

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 WATER 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 TIME 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 SUPERVIOSR 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

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 8TH DAY OF DECEMBER, 1978.

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