

# ORDINANCE NO. 10-03

## ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
GLENN A. JAMES <i>Councilmember</i>	X	
ROY L. JOHNS <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Kelepolo

I SECOND the foregoing motion: Councilmember Huff

## ORDINANCE 10-03

### AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE SPANISH FORK MUNICIPAL CODE PERTAINING TO UTILITIES

WHEREAS, Spanish Fork City has recently designed and installed a pressure irrigation water system in order to conserve its culinary water sources; and

WHEREAS, the pressure irrigation system is now installed and operating; and

WHEREAS, with the pressure irrigation system in place, the city no longer provides irrigation water through ditches or other means and no longer has a need for an irrigation section in the municipal code; and

WHEREAS, the Spanish Fork municipal code refers to water service and specifically identifies culinary water and sets forth connection and rate procedures, as well as termination

procedures, which are applicable to all utilities; and

WHEREAS, a general restructuring of Title 13 dealing with utilities is in order; and

WHEREAS, upon connection to the water systems, a transfer of water to the city should take place, and has been required for many years, but which section should be re-numbered with the restructuring which is taking place; and

WHEREAS, in order to efficiently operate the various utility systems and to clarify the procedures to be followed, it is necessary to make changes to the utility provisions of the Spanish Fork City Municipal Code;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

**I.**

**Chapter 13.08, Irrigation Water**, of the Spanish Fork Municipal Code is hereby repealed.

**II.**

**Chapter 13.12, Water Service Connection and Rates**, of the Spanish Fork Municipal Code is hereby repealed.

**III.**

**Chapter 13.04, Utility Service Connection and Rates**, of the Spanish Fork Municipal Code is hereby created, with Sections 13.04.010, 13.04.020, and 13.04.030 as follows:

**13.04.010. Rates and Connection Fees-Determination.**

The city shall provide utility services, including culinary water, pressurized irrigation water, solid waste services, sewer, electric power, storm drain, and telecommunications to the residents of the city. The rates and connection fees for utility service from the municipal systems shall be fixed from time to time by resolution of the city council, or in the annual

budget adopted by the city council. The city may, from time to time, enact rules for levying, billing, guaranteeing, and collecting charges for utility services and all other rules necessary for the management and control of the utility systems.

**13.04.020. Payment - Delinquency - Discontinuance of Service.**

The city shall mail to each user a written or printed statement, written thereon the amount of utility service charge assessed against him/her once each month or such other regular interval as set forth by policy.

Said statement shall separately specify the amount of the bill for the utility services used and the place of payment and date due. If any person fails to pay the utility charges within thirty days of the date due, the city shall have the authority to direct that some or all utility services to the premises involved be discontinued.

Before utility service to said premises shall again be provided, all delinquent charges must have been paid to the city, together with such extra charge for turning the utilities on and off as the city council may have established by resolution, or in the annual budget.

In addition to terminating utility service, the city is authorized and empowered to enforce the payment of all delinquent utility service charges by an action at law. In such event, the city shall be entitled to recover its costs and attorneys fees.

**13.04.030. Turning on Utilities After Being Turned Off - Prohibited.**

It is unlawful for any person, after utility service has been turned off from his/her premises for nonpayment of utility charges or other violation of the rules and regulations pertaining to the utility service, to turn on or allow the services to be turned on or used without authority. Violation of this section shall be a Class C Misdemeanor.

**IV.**

**Section 13.28.005, Water Transfer**, of the Spanish Fork Municipal Code is hereby created to read as follows:

Each person desiring to connect to a city water system shall transfer to the City the quantity and type of water rights as determined and established from time to time by resolution of the City Council. The purpose of this section is to assure the City has an adequate water supply to provide water needed by the connection, or to replace water which will be provided through the connection.

**V.**

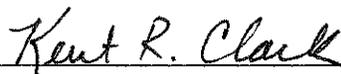
In order to protect the health, safety, and welfare of the residents of Spanish Fork City, this ordinance shall become effective immediately upon passage.

DATED this 18th of November, 2003.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,  
UTAH, this 18th day of November, 2003.

  
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DALE R. BARNEY, Mayor

ATTEST:

  
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KENT R. CLARK, City Recorder

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