

ORDINANCE 21-09
Cornish Town Water Ordinance

AN ORDINANCE ESTABLISHING PROCEDURES, STANDARDS, AND RESTRICTIONS IN OBTAINING AND UTILIZING A WATER SERVICE CONNECTION TO CORNISH TOWN’S PUBLIC DRINKING WATER SYSTEM:

WHEREAS, the Cornish Town Council wishes to maintain sole and exclusive control of the Cornish Town Corporation public drinking water system as defined by the State of Utah Division of Drinking Water; and

WHEREAS, the Town wishes to deliver sufficient, consistent, and safe drinking water for its residents; and

WHEREAS, the Town goal is to protect the health, safety, and welfare of its public by providing quality drinking water and high quality drinking water connections;

NOW, THEREFORE, be it resolved that the Town Council of Cornish, Utah, hereby adopts and passes the following:

TITLE 8

SUBJECT

SUBJECT	CHAPTER
Water Use And Service.....	1

Chapter 1

Water Use And Service

SECTIONS:

- 8-1-1: Water Department
- 8-1-2: Definitions
- 8-1-3: Applications For Connection, Service
- 8-1-4: Fees
- 8-1-5: Non-Active Service Connection
- 8-1-6: Forfeiture of Service Connection Request By Customer
- 8-1-8: Abandoned Lines
- 8-1-9: Use Without Payment Prohibited
- 8-1-10: Use Without Authority; Restrictions
- 8-1-11: Installation of Water Lines
- 8-1-12: Right of Entry
- 8-1-13: Motors And Certain Machinery Restricted
- 8-1-14: Fire Hydrants
- 8-1-15: Scarcity Of Water
- 8-1-16: Water Meters
- 8-1-17: Service Outside Town
- 8-1-18: Nonliability For Damages

8-1-1: WATER DEPARTMENT:

- A. **Water Operator:** The water operator shall, under the direction of the town council, have charge of the reservoirs, water tanks, water mains and fire hydrants, and of all machinery and appurtenances appertaining to the Water System. He shall have the direction of the laying of water mains and putting in of service pipes and the regulation of water supply to fire hydrants and to all consumers. He shall report to the town council quarterly or more often as necessary the condition of the waterworks and make such suggestions as the nature of the service may require.
- B. **Control Of System:** The waterworks constructed, owned and controlled by the town, to supply the town with water, shall be known and designated as the Water System. It shall be the property of the town and shall be under the sole and exclusive control of the town council, which may from time to time direct the construction of such reservoirs, water tanks, water mains and fire hydrants as the necessities of the inhabitants of the town may require.

8-1-2: DEFINITIONS:

- A. **Service Connection:** includes the following: corp stop, water service pipe, setter, meter, barrel, and lid.
- B. **Water System:** The Cornish Town corporation public drinking water system as defined by the State of Utah Division of Drinking Water (Public Water System ID Number Utah 03005).
- C. **Water Main:** A pipeline owned by Cornish Town used for distribution of water, not including a service connection.
- D. **Non-active Service Connection:** An approved service connection that does not have a meter installed. This connection status is only applicable for a 12-month period between approval and connection.
- E. **Seasonal Service Connection:** A service connection in which the user has requested in writing to have their service connection temporarily shut-off and the meter left in place.
- F. **User:** Applicant listed on the water service connection application.
- G. **Forfeiture of Service Connection:** Written request to permanently discontinue service connection.

8-1-3: APPLICATIONS FOR CONNECTION, SERVICE:

- A. **Service Connection:** Any person, who desires or is required to secure a new connection to the town Water System, first shall obtain approval from Planning and Zoning, second obtain approval from Town Council, and third execute a service agreement.
- B. **Service Location:** Applicant must validate ownership of a parcel of property or a legitimate real estate purchase contract of a parcel within Cornish Town. Service Connection may not be moved from the service address listed in the service agreement. Maximum of one residence per service connection.
- C. **Nonowner Applicants:**
 - a. Cornish Town does not allow nonowners to enter into a service agreement.
 - b. Owners will be billed for utility charges of rental properties. Duplicate will not be sent. Owners will be the responsible parties. (Modified Ord. 10-01)
- D. **Change of ownership:** when property defined in the service agreement changes ownership; a new service agreement is required by the new owner.
- E. **Time is of the Essence:** Any connection to the Water System must be made within 12-months of the approval date of a water service connection application.

8-1-4: FEES, RATES, CHARGES:

- A. **Service Rates And Connection Fees:** The rates, penalty fee for delinquency in payment, inspection fee and other charges incidental to connection and services from the town water system shall be fixed from time to time by resolution enacted by the town council. The town council 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.
- B. **Monthly Service Fee and Termination:** The owner of any premises served by the town water system shall each month pay the minimum service fee plus all charges for excess water used over and above the minimum unless the owner, tenant or occupant makes a request in writing that a particular water service be turned off. There shall be a fee for having the town turn off the water. The owner will be required to make a written request to have the water turned back on. There shall be, as established by resolution by the town Council, a fee each time the water is turned off or on.
- C. **Due Date:** A billing statement for water service charges (and charges for other services may also be included), shall be furnished to all customers of the water

system monthly, quarterly or at such other intervals as the town council may from time to time by resolution direct; and payment thereof shall be due thirty (30) days after the' billing date indicated on the statement and shall be delinquent thereafter.

- D. **Delinquency:** At sixty days past due, accounts will have a penalty assessed as set forth in the fee schedule. At ninety days past due, account holders will have ten days to pay the delinquent balance and the related delinquency fee or arrange a payment plan by paying at least 50%, with the remaining balance paid in regular payments or as otherwise agreed. If the account holder fails to perform on the arranged payment plan, a shut-off fee will be assessed and the water meter will be shut off. When accounts reach ninety days past due, a delinquent letter will be sent with a copy of the current ordinance and the account will need to be paid in full within ten days. If payment is not made on time, the account's water meter will be shut-off and assessed the relevant shut-off fee. Water service can be turned on again once a reconnection fee has been paid to the town.
- E. **Complaints; Corrections:** The town council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person. If a user is requesting forgiveness they must present their case to the town council at which point the council may forgive up to 75% of the estimated water leakage. This process is limited to one instance per calendar year and up to two instances in ten years. As the board of equalization, the town council reserves the right to make decisions based upon extenuating circumstances.
- F. **Meter Abandonment:** After a meter has been shut off for sixty (60) days and no monies have been received on account, the party responsible for bill payment shall be notified via certified mail that said meter is in danger of abandonment. Thirty (30) days shall be given for a response from said responsible party, after which, the meter shall be deemed abandoned. In order for water to be supplied to the property once again, the town council must be approached, and if an application for reconnection is approved, the responsible party shall be subject to fees and requirements of reconnection as established by resolution. (Ord. 08-03, 8-21-2008)
- G. **Owners And Tenants:** All charges for water service and garbage collection within the corporate limits of the town shall be made to the owner of record or of common repute of all residences served by connection to the municipal water system and shall be deemed chargeable to that owner regardless of any agreement made between owner and tenant. (Ord. 84-3, 11-14-1984)

8-1-5: NON-ACTIVE SERVICE CONNECTION

Approved service connection that does not have a meter installed.

- A. A non-active service connection will not be billed for base rate or usage.

- B. A non-active service connection becomes an active service connection when a connection to the water system has been completed.

8-1-6: FORFEITURE OF SERVICE CONNECTION REQUEST BY CUSTOMER:

Any user desiring to forfeit service shall notify the town in writing of such fact at least ten (10) days before the desired forfeiture date. On giving such written notice, the customer shall not be responsible for water charges incurred after the forfeiture date specified in the notice. Inhabitable structures are not eligible for forfeiture of service connection.

8-1-7: SEASONAL SERVICE CONNECTION

Any user desiring to have a seasonal service connection shall notify the town in writing of such fact at least ten (10) days before the desired shut-off and lock date. All charges must be current along with the Shut-off fee. On giving such written notice, the customer shall not be responsible for water charges incurred during the seasonal service connection. Out of town water users may request a seasonal service connection; they will still be liable for the monthly out-of-town water service charge.

- A. A connection is only eligible for seasonal status for a maximum of eight consecutive months. After which time the user will be charged a base rate as a standard user.
- B. A seasonal water connection can only be applied for once in a twelve month period.
- C. When service is desired, customer will pay a turn-on fee along with current water charges and provide a written dated notice when to have seasonal service connection turned back on. The Town will have 48 hours from the date indicated on the written dated notice.

8-1-8: ABANDONED LINES:

At 60 days past shut-off date due to delinquency the town will send a notice certified mail of the danger of abandonment. Thirty days will be given for a written response from the customer, after which the meter will be deemed abandoned and collection methods will be vigorously pursued. If the customer desires to reactivate the service connection the current balance and all applicable fees must be paid in full.

8-1-9: USE WITHOUT PAYMENT PROHIBITED:

It shall be unlawful for any person by himself, family, servants or agents to utilize the town water system without paying therefore, as herein provided, or, without authority, to open any fire hydrant, 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 injure, deface or impair any part or appurtenance of the water system, or to cast anything into any source, reservoir, or tank belonging to the water system.

8-1-10: USE WITHOUT AUTHORITY; RESTRICTIONS:

- A. **Turning On After Being Turned Off Prohibited:** It shall be unlawful for any person, after the water has been turned off from the premises 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 Mayor or designee.
- B. **Separate Connections:** Maximum of one residence per service connection. It shall be unlawful for two (2) or more users to be supplied from the same service connection.
- C. **Adjoining Parcels:** A service connection can serve adjoining parcels under the following conditions all: parcels are under a single ownership, including agriculture uses or buildings. When adjoining parcels sharing a service connection are no longer under the same ownership; any and all permanent culinary water pipes between parcels must be terminated.
- D. **Visitors:** Individuals visiting the premises 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 service pipes or facilities of the host during the visitation period which shall not exceed three (3) months. Continued use thereafter shall be deemed unauthorized and in violation of the provisions of this chapter relating to separate connections and unauthorized use.
- E. **Use of Culinary Water for Outside Irrigation** is prohibited except for lawns and gardens of reasonable size.

8-1-11: INSTALLATION OF WATER LINES:

Permit Required: It shall be unlawful for any person to lay, alter or connect any water line to the town culinary water system without first having received permission from town council. Once permission is granted all plumbing shall be constructed in accordance with the current State of Utah plumbing code, including but not limited to cross connection code.

8-1-12: RIGHT OF ENTRY:

The Town and its agents shall at all ordinary hours have 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 service being used and the manner of its use.

8-1-13: MOTORS AND CERTAIN MACHINERY RESTRICTED:

No water shall be supplied from the pipes of the town 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 town council.

8-1-14: FIRE HYDRANTS:

- A. Water for fire hydrants will be furnished free of charge for use in emergency fire suppression by the town. Repairs on such hydrants shall be at the expense of the town and shall be made under the direction of the town. All users shall grant the town, upon demand, a right of way or easement to maintain such hydrants on their premises. If the town concludes that an additional hydrant shall be required, the responsible party(s) who has created the need shall provide and install the required hydrant(s).
- B. Non-emergency uses require a permit obtained from the Town Council, fee as established in the fee schedule resolution. Vehicles for dust control shall be regulated and controlled by the Town Council to use a specified hydrant with backflow requirements. Inspection must be completed and passed before any hydrant can be used.

8-1-15: SCARCITY OF WATER:

In times of scarcity of water, whenever it shall be necessary, in the judgment of the mayor and the town council, the mayor and council shall, by proclamation, limit the use of water to such extent as may be necessary. It shall be unlawful for any person to violate any proclamation made by the mayor and council in pursuance of this chapter.

8-1-16: WATER METERS:

- A. **Service Connection Installed By Town:** A one inch service connection will be installed by the town upon application approval for a service connection. If a service connection larger than one inch is requested, the applicant requesting a larger service connection may be required to provide data or other reasoning to support a need for a larger service connection. Any non-metered or non-billed connections shall not exceed a $\frac{3}{4}$ -inch connection. The user is wholly responsible for a deposit that includes all costs. The deposit amount shall be established by the town council by resolution. Service connection shall be deemed to be and remain the property of the town.
- B. **Meter Readings:** The Clerk shall cause meter readings to be taken regularly for the purpose of recording the water usage and to facilitate billings. The property owner is responsible for ensuring meters are accessible at all times.
- C. **Tampering:** Meters may be checked, inspected or adjusted at the discretion of the town, and they shall not be adjusted or tampered with by the user. In the event the service connection is damaged by the user the town may at its discretion require the user to pay for damages.
- D. **Meter Testing:** If a user submits a written request to the Town Council to test the user's water meter, the town may, if, under the circumstances it deems it advisable, and at its discretion, order a test of the meter, measuring the water delivered to such user. If such a request is made within twelve (12) months after the date of a previous test, the user may be required to pay the cost of the new test. If the meter is found to record from ninety-seven percent (97%) to one hundred three percent (103%) of accuracy, under methods of testing satisfactory to the town council, the meter shall be deemed to accurately measure the use of water.
- E. **Estimation In Case Of Failure:** 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 period which is not questioned. In the event a meter is found to be recording less than ninety seven percent (97%) or more than one hundred three percent (103%) of accuracy, the town shall make such

adjustments in the user's previous bills as are just and fair under the circumstances.

- F. **Damage By User:** All damages or injury to the lines, meters or other materials of the town on or near the user's premises caused by any act or neglect of the user shall, at the discretion of the town, be repaired by a town-authorized person. The user shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the town through its efforts to repair the damage to the lines, meters, or other equipment of the water department. The town may also collect reimbursement of costs from the user.

8-1-17: SERVICE OUTSIDE TOWN:

- A. **Annexation Required:** No additional water services, beyond those noted below, shall be furnished outside town boundaries, unless the property is annexed.

1. Current Utah outside connections as of Dec 16, 2020:

<u>Name</u>	<u>Parcel</u>
Dale Buxton	14-009-0027
Julie Lemieux	14-009-0026
Nick Creech	14-009-0007
Fred Knowlton	14-057-0017
Brad McKnight	14-010-0006

2. Current Idaho outside connections as of Dec 16, 2020:

<u>Name</u>	<u>Parcel</u>
Marianne Sleight	2565.02
Sleight Dairy	2565.00
Jennifer Mott	2563.04
Gary Leak	2564.00
Zach Stewart	2566.00

- B. **Rates:** Water users outside town limits of the town water system shall pay water rates as shall be set from time to time by resolution or executed agreement.

8-1-18: NONLIABILITY FOR DAMAGES:

The town shall not be held liable for any damage to a user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, frozen water pipes, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any unavoidable cause. This section shall not be construed to extend the liability of the town beyond that provided in the governmental immunity act.

8-1-19: WATER RATES:

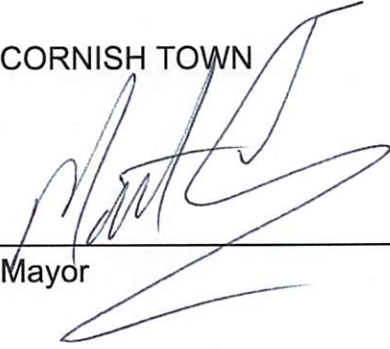
Current water rates are defined in the Cornish Town Fee Schedule.

THIS ORDINANCE SHALL TAKE EFFECT APRIL 8, 2021.

ADOPTED AND PASSED by the Cornish Town Council this 7th day of April, 2021




CORNISH TOWN



Mayor

ATTEST:



Clerk Recorder