

Hildale City Ordinance No. 2017-05-01

An Ordinance of the Hildale City, Utah to Repeal Ordinance No. 2010-01 and Hildale City Code Chapter 51, Section I, Article II New Water Connections

WHEREAS, Hildale City seeks to follow the order from Judge Teilborg that was handed down through the United States District Court for the District of Arizona order to repeal Ordinance 2010-01 Water Regulation; and

WHEREAS, the Hildale/Colorado City Utility Board moved in an open meeting dated December 2, 2014, “that the Utility Board acknowledge that the order received from the United States District Court for the District of Arizona declares the ‘2010 Ordinance of no new culinary water connections’ null and void, and recommend to the City Councils to amend the City Ordinances to reflect the Judge’s Order”; and

WHEREAS, the City of Hildale in an open Council meeting dated December 16, 2014, “moved the ‘2010 Ordinance of NO New Culinary Water Connections’ to be null and void”; and

WHEREAS, the City of Hildale had repealed and removed Ordinance 2010-01 from the codifiers but it was accidentally included in the recently codified ordinances as of November 15, 2016; and

WHEREAS, on April 18, 2017 the United States District Court for the District of Arizona No. 3:12cv-8123-HRH Injunctive Relief states that “(9) Within 30 days of the entry of this injunction, the Defendant Cities shall repeal outdated water service access regulation base on “new water” requirements.”

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hildale as follows:

All of Hildale City Ordinance No. 2010-01 [Hildale City Code Chapter 51, Section I, Article II “New Water Connections”] be repealed, null and void.

Section I:

ARTICLE II. — NEW CULINARY WATER CONNECTIONS

~~Sec. 51-37. Name.~~

~~This article shall be known as the "New Culinary Water Connection Ordinance."~~

~~(Ord. No. 2010-01, 1-12-2010)~~

~~Sec. 51-38. New service connection.~~

~~No new service location will be connected to the culinary water system unless the individual is able to adequately bring water to the system as established by quantity/quality resolution, adequately establishes the rights of the water brought to the system, and pays connection charges established by the schedule of fees and penalties.~~

~~(Ord. No. 2010-01, 1-12-2010)~~

~~Sec. 51-39. Reconnection.~~

~~The uniform utility billing regulations set forth in chapter 52 govern reconnection of culinary service locations.~~

~~(Ord. No. 2010-01, 1-12-2010)~~

~~Sec. 51-40. New service for customer with debt to city.~~

~~No new service location will be connected to the culinary water system if the individual desiring the connection has delinquent debt owing the city for any purpose, unless the debt is the subject of an administrative or judicial proceeding in which the validity of the debt is contested.~~


~~(Ord. No. 2010-01, 1-12-2010)~~

~~Secs. 51-41—51-68. Reserved.~~


The provisions of this ordinance and the public record adopted herein shall be effective immediately.


PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, HILDALE CITY, STATE OF UTAH, ON THE 16 DAY OF May, 2017.

		YES	NO	ABSTAIN	ABSENT
Carlos Jessop	Council Member	X			
Brian Jessop	Council Member	X			
Edwin Barlow	Council Member	X			
Doran Jessop	Council Member	X			
Elmer Johnson	Council Member	X			

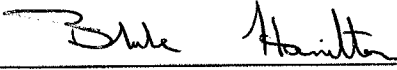

Philip Barlow, Mayor

Attest:


Raymond C. Barlow, City Recorder



APPROVED AS TO FORM:


City Attorney