

# RESOLUTION 10-10-13A

## SECONDARY WATER FEES, FINES AND PENALTIES

### Section I.

In addition to the \$700.00, the connectee shall provide Castle Dale City with one (1) A share of water in the Cottonwood Creek Consolidated Irrigation Company (CCCIC).

If a homeowner is unable to provide the one (1) share of water he/she may participate in the Castle Dale City Water Lease Plan if it is available and if he/she meets all of the conditions and requirements of the lease plan.

### Section II. Homeowners Secondary Water Lease Plan

lease secondary water to homeowners at a \$108.00 initial fee and then at the rate of \$18.00 per each 2 month period for 12 months.

This lease plan is only available for homeowners and not for agricultural use.

This lease plan may not always be available depending upon agreement with the CCCIC.

Failure to pay the monthly fee of the Secondary Water Lease Plan will result in the termination of water services just as failure to pay the regular monthly secondary water fee.

The lease plan fee is in addition to the regular monthly service fee for secondary water.

### Section III

acre of green space or less.

An additional \$10.00 shall be charged for each acre of green space watered above the first 1 acre. For example: 1 acre to 2 acres = \$20.00. 2 acres to 3 acres = \$30.00. 3 acres to 4 acres = \$40.00. etc.

This fee will be charged every two months, year round, even though secondary water will be available only part of the year.

The amount of green space being watered with secondary water shall be determined by Castle Dale City. The City Council sits as a board of adjustments for any decisions on the number of acres watered.

Failure to pay water fees on time (30 days after billing), including Secondary Water Lease Plan fees equals \$50.00 fine plus payment of full water bill.

Failure to pay water fees and/or fines for more than three (3) months or when the bill exceeds \$100.00, whichever comes first, equals secondary water shut off until full amount of fees and fines are paid.

Failure to pay water fees and/or fines for one (1) year equals water is turned off (after three (3) months) and the water connection is null and void. To reestablish a water connection the same fees and additional water shares will be required as on a new water connection and past due amounts/penalties paid in full.

All violation counts are re-initiated at the beginning of the irrigation season. Fines and penalties are re-initiated during the irrigation season on a property only if the property changes owners.

Violations of water days and time. This is per homeowner.

1<sup>st</sup> violation equals verbal or written warning (to include door hanger)

2<sup>nd</sup> violation equals a \$50.00 fine.

3<sup>rd</sup> violation equals a \$100.00 fine.

4<sup>th</sup> violation equals a \$250.00 fine.

5<sup>th</sup> violation equals secondary water shut off for two (2) months and until full payment of fines. The two (2) months will extend into the next watering season.

6<sup>th</sup> violation equals secondary water shut off for one (1) year and until full payment of fines.

7<sup>th</sup> violation equals permanent loss of secondary watering privileges.

Failure to pay fines within ten (10) days of being imposed equals loss of secondary water until fines are paid in full. This may extend into the next year(s).

Cross connections. Making an interconnection between the secondary and culinary water systems shall result in the following fines and penalties:

First infraction equals \$500.00 fine plus the cost of restoring the lines and system.

Second infraction equals \$750.00 fine and loss of secondary watering privileges for one (1) year plus the cost of restoring the lines and system.

Third offense equals a Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail, permanent loss of secondary watering privileges plus the cost of restoring the lines and system.

Unlawful connections. Hooking on to the secondary irrigation without permission of Castle Dale City and the Castle Valley Special Service District (CVSSD) shall result in the following fines and penalties.

First infraction equals \$500.00 fine plus cost of restoring the lines.

Second infraction equals \$750.00 fine plus cost of restoring the lines.

Third offense equals Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail plus the cost of restoring the lines.

1. Unauthorized repairs or Maintenance.

First infraction equals \$500.00 fine plus cost of restoring the lines and system.

Second infraction equals \$750.00 fine and loss of secondary watering privileges for 1 year plus cost of restoring the lines and system.

Third offense equals Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail plus the cost of restoring the lines.

Turning on or allowing to be turned on secondary water after it has been turned off for non-payment.

First infraction equals \$500.00 fine.

Second infraction equals \$750.00 fine plus loss of secondary watering privileges for one (1) year.

Third offense equals Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail plus permanent loss of secondary watering privileges.

Usage of secondary water outside the limits of Castle Dale City without permission of Castle Dale City shall result in the following fines and penalties:

First infraction equals \$100.00 fine.

Second infraction equals \$500.00 fine plus loss of secondary watering privileges for one (1) year.

Third offense equals Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail plus permanent loss of secondary watering privileges.

Providing water from the secondary irrigation system to property owned by another, except in cases of multi-family dwellings and trailer courts.

First infraction equals \$100.00 fine.

Second infraction equals \$500.00 fine plus loss of secondary watering privileges for one (1) year.

Third offense equals Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail plus permanent loss of secondary watering privileges.

Welling or otherwise distributing water from a secondary connection for use other than on the premises or purchasing or otherwise receiving water from the secondary irrigation system connection owned by another.

First infraction equals \$100.00 fine.

Second infraction equals \$500.00 fine plus loss of secondary watering privileges for one year.

Third offense equals Class B misdemeanor, \$1,000.00 fine and up to six (6) months in jail plus permanent loss of

secondary watering privileges.

N. Allowing water to run on to land owned by another or by the City.

First infraction equals verbal or written warning.

Second infraction equals a \$50.00 fine.

Third infraction equals a \$100.00 fine.

Fourth infraction equals secondary water shut off for two (2) months and until full payment of fines. Two (2) months will extend into the next watering season.

Fifth infraction equals secondary water shut off for one (1) year and until full payment of fines.

Sixth infraction equals permanent loss of secondary watering privileges.

Water from the secondary irrigation system being used in buildings or swamp coolers, except for green houses and buildings used for animal production.

First infraction equals verbal or written warning.

Second infraction equals a \$50.00 fine.

Third infraction equals a \$100.00 fine.

Fourth infraction equals secondary water shut off for two (2) months and until full payment of fines. Two (2) months will extend into the next watering season.

Fifth infraction equals secondary water shut off for one (1) year and until full payment of fines.

Sixth infraction equals permanent loss of secondary watering privileges.

Interfering with a Code Enforcement Officer in the performance of his duties shall constitute a Class B Misdemeanor and shall result in a fine of \$1,000.00 and incarceration of up to six (6) months in jail.

Watering Schedule

Property owners with an approved secondary water connection may water any three (3) days per week from 5 a.m. to 10 a.m. and from 5 p.m. to 10 p.m. except for Sunday when one is to water for the purpose of refilling the city ponds.

Large water users such as schools, the City, churches, trailer courts, grand-fathered agricultural areas, etc., will be given special watering schedules by the Mayor or his appointed representative. This special schedule may involve watering more times per week and during the night.

Passed, adopted and ordered by the Castle Dale City Council this 10th day of October, 2013.