

ORDINANCE NO. 2002-3-21

AN ORDINANCE ESTABLISHING A MORATORIUM PREVENTING THE ISSUANCE OF ANY BUILDING PERMIT OR ANY OTHER PERMIT OR APPLICATION APPROVAL, THE APPROVAL OF WHICH WOULD PROVIDE FOR AND ALLOW ANY NEW CONNECTIONS TO MANTUA TOWN'S CULINARY WATER SYSTEM.

**WHEREAS**, Mantua Town is a Utah Municipal Corporation, lawfully organized and existing under the laws of the State of Utah; and

**WHEREAS**, pursuant to Utah State Law, Mantua Town owns, maintains and operates a culinary water system for the purpose of providing culinary water to its residents; and

**WHEREAS**, Mantua Town is located in an area of the State of Utah where it is currently approaching the end of the fourth consecutive winter of lower than average precipitation which has resulted in a decrease in the amount of culinary water available from its culinary water sources, and extended and hot summers which increases the demand for culinary water delivery to presently existing Town residents; and

**WHEREAS**, pursuant to Section 10-7-14 of the Utah Code Annotated, 1953, as amended ("U.C.A." hereafter), a town within the State of Utah is given the authority to enact ordinances, rules and regulations for the management and conduct of the waterworks system owned and controlled by it; and

**WHEREAS**, the Town Council has caused the Town engineers, Hansen and Associates, Inc., to conduct a study of its presently existing culinary water system and the sources which supply culinary water to said system, and the Town has received a Memorandum dated February 20, 2002 from D. Chris Wight, the projects manager for the Town's engineers, a copy of which is attached to this Ordinance and incorporated herein by reference; and

**WHEREAS**, Town officials and employees have reviewed said Memorandum and have reviewed the information and experiences available to them by reason of their day-to-day management and use of the Town's culinary water system, and the Town Council has determined there is a need to take immediate action to protect and preserve its current culinary water collection and distribution system and all the related pipelines, reservoirs, pumps and other items which are necessary in order for the uninterrupted collection and distribution of culinary water to the Town's existing residents and also to protect and preserve existing Town culinary water sources; and

**WHEREAS**, the Town Council has determined there is an urgent and immediate need to suspend the granting of approvals for new connections to the Town's culinary water system inasmuch as the best information that is available to it from its Town engineers and the best information that is available to it given the experience of current elected officials and employees who monitor the use of the Town's culinary water system demonstrates that during the "summer" months (and there is no evidence to suggest the summer of 2002 will be different), the Town's culinary water system is often operating at or near peak capacity and in excess of the recommended operational limits which are recommended in order not to cause equipment failures and water shortages, which are almost certain to occur if the system is overworked on a continual day-to-day basis; and

**WHEREAS**, the Town has in the past, and will continue in the future, to upgrade and improve both the capacity and distribution ability of the Town's culinary water system as available funds for and time permit; and

**WHEREAS**, the Town Council has determined it would be in the best interests of current residents of Mantua Town to preserve the current facilities related to the collection and distribution of the Town's culinary water and to maintain the Town's ability to provide appropriate fire protection and other water related services, all of which requires that certain steps be taken to restrict additional connections to the Town's culinary water system which are not only appropriate, but necessary.

**NOW, THEREFORE, PURSUANT TO SAID SECTION 10-7-14, U.C.A., AND SECTION 10-8-84, U.C.A., AND ALL OTHER APPLICABLE LAWS AND REGULATIONS RELATED TO THE TOWN'S POWER AND AUTHORITY WITH RESPECT TO ITS CULINARY WATER SYSTEM CONTROL AND MANAGEMENT, IT IS HEREBY ADOPTED, PASSED AND ORDAINED BY THE TOWN COUNCIL OF MANTUA TOWN, BOX ELDER COUNTY, UTAH, AS FOLLOWS:**

1. A moratorium is hereby imposed whereby all Town officials and employees are prohibited from issuing any permit, approval, or other authorization which would allow for a new connection to be made to the Town's culinary water system, in any form. The Town Council hereby specifically finds that the Town's culinary water system is currently being utilized to or at times in excess of the capacity of the system such that additional connections will only result in periodic, unreasonable excess demands for services and an unreasonable and dangerous requirement for the use of the Town's present culinary water collection and distribution system components, in such a way that unacceptable risks will be taken which may result in a disruption of service to current Town

residents. The risks may occur by reason of the failure of over-used and older elements and facilities which are an integral part of the current collection and distribution system of the Town's culinary water system.

2. This moratorium shall remain in effect until the Town Council, working with its engineer and other professional advisors, have determined that additional connections can be made without compromising the integrity of the Town's culinary water system and the ability of the system to reliably collect and distribute water to new connections to the Town's new culinary water system, while still providing service to existing users.

3. This Ordinance shall become effective upon posting as required by law.

ADOPTED AND PASSED by the Mantua Town Council this 21st day of March, 2002.

MANTUA TOWN

ATTEST:

*Adriana Forsgren*  
Town Recorder

By *Robert Ash*  
Mayor

Posted: *3/22/02*

CERTIFICATE OF DUE POSTING

I, ADRIANA FORSGREN, Town Recorder of Mantua, Box Elder County, Utah, hereby certify that I, on the 22 day of March, 2002, in the Town of Mantua, County of Box Elder, State of Utah, posted the foregoing Ordinance No. 2002-3-21, a copy of which is hereto attached, in each of three public places in the said Town of Mantua, to-wit:

1. Mantua Town Hall
2. Mantua Country Store
3. Mantua Town Shop

WITNESS my hand this 22 day of March, 2002.

*Adriana Forsgren*  
Adriana Forsgren  
Town Recorder

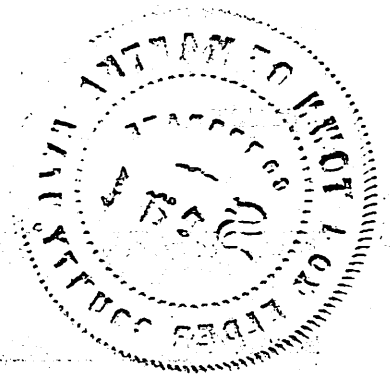
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