

**ESCALANTE CITY
ORDINANCE 2023-06**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO.8.04.050 C (5) FEES,
RATES AND CHARGES AND PROVIDING REPEALER WITHIN THE CITY OF
ESCALANTE, STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

WHEREAS, The City Council and Mayor wish to amend such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “8.04.050 Fees, Rates And Charges” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

8.04.050 Fees, Rates And Charges

- A. Billings And Payments: The city shall, through its properly designated employees, promptly bill all persons, firms, corporations, partnerships and other legal entities for all services furnished by the consolidated city water and sewer system. The form of the statement will show the separate charges due for water supplied and sewer services furnished by the consolidated city water and sewer system. Users shall pay the total sum of water charges and sewer charges. Such charges may not be paid separately. Water services shall be disconnected to any consumer who shall become delinquent for more than ninety (90) days from the date of the billing, in the payment of water or sewer charges.
- B. May Be Established By Resolution: The rates, penalty fee for delinquency in payment, connection fee, inspection fee, reconnection fees, and other charges incidental to the connection and services from the city water and sewer systems, shall be fixed from time to time by resolution enacted by the city council. The city 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 city.
- C. Fee Specified:
 - 1. Water Impact Fees:
 - a. Applicants for new water connections in City Limits shall pay an

impact fee of four thousand seven hundred dollars (\$4,700.00) upon approval..

- b. Applicants for new water connections outside of City Limits shall pay an impact fee of five thousand seven hundred dollars (\$5,700.00).
2. Sewer Impact Fees:
- a. Applicants for new sewer connections shall pay an impact fee of one thousand dollars (\$1,000.00).
3. Water Connection Fees:
- a. For three-fourth inch (3/4") service (meter installation) - five hundred dollars (\$500.00).
 - b. For service over three-fourth inch (3/4") service - as determined by the city council.
 - c. Applicants for new water connections shall pay a connection fee of one thousand five hundred dollars (\$1,500.00) upon approval. An additional one thousand five hundred dollar deposit (\$1,500) with a minimum of one thousand (\$1000.00) will be assessed for going through an asphalt chip sealed street.
 - d. If a water meter is moved from one location to another on the same property, the fee shall be an additional one thousand dollars (\$1,000.00) to move such meter.
 - e. The city shall approve applications for new water connections only when such a request is accompanied by an approved municipal project approval form for which city water is required. The project must be started within a year of approval or the water connection will go back to the city. Any and all fees paid are non-refundable.
 - f. The city council shall limit the availability of new connections for sale as to not exceed the available water supply and water rights of the city. A permanent minimum water right of .550 gallons per minute shall be required for each connection, active or inactive. The city council may impose moratoriums on the sale of new connections as required for the availability of water and operational integrity of the system.
 - g. A twenty five dollar (\$25.00) fee shall be imposed when the meter is taken out.
 - h. A twenty five dollar (\$25.00) fee shall be imposed when the meter is reinstalled.
4. Sewer Connection Fees:
- a. The city shall approve applications for new sewer connections only when such a request is accompanied by the approved municipal project approval form which city sewer is required. The project must be started within a year of approval or the sewer connection will go back to the city. Any and all fees paid are non-refundable.
 - b. The city council may at any time limit the number of or deny applications for new sewer connections to ensure adequate sewer

- capacity for the existing users of the system.
- c. Applicants for new sewer connections shall pay a connection fee of five hundred dollars (\$500.00). An additional one thousand five hundred dollar deposit (\$1,500) with a minimum of one thousand (\$1000.00) will be assessed for going through an asphalt chip sealed street.
5. User Fees: ~~All User Fees base rates shall increase annually by a rate of 4%.~~
- a. User Fees Inside City Limits:
 - (1) Inactive Water Connections: A monthly rate of the current year rate shall be assessed on each inactive water connection inside city limits. Inactive connections purchased or installed before April 1998 shall only be assessed inactive connection fees after that date. A fee of twenty five dollars (\$25.00) shall be assessed to activate or inactivate any connection. If the owner of a connection is over sixty two (62) years of age the fee to activate or inactivate any connection will be five dollars (\$5.00). Prior to activating any connection, the balance of all fees must be paid in full.
 - (2) Active Water Connections: A monthly rate of the current year rate for zero gallons used shall be assessed for each active connection.
 - (3) Usage Rates: A monthly rate of one dollar (\$1.00) will be assessed for each one thousand gallons of water used up to ten thousand (10,000) gallons per connection; three dollars (\$3.00) shall be assessed for each additional one thousand (1,000) gallons up to twenty five thousand gallons (25,000); six dollars (\$6.00) shall be assessed for each additional one thousand (1,000) gallons up to fifty thousand gallons (50,000), and nine dollars (\$9.00) shall be assessed for each additional one thousand (1,000) gallons in excess of fifty thousand gallons (50,000). The use of water by the user may be restricted or regulated by the city council in times of drought.
 - b. User Fees And Restrictions Outside City Limits:
 - (1) Inactive Water Connections: A monthly rate of the current year rate shall be assessed on each inactive water connection outside city limits. A fee of twenty five dollars (\$25.00) shall be assessed to activate or inactivate any connection. If the owner of a connection is over sixty two (62) years of age the fee to activate or inactivate any connection will be five dollars (\$5.00). Prior to activating any connection, the balance of all fees must be paid in full.
 - (2) Charges for usage outside the corporate limits of the city shall be the current year rate per month for zero gallons used for each active connection.

(3) Usage Rates: A monthly rate of one dollar (\$1.00) will be assessed for each one thousand gallons of water used up to ten thousand (10,000) gallons per connection; three dollars (\$3.00) shall be assessed for each additional one thousand (1,000) gallons up to twenty five thousand gallons (25,000); six dollars (\$6.00) shall be assessed for each additional one thousand (1,000) gallons up to fifty thousand gallons (50,000); and nine dollars (\$9.00) shall be assessed for each additional one thousand (1,000) gallons in excess of fifty thousand gallons (50,000). The use of water by the user may be restricted or regulated by the city council in times of drought.

c. The city council may at any time change rates, eliminate services, restrict the amount of usage or modify any provision, policy or procedure for out of city water use without the need to give such user notice and without hearing. This is a mandatory provision based on the irrevocable, perpetual policy of the city that the municipality has no obligation to deliver water on a permanent, continuing, temporary basis to any user outside the city limits.

6. Advance Payment Privileges:

a. In the interest of the city saving billing and bookkeeping costs, a user may pay in advance on year's total minimum water and sewer user fees and the user shall be entitled to a twenty dollar (\$20.00) discount for that year.

7. Sewer Rates:

a. Basis Of User Charge: Each equivalent residential unit (ERU) will be charged twenty seven dollars (\$27.00) per month.

b. Equivalent Residential Unit: An equivalent residential unit is a unit of measurement estimated to equate to an average residential household's use. It is estimated that the average residential household will add approximately ten thousand (10,000) gallons of flow to the wastewater treatment facility monthly. It is impossible to gauge the flow of wastewater from each contributor and it is difficult to measure the flow based on culinary water usage since there are many and varied uses in the city which do not reach the wastewater treatment facility. Therefore, the city has estimated the residential equivalent based on state department of environmental quality estimated quantity of domestic wastewater (Utah state administrative rules for large underground wastewater disposal systems R317-5, effective date November 15, 1991; tables 5-2).

Equivalent residential units are defined as follows:

Classification Of User	Number Of ERUs
Single-family dwelling	1 per household
Trailer parks - permanent residents	1 per trailer
Recreational vehicle parks: Independent spaces (temporary or transient with sewer connection) Dependent spaces w/service bldg.with showers	.125 per space .40 per space
Small/miscellaneous business (flow estimated <10,000 gal/mo)	1 per business
Elementary school (cafeteria, gymnasium and shower)	.05 per person
Secondary school (cafeteria, gymnasium and shower)	.0625 per person
Gas stations and convenience store (estimated 50 vehicles/pump/day)	.125 per vehicle served
Launderette (self-serve) (estimated 30 loads/washer/day)	.125 per load of laundry
Restaurants	.0875 per seat
Motels	.155 per person/day
Churches	1 per estimated 10,000 gal/mo

- c. Inactive Services: All sewer services which have been approved and connection fees paid to the city which have not been installed or utilized shall pay seventy five percent (75%) of the base fee of an equivalent residential unit. The charge was determined by a ratio of debt service cost to total costs of the system, estimated as follows:

$$\$88,431.00 / \$119,031.00 ** = 75 \text{ percent}$$

* debt service

** total annual costs of operation.

- d. Enforcement: The city may discontinue culinary water service and seek restitution in civil court as appropriate for the nonpayment of sewer fees when such payment is delinquent in excess of ninety (90)

- days.
- e. Annual Review: The monthly charge will be reviewed and calculated once a year in conjunction with the city's annual budgeting procedure.
 - f. Special Treatment Of Sewage: Where the sewage which is discharged by any commercial or industrial establishment in the city sanitary sewer system is of such character as to require special treatment or to constitute an unusual or abnormal burden on the disposal facilities, such additional charges shall be assessed as the city council shall determine.
 - g. Owner To Bear Cost: Any owner of property who has not made application for connection shall bear the expense of the construction of his own service stub and shall be held responsible for replacing the street to its original condition.
 - h. Connection And Fee Required: The city will require that all possible connections that can be served must connect to the system and the connection fee must be paid by the time each connection to the system is made.
 - i. Subdivider Responsibility:
 - (1) All charges for each building or water user and all developments within the subdivision shall be paid for by the subdivider, which shall include the city's cost of connections and the prevailing rates for water meters, and the city shall become the owner thereof. Each building or place where water is consumed shall be deemed a separate connection.
 - (2) Subdividers shall provide, at their own expense and upon approval of the city council, all materials, lines, labor, preparations and all other items necessary to establish a water connection from the main water line to the location of the water use, except the city shall provide and install the meter upon payment of the fees and costs provided in this section to be the obligation of the subdivider.
- D. Disposition Of Funds: All connection fees and monthly user charges collected under the provisions of this chapter shall be deposited in the city water and sewer system funds and used to meet the operation and maintenance costs of the systems; debt service on obligations appertaining to the construction associated with the completion of the systems; and such other allocations as the city council may by resolution provide.
- E. Application For Culinary Water Connection: Any person seeking a water connection shall file with the water department a written signed connection application that can be obtained from the city recorder.
- F. Application For Sewer Connection: Any person seeking a sewer connection shall file with the sewer department a written signed connection application that can be obtained from the city recorder.
- G. Irrigation Of Public Schools: Escalante City water rates for the outside irrigation of

public schools shall be amended to the following rate structure. The provisions of this paragraph shall not amend rates for connections used for inside domestic usage of public schools or for any other purpose than to benefit the direct irrigation needs of public schools.

1. Base Rate: A base rate of seventeen dollars (\$17.00) shall be assessed monthly and shall entitle the consumer to the use of fifteen thousand (15,000) gallons of water per month.
2. Overage: An overage charge of one dollar (\$1.00) shall be charged for each one thousand (1,000) gallons of overage per month not exceeding four hundred fifty thousand (450,000) gallons. Any water overage in excess of the four hundred fifty thousand (450,000) gallons per month shall be charged five dollars (\$5.00) for each one thousand (1,000) gallons.

Following the enactment of this paragraph G, the Escalante City council may at its discretion, reduce all or portions of water overage charges incurred in 2005 prior to the passage date of this ordinance.

3. Special Requirements: Consumers utilizing this rate shall only use water for irrigation purposes between the hours of six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. and comply with all other usage restriction means implemented by Escalante City.
4. Expiration And Repealer: All provisions of this paragraph G shall expire one year from the date of enactment. Any previous ordinance in conflict is hereby repealed.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Chad Lyman	_____	_____	_____	_____
Councilmember Dan'l Lindsay	_____	_____	_____	_____
Councilmember Marlene Stowe	_____	_____	_____	_____
Councilmember Guy Graham	_____	_____	_____	_____
Councilmember Lenza Wilson	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, City
Recorder, Escalante City