

TITLE 8
PUBLIC UTILITIES

Subject	Chapter
Water Use And Service	1
Backflow And Cross Connections	2
Wastewater Control	3
Stormwater And Drainage	4
Storm Sewer Utility	4A
Storm Drainage	4B
Stormwater Construction Activity Permit	4C
Water Conservation Measures	5

CHAPTER 1

WATER USE AND SERVICE

SECTION:

- 8-1- 1: Water Superintendent
- 8-1- 2: Application For Service
- 8-1- 3: Rates And Fees
- 8-1- 4: Meters
- 8-1- 5: Two Users On One Connection
- 8-1- 6: Taker Only To Use Water
- 8-1- 7: Pipes Kept In Good Repair
- 8-1- 8: Waste Prohibited
- 8-1- 9: Sprinkling Vehicles
- 8-1-10: Water Not Supplied To Motors, Irrigation, Etc.
- 8-1-11: Sprinklers; Backflow Protection
- 8-1-12: Extensions
- 8-1-13: Supply Outside City Limits
- 8-1-14: Limit During Shortage
- 8-1-15: Access By City
- 8-1-16: Nonliability For Damages
- 8-1-17: Turning On Water After Being Turned Off Prohibited
- 8-1-18: Penalty

8-1-1: **WATER SUPERINTENDENT:** The city manager shall appoint a water superintendent, whose duty it shall be to manage and supervise the water system under the direction of the city council, who from time to time shall by resolution prescribe his powers and duties. (Ord., 10-7-1980; amd. 2006 Code)

8-1-2: **APPLICATION FOR SERVICE:**

- A. Required: Any person desiring a supply of water from the city water system, where such service is available, shall apply therefor to the city treasurer and by such application agree to abide by the regulations of the city waterworks. (Ord., 10-7-1980; amd. 2006 Code)

B. Nonowner Applicants:

1. Deposit: Applicants for water service who are not the owners of the premises to which water service is being supplied shall deposit to the water department, as a guarantee for payment of all water rates, the amount of ~~fifty dollars (\$50.00)~~, if the service is supplied to a single-family residence, and the amount of one hundred dollars (\$100.00), if supplied for any other type of use. In the event the user shall fail to pay his water charges, said deposit shall be applied to the payment of any delinquent charges. Upon termination of services said deposit shall be returned to the depositor provided all charges have been paid.

\$100

2. Agreement: Applications for water service made by the tenant of an owner may, in lieu of the above deposit requirements, present an agreement signed by the owner of the premises or his duly authorized agent to the following effect:

In consideration of the granting of the application for water services submitted by _____, tenant, I or we will pay for all water service furnished such tenant, or any other occupant of _____ in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules and regulations enacted by Fruit Heights City.

3. Owner May Be Billed: Nothing in this section shall prevent the owner of premises, to which water is being furnished to a nonowner resident, from having such water services billed to himself as owner without it being necessary for the tenant to make the guarantee deposit or to supply the "in lieu of deposit agreement" from the owner as required by this subsection. (Ord., 10-7-1980)

8-1-3: RATES AND FEES¹:

A. Fixed By Resolution: The rates and connection fees for a supply of water from the city water system shall be fixed by resolution of the city council. The city council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for water and all other rules necessary for the management and control of the water system.

1. See also subsection 8-1-13E of this chapter for rates outside city limits.

- B. **Special Rates:** The city council may from time to time fix special rates and conditions for users using an exceptionally large or small amount of water upon such terms and conditions as they may deem proper.
- C. **Board Of Equalization For Water Rates And Rebates:** The city 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.
- D. **Use Without Payment Prohibited:** It shall be unlawful for any person by himself, family, servants or agents to use the water coming through the city water mains without first agreeing to pay therefor as provided in this chapter. (Ord., 10-7-1980)
- E. **Notice To Water Users; Delinquency:**
1. The treasurer or water superintendent shall furnish to each water user by mail, or leave at his place of residence or usual place of business, a printed or written notice of the amount of water rates assessed against him, including his charges for sewer service and date when payable. The billing shall be due upon receipt and shall be delinquent if not paid within twenty five (25) days.
 2. If any person neglects, fails or refuses to pay his water or sewer rates as fixed by resolution of the city council after sixty (60) days from the date of said notice, the city treasurer shall notify the person or persons in writing that water service will be shut off in twenty (20) days, and if payment in full is not received by the specified date, the city treasurer shall notify the water superintendent, who shall have the water turned off from the premises of such delinquent person on the twenty first day. A twenty four (24) hour notice will be given and, if payment is still not received, the water will be turned off on the twenty second day, and before the water shall be turned on again, all delinquent water charges shall be paid in full up to the end of the term as assessed, together with an additional turn on fee in such amount as established by resolution of the city council.
 3. Any water user not using water must report the same to the water superintendent or city treasurer in advance of payment, if he desires the water shut off from his premises. Allowance will be made only for such time as the water has been ordered shut off and no allowance will be made for nonuse for less than one-half ($\frac{1}{2}$) month. If he fails to so report the regular rate must be paid. In case the water

assessment is already paid in advance, the time out for nonuse shall be applied to extend his paid up time.

4. All corrections in assessments and all abatements shall be made by the city treasurer under the direction of the city council.

- F. **Owner Responsible:** Whenever tenants or persons are using water dispensed from the city water system, whether through a water meter or not, the owner of the premises shall be deemed and held responsible for all charges and costs of the water delivered from the water system. (Ord., 10-7-1980; amd. 2006 Code)

8-1-4: METERS:

- A. It shall be unlawful for any person, firm or corporation to use or have in their possession any water from the city waterworks that has not first passed through and the quantity thereof measured by a water meter approved by the water department, unless exception has been authorized by the water superintendent or the city council. Meters larger than one inch (1") shall be installed and maintained by the person, persons, firm, etc., receiving water service through the meter.
- B. Every structure, house or building in which a business is carried on, or a residence maintained, using water from the city waterworks, must have a separate and individual water meter, except as authorized by the city council. (Ord., 6-2-1992; amd. 2006 Code)

8-1-5: TWO USERS ON ONE CONNECTION: Where two (2) or more families or premises are supplied from the same service pipe, the failure on the part of either of said parties to comply with this chapter shall warrant the city in withholding a supply of water through said service pipe until a separate service pipe with stopcock and key box is put in for each user of water under a separate application. (Ord., 10-7-1980)

8-1-6: TAKER ONLY TO USE WATER: It shall be unlawful for any water user to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from his premises or water fixtures either outside or inside his building. (Ord., 10-7-1980)

8-1-7: **PIPES KEPT IN GOOD REPAIR:** All water users shall keep their service pipe 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. (Ord., 10-7-1980)

8-1-8: **WASTE PROHIBITED:** It shall be unlawful for any water user to waste water, or to allow it to be wasted, by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus, or to use the water for purposes other than for which he has paid, or to use water in violation of the rules and regulations for controlling the water supply. (Ord., 10-7-1980)

8-1-9: **SPRINKLING VEHICLES:** Sprinkling vehicles or other vehicles hauling water shall be regulated and controlled by the water department through the city council. (Ord., 10-7-1980)

8-1-10: **WATER NOT SUPPLIED TO MOTORS, IRRIGATION, ETC.:** No water shall be supplied from the pipes of the city waterworks for the purpose of driving any 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 city council. (Ord., 10-7-1980)

8-1-11: **SPRINKLERS; BACKFLOW PROTECTION:** It shall be unlawful to use water from more than one outlet at a time for irrigation purposes from each regular connection, and then only through a nozzle or other sprinkling device, which shall not be larger than one-fourth of an inch ($\frac{1}{4}$ ") in diameter; provided, however, that with the permit of the city council and subject to the rules and regulations, regular underground or surface sprinkling systems having more than one water outlet may be installed for lawns. Sprinkling systems shall not be connected to the city waterworks except through an approved backflow prevention device¹. (Ord., 10-7-1980)

1. See chapter 2 of this title.

8-1-12: EXTENSIONS:

- A. **Plumbing Permit Required; Report:** It shall be unlawful for any person to make any extension of any pipe or water fixture attached to the waterworks system for any purpose whatever without first obtaining a permit from the water department. Within twenty four (24) hours after the completion of any plumbing work connected with the waterworks system, the same must be reported to the water department.
- B. **Application:** Any person desiring to have the water mains extended within the city, and being willing to pay the whole expense of such extension, as hereinafter provided, may make application to the city council by petition containing a description of such proposed extension, accompanied by a map showing the location thereof, which petition shall also contain an offer to pay the whole expense of making the same as said expense shall be certified to by the water superintendent.
- C. **Cost Of Extensions To Be Furnished By Water Superintendent:** Upon receipt of such petition and map, and before the petition is granted, the city council shall obtain from the water superintendent a certified statement showing the whole cost and expense of making such extension. (Ord., 10-7-1980)
- D. **Performance Bond Deposited With City Treasurer:** If the city council shall grant said petition, before any work shall be done on such extension, and within thirty (30) days, or such other time as the city council shall indicate, after the granting thereof, a performance guarantee bond in the amount of one hundred fifty percent (150%) of the cost and expense of making such extension as certified by the water superintendent shall be deposited with the city treasurer.
- E. **Extensions May Be Master Metered:** When an extension supplying more than one house is connected to the city water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the city main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through said meter at the meter rates provided in this chapter. (Ord., 10-7-1980; amd. 2006 Code)

8-1-13: SUPPLY OUTSIDE CITY LIMITS:

- A. Permitted: The city may furnish water from its water system to persons outside its corporate limits in accordance with the provisions of the following sections; provided, however, that such water shall be supplied only when and if there is a surplus of water beyond the requirements of persons within its corporate limits.
- B. Application: Any person located outside the city limits and desiring to be supplied with water from the city waterworks system and being willing to pay the whole expense of extending the water system to his property, including the cost of extending the water main from its present location to the city limits, may make application to the city council by petition containing: 1) a description of such proposed extension; 2) accompanied by a map showing the location thereof; 3) an offer to pay the whole expense in providing such extension; 4) an acknowledgement that the city in granting said petition engages to supply only such water to petitioner which from time to time the city council deems beyond the requirements of water users within the city limits; and 5) an acknowledgement that such extension shall be the property of and subject to the control of the city.
- C. Cost Of Extensions To Be Furnished By Water Superintendent: Upon receipt of such petition and map and before the petition is granted, the city council shall determine what portion, if any, of the extension the city shall construct, and shall obtain from the water superintendent a certified statement showing the whole cost and expense of making such extensions. Such costs and expenses shall include administrative and supervisory expenditures of the water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. (Ord., 10-7-1980)
- D. Performance Bond Deposited With City Treasurer: If the city council shall grant said petition, before any work shall be done on such extension and within thirty (30) days, or such other time as the city council shall indicate, after the granting thereof, a performance guarantee bond in the amount of one hundred fifty percent (150%) of the cost and expense of making such extension as certified by the water superintendent shall be deposited with the city treasurer.
- E. Rates And Connection Fees: The basic water rates shall be two (2) times the basic monthly rate as provided for users of water who are residents of the city. The extra gallonage charge shall be the same as rates charged residents of the city. (Ord., 10-7-1980; amd. 2006 Code)

8-1-14: **LIMIT DURING SHORTAGE:** The city council shall by resolution, regulate, restrict or limit the use of water during water shortage periods and shall have the power to take all necessary means and make any necessary regulations as circumstances may require to protect the users of the city water. (Ord., 10-7-1980)

8-1-15: **ACCESS BY CITY:** The water superintendent 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 and ascertaining the amount of water used and the manner of its use. (Ord., 10-7-1980)

8-1-16: **NONLIABILITY FOR DAMAGES:** 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 the waterworks, or mains, alterations, additions or repairs, or from any other unavoidable cause. (Ord., 10-7-1980)

8-1-17: **TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED:** It shall be unlawful for any person, after the water has been turned off from his premises for either nonpayment of water or sewer charges as provided in subsection 8-1-3E of this chapter, or for a violation of the rules and regulations pertaining to the water or sewer departments, to turn on or allow the water to be turned on, or use or allow the water to be used without authority. If the water is turned off for violation of the rules and regulations or for nonpayment of rates, such violator shall be assessed and pay a fee in such amount as established by resolution as expenses and penalty for shutting off the service before the water is turned on again as provided in subsection 8-1-3E of this chapter. In addition to said payment, the violator may also be required to make a new application and a cash deposit as guarantee as provided in section 8-1-2 of this chapter, at the discretion of the city treasurer. (Ord., 10-7-1980; amd. 2006 Code)

8-1-18: **PENALTY:** Any person violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord., 10-7-1980; amd. 2006 Code)