

**APPLE VALLEY
ORDINANCE O-2026-07**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apple Valley, Utah:

SECTION 1:**AMENDMENT** “1.02.010 New Connections For Water Service” of the Apple Valley Water Department is hereby *amended* as follows:

A M E N D M E N T

1.02.010 New Connections For Water Service

- A. Applicants desiring a connection for property located within the Department shall notify the Department requesting that the District provide the required retail water service. New connections may be installed prior to an approved culinary use. ~~However, it will be locked and unusable until such time a building permit has been issued by the Town of Apple Valley. As an exception, water meters may be installed for agricultural use only. It may not be connected to any structure or be used as culinary water. Any unauthorized use will be subject to lockout.~~ Water meters and related service lines may be installed prior to issuance of a building permit, provided installation complies with all Town construction standards, Water Department policies, and inspection requirements. Water service may be activated prior to issuance of a building permit provided that:
1. The service is not connected to any structure intended for human occupancy;
 2. The use of water is limited to construction, agricultural, irrigation, or other non-culinary purposes;
 3. All required inspections have been completed and approved by the Town; and
 4. The property owner executes any required acknowledgment or agreement confirming that culinary or residential use of water requires issuance of a valid building permit and final inspection approval.

No water service shall be used for culinary purposes or for residential occupancy until a valid building permit has been issued and final inspection approval has been granted by the Town.

The Town retains the authority to discontinue, restrict, or lock water service upon determination that the service is being used in violation of this section or any other applicable ordinance, regulation, or policy.

- B. The installation will require the impact fee, connection fee and if applicable (at the Department's discretion and depending on whether the Department owns sufficient municipal water rights to supply the proposed development and existing customer) an

appropriate municipal category water right provided by applicant by conveyance provided by applicant by conveyance. If the agricultural connection is changed to culinary use and the property is under new ownership, the connection will be subject to the impact fee less any standby credits. The Department will then follow its procedures for obtaining water service. The applicants shall bear the cost of all expenses associated with providing the retail water service. If providing service by the Department requires a mainline extension, the applicant will follow the procedures starting with 1.02.040 Procedures for Obtaining Water Services for Development Projects.

- C. Upon approval of the new water connection and payment of required deposit, the applicant shall engage at their own expense a licensed and insured contractor approved by the Water Superintendent for the excavation of the water main. The contractor shall schedule the excavation at a time when the Water Superintendent is available to supervise the excavation. Contractor shall obtain an Encroachment Permit from the Town, if required. Upon excavation of the water main, the Water Superintendent shall then install the service line and required water meter. After the installation of the water meter, the contractor shall then replace excavated materials, and repair the impacted area to the condition prior to excavation. This includes new road base or asphalt as required by Apple Valley Town Standards.
- D. Unless waived by the Department for good cause, applicants desiring a connection for property not included within the existing boundaries of the Department shall petition to annex their lands into the Department before their application will be processed. The petition shall include a legal description of the property and reasonable evidence that the petitioner is the owner of the property to be annexed or is the lawful agent of the owner. In addition, if the property is located within the legal boundaries of an incorporated city, the application shall also comply with the procedure in Section A.
- E. All applicants shall sign a Water Application and Agreement. Such application shall include the location of the desired water service, the name of the applicant, the date of application, proof of ownership of the property, and the basic terms and conditions with which the applicant shall be required to comply to receive water service. Such terms and conditions shall require the applicant to:
 - 1. Pay the current connection deposit as established by the Department's Administrative Control Board. After completion of the connection, the Department will provide applicant an itemized billing of time and materials for the connection, and shall either refund the unused portion of the deposit or bill the applicant for the balance. Refund of deposit will be mailed within 30 days of completion. If a balance remains, that amount shall be paid within 30 days of completion or the meter is subject to lockout until payment in full is received. Connection certificates issued and agreements providing for connections executed prior to the effective date of these rules and regulations shall be honored.
 - 2. All new applicants shall provide to the Department the applicant's social security number and pay to the Department a \$100 deposit, which, at the option and request of the applicant, may be credited to the applicant's account after one year, provided that the applicant's account has not been delinquent at

any time during the one-year time period. Should the applicant fail to request that the deposit be credited to their account after such time, the Department shall retain the deposit until either party terminates service. Upon termination, the Department will return the deposit to the applicant, less any amounts still owing to the Department. Should an applicant choose not to provide their social security number; the applicant shall pay a \$500 deposit, which will be retained by the Department until either party terminates service. Upon termination, the Department will return the deposit to the applicant, less any amounts still owing to the Department . Existing customers shall not be required to provide the Department with their social security number, unless their accounts have ever been delinquent for more than ninety (90) days.

3. At the Department's discretion and depending on whether the Department owns sufficient municipal water rights to supply the proposed development and existing customers, one (1) acre foot of municipal category water rights must be bought-in at \$10,000.00 per connection or deeded to the Department in lieu of the buy-in. Conveyance to the Department, must be in a form or manner approved by the Department, an existing water right in a quantity sufficient to allow the Department to meet the use applied for by the applicant. For a single-family residential connection with outside irrigation not exceeding one acre, the quantity of water right to be conveyed is 1.0-acre foot. The requirement for other applications, such as commercial or larger acreage, shall be determined on a case-by-case basis. The conveyance to the Department and the Department's obligation to service the applicant is conditioned upon approval by the State Engineer of a change application filed by the Department to change the nature and place of use and the point of diversion of the conveyed water right to that consistent with the requested service. Any reduction by the State Engineer in the quantity of water approved as a result of change of nature of use or forfeiture shall be the responsibility of the applicant.
4. Pay for all sums of water usage and service charges at the rates lawfully set from time to time by the Department's Administrative Control Board. The Department shall impose a five percent (5%) finance charge, applied monthly to all delinquent accounts.
5. Abide and obey all rules and regulations then in effect and thereafter adopted by the Department.
6. Pay all water and service charges by the last day of the month the statement is prepared. Failure to pay said charges within 30 days of statement date will result in the account being declared delinquent and the water service terminated upon proper notice. Water service shall be restored upon payment of all delinquent amounts plus a reasonable service restoration charge.
7. Pay any interest, collection charge, and restoration fee set forth in these rules and regulations.
8. Pay all costs, including attorney's fees, incurred by the District through its efforts to collect any delinquency or to enforce these rules and regulations.
9. Acknowledge that the service connection and all of its parts and materials from the water main to the point of connection to the line stubbed from the

building, said point of connection being immediately downstream of the meter box, shall be the property of the Department.

10. Acknowledge that the Department reserves the right at any time, without notice, to shut off or curtail water service, in the event of a water scarcity, to facilitate repairing or maintenance of the Department's water system, or to protect the Department's water system and supply from contamination which could endanger the public health.
 11. Identify a relative by name and address, not living with the applicant.
 12. Notify the Department of any cross-connection, backflow incident, or other condition within the customer's system which may put the Department's system and/or water supply at risk for contamination. Notification must occur as soon as possible, but no later than 24 hours upon learning about such conditions.
 13. Acknowledge that the customer shall be responsible for installing and maintaining a thermal expansion chamber and a pressure reducing valve on the cold water line feeding the customer's water heater, and that any damage which may occur as a result of a missing or faulty thermal expansion chamber or pressure reducing valve shall be the responsibility of the customer. Neither the chamber nor the valve shall be removed except to necessitate a replacement or repair.
- F. The Department shall maintain a list of customers with unpaid water bills. Applications for water service from previous customers with unpaid balances shall not be processed until the unpaid balances together with interest are paid.
- G. Upon proper execution of the annexation petition, if applicable, signing of the Water Application and Agreement, payment of the current connection fee, buy-in or conveyance of the required water rights, plus any other charges or fees that are determined to be due and the Department's determination that water and facilities are available for service at such location, the applicant shall be accepted as a retail customer of the Department.

SECTION 2: SEVERABILITY CLAUSE If any provision of this Ordinance is determined to be invalid or unconstitutional, such determination shall not affect the validity of the remaining provisions.

SECTION 3: EFFECTIVE DATE This Ordinance shall take effect upon adoption and publication as required by law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Mayor Mike Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley