

ORDINANCE NO. 09-09-2019

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE EUREKA CITY WATERWORKS DEPARTMENT AND PROCEDURES ASSOCIATED THEREWITH; ALSO REPEALING ANY AND ALL PROVISIONS RELATING TO THE SAME OR THAT CONFLICT WITH THIS ORDINANCE.

WHEREAS, Title 10 Chapter 3 and § 10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council finds it is in the public's interest to adopt the following rules and regulation for the City's waterworks;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA CITY, THAT THE FOLLOWING ORDINANCE BE ADOPTED AS FOLLOWS:

I. REPEAL.

These provisions supersede any previous or conflicting provisions formerly adopted by the City.

II. OWNERSHIP AND CONTROL OF CITY WATERWORKS.

A. The waterworks constructed by the city to supply the city with water from any source shall be known and designated as the "City Waterworks." It shall be the property of the city, and shall be under the sole and exclusive control of the mayor and city council, who may direct the construction of such reservoirs, water tanks, water mains, service pipes and fire hydrants as the necessities of the inhabitants of the city may require.

B. All homes and businesses shall be required to have connections to the City Waterworks.

III. WATER SUPERINTENDENT—APPOINTMENT.

The Mayor, by and with the advice of the City Council, shall employ a competent and suitable person to care for, look after and take charge of the city waterworks system. Such employee shall be known as the superintendent of the waterworks system.

IV. SUPERINTENDENT—POWERS AND DUTIES.

The superintendent of the waterworks system shall, under the direction of the mayor and city council, have charge of all waters and water sources, water tanks, water mains, fire hydrants, and all the equipment and appurtenances pertaining to the waterworks system.

A. He or she shall direct the laying of the water mains, the installation of all service pipes, the regulation of the supply of water, and shall perform such other duties as may be required of him by law or ordinance, or by his contract of employment.

B. He shall keep a clear and concise record of all equipment, parts, and supplies used for each job and submit to the City Recorder at the end of each month.

C. He shall compile a yearly inventory of all equipment, parts, and supplies associated with the waterworks department. The public works director shall also perform such duties as may be imposed upon him by ordinance, order or resolution of the City Council.

D. He or shall report to the city council quarterly, or more often if required, his activities as superintendent, the condition of the waterworks system, and make such suggestions as the nature of the service may require.

E. The superintendent of the waterworks system of the city and his agents shall, at all ordinary hours, have free access to places supplied with water from the waterworks system for the purpose of examining the apparatus, ascertaining the amount of water used, and the manner of its use.

V. APPLICATION FOR SERVICES.

Before water and sewer service is supplied to a parcel of property, the owner, and at least one person in possession of such property if the owner is not in possession and such person has agreed with the owner that he will pay the city directly for any water use and sewer service relating to the property, shall sign an agreement with the city wherein he or they shall agree:

A. To pay the Service Fees as set by the City Council, including but not limited to a Connection Fee, Maintenance Fee, Debt Service Fees, Delinquent Fees and Reconnection Fees and Water Rate Fees;

B. To be personally liable for and to pay all charges arising from water use and sewer service on the property, which liability shall be joint and several among the owners and persons in possession and may be enforced by the city in a civil action at law;

C. To allow the city waterworks personnel to enter upon the property and to terminate water service to the same when there has been a delinquency in the payment of water and/or sewer charges for a period of sixty days.

D. That any charges for water and/or sewer service which are delinquent by more than sixty days may be certified by the city recorder to the Juab County Assessor's office, and that, upon certification, the amount of such charges, together with interest accruing at a rate of eighteen percent per annum from the date of default, shall become a lien on the property receiving such unpaid services on a parity with and collectible at same time and in the same manner as delinquent general property taxes.

E. That the remedies provided herein shall be deemed and construed as non-exclusive, so that the exercise by the city of any one remedy shall not deprive it of the exercise of any other remedy or remedies so provided.

VI. SERVICE FEES.

Any person, firm or corporation, now using, or that may hereafter use or obtain water from the city shall pay to the city the fees and/or rates as set forth in the City's Fee Schedule, including Connection Fee, Maintenance Fee, Debt Service Fees, Delinquent Fees and Interest, Reconnection Fees and Water Rate Fees. Fees must be paid in advance, or at time they are assessed, and chargeable to the owner or owners of the property or premises upon which the said water is used, or the tenant as applicable. Before water will be turned on to any premises, all charges against the premises that are due and payable to the city for water, or any service, material or supplies pertaining thereto or furnished thereon, shall have been paid.

VII. DELINQUENT ACCOUNTS

A. Customers are to pay their bill by the 10th of each month and become delinquent if not paid by the 30th of the month.

B. Delinquent notices will be sent out to all property owners to notify them of the status of their renters when and if they become delinquent. Past Due/or Shut Off Notices will be sent out to those customers who are 60 days past due on their regular service bill. Each customer who receives a notice will be given ten days to pay the balance of the account or make payment arrangements with the City Office. If the customer takes no action to try and clear the account, service will be discontinued on the date specified in the notice. Customers having a delinquent account who wishes to set up a repayment plan must make application to the City Office.

C. Charges for water and/or sewer service which are delinquent by more than sixty days may be certified by the city recorder to the Juab County Assessor's office, and that, upon certification, the amount of such charges, together with interest accruing at a rate of eighteen percent per annum from the date of default, shall become a lien on the property receiving such unpaid services on a parity with and collectible at same time and in the same manner as delinquent general property taxes.

D. A late fee of ten percent (10%) of the current balance will be charged monthly on all delinquent accounts.

VIII. DISCONTINUANCE OF SERVICE.

A. If any customer violates the conditions under which the city supplies service under the service agreement, or these service regulations, or if he/she fails upon request from the city to pay an unsecured bill for service, the city may discontinue service, upon not less than 72 hours written notice stating the cause of such discontinuance, sent to customer by mail, or delivered to the premises to which service is supplied.

B. If service to customer is discontinued, the customer will be required to pay to the city the balance of their account in full, including any accrued interest, plus a Reconnection Fee.

C. It is unlawful for any person, after the water has been turned off from his premises on account of nonpayment of charges or for violation of the rules and regulations relating to the water supply, to turn the water on again or allow the water to be used without authority.

IX. CONNECTIONS AND LINES.

A. No extension of service pipes shall be made, and no lines may be laid, repaired, altered or connected, and no fixture shall be attached to the city's waterworks system, without first obtaining a permit therefor from the superintendent of the waterworks system.

B. No service pipe less than 3/4 inch in diameter shall be connected with the water mains at the junction of any street in the city.

C. The water service pipe and connections from the main line to property where connection is to be made shall be put in by a bonded contractor at the owner's expense and will be maintained by the city water department at the owner's expense, and kept within the City's exclusive control. The Connection Fee is to include costs to City for saddle, curb stop, meter setter, valve, meter box ring, lid and tracer wire.

D. Service pipes shall be so arranged that the supply from mainline to meter at each separate house or premises may be controlled by a separate stopcock and water meter placed within and near the line of the street curb. The service line, pipes, and other apparatus from meter to the property line will be the responsibility of the owner to maintain and service.

E. All service pipes or other pipes used underground shall be of sufficient strength to resist the water pressure and shall be laid in the street not less than four feet below the grade, and not less than four feet below the ground inside the premises.

F. The size, material, and placement of service pipes, and all work, alterations or extensions of such pipes, shall be subject to the approval of the superintendent of the waterworks system.

G. Backflow prohibited. It shall be unlawful to install or use any connection or arrangement which may allow any fluid or substance not suitable for human consumption to come into contact with the potable water in the City's waterworks. All connections shall be equipped with an approved backflow prevention device.

X. MAINTENANCE.

A. All water users shall keep their service pipes, lines and connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the water department, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe without a proper permit obtained from the City.

B. The city shall not be liable for any damage to a water user by reason of stoppage or interruption of his water supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other unavoidable cause.

C. City shall not be liable for damage to any water taker by reason of a stoppage or interruption of his or her water supply. Nothing in this ordinance shall be construed as a waiver of governmental immunity.

XI. FIRE HYDRANTS.

All public fire hydrants shall be under the control of and shall be kept in repair by the superintendent of the waterworks system. In case of fire, the fire department shall have free access to such hydrants. No other person shall open or operate any fire hydrant, or attempt to draw water therefrom, without special permission from the superintendent of the waterworks system, or obstruct the approach thereto.

XII. USE OF WATER.

A. It shall be unlawful for any person to use water from the waterworks system of this city without paying therefor as provided in this ordinance or without authority to open any stopcock, valve or other fixture attached to said system.

B. Watering troughs for animals shall not be allowed a constant flow of water but shall be allowed to use only such quantity as will supply the actual wants of the stock having access thereto.

C. In the event of scarcity of water, whenever it shall in the judgment of the city council be necessary, the mayor shall by proclamation limit the use of the water, or impose time-of-day restrictions on the same, to such an extent as may be required for the public good.

XIII. CONVEYANCE OF WATER.

A. All developers and landowners requesting a building permit within the boundaries of Eureka City shall provide and dedicate to the City adequate water to be distributed through the City's waterworks with appropriate easements along a suitable grade by which to convey the water to each lot.

B. The amount (number of acre-feet) of water required to be conveyed to the city as part of a request for approval of an annexation, subdivision, large scale development, site plan, or building permit shall be the amount considered sufficient to meet the water use requirements of the proposed use, but in no case less than 1.5 acre feet of water per acre of land.

C. The sources of water must be approved by the City. Water rights proposed for conveyance to the City shall be of a type which allows for municipal use within the City. Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may

refuse to accept any right which it determines to be insufficient in quantity or flow rate or which is not suitable for municipal purposes.

D. The conveyance of water shall occur at or prior to the time of annexation, or approval of a site-plan for a subdivision or large-scale development, or at the time of issuance of a building permit.

XIV. PENALTY.

Any person violating any of the revisions of this ordinance, or any resolutions, rules and regulations relating to the introduction supply or consumption of water from the Eureka City waterworks system or who shall attempt to obtain or use water from the said system without paying therefore the specified rate, shall be guilty of a Class "B" misdemeanor, and upon conviction thereof, shall be punished by a fine in the sum not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

XV. SEVERABILITY

If any provisions or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

XVI. PRIOR OR CONFLICTION PROVISIONS REPEALED

This Ordinance repeals and replaces any prior or conflicting provisions that were previously adopted by the City.

XVII. EFFECTIVE DATE

This amendment to the ordinance shall become effective on immediately after posting by the City of Eureka.

PASSED AND ADOPTED THIS 9th DAY OF Sept, 2019.

MAYOR OF EUREKA:


NICK CASTLETON

ATTEST:


CITY RECORDER