

- 10.1 Purpose
- 10.2 Supervision
- 10.3 Connections
- 10.4 Application for Water
- 10.5 Fees
- 10.6 Statements and Date of Payment
- 10.7 Regulation of Water Use
- 10.8 Fire Hydrants
- 10.9 Request for Water Outside Huntsville Town
- 10.10 Cross-Connection Control Program
- 10.11 Source Protection
- 10.12 Penalties
- 10.13 Liability Exemption

10.1 Purpose

Huntsville Town is dedicated to providing safe culinary water in ample supply to its citizens. The culinary water system provides a limited resource and should be a technically and financially viable system. Huntsville Town assumes complete and entire ownership, management and control of all water works, installations, rights of way, easements, and connections to the Huntsville Town Culinary Water System up to and including the water meter. 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.

10.2 Supervision

The operations, compliance, and personnel 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 Administrator. The Culinary Water Administrator shall be responsible to maintain the system in compliance with all applicable state and federal regulations. When necessary in the performance of their duties, employees of the Huntsville Town Culinary Water Department shall be allowed to be on private property if necessary to perform said duties.

10.3 Connections

- A. A separate connection shall be required for each residence to which a property owner desires water to be supplied, with a water meter installed and a fee paid for each connection. Prior to the culinary water connection, proof must be provided of a secondary water hook up in place on the said property for which a culinary water hook up is requested.
- 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, water meter box and lid which will reside on Huntsville Town property or as approved by the Huntsville Town Water Department. Huntsville Town will make or supervise the connection and installation of the necessary line from the water meter to the water system main line. Such installation will also include inspection of backfilling and repair to streets disturbed during construction.
- C. It shall be unlawful for any person to make any connection with the Huntsville Town Culinary Water System, unless said person is authorized by or working for Huntsville Town. Nor shall any person or entity willfully or negligently 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 B misdemeanor or a felony, based on the dollar value of the damage caused. Such person or entity shall also be liable for all damages caused to the Huntsville Town Culinary Water System.
- D. No water user shall permit the use of water on any other lot than the one it is approved for unless authorized in emergency situations by the Huntsville Culinary Water Administrator. No building or structure shall be built across, over or in any way obstruct the culinary water system infrastructure unless authorized by

Huntsville Town. 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 Huntsville Town property owner desires to obtain water from Huntsville Town, they shall make application therefore in writing, and pay a fee established by resolution of the Huntsville Town Council, 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 required by this Title, 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 prescribed herein. 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

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.

- A. A water application fee shall be charged upon application for any culinary water hookup.
- B. An impact fee shall be assessed at the time a building permit is issued for the purpose of contributing to water-related capital improvement projects or debt service required by Huntsville Town.
- C. A system connection fee shall be assessed at the time of connection to the culinary water system. This fee shall be specifically for the purpose of covering the cost to Huntsville Town of completing the hookup.
- D. A culinary water usage rate will be charged the property owner on a monthly basis. Each culinary water account holder shall agree to pay the established rate or rates for use of culinary water in excess of the average amount established by the Huntsville Town Council. Bills not paid by the end of the billing period are delinquent.
- E. If the property served by the water connection is rented, the property owner shall establish the account. Should the account become delinquent, the renter shall be notified as well as the property owner.
- F. Upon sale of a property the account holder shall be responsible for notifying the Huntsville Town Clerk and for payment of all fees incurred until the closure of their culinary water account.
- G. In the event the water/garbage service has been disconnected/stopped for failure to pay charges; such service may be reconnected only upon payment to Huntsville Town of a reconnection fee and all past due incurred expenses (including interest and penalties). (need wording from Jerry E. noting that a notice will be sent to the WC Recorder that an outstanding bill will prevent water from being turned back on until bill paid).
- H. A standby fee shall be assessed to any dormant (e.g., a summer home not used in winter) culinary water connection.

10.6 Statements and Date of Payment

Statements for culinary water charges shall be mailed to the culinary water account holder periodically as set by resolution and will be due and payable not later than the 25th day of the month the statement is issued and delinquent after that day. In the event of delinquency, a penalty and collection charge shall be assessed as established by resolution. A late notice shall be included in the bill of the following billing period. In the event all past due amounts are not paid in full by the end of the next billing period; the water service will be subject to being disconnected.

10.7 Regulation of Water Use

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 other purposes traditional to secondary water usage as long as secondary water is available.

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 negligently damage a fire hydrant, cover or obstruct access to a fire hydrant or permanently cover a meter box, shall be liable for all damages caused to said system.

10.9 Request for Water Outside Huntsville Town

- A. Any new culinary water connections outside of Huntsville Town boundaries shall not negatively impact the culinary water connections inside Huntsville Town boundaries in any way, such as restricting Huntsville Town water supply or quality. Approval of any outside hookup is solely at the discretion and approval of the Huntsville Town Council. Each property owner outside the current Huntsville Town boundaries who desires to connect to the Huntsville Town Culinary Water System shall deed to Huntsville Town at least 1 acre foot of useable water right per connection. Huntsville Town shall pass through the maintenance cost of such water right to the customer for whose use it is intended. Huntsville Town may, after reviewing the water usage of a property owner, require an additional water right.
- B. Each water user outside the limits of Huntsville Town applying for culinary water must provide evidence of a viable, operating secondary water source. The monthly charge for culinary water service outside of Huntsville Town boundaries shall be established by resolution of the Huntsville Town Council. This fee must be accepted by the requestor prior to initiating housing construction on the property.
- C. Upon completion of the installation, all easements, water rights, source(s) of water and infrastructure must be transferred to Huntsville Town, including the right of access to repair and maintain all transferred facilities. The aforementioned may be inspected and authorized by the Huntsville Town Engineer and/or Huntsville Town Attorney. Any cost involved with installation, legal work, and inspections shall be borne by the requestor.

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 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 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 damages 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.

This Culinary Water Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 16th day of October 2008.

Mayor, James C. McKay

ATTEST:

Dated this 16th day of October 2008.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Ferre	___	___
Council Member Johnson	___	___
Council Member Sorenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___