

Bicknell Town Irrigation Distribution and Pressurization System

Ordinance No. 03-06-2025

An ordinance establishing policies and procedures for the use and payment of Irrigation distribution and pressurization system for Bicknell Town to replace ordinance No. 8-4-2016 and Resolution No. 8-3-2017

WHEREAS, Bicknell Town is the owner of the irrigation water distribution and pressurization system that provides irrigation water throughout the Town for the benefit of Fremont Irrigation water share owners; and

WHEREAS, it is necessary to establish clear policies and procedures for the payment of irrigation water services provided by the Town; and

WHEREAS, it is in the best interest of the Town to regulate the billing and payment for irrigation services and clarify that Bicknell Town is not responsible for the actual water usage, which remains the responsibility of the Fremont Irrigation Water Company.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Bicknell, Utah, that the following Ordinance is hereby adopted:

Section 1: Definitions

For the purpose of this Ordinance, the following definitions shall apply:

1. **Town**: Bicknell Town, Utah.
2. **Irrigation Water System**: The irrigation water distribution and pressurization system owned and maintained by the Town.
3. **Irrigation Water Users**: Persons or entities using irrigation water through the Town's distribution system, including Fremont Irrigation water share owners.
4. **Fremont Irrigation Water Share Owners**: Individuals or entities holding a legal right or share in the Fremont Irrigation Company, which is responsible for providing irrigation water to the Town.
5. **Payment**: The amount owed by Irrigation Water Users for the use of the Town's irrigation water distribution and pressurization system, as set forth in this Ordinance.

Section 2: Responsibility of Bicknell Town

1. **Limited Responsibility:** Bicknell Town is only responsible for the operation, maintenance, and upkeep of the irrigation water distribution and pressurization system. The Town shall ensure that the system is functioning and that irrigation water is distributed to Irrigation Water Users.
2. **Fremont Irrigation Water Company Responsibility:** Bicknell Town shall not be responsible for the actual supply or usage of irrigation water. The supply and usage of irrigation water is the responsibility of the Fremont Irrigation Water Company, and all users must coordinate directly with Fremont Irrigation for any issues related to usage and water supply.
3. **No Liability for Water Usage:** Bicknell Town shall not be held liable for any water shortages, interruptions, or changes in the water supply provided by the Fremont Irrigation Water Company. Users are encouraged to work directly with Fremont Irrigation regarding any concerns related to water rights, availability, or water quality.

Section 3: Water System Maintenance

1. **System Maintenance:** The Town shall maintain and operate the irrigation water distribution and pressurization system to ensure it remains in good working condition. This includes periodic inspections, repairs, and necessary upgrades.
2. **User Responsibilities:** Irrigation Water Users are responsible for maintaining their individual irrigation systems, including pipes, valves, and sprinkler heads, ensuring no damage or obstruction to the Town's distribution system.

Section 4: Billing and Payment

1. **Water Charges:** The Town shall establish a fee schedule for the use of the irrigation water distribution and pressurization system, which will be determined annually. The rate will be based on the operational and maintenance costs of the system, and may include costs for repairs and upgrades as needed.
2. **Monthly Billing:** The Town shall bill Irrigation Water Users monthly for the use of the irrigation water distribution and pressurization system.
3. **Late Payment Penalties:** Payments not received within ? days after the due date will be subject to a late payment fee of and may result in suspension of water service until the balance is paid.
4. **Connection Fees:** All new connections to the system shall be subject to a connection fee. The connection fee amount shall be established by the Bicknell Town Fee Schedule, as amended from time to time by the Town Council.

Section 5: Enforcement and Violations

1. **Violations:** Violations of the terms of this Ordinance, including non-payment of water distribution system charges, may result in penalties, including fines or disconnection of water services.
2. **Reporting Violations:** Any person who observes violations of this Ordinance should report them to the Town office for review and enforcement.
3. **Appeals:** Irrigation Water Users who wish to dispute penalties or other decisions made under this Ordinance may submit an appeal to the Town Council, who will review the appeal and make a final decision.

Section 6: Severability

If any section, clause, sentence, or provision of this Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.