

ORDINANCE TO GOVERN CENTRAL VALLEY TOWN CULINARY WATER SYSTEM
ORDINANCE NO. 2014-001
Amended June 21, 2023

WHEREAS, the Central Valley Town Council, considers it desirable and necessary and for the benefit of the citizens of Central Valley to establish policies and procedures for the operation and maintenance of the Central Valley Town culinary water system; and

WHEREAS, it is necessary to establish official Town wide policies and procedures for the operation of the water department to promote orderly growth, preserve property values, promote public safety and provide for the general welfare of Central Valley residents; and

WHEREAS, a public hearing to consider the ordinance to Govern Central Valley Town Culinary Water System was held on March 19, 2014 and January 17, 2018 and October 21, 2021, and June 15, 2022 to accept public comments on updates and changes; and

NOW THEREFORE, be it ordained by the Central Valley Town Council as follows:

SECTION 1- DEFINITIONS

Unless context requires otherwise, the following definitions shall be used in the interpretation and construction of this ordinance:

1-100. Accessory Dwelling Unit (ADU): A dwelling unit created within a primary dwelling (apartment) or in an outlying building for the purpose of offering a long-term rental or a temporary living space for 30 consecutive days or longer. The use of an accessory dwelling (ADU) is a **permitted use only** within all current Central Valley Town building zones.

No building permit or water hookup for an accessory dwelling located outside of the primary dwelling will be issued until the **PRIMARY DWELLING** has been substantially, permanently constructed, ie., enclosed with walls, roof, windows and doors; To qualify for water service the owner must have a *Certificate of Occupancy* for the **PRIMARY DWELLING** issued by the Sevier County building inspector. An ADU shall comply with all applicable building, health and fire codes. All other regulations of Utah State Code 10-91-530 will apply

1-101. Commercial Business: An organization engaged in the trade of goods, services, or both to consumers.

1-102. Consolidated Fee Schedule: A schedule of fees adopted periodically by resolution of the town council setting forth the various fees charged by the town.

1-103. Farm Meter: A water meter used to service stationary livestock corral/s. No primary dwelling is planned.

1-104. Hookup Fee: Fee paid to have water service activated.

1-105. Impact Fees: Set-aside fees collected from a developer/s who is/are causing infrastructure adjustments to the community.

1-106. Permitted Use: Allowable use within a land use district subject to the restrictions of the district.

1-107. Primary Dwelling: A single-family dwelling that is both fixed in location and of substantial permanent construction and is occupied as the primary residence of the owner of record. All other regulations of Utah State Building Code will apply.

1-108. Security Deposit: Town Council determined amount of money that's paid to secure payment of monthly water services.

1-109. Substantial Permanent Construction: A construction suitable and appropriate to serve a specified purpose of a permanent dwelling for at least twenty-five years, ie., enclosed with walls, roof, windows and doors.

1-110 – Water Source Protection Zones: The specified surface and subsurface area surrounding a ground water source supplying a public water system through which contaminants are reasonably likely to reach the ground water source of drinking water.

SECTION 2 - Impact Fees

Impact Fee will be charged on all new water hookups. Impact Fees are required by *Ordinance 2008-001 Impact Fees* and will be based on the current Central Valley Town Consolidate Fee Schedule Exhibit A. Fees will be charged for:

- a. Primary Dwellings
- b. Accessory Dwellings
- c. Commercial Businesses: Fee will be computed by the mayor and council as follows: they shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.50 ERC. (1 ERC - \$4,000)
- d. Farm Meters

A building permit will not be approved by the town until impact fee is paid in full.

SECTION 3 – Hook Up Fees and Security Deposit

Hook Up Fee and Security Deposit will be charged on all new water hookups and will be based on the current Central Valley Town Consolidate Fee Schedule Exhibit A. Fees will be charged for:

- a. Primary Dwellings
- b. Accessory Dwellings
- c. Commercial Businesses
- d. Farm Meters

- e. **Security Deposit** will be collected for all new accounts. A new account is set up when a property is sold to a new owner or a new residence is constructed. The deposit will be held as security for non-payment. Balances remaining after disconnection will be refunded. The security deposit may be refunded after two (2) years of good payment history as determined and approved by the town council. A town resident with a satisfactory payment history that moves to a different location within the town would not be required to provide a new security deposit.

- f. Above fees include up to 100 feet of 1-inch line from existing water main line to the water meter, and will also include water meter box, lid, yoke and a 5-foot stub out on customer side of meter box. Fee also includes installation of the above items by the town water department. Water meters will be $\frac{3}{4}$ " or 1" and will be furnished by the water department. A building permit will not be approved until hookup fee is paid.

- g. Connection and Hookup Fees for meter hookups larger than the above standard sizes require prior town council approval. The town council will calculate the appropriate fee for the larger size hookups.

- h. A hookup fee, impact fee and deposit will be required for any new farm meter where a primary dwelling is not planned.

A building permit will not be approved by the town until hookup fee AND security deposit are paid in full.

SECTION 4 - Water Usage Fees

1. **Water usage fees** will be charge on a monthly basis and **will commence** on date of meter placement. Fees will be based on the current Central Valley Town Consolidate Fee Schedule Exhibit A. Fees will be charged for:
 - a. Primary Dwellings
 - b. Accessory Dwelling
 - c. Commercial Businesses
 - d. Farm Meters
 - e. For primary dwellings, accessory dwellings, commercial businesses and farm meters which are larger than 3/4" or 1" the town council will calculate the appropriate monthly fee for the larger size hookups.
 - f. BULK water obtained through a fire hydrant for construction purposes. Water must be obtained through a backflow prevention device approved by Central Valley Town. A meter is available from the town. Bulk water tanks must be filled using the air gap fill pipe method.
 - g. Voluntary disconnection will not be charged a disconnection fee. A reconnection fee and payment of any delinquent amount will be required before obtaining water service for any disconnection.
 - h. Owners of the property are responsible for ALL water fees regardless of who is occupying the property. **Renter/s name/s will not be placed on the account.**

2. **Penalties For Late Payment or Non-Payment** will be charged on a monthly basis and will be based on the current Central Valley Town Consolidate Fee Schedule Exhibit A. Fees will be charged for:
 - a. All accounts must be paid monthly. An account becomes delinquent when any monthly utility bill is not paid on or before the end of that month. Such an account will be assessed a late charge. Penalties are not accessed for delinquent account balances of \$5.00 or less. If the past due account is not paid by the end of the month following the original billing, the water service will be disconnected after ten (10) days-notice and the meter removed and/or locked out upon review and approval of the mayor. Water will be disconnected when there are two (2) consecutive months with a delinquent amount.
 - b. Any account which is disconnected for late or non-payment shall be assessed a disconnect fee. Service shall not be restored until ALL charges and penalties have

- been paid. Central Valley Town shall not be liable for damages sustained by the customer due to disconnection for late or non-payment.
- c. A return check fee will be assessed for each returned check.
 - d. Delinquent accounts may result in liens being placed on property relating to such accounts.
 - e. The mayor may approve the reduction or write off any penalty up to \$20.00 with valid cause. Any amount over that limit must be approved by the town council.

SECTION 5 - Other Water System Requirements

Old Water Hookups:

1. Any meter installed, with the previous water system, "Central Waterworks Company", where only the pipes and meter yolk are still in place, is subject to pay the Hookup Fee as listed on the current *Central Valley Town Consolidated Fee Schedule*. If the remaining equipment is serviceable, the water department shall determine any discount to be given and the town shall deduct said amount from the Hookup Fee. Any water meter installed that became inactive prior to the year 2005 is subject to this provision.
2. No new water service will be approved or installed outside the town boundaries after January 1, 2007, except for those specific written agreements in place prior to January 1, 2007, and after town council approval.

New Water Hookups:

1. New water hookups are available only for lots where a primary dwelling exists or is planned as evidenced by a current building permit; or farm meter service to an existing stationary livestock corral on property where there is no primary dwelling; or a commercial business is planned as evidenced by a building permit.
2. No building permit or water hookup for an ACCESSORY DWELLING located outside of the primary dwelling will be issued until the Primary Dwelling has been substantially, permanently constructed, i.e., enclosed with walls, roof, windows, and doors. To qualify for water service the owner must have a Certificate of Occupancy for the primary dwelling issued by the Sevier County building inspector.
3. Meter placement: A water meter will be installed upon full payment of all applicable fees, and a building permit is in force and effect for a primary dwelling, farm meter or commercial business.
4. Failure/delay to start construction of primary dwelling: If there is no evidence of permanent construction of the primary dwelling within six months (180 days) of meter placement, the water meter will be disconnected, and a reconnection fee will be assessed to initiate water service.
5. Any failure to start construction within six months (180 days) of the date of the building permit issuance, the town will consider the building permit abandoned and any new construction will require a new permit.

New Water Hookup Information Letter

1. A Water Hookup information letter will be given to the building permit applicant at the time of fee payment. See the Central Valley Town Water Meter Installation Handout.

2. A water meter will be placed on the water department's schedule for timely installation upon full payment of all applicable fees, and a building permit is in force and effect for a primary dwelling, farm meter or commercial business.
3. Monthly Water Usage Fee will commence at the time of meter placement. If there is no evidence of substantial permanent construction of the primary dwelling within six months (180 days) of building permit issuance, the water meter will be disconnected, and a reconnection fee assessed. The town will consider the building permit abandoned and any new construction will require a new permit.

Water Fees:

1. A Hookup Fee, Impact Fee and Deposit will be required for any new meter for a primary dwelling, farm meters where a primary dwelling is not planned; or a commercial business is planned as evidenced by a building permit.
2. A water usage fee will commence at the time of water meter placement.
3. Water usage fees will commence at time of meter placement; If there is no evidence of substantial permanent construction of the primary dwelling within six months (180 days) of building permit issuance, the water meter will be disconnected, and a reconnection fee assessed. The town will consider the building permit abandoned and any new construction will require a new permit.
4. Interim Fee (Vacation): Water meters put on vacation will be subject to an interim fee. This fee will be paid monthly at the rate listed on the current *Central Valley Town Consolidated Fee Schedule*.

Leaks and other problems with water service:

1. Leaks or other problems in the meter or on the "town side" of the meter will be repaired by the Town.
2. Leaks or other problems on the "customer side" of the meter are the responsibility of the property owner and must be repaired at the property owner's expense.
3. Water leaks on the customer side of the meter must be repaired within fifteen (15) days of discovery. If the leak is not repaired after that time, Central Valley Town will disconnect the water service until such time as repairs are completed.
4. Any customer who negligently uses or wastes Central Valley Town culinary water, evidenced by flooding of streets and/or sidewalks, may be subject to legal action.

5. In case of an emergency concerning water quality, or water supply, the Central Valley Town water department may adopt emergency measures, including limitations on water usage, without warning or notification. Such actions will be in effect for the shortest possible time to correct the problem. Customers violating such emergency orders may be subject to legal action.
6. All property outside the Central Valley Town boundaries which is receiving culinary water service from Central Waterworks Company prior to 2007 will continue to receive water service from Central Valley Town on the same basis as town residents and without discrimination as to availability or other limitations not imposed upon town residents.
7. There shall be no cross connection between Central Valley Water System and any other water source, culinary or irrigation.
8. Central Valley Town has the right and obligation to disconnect from any service that violates the cross connect standards.
9. Central Valley Town Water Department will provide water to the Central Valley Town community center, maintenance building, park, ball field, town restrooms, splash pad and any other town facilities at no cost to the town.
10. Water Rates will be periodically reviewed and updated by resolution by amending the current *Central Valley Town Consolidated Fee Schedule*.
11. The Central Valley Town Council, with good cause, may consider and permit extensions of time limits specified in this ordinance.
12. Unforeseen Disasters will be given a grace period of 2 years. This grace period will be reevaluated after 1 year.

Amendments:

This Section was amended and approved on the 21st day of June 2023.

SECTION 6 – Water Source Protection Zones 1, 2, 3 and 4 of the Meacham Springs, Meacham Well, North Springs and South Springs – AS of the date of this amended ordinance dated June 15, 2022, the following restrictions shall be in force and effect: No new water meters/hookups will be permitted; no new placements of septic tanks will be permitted. NO Exceptions.

SECTION 7 - Penalty Provision

Any person violating the provisions of this ordinance shall be guilty of a Class B misdemeanor.

This amended ordinance shall take effect upon adoption and posting. Amendments to each section will show at the end of each section upon approval.

Amended Ordinance is passed, adopted, and posted this 21st day of June 2023.

Attest:

Town Clerk, Sheyenne Tenney

Mayor, Gary D. Barney

seal

VOTING: (circle one)

DAVID NIELSON	SUSAN OUTZEN	CHARLES EVANS	KODY WINKEL
AYE NAY	AYE NAY	AYE NAY	AYE NAY