

# TITLE 10 – Culinary Water

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## Huntsville Town Ordinance – Title 10: Culinary Water

### **Title 10 – Culinary Water**

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#### 10.1 Purpose<sup>1</sup>

One of the primary concerns of Huntsville town is to provide safe culinary water in ample supply to its citizens. The culinary water system should be a technically and financially viable system. Huntsville Town assumes complete and entire ownership and control of all water works, installations and connections to the Huntsville Town Culinary Water System up to and including the water meter. The property owner is responsible for hooking to and maintenance of the water system and all infra-structure from the water meter to, and including within, all buildings on the property.<sup>2</sup> The charges and fees levied for connections or installations shall be established by resolution for any and all classes of installations, or connections, as deemed necessary by the Huntsville Town Council. Each residence with water service shall be required to have garbage service.

#### 10.2 Supervision

The construction, repair and maintenance of the entire Huntsville Town Culinary Water System shall be under the direction and control of the Huntsville Town Council, which may appoint a Culinary Water Superintendent and a Culinary Water Facility Operator of the water system and prescribe their duties and responsibilities.

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<sup>1</sup> Amended 10-7-2010: to include the last sentence of paragraph 10.1

<sup>2</sup> Amended 11-17-2011: Added sentence: “The property owner is responsible for hooking to and maintenance of the water system and all infra-structure from the water meter to, and including within, all buildings on the property.”

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### 10.3 Connections

Secondary water is available to the residents of Huntsville Town and therefore, culinary water shall not be used for irrigation or other purposes traditional to secondary water usage. Each water user of Huntsville Town shall be prohibited from using culinary water for irrigation or for the other purposes traditional to secondary water usage as long as secondary water is available.

- A. A separate connection shall be required for each residence to which a property owner desires water to be supplied, and a water meter shall be installed, and a fee paid for each connection. Proof of a secondary water hook up on the said property for which a culinary water hook up is requested, must be provided prior to culinary water connection.
- B. No connection shall be made to the Huntsville Town Culinary Water System until after payment of the connection fee to Huntsville Town by the property owner. Huntsville Town will then install the water meter and water meter box and lid. Huntsville Town will also make the connection and install the necessary line from the water meter to the water system main line. Such installation will also include inspection, backfilling, and repair to streets disturbed during construction.
- C. All water billing shall remain in the property owner's name. No renters will be added to the water billing.<sup>3</sup>
- D. It shall be unlawful for any person to make any connection with the Huntsville Town Culinary Water System, unless said person is an authorized contractor or working for Huntsville Town. Nor shall any person willfully damage or destroy any part of the Huntsville Town Culinary Water System. Any person causing such damage shall be guilty of up to a Class C misdemeanor. Such person shall also be liable for all damages caused to said system.
- E. No water user shall permit either temporarily or permanently the use of water on any other lot than the one it is approved for. No building or structure shall be built across, over, or in any way obstruct the culinary water system infrastructure unless authorized by Huntsville Town.
- F. All water meters shall be kept clear of obstacles that would limit access by Huntsville Town Culinary Water Department personnel.

### 10.4 Application for Water

Whenever any property owner desires to obtain water from Huntsville Town, they shall make application therefore in writing, which application shall state the intended use of the lot to which the proposed connection will be made. A separate application shall be filed for each connection

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<sup>3</sup> Amended 4-16-2015: Added sentence C. Water bills shall remain in property owner's name.

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required by this ordinance, and if a lot is at any time used for a purpose other than the purpose stated in the original application, another application must be filed. The person filing the application shall sign an agreement that they will be governed by the ordinances, resolutions, rules and regulations as may be prescribed by the Huntsville Town council for the control of the water system. If any person draws or uses water from the Huntsville Town Culinary Water System without first filing an application and obtaining approval of the application from the Huntsville Town Council, Huntsville Town may deny water until such time as the applicant fully complies with the provisions of this Title.

### 10.5 Fees

- A. The following fees shall be assessed by resolution of the Huntsville Town Council for each culinary water connection within the incorporated limits of Huntsville Town.
- B. An impact fee shall be established by resolution and assessed at the time of connection to the culinary water system. This fee shall be specifically for the purpose of contributing to the cost of the Huntsville Town Culinary Water Capital Improvement Project.
- C. An impact fee shall be established by resolution and assessed at the time a building permit is issued for the purpose of contributing to other, non-culinary, water-related capital improvement projects required by Huntsville Town.
- D. These impact fees shall be assessed for each culinary water connection and building permit issued within the incorporated limits of Huntsville Town and shall in no way limit culinary water connections or other fees assessed outside of the corporate limits of Huntsville Town.
- E. Each culinary water user agrees to pay the established rate or rates for use of culinary water in excess of the average rate established by Huntsville Town. Huntsville Town shall notify each user of culinary water of the base rate, the amount of usage it applies to and the rate or rates for excess usage upon adoption of this ordinance or prior to connection to the culinary water system.
- F. Huntsville Town shall establish an average amount of culinary water to be used by residents of Huntsville Town.
- G. For any water user who does not have use of secondary water, or whose use is in excess of water demands of the average user in the opinion of Huntsville Town, Huntsville Town may measure water usage.

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### 10.6 Statements and Date of Payment

- A. Statements for culinary water charges shall be mailed to the water users periodically as set by resolution and will be due and payable not later than the last day of the month the statement is issued. Water charges become delinquent after the last day of the month they are issued. In the event of delinquency, a penalty and collection charge may be assessed as established by resolution.
- B. A late notice will be included in the bill of the following month with a shut off notice to follow fourteen days later. In the event all delinquencies are not paid in full by the next billing cycle; the water service will be disconnected.
- C. In the event the water service has been disconnected for failure to pay water charges; such service may be reconnected only upon payment to Huntsville Town of a deposit, which shall be established by resolution.
- D. If the property served by the water connection is rented by the owner to another party, then the renting party shall deposit with Huntsville Town an amount to be established by resolution before the water service is turned on. This amount is refundable after six months if there are no delinquent water bills associated with the water service to the property. Huntsville Town, may at its discretion, grant a waiver to the deposit.

### 10.7 Regulation of Water Use

When it is deemed necessary, Huntsville Town may at any time limit or turn off the water to any or all parts of the Huntsville Town Culinary Water System for necessary repairs or maintenance. If possible, notification shall be provided to each water user affected. In times of scarcity of water, the Huntsville Town Council may, at its discretion, limit the use of water to any or all parts of the system. Any person violating the provisions of this section, or any proclamation made by the Huntsville Town Council pursuant thereto, shall be charged a penalty as may be affixed by the Huntsville Town Council and may have their water service turned off.

### 10.8 Fire Hydrants

- A. All fire hydrants shall be under the control of Huntsville Town. The fire department and such others as Huntsville Town shall authorize, shall have access to said hydrants. No unauthorized person shall open or operate any fire hydrant, or attempt to draw water there from, or obstruct the approach thereto.
- B. Any person who shall willfully or carelessly damage a fire hydrant, draw or attempt to draw water there from, or cover or obstruct access to a fire hydrant or permanently cover a meter box, shall be guilty of a Class C misdemeanor. Such person shall also be liable for all damages caused to said system.

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### 10.9 Request for Water Outside Huntsville Town<sup>4</sup>

Huntsville Town, in its sole discretion, has the option to provide culinary water to homes located outside of Huntsville Town's corporate boundaries subject to the following conditions:

- A. If the Town has water rights and water source capacity surplus to the current and anticipated needs of its residents.
- B. Any new culinary water connections outside of Huntsville Town shall not negatively impact the culinary water connections inside Huntsville Town boundaries by restricting water supply or quality.
- C. All applicants requesting culinary water service outside the municipal boundaries of Huntsville Town shall be required to:
  1. Obtain all necessary permits and/or approvals through the State or County prior to submitting an application to Huntsville Town.
  2. File a written request to provide culinary water to their development including the following:
    - i. A map of the area to be served;
    - ii. A detailed drawing of the proposed location of the service pipe, in both plan and profile, from the area to be served to the closest main line of the Huntsville Town Culinary Water System;
    - iii. The maximum number of houses to be served in the area;
    - iv. The detailed improvement plans, in both plan and profile, of the proposed location of all lines, meters, and meter boxes and all fire hydrants, including sizes of lines; all this is to be prepared by a Professional Engineer, licensed in the State of Utah; and
    - v. Specify the water rights and source(s) of water which the applicant either owns or has the legal right to acquire for purposes of irrigation and any other uses other than indoor culinary use.

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<sup>4</sup> Amended 2-7-2019: Ordinance #2019-2-7 allowing Town option to accept payment commensurate with the value of water rights required to be conveyed to the Town

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3. Submit all drawings and specifications to the Huntsville Town Engineer for review and recommendations to the Huntsville Town Council.
  4. Convey title by deed to the Town at least 45/100ths of an acre foot of perfected water rights approved for municipal use within the Huntsville Town Culinary Water System for each single-family home connection.
    - i. In lieu of the water right dedication required under 10.9.C.4, applicant may elect to pay Huntsville Town a commensurate fee for each single-family home connection.
    - ii. Huntsville Town shall not accept exchange applications, contracts, or leases as a substitute for the dedication or fee requirements identified under 10.9.C.4.
  5. Transfer or convey ownership of all easements, water rights, sources(s) of water, water lines, meters, meter boxes and fire hydrants to Huntsville Town-including the right of access to repair and maintain all transferred facilities-upon completion of the development and installation of the culinary water system infrastructure.
- D. Huntsville Town shall not provide a culinary water connection to any home that does not have an adequate secondary source of water for outside irrigation and any other uses other than indoor culinary use.
- E. Each water user outside the limits of Huntsville Town shall be prohibited from using culinary water provided by Huntsville Town for irrigation or for other purposes traditional to secondary water usage.
- F. The monthly charge for culinary water service shall be established by resolution and may be set by Huntsville Town on a case-by-case basis. This fee must be accepted by the Applicant prior to construction of the facilities.

### 10.10 Cross-Connection Control Program

The Utah State Division of Drinking Water has mandatory requirements for municipalities to maintain a cross-connection control program to protect the public potable water supply from the possibility of contamination or pollution which could backflow or back-siphon into the their culinary water systems, to promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system(s), and on-potable system(s), and to provide for the maintenance of a continuing program of cross-connection control.

- A. Requirements. No water service connection to any Huntsville Town premises shall be installed or maintained unless the water supply is protected against backflow as required

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by Utah State law, regulations, codes, and this Title. Service of water to a consumer found to be in violation of these cross-connection requirements shall be discontinued by Huntsville Town after due process of written notification and an appropriate time suspension for voluntary compliance, if:

1. A backflow prevention assembly required by this Title for the control of backflow and cross-connections is not installed, tested, and maintained, or
2. If it is found that a backflow prevention assembly has been removed or bypassed, or
3. If an unprotected cross-connection exists on the premises, or
4. If the homeowner has not allowed a periodic culinary water system survey to be conducted.

Service shall not be restored until such conditions or defects are corrected.

### 10.11 Source Protection

The Utah State Division of Drinking Water has regulations for municipalities to prepare and seek approval of a drinking water source protection plan from the Division of Drinking Water. Huntsville Town shall prepare and submit such a plan. When the Division provides written notice of its approval of the plan, Huntsville Town shall provide the Weber County Building Department, Weber County Planning, Weber County Health Department and Surveyor's Office with a map, and additional information required by the Office, identifying the four drinking water source protection zones the public water system designates for each of its sources of groundwater for drinking water in the plan approved by the Division. The Huntsville Town Planning Commission shall then incorporate this information on a map of the County that it shall prepare and maintain which identifies each public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each source of groundwater.

The Huntsville Town Water Department/Planning Commission shall submit any updated information as necessary to the Weber County Planning Department, and the Weber County Health Department.

### 10.12 Penalties

Any person violating any of the provisions of this Title, or any of the rules and regulations hereafter adopted pertaining to said culinary water system, when no other penalty is prescribed, shall be guilty of up to a Class B misdemeanor or felony based on the dollar value of the damage caused and shall be subject to a fine as stated in the fee resolution. If the violation is not corrected within thirty (30) days of notice from Huntsville Town, the person shall be subject to

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having their culinary water turned off and shall be assessed the required fees for turning on their water and shall be required to pay any and all court costs associated with enforcement of this Title. Such person or entity shall also be liable for all damage caused to the Huntsville Town Culinary Water System.

#### 10.13 Liability Exemption

Huntsville Town, or any of its officers, agents, or employees, shall not be liable for damages to any water user by reason of any stoppage, or interruption of the water supply caused by scarcity of water, alterations, additions, or repair of the water system, or from any other unavoidable cause. If any section, sentence, clause, or phrase of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or Unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Title.