

28 furnishing water to the property until all amounts for water furnished are paid, subject to
29 Subsection (2).

30 (2) (a) A municipality may not use an owner's failure to pay for water furnished to the
31 owner's property as a basis for not furnishing water to the property after ownership of the
32 property is transferred to a subsequent owner.

33 (b) A municipality may not require an owner to pay for water that was furnished to the
34 property before the owner's ownership.

35 Section 2. Section **10-8-38** is amended to read:

36 **10-8-38. Drainage and sewage systems -- Construction regulation and control --**
37 **Retainage -- Mandatory hookup -- Charges for use -- Collection of charges -- Service to**
38 **tenants -- Failure to pay for service -- Service outside municipality.**

39 (1) (a) Boards of commissioners, city councils, and boards of trustees of cities and
40 towns may construct, reconstruct, maintain, and operate, sewer systems, sewage treatment
41 plants, culverts, drains, sewers, catch basins, manholes, cesspools, and all systems, equipment,
42 and facilities necessary to the proper drainage, sewage, and sanitary sewage disposal
43 requirements of the city or town and regulate the construction and use thereof.

44 (b) If any payment on a contract with a private person, firm, or corporation to construct
45 or reconstruct sewer systems, sewage treatment plants, culverts, drains, sewers, catch basins,
46 manholes, cesspools, and other drainage and sewage systems is retained or withheld, it shall be
47 retained or withheld and released as provided in Section 13-8-5.

48 (2) (a) ~~[Any city or town may, for the purpose of defraying]~~ In order to defray the cost
49 of ~~[construction, reconstruction, maintenance or operation of any]~~ constructing, reconstructing,
50 maintaining, or operating a sewer system or sewage treatment plant, [provide for mandatory
51 hookup where] a municipality may:

52 (i) require connection to the sewer system if the sewer is available and within 300 feet
53 of [any] the property line of a property with [any] a building used for human occupancy; and

54 (ii) make a reasonable charge for the use [thereof. In order to enforce the mandatory
55 hookup to the sewer where available and the collection of any such charge, any city or town] of
56 the sewer system.

57 (b) A municipality operating a waterworks system and a sewer system or sewage
58 treatment plant may:

59 (i) make one charge for the combined use of water and the services of the sewer
60 system~~[-including the services of any] or sewage treatment plant [operated by the city or town~~
61 ~~and may provide by]; and~~

62 (ii) adopt an ordinance ~~[that application for service from such combined system shall~~
63 ~~be made in writing, signed by the]~~ requiring a property owner desiring [such] water and sewer
64 service [or his authorized agent, in which] to submit a written application [such owner shall
65 agree that he will], signed by the owner or the owner's authorized agent, agreeing to pay,
66 according to the ordinance enacted by the municipality, for [all] the water and sewer service
67 furnished [such] the owner [according to the rules and regulations enacted in the ordinance of
68 such city or town].

69 **(b)** ~~In case an application for furnishing service from such combined systems shall be~~
70 ~~made by a tenant of the owner, such city or town may require as a condition of granting the~~
71 ~~same that such application contain an agreement signed by the owner or his duly authorized~~
72 ~~agent to the effect that in consideration of granting such application the owner will pay for all~~
73 ~~service furnished such tenant or any other occupant of the premises named in the application in~~
74 ~~case such tenant or occupant shall fail to pay for the same according to the ordinance of such~~
75 ~~city or town.]~~

76 **(c)** ~~In case any person shall fail to hookup]~~

77 **(c) (i)** If a person fails to connect to the sewer [where available and in case any
78 applicant shall fail] when connection is required under Subsection (2)(a)(i) or fails to pay for
79 the sewer service [furnished according to the rules and regulations prescribed by the] as
80 required under applicable municipal ordinances [of such city or town], then the [city or town]
81 municipality may cause the water to be shut off from [such] the premises [and shall not be
82 required to turn the same on again] until [such] the person has:

83 **(A)** hooked up to the sewer at [his] the person's own expense; or [all arrears for service
84 furnished shall be]

85 **(B)** paid in full for all sewer service.

86 **(d)** ~~Cities and towns]~~

87 **(ii)** A municipality may not use an owner's failure to pay for sewer service furnished to
88 the owner's property as a basis for not furnishing water to the property after ownership of the
89 property is transferred to a subsequent owner.

90 (iii) A municipality may not require an owner to pay for sewer service that was
91 furnished to the property before the owner's ownership.

92 (d) A municipality may sell and deliver [from the surplus capacity thereof,] water or
93 sewer services [of any such system or facility not required by the municipality or its
94 inhabitants] to others beyond the limits of the municipality from the surplus capacity of the
95 municipality's waterworks or sewer system.

96 Section 3. **Repealer.**

97 This act repeals:

98 Section **10-7-10, Water rates -- Owner of premises liable.**

99 Section **10-7-11, Failure to pay for service -- Termination.**

Legislative Review Note
as of 2-6-03 7:32 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0273

Utility Costs to Homeowner

13-Feb-03

12:15 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst