

**TOWN OF TROPIC, GARFIELD COUNTY, UTAH
UTILITY CONNECTION ORDINANCE NO. 2019-4**

AN ORDINANCE TO REGULATE THE CULINARY WATER AND SEWER UTILITY CONNECTIONS FOR NEW DEVELOPMENT IN THE TOWN OF TROPIC.

WHEREAS, The Councilmembers of Tropic Town deem it necessary to enact certain standards, rules and regulations regarding culinary water connections located, or to be located, within the Tropic Town Limits in the interest, health, safety and welfare of the citizens of Tropic Town;

WHEREAS, Tropic Town has an existing well that was developed as a backup system for emergency situations only and was not developed for the purpose of growth and expansion;

WHEREAS, the Town does not want to raise utility fees for residents due to the utilization of that well, if it is not necessary to do so;

WHEREAS, Tropic Town provides culinary water connections as part of their utility system;

WHEREAS, Tropic Town is currently under a moratorium for all new commercial and residential utility connections due to extreme sewer lagoon leakage and a limited availability of culinary water;

WHEREAS, Tropic Town has a shortage of available residential housing, therefore the Town wants to encourage new residential development; and

WHEREAS, Tropic Town wants to establish a system to mitigate culinary water and sewer complications.

NOW THEREFORE, BE IT ORDAINED by the Town of Tropic as follows:

Section 1: PURPOSE:

1. To permit residential and commercial development within the Tropic Town limits and to require that new development will be of such character as to promote the objectives and purpose of this Ordinance.
2. This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Tropic Town.

Section 2: CONFLICT:

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other Ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

Section 3: SEVERABILITY:

If any section of this Ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless be carried into effect.

Section 4: APPLICABILITY:

1. This Ordinance shall apply to residential and commercial development within boundaries of Tropic Town.
2. The provisions of this Ordinance shall be held to be a minimum requirement to provide for the health, safety and general welfare for the residents of the Town.
3. This Ordinance shall not change any law, ordinance or agreements which are more restrictive, but shall prevail over those provisions which are less restrictive.

Section 5: THE REGULATION:

1. Utility connections, including culinary water, for single-family and multi-family *residential* use for the purpose of permanent living shall be available for purchase immediately, without restriction.
2. Utility connections, including culinary water, for *commercial* use shall be available for purchase, if the commercial developer can obtain satisfactory water rights for the proposed development.
3. The Paria River Drainage Basin is closed to appropriation for water rights; therefore, commercial developers will have to purchase the rights/shares from existing water right owners who own water from the Spring Creek source.
4. All new and existing water connections approved for residential use shall not be converted to commercial use unless satisfactory water can be provided, and proper zoning requirements have been met.
5. The Town shall refer to Appendix A for conversion calculations and may request third-party consultation for conversion calculations as needed.

Section 6: ORDINANCE NO. 2019-1 SUSPENDED:

On April 11, 2019 the Tropic Town Council adopted Ordinance No. 2019-1 which put into effect temporary land use regulations to temporarily suspend, with some exceptions, water and sewer connections for all new development within the Town limits.

This Ordinance shall suspend and supersede Ordinance No. 2019-1 for all new development within Tropic Town Limits, which meets the requirements of this Ordinance and otherwise complies with applicable federal, state and local law.

Section 7: EFFECTIVE DATE:

APPROVED, PASSED, AND ADOPTED by the Town of Tropic on this 17th day of October, 2019.

By: /s/ WaLon K Brinkerhoff
WaLon K Brinkerhoff, Mayor

Vote:

In Favor:

Dennis Pollock
Brook Wiseman
Lisa Johnson

Against: None

Abstained: Mayor Brinkerhoff

Absent: Kelly Shakespear

/s/ Dennis Pollock
Dennis Pollock

/s/ Brook Wiseman
Brook Wiseman

/s/ Lisa Johnson
Lisa Johnson

/s/ Kelly Shakespear
Kelly Shakespear

SEAL:

Attest: /s/ Marie H Niemann
Marie H Niemann, Tropic Town Clerk



Drafted 8/16/2019
Review & Adopted 10/17/2019