



# NORTH OGDEN CITY

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## MEMORANDUM

TO: City Council, North Ogden City  
FROM: Dave Carlson, City Attorney  
DATE: January 20, 2011  
RE: Fee for *Damage to Electronic Water Meter Sending Unit*

Dear City Council Member:

If adopted, this ordinance will amend Title 9, Chapter 1, Section 9 of the North Ogden City Code by creating a fee for damage or destruction to an “electronic water meter sending unit.”

The City water department is able to attach an electronic water meter sending unit to the lid of a water meter vault cover and read water meter by radio signal without having to remove the vault cover and read the meter manually. The sending unit saves the City a significant amount of manpower. Unfortunately, the City finds that, too often, the mounting hardware for the sending unit, which is exposed on the surface of the meter lid, is being damaged by lawnmowers or other power equipment. The sending units are quite expensive, costing the City upwards of \$130.00 to replace each one.

This ordinance makes the owner of the property, where the electronic water meter sending unit is located, pay the cost for the destruction or damage to the sending unit. It creates a presumption that the owner is responsible for the damage but allows the owner to rebut the presumption by providing evidence that someone other than the owner, or a person working for the owner, did the damage. An owner who desires to prove that someone else was responsible for the damage can request an administrative hearing through the process that you recently created.

Assessing this fee will allow the City to recover the cost of the damage from the responsible property owner rather than requiring all water users collectively to pay for the negligence of others.

I understand that there will be a public education campaign which will teach property owners what the sending unit hardware looks like and the need to exercise greater care when operating lawnmowers and other equipment around the meter lid.

I hope you will find this executive summary of the policy useful in your deliberations. If you have any questions, please do not hesitate to contact me.