ORDINANCE NO. 2020-09

AN ORDINANCE OF IVINS CITY, UTAH AMENDING TITLE 10, CHAPTER 1 OF THE IVINS CITY CODE ENTITLED "WATER SYSTEM".

WHEREAS the Ivins City Council desires to update and amend Title 10, Chapter 1 of the City Code entitled "Water System";

WHEREAS the Ivins City Council desires to eliminate the deposit requirement for property owners as of the effective date of this ordinance;

WHEREAS the Ivins City Council desires to allow for renters to establish and manage their own billing accounts with the City;

WHEREAS the Ivins City Council desires to establish a deposit requirement for renters;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that Title 10, Chapter 1 of the Ivins City Code be amended as follows:

CHAPTER 10
WATER SYSTEM

* * *

10.01.106 APPLICATION FOR WATER SERVICE:

(1) Any property owner of record desiring a supply of water from the city system to their property, where water service and adequate water supply is available, shall apply therefor to the city and file an agreement with the city which shall be made available online or at City Hall. (Ord. 2020-09, 2020). ~~The agreement and application shall be in substantially the following form:~~

~~*APPLICATION FOR WATER SERVICE*~~

~~*The undersigned property owner of record hereby applies for water service from Ivins City, Utah, for the premises located at _____, and hereby agrees:*~~

~~*(1) To pay all charges for such water service as are fixed from time to time by the Ivins City council. Any charges for water service not paid by the twentieth day of the month charges are due shall be assessed a five percent (5%) penalty on the unpaid balance.*~~

~~*(2) To be bound by the rules, regulations, resolutions or ordinances enacted or adopted by the city applicable to the city water system.*~~

~~*(3) To deposit with the city, at the time of filing this application, the amount specified in the Ivins City consolidated fee schedule as security for the payment for services. It is agreed and understood that the city may, but is not required to, apply the deposit to bills due for prior service. The city shall have the right to discontinue service as provided even though the deposit has not been applied to the payment of past due bills for service. Upon final settlement of the applicant's account, any unused balance of the deposit shall be refunded to the applicant.*~~

~~*(4) The deposit shall not be considered an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of the water service shall not have the right to compel the city to apply the deposit to any account to avoid delinquency.*~~

~~*(5) The deposit shall be credited to applicant's account after one year of timely payments or refunded upon applicant's request and proof of transfer of ownership of the property resulting in applicant's termination of water service.*~~

~~*(6) In the event two (2) of applicant's checks are returned to the city for nonsufficient funds (NSF) within a twelve (12) month period, then the applicant shall be required to pay for services in cash for the next twelve (12) months.*~~

~~*(7) If the applicant or user of the water service fails to pay the water charges within thirty (30) days of the date due, or if the occupant of the premises fails to conform to the ordinances and regulations established by the city regulating the use of the water system, the city shall have the right to discontinue the water service after written notice to discontinue service. To avoid discontinuance of service, payment in full of all delinquent charges and reconnection fees, if applicable, or elimination of the failure to conform with the ordinances and regulations established by the city regulating the use of the water system, must be made by close of five (5) business days from the date of the notice to discontinue service. Such notice shall be mailed to the address on the application for water service and notice shall be deemed effective upon the date affixed to the notice.*~~

~~*(8) In the event water service is discontinued, the city shall have the right to charge a water reconnection fee in the amount specified in the Ivins City consolidated fee schedule, and may, in addition, require a delinquent water customer to file a new application with a deposit in the amount specified in the Ivins City consolidated fee schedule to be held until the service is disconnected and all related charges are fully paid. In the case of water remaining off for a period of more than forty eight (48) hours due to nonpayment, the building shall be considered uninhabitable and will be subject to having the certificate of occupancy revoked.*~~

~~*(9) The owner of any property or premises containing a building or structure which is used for human occupancy or which is connected to culinary water, whether the water is turned on or off, shall be responsible for the then current base water fee in addition to all other services provided by the city, which include garbage, sewer (if applicable) and storm drain fees. These fees are applicable whether or not the services are being used (i.e., seasonal residents).*~~

~~*Dated this _____ day of _____, 20___.*~~

~~_____~~

~~*(Applicant) - Print - Sign*~~

(2) Rental Billing.

(a) If the owner of a property would prefer that a tenant have their own billing account, they must complete and submit a release and consent form AND the tenant must also complete and submit a renter move-in form. The property owner shall remain the guarantor on the account and will be responsible for any unpaid charges that are ninety (90) days or more past due. If a tenant's account becomes past due for ninety (90) days or more, the tenant's deposit will be applied to the account and the remaining balance will be charged to the master (owner's) account and the owner will be required to pay the unpaid portion. If the services are disconnected due to non-payment, they will be subject to the same rules as other services that are disconnected for non-payment, including any related reconnection fees.

(b) A fee shall be charged each time a new renter moves into a unit to cover the administrative costs of setting up the billing and to send a public works employee to read the meter. The fee amount shall be the fee in effect at the time application is made.

(c) A deposit shall be required from any new renter for the amount in effect at that time. The City Treasurer is authorized to apply the deposit to any unpaid balance which is ninety (90) days or more past du

(d) A tenant must fill out a move-out form to establish a date when the account should be closed. Once the account is closed, any remaining deposit will be released to the account and any remaining credit after the final bill will be refunded to the tenant at the mailing address provided on the move-out form. (Ord. 2012-09, 2012)

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF SEPTEMBER 2020 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder