

RESOLUTION NO. 12-345

A RESOLUTION OF THE COUNCIL OF THE CITY OF DELTA, STATE OF UTAH, REPEALING RESOLUTION NO. 09-324 AND ESTABLISHING CERTAIN FEES IN A DELTA CITY CONSOLIDATED FEE SCHEDULE, INCLUDING ADOPTING AND ESTABLISHING A RATE SCHEDULE FOR DITCH TAX USER FEES AND IRRIGATION WATER RENTAL FEES AS SET OUT IN THE DELTA CITY CONSOLIDATED FEE SCHEDULE.

The City Council of the City of Delta, Utah, ("Council") hereby recites the following as the basis for adopting the Resolution:

WHEREAS, the Council heretofore established a ditch tax user fee and irrigation water rental fee whereby each user or class of users of such services were required to pay the benefits received by them based on the cost of operation, maintenance, and delivery of irrigation water.

WHEREAS, the Council has determined, through records and other information on file in the Delta City Offices, that Delta City has Experienced an increase in costs associated with the operation, maintenance and delivery of said irrigation water and desires to establish a new rate for a ditch tax user fee and an irrigation water rental fee.

WHEREAS, the Council has further determined that is in the best interest of its residents and will promote the general welfare of its residents to establish a new user fee and irrigation water rental fee.

WHEREAS, Delta City, through Resolution of the Council, maintains a Delta City Consolidated Fee Schedule setting forth the rates and fees to be charged by the City to defray the costs of providing programs and services listed therein.

WHEREAS, Utah Code Ann. section 10-3-717, as amended, and certain Delta City Ordinances authorize the City Council to establish, impose, and collect fees to defray the costs of providing certain programs and services;

WHEREAS, the Council has determined that that it is the best interest of its residents and will promote the general welfare of its residents to has the new user fee and irrigation water rental fee included and set forth in the Delta City Consolidated Fee Schedule.

WHEREAS, the Council has directed the City staff to prepare the attached "Delta City Consolidated Fee Schedule Dated: 4/19/2012" to establish and set forth the rates and fees to be charged by the City henceforth to defray the costs of

providing programs and services listed, including the new user fee and irrigation water rental fee.

NOW, THEREFORE, be it hereby RESOLVED by the Council of the City of Delta, State of Utah THAT:

Section 1. Repeal of Resolution No. 09-324. Resolution No. 09-324 establishing rate schedules for a ditch tax and user fee and irrigation water rental fee is hereby repealed.

Section 2. User Fee and Water Rental Fee Adopted. The fees charged to Delta City irrigation system users are hereby fixed in accordance with the schedule and relevant provisions as set forth in the Delta City Consolidated Fee Schedule as adopted and amended from time to time by the Council.

Section 3. Determination by the Council. The City Council hereby determines that:

- a. Funds are needed to defray the cost of providing programs and services furnished by the City
- b. The funds needed to defray the operating expenses can and should be obtained by setting fees and charges for these programs and services.

Section 4. Adoption of Delta City Consolidated Fee Schedule. The Attached "Delta City Consolidated Fee Schedule Dated: 4/19/2012" is hereby adopted.

Section 5. To the extent that any resolution or fee schedule previously adopted by Delta City conflicts with the provisions of this Resolution, it is hereby amended, invalidated or, replaced by the provisions hereof.

Section 6. This resolution shall take effect immediately, as authorized by section 10-3-719 of the Utah Code Annotated.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 19 day of APRIL, 2012 by the following Vote:

| | Aye | Nay | Abstain | Absent |
|-----------------|------------|------------|----------------|---------------|
| Robert W. Banks | _____ | _____ | _____ | _____X |
| Steven R. Pratt | _____X | _____ | _____ | _____ |

John W. Niles

X

Thomas N. Stephenson

X

Betty Jo Western

X

City of Delta

Gayle K. Bunker
Gayle K. Bunker, Mayor

ATTEST:

Gregory Jay Schafer
Gregory Jay Schafer MMC
City Recorder

Delta City Consolidated Fee Schedule: Dated 04/19/2012

Animal Control

| | |
|---|--------------------------------------|
| Dog License – Altered (Spayed or Neutered), §13-242.A. | \$10.00 |
| Dog License – Unaltered (Not Spayed or Neutered), §13-242.A. | \$15.00 |
| <i>§13-242.E.: The fee due and payable shall be due February 1 and shall be delinquent after March 1 of each year. A penalty of 25 percent shall be added to delinquent payments.</i> | |
| Dog License Tag Replacement, §13-243. | \$1.00 |
| Kennel License Fee (Three or More Dogs), §13-242.F. | \$50.00 |
| Impound (1 st Occurrence), §13-252. | \$25.00 |
| Impound (2 nd Occurrence), §13-252. | \$50.00 |
| Impound (3 rd Occurrence & Thereafter), §13-252. | \$100.00 |
| Boarding at Veterinarian Facility, §13-251. | \$10.00 per Day |
| Non-Conforming Use Permit for Chickens, §12-505, 12-524, Title 12 Appendix 3 | \$10.00 |
| License and Registration Requirement Violation, §13-242.A. | \$90.00 |
| Running at Large Prohibition Violation, §13-244.A. | \$90.00 |
| Dogs Which Disturb Neighborhood Violation, §13-249. | \$90.00 |
| Vicious Animals Violations, §13-250. | \$90.00 & Mandatory Court Appearance |

Building, Construction & Development Related Fees

| | |
|--------------------------------|--------------------------|
| Building Permit, §12-402. | Meet with Zoning Officer |
| Fencing Permit, §12-402. | Meet with Zoning Officer |
| Sign Permit, §12-924. | Meet with Zoning Officer |

Right-of-Way Encroachments

| | |
|--|--|
| Short-Side Cut (to the Center of the Road) | \$750.00 |
| Long-Side Cut (Full Width of the Road) | \$1,200.00 |
| Non-Standard Cut | TBD by Public Works Director Based on Sq. Ft. of Cut |

Subdivision Preliminary & Final Plat Check Fees (Non-Refundable)

Subdivision Ordinance 3.5.3. states:

| | |
|--------------------------|--|
| 1 to 10 Lots | \$50.00 |
| 11 to 50 Lots | \$50.00 plus \$4.00 per Additional Lot |
| 51 to 100 Lots | \$250.00 plus \$4 per Additional Lot |
| More than 100 Lots | \$550.00 plus \$2 per Additional Lot |

The fee shall be paid on or before the date the preliminary plat is submitted for approval by the Planning & Zoning Commission. Ord. 80-05.

Business Licensing

Excepting Beer, Itinerant Merchants/Peddlers, Pawn Brokers and Sexually-Oriented Licenses, rates shall be pro-rated when initially -issued beyond the first quarter of a calendar year. Res. 06-314.

General, §9-112. Applies Unless Other Code is Referenced \$50.00

General licenses shall be required of those businesses not otherwise listed herein. All licensing fees herein are in addition to any imposed or mandated by the State of Utah.

Banks and Credit Unions \$150.00

Contractors \$50.00

Grocers/Convenience Stores/Retail Merchants \$100.00

Home Occupations \$35.00

Insurance Agents No Charge

Professional Licensees Per Establishment \$100.00

Accountants, attorneys, engineers, Insurance Agents providing financial services, Medical Providers, Real Estate Brokers, Veterinarians and other similar practitioners.

Rental Properties \$10.00 per Unit

Apartments, Commercial Space, Duplexes, Hotels and Motels.

Restaurants \$100.00

Special Licensing Provisions

Coin Operated Amusement Devices, §9-322.:

First Device \$50.00

Each Device Thereafter \$25.00

Proprietor’s Registration Fee, §9-323. \$10.00

Pawn Brokers, §9-335. \$300.00

Delta City Municipal Code §9-335 requires a \$10,000 bond made in favor of Delta City and requires one-half of the license fee upon application and shall not be refundable.

Sexually-Oriented Business, §9-614. \$100.00

Delta City Municipal Code §9-615 requires a \$2,000 bond made in favor of Delta City.

Sexually-Oriented Business Employees, §9-615. \$20.00

Delta City Municipal Code §9-614(b) requires that any individual applying for more than one sexually-oriented business employee license fee at the same time shall pay the higher of all applicable fees and an additional twenty dollars (\$20.00) for each additional license requested.

Itinerant Merchants/Peddlers, §9-714.:

Application Fee (§9-712.B.) \$25.00

Day \$50.00

Week \$75.00

Month \$100.00

Year \$125.00

Solicitors, §9-723.I. \$15.00

Beer Licenses, §9-442.:

Class “A” \$300.00

| | |
|---------------------------|----------|
| Class "B" | \$300.00 |
| Class "C" | \$300.00 |
| Single Event Permit | \$50.00 |

Delta City Municipal Code §9-427 requires a \$2,000 bond made in favor of Delta City in addition to any beer license issued.

Fireworks, §10-513.(1)-(3):

| | |
|-----------------------------|----------|
| In-Store Sales | \$100.00 |
| Outside (Stand) Sales | \$250.00 |

Special Events Determined on an Individual Basis

Irrigation Service

| | |
|------------------------|-----------------------|
| User Fee | \$200.00 |
| Water Rental Fee | \$40.00 per Acre Foot |

Annual payment amounts provided for herein shall become due and payable on or before the 1st day of April of each and every year thereafter.

Judicial Court (all fines are recommendations, subject to discretion of the Court and Utah State Law)

Parking Violations, §11-346

| | |
|--------------------------------|---------|
| 1st Violation | \$20.00 |
| Any subsequent violation | \$40.00 |

Criminal Violations not set out above as per Utah Uniform Bail Schedule

Small Claims Actions <http://www.utcourts.gov/howto/smallclaims>

Land Use Related Fees, §12-363.:

Annexation Petition Actual Costs

Variance Request - Board of Adjustment Meeting Request (Non-Refundable) \$60.00

Conditional Use Permit Application (Non-Refundable) \$75.00

An additional \$5.00 for each acre included within an application shall be charged at the time of application.

Planned Unit Development (Non-Refundable) \$50.00

An additional \$15.00 for each acre within an application shall be charged at the time of application.

Planning & Zoning Commission Special Meeting Request \$75.00

For a meeting at any time other than a regularly scheduled meeting.

Street Vacation (or Portion Thereof) Petition (Non-Refundable) \$75.00

The City Council may further order reimbursement for its actual and paid expenses in meeting any request for vacation of a street or portion of a street.

Zoning Ordinance Amendment Application (Non-Refundable) \$100.00

An additional \$1.00 for each acre over ten acres shall be charged at the time of application.

Legal Fees and Costs

Attorney and paralegal hourly rates are billed in 1/10 hour increments, rounding up.

Delta City Attorney \$150.00 per hour

Paralegal, supervised by the Delta City Attorney \$45.00 per hour

Legal costs (photocopies, postage, filing fees, etc.) shall be the actual amount incurred by Delta City plus a 5% administrative cost

Legal fees and costs incurred by Delta City from legal counsel other than the Delta City Attorney shall be the actual amount incurred plus a 5% administrative cost.

Library Fees

Library Card

Resident No Charge

Out-of-City Limits \$5.00 per Year per Family

Temporary \$20.00, Refunded Upon Return of Library Card

Replacement of Library Card \$1.00

Overdue Fee 5¢ per Day (Sundays and Holidays Excluded)

Interlibrary Loan Overdue Fee 15¢ per Day (Sundays and Holidays Excluded)

Photocopying

8.5" x 11" letter size non-color 10¢

8.5" x 11" letter size color 50¢

8.5" x 14" legal non-color 15¢

11" x 17" tabloid size non-color 25¢

Supplies

Book Covers 35¢ each

Video Cases \$1.45 each

DVD Cases \$1.50 to \$4.80, Depending on Quantity, 1-12

Book-on-Tape Cases \$3.70 to \$6.40, Depending on Quantity, 1-12

CD Cases \$8.00 to \$10.80, Depending on Quantity, 2-16

CD Discs \$1.00 each

DVD/CD/CD-ROM Resurfacing/Repairing \$2.00 each

Book Repair \$2.00

Typewriter Usage 75¢ per Hour

Playaway Batteries \$1.00 each

Earphones \$1.00 per Pair

Playaway Caps 50¢ each

Postage Actual Cost

Sale of Items Such as Old or Donated Books 25¢ each
Lost or Damaged Items Actual Cost Plus \$5.00 Processing Fee

Miscellaneous Fees

Candidate for Municipal Election \$25.00

Res. 05-299

City Park Parking Permit Request at City Offices

Copies of Construction Standards, Sections of Municipal Code, Etc. 25¢ per page

GRAMA Request made to Recorder’s Office

First Fifteen Minutes Research Time No Charge

Research Time Thereafter \$20.00 an Hour or Fraction Thereof

Non-Sufficient Funds Check Returned \$30.00

Notarization No Charge

Photocopying

8.5” x 11” letter size non-color 10¢

8.5” x 11” letter size color 50¢

8.5” x 14” legal non-color 15¢

8.5” x 14” legal color 60¢

11” x 17” tabloid size non-color 25¢

Postage Actual Cost

Recorder’s Certification of a Document \$5.00

Recorder’s Copying of an Official Audio Record \$5.00 per CD with Paper Sleeve

Storm Drain System Connection Fee Actual Cost

Use of City Facilities

City Council Chambers No Charge (Non-Commercial & Non-Profit Use Only)

Library Conference Room No Charge (Non-Commercial & Non-Profit Use Only)

Park Bowery & Pavilions No Charge (Reserve with City Office)

Municipal Airport Hangar Rental

Aircraft Hangar Space – Common Hangar \$50.00 per Month/\$540.00 per Annum

Aircraft Hangar Space – Private Hangar \$80.00 per Month/\$800 per Annum

Aircraft Hangar Ground Space Lease for Hangar Negotiable with City Council

Aircraft Tie-Down SpaceNo Charge

Personnel Labor and Equipment Use Rates

Equipment rates herein shall be billed at a minimum of one (1) hour and thereafter in 1/4 hour increments, rounding to the next highest 1/4 hour. Equipment rates do not include the cost of an operator or labor hours and it is Delta City's policy that its equipment is only operated by Delta City employees or approved agents of Delta City. Labor rates herein shall be billed in 1/4 hour increments, rounding to the next highest 1/4 hour.

Equipment

Vacuum Truck \$75.00 per hour

Use of equipment owned by Delta City not specifically listed herein shall be charged at the FEMA Schedule of Equipment Rates as set out by the Department of Homeland Security Federal Emergency Management Agency and that was applicable at the time the Delta City equipment was used.

Equipment not owned by Delta City and that is leased by Delta City shall be charged at the actual cost incurred by or billed to Delta City plus 5% for administrative costs for leasing such equipment.

City Personnel Labor \$20.00 per hour per employee

Sewer Enterprise User Fees, §14-216.:

- Single Family Residence \$18.00 per Month
- Multiple Family Residences\$18.00 per Dwelling per Month
- Mobile Home Parks\$18.00 per Licensed Space
- Laundromats, Laundries and Dry Cleaning Establishments \$85.00
- Meat Shop or Business Establishments in Which a Meat Shop is Located \$70.00
- Cafés and Restaurants \$80.00
- Car Washes \$80.00
- Churches \$40.00
- Hospitals and Similar Facilities \$135.00
- Offices and Commercial Buildings\$18.00 per [†]Restroom plus \$9.00 per each Additional Unit

[†] Or pair of restrooms designated for "Women" and "Men."

Hotels and Motels

- First Licensed Unit \$25.00
- Each Additional Licensed Unit \$5.00

Recreational Vehicle and Travel Trailer Parks

- First Licensed Unit Occupied per Month \$15.00
- Each Additional Licensed Unit Occupied per Month \$5.00

based on the quantity and type of effluent discharged, the biological oxygen demand load, and the times of discharge.

Public and private schools shall be required to pay an annual fee of \$3.50 for each pupil enrolled, based on average annual enrollment.

Any user of the municipal sewer system not listed above shall be required to pay a monthly charge of \$30.00 per month.

Res. 08-323.

Sewer Enterprise Connection and Capital Improvement Fees

Sewer System Connection Fee \$800.00

Water Enterprise User Fees, §14-117, et al.

Non-Property Owner Security Deposit for Water Service Account \$150.00

Security Deposit or balance of security deposit after satisfaction of final billing will be returned to the party who paid the deposit. Res. 09-329.

Property Owner Security Deposit for Water Service Account \$150.00

Security Deposit will be returned after twelve (12) consecutive months of timely remittance, upon request. Res. 09-329.

Non-property owners shall be required to pay a \$150.00 security deposit to be Property owners that have not established or fail to maintain a positive payment history with Delta City for a period of at least twelve (12) consecutive months prior to making application for water service shall be required to pay a \$150.00 security deposit to be paid with cash or certified funds, including debit cards and credit cards.

Security Deposit for Existing or Former Customers with Delinquent Payment Histories, §14-115.B.2. \$150.00

Penalty Fee Generated at Billing (for Outstanding Balances \geq \$5.00) \$5.00

Priority Mail Shut-off Notice (for Accounts that Reach 15 Days in Arrears) \$10.00

Reconnection Fee for Accounts Shut-off by City Personnel for Non-Payment \$40.00

A deposit will be required for any account that has been discontinued for non-payment, if not already established. Res. 09-328.

Residential Users Inside City Boundaries

Single Family Residence for the First 4,000 Gallons \$25.00

4,001 to 15,000 Gallons Thereafter \$.60 per 1,000 Gallons per Month

15,001 to 70,000 Gallons Thereafter \$.70 per 1,000 Gallons per Month

70,001 Gallons or Beyond Thereafter \$.80 per 1,000 Gallons per Month

Residential Users Outside City Boundaries

Single Family Residence for the First 4,000 Gallons \$50.00

4,001 to 15,000 Gallons Thereafter \$1.20 per 1,000 Gallons per Month

15,001 to 70,000 Gallons Thereafter\$1.40 per 1,000 Gallons per Month
 70,001 Gallons or Beyond Thereafter..... \$1.60 per 1,000 Gallons per Month Commercial Users
 Motels and hotels shall be charged \$25.00 per month for the first licensed unit and \$1.00 for each additional licensed unit.

Recreational vehicle and travel trailer parks shall be charged \$25.00 per month for the first licensed space and \$1.00 for each additional licensed space per the month.

Office buildings, retail establishments and all other non-residential users not otherwise listed in this fee schedule shall be required to pay \$25.00 per month per connection for the first 4,000 gallons plus an additional fee for each thousand gallons over 4,000 based on the average charge rates set forth for residential users within the city boundaries.

The rate for multiple family residential dwellings and mobile home parks shall be \$25.00 for the first licensed unit or space and an additional \$12.50 per month for each additional licensed unit or space per month.

The rate for commercial establishments, multiple family dwellings and mobile home parks located outside the corporate limits of Delta City shall be an amount equal to twice the rate such user would pay if the place of use were located within the Delta City boundaries. The higher rates established for water delivered outside the municipal boundaries are based on the following factors: i) the increased cost associated with providing water to non-residents where the delivery system must be maintained by Delta City; ii) nonresidents are not subject to any liability attributed to making capital improvements, paying for municipal bonds or maintaining the water delivery system; and iii) nonresidents do not share in the costs associated with making improvements to the water system.

Hydrant Access/Meter Rental

Deposit \$850.00

Any user of a city hydrant who does not have a current water service shall pay a minimum of \$40.00 up to 6,000 gallons of water pumped and \$2.00 for each 1,000 gallons of water or fraction thereof over 6,000 gallons pumped from a city hydrant.

Water Enterprise Connection and Capital Improvement Fees

Water System Connection Fee Actual Cost

Capital Improvement Fee

Single Family Dwelling \$400.00

Multiple Family Dwellings of Two and Three Units \$250.00 per Unit

| | |
|--|---|
| Multiple Family Dwellings of Four Units or More | \$192.00 per Unit |
| Mobile Home Spaces within an Approved Park | \$220.00 per Space |
| Travel Trailer and Recreational Vehicle Spaces within an Approved Park | \$160.00 per Space |
| Hotels and Motels | \$100.00 per Unit |
| Commercial and Office Space | \$100.00 per 1,000 Square Foot of Floor Space |

The capital improvements fee for industrial, warehouse and agricultural uses shall be determined by the City Council based on the proposed water use.

DCMC 14-117, Res. 09-325

Water Rights Acquisition and Development Fees

There shall be assessed for each water connection made within areas annexed into the corporate limits of Delta City after April 12, 1982.

| | |
|---|------------|
| Single Family Unit – 9,999 Sq. Ft. Lot or Less – ¾ Acre Feet | \$720.00 |
| Single Family Unit – 10,000 Sq. Ft. Lot to ½ Acre – 1 Acre Feet | \$960.00 |
| Single Family Unit – ½ Acre to ¾ Acre Lot – 1 ¼ Acre Feet | \$1,200.00 |
| Single Family Unit – ¾ Acre to 1 Acre Lot – 1 ½ Acre Feet | \$1,440.00 |
| Single Family Unit – 1 Acre to 1 ½ Acre Lot – 1 ¾ Acre Feet | \$1,680.00 |
| Single Family Unit – 1 ½ Acre to 2 Acre Lot – 2 Acre Feet | \$1,920.00 |
| Single Family Unit – 2 Acre to 4 Acre Lot – 2 ½ Acre Feet for Each Additional Acre or Part Thereof .. | \$2,400.00 |
| Mobile Home Unit – in Park – ½ Acre Feet | \$480.00 |
| Multi-Family Unit with Two or More Bedrooms – ½ Acre Feet | \$480.00 |
| Travel Trailer Unit – in Park – ¼ Acre Feet | \$240.00 |
| Hotel or Motel Rooms, Studio or One Bedroom Apartments – ¼ Acre Feet | \$240.00 |
| Commercial Development – Plus Additional, if Required, Based on Proposed Usage – ½ Acre Feet ... | \$480.00 |

An administrative fee of \$50.00 per transaction will be charged. For uses not covered above, the administrative fee shall be determined by the City Council.

The water rights acquisition and development fee for agricultural, industrial and warehouse uses shall be determined by the City Public Works Director based on the quantity of water needed to supply the anticipated use multiplied by a water rights acquisition cost of \$960.00 per acre foot of annual water right and estimated water use tables approved by the City Council after receiving recommendation of the Delta City Public Works Director.