

*Proposed Ordinance*

**13.04.360 - Nonmunicipal Water – Franchise or permit required.**

It is unlawful to do the following unless a franchise or permit is granted by the city council upon a determination that such franchise or permit is in the best interest of the city:

- A. To develop, drill, construct, operate, maintain, or use any water line, system, well, or works within the corporate limits of the city in order to sell, distribute, provide, or use nonmunicipal water (potable and/or non-potable) within the city;
- B. To interconnect any building, facility, landscape, lot, premises, or structure of any kind within the corporate limits of the city to any water line, system, well, or works other than to the city's water utility; or
- C. To use any portion of the city's streets, alleys, easements, or rights-of-way, or other property owned or managed by the city, for such purposes.

A water well within the corporate limits of the city that was constantly (year to year) and legally producing water on or before June 1, 2020 may continue to operate for the same purpose and capacity, except when such use is prohibited or restricted by order of the city manager, if the landowner notifies the city of the well on or before May 31, 2021, allows the city to obtain a GPS reading of its location, and submits a water production report to the city manager each year. The report shall be submitted to the city manager by February 15<sup>th</sup> of each year for the prior January 1 to December 31 period. For wells permitted by the State Engineer's Office (SEO) for twenty-five gallons per minute (25 GPM) or less, the annual report shall simply state whether the well was active at any time during the previous calendar year. For wells permitted by the SEO for more than 25 GPM, the annual report shall state the following: the well name, SEO permit number, and volume of water produced by the well for each calendar month period and the dates of the meter readings. The landowner of a well permitted for more than 25 GPM shall, at the landowner's expense, install an automatic-read flow meter approved by the city manager, maintain the meter in good working condition, and grant access to city staff to read the meter.

All potable and non-potable water shall be supplied by the city's water utility following annexation unless a franchise or permit is granted by the city council as provided in this Section.

Any person violating the provisions of this Section shall, upon conviction, be punished as provided in Chapter 1.28. The city attorney may also commence an action in the name and on behalf of the city for legal and equitable relief. In addition, any violation involving changes to the use or an increase in the capacity of a well that was in continuous and legal use on or before June 1, 2020 (as described above), without a permit granted by the city council, or any violation of the notification and reporting requirements in this Section, shall be cause for immediate loss of the privilege to use such well.