

# Chapter 1

## WATER USE AND SERVICE

### 8-1-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meanings herein described:

**APPROVED BACKFLOW ASSEMBLY:** Accepted by the Utah department of health, bureau of general sanitation, as meeting an applicable specification or as suitable for the proposed use.

**AUXILIARY WATER SUPPLY:** Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

**BACK PRESSURE:** The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source.

**BACK SIPHONAGE:** The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

**BACKFLOW:** The reversal of the normal flow of water caused by either back pressure or back siphonage.

**BACKFLOW PREVENTION ASSEMBLY:** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the plumbing code, and the cross connection control program for Utah. All backflow prevention assemblies must be approved by the Utah department of health, bureau of general sanitation, prior to installation. A listing of these approved backflow prevention assemblies may be found in the cross connection control program for Utah.

**CITY:** The governing body of the city of Green River, as in the mayor and council members.

**CONNECTION:** A connection to the water system that includes a meter box.

**CONTAMINATION:** An impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of

disease.

**CROSS CONNECTION:** Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four (4) way plug valves, spools, dummy sections of pipe, swivel or change over devices or sliding multi-port tubes.

**CROSS CONNECTION, CONTAINMENT:** The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

**CROSS CONNECTION, CONTROLLED:** A connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**LONG TERM DEBT SERVICE:** The principal and interest cost of loans.

**O&M:** Operation and maintenance. Cost of O&M is the cost required to operate and maintain the water system.

**RECONNECT FEE:** That fee required to turn on water service after it has been turned off for nonpayment of charges.

**REPLACEMENT RESERVES:** Refers to that amount calculated to replace existing water system infrastructure within a given time period.

**SERVICE LATERAL:** That part of the water service system from the city connection to the property owner's building or service outlet.

**WATER DEPARTMENT:** A department created by the city to manage, operate, maintain and repair the water system.

**WATER SYSTEM:** The city owned system that carries potable water to residences, commercial buildings, industrial plants and other institutions.

**WATER SUPERINTENDENT:** A person appointed by the mayor with the consent of the city council who is responsible for the supervision and management of the water system. (1995 Code § 91-1-1)

## **8-1-2: GENERAL AND ADMINISTRATIVE PROVISIONS:**

- A. **Ownership Of Water System:** The water system, including all facilities for the treatment and distribution of culinary water, is the property of the city and shall be under its exclusive control and jurisdiction. The city council may, from time to time, authorize and direct the making of needed additions, improvements, alterations and repairs to said system and, to this end, may contract with other public or private agencies to perform necessary work to said system. (1995 Code § 91-2-1)
- B. **Water Department Established:** There is hereby created a water department, which shall have responsibility for administration and operation of the city water system. (1995 Code § 91-2-2)
- C. **Superintendent; Appointment, Powers And Duties:** There is hereby created the position of water superintendent. Said position shall be filled by appointment of the mayor with the advice and consent of the city council, and the individual so appointed serves at the pleasure of the city council. The superintendent shall manage and supervise the activities of the water system under the direction of the city council. The city council, from time to time, may, by resolution or otherwise, more fully prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the system. The city council may delegate all or part of the responsibility for performing the duties of the superintendent and for providing services required in the operation of the water department. (1995 Code § 91-2-3)
- D. **Service Outside Corporate Limits:**
1. The city water system is intended for the use of the inhabitants of the city and, therefore, water service is intended and provided only for residents of the city. Subject to the limitations and conditions provided below, water service shall not be provided to properties which are not within the municipal boundaries of the city.
  2. Incidental and limited single-family residential water service has been extended without authorization from the city in the past to single-family residential properties and livestock maintained in connection with the occupants of single-family residential homes. Single-family residential service and related livestock watering occurring immediately adjacent to, but beyond the municipal boundaries of the city, may be continued but in no event, shall such service be extended to additional uses or expanded beyond the use on the effective date hereof.

3. It shall be unlawful to connect to, or extend the city water system or extend residential service to properties other than the intended service properties approved in writing by the city. (Ord. 06-11-02, 6-11-2002)

E. Opening And Closing Of Valves Prohibited: It shall be unlawful for any person to open or close any water or meter box valve unless duly authorized by the city council or designated representative. (1995 Code § 91-2-5)

### **8-1-3: WATER SYSTEM OPERATIONS:**

A. Meters Required: Each structure, dwelling unit and other establishments using water from the city water system shall be connected to said system through a water meter. Each service connection shall have an additional stop or stop waste valve for user control. A connection will be assigned to a specific address when issued and may be transferred only with consent of the city. (1995 Code § 91-3-1)

B. Application And Permit Required: It shall be unlawful for any person, member of his family or agent, to obtain water from the city system without first submitting an application for and receiving a permit to do so, as provided for in this chapter. Any person desiring, or who is required, to secure water service shall apply in writing to the city recorder on a form furnished by the city as hereinafter set out. A connection shall be granted only upon payment of all water connection fees, the issuance of a building permit, and a determination by the city council that water for the connection is presently available at the address at which the water is to be delivered. In addition, all ordinances and regulations must be complied with before the connection may be granted. (1995 Code § 91-3-2)

C. Fees For Connection: The connection fees shall be paid by each person, firm or entity connecting to the city water system prior to connection to the system shall be as established by resolution of the city council. (1995 Code § 91-3-3; amd. 2003 Code)

D. Application For Connection: The application to connect to the city water system shall be in such form as is on file in the city office. (1995 Code § 91-3-4; amd. 2003 Code)

E. Waiting List Of Applicants: In the event there are more applicants for water connections than there are available connections, the city shall maintain a list of applicants waiting for a connection. When a connection becomes available, the city shall attempt to contact the

person whose name is at the top of the list and ascertain whether that person wishes to purchase the connection. If the person does not wish to do so, his name will remain in place on the list, and the process will be repeated until someone purchases the available connection. It shall be sufficient that the city mailed notice of the availability of a connection to the address given on the list. The person shall have ten (10) days from the time the notice is mailed to notify the city that he wishes to purchase the connection. (1995 Code § 91-3-5)

- F. Priorities Granted: The city may grant priority according to use independent of the waiting list, and the commitment of many connections to a single person or entity is discouraged. General priority of uses at the discretion of the city may be commercial, industrial, single-family dwellings or multi-family dwellings. (1995 Code § 91-3-6)
- G. Deadline For Installation: When a connection is approved, the applicant shall have two (2) months following the approval to have the meter installed; provided, that reasonable extensions for cause may be granted in the discretion of the city. In the event the connection is not utilized, the applicant shall forfeit all applicable fees. (1995 Code § 91-3-7)
- H. Deposit Required: A deposit equal to two (2) months of water bill can be assessed before water and sewer service can be instated. (1995 Code § 91-3-8; amd. 2003 Code)
- I. Turn On And Turn Off Requests: Each person requiring water to be turned on or turned off at the meter will contact the city office and complete the form provided therefor, giving date of requested service, name and address, and meter address. (1995 Code § 91-3-9)
- J. Abandoned Connections: Each site of water use where the improvements served by the water system have been demolished or which have been out of use in excess of one year shall be deemed to have been abandoned for the purpose of continuing active water service by the city. Upon the recommendation of the water superintendent, the city will notify the property owner by certified mail at the last known property tax address that the connection has been determined to be abandoned. (1995 Code § 91-3-10)
- K. Maintenance Fee: Should a property owner desire to keep a water connection on his property after it has been determined to be abandoned, he will be required to pay a fee in such amount as established by resolution of the city council. (1995 Code § 91-3-11; amd. 2003 Code)

- L. Reinstatement Of Service: Service may be reinstated to any previously abandoned site upon approved application and payment of the current established connection fees in accordance with this chapter. (1995 Code § 91-3-12)
- M. Abandonment Notice; Contents: The notice of abandonment will contain language that informs the owner of the following:
1. The date of notification, reasons given for the determination of abandonment, time allowed for reply.
  2. Language to indicate his choice of whether to have the connection removed or to pay the monthly maintenance fee.
  3. Notification that, should he decide to abandon the connection, a new application and connection fee will be required. (1995 Code § 91-3-13)

#### **8-1-4: ANNUAL REVIEW OF COSTS, SETTING OF RATES:**

- A. Annual Review: The city shall review the total annual cost of operation and maintenance, long term debt service and replacement reserves relating to the water system, as well as each user's water use percentage, not less often than every year, and will revise the user rate as necessary to assure equity of the system established herein and to assure that sufficient funds are obtained from the city user charge system to adequately operate and maintain the water system, cover all debt service, and maintain an adequate replacement reserve. The city will apply all excess revenues collected from a previous year to the costs of operation and maintenance for the next year, and adjust the user rate accordingly. Annual water rates will be proposed and heard at the budget hearings prior to each fiscal year. (1995 Code § 91-4-1)
- B. Addendum Used To Calculate Rates: The addendum attached to the ordinance codified herein and on file in the city office, entitled "city of Green River, Utah - calculation of user rates - water user charge system", shall be used for calculation of rates, fees and charges for connection, use and access to the system. The addendum is adopted and made part of the ordinance codified herein. (1995 Code § 91-4-2; amd. 2003 Code)
- C. Billing Procedure: The city shall mail to the address given on the service request, a written or printed statement showing thereon the amount of water service charge assessed against him once each month or such other regular interval as the city council shall

direct. Said statement shall specify the amount of the bill for the water service and other services and the place of payment and date due. (1995 Code § 91-4-3)

D. Failure To Pay:

1. Water users are required to pay the balance due stated on the water bill sent from the city within thirty (30) days after the water bill is mailed from the city. Water accounts that are not paid in full within thirty (30) days after the water bill is mailed from the city are delinquent accounts and the service address is subject to termination of service.
2. The city will send a notice to all delinquent accounts describing the service address, the amount which is delinquent and a final payment due date. The notice from the city shall specify that if payment is not made by the final payment due date, service will be discontinued without further notice.
3. If water service is discontinued because the responsible party has not paid the water bill, service shall not be restored until a security deposit has been received to the city in an amount equal to the amount of the average monthly utility bill for the prior twelve (12) months multiplied by two (2). Security deposits retained by the city are intended to provide collateral for payment to the city. In the event the responsible party does not pay for water service after the date the security deposit is received, the city may apply any security deposit held by the city to pay the delinquent water bill for the responsible party. If the security deposit held by the city as collateral for payment of services is applied to a bill which is delinquent, the responsible party shall replace the security deposit which has been applied to pay the bill. If the security deposit required by the city is not paid at the date required by the city in the notice to the responsible party, service shall be terminated after five (5) days written notice to the responsible party. (Ord. 06-11-02, 6-11-2002)

E. Reconnection After Shut Off For Nonpayment: Before water service to premises which have been shut off for nonpayment shall again be provided, all charges and delinquency fees shall be paid, together with a reconnect fee in such amount as established by resolution of the city council and (the former deposit having been applied to the delinquent bill) a new deposit as required in subsection 8-1-3H of this chapter. (1995 Code § 91-4-5; amd. 2003 Code)

F. Authorization To Enforce Payment: The city is authorized and empowered to enforce the payment of all delinquent water service charges by an action at law in the corporate name of the city. (1995 Code § 91-4-6)

G. Turning On Water After Being Turned Off Prohibited: It is unlawful for any person, after the water has been turned off from his premises for nonpayment of charges or other

violation of the rules and regulations pertaining to the water supply, to turn on, or allow the water to be turned on or used without authority. (1995 Code § 91-4-7)

## **8-1-5: USE OF WATER:**

- A. Waste Prohibited: It shall be unlawful for any water user to waste water or to allow water to be wasted by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or water 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 water in violation of the rules, regulations or ordinances for controlling the water supply. (1995 Code § 91-5-1)
- B. Termination Of Service: If, in the judgment of the city council, 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 said wastefulness has been given, they may thereupon terminate the right of said individual to use culinary water. (1995 Code § 91-5-2)
- C. Scarcity Of Water: In time of scarcity of water, whenever in the judgment of the city council it shall be necessary, the mayor shall, by proclamation, limit the use of water for other than domestic purposes to such extent as may be necessary for public good. It shall be unlawful for any person by himself, his family, or agents, to violate any proclamation made by the mayor in pursuance of this chapter. (1995 Code § 91-5-3)
- D. Nonliability For Damages: The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or as the result of maintenance and extension operations, or from any unavoidable cause, unless the city is found to be grossly negligent. (1995 Code § 91-5-4)
- E. Unauthorized Users: It is unlawful for any water service user to permit any person from other premises or any person other than those authorized by the city to use or obtain water services from their premises. (1995 Code § 91-5-5)
- F. Fire Hydrants: All public hydrants shall be under the control of, and shall be kept in repair by, the city; and, in case of fire, the fire department shall have free access to said hydrants. It shall be unlawful for any person to obstruct the approach to a fire hydrant or



to open or operate a fire hydrant or attempt to draw water therefrom without first obtaining permission from the city council or fire department. (1995 Code § 91-5-6)

## **8-1-6: CROSS CONNECTIONS:**

- A. Protection Required: No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws, regulations, codes and this chapter. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this chapter for control of backflow and cross connections is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected. (1995 Code § 91-6-1)
- B. Inspections Authorized: The water user's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violation of this chapter, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the state statutes and city ordinances relating to plumbing, water supplies and the regulations adopted thereto. (1995 Code § 91-6-2)
- C. Backflow Devices Installed: An approved backflow prevention assembly shall be installed on each service line at the water user's expense to a water user's system at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line, whenever the city deems the protection of the water supply to be in the best interest of the water supply customers. (1995 Code § 91-6-3)
- D. Type Defined By Degree Of Hazard: The type of protective assembly required under this section shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect) as stipulated in the plumbing code. (1995 Code § 91-6-4)
- E. Current Installations Excluded: All presently installed backflow prevention assemblies which do not meet the requirements of this section, but were approved assemblies for the purposes described herein at the time of installation, and which have been properly

maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the city is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location, or requires more than minimum maintenance, or when the city finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this chapter. (1995 Code § 91-6-5)

- F. Responsibility For Inspections: It shall be the duty and responsibility of the water user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the water user's expense. In those instances where the city deems the hazard to be great, the city may require certified inspections and tests at more frequent intervals. These inspections and tests shall be performed by a certified backflow assembly technician, licensed through the state department of health. It shall be the duty of the city to see that these tests are made according to the standards set forth by the state department of health, bureau of public water supplies. Annual testing will be completed prior to September 1 of each year. (1995 Code § 91-6-6)
- G. Installation Of Backflow Devices: Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the plumbing code. All backflow prevention assemblies shall be readily accessible for inspection and testing. No backflow prevention assembly shall be installed so as to create a safety hazard, i.e., installed over an electrical panel, steam pipes, boilers, pits or above ceiling level. All hose bibs that have threads to accept a garden hose must have an approved hose bib vacuum breaker. (1995 Code § 91-6-7; amd. 2003 Code)
- H. Maintenance Of Backflow Devices: All backflow prevention assemblies installed in the city water system for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. The state department of health, bureau of public water supplies, and the city may inspect such assemblies and, if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated or another assembly substituted, without the approval of the city. (1995 Code § 91-6-8)
- I. Testing Of Backflow Devices: All backflow prevention assemblies shall be tested within ten (10) working days of installation. (1995 Code § 91-6-9)

- J. **Backflow Devices Mandatory:** In order to protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within the water user's internal distribution system or the water user's private water system such contaminants or pollutants which could backflow into the public water systems, and to promote the elimination or control of existing cross connections, actual or potential, between the water user's in plant potable water system, and nonpotable water system, plumbing fixtures and industrial piping system, it shall be mandatory that all water users install backflow prevention devices in accordance with the currently adopted plumbing code. All sprinkling systems connected to the city potable water system shall have backflow protection. (1995 Code § 91-6-10; amd. 2003 Code)
- K. **Water Superintendent Responsible For Protection:** The water superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said water superintendent, an approved backflow prevention assembly is required (at the water user's water service connection, or within the water user's private water system) for the safety of the water system, the water superintendent or his designated agent shall give notice in writing to said water user to install such an approved backflow prevention assembly at specific locations on his premises. The water user shall immediately install such approved assembly at the water user's own expense, and failure, refusal or inability on the part of the water user to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (1995 Code § 91-6-11)
- L. **Responsibility Of Building Official:** The building official has the responsibility, not only to review building plans and inspect plumbing as it is installed, but it also has the explicit responsibility of preventing cross connections from being designed and built into the structures within its jurisdiction. Where the review of building plans suggests or detects the potential for a cross connection being made an integral part of the plumbing system, the building official has the responsibility to require such cross connections be either eliminated, or provided with an approved backflow prevention assembly in accordance with the plumbing code. The building official's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of water user's water system. The building official should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such a cross connection is discovered, it will be mandatory that a suitable, approved backflow prevention assembly be required by the plans and be properly installed, in accordance with the plumbing code. (1995 Code § 91-6-12; amd. 2003 Code)

M. Certified Backflow Assembly Technician: When employed by the water user or the city to test, repair, overhaul and/or maintain backflow prevention assemblies, a backflow assembly technician will have the following responsibilities:

1. Be responsible for ensuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
2. Make reports of such testing and/or repair to the water user, the city, and the bureau of public water supplies on forms approved for such by the bureau of public water supplies.
3. The report shall include the list of materials or replacement parts used.
4. It is the technician's responsibility to ensure replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
5. It will be the technician's responsibility not to change the design, material or operational characteristics of the assembly during repair or maintenance.
6. A certified technician shall perform the work tests and be responsible for the competence and accuracy of all tests and reports.
7. It will be the technician's responsibility to ensure his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
8. Failure to report a failing assembly to the bureau of public water supplies and the city within five (5) working days, may be grounds for revocation of the technician's certification.
9. The technician shall be equipped with, and be competent to use, all necessary tools, gauges and other equipment necessary to properly test, repair and maintain backflow prevention assemblies.
10. The certified technician must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.
11. In the case of a water user requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the water user, the city and the bureau of public water supplies. If such a commercially tested assembly is in need of repair, a licensed plumber shall make the actual repair. (1995 Code § 91-6-13; amd. 2003 Code)

## **8-1-7: INSTALLATION AND MAINTENANCE OF SERVICE LATERALS:**

A. Separate Connection Required For Each Premises: A separate and independent service lateral shall be provided for each premises, except that one meter may service

multi-family dwellings, condominiums and trailer courts. However, in such event, the fees, monthly rates and all other assessments shall be treated as though each unit were a separate premises. (1995 Code § 91-7-1)

- B. Installation Of Laterals: All water service laterals to the property line of premises, including water meter and meter setter, are to be installed by the city or under the direction thereof, and the cost of installation shall be borne by the applicant. Said cost shall be covered by the connection fee unless such fee is insufficient to fully reimburse the city for its expenses, in which event such installation shall be done on a cost basis. (1995 Code § 91-7-2)
- C. Ownership Of Service Lateral; Maintenance Responsibility: All water service lines lying between the meter box and the connection with the main line, including the meter box and meter setter, shall be owned and maintained by the city. Maintenance of service laterals lying between the meter box and the owner's building or other tap shall be the responsibility of the propertyowner, and have a water user owned control valve to control flow for repairs. (1995 Code § 91-7-3)
- D. New Subdivisions: Water service laterals shall be installed from the main line to the outer edge of the lot as part of the required improvements for a subdivision. Water service laterals shall include the installation of the meter box and meter setter. (1995 Code § 91-7-4)
- E. Installations According To Standards: All materials and construction used in connection with the installation of water service laterals or the extension of the city water system shall be in accordance with city standards. Appropriate easements shall be executed in favor of the city. (1995 Code § 91-7-5)

## **8-1-8: EXTENSIONS TO WATER SYSTEM:**

- A. Application For Extension: Any person desiring to extend water mains within the city may make application to the city. Said application shall contain a description of the proposed extension, accompanied by a map showing the location thereof. The city council may grant or deny the application as in its discretion deems best for the welfare of the existing water users in the city. (1995 Code § 91-8-1)

- B. Planning Commission Review: Before acting on an application for extension to the system, the city council shall refer the application to the planning commission for its review and recommendation. (1995 Code § 91-8-2)
- C. Detailed Plans Submitted: Upon receiving preliminary approval from the city council, the applicant shall submit to the city detailed engineering plans showing the location and size of all mains, service laterals, fire hydrants and any other facilities to be included as part of the extension. The applicant shall also submit to the city council documentation, acceptable to the city council, agreeing to construct all required off site or oversize facilities as shown on the plans and accept the conditions relating to reimbursement. Said plans shall be submitted to the water superintendent for review. (1995 Code § 91-8-3)
- D. Conformance With Standards: The design, location, materials and standards of construction shall be in accordance with city standards as approved by the city. The design and sizing of all extensions shall be based upon considerations of adequacy to meet both present and future requirements for domestic water supply, fire protection and sanitation within the city. (1995 Code § 91-8-4)
- E. Connection To Existing Mains: The requested water main extension shall be connected to an adequate existing main as determined by the city and shall extend the full width of the property to be provided with such service. (1995 Code § 91-8-5)
- F. Oversized And Off Site: The city may require the construction of off site and/or oversized lines and facilities as condition of approval of the extension. (1995 Code § 91-8-6)
- G. City Council Action Upon Application: Upon receipt of documents and the report of the water superintendent, the city council shall consider the question of authorizing construction of the extension, and, upon a motion properly presented, shall act to approve or deny the extension. (1995 Code § 91-8-7)
- H. Applicant To Construct Improvements: All costs in connection with approval and construction shall be borne by the applicant, except that off site or oversized lines or facilities constructed by the applicant shall be eligible for reimbursement as hereinafter provided. (1995 Code § 91-8-8)

- I. Reimbursement Of Off Site Lines: All applicants shall be eligible for reimbursement for that portion of the cost incurred in making the extension which benefits properties fronting on the extension other than those owned by the applicant. The amount of eligible reimbursement and the method of payment shall be as follows:
1. Upon completion of an extension, the water superintendent shall make a determination of the per frontage foot cost for such extension. Thereafter, the city will enter a deferred credit on their books for the water department in an amount equal to the cost of the extension less the prorated amount represented by the length of the frontage of the property owned by the applicant and any existing public street. Thereafter, the applicant or his successor or assigns will be reimbursed by the city upon collection for fees assessed against the benefitted properties as service connections are made. The period of reimbursement shall extend for a period of five (5) years from the date of completion of the extension or until the initial prorated costs of the extension along the frontage not owned by the applicant shall have been refunded, whichever is shorter.
  2. A water main extension fee for each and every subsequent service connection to an extension installed under the provisions of this subsection shall be paid before such service connection is made, except for frontage owned by the applicant or for which a water connection fee has already been paid. The water main extension fee is separate and is in addition to any other charges required by the city.
  3. The amount of the extension fee to be paid by the benefitted property shall be determined by multiplying the number of linear feet of frontage in the lot or parcel for which service connection is requested by one-half ( $\frac{1}{2}$ ) the average cost per linear foot of said extension.
  4. All extension fees levied for purposes of reimbursement of off site utilities shall be determined using the actual costs for installing water mains of six inches (6") in diameter. (1995 Code§ 91-8-9)
- J. Oversized Lines And Facilities: Where the city council determines that the future development within an area requires the construction of a water main or other facility which is larger than required to serve an immediate development, the city may require the construction of such oversized line or facility as a condition of approval of the extension. The applicant shall be eligible for reimbursement for that portion of the cost incurred in the construction of the oversized line or facility which benefits properties other than those owned by the applicant. The amount of reimbursement and the method of payment shall be as follows:
1. The city council shall first make a determination of either the total area or number of potential connections which are to be benefitted by the oversized facility. Thereafter, the city shall enter a deferred credit on their books for the water department in an amount equal to the actual cost of constructing that portion of the oversized line or facility which is in excess of the cost of the standard line or facility, less a prorated share of the cost of the oversized facility in an amount equal to the proportion of the territory

or number of potential connections (as applicable) within the defined service area which is owned by the applicant. Thereafter, the applicant or his successors or assigns will be reimbursed by the city upon collection of fees assessed against the benefitted properties as service connections are made thereto. The period for which the applicant shall remain eligible shall be as determined on a case by case basis by the city.

2. A facility reimbursement fee will be charged to each and every subsequent service connection located within the designated service area. Said fee shall be paid before any water service connection is made, except that no fee shall be required for development occurring on land owned by the applicant. The fee required under this provision shall be in addition to all other charges levied by the city.
3. The amount to be levied shall be a proportionate share of the cost of said oversized line or facility as determined by the city in accordance with the criteria established at the time of approval of the facility. (1995 Code § 91-8-10)

K. Correlation With Subdivision Regulations: Where the request for extension is being submitted conjointly with a request for approval of a subdivision, large scale development or similar development, the two (2) shall be considered together, and separate application for extension will not be required. (1995 Code § 91-8-11)

### **8-1-9: HEARING BOARD:**

A hearing board shall be appointed as needed for arbitration of differences between the city and water users on matters concerning interpretation and execution of the provisions of this chapter. The board members shall be appointed by the mayor, with the advice and consent of the city council, and shall consist of three (3) members, one of which shall be representative of a local commercial enterprise, one a residential user and one council member. The board shall meet as required to arbitrate or decide any differences brought before the city council. As the board deems necessary, and upon concurrence by the city, a qualified attorney may be consulted by the board as to a specific case. (1995 Code § 91-9-1; amd. 2003 Code)

### **8-1-10: ENFORCEMENT AND PENALTY:**

A. Misdemeanor Violation: Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (1995 Code § 91-10-1; amd. 2003 Code)



- B. Additional Enforcement; Authority To Terminate Service: In addition to any such penalty, the city council may, as a means of collecting delinquent charges and enforcing the provisions of this chapter or any rules and regulations adopted pursuant thereto, terminate culinary water service to any user; provided, that if said city council elects to consider the question of termination, it shall give written notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the city council at which said termination of water service is to be considered. Said notice shall inform him of the time and place of the meeting and of the charges which led to the consideration of said termination. (1995 Code § 91-10-2)
- C. Hearing: A water user whose privilege to utilize city water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be disconnected in accordance with section 8-1-9 of this chapter. (1995 Code § 91-10-3)
- D. Notification Of Determination: After due hearing, the hearing board shall arrive at a determination, and shall notify the water user of said decision and of the period during which said water service will remain discontinued. (1995 Code § 91-10-4; amd. 2003 Code)