

CHAPTER 14
UTILITIES – WATER

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CHAPTER 14

UTILITIES – WATER

SECTION 14-1. WATER DEPARTMENT AND SYSTEM.

The water department of the Howell Town is hereby created. It shall administer the operation and maintenance of the water system of the town.

SECTION 14-2. SUPERINTENDENT.

There is hereby created the position of superintendent of the water department.

SECTION 14-3. SUPERINTENDENT APPOINTED.

The Superintendent of the Water Department shall be appointed by the town council. The person so appointed may be the mayor, one of the councilmen or an appointed official of the town.

SECTION 14-4. DUTIES OF THE SUPERINTENDENT.

The superintendent of the water system shall manage and supervise the town water system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the town council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the town council relating to the water system.

SECTION 14-5. APPLICATION FOR WATER CONNECTION.

Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the town water system, shall file with the water department an application (forms available from the town clerk) for each such connection.

SECTION 14-6. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER.

Whenever a subdivider or developer desires to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

SECTION 14-7. APPLICATION FOR WATER SERVICE.

Any person who desires or is required to secure water service when such service is available from the town water system, shall file with the water department an application and agreement for the service. Application forms can be obtained from the town clerk.

SECTION 14-8. NON-OWNER APPLICANTS – AGREEMENT OF OWNER.

Application for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent.

SECTION 14-9. RATES AND CONNECTION FEES.

The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the town water system shall be fixed from time to time by resolution enacted by the town council. The town council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

SECTION 14-10. COMPENSATION FOR READING METERS – SENDING OUT BILLINGS.

Compensation for those persons, who read the meters and send out the billings, shall be fixed from time to time by resolution enacted by the town council.

SECTION 14-11. SPECIAL RATES.

The town council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

SECTION 14-12. BOARD OF EQUALIZATION, RATES, AND REBATES.

The town council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.

SECTION 14-13. USE WITHOUT PAYMENT PROHIBITED.

It shall be unlawful for any person by himself, family, servants, or agents to utilize the municipal water system without paying therefore, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water system or to cast anything into any reservoir or tank belonging to the water system.

SECTION 14-14. DELINQUENCY – DISCONTINUANCE OF SERVICE.

(Amended 07-01-2008 Ord. 2008-02; 05-12-15, Ord. 2015-01)

- A. The clerk shall furnish by personal service or mail to each property owner of record, whether the property is owner occupied or renter occupied, who owns property receiving town provided water service, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once monthly or at such other regular interval as the town council shall direct.
- B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 15 days of the date due, the clerk shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five days from date of notice.
- C. If the water service is discontinued for failure to make payment within five days after receiving notice of intent to disconnect service, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the town, in addition to any other fees or deposits required.
- D. If all the delinquent water charges are still not paid after thirty days following water service disconnection, the clerk shall give the customer a notice in writing of intent to remove the water meter unless the customer pays all charges within five days of notice.
- E. In the event the water meter is removed for non-payment of delinquent water charges, before the water meter can be re-installed, the customer shall pay, in addition to all delinquent water charges, fees and deposits,, such extra charges for re-installing the water meter as the town council has established by resolution.

Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application for water service. The clerk is hereby authorized and empowered to enforce the

payment of all delinquent water charges by an action at law in the name of the town.

SECTION 14-15. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED. (Amended 07-01-2008 Ord. 2008-02)

It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or clerk. Violation of this Section shall constitute Theft of Utility Services according to Utah Code Annotated §76-6-409.3 and the violating party(ies) may be subject to prosecution accordingly, in addition to any civil fines and damages which might be sought by the Town, if any.

SECTION 14-16. SEPARATE CONNECTIONS.

It shall be unlawful for more than one family or service user to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the town council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the town to require separate pipes, connections, or meters at a subsequent time.

SECTION 14-17. UNAUTHORIZED USERS.

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

SECTION 14-18. PERIOD FOR VISITORS.

Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed three months. Continued use thereafter shall be deemed unauthorized and violative of the provisions of this part relating to separate connections and unauthorized use.

SECTION 14-19. PIPES TO BE KEPT IN GOOD REPAIR.

All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person

except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

SECTION 14-20. QUALITY OF SERVICE PIPE.

- A. All service and other pipe used in conjunction with the water services of the town shall be of such material, quality, and specifications as the town council may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department, and no connections with any water mains shall be made without first obtaining a permit therefore from the clerk.
- B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

SECTION 14-21. FAULTY EQUIPMENT.

It shall be unlawful for any water user to:

- A. Waste water.
- B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
- C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
- D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

SECTION 14-22. SPRINKLING VEHICLES.

Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department.

SECTION 14-23. DEPARTMENT TO HAVE FREE ACCESS.

The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the town system for the purpose of examining the apparatus and ascertaining the amount of water services being used and the manner of its use.

SECTION 14-24. NONLIABILITY FOR DAMAGES.

The town shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the town beyond that provided in the Governmental Immunity Act.

SECTION 14-25. WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC.

No water shall be supplied from the pipes of the town water system for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the town council.

SECTION 14-26. SPRINKLERS.

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinklers or outlets as will in the opinion of the town council materially affect the pressure or supply of water in the town water system or any part thereof, and the town council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. The town council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

SECTION 14-27. SCARCITY OF WATER.

In time of scarcity of water, whenever it shall in the judgment of the mayor and town council be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.

SECTION 14-28. WASTE OF WATER.

- A. User of water from the town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the town, a user of town water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue

wastefulness has been given, the superintendent or any officer may refer the matter to the town council.

- B. The town council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five day prior to the meeting of the town council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- C. A water user whose right to utilize town water is being reviewed shall have opportunity to appear with or without counsel and present his reason why his water service should not be discontinued.
- D. After due hearing, the town council may arrive at the determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

SECTION 14-29. WATER METERS.

- A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments, and person using water from the town water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.
- B. Meter will be furnished by the town upon application for a connection, and upon payment of such connection fees and other costs as may be established by the town council from time to time.
- C. Meters shall be deemed to be and remain the property of the town. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the town council after due notice in writing to the parties involved.
- D. The superintendent shall cause meter readings to be taken regularly and shall advise the clerk thereof for the purpose of recording the necessary billings for water service.
- E. Meters may be checked, inspected or adjusted at the discretion of the town, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the town unless special permission is given by the town through its representatives to the customer to do so.

- F. If a customer submits a written request to the superintendent to test his water meter, the town may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the town council, the meter shall be deemed to accurately measure the use of water.
- G. If the town's meter fails to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- H. All damages or injury to the lines, meters or other materials of the town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the town be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

SECTION 14-30. PERMITS FOR INSTALLATION.

It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary water system without first having received a construction permit from the office of the clerk.

SECTION 14-31. APPLICATIONS FOR INSTALLATION PERMIT.

- A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the town water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made.

The application shall be granted if the superintendent determines that:

1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.

2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the town.

All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

- B. Fees for permits or for inspection services shall be of such amounts as the town council shall from time to time determine by resolution.

SECTION 14-32. MOVING OR REPLACEMENT OF WATER LINES.

In the event that the town in its sole discretion determines that any water line of the town must be moved or replaced, the town shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line or lines of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

SECTION 14-33. WHEN PERMIT SHALL NOT BE ISSUED.

Permission to connect with the town water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the town.

SECTION 14-34. DISCONTINUANCE OF SERVICE.

Any customer desiring to discontinue service shall notify the town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

SECTION 14-35. FIRE HYDRANTS.

Any water user who wants to have a fire hydrant shall at his own expense furnish the fire hydrant and all other materials for its installation and pay for the installation and repairs.

The town shall install the hydrant and make the repairs. Water for fire hydrants will be furnished free of charge by the town.

SECTION 14-36. EXTENSION OF WATER MAINS WITHIN THE TOWN.

Any person or persons, including any subdivider, who desires to have the water mains extended within the town, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the town council by petition. The petition shall contain a

description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water superintendent. The town council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the town.

SECTION 14-37. COST OF EXTENSIONS DETERMINED.

Upon the receipt of such petition and map and before the petition is granted, the town council shall obtain from the water superintendent a certified statement showing the whole of the expense of making such extension.

SECTION 14-38. AMOUNT OF COST TO BE DEPOSITED WITH CLERK.

If the town council grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the town council shall indicate, after the granting thereof.

SECTION 14-39. RETURN OF ANY MONEY – FORFEITURE.

- A. At the time the town council decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
- B. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.

SECTION 14-40. OWNERSHIP OF EXTENSIONS.

Any such extension shall be deemed the property of the town.

SECTION 14-41. SUPPLY OF WATER SERVICES TO PERSONS OUTSIDE THE TOWN LIMITS.

The town shall not furnish water service from its water system to persons outside the town limits.

SECTION 14-42. WATER CONNECTION FEE.

The fee for the water connection shall be paid before the water connection is made.