

LDWA # 8
92

Leeds Domestic Waterusers Assn.
376 South Main Street
P.O. Box 460627
Leeds, Ut 84746-0627
December 27, 1992

Be it resolved: The Following Resolution

Leeds, Utah
Resolution # 8
Title: UNAUTHORIZED USE OF WATER

RESOLUTION OF DIRECTORS

The regular monthly meeting of the directors of the Leeds Water Users Association was held on the 13th of November 1992, beginning at the hour of 7:30 p.m. at the corporation's usual meeting place in the Town of Leeds, Utah, pursuant to notice duly given. One of the matters of business discussed and requiring attention at said meeting was the subject of "Unauthorized use of water. Following thorough discussion regarding the subject, it was moved by Susan Savage, and seconded by Russell Peine, and carried by unanimous vote that the association adopt the following resolution:

When water is removed from a lot or property for use on another property in large amounts or on a continuous basis (see Article VIII, Section 2 of the bylaws) the water board shall notify the shareholder of such violation in writing.

The notification shall describe the violation, the penalty involved, and the time and place of the next LDWA meeting where ~~we~~ may appeal the decision.

If the violation does not cease and no appeal is filed, the shareholder shall be assessed a penalty equal to the minimum monthly fee for each month in which a violation occurs.

Failure to pay such additional fees shall be handled in accordance with Article VIII, section 5 of the bylaws.

If the violation continues more than 60 days from the original notification, service to the meter shall be discontinued.

This resolution shall be put into effect immediately. Other matters were discussed and other actions taken by the board which are not relevant to this resolution.

DATED; 12-27-92

Sandra K Browning Secretary

Leeds Domestic Waterusers Assn.
376 South Main Street
P.O. Box 460627
Leeds, Ut 84746-0627
December 27, 1992

ARTICLE VIII, SECTION 2 OF THE L.D.W.A. BYLAWS STATES:

"No water shall be transported or transferred from the lot or property which has the water meter service without payment of additional minimum or permission from this Board of Directors."

COMPLAINT: One of the tenants of a shareholder has been observed hauling water to another parcel not serviced by L.D.W.A.

This leads to the question of penalties for violation of this particular section of the Bylaws.

FINDINGS::

1. The shareholder from whom the water is being taken does not exceed his minimum allowable volume of water.
2. The water (several hundred gallons per month) is being used to irrigate trees on a parcel outside of the Leeds City limits.
3. The shareholder has not given permission for such use, but has not stopped the practice.
4. The water board is aware of several other circumstances where water has been used on adjacent properties while waiting for their own water connection. The board did not grant permission, nor did they attempt to stop the practice.

DISCUSSION:

Technically speaking, if one were to fill his motorhome holding tank or even fill his canteen, he would be in violation.

Certainly, if one were to hook a hose to his neighbor's water while his own was being worked on or serviced, he would be in violation.

Clearly, such minor unauthorized use could not, and should not, constitute a violation of the Bylaws.

However, one who connects to his neighbor's hose to water his own garden year after year, or one who supplies a rental unit are obviously avoiding a connection fee, which should be a violation of the Bylaws.

The problem is to define a point where being a good neighbor ends and avoiding a connection fee begins.

The point where penalties are imposed must meet 2 (two) standards:

1. It must be a reasonable rule reflecting a point where L.D.W.A. experiences a loss.
2. It must be enforceable. This means that the difference between a "good neighbor" and a "water thief" are clearly discernible to any reasonable person.

Establishing such a point will never be easy, nor will the decision ever be unanimous.