



**ORDINANCE #01-05-2023**  
**TRENTON TOWN WATER ORDINANCE**

WHEREAS, the Town Council of the Town of Trenton, Utah is responsible for maintaining and regulating the Trenton Town Water system; and

WHEREAS, Trenton Town desires to maintain and regulate the water system in an orderly and consistent manner; and

NOW THEREFORE LET IT BE ORDAINED BY THE TOWN COUNCIL OF TRENTON, UTAH that the following water ordinance is adopt by the Trenton Town Council and shall take effect on   May 2, 2023  \_\_\_\_\_  .

**CHAPTER I-TOWN WATER SERVICE**

- 13-1-1. METERED SERVICE.
- 13-1-2. WATER CONSERVATION RATES.
- 13-1-3. METER READING.
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- 13-1-23. WATER CONSERVATION.
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- 13-1-27. SALE OF WATER OUTSIDE OF "TRENTON TOWN".
- 13-1-28. PENALTY.

#### 13-1-1. METERED SERVICE.

All water used from the Town water system for household, domestic, irrigation, commercial, industrial, or any other use, excepting Trenton Town uses, shall be metered, and water paid for according to the quantity used. A base/demand charge must be paid for all water connections according to the size of the meter in use. The base/demand charges for all meter sizes shall be established by resolution:

Trenton town shall pay for water as set by resolution:

The base/demand charge shall entitle the water customer to the use of up to 20,000 gallons per month, per meter (and not per units served through that meter), excluding fire flow, without additional charge. All water delivered through each meter serving commercial customers in excess of 20,000 gallons per meter per month shall be charged at a rate as established by resolution. All water delivered to all other customers between October 1 and May 31 of each year in excess of 20,000 gallons per meter per month shall be charged at a rate as established by resolution. There shall be no right of carry-over from month to month if fewer than 20,000 gallons are used, so that each month is billed independently as far as the base/demand charge is applied. Unoccupied structures will be billed the base/demand charge applicable to that meter unless a service disconnect request has been received by the Water Department. When an oversized meter is required for fire sprinklers, the base charge will be adjusted downward to reflect the meter size that would have been used for the culinary and irrigation demand.

#### 13-1-2. WATER CONSERVATION RATES.

All water delivered through each meter serving single family residential customers in excess of 20,000 gallons per meter per month between June 1 September 30 of each year shall be billed at the rate established by resolution. All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 20,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the rate established by resolution. The water conservation rates established by this Title are based on the Town's cost of providing water service, which cost may change. The rate set forth in both Sections 1 and 2 may be adjusted administratively by the Town Manager to reflect the actual cost of service to the Town upon recommendation by the Public Works Director.

Administrative adjustments shall be reviewed by the Town Council at three-year intervals beginning in May 1998, and may be ratified, modified or rescinded.

#### 13-1-3. METER READING.

Meters may be read monthly but shall read a minimum of five times per year. In the event that one reading covers consumption for more than once month, consumption shall be prorated equally to each month reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connection to the water system, property owners and occupants of the property are deemed to have consented to permit meter readers onto their property to read the meters. In the event that meters were installed within any building on the premises, and there is no remote read-out device, the property owner or occupant must permit access for the reading of the meter during normal business hours as a condition of continued water service.

#### 13-1-4. METER ERROR.

In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated.

#### 13-1-5. METER TEST.

If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing, and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be estimated, for not more than three months. Meter errors of 3 or less shall be deemed accurate, a reread charge as established by resolution will be included in the next billing.

#### 13-1-6. METER TAMPERING.

It shall be a violation of the Title to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate meter readings or for any other purpose, or to willfully cause damage to any water meter. Willful consumption of water through a meter known to be damaged, bypassed, or tampered with, constitutes theft of services and may be punishable as a felony. All meters installed throughout the system shall become the property of the Town upon installation. Only meters meeting the Town's specifications may be used.

#### 13-1-7. BILLING.

The Town Finance Department shall send a monthly or bi-monthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due within fifteen days from receipt of the bill, or by the end of the month when the bill is mailed. Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent ( $1\frac{1}{2}$ ) per month, which is an annual rate of eighteen percent (18). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or any portion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaid balance, and not against any partial payment, or against the current billing cycle charges.

#### 13-1-8. SHUT OFF.

In the event of nonpayment of any billing for Town service and a 60-day balance past due, the Town may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or shall be posted on the property, and notice shall be given to the owner of the property by mail to the last known address. When more than one dwelling or unit is served through a single water meter, or when there is multiple or time-share owners, notice may be given to the owners association, management company or representative owner as shown on the Town billing records. The multiunit, single metered structures shall be posted with notice of termination, but it shall not be necessary to post each unit served. Service shall not be terminated for nonpayment without at least ten days' notice.

#### 13-1-9. METER DEPOSIT.

All customers requesting new services will be required to pay a deposit as set forth by resolution. If no outstanding, unpaid balance occurs for 12 consecutive months, the deposit will be applied to the 13th month bill. However, if the occupant paying the deposit is a renter, vacates the unit, at which time the deposit shall be returned to the renter. No interest will be paid on the deposit.

#### 13-1-10. REINSTATEMENT OF WATER SERVICE.

Any water customer who has had water shut off for nonpayment of a bill, failure to repair leaks, or failure to comply with a requested curtailment during a water emergency, in addition to any other fees, monies owed, deposits or fines, shall pay a reconnection fee as established

by resolution before service is reinstated.

#### 13-1-11. RETURN CHECKS

Any user paying by check will pay an additional \$25.00 fee if the check is returned by the bank for any reason.

#### 13-1-12. CONNECTION AND FIRE STANDBY FEES.

Connection and fire fees shall be as set by resolution.

#### 13-1-13. SUBDIVISION CONNECTIONS

All Multiple Lot Subdivisions must have water utilities stubbed in prior to approval of the subdivision. Impact and connection fees will be paid for by the developer prior to work commencing. Installation of the water line is not a guarantee of water availability. All water connections are required to go through the water hook-up process as established by ordinance.

#### 13-1-14. CONNECTION TO SYSTEM.

Prior to connection, the owner must sign a customer agreement. Applicants for water service shall include in their system a suitable meter box or vault, and all appurtenances to specifications required by the Public Works Department and approved at the time the building permit is issued. All homes built within Trenton Town limits shall be connected to the Trenton Town water system. Procedures for issuing water hook-ups shall be as set by ordinance by the Town Council. It shall be unlawful for unauthorized individuals to tap or connect to the "TRENTON TOWN" Municipal water distribution system without authorization. The owner of the property with an unauthorized connection shall be liable to the Town for all water use resulting from such connection and may be subject to criminal fines and penalties. All connections shall be approved and inspected by the Trenton town water operator. Upon connection, regular water service fees must be paid.

#### 13-1-15. WATER METER FEES.

All water meters shall be supplied and installed by "TRENTON TOWN" municipal Corporation or by its authorized representative. For all water lines serving residential and commercial uses, an installation fee shall be paid to the Building Official at the time the building permit is issued. The meter installation fee shall be established by resolution.

#### 13-1-16. ACCESSIBILITY OF WATER METERS.

All water meters shall be located in Town rights-of-way or utility easements with direct and reasonable access for Town water crews on accessible property lines unless otherwise authorized by the Trenton town water department.

#### 13-1-17 WATER METER & CONNECTION RELOCATION

Relocating a water meter or connection is prohibited except as deemed necessary by the Trenton town water department to maintain the water system. Water meters or connections may not be relocated to a different parcel.

#### 13-1-18. WATER CONNECTION PLAN.

Any applicant for development with a 2" water meter or larger meter shall submit to the Water Department a water connection plan for approval by the Water Department prior to the installation of water service lines and to the issuance of a building permit. The water connection plan shall include the location of meters, service lines and water mains in relation to the property lines, streets, driveways, Town mains and the buildings to be served.

#### 13-1-19. RESPONSIBILITY FOR REPAIR AND MAINTENANCE.

The Town shall be responsible to maintain and repair water lines lying within Town rights-of-way and utility easements. Water meters shall be maintained and repaired by the Town so long as the meter lies within five feet of Town property, rights-of-way, or utility easements and not within any building. The property owner shall repair and maintain all water lines on its property outside of the Town rights-of-way or utility easements.

#### 13-1-20. LEAKING PIPES OR FIXTURES.

If at any time, the Town Manager or his/her designate shall ascertain that the plumbing fixtures, appliances, sprinkler systems or service lines on any premises are leaking or otherwise wasting water, he/she shall immediately give notice. If notice has been given, the Public Works Director or his/her agent shall shut off the water from the premises and shall immediately notify the Town Fire Marshal.

Notice for the purposes of this section shall consist of any of the following:

- (A) Posting notice on the premises;
- (B) Leaving notice with any occupant or employee on the premises over the age of eighteen (18) years;
- (C) Mailed notice by regular mail, to the owner or responsible party according to the records of the Water Department. Notice shall be deemed received three days after such mailed notice is sent.

#### 13-1-21. SERVICE CALLS.

When a water customer requests a service call by "**TRENTON TOWN**" Municipal Corporation, and no problem exists on the Town side of the meter, "**TRENTON TOWN**" Municipal Corporation, at the discretion of the Public Works Director, may charge a fee as set forth by resolution for the second such call for the same complaint made within one year by the same water customer. After the second call, every subsequent call shall also be chargeable at the same rate.

#### 13-1-22. SERVICE AGREEMENT.

"**TRENTON TOWN**" Municipal Corporation shall require all persons desiring water service and the owner of real property to be serviced to sign a service agreement. Said agreement shall be binding upon both the Town and the individual in setting forth terms and conditions of water service and methods of collection of past due amounts owed for water service. When more than one dwelling or unit is served by a single water meter or when there are multiple owners or time-share interval owners of the property, the service agreement will designate a single responsible party to whom all notices and billings shall be sent. Notice to the responsible party shall have the same force and effect as notice to the owners.

#### 13-1-23. WATER CONSERVATION.

In order to conserve water, a limited resource in Utah, outside watering of lawns and landscaped areas using Town water may by order of the Trenton Town water department be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m. Exceptions to these outside watering restrictions may be permitted, in writing, by the Public Works Director for new landscaping and seeding.

### 13-1-24. WATER EMERGENCIES.

The Mayor may declare by executive order, or the Town Council may declare by resolution, a state of water emergency when it appears to the Mayor or the Town Council that the Town's water sources are incapable of producing sufficient water to meet all the needs of the Town's water users.

- (A) During a declared water emergency, water service may be interrupted in any or all parts of the Town in order to effect repairs, provide water for fire fighting, or for any other good cause. Upon the expiration of the emergency, water service shall be restored without charge.
- (B) Upon such a declaration, and for the duration of the state of water emergency, it shall be unlawful to use "TRENTON TOWN" Municipal water supply water for outside irrigation, watering, or sprinkling uses, except as provided in Paragraph "c" of this section.
- (C) The declaration of state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.
- (D) Violations of this section are infractions punishable by a fine but not imprisonment, The maximum fine shall not exceed five hundred dollars (\$500.00) for each violation.
- (E) The owner or tenant of property cited for illegal watering or irrigation under the Title shall be required to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges.
- (F) Bail and/or fines shall be paid to "TRENTON TOWN" Municipal Corporation by cash or check to the Town's post office box (which shall be stated on all citations) Of at the Town offices. Unpaid, uncontested bail forfeitures and fines may be debited against the municipal water account of the cited party and will be subject to collection pursuant to Town water bill collection policies.
- (G) The provisions of this Title shall not apply insofar as the watering restrictions established herein are in conflict with any provision of the "TRENTON TOWN" Land Management Code.

### 13-1-25. FIRE HYDRANTS.

No individual may draw water from a fire hydrant without the written permission from the Director of Public Works and in compliance with Section 10.203 of the Uniform Fire Code. The "TRENTON TOWN" Fire Service District is authorized to draw water from fire hydrants in the case of fire at all times without advance notice. The "TRENTON TOWN" Fire Service District after notification to the Director of Public Works, may utilize the fire hydrants in the course of training or practice exercises. Any unauthorized connection to a fire hydrant is a violation of this Title.

### 13-1-26. PUBLIC HEALTH.

For reasons of public health, the Town Manager may extend or reinstate water service to indigent individuals regardless of past due amounts owed or ability to pay. A reasonable fee for such services may be established by the Town Manager.

### 13-1-27. SALE OF WATER OUTSIDE OF "TRENTON TOWN".

It is the policy of the Town to provide culinary water within the corporate limits of TRENTON

TOWN". Those individuals or entities desiring connection to the "TRENTON TOWN" water system must petition the "TRENTON TOWN" Council for Annexation as a condition of water service. Those individuals and entities outside the corporate limits of "TRENTON TOWN" currently connected to the water system and receiving water shall agree to abide by the terms and conditions of the Title and shall pay double the applicable rate charged for water provided inside the corporate limits of "TRENTON TOWN". Upon annexation, they will receive water service at the normal rate.

13-1-28. PENALTY.

All violations of this Title (except those set forth in 13-1-23) shall be a Class B misdemeanor, punishable by a fine not exceeding \$1,000 and incarceration not exceeding six months.

Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of \$1,000.

DATE APPROVED \_\_\_\_\_

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Mayor Lynn G. Payne

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Attest Clerk Macall Smith