

ORDINANCE NO. 2022-15

AN ORDINANCE ENACTING SECTION 11.02.022 OF THE CENTERVILLE MUNICIPAL CODE REGARDING LIMITED CONCRETE WALKWAYS IN PARKSTRIPS AND AMENDING SECTION 11.02.020 REGARDING PARKSTRIP LANDSCAPING AND HARDSCAPING AND SECTION 9.02.240 REGARDING WATER METERS

WHEREAS, the City Council desires to enact Section 11.02.022 of the Centerville Municipal Code to allow limited concrete walkways in the parkstrip for single family dwellings as more particularly set forth herein; and

WHEREAS, the City Council desires to amend Section 11.02.020 of the Centerville Municipal Code regarding parkstrip landscaping and hardscaping and Section 9.02.240 of the same regarding water meters to clarify the dimensions of the safety zone around water meters to allow for safe access by City officials and employees as more particularly provided herein; and

WHEREAS, the City Council finds the enactment of Section 11.02.022 and the amendments to Section 11.02.020 of the Centerville Municipal Code will allow certain single family dwellings to have a concrete walkway in the parkstrip; and

WHEREAS, the City Council finds the amendments to Section 9.02.240 of the Centerville Municipal Code will help protect the health, safety, and welfare of Centerville City and its officials and employees by providing a safe work zone around water meters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. Amendment. Section 11.02.020 of the Centerville City Municipal Code regarding Parkstrip Landscaping or Hardscaping is hereby amended to read in its entirety set forth as follows:

11.02.020 Parkstrip Landscaping or Hardscaping

Except as otherwise provided, all parkstrips within the City shall be landscaped with grass and plantings or hardsurfaced with acceptable materials as more particularly provided herein. Installation of parkstrip landscaping or hardscaping in accordance with this Chapter shall be the responsibility of the abutting property owner to the parkstrip. If the parkstrip, or any portion of the parkstrip, is landscaped with grass or plantings, such landscaping shall comply with applicable provisions of this Chapter and CMC 12 (Zoning). Except as otherwise provided in CMC 11.02.022, If the parkstrip, or any portion of the parkstrip, is improved with hardscaping, such hardscaping shall be limited to the following acceptable materials: 1.5" to 6" diameter decorative rocks and/or loosely laid bricks, pavers, and/or or flagstones. Except as otherwise provided in CMC 11.02.022, ~~the~~ use of concrete, asphalt, course wood or synthetic products (such as bark, mulch, and wood chips), or any other materials or hardscaping is prohibited within parkstrips. The provisions of this Section shall not apply to parkstrips and properties located in the Parrish Lane Gateway Area. Parkstrips and properties located in the Parrish Lane Gateway Area shall be subject to the streetscape design standards set forth in CZC 12.63 (Parrish Lane Gateway Design Standards).

Section 2. Enactment. Section 11.02.022 of the Centerville City Municipal Code regarding Limited Concrete Walkway in Parkstrip is hereby enacted to read in its entirety set forth as follows:

11.02.022 Limited Concrete Walkway in Parkstrip

A limited concrete walkway may be allowed within the parkstrip for certain residential lots as more particularly provided in this section. Each single family residential lot in a residential zone or a single family dwelling constructed in any other zone may install one concrete walkway within the parkstrip connecting the sidewalk to the curb and gutter. Such concrete walkway shall comply with the following standards:

- (a) The concrete walkway shall only be allowed for single family residential lots or for a single family dwelling constructed in any other zone;
- (b) The concrete walkway shall be no wider than five feet (5') wide (as measured horizontally with the sidewalk);
- (c) The concrete walkway shall extend perpendicular from the sidewalk to the curb and gutter;
- (d) The concrete walkway may only be installed if there is a connecting walkway from the parkstrip and sidewalk to the front or side door of the single family dwelling or such connecting walkway is installed simultaneously with the parkstrip pathway as a condition of any required permit;
- (e) The concrete walkway shall be located a minimum distance of at least six feet (6') from the closest portion of any drive approach apron;
- (f) The concrete walkway shall meet all distance and location requirements of CMC 9.02.240 (Water Meters);
- (g) No colored concrete shall be used for the concrete walkway;
- (h) No concrete walkway shall be used for vehicular access or use and shall not be used in any way to access vehicular storage or parking areas (such as side yard access for RV pad);
- (i) The concrete walkway shall be maintained by the abutting property owner in accordance with CMC 11.02.030 (Parkstrip Maintenance) and for snow removal as provided 11.01.120 (Removal of Snow from Sidewalks);
- (j) If the concrete walkway is required to be removed or altered in any way by utility providers, the abutting property owner shall be responsible for repairing and/or replacing the concrete and related improvements installed by the abutting property owner; and
- (k) Property owner shall obtain any required permit for installation of improvements within the public right-of-way prior to any work in the parkstrip for the concrete walkway.

Section 3. Amendment. Section 9.02.240 of the Centerville City Municipal Code regarding Water Meters is hereby amended to read in its entirety set forth as follows:

9.02.240 Water Meters

- (a) Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments, and persons using water from the municipal culinary water system must have such number of water meters connected to their water system as are

necessary in the judgment of the water superintendent to adequately measure use and determine water charges to the respective users.

- (b) Unless otherwise included in an application for the extension of a culinary water main in accordance with CMC 9.02.310 or CMC 9.02.370, or an application for a culinary water lateral in accordance with CMC 9.02.350, any person, subdivider, or developer who is required or desires to have installed a new water meter or who is required or desires to upgrade, eliminate, modify or relocate an existing water meter, shall submit an application for the same to the City. The Public Works Director shall review and approve or deny all applications for water meters based on the conditions and requirements set forth herein. The Public Works Director shall estimate the cost of the proposed or modified water meter and all related facilities. Upon approval of the application by the Public Works Director, the applicant shall pay all required fees to the City and a sum equal to the cost for installation or modification estimated by the Public Works Director which shall include labor, materials, engineering and design fees, and inspection, disconnection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the Public Works Director, the City shall refund the difference to the applicant. If the actual costs exceed the deposit amount, the applicant shall pay the difference to the City within 30 days of invoice from the City. All water meters and related facilities shall comply with all specifications and requirements of the City and its ordinances, including, but not limited to, the Plumbing Code, as adopted by the City.
- (c) The location of all water meters shall comply with the following standards and requirements unless otherwise approved in writing by the Public Works Director upon a showing of good cause and necessity for exception. Except as otherwise specifically provided, for purposes of calculating the following dimensional standards, all distances shall be measured from the ring of the meter.
- (1) All water meters shall be located in such a manner as to provide sufficient and safe access by City officials and employees for reading, inspection and maintenance of the meter, to prevent damage to the water meters, and to prevent injury to persons and property.
 - (2) In order to provide safe access by City officials and employees for reading, inspection, and maintenance of the meter, all water meters shall be located and maintained within in a meter safety zone which provides an area providing an unobstructed surface working area with the following minimum dimensions: (1) a rectangular area with its length measured from the center of the ring of the meter out a minimum of six feet (6') in any one direction and a width of 36 inches (36") measured 18 inches (18") out from the centerline of said six foot (6') directional measurement; and (2) an overlapping circular area with a radius of 18 inches (18") measured from the center of the ring of the meter, of at least six feet by three feet. For purposes of this dimensional standard, the water meter shall be included within the described meter safety zone working area ~~and is not measured from the meter ring~~. The unobstructed area shall not include any portion of a street, driveway, sidewalk, concrete, drive access, or other area where vehicular or pedestrian traffic has access to, across or over.
 - (3) In order to provide safe access by City officials and employees for reading, inspection, and maintenance of the meter, all water meters shall be located outside of and at least 18 inches (18") ~~12 inches~~ away from any

street, driveway, sidewalk, concrete, drive access, or other area where vehicular or pedestrian traffic has access to, across or over. For purposes of this dimensional standard, the 18 inches (18") shall be measured from the center of the ring of the meter to the adjacent street, driveway, sidewalk, concrete, drive access or other area of vehicular or pedestrian traffic.

- (4) In order to avoid damage to the water meter from freezing, no water meter shall be located within six inches (6") of any concrete or other hard surfacing.
 - (5) In order to avoid damage to the water meter from tree roots, no water meter shall be located within six feet (6') of any existing tree and no future trees shall be planted or maintained within six feet (6') of any water meter. Nothing herein shall prevent the City from removing any tree within the public right-of-way as permitted by law.
 - (6) Standard water meter lids are not designed or manufactured for traffic or other heavy vehicles or equipment. In addition to concerns for worker safety and access to water meters, injury to persons or property may occur when water meters are located within vehicular or pedestrian accesses. As such, no water meter shall be located within any paved or hard surfaced street, driveway, sidewalk, drive access, or any other area where vehicular or pedestrian traffic has access to, across or over the water meter.
 - (7) All water meters shall be located within the landscaped parkstrip area of the public right-of-way between the curb and sidewalk. In the event the sidewalk is located adjacent to the curb, the water meter location shall be approved by the Public Works Director.
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- (d) The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate all water meters and related facilities where located outside the public right-of-way. All water meters shall be deemed to be and remain the property of the municipality. Whenever a dispute between the Public Works Director and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City Council after due notice in writing to the parties involved.
 - (e) The water superintendent shall cause meter readings to be taken regularly and shall advise the Finance Department thereof for the purpose of recording the necessary billings for water service.
 - (f) Meters may be checked, inspected or adjusted at the discretion of the City, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the City unless special written permission is given by the water superintendent.
 - (g) If a customer submits a written request to the water superintendent to test customer's water meter, the City may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within 12 months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the City Council, the meter shall be deemed to accurately measure the use of water.

- (h) If the City's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the City shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- (i) All damages or injury to the lines, meters or other materials of the municipality on or near the customer's premises caused by an act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the City through its efforts to repair the damage to the lines, meters or to other equipment of the water department or collect such costs from the customer.
- (j) In cases where water meters have been previously installed to serve residential property, no driveways shall thereafter be installed to serve said property which are located on or over the installed water meter. Property owners desiring to locate or construct private residential driveways on or over any existing water meter shall be obligated, prior to installation of such driveway, to request the City to relocate the water meter to a new location which is acceptable to the City. All costs of such relocation shall be borne by the property owner requesting the relocation.

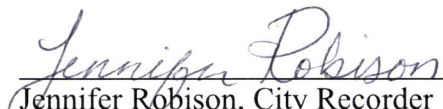
Section 4. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

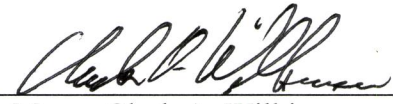
Section 5. Effective Date. This Ordinance shall become effective on immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 19th DAY OF JULY, 2022**

ATTEST:

CENTERVILLE CITY


Jennifer Robison, City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst	☒	☐	☐
Councilmember Ince	☒	☐	☐
Councilmember McEwan	☒	☐	☐
Councilmember Mecham	☒	☐	☐
Councilmember Summerhays	☒	☐	☐

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 7-21-2022

RECORDED this 21st day of July, 2022.

PUBLISHED OR POSTED this 21st of July, 2022.

