, or any territory adjacent thereto over which ~~[it]~~ the city has jurisdiction.  
59 ~~[They]~~

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

68 (5) In granting ~~[such permits they]~~ a permit described in Subsection (4), a municipality  
69 may annex thereto such reasonable conditions and requirements for the protection of the public  
70 health as ~~[they deem]~~ the municipality determines proper, and may, if ~~[deemed]~~ determined  
71 advisable, require that all closets, privies and urinals along such streams shall be provided with  
72 effective septic tanks or other germ-destroying instrumentalities.

73 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the  
74 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all  
75 municipalities and counties that have jurisdiction over the area where the watershed is located.

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

- 78 (i) hold a public hearing on the proposed ordinance or regulation; and  
79 (ii) give notice of the date, place, and time of the hearing, as described in Subsection  
80 (7)(b).

81 (b) At least ten days before the day on which the public hearing described in  
82 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

- 83 (i) mailed to:  
84 (A) each affected entity;  
85 (B) the director of the Division of Drinking Water; and

86           (C) the director of the Division of Water Quality; and  
87           (ii) published:  
88           (A) in a newspaper of general circulation in the county in which the land subject to the  
89 proposed ordinance or regulation is located; and  
90           (B) on the Utah Public Notice Website created in Section [63F-1-701](#).  
91           (c) An ordinance or regulation adopted under the authority of this section may not  
92 conflict with:  
93           (i) existing federal or state statutes; or  
94           (ii) a rule created pursuant to a federal or state statute governing drinking water or  
95 water quality.  
96           (d) A municipality that enacts an ordinance or regulation under the authority of this  
97 section shall:  
98           (i) provide a copy of the ordinance or regulation to each affected entity; and  
99           (ii) include a copy of the ordinance or regulation in the municipality's drinking water  
100 source protection plan.