

OAKLEY CITY COUNCIL

ORDINANCE NO. 2026-03

DATE: April 8, 2026

**AN ORDINANCE OF THE OAKLEY CITY COUNCIL ENACTING A
CEMETERY WATER RATE**

RECITALS

WHEREAS, Utah Code § 10-8-22(5) authorizes Oakley City (the “City”) to “establish different [water] rates for different classifications of retail customers...if the rates and classifications have a reasonable basis;” and

WHEREAS, Utah Code § 73-10-32.5 requires retail water suppliers like the City to establish tiered block water rates that are based on a “generally accepted rate setting method, including a standard or method established by the American Water Works Association [AWWA];” and

WHEREAS, the City Council desires to amend its culinary water and sewer rate schedule to include a water rate for cemeteries that are: (A) publicly owned and operated; (B) receive culinary retail culinary water service from the City; and (C) that provide public services to the City and its residents that require the irrigation of more than one (1) acre of turf; and

WHEREAS, in accordance with Utah Code § 10-8-22(5)(b), the City Council finds that there is a reasonable basis to establish a different water rate for public cemeteries that provide public services to the City and its residents because such entities are: (A) are distinguishable from the needs or conditions of the City’s other, non-governmental retail customers; and (B) that there is a public policy basis for charging an institutional water rate that accounts for the public services such entities provide without imposing an undue financial burden on taxpayers; and

WHEREAS, City staff have developed a proposed amendment to the City’s culinary water and sewer rate schedule that would enact a new cemetery water (the “**Proposed Water Rate**”), which is attached to this ordinance as **Exhibit 1**; and

WHEREAS, City staff used generally accepted rate setting methods set forth in the AWWA’s “M1 Principles of Water Rates, Fees and Charges” manual to develop the Proposed Water Rate; and

WHEREAS, the City held a duly noticed public hearing on the Proposed Water Rate on April 8, 2026; and

WHEREAS, and after receiving public comment on the Proposed Water Rate, the City Council desires to amend the City’s culinary water and sewer rate schedule to include the Proposed Water Rate.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE OAKLEY CITY COUNCIL AS FOLLOWS:

1. Enactment: The City's culinary water and sewer rate schedule is amended as set forth in Exhibit 1 to include the Proposed Water Rate.

2. Severability: If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.


3. Direction to Mayor and Staff: The Mayor and staff are authorized and directed to take such steps as may be needed: (A) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (B) to finalize and post the ordinance to the Oakley Municipal Code, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Effective Date: This Ordinance shall become effective on April 15, 2026.

[Execution on following page]

PASSED AND ADOPTED this 8th day of April 2026.

OAKLEY CITY COUNCIL


By: Steve Wilmoth, Mayor

ATTEST


Amy Rydalch, Recorder



Voting:

- Council member Dillman voting
- Council member Frazier voting
- Council member Neff voting
- Council member Regan voting
- Council member Smart voting

(Complete as Applicable)

Date ordinance summary was posted to the Oakley City website, the Utah Public Notice website, and in a public place within Oakley City per Utah Code §10-3-711: 4-09-2026

Effective date of ordinance: April 15, 2026