

Laketown, Utah

ORDINANCE 2025-10

AN ORDINANCE AMENDING TITLE 8, WATER REGULATIONS, CHAPTER 8.1, WATER USE AND SERVICE, SECTION 8.1.2, APPLICATIONS FOR CONNECTION, SERVICE, OF THE LAKETOWN MUNICIPAL CODE, RESTRICTING NEW CULINARY WELLS WITHIN FIVE HUNDRED FEET OF AN EXISTING TOWN WATER LINE WHERE THE TOWN'S WATER SYSTEM IS ABLE TO PROVIDE SERVICE TO THE PROPERTY; PROVIDING FOR REPEALER AND SEVERABILITY

WHEREAS, pursuant to §10-8-84 of Utah Code (as amended) the legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the municipality and its inhabitants, and for the protection of property in the municipality; and;

WHEREAS, the Town has invested in a municipal culinary water system intended to provide safe, reliable, and regulated water service that protects public health, safety, and welfare; and

WHEREAS, the Town is planning for long-term water reliability, including the development of additional municipal water sources, and unregulated private culinary wells drilled near municipal water lines may directly compete for groundwater needed to serve the community; and

WHEREAS, reliance on a centralized municipal water system allows for consistent water quality monitoring, regulatory compliance, emergency response capability, and fire protection, which individual culinary wells generally cannot provide; and

WHEREAS, the Town Council finds that limiting new culinary wells in areas served by municipal water is necessary to protect public health and safety, ensure orderly water system planning, and promote the general welfare of the community; and

WHEREAS, the Planning Commission duly noticed and held a public hearing to discuss the proposed amendments and made a positive recommendation to the Town Council for the adoption of the proposed amendments; and

WHEREAS, upon making the necessary reviews, the Town Council finds it to be in the best interest of the Town to update the relevant policy statements found in Title 8 Water Regulations, Chapter 8.1 Water Use And Service, Section 8.1.2 Applications For Connection, Service, of the Laketown Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Laketown, Utah:

SECTION 1: **Repealer.** If any provisions of the Laketown Municipal Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: **Amendment.** Title 8, Water Regulations, Chapter 8.1, Water Use And Service, Section 8.1.2 Applications For Connection, Service, is hereby amended to read as follows:

8.1.2 Applications For Connection, Service

- A. Small Domestic Wells.** No small domestic well may be drilled or installed on a property located within five hundred feet (500') of an existing Town water line where the Town's Water System is able to provide service to the property.
- B. Connection And Service:** Any owner or owner's designated agent seeking service and or connection(s) to the Town's Water System shall complete the applicable form and pay fees as established by the Town Council and set forth in the Laketown Consolidated Fee Schedule.
- C. Connection By Subdividers:** Whenever an owner or owner's designated agent desires or is required to install water connections and extensions for a subdivision or development, the owner or owner's designated agent shall provide the Town with water shares and/or water rights that are free, clear and uncontested in the amount proportional to the size of the development as determined by the Town's Engineer. Both the cost of the evaluation of the amount of water rights to transfer must be borne by the owner or owner's designated agent and the Town's Attorney shall bill the owner or owner's designated agent for an evaluation of the free, clear and uncontested water rights being proposed.
- D. Fee In Lieu Of Dedication Of Required Water Shares And/Or Water Rights:**
 - 1. Authority And Applicability.** At the option of the Town, the Town Council may approve the payment of a fee in lieu instead of the dedication of required water shares and/or water rights for:
 - A. Minor Subdivisions** as defined and regulated in Chapter 11.7 of the Town Code; and
 - Individual lots or parcels that legally exist at the time of application** and are not part of a subdivision application processed pursuant to Chapter 11 of the Town Code, **excluding Minor Subdivisions governed by Chapter 11.7.**
 - C. This fee in lieu option shall not apply to subdivisions processed under Chapter 11 of the Town Code other than Minor Subdivisions expressly regulated under Chapter 11.7.**
 - 2. Fee Amount And Basis.** The fee in lieu shall be as set forth in the Laketown Consolidated Fee Schedule and, at a minimum, shall be equivalent to the cost of the required water shares and/or water rights that would otherwise be required for the applicable development or lot.
 - A. When establishing or amending the fee in lieu, the Town Council shall base its findings on recent market prices for local surface irrigation water shares and/or water rights and the Town's actual cost to acquire comparable water resources.**
 - 3. Use Of Fees.** Fees collected pursuant to this section may be used by the Town, in its discretion, to:
 - A. Recoup the cost of previously purchased water shares and/or water rights; and/or**
 - B. Purchase additional water shares and/or water rights to serve existing or future municipal needs.**

HISTORY:

Ord., 2-11-1993

Ordinance 2019-14 3-4-2020

SECTION 3: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 4: Effective Date. This ordinance being for the health, safety, and welfare of the Town's residents shall become effective immediately.

PASSED AND ADOPTED by Laketown Town Council, this 7th day of January, 2026.

Brandon Willis
BRANDON WILLIS, Mayor
Laketown Town

Attest:

Lisa Johnson
Lisa Johnson, Clerk
Laketown Town

Town Council Vote As Recorded:

Kirsten Gash
Burdette Weston
Kris Hodges
Denise Johnson

	AYE	NAY	ABSTAIN	ABSENT
<i>KG</i>	—	—	—	—
<i>BN</i>	—	—	—	—
<i>KH</i>	—	—	—	—
<i>DJ</i>	—	—	—	—

RECORDED this 01-07-26.

PUBLISHED OR POSTED this 01-07-26.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with §10-3-713 of Utah State Code, as amended, I, the Clerk of Laketown Town, hereby certify that the foregoing Amendment was duly passed and published or posted at:

- 1) Laketown Town Office
- 2) Laketown United States Post Office
- 3) Dee's Super Service
- 4) Laketown Town Website

on the above referenced dates.

Lisa Johnson
LISA JOHNSON, Clerk
Laketown Town