



## **WATER SERVICE ELIGIBILITY RESOLUTION 2026-05**

*[Effective Date: 07/15/2026]*

**WHEREAS**, Leeds Domestic Waterusers Association (LDWA), a Utah nonprofit mutual water association, exists to provide culinary water service to eligible shareholders and properties in accordance with its Articles of Incorporation, Bylaws, amendments, rules, regulations, and lawful actions of the Board of Directors; and

**WHEREAS**, Article II of the Bylaws provides that ownership of property serviced by the Association is determined by the owner of record listed on the Washington County, Utah Tax Parcel Identification Number, that one membership share is appurtenant to the property it serves, and that a shareholder is not entitled to connection and water use except upon payment of required fees, assessments, and charges; and

**WHEREAS**, Article IX of the Bylaws provides that Association water service is intended for a dwelling or other place of use and prohibits transporting or transferring water from the lot or property that has meter service; and

**WHEREAS**, Utah Administrative Code Title R309, Environmental Quality, Drinking Water, governs public drinking water systems in the State of Utah, including requirements for service connections, plumbing, service lines, and cross-connection control; and

**WHEREAS**, Utah Administrative Code R309-550-11 provides that service taps shall not jeopardize water quality, that water services and plumbing shall conform to the State-adopted Plumbing Code, that service lines shall be capped until connected for service, and that connections between the service meter and the home shall be in accordance with the State-adopted Plumbing Code; and

**WHEREAS**, the Board of Directors finds that active culinary water service should be furnished only where a habitable home, domicile, building, dwelling, or structure exists on the parcel to be served, or where the Board has approved a temporary construction-related or other limited use in writing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of Leeds Domestic Waterusers Association as follows:

### **1. Purpose and Policy**

The purpose of this Resolution is to clarify and implement the Association's Bylaws by establishing that an active culinary water connection is available only to qualifying\* Leeds Tax ID Parcel that contains a qualifying habitable home, domicile, building, dwelling, or structure requiring culinary water service for lawful occupancy or use, unless a written exception is approved by the Board of Directors. This Resolution is intended to protect the Association's water supply, distribution system, membership rights, public drinking water quality, public health, and equitable allocation of service.

\* - [2015 Water Share Connections & Land Parcels Policy](#)

## 2. Definitions

1. **Active Culinary Water Service** means metered culinary water service available for use through an Association-approved connection to a qualifying parcel.
2. **Association** means Leeds Domestic Waterusers Association.
3. **Board** means the Board of Directors of the Association.
4. **Capping** means the physical disconnection, sealing, locking, removal, or other Association-approved method of preventing water delivery through a service line, meter, tap, or appurtenance.
5. **Habitable Structure** means a home, domicile, dwelling, building, or other structure located on a Leeds Tax ID Parcel that is lawfully permitted, physically present, capable of occupancy or lawful use, and reasonably requires culinary water service for domestic, sanitary, commercial, institutional, or similar lawful purposes. A Habitable Structure must have water service, plumbing, wastewater disposal, and related utility facilities installed, maintained, inspected, and approved in accordance with applicable federal, state, and local laws, including Utah Administrative Code Title R309, the State-adopted Plumbing Code, applicable International Code Council codes as adopted and amended, and Association standards.
6. **Uninhabitable Structure** means a structure that is demolished, removed, substantially destroyed, condemned, abandoned, unsafe for occupancy, lacking lawful authority for occupancy or use, lacking essential plumbing or sanitary facilities, affected by fire, flood, wind, earthquake, collapse, contamination, disconnection of essential utilities, cross-connection hazard, order of a governmental authority, other calamity, act of God, public enemy, or otherwise determined by the Board not to reasonably require active culinary water service or to present a potential risk to the public drinking water system.
7. **Leeds Tax ID Parcel** means the property identified by the Tax Parcel Identification Number recorded in the records of Washington County, Utah, and defined in the LDWA Water Share Connections & Land Parcels Policy.
8. **Service Connection** includes the tap, service line, meter, meter setter, meter box, appurtenances, and any other facilities used to deliver culinary water from the Association's distribution system to the customer or property, including any customer-side facilities that may affect the public water system.
9. **Standby Tap** means a tap, connection, future active meter location, or membership-related service status that is preserved on Association records for a parcel that does not presently qualify for active culinary water service but may be eligible for service under this Resolution.
10. **Authority Having Jurisdiction** means the governmental building official, fire official, health department, Division of Drinking Water, Department of Environmental Quality, Association representative, or other public official or agency with legal authority over construction, plumbing, occupancy, drinking water, health, or safety requirements applicable to the property or service connection.

## 3. Requirement for Active Culinary Water Service

Active culinary water service may be provided only to a Leeds Tax ID Parcel on which a Habitable Structure is present and for which all applicable Bylaw requirements, assessments, fees, rates, charges, permits, code requirements, and Association rules have been satisfied. Ownership of a parcel, possession of a membership share, existence of a historical tap, or prior water use shall not, by itself, establish a right to active culinary water service if no Habitable Structure is present.

The Board shall require documentation sufficient to verify the existence and status of a Habitable Structure, including county records, building permits, occupancy approvals, Certificates of Occupancy, photographs, inspection reports,

utility records, construction specifications, or other reliable evidence. The Board may also require inspection of Association-owned meters, service connections, appurtenances, backflow prevention devices, and related facilities and may condition service on compliance with applicable Association standards.

## **4. Standards for Habitable and Uninhabitable Structures**

A structure shall be presumed habitable for purposes of Association service if it is physically present on the parcel, has lawful authorization for occupancy or use, contains or is connected to plumbing fixtures reasonably requiring culinary water, and is not known by the Association to be condemned, destroyed, abandoned, unsafe, or otherwise in violation of applicable public drinking water, plumbing, building, health, or safety requirements. A structure shall be presumed uninhabitable if it has been demolished or removed, if substantial portions necessary for occupancy or lawful use are absent, if it has been condemned or declared unsafe by a governmental authority, or if the Board determines based on reliable information that the structure no longer reasonably requires active culinary water service or that continued service may jeopardize the Association's public water system.

The Board's determination under this Resolution shall be administrative in nature and made solely for purposes of Association water service classification. Nothing in this Resolution shall be construed as a land use approval, building code determination, occupancy permit, zoning decision, waiver of any governmental requirement, or limitation on the authority of any governmental agency.

## **5. Discontinuance and Capping of Service**

If the Board determines that a parcel receiving active culinary water service no longer contains a Habitable Structure, that a service connection or plumbing condition may jeopardize the quality or integrity of the public water system, or that applicable law or an authority having jurisdiction requires service utility connections to be discontinued or capped, the Association may discontinue active service and cap, lock, remove, or otherwise secure the service connection, meter, or appurtenances. Discontinuance or capping may occur when a structure is demolished, removed, destroyed, condemned, abandoned, rendered unsafe or uninhabitable, converted to a use not requiring culinary water service, or otherwise fails to meet the requirements of this Resolution.

Except in an emergency, immediate threat to public health or the public water system, unsafe condition, contamination event, cross-connection hazard, nonpayment matter, unauthorized use, or other circumstance requiring immediate action, the Association shall provide written notice to the shareholder of record before discontinuing active service under this Resolution. For a property determined to be uninhabitable, the Association shall provide not less than ten (10) days' notice when reasonably practicable. For a property that is otherwise occupied and not subject to immediate health, safety, or system integrity concerns, the Association shall provide not less than twenty (20) days' notice when reasonably practicable. The notice shall identify the basis for the proposed action, state the effective date, and provide a reasonable opportunity for the shareholder to submit documentation or request Board review.

The shareholder shall be responsible for all costs, fees, charges, and expenses associated with discontinuance, capping, meter removal or protection, inspection, administrative processing, and any required system work, unless the Board determines otherwise in writing.

## 6. Standby Tap Classification

When active culinary water service is discontinued or capped because no Habitable Structure is present, the Board may classify the parcel, account, tap, or connection as a Standby Tap. A Standby Tap preserves the Association's administrative record of the historical tap or service location but does not authorize water use, water delivery, transfer of water to another parcel, or active service unless and until reinstatement is approved.

A Standby Tap shall remain subject to all applicable assessments, standby charges, administrative fees, transfer requirements, account maintenance obligations, and other charges adopted by the Board or listed in the Association's Rates and Fee Schedule. Failure to pay amounts due may result in remedies available under the Bylaws, Association rules, and applicable law, including termination of standby status or other action approved by the Board.

## 7. Reinstatement of Active Service

A shareholder seeking reinstatement of active culinary water service from Standby Tap status shall submit a written request to the Association and provide documentation satisfactory to the Board that a Habitable Structure is present or will be lawfully constructed and that the requested service complies with the Bylaws, this Resolution, Utah Administrative Code Title R309, the State-adopted Plumbing Code, applicable International Code Council codes as adopted and amended, and all Association rules and standards.

1. The shareholder has provided written evidence acceptable to the Association that the dwelling, building, home, domicile, or structure has been repaired, rebuilt, reconstructed, restored, lawfully constructed, or otherwise approved for lawful occupancy or use by the authority having jurisdiction, including a Certificate of Occupancy, final inspection approval, approved construction specifications, or other written authorization when applicable.
2. The Association or its authorized representative has inspected and approved the service connection, meter setting, meter box, service line, backflow protection, cross-connection controls, and any other facilities relevant to the public drinking water system.
3. All customer-side plumbing and connections between the service meter and the home or structure comply with the State-adopted Plumbing Code, applicable Utah amendments, applicable International Code Council codes, local building requirements, and Association standards.
4. Any required backflow prevention assembly or cross-connection control measure has been installed, tested, certified, and documented as required by law and Association policy.
5. All delinquent amounts, assessments, standby charges, monthly charges, connection or reconnection fees, inspection fees, engineering fees, legal fees, penalties, interest, and any other charges established by the Board have been paid, including the one hundred fifty dollar (\$150.00) meter reinstallation fee unless modified by the Board in the Association's Rates and Fee Schedule.

Reinstatement shall not be effective until approved by the Board or its authorized representative in writing and until all physical work necessary to safely restore service has been completed to the Association's satisfaction.

## 8. Temporary and Limited Exceptions

The Board may, in its discretion and upon written application, approve temporary or limited culinary water service for construction, repair, demolition, fire protection, public health, system maintenance, or other limited purposes that the Board determines are consistent with the Association's water supply, capacity, rules, and obligations. Any such approval shall be in writing, may be conditioned or revoked, and shall not create a continuing right to active culinary water service in the absence of a Habitable Structure.

## 9. Unauthorized Use

No shareholder, property owner, contractor, tenant, occupant, or other person may use, divert, bypass, reconnect, tamper with, interfere with, damage, alter, remove, unlock, open, or obtain culinary water from any capped, discontinued, inactive, locked, sealed, removed, bypassed, standby, or unauthorized service connection, meter, valve, tap, meter setter, meter box, service line, appurtenance, or other Association infrastructure without prior written authorization from the Association. Any such act may be treated by the Association as unauthorized use of water, unauthorized connection to the Association's public water system, use of unmetered water, tampering with Association infrastructure, theft or diversion of service, damage to Association property, trespass, violation of Association rules, and grounds for immediate discontinuance or physical disconnection of service.

Unauthorized use includes, without limitation: connecting any pipe, hose, fitting, valve, device, bypass, or other instrument to the Association's system in a manner that allows water to be used without authorization; obtaining or allowing water to pass without passing through an Association-approved meter that records usage for billing; altering, injuring, obstructing, removing, bypassing, or preventing the normal operation of a meter, valve, curb stop, lock, seal, cap, meter setter, meter box, backflow device, service line, or other Association equipment; reconnecting service after disconnection or capping; opening or using a meter or service connection assigned to another parcel; or using a Standby Tap for active water delivery without written reinstatement approval.

In addition to remedies available under the Association's Bylaws, rules, policies, rate schedules, and applicable civil law, the Association may refer unauthorized use, unauthorized connection, theft or diversion of utility service, tampering, damage, or interference with Association infrastructure to law enforcement, prosecutors, regulatory agencies, the Division of Drinking Water, the Department of Environmental Quality, or any other authority having jurisdiction. The Association may also preserve evidence, photograph or inspect the service location, remove unauthorized connections, secure the meter or service line, require corrective work, require backflow or cross-connection review, and deny reinstatement until the violation is resolved to the Association's satisfaction.

For purposes of documenting and positioning any legal or administrative claim, the Association may identify the matter as involving one or more of the following issues: unauthorized connection to the Association's public water system; use of unmetered water; tampering with, damage to, or interference with LDWA infrastructure; theft, diversion, or unauthorized receipt of utility service; estimated usage charges; recovery of investigation, inspection, repair, replacement, administrative, engineering, legal, and collection costs; and any other remedy authorized by the Bylaws, Association policy, Utah law, or court order.

The Association may calculate estimated usage charges when water has been used without authorization, without a functioning or approved meter, through a bypass, through a tampered meter, after discontinuance, or from a capped, inactive, standby, or unauthorized connection. Estimated usage may be based on any reasonable method approved by the Board or its authorized representative, including historical usage for the parcel, comparable usage for similar properties, meter or equipment inspection, flow capacity, duration of unauthorized use, physical evidence,

photographs, witness information, construction activity, occupancy information, irrigation or other observed use, or any other reliable information. Estimated usage charges shall be in addition to all applicable rates, standby charges, penalties, fees, costs of repair or replacement, administrative charges, and other remedies.

Nothing in this Resolution shall be construed as limiting the Association's ability to pursue civil remedies, seek restitution, request prosecution, or rely on applicable criminal statutes. Potentially relevant legal authorities may include, without limitation, Utah Code provisions addressing theft of utility services, including Utah Code Ann. § 76-6-409.3; theft of service, including Utah Code Ann. § 76-6-409; criminal fines, including Utah Code Ann. § 76-3-301; criminal surcharge provisions, including Utah Code Ann. § 51-9-401; and any successor, amended, related, or otherwise applicable statute, ordinance, rule, or regulation. The Association's identification of these statutes is for administrative and enforcement-positioning purposes only and does not constitute a final legal determination of criminal liability.

## 10. Relationship to Bylaws, Codes, and Other Rules

This Resolution is adopted to interpret, implement, and supplement the Association's Bylaws and existing rules. In the event of a conflict between this Resolution and the Bylaws, the Bylaws shall control unless and until amended by the shareholders. Nothing in this Resolution limits the Association's rights relating to nonpayment, delinquency, water shortage, system protection, health and safety, meter access, unauthorized use, or any other matter addressed by the Bylaws, rules, policies, or applicable law.

## 11. References Incorporated

- [Utah Administrative Code Title R309](#), Environmental Quality, Drinking Water.
- [Utah Administrative Code R309-550-11](#), Service Connections and Plumbing, including requirements that service taps not jeopardize water quality, water services and plumbing conform to the State-adopted Plumbing Code, service lines be capped until connected for service, and connections between the service meter and the home comply with the State-adopted Plumbing Code.
- [Utah Administrative Code R309-105-12](#), Cross Connection Control, including requirements that a water supplier not allow a connection that may jeopardize system quality and integrity and that International Plumbing Code requirements and Utah amendments be met for cross-connection control and backflow prevention.
- [Utah State Construction and Fire Codes Act, including Utah Code Title 15A](#) and the State-adopted International Building Code, International Residential Code, International Plumbing Code, and related Utah amendments.
- [International Building Code Section 105.1](#), Permits Required, as adopted and amended, requiring permit application and approval before regulated construction, enlargement, alteration, repair, movement, demolition, change of occupancy, or regulated electrical, gas, mechanical, or plumbing work.
- [International Building Code Chapter 33](#), Safeguards During Construction, including Section 3303.6, Utility Connections, as adopted and amended, providing that service utility connections shall be discontinued and capped in accordance with approved rules and the requirements of the applicable governing authority.
- [International Plumbing Code Section 102](#), Applicability, including provisions addressing general applicability, existing installations, maintenance, additions, alterations, repairs, changes in occupancy, and conflicts, as adopted and amended.
- [International Plumbing Code Section 108](#), Violations and authority provisions, including unlawful acts, authority to disconnect service utilities, and connection after an order to disconnect, as adopted and amended.

## 12. Severability, Effective Date, and Adoption

If any provision of this Resolution is determined to be invalid, unlawful, or unenforceable, the remaining provisions shall remain in full force and effect. This Resolution shall take effect immediately upon adoption by the Board of Directors and shall apply to all existing and future parcels, taps, accounts, and service connections, subject to any vested contractual rights or written agreements approved by the Board.

ADOPTED by the Board of Directors of Leeds Domestic Waterusers Association on this 15<sup>th</sup> day of July, 2026.

LEEDS DOMESTIC WATERUSERS ASSOCIATION

By: \_\_\_\_\_  
President, Board of Directors

Attest: \_\_\_\_\_  
Corporate Secretary