

VIRGIN TOWN
ORDINANCE NO. 2024-18



AN ORDINANCE AMENDING AND RESTATING SECTION 030 OF CHAPTER 4 (WATER SERVICES) OF TITLE 7 (PUBLIC UTILITIES) TO BETTER REFLECT THE CURRENT RATES AND CONNECTION FEES LISTED IN THE TITLE 4 CHAPTER 12 GENERAL REVENUE FEE SCHEDULE AND CREATING SECTION 080 OF CHAPTER 4 (WATER SERVICES) OF TITLE 7 (PUBLIC UTILITIES) TO CREATE A WATER DEVELOPMENT SURCHARGE FEE PURSUANT TO THE REVISED REGIONAL WATER SUPPLY AGREEMENT.

RECITALS

WHEREAS pursuant to Utah Code Ann. § 10-1-201 Virgin Town (“the Town”) is a Utah municipal corporations and political subdivision of the State of Utah.

WHEREAS pursuant to Utah Code Ann. § 10-3b-401 the Virgin Town Council (“the Town Council”) is the legislative and governing body of the Town.

WHEREAS Washington County Water Conservancy District (The “District”) provides wholesale water to “Municipal Customers” under the Revised Regional Water Supply Agreement effective January 1, 2019 (the “Revised RWSA”).

WHEREAS for various reasons, including limited historical growth, the perceived lack of need, the limited supply and every increasing price of water rights available for sale with the Virgin River draining and the cost of constructing facilities to divert or remove water and transmit into the Town’s Culinary Water System, the Town did not join the Revised RWSA.

WHEREAS on January 17, 2023, the Town Council, acting pursuant to Article 6 of the Revised RWSA notified the District and other participating Municipal Customers via Virgin Town Resolution R2023-C that Town desired to become a “Municipal Customer” under the Revised RWSA and made application to the District Board of Trustees (“District Board”) for their approval.

WHEREAS the Mayor and the Town Attorney appeared before the District Board, as well as the District Advisory Council, as part of the application process and obtained approval for the Town’s joinder from both District governing bodies.

WHEREAS following the approval from both District governing bodies, the District had prepared and submitted for the Town’s approval an “Amendment to Revised Regional Water Supply Agreement Adding Virgin as a Municipal Customer” (the “Amendment”) which allowed the Town to become a participating municipality of the Revised RWSA.

WHEREAS the Town Council approved the Amendment via Virgin Town Resolution R2024-J.

WHEREAS to use the facilities and obtain the benefits contemplated by the Revised RWSA, Section 8.3 of the Revised RWSA provides for the payment of a Water Development

Surcharge by the Municipal Customers to the District in the current amount of One and 75/100 Dollars (\$1.75) per equivalent residential connection.

WHEREAS the fee schedules of Section 04.030 of Title 7 of the Town of Virgin Municipal Code no longer reflect the current fees listed in the Title 4 Chapter 12 General Revenue Fee Schedule.

ORDINANCE

NOW THEREFORE, be it hereby ordained and decreed by the Town Council of Virgin Town, State of Utah, as follows:

1. Amendment & Restatement of Section 04.030 of Title 7. Section 030 of Chapter 04 of Title 7 of the Town of Virgin Municipal Code is hereby amended and restated in its entirety as follows:

7.04.030 Rates and Connection Fees

The rates, penalty fee for the delinquency in payment connection fee and other charges incidental to connection and services for the Town water system shall be fixed from time to time by resolution enacted by the Town Council. The Town Council may from time to time promulgate services and all other rules necessary for the management and control of the water system. The rates and fees under this section, as enacted by resolution of the Town Council, shall be updated, maintained and listed in the General Revenue Fee Schedule, Title 4 Chapter 12, of the Town of Virgin Municipal Code.

2. Creation of Section 04.080 of Title 7. Section 080 of Chapter 04 of Title 7 of the Town of Virgin Municipal Code is hereby amended and restated in its entirety as follows:

7.04.080 Water Development Surcharge Fee

- A. *Creation of Water Development Surcharge Fee. There is hereby imposed and levied a Water Development Surcharge Fee on each equivalent residential connection that provides services in the Town. This Water Development Surcharge Fee shall be a monthly fee at a rate determined by the Washington County Water District pursuant to Section 8.3 of the Revised Regional Water Supply Agreement effective January 1, 2019 (the "Revised RWSA").*
- B. *Initial Fee and Amendments. The Water Development Surcharge Fee shall be an initial fixed fee of One and 75/100 Dollars (\$1.75) per month. The Town Council may from time to time amend the fee by resolution of the Town Council to reflect changes or amendments to the Revised RWSA. The Water Development Surcharge Fee shall be updated, maintained and listed in the General Revenue Fee Schedule, Title 4 Chapter 12, of the Town of Virgin Municipal Code.*

3. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

4. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior Town ordinance in conflict herewith.

5. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Council and execution by the Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this ____ day of November, 2024 based upon the following vote:

Council Person:

Marci Holm	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
April McKeon	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Mistie Baird	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jean Krause (Mayor)	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN
a Utah municipal corporation

ATTEST:

Jean Krause, Mayor

Krystal Percival, Town Clerk