

RESOLUTION NO. 84-110

A RESOLUTION ESTABLISHING FEES FOR CONNECTION TO THE DELTA CITY WATER AND SEWER SYSTEMS, REVISING THE MONTHLY SERVICES CHARGES FOR USE OF SAID SYSTEMS AND ESTABLISHING PROCEDURES FOR ADMINISTRATION OF FEE COLLECTIONS AND PROVIDING FOR OTHER ADMINISTRATIVE AUTHORIZATIONS AND REPEALING RESOLUTION NO. 84-108.

RECITALS

The City Council of the City of Delta, Utah (referred to herein as the "City Council") hereby recites the following as the basis for adopting this resolution:

A. The Delta City water and sewer utility funds have experienced significant increases in maintenance and operation costs during the past year. The City Council has further determined through preparation of the Delta City Fiscal Object Budget for Fiscal Year 1984-85 that the sewer and water utility operation and maintenance funds would incur a significant deficit during the current fiscal year unless rates for water and sewer use are increased.

B. The City Council has heretofore established and desires to confirm a policy that water and sewer charges, to the extent possible, should be structured such that each user or class of users of the water and sewer system are required to pay an equitable amount for the benefits received by them based on the cost of operation, maintenance and depreciation of the water and sewer systems.

C. The City Council has determined, through records and other information made available to it by the City water and sewer departments that certain adjustments should be made to water and sewer system user fees to provide for more equitable allocation of such costs among users.

D. The City Council has also reviewed procedures for collecting monthly service fees and desires to establish additional procedures for the collection of such fees.

E. The City Council on July 9, 1984 adopted Resolution No. 84-108 providing for substantially the same connection fees, monthly services charges, administration of fee collections and other administrative authorizations as set out in this resolution. The City Council has determined, however, that said increase capital improvements fee should be charged for water connections for multiple family dwellings of two and three units, that a monthly sewer charge should be established for mobile home parks and that separate sewer charges should be set for public and private schools and therefore have enacted this resolution

incorporating all of the fees and authorizations contained in Resolution No. 84-108 and establishing the fees described in this paragraph.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah.

1. Resolutions Repealed. Resolution No. 82-63 adopted by the City Council on April 12, 1982 and Resolution No. 84-108 adopted July 9, 1984 are hereby repealed in their entirety.

2. Water System Connection Fees. The fees for connection to the Delta City culinary water system as established by Section 14-117 of the Revised Ordinances of Delta City (1981 edition) are hereby fixed for the classes of service set out below to be the total amount determined by the following schedules:

a. Installation Cost Schedule. A collection installation cost shall be paid for each connection to the Delta City culinary water system as follows:

<u>Diameter of Meter Connection</u>	<u>Installation Fee</u>
3/4 inch	\$ 200.00
1 inch	270.00
1-1/2 inch	370.00
2 inch	500.00
3 inch	770.00
4 inch	1,050.00

Connections having a meter size of 6" or larger shall be negotiated with Delta City based on the proposed quantity of use, type of use, number of units to be served by the connection and other relevant factors.

b. Capital Improvements Fee. In addition to the installation fee, there shall be paid as part of each water connection fee a capital improvements fee based on the proposed use of the facility at which water connection is requested to offset the capital cost of providing and maintaining water service to applicant. The capital improvements fee charged for each connection shall be based on the following schedule:

<u>Proposed Use</u>	<u>Capital Improvement Fee</u>
Single family dwellings	\$ 400.00
Multiple family dwellings of two and three units	250.00 per unit
Multiple family dwellings of four units or more	192.00 per unit
Mobile home spaces within an	

approved park	220.00 per space
Travel trailer and recreational vehicles spaces within an approved park	160.00 per space
Hotels and motels	100.00 per unit
Commerical and office space	100.00 per 1000 sq.ft. of floor space

The capital improvements fee for industrial, warehouse and agricultural uses shall be determined by the City Council based on the proposed water use.

c. Water Rights Acquisition and Development Fee. There shall be assessed for each water connection made within areas annexed into the corporate limits of Delta City after April 12, 1982, in addition to the fees set forth in subparagraphs a. and b. above, a water rights acquisition and development fee to be used for the acquisition of additional water rights to supply the use at the requested connection as determined by the following schedule:

<u>Proposed Use</u>	<u>Water Rights Fee</u>
Single family dwelling on lots of 10,000 to 21,780 sq. ft.	\$1,000.00
Single family dwelling on lots of less than 10,000 sq. ft.	760.00
Multiple family dwellings with two or more bedrooms per unit	480.00 per unit
Multiple family dwellings with studio or one bedroom units	250.00 per unit
Mobile home spaces in an approved park	550.00 per unit
Travel trailer and recreational vehicle spaces in an approved park	400.00 per unit
Hotels and motels	250.00 per unit
Commerical or office space	250.00 per 1000 sq. ft.

The water rights acquisition and development fee for agricultural, industrial and warehouse uses shall be determined by the City Public Works Superintendent based on the quantity of water needed to supply the anticipated use multiplied by a water rights acquisition cost of \$1,000.00 per acre foot of annual water right and estimated water use tables approved by the City Council.

d. The water rights acquisition and development fee set out in subparagraph c. above shall be waived if the applicant conveys to Delta City, in fee simple, good and marketable title to a sufficient quantity of water rights approved for diversion from the Delta City wells designated by the Delta City Engineer

of a sufficient quantity to supply the proposed use as determined by water supply criteria adopted by Delta City.

e. The total connection fee for uses not set out in the foregoing subparagraphs a. through d. shall be determined by the City Council after receiving the recommendation of the Delta City Engineer and Public Works Superintendent.

3. Sewer System Connection Fee. The fee for new connections to the Delta City municipal sewer system established by Section 14-216 of the Revised Ordinances of Delta (1981 edition) are hereby fixed as set out in the following schedule:

<u>Type of Use</u>	<u>Connection Fee</u>
Single family dwelling	\$ 800.00
Multiple family dwellings	384.00 per unit
Mobile home spaces in an approved park	440.00 per unit
Travel trailer and recreational vehicle spaces in an approved park	320.00 per unit
Hotels and motels	200.00 per unit
Commerical and office space	200.00 per 1000 sq. ft.

The connection fee for agricultural, warehouse and industrial uses shall be determined by the City Council based on the proposed use, the estimated amount of effluent and other relevant factors.

4. Use of Connection Fees.

a. Water System Connection Fees. The capital improvement fees portion of the water system connection fee shall be applied to retirement of debt on the existing water system, to development of additional water system capacity, to replacement of existing water system facilities and to payment of reimbursement under any water line extension agreements provided for in Section 14-322 and 14-323 of the Revised Ordinances of Delta City (1981 edition), as amended.

b. Sewer System Connection Fees. Sewer system connection fees paid in accordance with this resolution shall be applied first to reimburse Delta City for the cost of installing the sewer connection, inspection at the sewer connection site and establishment of accounts and records for the sewer connection. The balance of the connection fee shall be deposited in a capital improvements fund and applied towards retirement of debt on the existing sewer system, for enlargement of the sewer system capacity, replacement of existing central sewer collection and treatment facilities and for reimbursement payments as provided in Sections 14-322 and 14-323 of the Revised Ordinances of Delta City (1981 edition), as amended.

5. Time of Payment of Connection Fees. All water and sewer connection fees as established by ordinance and resolution of the City Council shall be paid at or before the time occupancy is permitted in the structure or facility where services are requested.

6. Monthly Service Rates. The monthly rates for users of the Delta municipal water system, as established by Section 14-117 of the Revised Ordinances of Delta City (1981 edition), are hereby fixed in accordance with the following schedule:

a. The rate for single family residences shall be \$9.50 per month for the first 8000 gallons, with a charge of \$.35 for each addition 1000 gallons or fraction thereof registered on the water meter.

b. The monthly rate for residential users of the municipal water system located outside the City boundaries shall be \$19.00 per month for the first 8000 gallons, with an additional charge of \$.70 for each additional 1000 gallons or fraction thereof registered on the water meter.

c. Commercial water users shall be charged in accordance with the following rates:

i. Motels and hotels shall be charged \$9.50 for the first licensed unit and \$.65 for each additional licensed unit for the first 8000 gallons and an additional \$.35 for each 1000 gallons or fraction thereof registered through the meter.

ii. Recreational vehicle and travel trailer parks shall be charged \$9.50 for the first licensed space and \$.65 for each additional licensed space occupied during the month for the first 8000 gallons and an additional \$.35 for each 1000 gallons or fraction thereof registered through the meter.

iii. Office buildings, retail establishments and all other non-residential uses not otherwise listed in this resolution shall be required to pay \$9.50 per month per connection for the first 8000 gallons plus an additional \$.35 for each 1000 gallons or fraction thereof registered through the meter for such connection.

d. The rate for multiple family residential dwellings and mobile home parks shall be \$9.00 for each occupied unit or space and an additional \$.35 for each 1000 gallons or fraction thereof registered through the meter in excess of an amount equal to the number of occupied dwelling units multiplied by an allowance of 8000 per occupied dwelling unit or space per month.

e. The rate for commercial establishments, multiple family dwellings and mobile home parks located outside the cor-

porate limits of Delta City shall be an amount equal to twice the rate such user would pay if the place of use were located within the Delta City boundaries, as determined in accordance with this resolution.

7. Monthly Sewer Rates. The monthly rates for sewer services from the Delta municipal sewer system as established by Section 14-216 of the Revised Ordinances of Delta City (1981 edition) are hereby fixed in accordance with the following schedule:

<u>Type of Facility</u>	<u>Service Charge</u>
a. Single family residence	\$ 6.50
b. Multiple family residences	6.50 per dwelling unit per month
c. Mobile home parks	6.50 per occupied mobile home space
d. Laundromats, laundrys and dry cleaning establishments	45.00
e. Meat shop or business establishments in which a meat shop is located	35.00
f. Cafes and restaurants	40.00
g. Churches	16.00
h. Hospitals and similar facilities	65.00
i. Office and commercial buildings	6.50 per restroom (or pair of restrooms designated for "Women" and "Men.")

j. Hotels and motels shall be required to pay \$10.00 for the first licensed unit and \$.85 per month for each additional licensed unit.

k. Recreational vehicle and travel trailer parks shall be required to pay \$6.50 per month for the first licensed unit occupied during the month and \$2.00 for each additional occupied licensed unit.

l. Car washes shall be required to pay \$40.00 per month.

m. Industrial or agricultural users shall pay a monthly charge as determined by the City Council based on the quantity and type of effluent discharged, the biological oxygen demand load and the times of discharge.

n. Public and private schools shall be required to pay an average fee of \$1.43 for each pupil enrolled, based on average annual enrollment.

o. Any user of the municipal sewer system not listed above shall be required to pay a monthly charge of \$10.00 per month.

*Repealed Res # 98-253
Rec'd 4-27-98*

8. Fire Hydrants. The City of Delta shall pay to the municipal water system account the amount of \$5.00 per year for each fire hydrant located on a public easement within the City of Delta for the cost of maintaining the fire hydrants and the cost of providing water for fire protection.

9. Responsibility for Line Extension. Each applicant for water or sewer service shall be required to bear the cost and responsibility for installing lines connecting the building, location or facility where water or sewer services are required to the nearest water or sewer line owned by Delta City determined by the Public Works Superintendent or City Engineer to be adequate to service the connection requested. Such lines shall be located in a public right-of-way.

10. Quantity Users. Water and sewer rates for large quantity users of water or users discharging sewer in large quantities or of unusual nature may be established by agreement between the user and Delta City.

11. Late Charges. A late charge of \$2.00 shall be charged to each water billing or sewer billing not paid within 30 days after the due date shown on the billing statement. If the amount due on such water or sewer statement is not paid within 60 days of the date shown on the statement, the City of Delta, upon proper notice, may disconnect the water service and charge a reconnection fee of \$25.00 prior to renewing service to the user responsible for payment of the delinquent account.

12. Encroachment Deposit. Any water or sewer line installation for a new connection requiring that existing asphalt or other street improvements be cut shall not be undertaken until the person requesting such water or sewer connection pays an initial deposit of \$500.00, which deposit shall be maintained for repair and replacement of such asphalt or other street improvements. The person responsible for the water or sewer connection shall then either request that the asphalt or other improvements be repaired by Delta City, or may proceed to do such repair work under the inspection of the Public Works Superintendent. The deposit required hereby shall be applied toward the cost of making such repairs, if made by Delta City, or shall be applied to the cost of inspection of such repairs if completed by a private contractor. The replacement cost of improvements shall be retained by the City for a period not to exceed one year after completion of the repair work to be used for further repair if the initial repair work is found to be defective. Any amount remaining after deducting repair costs, inspection fees or other cost of making the repairs, including costs incurred during the one year warranty period, shall be reimbursed by the City. If additional payments are required for such costs, Delta City shall send a statement requesting payment of such additional amounts, which shall be due within 30 days after the date shown on such statement.

13. Guarantee of Payment. Before providing water or sewer service at any residence, business or other facility to a person other than the owner, the City shall require the owner of such premises to sign a guarantee of payment by the occupant or other user of the premises, or in lieu thereof, require a deposit of \$100.00, which shall be applied in the event of failure to pay any water or sewer services incurred for such premises within 30 days of the date on which such payment is due. In the event that the occupant of the premises makes timely payment of each monthly sewer and water fee for a period of one year, the City shall refund the deposit.

14. Collections Procedure. The City Public Works Superintendent, or his designated assistant, is hereby authorized to undertake such collection procedures for delinquent accounts as may be necessary, including sending of notices and demand letters. In the event that such delinquent accounts are not paid after demand letter and notice, the Public Works Superintendent is authorized to initiate procedures for disconnection of water service in accordance with law. If the account is not paid within 10 days after disconnection of water service, the Public Works Superintendent shall refer collection of any accounts within the jurisdictional limits of Small Claims Court to the City Treasurer for collection. Any accounts over the jurisdictional amount of Small Claims Court shall be sent to the City Attorney's office for collection.

15. Effective Date. This resolution shall become effective upon adoption and shall apply to all service charges incurred during the month of July, 1984.

16. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

17. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended, except as set out in Section 1, to be in accordance with the provisions hereof.

PASSED AND APPROVED THIS 30th day of July, 1984.

Grant S. Nielson
GRANT S. NIELSON, Mayor

Attest: Dorothy Jeffery
DOROTHY JEFFERY
City Recorder

Delta City, Utah

August 6, 1984

The City Council of Delta City, Millard County, Utah, met in regular session at its regular meeting place in said Municipality at 7:00 p.m. on the 6th day of August, 1984, with the following members of the City Council present:

Grant S. Nielson	Mayor
Ruth Hansen	Councilmember
Neil Dutson	Councilmember
Kjell Jenkins	Councilmember

Also present:

Jimmy C. Allan	City Administrator
Dorothy Jeffrey	City Recorder

Absent:

Don Dafoe	Councilmember
Craig Greathouse	Councilmember

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the following resolution was introduced in written form, was fully discussed, and pursuant to motion duly made by Councilmember Ruth Hansen, and seconded by Councilmember Neil Dutson, adopted by the following vote: