

ORDINANCE NO. 2024-01
AN ORDINANCE OF HILDALE CITY APPROVING AND ADOPTING A
CULINARY WATER MASTER PLAN, IMPACT FACILITIES PLAN AND ESTABLISHING
AND
ADOPTING A WATER IMPACT FEE TO ADDRESS THE CULINARY WATER SYSTEM
NEEDS OF THE CITY. THIS ORDINANCE AMENDS, SUPERSEDES AND REPLACES
THE EXISTING HILDALE CITY CULINARY WATER MASTER PLAN, IMPACT FEE
FACILITIES PLAN, AND IMPACT FEE ANALYSIS.

WHEREAS, the City Council of Hildale City (“City Council”) finds and determines that growth and development activity in the City will create additional demand and need for the water system in the City and will require that the City’s culinary water system be improved and enlarged to support said growth and development in the City;

WHEREAS, the City has, pursuant to Utah Code Ann. § 11-36-201, had a study and analysis performed addressing water needs and impacts in the City to determine existing culinary water system conditions and needs, and to determine projected needs as the City grows during the next 20 years, which study and analysis shall serve as a Culinary Water Master Plan, for the culinary water system;

WHEREAS, the City Council desires to give formal acceptance and approval of said Culinary Water Master Plan for the culinary water system;

WHEREAS, the City Council, after a public notice as required by law, held in a public hearing on public hearings on January 10, 2024, February 7, 2024, March 6, 2024, and April 10, 2024, to consider the adoption of this Ordinance, a copy of which, as well as a copy of the Culinary Water Master Plan for the culinary water system, has been made available for public inspection at the Hildale City Office Building for a period of 10 days prior to such public hearing.

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

1. Hildale City hereby approves and adopts the following impact fee facilities plan for the water system of the City: *Hildale City & Town of Colorado City Culinary Water Master Plan Update*, dated January 2024, prepared by Sunrise Engineering.
2. The City hereby establishes one service area consisting of the entire geographical area of Hildale City, including future annexed areas.
3. The City Council may adjust the impact fee at the time the same is charged to (a) respond to unusual circumstances in specific cases and (b) ensure that impact fees are imposed fairly.

4. All impact fees received by the City pursuant to the Ordinance shall be used for, and, as appropriate refunded in compliance with Utah Code Ann. 11-36-301, 302, and 303, as amended.

5. Any fee payer that has paid an impact fee pursuant to this Ordinance may challenge the impact fee by filing:

- a. an appeal to City pursuant to section 8 of this Ordinance; or
- b. a request for arbitration as provided in Utah Code Ann. 11-36-402(1), as amended; or
- c. an action in state district court as provided in Utah Code Ann. 11-36-401(4) (c) (iii), as amended.

6. Any person or entity who has paid or made an impact fee required by this Ordinance may challenge or appeal the impact fee by filing a written notice of appeal with the City Recorder within 30 days of the date that the fee was paid or made. Upon receiving the challenge or appeal, the City shall set a hearing date to consider the merits of the challenge or appeal. The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within 30 days after the date that the challenge or appeal is filed. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the imposition of the fee. The decision of the hearing panel shall be in writing and shall be supported by written findings. No appeal shall be permitted unless and until the impact fees at issue have been paid.

7. This Ordinance supersedes and/or repeals the provision(s) of any ordinance(s) or resolution(s) that is-are inconsistent with the provisions of this Ordinance.

8. The City hereby establishes an impact fee to be charged to all new connections to the City’s culinary water system based on Table 1 below, which impact fees shall be paid to the City.

TABLE 1

Meter Size	ERUs	Impact Fee
5/8" & 3/4"	1.00	\$ 12,580.00
1"	1.78	\$ 22,364.44
1 1/2"	4.00	\$ 50,320.00
2"	7.11	\$ 89,457.78
3"	16.00	\$ 201,280.00
4"	28.44	\$ 357,831.11
6"	64.00	\$ 805,120.00

This Ordinance shall take effect July 10, 2024, upon publication or posting, as required by law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 10TH DAY OF APRIL 2024.

		YES	NO	ABSTAIN	ABSENT
JVar Dutson	Council Member				
Brigham Holm	Council Member				
Terrill Musser	Council Member				
Luke Merideth	Council Member				
Darlene Stubbs	Council Member				

Donia Jessop, Mayor

Attest:

(seal)
Sirrene Barlow, City Recorder