

CHAPTER 14. NO-FAULT UTILITIES ASSISTANCE

- 8-14-1. Short title.**
- 8-14-2. Purpose.**
- 8-14-3. Definitions.**
- 8-14-4. Administration and establishment of regulations.**
- 8-14-5. Reimbursement Application - Time limitations.**
- 8-14-6. Applications - Investigation and recommendation.**
- 8-14-7. Criteria for payment.**
- 8-14-8. Maximum payments.**
- 8-14-9. Payment does not imply liability - Release Required.**
- 8-14-10. Annual budget expenditures.**
- 8-14-11. Applications from other governmental agencies.**

8-14-1. Short title.
The ordinance codified in this Chapter shall be known as the "No-fault Utilities Assistance Ordinance." (Ord. 2022-09, 03-16-2022) (Ord. 1988-34, 01-04-1989)

8-14-2. Purpose.
It is the purpose of this Chapter to provide financial assistance for losses sustained as the result of a break or backup in a city-owned and maintained watermain or sewer line, regardless of fault on the part of the City, within the restrictions, limitations, and other provisions of this Chapter. (Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-3. Definitions.
The following terms, as used in this Chapter, shall have these meanings:
(1) "Applicant" means an owner or lessee of a building, or their legal representatives, authorized agents, or assigns.
(2) "Incident" means an event of malfunction, break, or backup in a city-owned and maintained watermain or sewer line resulting in damage and loss to a building or its contents.
(3) "Lessee" means the tenants, collectively, occupying a building under a written lease agreement between the owner and the tenants.
(4) "Owner" means the owners, collectively, of a building. (Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-4. Administration and establishment of regulations.
The Mayor may establish regulations sufficient to provide for the handling of applications and disbursement of those funds which are set aside for payment under this

Chapter. (Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-5. Reimbursement - Applications -Time limitations.
All applications for assistance under this Chapter must be on a City-approved application form and be submitted to the City Recorder within thirty (30) days after the incident giving rise to the loss occurs. (Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-6. Applications - Investigation and recommendation.
Applications received by the City Recorder shall be referred to the Department of Public Works for investigation and recommendation. The Department's report shall be forwarded to the City Attorney's Office for determination under the criteria of this Chapter. All payments authorized by the City Attorney shall be made by the Director of the Department of Public Works. (Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-7. Criteria for payment.
(1) The determination as to whether to make payment on an application submitted pursuant to this Chapter shall be based on the following eligibility criteria:
(a) Whether an applicant suffered an otherwise uninsured property loss, caused by an incident, under circumstances where the applicant acted responsibly and reasonably to avoid the loss; and,
(b) Whether the extent of the loss has been adequately substantiated.
(2) The following shall result in the denial of an application:
(a) Application not timely submitted;
(b) Loss fully covered by private insurance;
(c) Applicant ineligible under the terms of this Chapter;
(d) Loss caused by an irresponsible or unreasonable act of the applicant, applicant's agent, or member of applicant's business or household; or,
(e) Loss or eligibility insufficiently substantiated.
(3) The following shall result in reduction of payment:
(a) Loss partially covered by private insurance;
(b) Loss exceeds funding limits of this Chapter;
(c) Verification of loss inadequate or incomplete; or
(d) Applicant did not cause the problem but failed to act responsibly and reasonably to minimize the loss.
(4) Dwellings. Only one owner and one lessee of as primary residential building may apply for assistance related to an incident.

(5) Non-residential Buildings. Only one owner of a non-residential building may apply for assistance related to an incident. Only one lessee per business premises in a non-residential building may apply for assistance related to an incident.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007)
(Ord. 1988-34, 01-04-1989)

shall be paid to, the United States or any of its departments or agencies, or from the state of Utah or any of its political subdivisions, under this Chapter.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007)
(Ord. 1988-34, 01-04-1989)

8-14-8. Maximum payments.

(1) Payments under this Chapter shall not exceed \$10,000 per incident.

(2) For budgeting purposes, payments under this Chapter shall not exceed \$100,000 per fiscal year. However, the City Council may, in its sole discretion and without amendment to this Section, budget additional funds in any given fiscal year.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007)
(Ord. 1988-34, 01-04-1989)

8-14-9. Payment does not imply liability - Release required.

(1) Any payment of assistance under this Chapter shall not be construed as an admission of, nor does it imply, any negligence or responsibility on the part of the City. Any payment made under this Chapter is strictly voluntary on the part of the City.

(2) This Chapter shall not in any way supersede, change, waive, or abrogate the Government Immunity Act of Utah, and its application to the City, or establish in any person a right to sue the City.

(3) An application for assistance under this Chapter is not a claim against the City and does not satisfy the Notice of Claim requirements of the Governmental Immunity Act.

(4) Any payment of assistance under this Chapter and accepted by the applicant shall constitute a full and complete release of any and all claims against the City, its officers, employees, and agents for any damage or loss arising from the incident.

(5) Any payment of assistance under this Chapter shall be expressly conditioned upon the City first receiving a written release of liability, signed and notarized by the applicant, in a form acceptable to the City Attorney.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007)
(Ord. 1988-34, 01-04-1989)

8-14-10. Annual budget expenditures.

The Department of Public Works is authorized to provide for and include within its budget a fund from which payment of assistance may be made pursuant to this Chapter.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007)
(Ord. 1988-34, 01-04-1989)

8-14-11. Applications from other governmental agencies.

Notwithstanding any other provisions of this Chapter, no application shall be accepted from, and no assistance