

Ordinance No. 2023-42

AN ORDINANCE AMENDING PARK CITY CODE SECTION 13-1-25 AND ESTABLISHING THE CITY'S DESIGNATED WATER SERVICE AREA

WHEREAS, in 2020, the Utah State Legislature passed a joint resolution proposal for an Amendment to the Utah Constitution allowing municipalities to designate water service areas beyond municipal boundaries, and the Amendment was subsequently approved by Utah's voters;

WHEREAS, the Utah State Legislature passed House Bill 31 in 2019 to amend Utah Code sections 10-7-14 and 10-8-22, which became effective on January 1, 2021;

WHEREAS, Utah Code section 10-7-14 now requires municipalities to establish by ordinance a Designated Water Service Area by publishing a map that includes areas where water is provided to customers at locations outside of the municipality's boundaries;

WHEREAS, Park City Public Utilities has determined that its current water service area should be used to identify its Designated Water Service Area and has prepared a map that reflects the boundaries of the area;

WHEREAS, Utah Code section 10-8-22 now prohibits charging different retail water rates to customers "based solely on the fact that a particular classification of retail customers is located either inside or outside of the municipality's corporate boundary";

WHEREAS, Park City Code section 13-1-25 requires individuals and entities outside of the corporate limits of Park City to pay double the applicable rate for water provided inside City limits, and this provision conflicts with state law;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City as follows:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Title 13, Chapter 1, Section 25 of the Park City Code to conform with Utah Code section 10-8-22 and to establish the Park City Designated Water Service Area in accordance with Utah Code section 10-7-14.

SECTION 2. AMEND PARK CITY CODE SECTION 13-1-25. Title 13, Chapter 1, Section 25 of the Park City Code is hereby amended to read as follows:

13-1-25 Sale of Water Outside of Park City

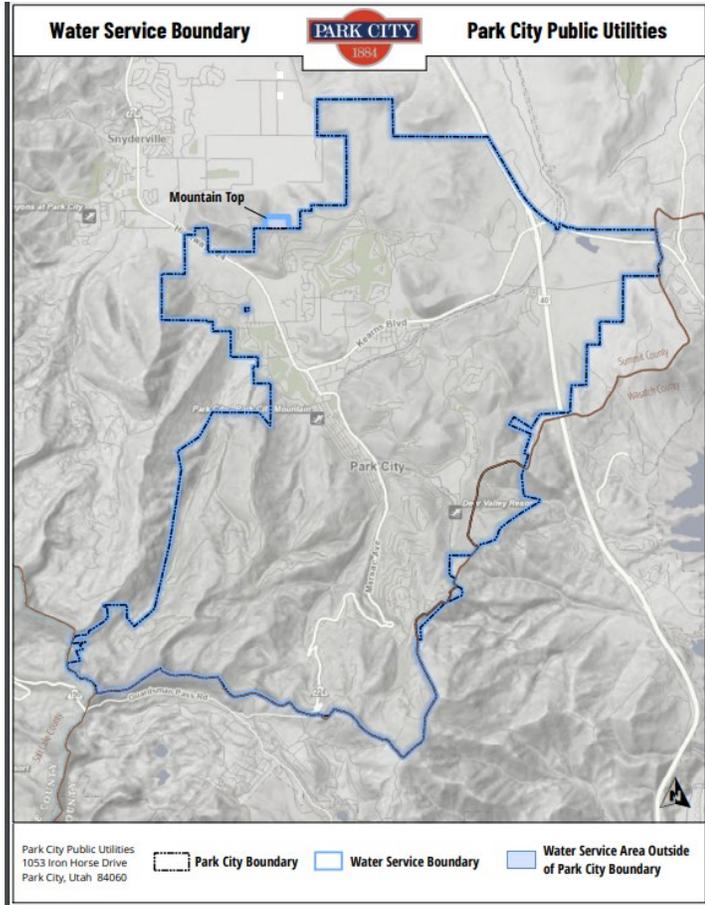
It is the policy of the City to provide culinary water within the corporate limits of Park City. Those individuals or entities desiring connection to the Park City water system must petition the Park City Council for Annexation as a condition of water service. If annexation is denied or otherwise unsuccessful, City Council may choose to waive the annexation requirement and provide the individuals or entities with culinary water outside the corporate limits of Park City. Those individuals and entities outside the corporate limits of Park City currently connected to the water system and receiving water shall agree to abide by the terms and conditions of this Title~~[-and shall pay double the~~

applicable rate charged for water provided inside the corporate limits of Park City. Upon annexation, they will receive water service at the normal rate].

SECTION 3. ENACT PARK CITY CODE SECTION 13-1-30. Title 13, Chapter 1, Section 30 of the Park City Code is hereby enacted to read as follows:

13-1-30 Designated Water Service Area

The City has established its Designated Water Service Area in accordance with Utah law, which is reflected in the map included below.



SECTION 4. EFFECTIVE DATE. This ordinance shall become effective on the date of its first publication.

PASSED AND ADOPTED this 14th day of September, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

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Nann Worel, Mayor



Attest:

DocuSigned by:

Michelle Kellogg

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City Recorder

Approved as to form:

DocuSigned by:

Rufe Henry

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City Attorney's Office