

RESOLUTION NO. 2021 - 06

A RESOLUTION ESTABLISHING WATERING RULES AND REGULATIONS; AND PROVIDING FOR THE ENFORCEMENT THEREOF AND THE IMPOSITION OF FINES AND PENALTIES

WHEREAS, pursuant to the authority of Section 17B-2a-1005(8)(a)(i), U.C.A., the Board of Trustees (the “Board”), of the Roy Water Conservancy District (the “District”), is empowered, among other things, to make and enforce all reasonable rules and regulations for the management, control, delivery and distribution of the District’s irrigation water supply; and

WHEREAS, in making and enforcing such rules and regulations, the Board is further empowered, pursuant to the authority of Section 17B-2a-1004(1)(j), U.C.A., to consider and promote water conservation; and

WHEREAS, consistent with the aforesaid powers, the Board deems it necessary to establish watering regulations, including limitations and restrictions prohibiting wasteful irrigation practices and governing the hours of the day when District water may be used for irrigation, and to provide proceedings for the enforcement thereof.

NOW, THEREFORE, be it hereby resolved by the Board of the District as follows:

1. WATERING REGULATIONS.

(a) Wasteful Irrigation Practices are Prohibited. It is the policy of the District to conserve and protect the District’s irrigation water supply. Irrigation practices, such as watering multiple times in a given day (except for a genuine cycle and soak process as programmed into a sprinkler controller), watering on consecutive days, allowing water to run waste down the gutter, and the failure to promptly repair leaking water lines and sprinkler heads, which result in the waste of the District’s irrigation water supply are prohibited.

(b) Uniform Watering Hours. The water supply of the District shall only be authorized for use in any water year for irrigation purposes during the authorized irrigation season, as determined from year to year by the Board, on any residential, commercial or agricultural land, during the evening, night and morning hours, each day, beginning at 6:00 p.m. and ending at 10:00 a.m. the following day.

(c) Drought Regulations. The existence and extent of drought conditions will vary from year to year and may even vary during a given irrigation season. As such, each year, the Board shall ascertain whether and to what extent a drought condition exists within its service area. If a drought condition is determined to exist, the Board shall, in its sole discretion designate and declare the intensity of the drought utilizing as a guide the U.S. Drought Monitoring Report published by the State of Utah (the “Drought Report”), at: <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?UT>. The intensity of drought conditions defined in the Drought Report include: abnormally dry, moderate drought, severe drought, extreme drought and exceptional drought.

(d) Limitations and Restrictions. The Board shall each year establish regulations, including limitations and restrictions governing the delivery and use of the District’s water supply which are determined by the Board to be necessary and appropriate for the drought intensity as determined by the Board for that year, consistent with the authority of this Resolution. Water use regulations, including all applicable limitations and restrictions, shall be published each year by the District and made available to all contract holders, customers and other users of District water on the District’s website at www.roywater.com.

2. ENFORCEMENT PROCEEDINGS.

(a) Enforcement Authority. The General Manager of the District is hereby vested with the authority to enforce the watering regulations and implement appropriate enforcement proceedings as set forth herein, either through the use of District personnel, by contract or otherwise.

(b) Enforcement Proceedings. Any contract holder, customer or other user of the District’s water supply who is discovered or reported to be taking and utilizing the water in violation of the watering regulations which are imposed by the Board in conformance with the provisions of Section 1 hereof (each, a “Violator”), shall, upon confirmation of the violation by District personnel, be subject to the following enforcement proceedings:

(1) WATER EDUCATION NOTICE: Upon initial discovery of a violation, the Violator will be notified in person, by door hanger, by phone, or by mail, of the reported violation, and educational materials will be shared with the Violator, and the Violator shall be given a period of 24 to 48 hours to correct the violation and conform with the regulations imposed by the Board for that year. The Violator shall further be instructed to thereafter conform with the District’s watering regulations or be subject to further enforcement proceedings. This will be considered an educational opportunity, and no other action will be taken if the Violator remains in compliance with the regulations.

(2) FIRST OFFENSE: For a first offense in the same water year after a water education notice, the Violator will be notified in person, by door hanger, by phone, or by mail, of the reported violation, and shall again be instructed to thereafter conform with the District’s watering regulations or be subject to further enforcement proceedings.

(3) SECOND OFFENSE: For a second offense in the same water year, the Violator shall be served with a formal written citation and be required to pay a fine of \$250.00. The fine shall be due and payable as indicated in the Citation. Failure to pay the fine when due shall result in the termination of the Violator’s water service until the fine is paid in full. In the event of termination of water service, a reconnection fee of \$500.00 shall also be paid as a condition to restoration of water service by the District.

(4) THIRD OFFENSE: In the event of a third offense in the same water year, the Violator’s water service shall be terminated for the balance of the water year. A reconnection fee of \$1,000.00 (the “Reconnection Fee”) shall be paid by the Violator to the District as a condition to restoration of water service for the following water year. The District in its sole discretion may require, as a condition to reconnection and service the following year, that a water meter be installed through which all District water delivered through the connection shall be measured and accounted for. As determined by the Board, on a case-by-case basis, the money paid for the Reconnection Fee may be used by the District to pay for the acquisition and installation of the water meter; otherwise, all costs associated with the acquisition and installation of the meter shall be paid by the Violator in addition to the Reconnection Fee, as a condition to restoration of water service. Written notice shall be provided by the District to the Violator confirming the termination of the Violator’s water service, the conditions for restoration of service, and of the Violator’s right of appeal thereof to the Board. Restoration of the Violator’s water service and the terms and conditions thereof, shall be determined by the Board in its sole discretion, consistent with the provisions of this Resolution.

(5) REPEAT VIOLATORS YEAR-TO-YEAR: Enforcement proceedings for Violators who are continually reported for violations from water year to water year will commence with the First Offense.

3. FULL PAYMENT OF ASSESSMENTS NOTWITHSTANDING TERMINATION. Notwithstanding any termination of service, the Violator’s full annual assessment and special assessments shall remain due and payable in full, and be collected by the County, in the event of a contract assessment, or otherwise by the District in conformance with the terms of the Violator’s contract with the District.

4. EXCEPTIONS; EXCEPTION PERMITS. Exceptions may be considered and granted to a contract holder, customer or other user of District water for water usage that would otherwise be a Violation of the regulations adopted pursuant to this Resolution (each, an “Exception”), subject to and in conformance with the following:

(a) The granting of an Exception shall be considered on a case-by-case basis, and only in connection with the following uses: (i) irrigation of newly planted lawn, and (ii) agricultural irrigation. The “top-seeding” or “over-seeding” of an already established lawn will not qualify for an Exception. No other exceptions will be considered by the District.

(b) To qualify for an Exception, the contract holder, customer or other user shall submit a written application to the District setting forth the contract holder’s, customer’s or user’s name, address, home telephone and cell phone numbers, and email address, stating the place of use of the District’s water, the purpose for which the Exception is requested, and the period of time during which the Exception is required. The District’s General Manager will review and consider the Exception request and be authorized to approve or deny the same in his sole discretion. If the Exception is approved, a written exception permit (“Exception Permit”), will be issued to the contract holder, customer or other user setting forth the terms, conditions and date of expiration of the Exception. If the Exception is denied by the General Manager, the denial may be appealed to the Board, whose decision shall be final. It is anticipated that Exception Permits will not be issued during times of severe, extreme, or exceptional drought.

(c) Upon expiration of the Exception Permit, the water regulations set forth in Section 1 shall thereafter apply and be enforced in accordance with this Resolution.

5. IMMEDIATE EFFECT. This resolution shall take effect immediately upon adoption by the Board.

PASSED AND ADOPTED by the Board this 9th day of June, 2021.