



TOQUERVILLE CITY

ORDINANCE 2023.01



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, AMENDING SUBSECTIONS IN TITLE 8 (PUBLIC UTILITIES) CHAPTER 1 (WATER USE AND SERVICE), SPECIFICALLY §8-1-3(D)(3) (RATES AND CONNECTION FEES; PAYMENT PROVISIONS), §8-1-5(D) (WATER METERS) AND §8-1-8(E) (BACKFLOW AND CROSS CONNECTIONS) OF THE TOQUERVILLE CITY CODE TO CHANGE THE TITLE AND POSITION OF PERSONS WITHIN THE CITY RESPONSIBLE FOR CERTAIN DUTIES RELATING TO THE CITY'S DELIVERY OF CULINARY WATER SERVICE TO RESIDENTS AND BUSINESSES WITHIN THE CITY.

RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-3b-301, the Toquerville City Council ("City Council") is vested with all powers (both legislative and executive) of the City.

WHEREAS, pursuant to Utah Code Ann. §10-8-14(2)(a) the City is authorized and empowered with the right to construct, operate, and maintain waterworks systems and to provide culinary water service to the residents of the City.

WHEREAS, pursuant to Utah Code Ann. §10-8-15(4) the City, by and thru the City Council is authorized to enact all ordinances and regulations necessary to carry out the powers conferred to it in Utah Code Ann. §10-8-14(2)(a) to operate a waterworks system and provide water service.

WHEREAS, presently the City has adopted a series of ordinances contained in Title 8, Chapter 1 of the Toquerville City Code creating a water department and a culinary water system within the City and setting forth various regulations relating to the City's provision of culinary water service to residents and businesses of the City.

WHEREAS, as the City staff has grown and developed over the years since the City's culinary water system and water department was created and provisions of Chapter 1, Title 8 were adopted.

WHEREAS, accordingly, the City Council has determined that it is in the best interests of the health, safety and general welfare of the City to change various duties within the City's water department from one person or position to another for the purpose of creating better efficiencies and clarity and therefor desires amend various Sub-sections of Chapter 1, Title 8 of the Toquerville City Code.

ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED by the City Council of Toquerville City, Utah, as follows:



AMENDMENT AND RESTATEMENT OF SUB-SECTION 8-1-3(D)(3) OF THE TOQUERVILLE CITY CODE. Sub-section D.3. of Section 8-1-3 of the Toquerville City Code is hereby amended and restated as follows:

D. Billings; Delinquency; Discontinuance Of Service:

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.

2. AMENDMENT AND RESTATEMENT OF SUB-SECTION 8-1-5(D) OF THE TOQUERVILLE CITY CODE. Sub-section D of Section 8-1-5 of the Toquerville City Code is hereby amended and restated as follows:

D. Readings: The water superintendent shall cause meter readings to be taken regularly and shall advise the utility clerk thereof for the purpose of recording the necessary billings for water service.

3. AMENDMENT AND RESTATEMENT OF SUB-SECTION 8-1-8(E) OF THE TOQUERVILLE CITY CODE. Sub-section E of Section 8-1-8 of the Toquerville City Code is hereby amended and restated as follows:

E. New Construction: The city will review all plans for new construction to ensure that unprotected cross connections are not an integral part of the consumer's water system. All systems that are using culinary water to irrigate or to be used where cross connections or backflow could enter the city's system, a mechanical backflow prevention assembly will be installed to IBC rules and regulations. The assembly will be installed within six feet (6') of the city's water connection into the property and cannot be tied into before assembly. The owner shall provide the water superintendent with verification of a certified test of all the backflow prevention assemblies before a certificate of occupancy is issued.

4. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same. For clarification, however, this Ordinance does not repeal Ordinance 10-17-3 as it applies to properties outside of a Nightly Rental Development.

5. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses,

or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by the City Council.

PASSED AND APPROVED this 4th day of January 2023.

Councilmember:

Ty Bringhurst	AYE	<u> </u>	NAE	<u> </u>	ABSTAIN	<u> </u>	ABSENT	<u> ✓ </u>
Joey Campbell	AYE	<u> ✓ </u>	NAE	<u> </u>	ABSTAIN	<u> </u>	ABSENT	<u> </u>
John ‘Chuck’ Williams	AYE	<u> ✓ </u>	NAE	<u> </u>	ABSTAIN	<u> </u>	ABSENT	<u> </u>
Gary Chaves	AYE	<u> ✓ </u>	NAE	<u> </u>	ABSTAIN	<u> </u>	ABSENT	<u> </u>
Todd Sands	AYE	<u> ✓ </u>	NAE	<u> </u>	ABSTAIN	<u> </u>	ABSENT	<u> </u>

TOQUERVILLE CITY
a Utah Municipal Corporation


Justin Sip, Toquerville City Mayor

Attest:

Daisy Fuentes, Toquerville City Recorder

