

ORDINANCE 2026-03

Ordinance No. 2026-03

Date: April 16, 2026

AN ORDINANCE OF THE ORANGEVILLE CITY COUNCIL AMENDING PROVISIONS ON SECONDARY IRRIGATION SYSTEMS AND REQUIRING INSTALLATION OF WATER METERS, CHAPTERS 9-3-1 AND 9-3-2; CLARIFYING PROHIBITION OF FLOOD IRRIGATION, CHAPTER 9-3-4; PROVIDING DEFINITIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES, CHAPTER 9-4-3 AND CHAPTER 9-4-6, OF THE ORANGEVILLE CITY CODE

RECITALS

WHEREAS, Orangeville City Council (the “City”) is a municipality and political subdivision of the state with authority to adopt ordinances which are reasonably related to providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents pursuant to Utah Code § 10-8-84; and

WHEREAS, the City may enforce obedience to such ordinances with fines or penalties in accordance with Utah Code § 10-3-703; and

WHEREAS, the City owns secondary water shares and the secondary water is delivered through the secondary irrigation system owned by Cottonwood Creek Consolidated Irrigation Company, including all facilities for the storage and distribution of irrigation. Once allocated to the City, the use of those water shares shall be under the exclusive control and jurisdiction of the City pursuant to Orangeville City Code Chapter 9-3-1 A; and

WHEREAS, the City prohibits any person from connecting to the secondary irrigation system except when done by personnel authorized by the City pursuant to Orangeville City Code (“O.C.C.”) Chapter 9-3-1 B; and

WHEREAS, the City has the authority to formulate and enforce such rules and regulations as may be necessary for the proper operation and maintenance of the secondary water system pursuant to O.C.C. Chapter 9-3-1 C; and

WHEREAS, the City has enacted connection fees, and that the connection runs with the land and shall not be transferred for use on another parcel without City authorization pursuant to O.C.C. Chapter 9-3-3 A; and

WHEREAS, the City has enacted enforcement provisions to prohibit misuse or waste of secondary water, including making it unlawful to provide water from the secondary irrigation system to property owned by another as prohibited in O.C.C. Chapter 9-3-4 D; and

WHEREAS, the City prohibits the owner of a connection to sell or otherwise distribute secondary water from a connection for use other than on the owner's premises pursuant to O.C.C. Chapter 9-3-4 E; and

WHEREAS, the property owner is responsible for water runoff from the owner's property and by allowing water to run onto land owned by another or by the City, would violate O.C.C. Chapter 9-3-4 F; and

WHEREAS, the City prohibits any person to flood irrigate any property from the secondary water system and limits the use of secondary water to irrigation of lawns, gardens, shrubs, and flowers to be applied through either a sprinkler or drip system pursuant to O.C.C. Chapter 9-3-4 H; and

WHEREAS, the City finds that violations of this chapter are occurring and requires enhanced enforcement of the chapter through installation of water meters to calculate the use of secondary water; and

WHEREAS, the City Council held a public hearing on April 16, 2026, to consider the use of metering of secondary water connections; and

WHEREAS, the City enacts provisions to require any property owner of a parcel larger than ½ acre to install a water meter at the connection site to the secondary water owned by the Cottonwood Creek Consolidated Irrigation Company; and

WHEREAS, the City intends to monitor the secondary water usage on a monthly basis through the metering device; and

WHEREAS, the City enacts enforcement provisions to prevent waste and misuse of secondary water.

BE IT ORDAINED BY THE ORANGEVILLE CITY COUNCIL as follows:

1. Amendment. Chapters 9-3-1, 9-3-2, 9-3-4 and 9-4-3 are hereby amended with language attached hereto as **Exhibit A**; and
2. Enactment. Chapter 9-3-6 is enacted with language attached hereto as **Exhibit A**.
3. 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.
4. Direction to Staff. 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 Sterling Codifiers, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

5. Effective Date. This Ordinance will take effect immediately on the date of posting pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this 16th day of April 2026.

ORANGEVILLE CITY COUNCIL

By: Shaun Bell, Mayor

ATTEST

Amanda Lake, Recorder

Voting:

Council Member Kari Alton	voting	___
Council Member Kevin Butler	voting	___
Council Member David McKee	voting	___
Council Member Kirk McQuivey	voting	___
Council Member Doug Stilson	voting	___

(Complete as Applicable)

Date ordinance summary was posted to the Orangeville website, the Utah Public Notice website, and in a public place within Orangeville City Hall per Utah Code § 103711:

Effective date of ordinance: April 16, 2026

EXHIBIT A

9.3.1: GENERAL PROVISIONS:

A. Ownership Of Secondary Irrigation System: The secondary irrigation system, including all facilities for the storage and distribution of irrigation water, is the property of ~~the city~~ a private provider ~~and shall be under their exclusive control and jurisdiction. . . .~~

D. For purposes of this chapter, the defined terms are:

“Canal Company” means the Cottonwood Creek Consolidated Irrigation Company.

“Connection” means digging, installing, and connecting the pipes that supply secondary water to the end user.

“Secondary water” means water that is not culinary or water used on land assessed under Utah law as farmland; and is delivered to and used by an end user for the irrigation of lawns and incidental watering of gardens, shrubs, and flowers only.

“Secondary water connection” means the location at which the water leaves the secondary water supplier’s pipeline and enters the lateral pipeline that supplies water to an end user.

“Water meter” means a device that measures and registers the precise volume of water flowing through a pipe or outlet, typically used to determine water consumption for billing or monitoring usage.

9-3-2: HOOKUP REQUIREMENTS:

. . .

C. Residential Hookups. ~~Wherever~~ If economically feasible, in the judgment of the city, an underground secondary irrigation system shall be installed and the city’s permission to run open ditches on city streets and rights of way shall be revoked. Said secondary irrigation system shall provide secondary water on a seasonal basis only for lawns, gardens, and other outside uses the irrigation of lawns and incidental watering of gardens, shrubs, and flowers only, excluding watering of pastures or farms. Any property owner of a parcel larger than ½ acre shall be required to install a water meter at the secondary water connection site to calculate the amount of secondary water consumed. Each single-family residence served by the system shall, upon compliance with this chapter, be furnished with a riser at the lot boundary. . . .

H. Any property owner of a parcel larger than ½ acre shall be required to install a water meter on the secondary water connection for the use of secondary water. The City shall pay for the costs of meter installation completed by a third party, subject to the City's specifications and inspection. The property owner shall pay for the costs of the water meter as identified and approved by the City. . The property owner may apply for loans or grants to cover the cost of the water meter in compliance with Utah law.

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9-3-4: Enforcement:

H. It shall be unlawful for any person to flood irrigate any property from the secondary water system. Water from the secondary water system shall be used only for the irrigation of lawns; and incidental watering of gardens, shrubs, and flowers only. The secondary water shall be applied through either sprinkler or drip system, including sprinklers attached to a garden hose. Water from the secondary water system may not be used for any watering of pastures or farms.

...

J. If any person or entity is using the secondary water system in violation of this chapter, the city shall verify noncompliance, notify the person or entity in writing by certified mail of any noncompliance, and specify in detail the conditions of noncompliance. The city may enforce penalties pursuant to the procedures of chapter 9-3-6.

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9-3-6. Enforcement Procedures:

A. Notice of Violation. If the city finds that any end user has violated or is violating this chapter, the city or city's agent shall issue a written Notice of Violation requiring corrective action and serve the Notice of Violation upon the end user in person and document the notice has been received by the end user by certified mail where a receipt is obtained.

B. User Response. Within thirty (30) days of the receipt of the notice, the end user shall submit an explanation to the city and a written plan for the satisfactory correction or prevention that includes specific required actions. Submission of the plan in no way relieves the user of liability for any violations occurring before or after receipt of Notice of Violation.

C. Compliance Order. If corrective action is not completed within thirty (30) days of receipt of the notice, the City may issue a Compliance Order requiring specific actions by a date certain, including purchase of the water meter and installation of the water meter at the end user's cost.

D. Penalties. In addition to the penalties provided in chapter 9-3-5:

1. Violations may result in:

a. Administrative fines;

b. Payment of \$150 for each incidence of the end user's over use of the secondary water allotment as set by the canal company; or

c. Recovery of City costs for cleaning, repair, or overflow response.

2. Each day of noncompliance constitutes a separate violation.

3. Separate violations may include failure to install the water meter.

E. Service Termination. The City may, at its discretion and after reasonable notice, suspend or terminate secondary water service by shutting off the valves for:

1. Repeated violations; or

2. Failure to install or maintain the water meter.

F. The provisions of this chapter shall govern the use of secondary water. If any other provisions conflict with this chapter, this chapter shall supersede.

9-4-2: INSPECTION; AUTHORITY TO ENTER:

In compliance with chapter 9-3-3, and as a condition to any person or entity having a ~~culinary or~~ secondary water connection, the city, its officials, employees, or agents may inspect, monitor, and measure the water meter on a monthly basis during regular business hours to determine its working condition, measure the consumptive use, verify fee payment status, and ascertain that the connection is being used in full compliance with this chapter ~~and/or to any private property served by either of said water systems, or upon which either water systems may run or be installed, in order to inspect and determine the nature and appropriateness of any connection or usage.~~ If the city has reason to believe an emergency or exigent circumstances exists, including, but not limited to, the immediate safety and health of city inhabitants, ~~and or~~ the imperative quality and integrity of the water system, the city, its officials, employees, ~~or and~~ agents ~~shall only~~ may enter upon private property for the purposes set forth above, ~~during regular business hours.~~ at any time. It shall be unlawful for any person to interfere with, ~~molest,~~ hinder, or obstruct the officials, employees, or agents of the city while in performance of the duties imposed by this chapter.

SUMMARY OF
ORANGEVILLE CITY
ORDINANCE NO. 2026-03

On April ___, 2026, Orangeville City Council enacted Ordinance No. 2026-03, amending secondary water system provisions, clarifying the scope of prohibition on flood irrigation, requiring owner installation of secondary water meters on certain size parcels, and amending penalties and enforcement.

By: Shaun Bell, Mayor

ATTEST

Amanda Lake, Recorder

Voting:

Council Member Kari Alton	voting ____
Council Member Kevin Butler	voting ____
Council Member David McKee	voting ____
Council Member Kirk McQuivey	voting ____
Council Member Doug Stilson	voting ____

A complete copy of Ordinance No. 2026-03 is available in the office of the Orangeville City Recorder, 25 North Main Street, Orangeville, Utah. 84537.