

ORDINANCE NO. 2024-6-20

AN ORDINANCE AMENDING MORONI CITY IRRIGATION SYSTEM, SECTIONS §§8-5-2, 8-5-3, 8-5-4, 8-5-5, 8-5-6, 8-5-7

WHEREAS, Moroni City, Sanpete County, State of Utah, a body politic, is a municipal corporation organized and established for the purpose of providing municipal services to its residents; and

WHEREAS, Moroni City has historically provided both domestic and irrigation water services to its residents at a rate cost based on installation, maintenance and capacity, which municipal water system is operated, maintained, and improved at a cost to the City; and

WHEREAS, Moroni City provides pressurized irrigation services to a portion of its residents which system is currently at its capability limits due to the capacity and age of the system; and

WHEREAS, the Moroni City has determined that future sustainability of the Moroni City Irrigation System ("MCIS") requires that the City limit the number of future connections; and

WHEREAS the MCIS system is currently at its capacity, and if the City continues to incur additional hook-ups, it will result in an adverse impact upon those who have already paid for and are currently receiving water through the MCIS; and

WHEREAS it is in the best interest of all Moroni City residents to preserve the MCIS through proper maintenance and usage; and

WHEREAS the Moroni City recorder has properly posted and notified the general public of the proposed changes to the MCIS Ordinance; and

WHEREAS the Moroni City Council has taken public comments for purpose of explaining and reviewing the provisions of the ordinance and for proposing the amendments to its pressurized irrigation ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of Moroni City, Sanpete County, Utah, that the Title 8, Chapter 5 Sections 2-7 of the Moroni City Ordinance is hereby amended in its entirety and is adopted as follows:

SEE EXHIBIT "A"

1. Properties to be irrigated by the Moroni City Irrigation System (MCIS)

- a. There shall be no additional connections to serve a lot or any parcel located outside the municipal corporate limits of the City. Any lot or parcel located outside the corporate limits of the City which discontinues use of the MCIS for a period of two years, shall forfeit any future right to use the MCIS.
- b. All lots and parcels that were rightfully entitled to be irrigated by the MCIS and which delivered to Moroni City a water right on January 1, 2003, and for which a current water right exists and being serviced, shall be entitled to one (1) connection per parcel. No additional connections to the MCIS shall be issued inside City limits for any newly formed lot or parcel.
- c. Any Lot or Parcel within the City which is subdivided shall not receive a connection to the MCIS system and the owner of the subdivided lots shall identify which lot the MCIS shall continue to serve at the time the City approves subdivision of the Lot. The owner of the connection shall bear the cost of installing the irrigation riser connection if the connection is relocated to the newly subdivided lot.

Whenever two adjoining lots are conjoined which are each being independently provided a water connection from the MCIS, one connection shall be eliminated by the City at the election of the property owner. A connection to the MCIS may not be transferred or conveyed to another property or person.

- d. The MCIS has reached its capacity and as such, no new land annexed into Moroni City limits shall receive a connection to the MCIS.

2. A monthly charge shall be determined by the following:

- a. The City Council shall establish, by resolution, the rates for connecting to the MCIS and all fees and costs assessed by the City for utilizing the MCIS.

3. Period of Operation

- a. The City shall determine when operation of the MCIS shall commence and end each year at the discretion of the Mayor and City Council. It is generally anticipated that the MCIS will generally commence on or about April 15 and end on or about October 15 of each year.

- b. If possible, the public shall be notified in advance of dates of operation as well as any interruption of operations of the MCIS.
 - c. The City retains the absolute right and privilege to regulate hours and days of usage, whether during a period of water shortage, scarcity or any other known or unforeseeable condition, including general management of the system as set forth Section 8-5-7.
4. **Leaks:** Leaks occurring in the MCIS shall be fixed by the City if they are in the City's installed valve or on the "city side" of the valve. Leaks on the owner's sides of the valve are the responsibility of the property owner(s). Upon notification of any leak, the Lot Owner shall immediately repair the leak. Failure to timely repair a leak within seven (7) days shall result in termination of the water service until repaired. A reconnection fee of \$50.00 shall be assessed by the City if the connection is turned off for failure to make a timely repair.

8-5-3: Penalties for Late and Non-Payment of Charges

1. A MCIS account user becomes delinquent when any month's utility bill is not paid on or before the 25th day of the month for the current billing cycle. Such an account shall be assessed a penalty of ten (10%) percent which shall be added to the utility bill.
2. A MCIS account that is not paid by the 26th day of the following month shall be notified of the delinquency and if not paid within ten (10) days of notification, shall be disconnected by the City. The City shall not reconnect the MCIS until the delinquent account balance is brought current and a reconnect fee of \$50.00 has been paid. The City shall not be liable for damages sustained by the customer due to disconnection for non-payment.
3. A return check charge of \$35.00 shall be assessed for each returned check written to the City as it is received from the bank for non-payment.
4. MCIS delinquent accounts may result in the recording of a lien for past due accounts being placed on property relating to such accounts. Delinquent accounts may be subject to costs of collection, including, but not limited to, all attorney fees, costs, late penalties, and interest.

8-5-4: Installation of Water Lines

1. **Permit Required:** It shall be unlawful for any person to lay, repair, alter or connect any water line to the MCIS without first having received a construction permit from the City.
2. **Application:** Application for a permit to install or alter a water connection or for laying or repairing of lines connected directly or indirectly to the MCIS must be made in writing to the City by a licensed plumber or by the owner of the Lot or Parcel, who shall describe the nature and time frame of the work to be completed. No work shall be commenced until written approval from the City is issued by the City.

8-5-5: Misuse of Moroni Water

1. Any user who uses the MCIS which results in the flooding of streets and sidewalks may be cited for violation of the Moroni City Ordinances and assessed a fine of \$50.00 for wasting of water.
2. Any person or persons who willfully use water from the MCIS to irrigate land not within the legally established service area of the MCIS, may be cited for violation of Section 76-6-409, Utah Code Annotated 1953, as amended (theft of services).
3. Any user who has the right to irrigation for only part of a property with the MCIS shall be required to indicate on an appropriate form that part of the property that shall be irrigated with the MCIS.

8-5-6: Additional Requirements – Culinary and Irrigation

1. **Access:** The water department personnel shall have full access to every property for the purpose of inspecting plumbing of the MCIS during ordinary business hours except in the event of an emergency. In the event of an emergency, the City shall attempt to provide reasonable notice to the Customer prior to entry.
2. **Damage Liability:** Moroni City shall not be liable for damage caused in the event the MCIS or any part thereof is turned off, including but not limited to damages due to stoppage or interrupted service caused by fires, scarcity of water, accidents to works, mains, alterations, additions, or repairs. The City shall also not be liable for damage to property caused by flooding of water from water mains which break through no negligence of the City.
3. **Irrigation Systems Pressurization:** All irrigation systems on MCIS shall be pressurized. Violators shall have service discontinued until compliance is met.

4. **Thermal Expansion/Pressure Relief:** The City shall not be responsible for damage to plumbing due to thermal expansion from dual check valves in the System. It shall be the responsibility of the consumer to have a fully operational pressure relief valve.
5. **Cross Connections:** The City shall not allow any connection to its System which may jeopardize its quality and integrity. Cross connections are not allowed.
6. **Risers:** For the necessary and essential administration and control of the System, all risers shall be installed under the direction and approval of the City Public Works Department.
7. **Open Hose Watering:** Open hose watering is strictly prohibited.

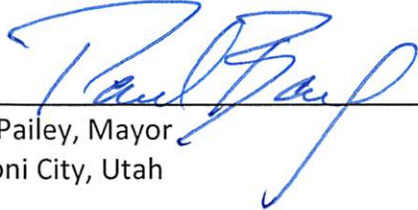
8-5-7: Water Scarcity or Unlawful Use of Water

In the event of the unlawful use of water, or in a time of water scarcity or during any water use restriction, whenever it shall, in the judgment of the Mayor and the City Council, be necessary, the Mayor shall by proclamation, limit the amount, timing or use of water to such extent as may be necessary. It shall be unlawful for any property owner to violate any proclamation made by the Mayor in pursuance of this section.

In the event of citizen noncompliance with a defined water schedule or unlawful use of water:

1. One (1) warning shall be provided, and is sufficient notice of incompliance. For all subsequent violations, a citation shall be issued and a fine be imposed.
2. **Penalties and classification of violation:** The violation of this section is a Class C misdemeanor with a fine in the minimum amount of \$150.00 imposed for violation of this section. Any additional violations in the same watering season shall result in a fine of \$250.00 and termination of use of the MCIS system until further notice is received from the Mayor and City Council.

This ordinance is hereby passed and adopted by the Moroni City Council on the 20th day of June, 2024, and will take effect immediately in accordance with the terms set forth herein.



Paul Pailey, Mayor
Moroni City, Utah

Voting:	Aye	Nay	Abstain
Troy Prestwich	<input checked="" type="checkbox"/>	_____	_____
Thayne Atkinson	<input checked="" type="checkbox"/>	_____	_____
Brad Aldridge	<input checked="" type="checkbox"/>	_____	_____
Cherrie Green	<input checked="" type="checkbox"/>	_____	_____

ATTEST:



Carol Haskins
Moroni City Recorder