

**TITLE 27. WATER**

- Chapter 1. Water System, 27-1-1 to 27-1-38.**  
**Chapter 2. Rates for Culinary Water, 27-2-1 to 27-2-5.**  
**Chapter 3. Reservoir Development Fund, 27-3-1 to 27-3-2.**  
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**27-1-1. Water Department and System.** (1) The city water department is hereby created to administer the operation and maintenance of the water systems of the city.

(2) The water system shall consist of property, equipment, rights, contractual or otherwise, possessed by the city to the utilization of mains.

*History: 9/65, 9/84*

**Chapter 1. Water System**

- 27-1-1. Water Department and System.  
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 27-1-4. Application for Water Service.  
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 27-1-27. Extension of Water Mains Within the City.  
 27-1-28. Costs of Extensions Determined.  
 27-1-29. Amount of Cost to be Deposited with City Recorder.  
 27-1-30. Return of any Money.  
 27-1-31. Ownership of Extension.  
 27-1-32. Supply of Water Services to Persons Outside City Limits.  
 27-1-33. Extensions may be Master-Metered.  
 27-1-34. Cost of Extensions to be Determined by Superintendent.

**27-1-2. Superintendent.** The city manager, with the advice and consent of the city council, shall appoint a competent person to the position of superintendent of the water department, who shall serve in office at the pleasure of the city council.

*History: 9/65, 9/84*

**27-1-3. Duties of the Superintendent.** The city council shall by resolution prescribe the superintendent's powers, duties, and direct the manner and frequency with which he shall make reports to the city manager relating to the water systems.

*History: 9/65, 9/84*

**27-1-4. Application for Water Service. Agreement.** Any person desiring or who is required to secure water service shall apply therefore to the city recorder by paying a deposit in a sum to be fixed by resolution of the city council and by filing an agreement with the city which shall be in substantially the following form:

APPLICATION FOR WATER SERVICE  
 Clinton, Utah

\_\_\_\_\_, 19\_\_\_\_

TO THE CITY OF CLINTON, UTAH:

The undersigned hereby applies for water services from Clinton, Utah, for premises located at \_\_\_\_\_, and hereby agrees to pay charges for such water service as fixed by the city council of Clinton, until such time as I shall direct such service to be discontinued.

In the event of a failure to pay for said services within the due dates fixed by the city council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the city

council governing the use of the water system, the city shall have the right to discontinue the water service until all delinquencies and any reconnection fees imposed are paid in full or until any said failure to conform to this ordinance or regulations issued thereunder is eliminated.

The undersigned agrees to be bound by the rules, regulations, and ordinances enacted or adopted by the City of Clinton applicable to the city's water systems.

*History: 9/65, 9/84*

**27-1-5. Rates and Connection fees.** The rates, penalty fee for delinquency in payment, and connection fees for water service from the city systems shall be fixed from time to time by resolution enacted by the city council. The city council may, from time to time, enact rules for levying, billing, guaranteeing, and collecting charges for water services, and all other rules necessary for the management and control of the water systems.

*History: 9/65, 9/84*

**27-1-6. Special Rates.** The city council may from time to time fix by agreement or resolution, special rates and conditions for users using exceptionally large amounts of water service, discharging wastes of unusual characteristics, or making use thereof under exceptional circumstances upon such terms and conditions that they may deem proper. The city council may, in arriving at such special rates, take into consideration the requirements and rates of the North Davis County Sewer District.

*History: 9/65, 9/84*

**27-1-7. Board of Equalization, Rates and Rebates.** The city council is hereby constituted a board of equalization of 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.

*History: 9/65, 9/84*

**27-1-8. Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the city water system without first paying therefore, 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 shall be unlawful to in

anywise injure, deface, or impair any part or appurtenance of the water system.

*History: 9/65, 9/84*

**27-1-9. Delinquency--Discontinuance of Service.**

(1) The city recorder shall furnish to each user, or mail or leave at his place of residence or usual place of business, a written or printed statement, written thereon the amount of water service charges assessed against him once each quarter or such other regular interval as the city council shall direct.

(2) Said statement shall separately specify the amount of the bill for the water service used and the place of payment and date due. If any person fails to pay his sewer charges within 30 days of the date due, the city manager or his designee shall direct that all water service to the premises be shut off.

(3) Before said water service to said premises shall again be provided, all delinquent charges must have been paid to the city treasurer together with such extra charge for turning the water on and off as the city council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of \$5.00 for turning the water off.

(4) The city recorder is hereby 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.

*History: 9/65, 9/84*

**27-1-10. 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 nonpayment of water 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.

*History: 9/65, 9/84*

**27-1-11. Separate Connections.** It shall be unlawful for two or more families or service users to be supplied from the same service pipe or connection or water meter unless special permission for such combination usage has been granted and the premises served are owned by the same owner. In all such cases a failure on the part of any one of said users to comply with this chapter shall warrant a withholding of a supply of water through said service connections until compliance or payment has been made and in any event the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein

shall be deemed to preclude the power of the city to require separate pipes, connections, or meters at a subsequent time.

*History: 9/65, 9/84*

**27-1-12. Unauthorized Users.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized persons to use or obtain water services regularly from his premises water facilities, either outside or inside his premises.

*History: 9/65, 9/84*

**27-1-13. 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. Except under the direction of the superintendent, no person shall be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe.

*History: 9/65, 9/84*

**27-1-14. Quality of Service Pipe.** (1) All service and other pipes used in conjunction with the water services of the city shall be of such material, quality, and specifications as the city council 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 superintendent, nor shall any connections with water mains be made without first obtaining a permit therefore from the city recorder.

(2) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the superintendent and subject to such requirements relating to controls as may be imposed by him.

*History: 9/65, 9/84*

**27-1-15. 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 those which he has paid, or to use water in violation of the rules and regulations for controlling the water supply.

*History: 9/65*

**27-1-16. Sprinkling Vehicles.** Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water and sewer department.

*History: 9/65*

**27-1-17. Department to Have Free Access.** The superintendent and his agents shall at all ordinary hours have free access to places supplied with water services from the city system for the purpose of examining the apparatus, ascertaining the amount of water service being used, and the manner of its use.

*History: 9/65, 9/84*

**27-1-18. Non-Liability 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 service caused by fires, scarcity of water, accidents to the water systems, or their mains, or as the result of maintenance and extension operations, or from any other unavoidable cause.

*History: 9/65, 9/84*

**27-1-19. Water Not Supplied for Motors, Siphons, Etc.** No water shall be supplied from the pipes of the city water system for the purpose of driving any motor, siphon, 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.

*History: 9/65*

**27-1-20. Sprinklers.** (1) It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinklers or combinations of sprinklers or outlets as will in the opinion of city council materially affect the pressure or supply of water in the city water system or any part thereof, and the city council may, from time to time, by resolution, specify combinations or number of outlets which may have such effect.

(2) The city council shall, after a determination 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 and order such use discontinued and advise him that such continued usage constitutes a violation of this ordinance.

*History: 9/65*

**27-1-21. Curtailment.** In time of scarcity of water,

whenever it shall in the judgment of the city council be necessary, the council shall, by resolution and proclamation, limit the use of water for other than domestic purposes to such extent as may be necessary for the public good. It shall be unlawful for any person by himself, family, servants, or agents, to violate any proclamation made in pursuance of this section.

*History: 9/65, 9/84*

**27-1-22. Water Meters.** (1) Except as otherwise expressly permitted by this chapter, all structures, dwelling units, and establishments using water from the city system must have such number of water meters connected to their water systems as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective water users. Meters will be furnished by the city at the expense of the property holder, at rates established from time to time by resolution of the city council; and whenever a dispute between superintendent and 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 city council after due notice in writing to the parties involved. The superintendent shall cause meter readings to be taken regularly and shall advise the city treasurer thereof for the purpose of recording the necessary billings for water service.

(2) Access by the superintendent, or his designee, to the reading of any water meter on private or public property shall not be obstructed or interfered with by any trees, shrubs, barriers, or hindrance of any kind.

(3) If the reading of any water meter is obstructed or interfered with, the city shall cause the property owner to be given a written notice to remove the obstruction or interference. If the obstruction or interference is not removed within 15 days after service of the notice, the city may, at its option, remove the obstruction without any liability whatsoever to the city from the property owner and may also charge the property owner with the reasonable cost of such removal.

*History: 9/65, 9/84, 11/89*

**27-1-23. Permits for Installations.** It shall be unlawful for any person to engage in the laying, repairing, altering or connecting of any private drain or water pipe directly or indirectly with the city water system without first having received a construction permit from the office of the superintendent.

*History: 9/65, 9/84*

**27-1-24. Applications for Installation Permit.** (1) Applications for permit for water connections or other alteration, laying or repairing of lines connected directly or indirectly thereto must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises which shall describe the manner and circumstances surrounding such installation or alteration. If in the judgment of the superintendent the carrying out of such connection, repair, or installation, will cause no injury to the street in which the water mains sought to be connected with is laid, or that such installation, improvement or repair will not be prejudicial to the interest of the persons whose property has been or may thereafter be connected with said water mains and that said connection in all things shall conform to the code of the city, then the application to connect with the water mains shall be granted subject to the provisions of this chapter. All said connections or installations shall be to line and grades designated by the superintendent.

(2) Fees for permits or for inspection services shall be at such amounts as the city council shall from time to time determine by resolution.

*History: 9/65, 9/84*

**27-1-25. When Permits Shall not be Issued.** Permits to connect with the water system of the city shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the city.

*History: 9/65, 9/84*

**27-1-26. Revocation of Permits.** All construction permits for water connections or installations shall be issued to the plumber who is to do the work, or to the owner of the property, subject to supervision and inspection by the superintendent or his agents, but the city recorder or superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

*History: 9/65, 9/84*

**27-1-27. Extension of Water Mains Within the City.** Any person or persons, including any subdivider, desiring to have the water mains extended within the city, and being 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 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 advance the whole expense

of making the same as said expense, shall be certified by the superintendent. The city council may grant or deny said petition as in its discretion seems best for the welfare of existing users in the city.

*History: 9/65, 9/84*

**27-1-28. Costs of Extensions Determined.** Upon receipt of such petition and map, and before the petition is granted, the city council shall obtain from the superintendent a certified statement showing the whole cost and expense of making such extension.

*History: 9/65, 9/84*

**27-1-29. Amount of Cost to be Deposited with City Recorder.** If the city council shall grant said petition, before any work shall be done on such extension, and within 30 days, or such other time as the city council shall indicate, after the granting thereof, the amount of the cost and expense of making such extension as certified by the superintendent shall be deposited with the city recorder.

*History: 9/65, 9/84*

**27-1-30. Return of any Money.** At the time that the city council determines whether or not to grant said petition for an extension, it shall also determine whether or not any of said deposited costs of extension shall be ultimately refunded to the applicant, the amount to be so refunded, if any, and the manner and circumstances under which said refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

*History: 9/65*

**27-1-31. Ownership of Extension.** Any such extension shall be deemed the property of the city.

*History: 9/65*

**27-1-32. Supply of Water Services to Persons Outside City Limits.** (1) The city may furnish water service from its water system to persons outside its corporate limits in accordance with the provisions of the following sections.

(2) Any person located outside the city limits desiring to be supplied with water services from the city water system and being willing to pay in advance 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 the following:

(a) A description of the proposed extension;

(b) Accompanied by a map showing the location thereof;

(c) An offer to pay the whole expense incurred by the city in providing such extension and to advance such expense as said expense shall be certified to by the superintendent. The city council 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 acknowledgment that the city in granting said petition engages to supply only such water service to petitioner which, from time to time, the city council deems beyond the requirements of water users within the city limits; and

(e) An acknowledgment that such extension shall be the property of and subject to the control of the city.

*History: 9/65, 9/84*

**27-1-33. Extensions may be Master-Metered.** When an extension supplying more than one house or user outside the city limits is connected to the city mains, the 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 hereinafter provided.

*History: 9/65, 9/84*

**27-1-34. Cost of Extensions to be Determined by 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 of the city water mains to the city limits the city shall construct, and shall obtain from the 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 city water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor.

*History: 9/65, 9/84*

**27-1-35. Regulations.** The city council shall have power and retains the right to adopt regulations

controlling the manner and circumstances under which the water system may be used, in addition to the regulatory provisions set forth expressly in this title. Such regulatory provisions shall require consistency to this title and other regulations established from time to time by the city council including, but not limited to, regulations relating to the manner in which excavations shall be made for purposes of making the connections or repairs to the water service lines which may necessitate excavations on or near and under sidewalks and the public ways and regulations relating to the manner in which excavations shall be backfilled and the type of materials that may be used for said purpose.

*History: 9/65, 9/84*

**27-1-36. Ownership of Connecting Lines.** Unless provision is expressly made for ownership of mains or lines by the owner of adjacent property, by means of written agreement, all pipe lines and mains connecting the municipal water systems to a landowner or residents premises which are situated on the public way between the main and the property line shall be deemed to be the property of the city and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises. Repair and maintenance of said water lines shall be done by the landowner at his cost, or if done by the city, the cost thereof shall be paid by the landowner.

*History: 9/65, 9/84*

**27-1-37. Destruction--Contaminating Materials.** It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part, pipe, fixtures, appliance, or appurtenance of the city water systems. No person shall cause to be placed or induced into the water system or any source of water supplying said system, any matter or substance which shall cause the contamination of the water of the city's system or which may result in deleterious or harmful effects to human health.

*History: 9/65, 9/84*

**27-1-38. Penalty.** Any person violating any of the provisions of this chapter shall be deemed guilty of a class C misdemeanor.

*History: 9/65, 9/84, 05/99*

## Chapter 2. Rates for Culinary Water

- 27-2-1. Definitions.  
27-2-2. Water Rates.

- 27-2-3. Water Rates Effective December 1, 1982.  
27-2-4. Future Rate Changes.  
27-2-5. Mandatory Nature of Charge.

**27-2-1. Definitions.** The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them:

- (1) "Clinton City users" shall mean any user of culinary water who resides within the corporate limits of Clinton City.  
(2) "West Point users" shall mean any user of culinary water who resides within the Township of West Point, Utah.

*History: 11/82, 12/83, 9/84*

**27-2-2. Water Rates.** There is hereby charged upon the residence or upon the business of every person or company who resides in or is engaged in business in Clinton City the following rates for culinary water:

User	Charge Per <u>Min. Gallon</u>	Charge Over <u>12,000 Gal. Min</u>
Clinton City	\$8.75/12,000gal	\$.60/1,000 gal
West Point	\$10.25/12,000 gal	\$.75/1,000 gal

*History: 11/82, 12/83, 9/84*

**27-2-3. Water Rates Effective December 1, 1982.** Effective December 1, 1982, the water rates for culinary water shall be increased as follows:

User	Charge Per <u>Min. Gallon</u>	Charge Over <u>12,000 Gal. Min</u>
Clinton City	\$9.15/12,000 gal	\$.60/1,000 gal
West Point	\$10.65/12,000 gal	\$.75/1,000 gal

*History: 11/82, 12/83, 9/84*

**27-2-4. Future Rate Changes.** All future rate changes affecting culinary water within the city may be changed periodically by resolution of the city council.

*History: 11/82, 12/83*

**27-2-5. Mandatory Nature of Charge.** Any home or structure built within a subdivision for which final approval was granted after January 1, 1981, must connect to the city culinary water system, irrespective of whether or not the owner of the structure intends to use the culinary water provided by Clinton City.

*History: 11/82, 12/83*

### Chapter 3. Reservoir Development Fund

- 27-3-1. Reservoir Development Fee.  
27-3-2. Reservoir Development Fund.

**27-3-1 Reservoir Development Fee.** From and after the effective date of this ordinance, a charge of \$241.00 shall be paid, in addition to all other ordinary charges, to the recorder of the city at the time all building permits are issued for family dwellings or commercial establishments to be newly constructed; and unless said charge is paid, no building permit shall be issued. It shall be immaterial that the applicant for the building permit already has an independent water source, because the benefits to be derived under this ordinance for the applicant are independent of his own water source. Hereafter, the city council may change the amount of the reservoir development fee by resolution to insure that the amount of the fee is reasonably commensurate with current or reasonably anticipated expenses of the city's reservoir development system and water pressure stabilization projections.

*History: 8/82, 9/84*

**27-3-2. Reservoir Development Fund.** The monies collected under section 27-3-1 of this ordinance shall be deposited in the reservoir development fund, which shall be used to defray the expenses of maintaining, improving, developing, and expanding the city's water reservoir system and water pressure stabilization tanks within the city.

*History: 8/82, 9/84*

### Chapter 4. Obstructing Watercourses

- 27-4-1. Prohibited Acts.  
27-4-2. Correction of Existing Conditions.  
27-4-3. Permitted Acts.  
27-4-4. Procedure for Obtaining Permit.  
27-4-5. Appeal from Building Inspector's Decision.  
27-4-6. Penalties and Corrective Action.

**27-4-1. Prohibited Acts.** Except as hereinafter provided, it shall be unlawful for any person, firm, entity or corporation to:

- (1) Place, deposit or permit to be placed or deposited any debris, fill, sand, stone, or other solid materials of any kind or nature, or construction of any kind or pipeline into or across any stream, ditch, culvert, pipe, watercourse or other drainage system within the city;

- (2) Construct and/or place any ditch, pipe, culvert or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage, or increase in intensity or quantity the flow of surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, ditch, culvert, pipe or watercourse or other drainage system within the city;

- (3) Fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage, or the intensity or quantity of flow, through any stream, ditch, pipe, culvert, watercourse or other improvements or drainage system within the city.

*History: 2/77*

**27-4-2. Correction of Existing Conditions.** Except as hereinafter provided, all existing obstructions, dams, diversions, construction of any kind, deposits of debris, fill, sand, stone, or other solid materials, or other alterations or diversions of the natural flow of water or the intensity or quantity of flow, through across, or to any stream, ditch, culvert, watercourse or other drainage systems within the city which:

- (1) Causes the inundation of real property and streets and roads, or

- (2) Constitutes an undue burden upon the official drainage system or hampers the proper present or future course of development of official drainage system, or

- (3) Presently constitutes or in the reasonably foreseeable future will constitute a danger or hazard to well-being, safety or general welfare of the residents of the city or any property located therein, shall be removed or corrected by the owners of the premises upon which said obstructions, dams, diversion, construction, deposits, or other alterations of the natural flow of water are situated, within 60 days after a written notice to remove or correct the same.

*History: 2/77, 9/84*

**27-4-3. Permitted Acts.** The prohibited acts in correction of existing conditions set forth above shall have no application to work done pursuant to the authority of an agency of the federal, state or other governmental body.

*History: 2/77, 9/84*

**27-4-4. Procedure for Obtaining Permit.** All applicants for a permit to do any of the acts prohibited above or to fill, divert, dam or in any way alter the natural flow of a stream, ditch, culvert, watercourse, or other drainage system shall be made from the building inspector of the city, who shall refer the request to the city engineer, who shall review the application and make a recommendation to the building inspector, either granting or denying the permit.

*History: 2/77*

**27-4-5. Appeal from Building Inspector's Decision.** (1) If any interested person, firm, entity or corporation that is denied a permit, as provided herein, shall have the right to appeal said decision to the city council, provided said appeal is made in writing and within 30 days after the building inspector's decision.

(2) The city council shall render its determination to the applicant who appealed and to the building inspector within 45 days after receipt of the appeal. If the city council approves the proposed permit, the building inspector shall issue a permit therefore.

*History: 2/77*

**27-4-6. Penalties and Corrective Action.** (1) Any person, firm, entity or corporation found to be violating any provisions of this chapter shall be served with a written notice stating the nature of the violation and providing a 60-day time limit for satisfactory correction thereof. The offender shall, within the period stated in such notice, correct or remove all violations.

(2) Any person, firm, entity, or corporation who shall continue any violation beyond the time limit provided for above shall be deemed guilty of a class C misdemeanor and each day of violation of this chapter shall be considered a separate offense.

*History: 2/77, 6/96*

## **Chapter 5. Water Customer Deposits, Delinquent Accounts and Water Disconnections**

- 27-5-1. Purpose.
- 27-5-2. Customer Deposits.
- 27-5-3. Delinquent Accounts.
- 27-5-4. Disconnection of Water.
- 27-5-5. Administrative Changes.
- 27-5-6. Interest on Delinquent Accounts.

**27-5-1. Purpose.** The purpose of this chapter is to establish a deposit requirement for water customers; a policy concerning deposits affecting existing customers and disconnected customers; and procedures and policies concerning delinquent accounts, disconnection of water services, and reinstatement of services.

**27-5-2. Customer Deposits.** The following policy shall govern customer water deposits:

(1) Each application for water shall be accompanied by a deposit prior to receiving service. This deposit can be waived if the applicant has a current prior account history with the City of 24 consecutive months with no delinquent balances. The amount of the deposit shall be adopted by resolution of the City Council.

(2) Any customer who maintains a record of no past-due balances for a period of 24 consecutive Months shall have the deposit credited to the account. If all City utility services have been terminated, the City shall apply the deposit, if any, to the unpaid account balance. Any amount of said deposit remaining after payment of said account shall be returned to the user. If the whereabouts of the user is unknown and no address has been provided to the City, any unclaimed deposit or overpayment on the terminated account shall be applied at the end of the fiscal year to the bad debt account for the enterprise fund.

(3) Any customer who has water service disconnected for non-payment of the City utility bill will be required to increase any existing deposit to the current rate, if the amount of the water deposit is under an old deposit rate.

(4) Such deposit shall not be considered an advance payment of any service charges, and unpaid deposit accounts may render the service account delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the City to apply such deposit to any account to avoid delinquency.

**27-5-3. Delinquent Accounts - Delinquent Notice and Discontinuance of Service.** (1) The City Manager, or any other authorized agent of the City, shall furnish to each active utility account a written or printed statement, which states the amount of the bill for each service assessed once each month or such other regular interval as the City Council shall direct. Said statement shall specify the place of payment and

date due. The sum total of all charges must be paid by the due date specified on the bill.

(2) The City Manager, or other authorized agent of the City, is hereby empowered to enforce the payment of all delinquent utility service charges by an action at law in the corporate name of the City. This may include, but is not limited to, disconnecting the water supply, sending the account to a collection agency, or initiating action through small claims court.

(3) The following procedures shall be followed in dealing with delinquent utility accounts that are receiving water supplied from the City water system:

(a) Any person or entity who receives water supplied from the City water system and neglects, fails, or refuses to pay the sum total of the City's utility bill within 5 days after the date due as outlined in 27-5-3

(1) shall receive a delinquent notice and a notice of intent to disconnect. The bill must be paid by the date specified on this delinquent notice, which is normally 10 to 15 days from the date of issuance of the notice. Failure to make the appropriate payment to the City will result in culinary water disconnection. The notice shall substantially include the following:

(i) The date of the notice.

(ii) The name and mailing address of the customer listed on the monthly utility bill.

(iii) The amount due, including any finance or administrative charges.

(iv) A statement that services will be disconnected without further notice unless payment is received before the shut off date listed in the notice.

(v) A statement that once service has been disconnected, it will not be resumed until all service charges, shut-off fees, after hours fees, and delinquent past due amounts have been paid.

(vi) A statement identifying the amount of the shut-off fee that will be charged in addition to any other fee, fine, or penalty for service which is disconnected due to non-payment of the delinquent account.

**27-5-4. Disconnection of Water.** Any customer who fails to comply with the notice to disconnect shall be disconnected from the culinary water system on or after the date indicated on the notice to disconnect. Water service shall not be resumed until all fees, charges, and past-due amounts are paid in full. If for

economic reasons a customer is unable to pay the balance in full, the City Manager, or other authorized agent of the City, may set up a payment plan. If the customer does not follow through with the payment plan, and the City Manager or authorized agent is not contacted and approval is not given for an additional extension, water services may be disconnected without further notice.

**27-5-5. Administrative Charges.** Any charges assessed as part of any delinquent notice shall be deemed a part of the water bill; and unless it is timely paid, the account remains delinquent and pursuant to the procedures outlined above, the water service shall be disconnected. A fee will be assessed to shut off/reconnect water service that has been turned off for non-payment. A separate after hours fee may be assessed if water is requested to be reconnected before or after the normal business hours of the City. These fees will be set by resolution of the City Council.

**27-5-6. Interest on Delinquent Accounts.** All delinquent utility service accounts may be assessed interest at a rate set by resolution of the City Council. In the absence of a resolution providing for interest, interest shall be assessed at the rate pursuant to Utah Code Annotated 15-1-1.

*History: 11/87, 11/04*

## **Chapter 6. Control of Backflow and Cross Connections**

27-6-1. Definitions

27-6-2. Responsibilities.

27-6-3. Backflow Prevention Policy.

27-6-4. Fees.

27-6-5. Violations.

**27-6-1. Definitions.** (1) **Water Purveyor.** The water department of the city is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this chapter.

(2) **Approved Backflow Assembly.** As approved by the State of Utah as meeting an applicable specification or as suitable for the proposed use.

(3) **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, public potable water supply or any natural source(s) such as a well, spring,

river, stream, ditch, secondary water system, 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.

(4) **Backflow**. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source caused by either back-pressure or back-siphonage.

(5) **Back-Pressure**. Backflow due to an increased pressure above the supply pressure. This may be due to pumps, boilers, gravity or other sources of pressure.

(6) **Back-Siphonage**. The flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe.

(7) **Backflow Prevention Assembly**. An assembly or means designed to prevent backflow which is capable of being tested in line. Specifications for backflow prevention assemblies are contained within the UPC.

(8) **Backflow Prevention Device**. A device that prevents backflow but is not capable of being tested in line nor is it listed in the UPC.

(9) **Consumer's Water Distribution System**. All culinary water piping and fixtures extending from the meter box (in the case of an inside meter set) into and throughout the consumer's premises and extending to all free flowing taps. The city shall retain control of all meter assemblies and appurtenances.

(10) **Contamination**. A degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, auxiliary water supply, compounds or other materials.

(11) **Cross Connection**. Any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition.

(12) **Cross Connection-Controlled**. A connection between a potable water system and a non-potable

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.

(13) **Cross Connection-Containment**. The installation of an approved backflow device/assembly at the water service connection to any consumer'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 device/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).

(14) **High Risk Consumer**. In all cases where a cross connection exists.

(15) **Low Risk Consumer**. In those cases where a consumer may inadvertently create a temporary cross connection as a result of water use practices.

(16) **Uniform Plumbing Code - UPC**. The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the State.

*History: 9/91*

**27-6-2. Responsibility.** (1) The city's responsibility.

(a) The city shall operate the drinking water distribution system.

(b) The city may conduct surveys of consumer's water distribution systems. Survey records shall indicate compliance with the aforementioned health and safety standards. Any such records will be maintained by the city for a period of three years.

(c) The city shall provide information to the public concerning the need for consumers to conduct regular, periodic system surveys to insure compliance with existing applicable minimum health and safety standards.

(d) The city will install, or cause to be installed, a dual check valve (a backflow prevention device) at the meter location of each low risk consumer at a time determined by the city.

(2) Consumer's Responsibility.

(a) To comply with this chapter as a term and condition of supply and consumer's acceptance of service is and shall constitute admittance of his/her awareness and agreement to comply.

(b) Each high risk consumer shall install an approved backflow prevention assembly at each point of hazard at said consumer's expense within 30 days from date of this chapter. It shall be the responsibility of each high risk consumer to purchase, install or cause to be installed, test, report test results to the city and to maintain any backflow prevention device/assembly required to comply with this chapter.

(c) Each high risk consumer shall at least annually test and report all test results to the city for all backflow prevention assemblies installed on said consumer's water service. All testing shall be performed by a State certified backflow assembly technician.

(d) No modifications shall be made to any consumer's water system without inspection by the city. The consumer shall be required to notify the city and obtain a permit for any modification and the inspection before placing the modified water system into service.

(3) Plumbing Inspector's Responsibility.

(c) The report shall include the list of materials or replacement parts used.

(d) Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

(e) Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.

(f) A certified technician approved by the State shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.

(g) Insuring his license is current, the testing equipment being used is acceptable to the city and state, and is in proper operating condition.

(h) Be equipped with, and be competent to use, all necessary tools, gauges, and other equipment

(a) The plumbing inspector's responsibility to enforce the applicable sections of the plumbing code begins at the discharge side of the water service valve.

(b) The plumbing inspector will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the plumbing code.

(c) Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the plumbing code.

(4) Certified Backflow Assembly Technicians, Surveyors or Repair Persons Responsibilities (whether employed by the consumer or utility).

(a) Insuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.

(b) Make reports of such testing and/or repair to the consumer, water purveyor, and the Utah Department of Health, Bureau of Drinking Water/Sanitation on forms approved for such use by the Bureau of Drinking Water/Sanitation, and within the time frames prescribed by the Bureau of Drinking Water/Sanitation.

necessary to properly test, and maintain backflow prevention assemblies.

(i) In the case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the Bureau of Drinking Water/Sanitation. If such a commercially tested assembly is in need of repair, the Plumbers Law of Utah, Section 58A-2-5(3), requires a licensed plumber make the actual repair.

*History: 9/91*

**27-6-3. Backflow Prevention Policy.** (1) It shall be unlawful and it is prohibited for any person to place, cause to be placed or induced into the city culinary water system or any water system in operation within the city any material, substance, chemical or compound which is poisonous, dangerous or harmful to human health.

(2) No water service 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 a consumer found to be in violation of this chapter may be discontinued by the water purveyor after written notification of violation and an appropriate time period for voluntary compliance, if:

- (a) a backflow prevention assembly required by this chapter for control of backflow and cross connections is not installed, tested, and maintained, or
- (b) if it is found that a backflow prevention assembly has been removed or bypassed, or
- (c) if an unprotected cross connection exists on the premises.

Service will not be restored until such conditions or defects are corrected to the requirements of this chapter and to the satisfaction of the water purveyor.

(3) The consumer's water distribution system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other sanitary hazards, including violation of this chapter exist and to audit the results of any survey.

(4) Whenever the city determines the consumer's water distribution system contributes a sufficient hazard to the water supply or to the city's water system, an approved backflow prevention assembly shall be installed by the consumer on the service line of the identified consumer's water distribution system at a location or locations determined by the city.

(5) The type of protective assembly required under subsection (4) above, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from a survey.

(6) 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 (7) below, be excluded from the requirements of these rules so long as the water purveyor 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 water purveyor finds that the operation or maintenance of this

assembly constitutes a hazard to health, the unit shall be replaced by the consumer with an approved backflow prevention assembly meeting the local and state requirements.

(7) It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the water purveyor deems the hazard to be great, it may require certified surveys/inspections and tests at more frequent intervals. It shall be the duty of the water purveyor to see that these tests are made according to the standards set forth by the State Department of Health, Bureau of Drinking Water/Sanitation.

(8) All backflow prevention assemblies shall be tested within ten (10) working days of initial installation. The owner shall notify the city within 24 hours of installation of the backflow prevention assembly.

(9) No backflow prevention assembly shall be installed so as to create a safety hazard. Example: installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.

*History: 9/91*

**27-6-4. Fees.** Upon request of the device owner, city water utility or certified water utility personnel may test all or any devices at a fee to be set by resolution duly enacted by the city council.

*History: 9/91*

**27-6-5. Violations.** If violations of this chapter exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the water service line until the customer has corrected the condition(s) in conformance with the state statutes and city ordinances relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto. Any violation of this chapter shall constitute a Class C misdemeanor.

*History: 9/91*

## **Chapter 7. Pressure Irrigation Water Service**

27-7-1. Connections Mandatory.

- 27-7-2. Schedule of Rates and Charges.
- 27-7-3. Connection Fees.
- 27-7-4. Due Date of Service Charges.
- 27-7-5. Due Date of Connection Fee.
- 27-7-6. Application for Water Service.
- 27-7-7. Permits and Reports.
- 27-7-8. Fixtures and Fittings Used in Water Connections.
- 27-7-9. Use Without Payment Prohibited.
- 27-7-10. Discontinuance of Service if Payment is Delinquent.
- 27-7-11. Turning on Water Without Authorization.
- 27-7-12. Taker Only to Use Water.
- 27-7-13. Waste Prohibited.
- 27-7-14. Multi-family Lots.
- 27-7-15. Failure to Connect.
- 27-7-16. Compliance to Standards.

**27-7-1. Connections Mandatory.** The owners of all residential lots possessing or requiring culinary water connections shall connect to the Clinton City pressure irrigation system except those residential lots whose total irrigation needs are served by irrigation water and have an established run-off right-of-way as of April 15, 1997. Owners of commercial, industrial or agricultural lots or other lots using culinary water or having a need for culinary water shall also be required to connect to the Clinton City pressure irrigation system, as reviewed and determined by the Canal Company. The intent of this chapter is to require all residents and property owners in the city to use only culinary water for household or business purposes and to use pressure irrigation water for all other purposes. Lot owners shall be required to connect to the Clinton City pressure irrigation system within 60 days of receiving written notice from the city that the pressure irrigation system is available for connection.

*History: 8/96, 7/97*

**27-7-2. Schedule of Rates and Charges.** The initial schedule of rates and charges for service by the pressure irrigation water system, which initial schedule shall be subject to increase and revision by resolution of the city council from time to time as may be necessary to repay the Board of Water Resources loan and to operate and maintain the system, shall be as follows:

Pipe Size	Lot Size	Annual Fee
3/4"	≤ .5 Acre	\$200
1"	>.5 ≤ 1 Acre	\$300

1"	> 1 Acre	\$156 + \$36 per .25 acre or part thereof
2"	> 1 Acre	\$624 + \$36 per .25 acre or part thereof
3"	> 1 Acre	\$1,404 + \$36 per .25 acre or part thereof
4"	> 1 Acre	\$2,469 + \$36 per .25 acre or part thereof

Except as noted in Section 27-7-1, the lot owner or user shall be required to pay the monthly rate beginning 60 days after the notice referred to in the previous section is received, even if the lot owner or user has failed to make a connection to the pressure irrigation system or failed to pay the connection fee. All other new users and lot owners shall begin making the monthly payments at the time occupancy is granted for the residence or building, or at such time as the user begins using the pressure irrigation system, whichever is sooner.

*History: 8/96, 7/97*

**27-7-3. Connection Fees.** For every connection to the pressure irrigation water system, the following fees shall be collected by and paid to the Canal Company or its Agent:

Pipe Size	Lot Size	Connection Fee
3/4"	≤ .5 Acre	<b>Initial:</b> \$200 <b>Future:</b> \$500
1"	>.5 Acre ≤ 1 Acre	<b>Initial:</b> \$300 <b>Future:</b> \$750
1"	> 1 Acre	<b>Initial:</b> \$300 + \$75 per .25 acre or part thereof over 1 acre  <b>Future:</b> \$750 + \$187.50 per .25 acre or part thereof over 1 acre

Any special connections not covered by the above schedules shall pay fees set by the Canal Company in each individual situation and approved by the city council. Connection fees may be revised and modified by resolution of the city council.

*History: 8/96*

**27-7-4. Due Date of Service Charges.** Payment of all rates and water charges accruing herein shall be made to the city at the same time as payments are due and payable for culinary water service furnished by the city. All payments for culinary or pressure irrigation water shall be applied in the following order: first to any late charges or reconnection fees, expenses of the city including attorney's fees, pressure irrigation system charges, sewer fees, garbage fees and last to culinary water charges.

*History: 8/96*

**27-7-5. Due Date of Connection Fee.** Payment of the water connection fees as required herein shall be made according to 27-7-3 for existing residences and businesses and prior to receiving a building permit for a new development.

*History: 8/96*

**27-7-6. Application for Water Service.** For all new development, application for pressurized irrigation water must be obtained from the Canal Company.

*History: 8/96*

**27-7-7. Permits and Reports.** It shall be unlawful for any person to make any extension of any pipe or connect any fixture to the pressure irrigation water system for any purpose whatsoever without first obtaining a permit therefrom from the Canal Company. All persons must, within 24 hours after the completion of any plumbing work connected with the pressurized irrigation water system, report the same to the Canal Company.

*History: 8/96*

**27-7-8. Fixtures and Fittings Used in Water Connections.** It shall be unlawful for any person to use any kind or size of fitting, pipe stopcock, drawcock, or other equipment in connection with the pressure irrigation water system except the kind prescribed by the Canal Company.

*History: 8/96*

**27-7-9. Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the city pressure irrigation water system without paying therefore as herein provided, or without authority to open any stopcock, valve, or other fixture attached to the

system or water supply, or to in any way injure, deface, or impair any part or appurtenance of the system or to cast anything into any reservoir or tank belonging to said system.

*History: 8/96*

**27-7-10. Discontinuance of Service if Payment Delinquent.** The city shall mail a written statement to each user of the pressure water service once each month, or at such other regular intervals as the city council shall direct. The statement shall specify the amount of the bill for the pressure irrigation water service used and the place of payment and date due. If any person fails to pay the charges within the 30 days of the due date, the city shall so notify the public works director and shall have authority to direct the public works director to shut off all water service, both pressure irrigation and culinary, to the premises involved. Before the service to the premises shall again be provided, all delinquent water charges must be paid to the city treasurer, together with such disconnection and reconnection charges as may be established by resolution of the city council. The city is hereby authorized and empowered to enforce payment of all delinquent water service charges by an action at law in the corporate name of the city. Except as outlined in Section 27-7-1, should a lot owner or user fail to connect to the pressure irrigation system within the time required after having received written notice from the city, the culinary water service to the lot may be shut off until the lot owner or user pays all connection fees, all service fees and monthly charges, all expenses incurred by the city, and until the lot owner or user connects to the pressure irrigation system.

*History: 8/96, 7/97*

**27-7-11. Turning on Water Without Authorization.** It shall be unlawful for any person, after the culinary or pressure irrigation system water has been turned off from his or her lot on account of nonpayment or other violations of the rules and regulations pertaining to the culinary water supply or pressurized irrigation system, to turn on or allow the water to be turned on or used or allow the water to be used without authorization from the public works director.

*History: 8/96*

**27-7-12. 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 pressure irrigation water from his premises or water fixtures.

*History: 8/96*

**27-7-13. Waste Prohibited.** It shall be unlawful for any pressure irrigation 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 other apparatus, or to use water in violation of the rules and regulations for controlling the water supply.

*History: 8/96*

**27-7-14. Multi-Family Lots.** Lots containing more than one multi-family residence or structure shall be required to pay a connection fee and monthly service charge in accordance to the same rate structure as single family residence, according to lot size.

*History: 8/96*

**27-7-15. Failure to Connect.** Any lot owner or resident who is required by this chapter to connect to the Clinton City pressure irrigation system and who fails to connect in a timely manner, who fails to pay connection fees when required, or fails to pay monthly service charges, shall be required to pay all costs and expenses, including attorney's fees incurred by the city, that result from the city taking action to enforce the provisions of this chapter.

*History: 8/96*

**27-7-16. Compliance to Standards.** All pressure irrigation users must comply with the Davis and Weber Counties Canal Company's standards, specifications and policies.

*History: 8/96*