

**ESCALANTE CITY
ORDINANCE 2024-19**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO.8.04.060 TO
ADDRESS DELINQUENT UTILITY BILLS 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 address delinquent utility bills.

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

SECTION 1: **AMENDMENT** “8.04.060 Delinquency” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

8.04.060 Delinquency

- A. Statement of Charges: The city recorder or superintendent shall furnish to each user, or mail to, or leave at the user’s place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against the user once each month or as directed by the city council.
- B. Content of Statement; Delinquency: The statement shall specify the amount due, the place of payment and due date. If any user fails to pay the charges within thirty days (30) from the due date, the city recorder or superintendent shall give the user notice in writing of intention to discontinue water service to the user unless the user pays the bill in full within thirty days (30) days from the dated notice the city may disconnect the user’s water service. A five dollar (\$5.00) late fee will be assessed on all accounts thirty (30) days past due for each month past due until account is current.
- C. Discontinuance of Service: If a user’s culinary water service is discontinued for failure to make payment, before the water service shall again be provided, all delinquent charges must be paid to the City Treasurer. In the event water service is turned off for nonpayment of charges, the user shall pay, in addition to all delinquent charges, such extra charges for turning the water on or off as the city council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of twenty five dollars (\$25.00) for turning the service off and twenty five dollars (\$25.00) for turning the service back on.
- D. Responsibilities Of Owner: Irrespective of the occupant, user, tenant, co-tenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service made

available, the owner of the premises according to the records of the county recorder shall be legally responsible for the payment of all charges, fees, assessments and any other obligation or liability of a user. If any delinquent water and/or sewer connection, water and/or sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property, building or structure, the obligation shall be deemed by the city as a lien upon all of the real property on which any use is made from a water and/or sewer connection. Water shall be turned off for failure to pay said fee, assessment, charge or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the city for sewer and/or water delinquencies are paid in full.

E. Escalante City will continue to work with citizens in addressing billing and utility needs. Should bills become delinquent, notices will be sent to the property owners to address the issue and to provide deadlines and penalties to remedy the delinquency. A lien may be placed on the property and services may be terminated pursuant to policies and procedures. Once a water/sewer bill becomes more than six (6) months late and after notices have been sent to the most recent property owners via personal service, or via certified mail, the City may pull the meter from the property and require the owner, to reapply for the meter, redeem the past bill(s), and to pay for applicable impact fees and connection fees.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed. Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

SECTION 3: SEVERABILITY CLAUSE If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

SECTION 4: EFFECTIVE DATE The City Council of Escalante City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law

SECTION 5: PARAGRAPH HEADINGSThe paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Stowe	_____	_____	_____	_____
Councilmember Lyman	_____	_____	_____	_____
Councilmember Porter	_____	_____	_____	_____
Councilmember Orme	_____	_____	_____	_____
Councilmember Wilson	_____	_____	_____	_____
Presiding Officer		Attest		

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, City
Recorder, Escalante City