

Draft Water Ordinance

ORDINANCE 2023-03

LEEDS WATER AUTHORITY ORDINANCE

AN ORDINANCE DESIGNATING THE TOWN OF LEEDS AS THE WATER AUTHORITY AND TO SET FORTH AUTHORITY TO REGULATE THE PROVISIONING OF WATER TO THE TOWN

WHEREAS, the Town of Leeds (“Town”) is a municipal corporation, body politic and political subdivision of the State of Utah; and

WHEREAS, the Town is empowered pursuant to UCA 10-7-4, and UCA 10-8-14 through 10-8-18, to regulate and control the provision of water service within its municipal boundaries; and

WHEREAS, the Town has the responsibility to protect and conserve water resources to enable the Town to provide water services necessary for the continued growth and development of the Town; and

WHEREAS, the Town has the responsibility to ensure a reliable, affordable, sustainable, and clean culinary water supply to provide for the growth, development, health, safety and general welfare of the Town and its residents; and

WHEREAS, the Town has been able to meet its culinary water needs by obtaining water from the Leeds Domestic Water Users Association (LDWA), a private, nonprofit, mutual water company incorporated in the State of Utah; and

WHEREAS, to assure a reliable source of water for backup or future use, the Town, on January 30, 2008, entered into the Washington County Water Conservancy District Regional Water Supply Agreement dated April 23, 2006, which agreement allows the Town to obtain water from the Washington County Water Conservancy District (WCWCD); and

WHEREAS, the LDWA, as a quasi-public water company, has developed, constructed and otherwise acquired and maintained a reliable culinary water source, storage and distribution system throughout the Town and has for many decades greatly benefitted the Town by providing culinary water at an economical cost; and

WHEREAS, the Town acknowledges the benefits of continuing to authorize LDWA to provide culinary water service within its municipal boundaries;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS AS FOLLOWS:

1. SUPERSEDING/CONFLICTING ORDINANCES.

This ordinance repeals Leeds Culinary Water Authority Ordinance 08-01, and supersedes or repeals the provisions of any ordinance or resolution that is inconsistent with its provisions.

2. DEFINITIONS:

The following definitions shall apply to this ordinance. In the event a term is not defined herein, it shall first be given any meaning set forth in the town's general ordinances or state law. In the event any term is not defined in any of the preceding sources it shall be given its normal, everyday meaning.

"New Development" shall mean any subdivision of land or construction or modification of any residential, commercial or industrial structure or other use which would require the provisioning of culinary water service.

"Town" shall mean the Town of Leeds, a municipal corporation and political subdivision of the state of Utah

"Water service" shall mean the provisioning of culinary water to a residence, business, structure or property within the municipal boundaries of the town. Water service shall include the acquisition, storage, and distribution of culinary water and the repair, connection and maintenance of any wells, tanks, lines, pumps, valves, meters or other equipment and materials used in connection with the provisioning of culinary water.

"Culinary Water Provider" shall mean the entity designated by the Town to provide culinary water to the Town.

"LDWA" shall mean The Leeds Domestic Water Users Association.

"WCWCD" shall mean the Washington County Water Conservancy District.

3. WATER AUTHORITY FOR TOWN OF LEEDS.

Pursuant to its authority under UCA 10-7-4, and UCA10-8-14 through 10-8-18, the Town of Leeds, as Water Authority, shall regulate the provision of water service within the municipal boundaries of the Town.

4. AUTHORITY TO DESIGNATE CULINARY WATER PROVIDER.

As the Water Authority, the Town shall designate a Culinary Water Provider for culinary water service within the town's municipal boundaries, which designee shall be the exclusive provider to the Town. The Town may terminate the designated Culinary Water Provider for cause.

5. DESIGNATION OF CULINARY WATER PROVIDER.

The Town hereby designates Leeds Domestic Water Users Association (LDWA) as the Culinary Water Provider.

6. RESPONSIBILITIES OF CULINARY WATER PROVIDER.

The Culinary Water Provider shall provide a reliable, affordable, and clean culinary water supply to sustain the present needs of the Town and all future approved New Development within the Town's municipal boundaries.

7. CULINARY WATER SERVICE FOR NEW DEVELOPMENT.

All New Development must obtain water service from the Culinary Water Provider and the Town. The Culinary Water Provider shall ensure that there are adequate water sources and infrastructure to provide the water service. If these conditions are met, the Culinary Water Provider shall grant approval.

8. TOWN APPROVAL REQUIRED FOR WATER SERVICE TO ALL NEW DEVELOPMENT.

Town approval of water service is required for all New Development before development can proceed. The Town shall not approve any water service that has not first been approved by the Culinary Water Provider. Moreover, the Town shall not approve water service for New Development if the Town, in its sole judgment, determines that there are insufficient water sources to support such development. Where water sources are deemed insufficient, the Town is not required to seek water sources outside its municipal boundaries.

9. TOWN OVERSIGHT OF CULINARY WATER PROVIDER.

The Town, in the exercise of its responsibilities to ensure adequate water service, shall implement policies and procedures to ensure that the Culinary Water Provider is capable of meeting the present and future water service needs of the Town. Such oversight may include periodic financial and operational reports, inspections, and other reasonable means as deemed appropriate by the Town.

10. SAFEGUARDING WATER RIGHTS.

The Culinary Water Provider shall facilitate New Development within the Town while ensuring that it does not diminish, curtail, impair, or otherwise vitiate the existing water rights of Town residents and property owners. Before approving water service for any building permit, subdivision plat, or other development, the Culinary Water Provider shall ensure that there are sufficient water sources, capacity, and infrastructure to provide the water.

11. AUTHORITY TO OBTAIN ADDITIONAL WATER.

Where circumstances arise that make it impractical or unduly burdensome for the Culinary Water Provider to provide water to New Development, or to the Town due to a drought, emergency, natural disaster, or similar conditions, the Town may, in its sole discretion, obtain water from the WCWCD and make said water available to the Culinary Water Provider under such terms and conditions as it deems appropriate. The Town shall have the exclusive authority to enter into agreements with the WCWCD and shall consult with the Culinary Water Provider and WCWCD as needed to obtain adequate water.

12. AUTHORITY TO PROVIDE WATER TO ANNEXED UNINCORPORATED AREAS.

In the event an unincorporated area with an existing culinary water provider is annexed into the Town, the Town shall have the authority to make or approve such agreements as necessary with said water provider to ensure that the annexed area continues to have adequate water service and that such service is provided by, or controlled by, the Town Culinary Water.

13. AUTHORITY TO ENTER UPON PROPERTY FOR WATERWORKS MANAGEMENT.

All authorized persons connected with the waterworks provided by the Town Water Authority and the Town Culinary Water Provider shall have the right to enter upon any property furnished with water by said provider to examine the apparatus, the amount of water used and the manner of use, and to make the necessary shutoff for vacancy, delinquency, or violation of the ordinances, rules, or regulations enacted or adopted by the Town.

14. SEVERABILITY CLAUSE.

If any part of this ordinance is held to be illegal, unconstitutional, or invalid for any reason by a court of competent jurisdiction, or in conflict with Utah state law, the remainder shall not be affected thereby.

15. EFFECTIVE DATE.

This ordinance shall become effective immediately upon passage and posting.

Passed and adopted by Town of Leeds Council on this _____ day of _____ 2023.

Bill Hoster, Mayor

Attest: Aseneth Steed, Town Clerk/Recorder