

**Laketown, Utah  
ORDINANCE 2019-14**

**AN ORDINANCE OF LAKETOWN AMENDING THE WATER ORDINANCE OF  
LAKETOWN CODE TITLE 8 CHAPTER 1 SECTION 2B  
ADDING THE DEVELOPER SHALL PROVIDE TO THE TOWN  
WATER SHARES AND/OR WATER RIGHTS**

**WHEREAS;** The Town has a water system, and the water system is constructed, owned and controlled by the town to supply the town with culinary water, and

**WHEREAS;** The water system is the property of the town and under the sole and exclusive control of the Town Council, and

**WHEREAS;** Installation, repair, alteration of waterlines or to connect any water line to the town culinary water system requires a construction permit from the office of the town clerk or from the Town Council, and

**WHEREAS;** The Laketown Planning and Zoning Commission recommends this addition and the Town Council desires to amend the Town Code water regulations and has conducted a public hearing on the amendment.

**NOW THEREFORE, BE IT ORDAINED** by the Laketown Town Council that the Laketown Code water regulations ordinance 8-1-2B Connection By Sub-dividers be amended.

**SECTION 1:** Language to be added.

8-1-2B Connection By Sub-dividers: Whenever a sub-divider or developer desires or is required to install water connections and extensions for a subdivision or development, the sub-divider or developer shall enter into a written extension agreement, which shall constitute an application for permission to make the extensions and connections, and an agreement specifying the terms and condition under which the water extensions and connections shall be made and the payments that shall be required. The developer shall provide to the town water shares and/or water rights.

**SECTION 2:** This ordinance shall take effect upon adoption.

**PASSED and ADOPTED THIS 15<sup>th</sup> day of January 2020.**

**Commented [A1]:** 11/20/2019 Herm feels that language needs added because we are not identifying any quantity responsibilities. He asks "How much? and Do we require that those water right transfers be free, clear and uncontested?"

He thinks that language should be added to say that the water shares or rights provided must be proportional to the size of the development as determined by the town's engineer. And, those water rights transferred must be free, clear and uncontested.

Additionally, the cost of both the evaluation of amount of water rights to transfer needs to be borne by the developer and the town's attorney can bill the developer for an evaluation of the free, clear and uncontested water right being proposed.

It is important that the town does not get stuck bearing the engineering and legal cost of the developer.

Language to be added "The developer shall provide to the town 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 developer and the town's attorney can bill the developer for an evaluation of the free, clear and uncontested water right being proposed."

Town of Laketown:

\_\_\_\_\_  
Burdette W. Weston  
Laketown Mayor

TOWN COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Clark:	_____	_____
Council Member Ogilvie:	_____	_____
Council Member Robinson:	_____	_____
Council Member Wight:	_____	_____
(In event of a tie vote of the Council):		
Mayor Burdette W. Weston	_____	_____

ATTEST:

\_\_\_\_\_  
Amber Droesbeke  
Clerk