

ORDINANCE NO. 8-4-2016

AN ORDINANCE ESTABLISHING IRRIGATION WATER SYSTEM POLICY AND PROCEDURE FOR USE, PAYMENT, AND ENFORCEMENT FOR BICKNELL TOWN

WHEREAS, all irrigation water in the Bicknell Town system is owned through shares of the Fremont Irrigation Company held by individuals or entities; and

WHEREAS, Bicknell Town owns the distribution and pressuring system that distributes irrigation water throughout the Town proper and allows water share owners and renters to use irrigation water; and

WHEREAS, users of the Town's irrigation system must share the cost of operation and maintenance of the system; and

WHEREAS, all users and future users should, as near as possible, have equal access to irrigation water and share equally in the cost of the system; and

WHEREAS, the policies and procedures contained in this ordinance must be fairly enforced by the Town's elected officials, employees, and residents.

NOW THEREFORE BE IT ORDAINED BY THE BICKNELL TOWN COUNCIL AS FOLLOWS:

Section I. Definitions: For purposes of this ordinance the following definitions shall apply so long as they are consistent with Utah Water Law and Fremont Irrigation Company definitions in use:

(1) "Water Share" means a share of Fremont Irrigation Company water as defined by that company.

(2) "System Cost Share" means the property owner's share of the total cost of operation and maintenance of the irrigation system for one year.

Section II, Policy on Use of the Irrigation System. The following shall be the policy and procedures for use of Bicknell Town's Irrigation System.

(1) No one can connect to and use the irrigation system unless they own or rent at least one share of water.

(2) No one can run more than 8, 1/8<sup>th</sup> inch sprinkler heads at one time, or the equivalent, and no open hoses for an extended period of time.

(3) Water shall not be wasted through excessive leaks or otherwise.

(4) Leaks and other problems with the system should be reported promptly to a town Employee, Mayor, or Council Member.


Section III, Policy on Cost Sharing for the Irrigation System. The following shall be the policy and procedures for sharing the costs to maintain and operate the irrigation system. The sum determined for sharing cost pro rata according to acreage (lot size) shall be collected as provided by ordinance, and until collected the same shall be a lien on such water rights and the land irrigated thereby. This is in accordance with State of Utah, Municipal Code, 10-8-17, as amended 2010 General Session.

- (1) The annual cost to maintain and operate the irrigation system shall be shared by all the users of the system. Irrigation water rates will be determined by the Council considering annual costs of maintaining the system and the power bill plus a reasonable amount to go towards future major repairs. This will initially be set at \$140 per year for a full lot. This will be billed quarterly at \$35 for a full lot and less proportionally according to lot size. The Council shall adjust the charges for use of the system as needed after properly noticing it on the agenda and voting at a regular Council meeting.
- (2) New connections to the system will be charged a connection fee of \$150. Those that have been paying a maintenance fee historically and not using water will not owe the fee, only those new owners that have not been paying the maintenance costs and now want a hookup to the system after passing this ordinance.

Section IV, Policy on Enforcement for the Irrigation System. The following shall be the policy and procedures for enforcement actions concerning the irrigation system.

- (1) All users of the irrigation system are responsible to use only their share of water in the system, pay their share of costs, and act responsibly while using the system;
- (2) Owners are responsible for fixing leaks in private watering systems, leaks shall be fixed in a reasonable length of time not to exceed two watering turns or be isolated, all private systems must have a shutoff valve where it connects to the town system and cannot have any interconnection to the culinary water system;
- (3) Any user who doesn't pay their quarterly cost share will be considered in violation of this ordinance, without making prior arrangements for payment with the Town Clerk, and until collected shall be a lien on the property in accordance with Utah Code Annotated, UCA 10-8-17 as amended;
- (4) Excessive water use may be documented by photo which will be included in the next water bill along with a \$25.00 penalty charge after the first offense;
- (5) Appeal of any enforcement actions taken by the Town will be scheduled before the next Council meeting for review.

This ordinance was passed by unanimous vote by the Bicknell Town Council on 8/4/2016 and will take effect immediately.

  
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Gil Hunt, Mayor

  
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ATTEST: Connie Durfey, Town Clerk