



ORDINANCE 2021-03

AN ORDINANCE DECLARING A MORATORIUM ON CITY CULINARY WATER USAGE FOR ALL WATER FEATURES INCLUDING EXISTING PONDS AND OUTDOOR SWIMMING POOLS

The Oakley City Council adopts the following findings:

WHEREAS, Oakley City operates a municipal water system and utility serving homes and businesses within Oakley City with culinary water; and

WHEREAS, on March 17, 2021, Governor Cox of the State of Utah issued an Executive Order declaring a state of emergency due to drought conditions throughout the State Utah.

WHEREAS, the City is authorized by the laws of the State of Utah, including Utah Code § 10-7-12 and Utah Code § 10-7-14, to impose restrictions and limitations on the use of water for any purpose other than domestic purposes in times of drought or water scarcity or shortages.

WHEREAS, the City's supply of potable water is limited, and the City is nearing the planned capacity of its water supply and utility. Without further measures to conserve and increase the current municipal water system capacity, peak water demand in the City will soon exceed the City's water supply and system capacity during the times of the year when the supply is most limited.

WHEREAS, the City is undertaking several measures and projects to prevent water system loss and to increase supply capacity. These measures include projects at the Oakley City Recreation Complex to significantly reduce City water usage for irrigation of the Complex, the addition of a City water source through chlorination, and projects to develop and maximize additional water sources.

WHEREAS, the City is concerned that the current drought conditions will result in critical water shortages and require drastic curtailment measures that would be detrimental to the entire city and cause significant public harm. The City's current ordinances are not adequate to regulate the use of City Culinary water for landscape and recreational amenities defined as outdoor water features, ponds, lakes, and swimming pools.

WHEREAS, the public harm that would be caused by a failure to adopt a Moratorium outweighs the adverse effects on other affected entities.

NOW THEREFORE, based upon these findings, the Oakley City Council resolves as follows:

1. An Immediate Moratorium on the use of City culinary water for use or filling of all outdoor or indoor water features that are not used for culinary or domestic purposes, including but not limited to ponds, lakes, outdoor swimming pools, and waterfalls.

2. Exceptions to the Moratorium are:
 - a. Hot Tubs or Spas not exceeding 600 gallons may be filled.
 - b. Swimming Pools that are indoors in their entirety are exempt but must be inspected and filled by May 15th. Filling after this date is considered a violation of this ordinance.
 - c. Water features that utilize water from a source other than City's Culinary Water system. This source must be presented to the City for approval before utilization.

3. All water features must be inspected by Oakley City Public Works prior May 15th of each year. If the City is not contacted for an inspection before use or filling of water feature the City will consider the feature to have been empty or dry prior to use and will result in a violation of this ordinance. Failure to provide proof of non-City culinary water prior to the filling or use of the feature is also considered a violation of this ordinance. The City may prosecute and prohibit violations by injunctions and other civil and criminal remedies. Upon demonstration of a violation, the violator may be required to pay fines and all City court, attorney, and litigation costs. Fines will be applied as follows for any party that is found to be in violation of this moratorium:

\$10,000 per Violation

4. Use of City Culinary water that is unmetered is considered theft and will be prosecuted to the full extent of the law as authorized by the laws of the State of Utah, including Utah Code § 76-6-4.
5. This Moratorium shall continue until such time as the City Council determines that there is adequate supply of culinary water to allow for non-domestic uses.
6. This Ordinance was published and noticed in the following manner:
 - a. Notice of this moratorium was published in the Summit County News on April 2nd and April 9th.
 - b. The City's website www.oakleycity.com; the city's social media platforms on Instagram and Facebook, as well as the Utah Public Notice Website beginning March 31st, 2021.
 - c. Notice was also posted at the Oakley US Post office and at the Oakley City Hall beginning March 31st thru April 14th, 2021.
7. This Moratorium is effective immediately upon posting or publication.

PASSED AND ADOPTED BY THE Oakley City Council on the 14th day of April 2021.



WADE WOOLSTENHULME, Mayor Oakley City

ATTEST:



AMY RYDALCH, Oakley City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of UCA §10-3-713, 1953 as amended, I, the City Recorder of Oakley City, hereby certify that the foregoing ordinance was dully passed and published or posted at:

- 1) Oakley Post Office and City Building,
- 2) Oakley City Website www.oaklelycity.com , and
- 3) Utah Public Notice website, on the above referenced dates.



AMY RYDALCH, City Recorder

4-15-2021

Date