

10-8-38 Drainage and sewage systems -- Construction regulation and control -- Retainage -- Mandatory hookup -- Charges for use -- Collection of charges -- Service to tenants -- Failure to pay for service -- Service outside municipality.

- (1)
 - (a) Boards of commissioners, city councils, and boards of trustees of cities and towns may construct, reconstruct, maintain, and operate, sewer systems, sewage treatment plants, culverts, drains, sewers, catch basins, manholes, cesspools, and all systems, equipment, and facilities necessary to the proper drainage, sewage, and sanitary sewage disposal requirements of the city or town and regulate the construction and use thereof.
 - (b) If any payment on a contract with a private person, firm, or corporation to construct or reconstruct sewer systems, sewage treatment plants, culverts, drains, sewers, catch basins, manholes, cesspools, and other drainage and sewage systems is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.
- (2)
 - (a) In order to defray the cost of constructing, reconstructing, maintaining, or operating a sewer system or sewage treatment plant, a municipality may:
 - (i) require connection to the sewer system if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy; and
 - (ii) make a reasonable charge for the use of the sewer system.
 - (b) A municipality operating a waterworks system and a sewer system or sewage treatment plant may:
 - (i) make one charge for the combined use of water and the services of the sewer system or sewage treatment plant; and
 - (ii) adopt an ordinance requiring a property owner desiring water and sewer service to submit a written application, signed by the owner or the owner's authorized agent, agreeing to pay, according to the ordinance enacted by the municipality, for the water and sewer service furnished the owner.
- (c)
 - (i) If a person fails to connect to the sewer when connection is required under Subsection (2)(a) (i) or fails to pay for the sewer service as required under applicable municipal ordinances, then the municipality may cause the water to be shut off from the premises until the person has:
 - (A) hooked up to the sewer at the person's own expense; or
 - (B) paid in full for all sewer service.
 - (ii) A municipality may not use an owner's failure to pay for sewer service furnished to the owner's property as a basis for not furnishing water to the property after ownership of the property is transferred to a subsequent owner.
- (d) A municipality may sell and deliver water or sewer services to others beyond the limits of the municipality from the surplus capacity of the municipality's waterworks or sewer system.

Amended by Chapter 316, 2004 General Session