

TOWN OF MANTUA ORDINANCE NO. 07-10-4

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2007-03-15,  
OTHERWISE KNOWN AS THE CULINARY WATER ORDINANCE  
FOR THE TOWN OF MANTUA.**

WHEREAS the Town of Mantua, a municipal corporation of the State of Utah (the "Town"), is the owner of a culinary waterworks system for the purpose of furnishing water to the residents of the Town under a system of facilities (the "System"); and

WHEREAS pursuant to Utah Code Ann. §§ 10-8-14 through 10-8-19, the Town may construct, maintain, and operate a waterworks system, and may adopt ordinances resolutions to protect the same; and

WHEREAS the Town Council finds that it is necessary to acquire sufficient water rights or shares to meet the projected demand and need of the Town; and

WHEREAS pursuant to Utah Code Ann. §§ 10-7-4 and 10-8-18 the City may acquire water rights and real property for establishment of a culinary water system; and

WHEREAS the Town Council adopted Ordinance number 2007-03-15 (the "Water Ordinance") on March 15, 2007, which Ordinance established the governing regulations of the System (a copy of the Water Ordinance is attached to this Ordinance); and

WHEREAS the Town Council has determined that it is in the public interest that certain provisions of the Water Ordinance be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF MANTUA, BOX ELDER COUNTY, UTAH, AS FOLLOWS:**

**Section 1.** The foregoing recitals are incorporated herein as findings.

**Section 2.** Section 7.B. of the Water Ordinance is hereby repealed.

**Section 3.** Sections 7 and 7.A. of the Water Ordinance are hereby amended as follows:

**SECTION 7.**      **Application for Water Connection by a Developer; Dedication  
of Sufficient Water Rights for Culinary and Secondary Use.**

1. The Developer of any Development within the service area of the Town shall dedicate to the Town water rights or water shares as provided in this section.
  - a. The amount of culinary water to be dedicated shall be a minimum of 0.45 acre-feet per year (in terms of both diversion rights and depletion rights) per equivalent residential unit.

- b. The amount of secondary water to be dedicated shall be a minimum of 2.394 acre-feet of depletion rights per year per irrigable acre of land in its undeveloped state and a minimum of 4.00 acre feet of diversion rights per year per irrigable acre in its developed state.
- c. For non-domestic and non-irrigation uses, the water dedication quantity shall be based on a water usage study and analysis specific to the Development that is acceptable to the Town.
- d. A Developer shall submit an Application for Dedication of Water together with a filing fee concurrently with submission of a preliminary plat (or, in the case of a minor subdivision, with the sketch plat) for proposed subdivisions or master planned developments, or concurrently with submission of an application for a building permit for other Developments. The Town Council shall set the form of the Application for Dedication of Water and the amount of the filing fee by resolution.
- e. After assessing the quantity and quality of the water as well as the suitability of the water right or water shares, the Town may, in its sole discretion, accept or reject the water right or water shares that the Developer proposes to dedicate. Any acceptance shall be expressly contingent upon Utah Division of Water Rights approval as provided in subsection f below. The Town shall notify the Developer in writing within 30 days of receiving the Application for Dedication of Water as to whether the proposed water right or water shares will be acceptable.
- f. Before final dedication, the water must be approved by the Utah Division of Water Rights (1) for diversion from one or more of the City's sources, or from another source acceptable to the City in its sole discretion, and (2) for municipal use within the Town's service area.
- g. The Town will cooperate with the Developer in filing applications with the Utah Division of Water Rights, but the Developer shall be solely responsible for prosecuting any such applications and the Town reserves the right to protest any applications which may interfere with its existing rights. If an application is denied by the Utah Division of Water Rights, the Town shall have no obligation to accept the water rights as satisfaction of the dedication requirement of this section.
- h. After the Town has notified the Developer of the acceptability of the water right or water shares, and after the Developer has obtained all necessary approvals from the Utah Division of Water Rights, the Developer may proceed to final dedication of the water rights or water shares. This dedication shall be by a Water Right Deed of the form approved by the

Town, but which shall include a warranty of title as against all claiming by or through the grantor.

- i. Final dedication of the water right or water shares must be completed prior to the recording of the final plat on the land being developed, or prior to issuance of a building permit for nonsubdivision Developments. No water may be delivered to the Development until final dedication is complete.
2. If the Town determines that it has sufficient water rights or water shares in its System to provide the required culinary and secondary water to a particular Development in addition to its existing Service Connections and other commitments, the Town may, in its discretion, accept cash or other property equivalent in value to the market value of the water rights and/or shares that would otherwise be required to be dedicated. The value of the hypothetical water rights or shares shall be based upon the most recent information available of similar water sales.
3. If the Town's authorized impact fees contain a component for the acquisition of new water rights, persons who pay said impact fees on properties that have been developed under this Section shall receive a credit for the amount of that water acquisition component.

**SECTION 7.A. New Use of Culinary Water for Irrigation – Dedication Requirement.**

No property may be irrigated using water from the culinary water system unless (1) the property was irrigated during the 2006 irrigation season using primarily water from the Town's culinary water system, or (2) the property owner has dedicated water ~~Any person connected to the System who, for the 2006 irrigation season, did not use culinary water as his or her primary source of water for outside irrigating may not begin to use culinary water as his or her primary source of water for outside irrigating without first dedicating water~~ according to the procedure outlined in section 7 above. The amount of water rights dedicated shall be enough to satisfy a diversion rate of 4.00 acre-feet per acre actually irrigated and a depletion rate of 2.394 acre-feet per acre actually irrigated.

**Section 3.** If any term or provision of this Ordinance shall, to any extent, be determined by a court to be void, voidable, or unenforceable, such terms or provision shall not affect any other term or provision of this Ordinance.

**Section 4.** This Ordinance shall become effective upon publication and posting, as provided by Utah Code Ann. § 10-3-711.

APPROVED AND ADOPTED by the Mayor and Town Council of the Town of Mantua, this 4<sup>th</sup> day of October, 2007.

Kent C. Jeppesen  
Mayor

[SEAL]

ATTEST:

Adriana Forsgren  
Recorder/Clerk

TOWN OF MANTUA ORDINANCE NO. 007-03-15

AN ORDINANCE ESTABLISHING AND REGULATING A CULINARY WATER DEPARTMENT; PROVIDING RULES AND REGULATIONS TO ADMINISTER AND PROTECT THE WATER SYSTEM, FIXING PENALTIES, AND ALLOWING THE FIXING AND MODIFICATION OF RATES BY RESOLUTION.

WHEREAS the Town of Mantua, a municipal corporation of the State of Utah (the "Town"), is the owner of a culinary waterworks system for the purpose of furnishing water to the residents of the Town under a system of facilities (the "System"); and

WHEREAS it is necessary and advisable to adopt an ordinance for the controlling of the System; and

WHEREAS, pursuant to Utah Code Ann. §§ 10-8-14 through 10-8-19, the Town may construct, maintain, and operate a waterworks system, and may adopt ordinances resolutions to protect the same; and

WHEREAS the Town Council finds that it is necessary to acquire sufficient water rights or shares to meet the projected demand and need of the Town; and

WHEREAS, pursuant to Utah Code Ann. §§ 10-7-4 and 10-8-18 the City may acquire water rights and real property for establishment of a culinary water system;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MANTUA, BOX ELDER COUNTY, UTAH, AS FOLLOWS:**

**SECTION 1.**            **Short Title**

This ordinance shall be known as the Mantua Town Water Ordinance.

**SECTION 2.**            **Definitions**

As used in this ordinance:

- (1) The term "Developer" includes the following: any person or entity that is seeking a major or minor subdivision through the process described in Chapter 8 of the Development Code, any person or entity subject to the infrastructure review procedure set forth in section 1.13.1 of the Development Code, any person or entity seeking a building permit on a parcel of land with an area greater than 1 acre.
- (2) The term "Development" includes the following: a proposed subdivision as described in Chapter 8 of the Development Code, any proposed buildings project

of any of the types set forth in section 1.13.1 of the Development Code, any proposed building project on a parcel of land with an area greater than 1 acre.

- (3) "Development Code" means the Mantua Town Land Management and Development Code adopted July 20, 2006.
- (4) "Lateral" means a pipeline running from a water main to a service connection.
- (5) "Main" or "Water Main" means a pipeline in the System to which laterals may be connected.
- (6) "Service Connection" means the location where water is supplied to the end user.
- (7) "Superintendent" means the Superintendent of the Culinary Water System created by section 4 of this Ordinance.
- (8) "System" means the culinary water system of the Town of Mantua, including all real property, source sites, well and treatment facilities, pipelines, reservoirs, storage tanks, meters, and other facilities necessary for the provision of culinary water to the people of the Town of Mantua.
- (9) "Water Department" means the Culinary Water Department of the Town of Mantua created by section 1 of this ordinance.

**SECTION 3. Culinary Water Department and System.**

The Culinary Water Department of the Town of Mantua is hereby created. It shall administer the operation and maintenance of the culinary water system of the Town. The Culinary Water Department shall also function as the Culinary Water Authority for the Town as that phrase is used in Title 10, Chapter 9(a) of the Utah Code or any successor provision. Except for water systems existing prior to the adoption date of this Ordinance, the Town's water system shall be the exclusive culinary water system within the corporate limits of the Town.

**SECTION 4. Superintendent.**

There is hereby created the position of Superintendent of the Culinary Water System. The Town Council may fill this position by resolution.

**SECTION 5. Duties of Superintendent.**

The Superintendent of the System shall manage and supervise the System pursuant to the provisions of this Ordinance and pursuant to resolutions, rules and regulations adopted by the Town Council from time to time, which prescribe the powers and duties of the Superintendent, and direct the manner and frequency with which the Superintendent shall make reports to the Mayor and Town Council relating to the water system. All of the

functions and activities of the Superintendent shall be carried out under the direction of the Mayor and Town Council.

**SECTION 6. Application for Culinary Water Connection.**

Any person, other than a Developer, seeking approval to construct a new Service Connection to the System shall file a signed copy of the following application with the Water Department for each such new connection:

TOWN OF MANTUA  
APPLICATION FOR CULINARY WATER CONNECTION

TO THE TOWN OF MANTUA, UTAH:

I hereby apply to the Town of Mantua ("Town") for permission to connect my premises at \_\_\_\_\_ with the Town of Mantua culinary water system and hereby agree as follows:

1. I agree to pay the Town any connection fees and impact fees as may be fixed by the governing body by resolution, ordinance, or order of the Town, including a deposit security charge, if so provided.
2. If construction is necessary to extend a Water Main to my property, I agree to be responsible for all costs and expenses associated with such construction. The Water Main shall be of a size and design acceptable to the Superintendent or engineer and shall comply with all applicable codes and regulations.
3. Any construction required to connect a Lateral to the Water Main shall be my responsibility and shall be performed at my sole cost and expense. The Lateral shall be of a size and design acceptable to the Superintendent or engineer and shall comply with all applicable codes and regulations.
4. All Water Main extensions and lateral connections shall be accomplished by a licensed contractor approved by the Town.
5. I agree not to commence construction under paragraphs 2 or 3 until the Superintendent gives written approval of the connection plan.
6. I understand and acknowledge that the Town reserves the right to inspect the portion of the culinary water system on my premises and that all water connections shall be inspected by the Town before being covered. I further agree that if the Town gives me notice of a deficiency in that system, I will cause the same to be corrected and improved at my own expense to meet the requirements of the Town or of any other governmental agency having jurisdiction to regulate the water system within the Town.
7. I agree to be bound by the rules, regulations, resolutions, and ordinances enacted now or hereafter by the Town applicable to the Town's culinary water system.
8. The main purpose for which the connection will be used is for culinary use.

- f. Before final dedication, the water must be approved by the Utah Division of Water Rights (1) for diversion from one or more of the City's sources, or from another source acceptable to the City in its sole discretion, and (2) for municipal use within the Town's service area.
  - g. The Town will cooperate with the Developer in filing applications with the Utah Division of Water Rights, but the Developer shall be solely responsible for prosecuting any such applications and the Town reserves the right to protest any applications which may interfere with its existing rights. If an application is denied by the Utah Division of Water Rights, the Town shall have no obligation to accept the water rights as satisfaction of the dedication requirement of this section.
  - h. After the Town has notified the Developer of the acceptability of the water right or water shares, and after the Developer has obtained all necessary approvals from the Utah Division of Water Rights, the Developer may proceed to final dedication of the water rights or water shares. This dedication shall be by a Water Right Deed of the form approved by the Town, but which shall include a warranty of title as against all claiming by or through the grantor.
  - i. Final dedication of the water right or water shares must be completed prior to the recording of the final plat on the land being developed, or prior to issuance of a building permit for nonsubdivision Developments. No water may be delivered to the Development until final dedication is complete.
2. If the Town determines that it has sufficient water rights or water shares in its System to provide the required culinary and secondary water to a particular Development in addition to its existing Service Connections and other commitments, the Town may, in its discretion, accept cash or other property equivalent in value to the market value of the water rights and/or shares that would otherwise be required to be dedicated. The value of the hypothetical water rights or shares shall be based upon the most recent information available of similar water sales.
  3. If the Town's authorized impact fees contain a component for the acquisition of new water rights, persons who pay said impact fees on properties that have been developed under this Section shall receive a credit for the amount of that water acquisition component.

**SECTION 7.A.            New Use of Culinary Water for Irrigation – Dedication Requirement.**

Any person connected to the System who, for the 2006 irrigation season, did not use culinary water as his or her primary source of water for outside irrigating may not begin



to use culinary water as his or her primary source of water for outside irrigating without first dedicating water according to the procedure outlined in section 7 above. The amount of water rights dedicated shall be enough to satisfy a diversion rate of 4.00 acre-feet per acre actually irrigated and a depletion rate of 2.394 acre-feet per acre actually irrigated.

**SECTION 7.B.      Exception to the Dedication Requirement for New Use of Culinary Water for Irrigation.**

Notwithstanding the provisions of section 7.A, any lot within the Town meeting the following requirements shall not be required to dedicate water pursuant to section 7.A. of this Ordinance:

- (a) the lot was platted before the date of this Ordinance;
- (b) the lot remained undeveloped as of the date of this Ordinance; and
- (c) the Town committed to serving the lot with culinary water and did not specifically prohibit the use of culinary water for irrigation purposes.

**SECTION 8.      Application for Water Service.**

Any person who seeks culinary water services from the Town when such service is available without installing any Water Mains or Laterals shall file with the water department a written application and agreement for the service, which shall be in substantially the following form:

TOWN OF MANTUA  
APPLICATION FOR CULINARY WATER SERVICE

TO THE TOWN OF MANTUA, UTAH:

I, the undersigned, hereby apply to the Town of Mantua ("Town") for culinary water service from the Town for my premises located at \_\_\_\_\_ and hereby agree as follows:

1. I hereby agree to pay all charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued. In order to protect the integrity of the system, if the service is to be disconnected during the months of October through March, the Superintendent may direct the service to be disconnected at the main. In such case, I agree to bear the cost for such disconnection at the main.
2. I agree to pay water charges within the due dates fixed by the governing body. In the event of a failure to pay within the due dates, or upon failure of the owner or occupant of the premises to conform to the ordinances and

regulations established by the governing body regulating the use of the water system, the Town shall have the right to discontinue the water system service at its election, pursuant to five (5) days' written notice of the Town's intention, until all delinquencies and any reconnection fee imposed are paid in full or until any failure to conform to the Town's ordinances or regulations issued thereunder is eliminated or corrected.

3. I agree to be bound by the rules, regulations, resolutions, and ordinances enacted now or hereafter by the Town applicable to the Town's culinary water system.
4. I hereby deposit one hundred dollars (\$100) with the Town on the filing of this application for water service, and I agree and understand that the Town may, but need not, apply the deposit upon bills due for prior service and that the right of the Town to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of the applicant's account, any unused balance of the deposit shall be refunded to the applicant upon return of the security deposit receipt issued by the Town at the time the deposit is made.
5. I agree that the deposit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the user of water service shall not have the right to compel the Town to apply the deposit to any account to avoid delinquency.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Applicant

**SECTION 9. Non-Owner Applicant; Agreement of Owner.**

Applications for water service made by the tenant of any owner shall, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or the owner's duly authorized agent in substantially the following form:

AGREEMENT

1. I warrant that I am the owner of the property located at \_\_\_\_\_.
2. In consideration of the acceptance of the application for water service submitted by \_\_\_\_\_ (tenant), I or we will pay for all charges, fees and costs at \_\_\_\_\_ (premises) in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations, and resolutions enacted by the Town.

3. I expressly grant a lien upon the premises above described so that any delinquent water billings must be paid before any services can be provided to any subsequent user of water at these premises. This lien shall bind any subsequent owner, possessor, occupant, tenant, landlord, person, or entity using or requesting use of Town water at these premises.

DATED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Owner

**SECTION 10.**            **Rates and Connection Fees.**

The rates, penalty fee for delinquency in payment, connection fee, inspection fee, reconnection fees, standby fees (fees paid after a connection application is approved until a final certificate of occupancy is issued for the structure) and other charges incidental to the connection and services from the Town's culinary water system shall be fixed from time to time by resolution enacted by the Town Council. A majority vote of those present and voting may adopt a resolution amending, fixing, or changing those fees or rates. The Town Council may, from time to time, promulgate rules for levying, billing, guaranteeing, and collecting charges for culinary water services and all other rules necessary for the management and control of the System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. Rates may be established at different levels for premises outside the corporate boundaries of the Town.

**SECTION 11.**            **Special Rates.**

The Town Council may, from time to time, fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the System under exceptional circumstances, upon such terms and conditions as it deems proper.

**SECTION 12.**            **Board of Equalization; Rates and Rebates.**

The governing body 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. The board may, if it sees fit, rebate all or any part of the water bill of any indigent person.

**SECTION 13.**            **Use without Payment Prohibited.**

It shall be unlawful for any person to utilize the culinary water system without paying therefore, as herein provided, or without authority, to open any pipe, line, connection, stopcock, valve, or other fixture attached to the System 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 facility appurtenant or contributing to the culinary water system. It shall be a criminal offense in any way to pollute any water source, watershed, drainage area, or any part of or contributing to the culinary water system. Any person who violates any provision of this ordinance shall be guilty of a Class B Misdemeanor.

**SECTION 14. Delinquency; Discontinuance of Service.**

1. The Town Recorder or Superintendent shall furnish by mail or by leaving at the residence or usual place of business of each user a written or printed statement the amount of water service charges assessed against the user once each month or at such other regular intervals as the Town Council may direct.
2. The statement shall specify the amount of the bill for the water service and other fees, if any, and the place of payment and due date. If any person fails to pay the water charges within thirty (30) days from the due date, the Town Clerk or Superintendent shall give the consumer notice in writing of intention to discontinue the service to the consumer unless the consumer pays the bill in full within fifteen (15) days from the date of notice.
3. If the culinary water service is thereafter discontinued for failure to make payment, then before the water services to the premises shall again be provided, all delinquent water charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the Town. In the event water is turned off for non-payment of water charges, then before the water service to the premises shall again be provided, the consumer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on or off as the Town Council may have established by resolution. Until such resolution has been adopted, there shall be added an extra charge of fifty dollars (\$50.00) for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent consumer may be required to make and file a new application and deposit if the previous deposit has previously been applied to the payment of delinquent bills. The Town may also enforce the payment of all delinquent water charges by an action at law in the name of the Town of Mantua.

**SECTION 15. Turning on Water after Being Turned Off Prohibited.**

It shall be unlawful for any person, after the water has been turned off from the premises for non-payment of culinary water charges, sewer charges, or other violations of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or to allow the water to be turned on or used without authority from the Superintendent or Town Recorder.

except under the direction of the Superintendent, may be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe.

**SECTION 21.**            **Quality of Service Pipe.**

1. All service and other pipe used in conjunction with the water services of the Town shall be of such material, quality, and specifications as the Town Council may, from time to time by resolution, provide, and shall be installed at such depths below ground as may be specified by regulations relating to the water department. All work, alterations, and extensions affecting water pipes shall be subject to the acceptance of the Superintendent, and no connections with any water mains may be made without first obtaining a permit therefor from the Town Recorder or Superintendent.
2. No consumer may be permitted to conduct water pipes across lots or buildings to adjoining premises, except as permitted by the Superintendent and subject to such requirements relating to controls as may be imposed by the Superintendent.

**SECTION 22.**            **Waste; Faulty Equipment.**

1. It shall be unlawful for any water user to:
  - (a) Waste water;
  - (b) Allow it to be wasted by leaky stops, taps, valves, joints, or pipes, or to allow tanks or water troughs to leak or overflow;
  - (c) Apply water to any outside landscape by pressurized irrigation between the hours of 10:00 a.m. and 6:00 p.m.
  - (d) Wastefully run water from hydrants, faucets, or stops, or through basins, water closets, urinals, sinks, or any other apparatus;
  - (e) Use the water for purposes other than for those purposes for which the user has applied; or
  - (f) Use water in violation of the rules and regulations for controlling the water supply.
2. As directed by the Superintendent, water may be left running during designated times to prevent freezing.

**SECTION 23.**            **Sprinkling Vehicles.**

Vehicles for sprinkling shall be regulated and controlled by the Water Department through the Superintendent.

**SECTION 24.**            **Department to Have Free Access.**

The Superintendent and his or her agents shall at all ordinary hours have free access to any place supplied with water service 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.

**SECTION 25.**            **Non-liability for Damages.**

The Town shall not be liable for any damage to a water service user by reason of stoppage or interruption of the user's water supply service caused by fires, scarcity of water, or accidental damage to the water system or its mains. The Town shall also not be liable for any damage to a water user that results from maintenance and extension operations, or from any other reasonably unavoidable cause. This section shall not be construed to extend the liability of the Town beyond that provided in the Governmental Immunity Act of Utah.

**SECTION 26.**            **Water Not Supplied for Motors, Siphons, etc.**

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

**SECTION 27.**            **Sprinklers.**

1. It shall be unlawful for any person to use such number of outlets simultaneously or too use such sprinkler or combinations of sprinklers or outlets as will in the opinion of the Superintendent materially affect the pressure or supply of water in the System or any part thereof, and the Town Council may, from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
2. The Town Council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs, of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

**SECTION 28.**            **Scarcity of Water.**

In times of scarcity of water, whenever in the judgment of the Mayor and Town Council, it shall be necessary, the Mayor may, by proclamation, limit the use of water to such extent as may be necessary. It shall be unlawful for any person to violate any proclamation made by the Mayor pursuant to this part.

**SECTION 29.**

**Waste of Water.**

1. Users of water from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Superintendent, a user of culinary water engages in practices which result in the needless waste of water and continues to do so after the notice to discontinue wastefulness has been given, the Superintendent may refer the matter to the Town Council
2. The Town Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate the water connection at least five (5) days prior to the meeting of the Town Council at which termination of water service is to be considered. The notice shall be sent by mail or left at the residence or usual place of business of the user and inform the user of the time and place of the meeting and of the charges which led to the consideration of the termination.
3. A water user whose right to utilize culinary water is being review shall have the opportunity to appear with counsel and present reasons why water service should not be terminated.
4. After due hearing, the Town Council shall arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify the user of the decision in writing, including the period during which the service shall remain discontinued.

**SECTION 30.**

**Water Meters.**

1. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal water system must have such number of water meters connected to their water system as are necessary in the judgment of the Superintendent to adequately measure use and determine water charges to the respective users.
2. 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 from time to time by resolution.
3. Meters shall be and remain the property of the Town. Whenever a dispute between the Superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the Town Council after due notice in writing is given to the parties involved.

**SECTION 32. Applications for Installation Permit.**

1. Applications for permits to make water connections or other alterations or for laying or repairing lines connected directly or indirectly to the Town water system shall be made in writing by a licensed plumber, the owner of the premises, or authorized agent. Applications shall describe the nature of the work to be done for which the application is made. The application shall be granted if the Superintendent determines that:
  - (a) The connection, repair, alteration, or installation will cause no significant permanent damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
  - (b) The connection conforms to the ordinances, regulations, specifications, and standards of materials required by the Town.
2. All connections, alterations, or installations shall be to the line and grade designated by the Superintendent, and shall be installed by a licensed, bonded contractor.
3. Fees for permits or for inspection services shall be of such amounts as the Town shall from time to time determine by resolution.

**SECTION 33. Moving or Replacement of Water Lines.**

In the event that the Town in its sole discretion determines that any Water Main of the Town must be moved or replaced, the Town shall bear the cost of such move or replacement. The cost of reconnecting a Lateral to a house or business shall be borne by the customer.

**SECTION 34. When Permits Shall Not Be Issued.**

Permission to connect with the Town water system shall not be given unless the plumbing in the house or building to be connected meets the provision of the building and plumbing codes of the Town.

**SECTION 35. Discontinuance of Service.**

Any customer desiring to discontinue service shall notify the Town in writing of such fact at least ten (10) days before the date when such service shall be discontinued. If the services are to be disconnected during the months of October through March, the Superintendent may direct the disconnection to be made at the main. Disconnection costs shall be borne by the owner or user requesting disconnection. Upon giving such written notice, the customer shall not be responsible for water bills incurred after the desired discontinuance 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 shall be refunded upon discontinuance of service.

**SECTION 36. Fire Hydrants.**

Water for fire hydrants shall be furnished free of charge by the Town. Installation and repairs of 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.

**SECTION 37. Service or Connections Outside City Limits.**

Nothing herein contained shall be construed to require water connections or services outside the corporate limits of the Town, and such shall be discretionary with the Town Council, or as may be governed by other ordinances.

**SECTION 38. Penalties.**

Any violation of this ordinance shall be punishable as a Class B misdemeanor. The Town may also seek appropriate civil and equitable relief.

**SECTION 39. Severability.**

If any term or provision of this Ordinance shall, to any extent, be determined by a court to be void, voidable, or unenforceable, such terms or provision shall not affect any other term or provision of this Ordinance.

**SECTION 40. Effective Date.**

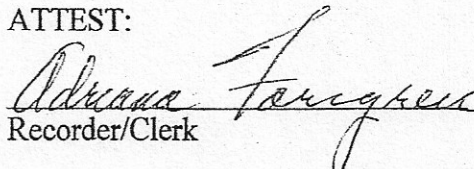
This ordinance shall become effective upon publication and posting, as provided by Utah Code Ann. § 10-3-711.

APPROVED AND ADOPTED by the Mayor and Town Council of the Town of Mantua, this 15 day of March, 2007.

  
Mayor

[SEAL]

ATTEST:

  
Recorder/Clerk