

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING **TITLE 8 OF THE TOQUERVILLE CITY CODE TO INCLUDE DEPOSITS AND EXTEND THE DISCONTINUANCE OF SERVICE TIMEFRAME.**

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. **TITLE 8** of the Toquerville City Code is hereby amended and restated in its entirety as follows:

8-1-2: APPLICATIONS FOR CONNECTION, SERVICE:

A. ~~C.~~ Application For Water Service: Any person who desires or is required to secure water service when such service is available from the municipal water system, shall file with the water department a written application and agreement for the service.

B. ~~A.~~ 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 city water system, shall file with the water department for each connection a written and signed connection application.

C. ~~B.~~ 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 required.

D. Nonowner Applicants; 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 premises or his duly authorized agent. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012; amd. 2014 Code)

8-1-3: RATES AND CONNECTION FEES; PAYMENT PROVISIONS:

A. Rate Setting; Promulgation Of Rules: *The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the city water system shall be fixed from time to time by the city council. The city 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. Deposits:

1. *Any individual or entity requesting a water connection within the city limits shall be required to pay a deposit upon service application submission. The specific deposit amount shall be determined in accordance with the current fee schedule established by the City Council.*

2. *Any individual or entity requesting a water connection and use of a fire hydrant meter shall be required to pay a deposit upon application submission. The specific amount shall be determined in accordance with the current fee schedule established by the City Council.*

3. *Refunds: Any individual or entity that has paid a deposit and has twelve (12) months of on time payments may be entitled to a refund of their deposit in the form of a credit to their billing account.*

~~**B.-C.**~~ **C.** *Special Rates: The city council may from time to time fix by agreement, ordinance 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.*

~~**C.**~~ **D.** *Use Without Payment Prohibited: It shall be unlawful for any person, by himself, family, servants or agents, to utilize the city water system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve or other fixture 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 reservoir or tank belonging to the water system.*

~~**D.**~~ **E.** *Billings; Delinquency; Discontinuance Of Service:*

1. *The city shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month, or at such other regular interval as the city council shall direct.*

2. *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 ~~thirty (30)~~ **sixty (60)** days of the date due, the city shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five (5) days from the date of notice.*

3. *If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the city*

treasurer or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the city council may have established. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The utility 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 city. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012; amd. 2014 Code; Ord. 2023.01, 1-4-2023)

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 17 day of April 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder