

# ORDINANCE 1978-10

## AN ORDINANCE ESTABLISHING AND REGULATING WATER DEPARTMENT

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF ELSINORE TOWN, SEVIER COUNTY, STATE OF UTAH:

WHEREAS, THE TOWN OF ELSINORE, A MUNICIPAL CORPORATION OF THE STATE OF UTAH, IS THE OWNER OF A MUNICIPAL WATERWORKS SYSTEM FOR THE PURPOSE OF FURNISHING WATER TO THE RESIDENTS OF SAID TOWN, AND IT IS NOW NECESSARY AND ADVISABLE TO ADOPT AN ORDINANCE FOR THE CONTROLLING OF SAID SYSTEM, INCLUDING THE SETTING OF FEES FOR WATER SERVICES AND AMENDING WATER ORDINANCES HERETOFORE ADOPTED;

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1: WATER DEPARTMENT AND SYSTEM: THE WATER DEPARTMENT OF THE MUNICIPALITY IS HEREBY CREATED. IT SHALL ADMINISTER THE OPERATION AND MAINTENANCE OF THE WTER SYSTEM OF THE MUNICIPALITY.

SECTION 2: SUPERINTENDENT: THERE IS HEREBY CREATED THE POSITION OF SUPERINTENDENT OF THE WATER DEPARTMENT.

SECTION 3: DUTIES OF SUPERINTENDENT: THE SUPERINTENDENT OF THE WATER SYSTEM SHALL MANAGE AND SUPERVISE THE MUNICIPAL WATER SYSTEM PURSUANT TO THE PROVISIONS OF THIS PART AND PURSUANT TO RESOLUTIONS, RULES AND REGULATIONS ADOPTED BY THE GOVERNING BODY FROM TIME TO PRESCRIBING HIS POWERS AND DUTIES AND DIRECTING THE MANNER AND FREQUENCY WITH WHICH HE SHALL MAKE REPORTS TO THE MAYOR RELATING TO THE WATER SYSTEM. ALL OF THE FUNCTIONS AND ACTIVITIES OF THE SUPERINTENDENT SHALL BE CARRIED ON UNDER THE DIRECTION OF THE MAYOR.

SECTION 4: 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 MUNICIPAL WATER SYSTEM, SHALL FILE WITH THE WATER DEPARTMENT FOR EACH SUCH CONNECTION, A WRITTEN AND SIGNED CONNECTION APPLICATION IN SUBSTANTIALLY THE FOLLOWING FORM:

ELSINORE, UTAH

APPLICATION FOR WATER CONNECTION

TO THE MUNICIPALITY OF ELSINORE, UTAH:

I hereby apply to the municipality of Elsinore for permission to connect my premises at \_\_\_\_\_ with the municipality of Elsinore water system and hereby agree as follows:

- 1. A. the municipality shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed within my property. I agree to pay the municipality the connection charges and fees as may be fixed by the governing body by resolution or ordinance including a reservoir charge if so provided.

Additionally, I agree to pay \$ \_\_\_\_\_ for inspection and overhead charges and other miscellaneous costs of the municipality as may be fixed by the governing body by resolution or ordinance.

The work of extending the water connection from the point to which the municipality installs it to the place at which the meter is to be used shall be my responsibility and shall be performed at my sole cots.

B. The connection so made by the municipality, including the meter, shall remain the property of the municipality at all times, and the municipality shall have access thereto at all times.

- 2. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the municipality.
- 3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the municipality and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements of the municipality or of any other governmental agency having jurisdiction to regulate the water system within the municipality.
- 4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the municipality applicable to the municipality's water system.
- 5. The main purpose for which the water connection will be used is \_\_\_\_\_
- 6. The municipality shall have free access to the lines and meters under this agreement and, at reasonable times, through my property if necessary.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Applicant)

SECTION 5: APPLICATION FOR WATER CONNECTION BY SUBDIVIDER: WHENEVER A SUBDIVIDER OR DEVELOPER DESIRES OR IS REQUIRED 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 6: APPLICATION FOR WATER SERVICE: ANY PERSON WHO DESIRE TO IS REQUIRED TO SECURE WATER SERVICE WHEN SUCH SERVICE IS AVAILABLE FORM THE MUNICIPAL WATER SYSTEM, SHALL FILE WITH THE WATER DEPARTMENT A WRITTEN APPLICATION AND AGREEMENT FOR THE SERVICE WHICH SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

ELSINORE, TOWN

APPLICATION FOR WATER SERVICE

TO THE MUNICIPALITY OF ELSINORE, UTAH:

The undersigned hereby applies for water service from the municipality of Elsinore, Utah for premises located at \_\_\_\_\_, and hereby agrees:

1. To pay all charges for such water service as are fixed form the time by time by the governing body until such time as I shall direct such service to be discontinued.
2. In the event of a failure to pay water charges within the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, that the municipality shall have the right to discontinue the water system service at is election, pursuant to five (5) days written notice of the municipality's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this ordinance or regulations issued there under is eliminated.
3. To be bond by the rules, regulations, resolutions, or ordinances enacted or adopted by the governing body applicable to the municipality's water system.

Applicant does hereby deposit \$ \_\_\_\_\_ with the municipality on the filing of this application for water service, and it is agreed and understood that the municipality may, but need not, apply the deposit upon the bills due for prior service and that the right of the municipality to shut off service as above provided shall exist even through the deposit has not been applied to the payment of past due bills for services. On the final settlement of applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the municipality at the time the deposit is made.

4. That the depsoit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of water service shall not have the right to compel the municipality to apply the deposit to any account to avoid delinquency.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Applicant)

**SECTION 7: NON-OWNER APPLICANT- AGREEMENT OF OWNER:** APPLICATIONS 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 IN SUBSTANTIALLY THE FOLLOWING FORM:

“In consideration of the acceptance of the application for water service submitted by \_\_\_\_\_ (tenant), I or we will pay for all water services for any such tenant or any other occupant of \_\_\_\_\_ premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules and regulations or resolutions enacted by the municipality.”

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Tenant)

**SECTION 8: RATES AND CONNECTION FEES:** THE RATES, PENALTY FEE FOR DELINQUENCY IN PAYMENT, CONNECTION FEE, RESERVOIR FEE, INSPECTION FEE AND OTHER CHARGES INCIDENTAL TO THE CONNECTION AND SERVICES FROM THE TOWN'S 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 COLLECTION CHARGES FOR WATER SERVICES AND ALL OTHER RULES NECESSARY FOR THE MANAGEMENT AND CONTRAIL 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 9: TEMPORARY FEES AND SERVICE CHARGES:** UNTIL FURTHER ORDER BY RESOLUTION OF THE MAYOR AND TOWN COUNCIL THE INITIAL SCHEDULE OF RATES AND CHARGES SHALL BE AS FOLLOWS:

- A. CONNECTION FEE INSIDE CORPORATE LIMITS OF ELSINORE TOWN:
  - A. FOR 5/8-3/4 INCH METER- ONE THOUSAND (\$1,000.00) DOLLARS.
  - B. FOR LARGER METER – FEE TO BE SET BY RESOLUTION OF THE TOWN COUNCIL AT THE TIME OF APPLICATION.
- B. USAGE FEES INSIDE CORPORATE LIMITS OF ELSINORE TOWN:
  - A. A MINIMUM FEE OF \$8.00 PER MONTH.
  - B. FOR ALL WATER USED OVER AUTHORIZED MINIMUM OF 13,000 GALLONS PER MONTH, THE WATER USERS SHALL PAY AN ADDITIONAL TWENTY-FIVE (.25) CENTS PER THOUSAND GALLONS.
- C. 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 WTER SYSTEM UNDER EXCEPTIONAL CIRCUMSTANCES, UPON SUCH TERMS AND CONDITIONS AS THEY MAY DEEM PROPER.

**SECTION 10: INDIVIDUAL UNIT:** A WATER CONNECTION SHALL BE REQUIRED FOR EACH INDIVIDUAL UNIT AS ESTABLISHED IN ELSINORE TOWN. FOR THE PURPOSE OF THIS ORDINANCE, AN INDIVIDUAL UNIT IS DEFINED AS A SEPARATE APARTMENT, OFFICE, TRAILER HOUSE, OR OTHER UNIT FOR HOUSING OR FOR BUSINESS, WHETHER OR NOT MAINTAINED IN THE SAME BUILDING AS OTHER HOUSEHOLDS OR OTHER BUSINESSES AND EACH SEPARATE BUSINESS OR OFFICE OR FAMILY SHALL BE REQUIRED TO PAY MINIMUM RATES HEREIN SPECIFIED, TOGETHER WITH THE ADDITIONAL CHARGE FOR WATER CONSUMPTION IN EXCESS OF THE MAXIMUM ALLOWED UNDER SAID MINIMUM RATE.

**SECTION 11: 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 PEN 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 12: DELINQUENCY – DISCONTINUANCE OF SERVICE:

- A. THE RECORDER/CLERK OR WATER SUPERVISOR SHALL FURNISH TO EACH USER, OR MAIL TO, 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 EACH MONTH 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 30 DAYS OF THE DATE DUE, THE CLERK OR WATER SUPERVISOR SHALL GIVE THE CUSTOMER NOTICE IN WRITING OF INTENTION TO DISCONTINUE THE SERVICE TO THE CUSTOMER UNLESS THE CUSTOMER PAYS THE BILL IN FULL WITHIN FIVE DAYS FROM THE DATE OF NOTICE.
- C. IF THE WATER SERVICE IS THEREAFTER DISCONTINUED FOR FAILURE TO MAKE PAYMENT, 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 MUNICIPALITY. IN THE EVENT WATER IS TURNED OFF FOR NON-PAYMENT OF WATER CHARGES, THEN BEFORE THE WATER SERVICE TO THE PREMISES SHALL AGAIN BE PROVIDED, THE CUSTOMER SHALL PAY, IN ADDITION TO ALL DELINQUENT WATER CHARGES, SUCH EXTRA CHARGE FOR TURNING THE WATER ON AND OFF AS THE TOWN COUNCIL MAY HAVE ESTABLISHED BY RESOLUTION. UNTIL SUCH RESOLUTION HAS BEEN ADOPTED, THERE SHALL BE ADDED AN EXTRA CHARGE OF \$5.00 FOR TURNING ON THE WATER. FURTHERMORE, IN ADDITION TO SUCH PAYMENTS AND PENALTIES, A DELINQUENT CUSTOMER MAY BE REQUIRED TO MAKE AND FILE A NEW APPLICATION AND DEPOSIT IF THE PREVIOUS DEPOSIT HAS THERETOFORE BEEN APPLIED TO THE PAYMENT OF DELINQUENT BILLS.

SECTION 13: TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED: IT SHALL BE UNLAWFUL FOR ANY PERSON, AFTER THE WATER HAS BEEN TURNED OFF FROM THE PREMISES FOR NON-PAYMENT 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.

SECTION 14: SEPARATE CONNECTIONS: IT SHALL BE UNLAWFUL FOR TWO OR MORE FAMILIES OR SERVICE USERS 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 A 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 MUNICIPALITY FOR ALL WATER SERVICES UTILIZED ON ALL SUCH PREMISES. NOTHING HEREIN SHALL BE DEEMED TO PRECLUDE THE POWER OF THE MUNICIPALITY TO REQUIRE SEPARATE PIPES, CONNECTIONS, OR METERS AT A SUBSEQUENT TIME

SECTION 16: 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 ONE (1) MONTH. CONTINUED USE THEREAFTER SHALL BE DEEMED UNAUTHORIZED AND VIOLATIVE OF THE PROVISIONS OF THIS PART RELATING TO SEPARATE CONNECTIONS AND UNAUTHORIZED USE.

SECTION 17: 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 18: QUALITY OF SERVICE PIPE:

- A. ALL SERVICE AND OTHER PIPE USED IN CONJUNCTION WITH THE WATER SERVICES OF THE MUNICIPALITY 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 GROUNDS AS MAY BE SPECIFIED BY REGULATIONS RELATING TO THE WATER DEPARTMENT. ALL WORK, ALTERATIONS, OR EXTENSIONS AFFECTING WATER PIPES SHALL BE SUBJECT TO THE ACCEPTANCE OF THE WATER SUPERINTENDENT 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 19: 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 WATER 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 20: SPRINKLING VEHICLES: VEHICLES FOR SPRINKLING SHALL BE REGULATED AND CONTROLLED BY THE WATER DEPARTMENT THROUGH THE SUPERINTENDENT OF THE WATER DEPARTMENT.

SECTION 21: 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 MUNICIPAL SYSTEM FOR THE PURPOSE OF EXAMINING THE APPARATUS AND ASCERTAINING THE AMOUNT OF WATER SERVICE BEING USED AND THE MANNER OF ITS USE.

SECTION 22: NON-LIABILITY FOR DAMAGES: THE MUNICIPALITY 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 MUNICIPALITY BEYOND THAT PROVIDED IN THE GOVERNMENTAL IMMUNITY ACT.

SECTION 23: WATER NOT SUPPLIED FOR MOTORS, SIPHONS, ETC.: NO WATER SHALL BE SUPPLIED FROM THE PIPES OF THE MUNICIPAL WATER SYSTEM FOR THE PURPOSE OF DRIVING MOTOR, SYPHON, 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 24: SCARCITY OF WATER: IN TIMES 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 25: WASTE OF WATER:

- A. USERS OF WATER FROM THE MUNICIPAL 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 MUNICIPALITY, A USER OF MUNICIPAL WATER ENGAGES IN PRACTICES WHICH RESULT IN THE NEEDLESS WASTE OF WATER AND CONTINUES SO TO DO AFTER THE 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 (5) DAYS 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 MUNICIPAL WATER IS BEING REVIEWED SHALL HAVE OPPORTUNITY TO APPEAR WITH OR WITHOUT COUNSEL AND PRESENT HIS REASONS WHY HIS WATER SERVICE SHOULD NOT BE DISCONTINUED.
- D. AFTER DUE HEARING, THE TOWN COUNCIL MAY ARRIVE AT A 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 26: WATER METERS:

- A. EXCEPT AS OTHERWISE EXPRESSLY PERMITTED BY THIS PART, ALL STRUCTURES, DWELLING UNITS, ESTABLISHMENTS AND PERSONS USING WATER FROM THE MUNICIPAL 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. METERS WILL BE FURNISHED BY THE MUNICIPALITY 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 BY RESOLUTION.
- C. METERS SHALL BE DEEMED TO BE AND REMAIN THE PROPERTY OF THE MUNICIPALITY. 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 MUNICIPALITY, 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 MUNICIPALITY MAY, IF UNDER THE CIRCUMSTANCES IT DEEMS TO 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% 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 MUNICIPALITY'S METERS FAIL 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 MUNICIPALITY 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 MUNICIPALITY ON OR NEAR THE CUSTOMER'S PREMISES CAUSED BY ANY ACT OR NEGLIGENCE OF THE CUSTOMER SHALL IN THE DISCRETION OF THE MUNICIPALITY BE REPAIRED BY AND AT THE EXPENSE OF THE CUSTOMER, AND THE CUSTOMER SHALL PAY ALL COSTS AND EXPENSES, INCLUDING A REASONABLE ATTORNEY'S FEE, WHICH MAY ARISE OR ACCRUE TO THE MUNICIPALITY 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 27: PERMITS FOR INSTALLATIONS:

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 OFFICER OF THE CLERK OR FROM THE WATER SUPERINTENDENT.

SECTION 28: APPLICATIONS FOR INSTALLATIONS PERMITTED:

APPLICATIONS FOR PERMITS TO MAKE WATER CONNECTIONS OR OTHER ALTERATIONS OR FOR LAYING OR REPAIRING LINES CONNECTED DIRECTLY OR INDIRECTLY TO THE MUNICIPAL WATER SYSTEM MUST BE MADE IN WRITING BY A LICENSED PLUMBER, HIS AUTHORIZED AGENT, OR BY THE OWNERS 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 CONNECTIONS CONFORMS TO THE ORDINANCES, REGULATIONS, SPECIFICATIONS AND STANDARDS OF MATERIALS REQUIRED BY THE MUNICIPALITY.
  - A. 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 29: EXTENSION OF WATER MAINS WITHIN THE MUNICIPALITY:

ANY PERSON OR PERSONS, INCLUDING ANY SUBDIVIDER, WHO DESIRES TO HAVE THE WATER MAINS EXTENDED WITHIN THE MUNICIPALITY, 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 MUNICIPALITY.

SECTION 30: 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 COST OF EXPENSE OF MAKING SUCH EXTENSIONS.



SECTION 31: 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 32: 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 33: OWNERSHIP OF EXTENSION:

ANY SUCH EXTENSION SHALL BE DEEMED THE PROPERTY OF THE MUNICIPALITY.

SECTION 34: EFFECTIVE DATE:

THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE 8<sup>TH</sup> DAY OF DECEMBER, 1978.

ADOPTED BY THE MAYOR AND TOWN COUNCIL OF ELSINORE TOWN, THIS 8<sup>TH</sup> DAY OF DECEMBER, 1978.