



Memorandum

To: Mayor, Town Council
From: Rick Wixom
Date: March 3, 2022
Re: **March 9, 2022 Town Council Meeting**
Ordinance 2022-02, Amendments to Chapter 8-1: Water Use,
Construction Water and Hydrant Meters

As noted in the budget amendment and fee schedule modifications, the Town is modifying the way we utilize hydrant meters for construction water purposes. Ordinance 2022-02 modifies Chapter 8-1, but specifically section 8-1-12 where hydrant meters are concerned.

The ordinance clarifies that in order to use Town culinary water for construction purposes, including water truck water, a contractor must utilize a town hydrant meter. At present, most contractors apply for and use town provided meters. However, there are some contractors who presently use their own meters. This would be prohibited under this ordinance change and is being communicated to our existing repeat contractor customers.

Accountability for water use is critical for the Town and of great concern with the Town, County and State. The new meters being procured by the Town are similar technology to our new culinary meters and are cellular enabled, allowing billing staff to accurately bill for water used. Having the meters provided by the Town to a construction project site and secured to a fire hydrant will provide a level of security and accountability not present in our current operations.

We envision this process as follows:

- A contractor needing access to water for construction purposes, including water truck water or dust control applies for a hydrant meter at the town hall, in similar fashion to what currently occurs. The application will specify the location where the meter is needed and the time frame when it will be used.
- Utility billing staff notify the Public Works Department that a meter has been requested, and the Department will deliver and install the meter on a hydrant. A locking device will be used to secure the meter to the hydrant.
- The contractor will use the meter and be responsible for the meter during the period of use.
- The contractor notifies the Public Works Department or billing staff that the meter use is done, and the Public Works staff retrieve the meter, and provide the billing staff a final read for the use which will be used to bill the water use to the contractor.
- If the water use extends over one billing period, the billing staff will “read” the meter via Badger’s cellular technology in similar fashion to other culinary meters.

In addition to section 8-1-12, the Town Attorney has made other smaller changes within Chapter 8-1 to bring consistency in this Chapter with other recent code changes. These are mostly stylistic, grammar and punctuation changes.

ORDINANCE 2022-02

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL, AMENDING CHAPTER 8-1 OF THE OF THE SPRINGDALE TOWN CODE REGARDING CONTRUCTION WATER/HYDRANT METERS AND OTHER RELATED CHANGES

Whereas, Chapter 8-1 of the Springdale Town Code includes contains regulations regarding water use within the Town of Springdale, and

Whereas, section 8-1-12 of the Town Code specifically addresses the use of water for water truck and construction water purposes, and

Whereas, the Town Council desires to amend regulations regarding the use of water for construction water purpose, specifically including a requirement that town-owned fire hydrant meters shall be used for construction water purposes, and

Whereas, the Town Council believes that the use of town-owned and provided hydrant meters will improve accountability for water resources, ensure proper billing and accounting for water used, and increase water conservation, and

Whereas, additionally, other changes are necessary to ensure that Chapter 8-1 is internally consistent to other titles of the Town Code, and

Now therefore be it ORDAINED by the Springdale Town Council that Chapter 8-1 of the Town Code is revised as shown in the attached document.

Passed and approved by the Springdale Town Council on March 9, 2022.

Barbara Bruno, Mayor

Attest:

Darci Carlson, Town Clerk

CHAPTER 1 WATER USE AND SERVICE

8-1-1: WATER/WASTEWATER DEPARTMENT:

- A. *Created:* The Water/Wastewater Department of the Town is hereby created. It shall administer the operation and maintenance of the water system of the Town.
- B. *Superintendent:* There is hereby created the position of Public Works/Utility Superintendent of the Water/Wastewater Department.
- C. *Duties:* The Public Works/Utility Superintendent of the water system shall manage and supervise the Town water system pursuant to the provisions of this chapter and pursuant to resolutions, rules, and regulations adopted by the Town Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Town Manager relating to the water system. All of the functions and activities of the Public Works/Utility Superintendent shall be carried out under the direction of the Town Manager.

(Ord. 2015-06, 11-10-2015)

8-1-2: DEFINITIONS:

Town water system: The Town's culinary water system including its various components such as water mains, water lines, water pipes, valves, fittings, fire hydrants, meters, meter boxes, meter setters, and service lines connecting the water lines to the meters. The Town's water system does not include any service line, fittings, valves, or other components beyond the fitting on the customer side of the meter setter.

(Ord. 2015-06, 11-10-2015)

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

- A. *Connection:* Any person who desires or is required to secure a new connection to the Town water system, shall file with the town an application for installation permit as specified [in Chapter 6 of this title in section 8-6-2 of this chapter](#).
- B. *Service:* Any person who desires or is required to secure water service shall file with the Town Treasurer a written application and agreement for the service using forms provided by the Town.

(Ord. 2015-06, 11-10-2015)

8-1-4: FEES:

- A. *Service rates and connection fees:* The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, 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. *Special rates:* The Town Council may from time to time fix by agreement or resolution special rates and conditions for users making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

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- C. *Complaints; corrections; indigents:* 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.

(Ord. 2015-06, 11-10-2015)

8-1-5: STATEMENT OF CHARGES; DELINQUENCY:

- A. *Statement:* The Town Treasurer shall furnish to each user, or mail to, or leave at the user's place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against the user once each month or at such other regular interval as the Town Council shall direct.
- B. *Refusal to pay:* Any user who neglects or refuses to pay the amount due on or before the date due, shall be assessed and levied an account service charge in the amount of five percent of the outstanding balance due and owing, including delinquency and service charges. If any water user fails to pay a water charge within 30 days of the date due, the Town Treasurer shall immediately provide written notice to the user by certified first class mail, postage prepaid, that full payment must be made within ten days of the date of the notification or water services will be terminated.
- C. *Payment plan:* A user may submit a request for a payment plan to the Town Treasurer that proposes payments of all service charges owed. If the Town Treasurer accepts the proposed payment plan, the user shall sign a contract with the Town Treasurer outlining the payment schedule.
- D. *Appeal to Board of Equalization:* Any person wishing to appeal a decision of the Treasurer regarding service charges may do so by filing a written appeal to the Board of Equalization as provided in subsection 8-1-4C of this chapter, within five days after the decision of the Treasurer, for hearing at the next regular Town Council meeting, occurring no sooner than five days after the appeal has been filed. Filing of an appeal with the Board of Equalization shall stay termination of water service during the pendency of the appeal.
- E. *Termination; reinstatement:*
1. If the water service is terminated as provided above, all delinquent water charges, penalties and costs provided in this chapter must be paid to the town treasurer or arrangements made for their payment in a manner satisfactory to the Treasurer before water service will be reinstated. The Town Council, by resolution, may establish the costs to be charged for reinstating water service which has been terminated. Until such a resolution has been adopted, there shall be added an extra charge of \$25.00 for turning on the water.
 2. Furthermore, in addition to payments and penalties, a delinquent customer may be required to make and file a new application and pay a deposit fee if the previous deposit has been applied to the payment of delinquent bills.

(Ord. 2015-06, 11-10-2015)

8-1-6: DISCONTINUANCE OF SERVICE:

Any customer desiring to discontinue service shall notify the Town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuation of service.

(Ord. 2015-06, 11-10-2015)

8-1-7: USE WITHOUT PAYMENT PROHIBITED:

It shall be unlawful for any person, individually or through an agent, to utilize the Town water system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, 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 reservoir or tank belonging to the water system.

(Ord. 2015-06, 11-10-2015)

8-1-8: 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 Public Works/Utility Superintendent or Town Treasurer.
- B. *Separate connections:* It shall be unlawful for two or more separately owned dwellings or structures to be supplied from the same water meter. Buildings or structures that cannot be individually owned may be served by one meter. Nothing herein shall be deemed to preclude the power of the town to require separate pipes, connections, or meters at a subsequent time.
- C. *Unauthorized users:* It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

(Ord. 2015-06, 11-10-2015)

8-1-9: INSTALLATION OF WATER LINES:

- A. *Permit required:* It shall be unlawful for any person to lay, repair, alter or connect any water line to the Town culinary water system without first having received a permit pursuant to chapter 6 of this title.

(Ord. 2015-06, 11-10-2015)

8-1-10: PIPE REQUIREMENTS:

- A. *Good repair:* All users of water services shall keep their service pipes and connections and other apparatus in good repair, in compliance with applicable plumbing codes, and protected from frost at their own expense.
- B. *Quality of service pipe:* All service and other pipe used in conjunction with the water services of the town shall be of such material, quality and specifications as provided for in the current building code and the Town's construction design standards and details, as approved and adopted by the Town Council. All service and other pipe shall be installed at such distances below ground as may be specified by the Town's construction design standards and details.

(Ord. 2015-06, 11-10-2015)

8-1-11: OWNERSHIP OF EXTENSIONS:

Any extensions of the Town's water system as described herein within the Town shall be deemed the property of the Town.

(Ord. 2015-06, 11-10-2015)

8-1-12: CONSTRUCTION WATER USE/HYDRANT METERS:

Water truck water and water for construction purposes ~~shall~~must be purchased from the Town after the approval of the Public Works/Utility Superintendent. Persons using water for construction purposes must utilize a fire hydrant meter as provided for in this section. Upon application for a construction water service, and payment of deposit, the Town will furnish a fire hydrant meter to the property specified in the application. Fire hydrant meters must be installed by Town personnel, remain attached to the fire hydrant for the duration of the application period, and removed by Town personnel upon completion of the application period. Fire hydrant meters provided for construction water purposes are the property of the Town. The applicant is responsible for any damage to the fire hydrant meter during the course of construction, and the applicant is responsible to take all reasonable measures to protect the hydrant meter from damage during the course of construction. Privately owned hydrant meters will not be utilized for construction water purposes.

The applicant is responsible to pay water use rates established in the Town's fee schedule based on the readings on the hydrant meter.

The use of water for construction purposes without utilizing a meter furnished by the town is unlawful, and if continued after reasonable notice to discontinue use has been given, shall be considered an infraction, and upon conviction, subjects the violator to penalty provisions as provided in section 1-4-1 of this Code.

(Ord. 2015-06, 11-10-2015)

8-1-13: ACCESS BY DEPARTMENT:

The Public Works/Utility Superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the Town system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

(Ord. 2015-06, 11-10-2015)

8-1-14: MOTORS AND CERTAIN MACHINERY RESTRICTED:

No water shall be supplied from the pipes of the Town water system for the purpose of driving motor, syphon, 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.

(Ord. 2015-06, 11-10-2015)

8-1-15: FIRE HYDRANTS:

Fire hydrants shall be installed at the direction of the Public Works/Utility Superintendent and the Fire Marshal based on fire code requirements. A fire hydrant installed in connection with new development shall be installed by a licensed contractor at the expense of the developer. A fire hydrant installed in any existing development and not in conjunction with new development will be installed at the expense of the Town. Hydrants shall be installed according to specifications adopted by the Town and will be deemed to be the property of the town once installed and accepted by the Public Works/Utility Superintendent. Repairs on such hydrants shall be at the expense of the Town and shall be made under the direction of the Town. All customers shall grant the Town, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the Town concludes that hydrants shall be so installed for the protection of the residents of the Town.

(Ord. 2015-06, 11-10-2015)

8-1-16: SCARCITY OF WATER:

In time of scarcity of water, whenever it shall, in the judgment of the Mayor and the Town Council, be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants or agents to violate any proclamation made by the Mayor in pursuance of this chapter.

(Ord. 2015-06, 11-10-2015)

8-1-17: WASTE OF WATER:

- A. *Prohibited acts:* It shall be unlawful for any water user to:
1. Waste water.
 2. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
 3. Wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus.
 4. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.
- B. *Violation:* Users of water from the Town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Public Works/Utility Superintendent or of any of the officers of the Town, a user of Town water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, such action shall be considered an infraction, and upon conviction, subjects the violator to penalty provisions as provided in section 1-4-1 of this Code.

(Ord. 2015-06, 11-10-2015)

8-1-18: WATER METERS:

- A. *Required:* Except as otherwise expressly permitted by this section, all structures, dwelling units, establishments, and persons using water from the Town water system must have such number and size of water meters connected to their water system as required by the Town's construction design standards and details to adequately measure use and determine water charges to the respective users.
- B. *Furnished by Town:* Meters will be furnished by the Town upon application for a connection, and upon payment of such connection fees and other costs as may be established by the Town Council from time to time by resolution.
- C. *Installation:* Meter setter and meter box will be installed by a licensed contractor at the expense of the property owner. Installation of meter bases will be in accordance with the Town's construction design standards and details.
- D. *Property of Town:* Meters, meter boxes, and meter setters shall be deemed to be and remain the property of the Town.
- E. *Readings:* The Public Works/Utility Superintendent shall cause meter readings to be taken regularly and shall advise the Town Treasurer thereof for the purpose of recording the necessary billings for water service.
- F. *Checking, inspection, adjustment, opening:*
1. Meters may be checked, inspected, or adjusted at the discretion of the Town, and they shall not be adjusted or tampered with by the customer.

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2. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the Town unless special permission is given by the Town through its representatives to the customer to do so.
 - G. *Testing:* If a customer submits a request to the Public Works/Utility Superintendent to test his water meter, the Town may, if under the circumstances it deems it advisable, and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within 12 months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 90 percent to 100 percent of accuracy under methods of testing satisfactory to the Town Council, the meter shall be deemed to accurately measure the use of water.
 - H. *Failure of meter:* 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 90 percent or more than 100 percent of accuracy, the Town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
 - I. *Liability for damages:* All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the Town be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the Town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

(Ord. 2015-06, 11-10-2015)

8-1-19: TRANSFER OF WATER CONNECTIONS:

Water service connections may be transferred by a user to another property where the town provides water service if approved by the public works/utility superintendent and the Town Treasurer. A user seeking to transfer a water connection must make application to the Treasurer on a form provided by the Town. Upon approval and transfer of the water service connection to the new location, the Public Works/Utility Superintendent will remove the meter at the previous location.

(Ord. 2015-06, 11-10-2015)

8-1-20: GRAVITY FLOW SERVICE AREA:

The service area of the water system of the Town shall be restricted to gravity flow limits within the Town boundaries. The Town shall not extend the water system within the Town boundaries beyond the gravity flow limits of the water system.

(Ord. 2015-06, 11-10-2015)

8-1-21: SERVICE OUTSIDE TOWN:

- A. *Scope:* The town may furnish surplus water from its water system to persons or properties outside the town in accordance with the provisions of this chapter.
- B. *Petition for water:* Any person located outside the Town limits who desires to be supplied with water from the Town water system may make application to the Town Council by petition containing:
 1. The amount of water desired.
 2. A map showing the location of the meter connecting the property to the Town's water system.

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3. An acknowledgment that the Town in granting the petition need supply only such water to the petitioner which from time to time the Town Council deems beyond the requirements of water users within the Town limits.
 - C. *Costs:* Any improvement needed to deliver water outside the Town's boundaries is the responsibility of the petitioner. Petitioner must agree to pay all bills for water delivered through the meter at the applicable water rates.
 - D. *Meter:* The water meter connecting the property to the Town's water system must be located within the Town boundary and shall be installed pursuant to section 8-1-18 of this chapter.
 - E. *Obligation:* Notwithstanding any contrary provision in this section, the Town is not obligated to provide any water or water service outside the Town's boundaries.

(Ord. 2015-06, 11-10-2015)

8-1-22: NONLIABILITY FOR DAMAGES:

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

(Ord. 2015-06, 11-10-2015)

8-1-23: WATER USE AREAS:

- A. Subject to the exceptions listed in subsection B. of this section, culinary water shall be used only for indoor, nonirrigation uses.
- B. Exceptions to subsection A. of this section are:
 1. *Outside irrigation:* Culinary water may be used on a limited basis for outside irrigation if all of the following conditions have been met:
 - a. Secondary water is not available at the property where the culinary water is used;
 - b. The culinary water is used to irrigate vegetation that is native or adapted to Zion Canyon and is drought tolerant;
 - c. The culinary water is not used to irrigate lawn or turf areas;
 - d. The outside irrigation system using culinary water is equipped with the proper backflow prevention required by the current plumbing code adopted by the Town; and
 - e. The property owner has received written approval issued by the Town under subsection C. of this section.
 2. *Swimming pools:* Culinary water may be used to fill swimming pools.
 3. *Construction water:* Culinary water may be used for dust control and other construction related activities.
 4. *Fountains and ornamental water features:* Culinary water may be used in fountains and ornamental water features if all the following conditions have been met:
 - a. The water feature is not connected directly to the culinary system;

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- b. The water feature uses a minimal amount of water;
 - c. The water feature utilizes a recirculating system; and
 - d. Irrigation water is unavailable or it is unfeasible to use irrigation water.
- C. A request to use culinary water for outside irrigation under subsection B.1. of this section shall be filed with the Town on an application form provided by the Town. The Public Works/Utility Superintendent and the Director of Community Development or their designee shall review each application to verify that the requested use meets the requirements stated above. If the requested use meets the requirements stated in subsections B.1.a. through B.1.d. of this section, the Town shall issue a written approval to the applicant.
- D. If culinary water is used in violation of subsection A. of this section, the Town will suspend culinary water service to the property until the noncompliance is resolved.

(Ord. 2015-06, 11-10-2015)