

Chapter 2.02 Daniel Municipal Water Culinary System

2.02.01 System created

Daniel Municipal water department and system is hereby created. It shall administer the operations and maintenance of the water systems for culinary use.

2.02.02 Duties of the Manager

The position of manager is hereby created. The manager shall manage, supervise, operate and maintain the water system pursuant to the provisions of this ordinance and pursuant to other ordinances and resolutions adopted by the Daniel Town Council and rules and laws of the State of Utah, prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Mayor and council relating to the water systems.

All of the functions and activity of the manager shall be carried out under the direction of the Town Council and Mayor.

2.02.03 Application for water connection.

A. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the culinary system, shall file an application with the manager of Daniel Municipal Water for each connection, a written and signed connection application must be completed and all fees paid or arrangements made with the Town Council for fees to be paid, prior to water connection. The Town Council will approve the format of the application and may change the format as it deems necessary.

B. No new water line shall be constructed or engineered until all easements and rights of way have been properly secured and recorded at the Wasatch County Recorder's office. All rights of way, easements, etc. shall meet town ordinances pertaining to roads, sidewalks, property set backs, construction and maintenance policies, or any other related town ordinances. All costs and expenses incurred for surveying, legal descriptions, and recording will be paid by the applicant.

C. 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 agreement with Daniel Municipal Water 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.

2.02.04 Rates and connection fees.

A. The rates, penalty fee for delinquency in payment, connection fee, inspection fee, reconnect fee, and other charges incidental to services from the Daniel Municipal Water culinary water system shall be fixed from time to time either by resolution enacted by the Town Council or by a majority vote of those members of the Council at which a quorum

is present or has waived the notice of holding a meeting and sustaining a motion to fix the rates and entered into the minutes of said meeting at which the vote is taken. The Town Council shall from time to time promulgate rules for levying, billing, guaranteeing, and collecting charges for culinary water service and all other rules necessary for controlling and managing the water system. The rates for service furnished shall be uniform with respect for the class of classes of service established.

B. The Town Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

C. Rates may be established for services outside the corporate boundaries of the Town by the Town Council with the advice of the manager of the water system.

D. The Town 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. The Council may, if they see fit, rebate all or any part of the water bill of any indigent person.

2.02.05 Billing

A. The Town Council or its agent shall send to each user, by mail, e-mail, fax, or leave at his place of business or residency, a statement stating thereon the amount of water service charges assessed against him once each month or at other intervals as the Town Council shall direct.

B. The statement shall specify the amount of the bill for the service, and the due date. If any customer fails to pay his bill and becomes delinquent, a delinquent user will be notified by mail on the first of the month following the nonpayment month that he/she has 15 days to bring the water bill current or face loss of service. This procedure provides a total of 45 days grace period unless prior arrangements are made with and approved by the Daniel Town Council, but bills must be paid in full within the grace period. If the customer fails to pay within 45 days and has not made arrangements with the Town Council, the service will be terminated and a \$50 reconnection fee attached.

C. If the service is discontinued for any reason, then before the service is established again, delinquent charges must have been paid or arrangements made for their payment satisfactory to the Town Council and must be in writing and signed by an agent of the Town and the consumer. In addition to the above, a fee for termination and reestablishing service, shall be assessed to the account and be satisfied with the Town Council or its agent prior to service reconnection.

D. Furthermore in addition to such payments or penalties, a delinquent consumer may be required to file a new application and deposit with the Daniel Municipal Water Culinary System.

2.02.06 Turning on water after it has been shut off prohibited.

It shall be unlawful for any person, after the water has been turned off from the premises, for non payment of water services or other violations of the ordinances, resolutions, and rules pertaining to the water service, to turn on or to allow the water to be turned on or used without authority from the manager or Town Council.

2.02.07 Separate connections.

It shall be unlawful for a person receiving service for a residence to allow more services to a business, or separate detached and independent facility from a same service connection unless permission for the combination uses is granted by the Town Council and shall be in writing and signed by both parties or agents. Failure to comply with this section may warrant a withholding of water service until compliance or payment for water services has been made. The property owner shall be primarily liable to Daniel Municipal Water for all water services utilized on all such premises. Nothing herein shall be deemed to preclude Daniel Municipal or Town Council, at a future time, to require separate pipes or connections to the water system.

The prohibitive uses herein shall not apply in those instances where the joint residential and business are in existence at the time of the adoption hereof. If and when such use is discontinued or there is a change of ownership, or severance of ownership between the residence and business, then the use protection afforded herein shall terminate.

2.02.08 Unauthorized users

It shall be unlawful for any water user to permit any person from other premises or any unauthorized person to use or obtain water service regularly from his water facilities, either outside or inside his premises.

2.02.09 Cross Connections prohibited.

It shall unlawful for any water service user to intentionally or through negligence cause there to be a cross connection of the Daniel Municipal Water system and another source which results in contamination or the risk of contamination of the Town water system. All users shall keep their service pipes in good repair and protected from frost or freezing at their own expense. No person except under the direction of the manager or agent of the Town is allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe. Users that use water for other purposes, other than those applied for, are prohibited from doing so and are in violation of the rules and regulations for controlling water supply.

2.02.10 Sprinkling Vehicles

Sprinkling and construction uses shall be under the direction of the manager or his agents of the water department.

2.02.11 Free access to property

The manager or his agents shall have free access at all ordinary hours to any place serviced with water from the culinary water system, to inspect any apparatus and ascertain the amount and risk, of water service being used and the manner of its use.

2.02.12 Non liability for damages

The Town or its agents shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water 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 government immunity act.

2.02.13 Scarcity of water.

In times of scarcity of water the Mayor, Water Manager or Town Council in their judgment shall issue a proclamation to limit the use of water to such an extent as may be necessary.

It shall be unlawful for any person, his family, servants or guests or agents to violate any proclamation made by the Mayor, Council or Manager in pursuance of this part.

In the event that the use of water need be limited, a notice of such will be mailed, phoned, or door to door contact be made with every customer affected by such a proclamation

2.02.14 Waste of Water

A. Users from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If in the judgment of the manager or any officer of the Town, a user of culinary water engages in practices which result in the needless waste of water and continues to do so after notice to discontinue such use has been given, the manager or Town officer may refer the matter to the Town Council.

B. The Town Council may thereupon consider the termination of water use to said individual. The Town Council shall give at least 5 days notice of such a meeting. The water user shall have the right to appear before the Town Council and present his reasons why the water service should not be discontinued.

C. After the due hearing, the Town Council may arrive at a determination. If the determination is to discontinue the user's connection, it shall notify the user of the decision and the period of which the service will remain discontinued.

2.02.15 Water Meters

A. All Structures, dwelling units, establishments and persons using water from the Daniel water system must have a meter. It is under the discretion of the manager and/or Town Council to determine the number of meters necessary to measure water and determine the number of respective users. Whenever a dispute arises between the property owner and manager of how many meters are required, it shall be brought before the Town Council after notice in writing to the parties involved.

B. Meters will be furnished by the Daniel Municipal Water system upon application for a connection, and upon payment and of approval of such connection and fees and other costs as may be established by the Town Council from time to time.

C. Meters shall be and shall remain property of the Daniel Municipal Water system. Meters may be checked, inspected or adjusted at the discretion of the manager, and shall not be adjusted or tampered with by the customer. Meter boxes shall be property of the Daniel Municipal system and should not be opened or used to turn off water except by an authorized person or in an emergency situation unless permission is given by the manager.

D. If a customer submits a written request to the manager to have his meter tested, the Town Council may order a test of the meter. If the request is made within twelve months of a previous request, the customer may be charged for the cost associated with the test, at the discretion of the Town Council or manager. If the meter reads usual and customary, the meter may be deemed as accurate. If the meter fails to register at any time, the water usage shall be estimated from previous billing cycles that are not in question.

2.02.16 Damage to Town Property or lines

All damages or injury to the lines, meters, or other materials of the Daniel Municipal system on or near the customer's premises caused by any act or neglect of the customer, shall at the discretion of Daniel Municipal be repaired by Daniel Municipal personnel and at the expense of the customer, including attorney fees that may arise or accrue to Daniel Municipal Water through its efforts to repair the damage to lines, meters, other equipment of Daniel Municipal Water or collection of such costs from the customer.

2.02.17 Application for installation permit

Applications for permits to make water connections or other alterations or for laying or repairing water lines connected directly or indirectly to the Daniel Municipal water system must be made in writing by a licensed contractor, or his agent, or by the owner of the premises who shall accurately and completely describe the work to be done.

The application may be granted if the manager determines that:

- 1- The connection, repair, alteration or installation will not cause damage to the street, or that it will not be prejudicial to the interest of the person whose property has been or may thereafter be connected to the water system.
- 2- The connection conforms to the ordinances, regulations, specifications, and standards of the Town.
- 3- If any excavation takes place outside the property boundaries an excavation permit is required from the Town.

All connections, alterations, inspections, or installations shall be to the grade designated by the manager.

2.02.18 Water line maintenance

A. The actual costs of parts and labor for the approved initial installation of a water connection are the responsibility of the water user and will be paid by the property owner.

B. Daniel Municipal Water will be responsible for the maintenance of the main trunk line to the meter or property line of the Daniel Municipal customers. The resident or property owner will be responsible for maintenance of the connection line from the meter or property line to the structure.

2.02.19 Discontinuance of service.

Any customer desiring to discontinue service shall notify Daniel Municipal Water in writing of such at least fifteen days before the date when service is to be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice.

2.02.20 Final Meter reading at time of property sale.

The water meter must be read at the time of sale of any property and is the responsibility of the owner prior to the sale to notify Daniel Municipal Water, and any and all costs for collection of the bill will be at the previous owner's expense.

2.02.21 Extension of water within the town.

A. Any person or persons, including any subdivider, who desires to have the water mains extended within the town, and is willing to advance the whole expense of such extension, as hereinafter provided, may make application to the manager and Town Council 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 manager. The Town Council may grant or deny the petition using its discretion on which seems best for the welfare of residents of the Town.

B. Upon the receipt of such petition and map and before the petition is granted, the Town Council shall obtain from the manager or Town engineering firm a certified statement showing the whole cost of expense of making such extension.

C. If the petition is granted, the certified amount of cost of making the extension shall be deposited with the Town before any work shall be done on such extension. This deposit will be used to perform the work of the extension. In the event any deposit remains, the balance shall be refunded to the petitioner.

D. Any such extensions shall be deemed the property of the Daniel Municipal culinary water system.

2.02.22 Fire hydrants.

Fire hydrants shall be installed under the direction of Daniel Municipal Water. All repairs shall be under the direction of Daniel Municipal Water's manager.

All customers shall grant the Town, upon demand, a right of way or easement to install and maintain such hydrants and water lines on their premises if the Town concludes that hydrants are for the protection and welfare, of the residents of the Town.

2.02.23 Service outside the boundary of the Town.

Daniel Municipal Water may furnish water service to connections outside the Town, however nothing herein contained shall be construed to require water connections or service outside the corporate limits of the Town, and such shall be at the sole discretion of the Town Council, or as governed by other ordinances or resolutions of the Town.

2.02.24 Impact fees for water connections.

A. An impact fee shall be established and imposed upon new water connections.

B. Daniel Town Council is authorized to adjust impact fees as necessary by resolution.