

VIRGIN TOWN

ORDINANCE 2025-01

AN ORDINANCE OF THE TOWN OF VIRGIN, UTAH PROVIDING THAT THE VIRGIN MUNICIPAL CODE BE AMENDED BY REVISING SECTION 7.04.090 TO CREATE A WATER DEVELOPMENT SURCHARGE FOR EXCESS WATER USE FEE FOR WATER CONNECTIONS EXISTING PRIOR TO JANUARY 1, 2023 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 for Excess Water Use by the Municipal Customers to the District with water connections prior to January 1, 2023 in the current amount of One Dollar (\$10.00) per each thousand gallons of water used that exceeds the designated monthly demand threshold for volume of water per meter size .

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:

Section 1. That Section 7.04.090 of the Virgin Municipal Code be amended so that such section shall read as follows:

“7.04.090 Water Development Surcharge for Excess Water Use Fee

- A. *Creation of Water Development Surcharge for Excess Water Use Fee. There is hereby imposed and levied a Water Development Surcharge for Excess Water Use Fee per each thousand gallons of water used that exceeds the designated monthly demand threshold for volume of water per meter size that provides services in the Town. This Water Development Surcharge for Excess Water Use Fee shall be assessed monthly 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 (pre January 1, 2023). The Water Development Surcharge Fee for both residential and non-residential water connections existing prior to January 1, 2023 shall be an initial fixed fee of One Dollar (\$1.00) per each thousand gallons of water used that exceeds the designated monthly demand threshold for volume of water per meter sizes shown in the table below. 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 for Excess Water Use Fee shall be updated, maintained and listed in the General Revenue Fee Schedule, Title 4 Chapter 12, of the Town of Virgin Municipal Code.*
1. *For Both Residential and Non-Residential Connections existing prior to January 1, 2023:*

Meter Size	Monthly Demand Threshold (gal)
<u>3/4"</u>	<u>36,000</u>
<u>1"</u>	<u>80,000</u>
<u>1.5"</u>	<u>260,000</u>
<u>2"</u>	<u>420,000</u>
<u>3"</u>	<u>850,000</u>
<u>4"</u>	<u>1,400,000</u>
<u>6"</u>	<u>2,600,000</u>
<u>8"</u>	<u>4,200,000</u>

C. Initial Fee and Amendments (post January 1, 2023). The Water Development Surcharge Fee for both residential and non-residential water connections on or after January 1, 2023 shall be an initial fixed fee of Ten Dollars (\$10.00) per each thousand gallons of water used that exceeds the designated monthly demand threshold for volume of water per meter sizes shown in the table below. 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 for Excess Water Use Fee shall be updated, maintained and listed in the General Revenue Fee Schedule, Title 4 Chapter 12, of the Town of Virgin Municipal Code.

1. For New Residential Connections after January 1, 2023:

Residential Thresholds for New Connections

Season	Winter December, January, February	Spring March, April	Summer May, June, July, August, September	Fall October, November
Potable Only Residential Connection	8,000 gallons per month	15,000 gallons per month	20,000 gallons per month	15,000 gallons per month
Potable and Non-Potable Residential Connection	8,000 gallons per month	8,000 gallons per month	8,000 gallons per month	8,000 gallons per month

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2. *For New Non-Residential Connections after January 1, 2023:*

Meter Size	Monthly Demand Threshold (gal)
3/4"	36,000
1"	80,000
1.5"	260,000
2"	420,000
3"	850,000
4"	1,400,000
6"	2,600,000
8"	4,200,000

D. Administrative Fee. To help cover administrative costs of collecting the excess water use surcharge, Virgin Town will retain 5% of the excess water use surcharge as an administrative fee before remitting proceeds to the Washington County Water Conservancy District.

Section 2. No retroactive fees or charges which may be created by this ordinance will be collected for the time period prior to the passage of this ordinance.

Section 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.

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

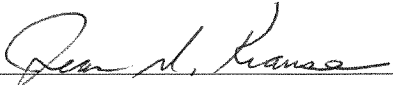
Section 5. Effective Date. This Ordinance shall become effective upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor. Until that date current ordinances for code enforcement remain in effect.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON the 21st DAY OF JANUARY 2025.

VIRGIN TOWN

a Utah municipal corporation

Attest:


Jean Krause, Mayor


Krystal Percival, Town Clerk/Recorder

Town Council Vote as Recorded:

Town Council Member, Mistie Baird

AYE	NAY	ABSENT	ABSTAIN
☒	☐	☐	☐

Town Council Member, Valerie Wenz

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Town Council Member, Paul Luwe

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Town Council Member, April McKeon

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Mayor, Jean Krause

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RECORDED this 10 day of February 2025

PUBLISHED OR POSTED this 10 day of February 2025.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I the Clerk/Recorder of Virgin, Utah hereby certifies that the foregoing Ordinance was duly passed and published or posted at:

1) Utah Public Notice Website, utah.gov/pmn/

2) Virgin, Utah website, virgin.utah.gov

3) Virgin, Utah Town Hall

on the above referenced dates.


Krystal Percival, Town Clerk/Recorder
Virgin, Utah