

# Ordinance No. 2024-02

## WATER DEPARTMENT ORDINANCE AMENDMENT

**WHEREAS**, the Town of Genola enacted the “Water Department Ordinance of Genola,” establishing the procedures, standards, and rules of operation and service for the Town’s Water Department;

**WHEREAS**, there is a need for amending the Town’s Water Department Ordinance to update the procedures, standards, and rules of operation and service for the Water Department;

**NOW THEREFORE**, be it ordained by the governing body of the Town of Genola, Utah:

1. Amendment by Complete Replacement of the Water Department Ordinance. The Town of Genola’s Water Department Ordinance is hereby amended by complete replacement as set forth in the attachment affixed to this Ordinance.
2. Effective Date. This ordinance shall become effective upon publication.
3. Captions: Captions herein are for convenience only, and neither limit nor amplify the provisions of this Ordinance.
4. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the Town of Genola conflict with the provisions of this ordinance, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the Town Council of the Town of Genola, State of Utah on the 17th day of April, 2024 by the following Vote:

	Aye	Nay	Abstain	Absent
Martin Larson	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
Hale Robison	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
Grant Lundberg	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
Stan Judd	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
Curtis Thomas	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>

TOWN OF GENOLA:

Martin Larson  
By: Martin Larson, Mayor

ATTEST:

Lucinda Thomas  
By: Lucinda Thomas,  
Town Clerk/Recorder

# **TITLE 04 - WATER DEPARTMENT ORDINANCE OF GENOLA**

## **CHAPTER 1 GENERAL PROVISIONS**

### Sections:

- 04.01.01 Short Title
- 04.01.02 Superintendent
- 04.01.03 Duties of the Superintendent

#### **04.01.01 SHORT TITLE**

The water department of the Town is hereby created. It shall administer the operation and maintenance of the water system of the Town.

#### **04.01.02 SUPERINTENDENT**

There is hereby created the position of superintendent of the water department. Said superintendent may or may not be a member of the Town council.

#### **04.01.03 DUTIES OF THE SUPERINTENDENT**

The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried out under the direction of the mayor.

## **CHAPTER 2 APPLICATION FOR WATER CONNECTION**

### Sections:

- 04.02.01 Application for Water Connection
- 04.02.02 Application for Water Connection by Subdivider
- 04.02.03 Non-Owner Applications-Agreement of Owner
- 04.02.04 Applications reviewed by Town Planning Commission

#### **04.02.01 APPLICATION FOR WATER CONNECTION**

Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water system, shall file with the water department for each such connection a written and signed connection application in substantially the following form:

GENOLA, UTAH  
APPLICATION FOR WATER CONNECTION  
TO THE TOWN OF GENOLA

I hereby apply to the Town of Genola, Utah for a culinary water connection from the Town system to my property at \_\_\_\_\_ ("Property") and hereby agree to the following:

1. (a) A licensed contractor or Town personnel shall make the requested connection from the water main to the Property, which shall include the water meter and setter that meet the water standards of the Town ("Connection") . I agree to pay the Town, in advance, all applicable connection charges and fees . I understand that I am responsible for all costs of any water system on my side of the meter and setter..  
(b) The Connection, including the meter and setter, shall remain the property of the Town at all times, and the Town shall have access thereto at all times.
2. The Town shall have the sole right to determine the location of the Connection.
3. I understand that it is unlawful for me to close or open the valve on the Town-side of the meter. I agree to install a stop cock, at my own expense, of a quality and size satisfactory to the water superintendent, immediately adjacent to the meter box in my flow line for my own private use for the purpose of turning off the water. I understand this fixture to continue to be my own personal property.
4. (a) Before making connection with the water system, I shall cause the plumbing upon my property to be inspected by the Town and if the plumbing is not approved, I will cause the plumbing to be modified so as to meet the requirements of the Town or of any other governmental agency having jurisdiction to regulate the water system within the Town.  
(b) I understand the Town has authority to inspect all plumbing upon my property to determine whether same meets standards of the state health department regarding cross-connection and for back-flow, and that I must, at my own expense, improve/change my plumbing to meet such standards as directed by the water superintendent.
5. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the Town's water system.
6. The purpose for which the water connection will be used is \_\_\_\_\_.
7. The Town shall have free access to the Connection at reasonable times, through my property if necessary.

APPLICATION FOR WATER CONNECTION BY SUBDIVIDER. Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

04.02.03      **NON-OWNER APPLICATIONS-AGREEMENT OF OWNER**

Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the property or his duly authorized agent in substantially the following form:

“In consideration of the acceptance of the application for water service submitted by \_\_\_\_\_, I or we will pay for all water services for any such tenant or any other occupant of \_\_\_\_\_ property in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations or resolutions enacted by the Town.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(owner)

04.02.04      **APPLICATIONS REVIEWED BY THE TOWN PLANNING COMMISSION**

The Town Planning Commission shall review all water connection applications to determine whether the parcel upon which the connection is requested complies with the Zoning Ordinance and Subdivision Ordinance. Any application for a water connection on a parcel not in compliance with the Zoning Ordinance and Subdivision Ordinance shall be denied.

## **CHAPTER 3 RATES**

Sections:

- 04.03.01      Rates and Connection Fees
- 04.03.02      Special Rates
- 04.03.03      RESERVED

04.03.01      **RATES AND CONNECTION FEES**

The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the municipal water system shall be fixed from time to time by resolution enacted by the governing body. The governing body may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

04.03.02      **SPECIAL RATES**

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

04.03.03      **RESERVED**

## **CHAPTER 4 PAYMENTS**

Sections:

- 04.04.01      Use Without Payment Prohibited
- 04.04.02      Delinquency-Discontinuance of Service
- 04.04.03      Turning on Water After Being Turned Off Prohibited

04.04.01      **USE WITHOUT PAYMENT PROHIBITED**

It shall be unlawful for any person, family, servants, or agents, to utilize the municipal water system without paying for such use as herein provided or, without authority, to open or close 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 damage, deface, or impair any part or appurtenance of the water system. Any person found in violation of this part shall be guilty of a misdemeanor.

04.04.02      **DELINQUENCY-DISCONTINUANCE OF SERVICE**

- A. The recorder/clerk of water supervisor shall furnish to each user, by email, mail, delivery at his or her place of residence or usual place of business, or deliver in some other manner, a written or printed statement stating thereon the amount of

water service charges assessed against the user once each month or at such other regular interval as the governing body shall direct.

- B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 60 days of the date due, the recorder/clerk shall give the customer notice of intent to discontinue the service to the customer unless the customer pays the bill in full within seven days from the date of the notice, or, within the same seven days, makes satisfactory written arrangement for payment with the recorder/clerk. Failure of the customer to fully comply with their commitments in said written agreement shall result in immediate discontinuance of service.
- C. If water service is discontinued for failure to make payment, then before the water service to the property shall again be provided all delinquent water charges must have been paid to the recorder/clerk or arrangements made for their payment in a manner satisfactory to the Town. In the event water is turned off for nonpayment of water charges, then before the water services to the property shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for tuning the water on and off as the governing body may have established by resolution. The recorder/clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the Town.

04.04.03

#### **TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED**

It shall be unlawful for any person, after the water has been turned off from the property for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or recorder/clerk. Any person in violation of this section shall be guilty of an Infraction.

## **CHAPTER 5 CONNECTIONS**

#### **Sections:**

- 04.05.01 Separate Connections
- 04.05.02 Unauthorized Users
- 04.05.03 Period for Visitors

04.05.01

#### **SEPARATE CONNECTIONS**

It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the governing

body and the property served are owned by the same owner. Nothing herein shall be deemed to preclude the power of the municipality to require separate connections at any time.

04.05.02      **UNAUTHORIZED USERS**

It shall be unlawful for any water service user to permit any person to use water from the user's connection for use on another property.

04.05.03      **PERIOD FOR VISITORS**

Individuals visiting the property of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the connection of the host during the visitation period which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and violative of the provision of this part relating to separate connections and unauthorized use.

## **CHAPTER 6 WATER SYSTEMS**

Sections:

04.06.01	Private System to be Kept in Good Repair
04.06.02	Quality of Service Pipe
04.06.03	RESERVED
04.06.04	RESERVED
04.06.05	Department to Have Free Access
04.06.06	Water Not Supplied for Motors, Spyons, etc.
04.06.07	Sprinklers
04.06.08	Scarcity of Water
04.06.09	Waste of Water

04.06.01      **PRIVATE SYSTEM TO BE KEPT IN GOOD REPAIR**

All users of water services shall keep their water system that connects to the Town water system in good repair and protected from frost at their own expense. No person, except under the direction of the water superintendent, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

04.06.02      **QUALITY OF SERVICE PIPE**

- A. All services and other pipe used in conjunction with the water services of the Town shall be of such material, quality, and specifications as the governing body may from time to time by resolution provide, and shall be installed at such depth below



ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefore from the recorder/clerk.

- B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining properties without permission from the water superintendent and subject to such requirement relating to controls as may be imposed by him.

04.06.03      **RESERVED**

04.06.04      **RESERVED**

04.06.05      **DEPARTMENT TO HAVE FREE ACCESS**

The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the municipal system for the purpose of examining the apparatus and ascertaining the amount of water serviced being used and the manner of its use.

04.06.06      **WATER NOT SUPPLIED FOR MOTORS, SPYONS, ETC.**

No water shall be supplied from the pipes of the municipal water system for the purpose of driving 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 governing body.

04.06.07      **SPRINKLERS**

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the governing body materially affect the pressure or supply of water in the municipal water system or any part thereof, and the governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. The governing body shall, after determining that such improper use exists, notify the affected water user or the owner of the property whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

04.06.08      **SCARCITY OF WATER**

In time of scarcity of water, whenever it shall be necessary in the judgement of the governing body, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any

person, his family, or agents, to violate any proclamation made by the mayor in pursuance of this part.

04.06.09

#### **WASTE OF WATER**

- A. Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. Users shall maintain their water systems in good repair to prevent waste through leaky valves. If, in the judgement of the water superintendent or of any of the officers of the Town, a user of municipal water engages in practices which result in the needless waste of water and continue so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the governing body.
- B. The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his or her water connection at least five days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform the user of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- C. A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his or her water service should not be discontinued.
- D. After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify the user of the decision and of the period during which the service will remain discontinued.

## **CHAPTER 7 DAMAGES**

Sections:

04.07.01 Non-liability for Damages

04.07.01 **NON-LIABILITY FOR DAMAGES**

The Town shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, forces of nature, 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 Town beyond that provided in the Governmental Immunity Act.

## CHAPTER 8 WATER METERS

### Sections:

04.08.01	Water Meters
04.08.02	Permits for Installation
04.08.03	Applications for Installation Permit
04.08.04	Moving or Replacing Water Lines
04.08.05	When Permits Shall Not Be Issued
04.08.06	Discontinuance of Service
04.08.07	Fire Hydrants
04.08.08	Extension of Water Mains within the Town

### 04.08.01 WATER METERS

- A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal water system must have such number, type, and/or size of water meters connected to their water system as are necessary in the judgement of the superintendent to adequately measure use and determine water charges to the respective users. Said user must pay standard connection fees for a water meter at each location where a Town water main is tapped to provide water service.
- B. Meters will be furnished by the Town upon application for a connection, and upon payment of such connection fees and other costs as may be established by the governing body from time to time by resolution.
- C. Meters shall be deemed to be and remain the property of the Town. Whenever a dispute between superintendent and the property owner arises as to the appropriate number, type, and/or size of meters to be installed on any premise, the matter shall be heard and determined by the governing body after due notice in writing to the parties involved.
- D. The superintendent shall cause meter readings to be taken regularly and shall advise the recorder/clerk thereof for the purpose of recording the necessary billings for water service.
- E. Meters may be checked, inspected or adjusted at the discretion of the Town, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the Town through its representatives to the customer to do so.
- F. If a customer submits a written request to the superintendent to test his or her water meter, the Town may, if under the circumstances it deems it advisable and, in its discretion, order a test of the meter measuring the water delivered to such a customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods

of testing satisfactory to the governing body, the meter shall be deemed to accurately measure the use of water.

- G. If the Town's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a similar period of time and use. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the Town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- H. All damages or injury to the lines, meters or other materials of the Town property caused by any act or neglect of the customer shall in the discretion of the Town be repaired at the expense of the customer, and the customer shall pay all costs and expenses.

#### 04.08.02      **PERMITS FOR INSTALLATION**

It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary system without first having received a construction permit from the office of the recorder/clerk or from the water superintendent.

#### 04.08.03      **APPLICATIONS FOR INSTALLATION PERMIT**

- A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal water system must be made in writing by a licensed plumber, his or her authorized agent, or by the owner of the property who shall describe the nature of the work to be done for which the application is made.

The application shall be granted if approved by the Town Planning Commission, as outlined above, and the superintendent determines that:

1. The connection, repair, alteration or installation will cause no damage to any adjacent street or to the Town's water system and that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the Town. All connections, alterations or installations shall be to the line and grade designated by the water superintendent.
3. Fees for permits or for inspection services shall be of such amounts as the governing body shall from time to time determine by resolution.

#### 04.08.04      **MOVING OR REPLACING WATER LINES**

In the event that the Town water system must be moved or replaced, the Town shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer.

**04.08.05      WHEN PERMITS SHALL NOT BE ISSUED**

Permission to connect with the municipal water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the Town.

**04.08.06      DISCONTINUANCE OF SERVICE**

Any customer desiring to discontinue service shall notify the Town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

**04.08.07      FIRE HYDRANTS**

Water for fire hydrants will be furnished free of charge by the Town. The customer/developer is responsible for the expense of installation of required fire hydrants by a licensed contractor to meet the water standards of the Town. Future repairs on such hydrants shall be the responsibility of the Town. All customers shall grant the licensed contractor or Town, upon demand, a right-of-way or easement to install and maintain such hydrants on their property if the Town concludes that hydrants shall be so installed for the protection of the residents of the Town.

**04.08.08      EXTENSION OF WATER MAINS WITHIN THE TOWN**

Any person or person, including any subdivider, who desires to have the water mains extended within the Town, and is willing to pay in advance the entire cost of such extension, as hereinafter provided, may make application to the governing body for partial reimbursement of the cost of such extension in accordance with the Subdivision Ordinance.

