

EXTRATERRITORIAL JURISDICTION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Timothy D. Hawkes

LONG TITLE

Committee Note:

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

The Legislative Water Development Commission recommended this bill.

Membership: 13 legislators 10 non-legislators

Legislative Vote: 7 voting for 0 voting against 6 absent

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



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-8-15**, as last amended by Laws of Utah 2016, Chapter 348



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

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

34 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

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

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

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

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

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

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

55 (3) The jurisdiction of ~~[cities]~~ a city of the first class shall additionally be over the
56 entire watershed~~;~~ ~~except~~ within the county of origin of the city of the first class and subject to
57 Subsection (6) provided that livestock shall be permitted to graze beyond 1,000 feet from any
58 such stream or source; and provided further, that ~~[each]~~ the city of the first class shall provide a

59 highway in and through ~~[its]~~ the city's corporate limits, and so far as ~~[its]~~ the city's jurisdiction
60 extends, which may not be closed to cattle, horses, sheep, ~~[or]~~ hogs, or goats driven through
61 ~~[any such]~~ the city, or through any territory adjacent thereto over which ~~[such]~~ the city has
62 jurisdiction, but the board of commissioners of ~~[such]~~ the city may enact ordinances placing
63 under police regulations the manner of driving such cattle, sheep, horses, ~~[and]~~ hogs, and goats
64 through ~~[such]~~ the city, or any territory adjacent thereto over which ~~[it]~~ the city has jurisdiction.
65 ~~[They]~~

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

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

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

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

84 (i) hold a public hearing on the proposed ordinance or regulation; and

85 (ii) give notice of the date, place, and time of the hearing, as described in Subsection

86 (7)(b).

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

89 (i) mailed to:

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