

MILLVILLE CITY CODE
TITLE 13 - PUBLIC SERVICES
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13.04.010: WATER DEPARTMENT AND SYSTEM

The water department of the municipality is created. It shall administer the operation and maintenance of the water system of the municipality. (Prior code § 14-110)

13.04.020: SUPERINTENDENT

There is created the position of superintendent of the water department. (Prior code § 14-111)

13.04.030: DUTIES OF THE SUPERINTENDENT

The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his or her powers and duties and directing the manner and frequency with which he or she 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. (Prior code § 14-112)

13.04.040: 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:

UTAH
APPLICATION FOR WATER CONNECTION
TO THE MUNICIPALITY OF

I hereby apply to the municipality of for permission to connect my premises at with the municipality of 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 installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.

(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 purpose for which the water connection will be used is
6. The municipality shall have free access to the lines and meters installed under this agreement and, at reasonable times, through my property if necessary.

Dated this day of 20__

(Applicant)

(Prior code § 14-113)

13.04.050: 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.

(Prior code § 14-114)

13.04.060: APPLICATION FOR WATER SERVICE

Any person who desires or is required to secure water service when such service is available from 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:

UTAH
APPLICATION FOR WATER SERVICE
TO THE MUNICIPALITY OF UTAH

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

1. To pay charges for such water service as are fixed from time to 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 at its election, pursuant to a number of days to be set by resolution 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 thereunder is eliminated.

3. To be bound 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 an amount to be set by resolution 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 bills due for prior service and that the right of the municipality to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On 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 deposit 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 20__

(Applicant)

(Prior code § 14-115)

13.04.070: NONOWNER APPLICANTS; 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 or premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules regulations or resolutions enacted by the municipality.

Dated this day of 20__

(Owner)

(Prior code § 14-116)

13.04.080: 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 municipal water system shall be fixed from time from time to time by resolution enacted by the governing body. The governing body 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. (Prior code § 14-117)

13.04.085: ENTERPRISE FUND FOR WATER AND SEWER

- A. Expansion Of Water Department: The water department of Millville City is expanded to include a sewer system in addition to the existing water system. The revenues produced from the operation of the water system and the sewer system shall be treated as one enterprise fund.

- B. Rates And Charges: Rates and charges for the water system and the sewer system shall be set forth in a single rate schedule which shall apply to all water users whether or not such water users are connected to a sewer system. The rate schedule shall be fixed and may be amended from time to time by resolution of the city council, but presently an additional surcharge established at two dollars (\$2.00) per month beginning July 1, 2001, will be added to the regular culinary water charge for purchasing capacity in the jointly owned sewer facilities.

- C. Debt Service: The city intends to issue revenue bonds to finance the purchase of a joint ownership in certain components of Nibley's municipal sewage collection system as described in the intercity sewage system improvements cost sharing agreement between Millville City and Nibley City on August 3, 2000. (Ord. 2001-1, 2001)

13.04.090: SPECIAL RATES

The governing body 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. (Prior code § 14-118)

13.04.100: BOARD OF EQUALIZATION, RATES, AND REBATES

The governing body is 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. (Prior code § 14-119)

13.04.110: USE WITHOUT PAYMENT PROHIBITED

It is unlawful for any person by himself or herself, family, servants, or agents to utilize the municipal water or sewer system without paying therefor, 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 is unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system. (Prior code § 14-120)

13.04.120: DELINQUENCY; DISCONTINUANCE OF SERVICE

- A. The water supervisor or designated appointee shall furnish to each user, or mail to, or leave at his or her place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him or her once each month or at such other regular interval as the governing body 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 thirty (30) days of the due date, the water supervisor or designated appointee 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 (5) days from the date of notice. The notice of intent to discontinue the service shall include the procedure to avoid disconnection. (Ord. 2000-11 § 1)

13.04.130: TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED

It is 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 recorder. (Prior code § 14-122)

13.04.140: SEPARATE CONNECTIONS

(Rep. by Ord. 2002-6 § 1, 2002)

13.04.150: UNAUTHORIZED USERS

It is 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 or her premises or water facilities, either outside or inside his or her premises. (Prior code § 14-124)

13.04.160: 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 (3) months. Continued use thereafter shall be deemed unauthorized and violative of the provisions of this chapter relating to separate connections and unauthorized use. (Prior code § 14-125)

13.04.170: 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. (Prior code § 14-126)

13.04.180: 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 governing body 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. 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 therefor from the recorder.
- 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 or her. (Prior code § 14-127)

13.04.190: FAULTY EQUIPMENT

It is 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 or she has applied, or to use water in violation of the rules and regulations for controlling the water supply. (Prior code § 14-128)

13.04.200: SPRINKLING VEHICLES

Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department. (Prior code § 14-129)

13.04.210: DEPARTMENT TO HAVE ACCESS

The water superintendent and his or her agents shall at all ordinary hours have access with permission 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. (Prior code § 14-130)

13.04.220: NONLIABILITY 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. (Prior code § 14-131)

13.04.230: WATER NOT SUPPLIED FOR MOTORS, SYPHONS, 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 governing body. (Prior code § 14-132)

13.04.240: SPRINKLERS

- A. It is unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the governing body materially affect the pressure or supply of water in the municipal water system or any part thereof, and the governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. The governing body 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 chapter. (Prior code § 14-133)

13.04.250: SCARCITY OF WATER

In time of scarcity of water, whenever it shall in the judgment of the mayor and the governing body be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It is unlawful for any person, his or her family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this chapter. (Prior code § 14-134)

13.04.260: 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 to do so after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the governing body.
- B. The governing body 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 or her water connection at least five (5) days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him or her 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 or her reasons why his or her water service should not be discontinued.
- D. After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him or her of the decision and of the period during which the service will remain discontinued. (Prior code § 14-135)

13.04.270: WATER METERS

- A. Except as otherwise expressly permitted by this chapter, 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 governing body 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 governing body after due notice in writing to the parties involved.

- D. The superintendent shall cause meter readings to be taken regularly and shall advise the recorder 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 municipality unless special permission is given by the municipality through its representatives to the customer to do so.
- F. If a customer submits a written request to the superintendent to test his or her water meter, the municipality 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 (12) 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 ninety seven percent (97%) to one hundred three percent (103%) of accuracy under methods of testing satisfactory to the governing body, 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 ninety seven percent (97%) or more than one hundred three percent (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 neglect 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 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. (Prior code § 14-136)

13.04.280: PERMITS FOR INSTALLATION

It is 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 recorder or from the water superintendent. (Prior code § 14-137)

13.04.290: 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 municipal water system must be made in writing by a licensed plumber, his or her 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 watermain;
2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality.

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 governing body shall from time to time determine by resolution. (Prior code § 14-138)

13.04.300: MOVING OR REPLACEMENT OF WATER LINES

In the event that the municipality in its sole discretion determines that any water line of the municipality must be moved or replaced, the municipality shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his or her property line shall be borne by the customer. (Prior code § 14-139)

13.04.310: WHEN PERMITS SHALL NOT BE ISSUED

Permission to connect with the municipal 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 municipality. (Prior code § 14-140)

13.04.320: DISCONTINUANCE OF SERVICE

Any customer desiring to discontinue service shall notify the municipality in writing of such fact at least ten (10) 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. (Prior code § 14-141)

13.04.330: FIRE HYDRANTS

Water for fire hydrants will be furnished free of charge by the municipality. Installation and repairs on such hydrants shall be at the expense of the municipality and shall be made under the direction of the municipality. All customers shall grant the municipality, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the municipality concludes that hydrants shall be so installed for the protection of the residents of the municipality. (Prior code § 14-142)

13.04.340: 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 governing body 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 governing body may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the municipality. (Prior code § 14-143)

13.04.350: COST OF EXTENSIONS DETERMINED

Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension. (Prior code § 14-144)

13.04.360: AMOUNT OF COST TO BE DEPOSITED WITH RECORDER

If the governing body grants the petition, the amount of the cost of making the extension, as certified by the superintendent, shall be deposited with the recorder before any work shall be done on such extension. The deposit shall be made within thirty (30) days, or such other time as the governing body shall indicate, after the granting thereof. (Prior code § 14-145)

13.04.370: RETURN OF ANY MONEY; FORFEITURE

- A. At the time the governing body 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 or her 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 (5) years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund. (Prior code § 14-146)

13.04.380: OWNERSHIP OF EXTENSION

Any such extension shall be deemed the property of the municipality. (Prior code § 14-147)

13.04.390: SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE MUNICIPAL LIMITS

The municipality may furnish water service from its water system to persons outside the municipality in accordance with the provisions of this chapter. (Prior code § 14-151)

13.04.400: PETITION FOR SERVICE

Any person located outside the municipal limits who desires to be supplied with water services from the municipal water system and is willing to pay in advance the whole expense of extending the water system to his or her property, including the cost of extending any water main beyond its present location, may make application to the governing body by petition containing:

- A. A description of the proposed extension;
- B. A map showing the location thereof;
- C. An offer to pay the whole expense incurred by the municipality in providing such extension and to advance such expense as shall be verified by the water superintendent. The governing body and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded;
- D. An acknowledgement that the municipality in granting the petition need supply only such water to the petitioner which from time to time the governing body deems beyond the requirements of water users within the municipal limits, and that such extension shall be the property of and subject to the control of the municipality. (Prior code § 14-152)

13.04.410: EXTENSIONS MAY BE MASTER METERED

When an extension supplying more than one house or user outside the municipal limits is connected to municipal 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 municipal 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 the meter at the applicable water rates. (Prior code § 14-153)

13.04.420: COST OF EXTENSIONS TO BE DETERMINED BY WATER SUPERINTENDENT

Upon receipt of such petition and map and before the petition is granted, the governing body shall determine what portion, if any, of the extension of the municipal water mains to the municipal limits the municipality shall construct, and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the municipal water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. (Prior code § 14-154)