

Title 7 - Utilities

Chapter 1

WATER USE AND SERVICE

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7-1-1: ADMINISTRATION:

- A. Water Department Established: There is hereby established a town water department, which shall operate and maintain the town water system. The water system constructed or otherwise acquired by the town to supply town residents with culinary water shall be the property of the town and shall be under the sole and exclusive control and jurisdiction of the town. The Town Council may, from time to time, make such rules and regulations as are necessary for the water system's proper operation, which are not in conflict with other rules and/or ordinances.
- B. Management Of System: The town water system shall be managed by the town Public Works Director pursuant to the provisions of this title and pursuant to consolidated fee schedules, rules and regulations adopted by the Town Council from time to time prescribing his powers and duties.

- C. Authority Of Public Works Director: The Public Works Director, or his/her designee, shall have charge of the town reservoirs, water tanks, water mains, fire hydrants and all equipment and appurtenances of the water system. He shall have direction of the laying of water mains, the putting in of all service lines, and the regulation of the supply of water. He shall be responsible for the proper care and efficient operation of the water system.
- D. Sole Authority To Operate Culinary Water System: There shall be only one operating water system within the town corporate limits. That system shall be solely owned, operated and maintained by the town. It shall be illegal for any person or entity to develop, form, own, maintain or operate any type of water system within the town limits separate and apart from the town water system.
- E. Financially Independent Department: The water department shall operate as a financially independent department of the town. Its budgeted revenues shall come from gross income and revenues of any kind, from any source whatsoever, derived from the operation of the water system, including, without limitation, all fees, rates, impact fees, connection fees, service fees, assessments, and other charges established by the consolidated fee schedule of the Town Council; the gross revenues of all improvements, additions and extensions of the system hereafter constructed or acquired; and all interest earned by and profits derived from the sale of investments made with the income and revenues. Should other departments of the town provide services to the water department, the water department shall transfer reasonable amounts to reimburse such other departments for the actual cost of such services. Unexpended funds from any budget year shall remain in the water department. (Ord. 09-012, 7-28-2009)

7-1-2: DEFINITIONS:

When used in this chapter, the following words and phrases shall have the meanings given in this section:

ANIMAL FEEDING OPERATION: A lot or facility where the following conditions are met: a) animals have been or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period; b) and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

ANIMAL UNIT: A unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over fifty five (55) pounds multiplied by 0.04, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

APPROVED BACKFLOW ASSEMBLY: A backflow assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water and the Public Works Director, or his/her designee, as meeting the standards of the currently adopted plumbing code for a specific application.

AUXILIARY WATER SUPPLY: Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an "auxiliary water supply". These auxiliary waters may include water from another purveyor's public potable water supply or any natural source, such as well, spring, river, stream, etc., or used waters. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the Public Works Director, or his/her designee, does not have authority for sanitary control.

BACK PRESSURE: Pressure causing the flow of water or other liquids, mixtures or substances from a region of high pressure to a region of low pressure into the water distribution pipes of a potable water supply system from any source, other than the intended source.

BACK SIPHONAGE: The flow of water or other liquids, mixtures or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source, other than the intended source, caused by the reduction of pressure into the potable water system.

BACKFLOW: The reversal of the normal flow of water caused by either back pressure or back siphonage.

BACKFLOW PREVENTION ASSEMBLY: An assembly or means designated to prevent backflow. Specifications for backflow assemblies are contained within the currently adopted plumbing code and in the cross connection control program for Utah maintained by the Division of Drinking Water.

CONTAMINATION: A degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials that may create a health hazard.

CROSS CONNECTION: Any actual or potential connection between the potable water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, industrial fluid, gas or substance other than the intended potable water. This includes any temporary conditions such as swing connections, removable sections, or other similar plumbing arrangements.

CROSS CONNECTION, CONTAINMENT: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find, permanently eliminate or control all actual or potential cross connections within the customer's water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

CROSS CONNECTION, CONTROLLED: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

DESIGN STANDARD: A control that is implemented at or by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

ERC OR EQUIVALENT RESIDENTIAL CONNECTION: A term used to evaluate service

connections to consumers other than the typical residential domicile. Public water system management is expected to review annual metered drinking water volumes delivered to nonresidential connections and estimate the equivalent number of residential connections that these represent based upon the average of annual metered drinking water volumes delivered to true single-family residential connections.

EXCESS WATERING: Watering to the extent that water is allowed to accumulate on the surface of the ground and leave the property entering gutters, storm drains, ditches and other conveyances.

EXTREMELY HAZARDOUS SUBSTANCES: Those substances which are identified in the section 302(EHS) column of the "Title III List Of Lists - Consolidated List Of Chemicals Subject To Reporting Under SARA Title III" (EPA 560/4-91-011).

LAND MANAGEMENT STRATEGIES: Zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinance, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, groundwater monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

PERSON: Any individual, partnership, firm, corporation, limited liability company, or other legal entity.

POLLUTION SOURCE: Point source discharges of contaminants to groundwater or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten (10) animal units.

POTENTIAL CONTAMINATION SOURCE: Any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a "potential contamination source".

PUBLIC WORKS DIRECTOR, OR HIS/HER DESIGNEE: The Public Works Director of Brian Head Town, or his/her designee, is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this chapter.

REGULATORY AGENCY: Any governmental agency with jurisdiction over "hazardous waste", as defined.

REPEATED OR FLAGRANT WASTING OF WATER: Those situations where persons who have received informal notice that they are wasting water continue to use water in the same manner. It does not mean those persons who waste water on solitary or isolated occasions.

SANITARY LANDFILL: A disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed of on land by placing earth cover thereon.

TOWN WATER: All water that passes through the town water distribution system, excluding snow making water.

WATERING OR "TO WATER": The act of applying water to the outdoor landscape through means such as moveable sprinklers, installed watering systems, hoses and similar devices.

WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments. (Ord. 09-012, 7-28-2009)

7-1-3: MANDATORY CONNECTION REQUIREMENTS:

It shall be mandatory for any property owner constructing, owning or maintaining a building used for human occupancy and/or constructing or installing any water fixture utilizing culinary water as provided under the provisions of this chapter, and other appropriate regulations adopted by consolidated fee schedule by the Town Council, to apply and pay for the appropriate water connection, and connect to the town water system, whenever that system is within three hundred feet (300') of any property line on which the building or water fixture is installed or erected. All connections shall be through an approved water meter. (Ord. 09-12, 7-28-2009)

7-1-4: CONNECTION TO SYSTEM:

- A. Required: Prior to connection, the owner must sign a service agreement, as set forth in section [7-1-7](#) of this chapter. Applicants for water service shall include in their system a suitable meter box or vault, and all appurtenances to specifications required by the Public Works Department and approved at the time the building permit is issued. It shall be unlawful for unauthorized individuals to tap or connect to the town municipal water distribution system without authorization. The owner of the property with an unauthorized connection shall be liable to the town for all water use resulting from such connection and may be subject to criminal fines and penalties. All connections shall be approved and inspected by the Public Works Director or designee. Upon connection, regular water service fees must be paid.
- B. Master Meters; Additional Meters: All buildings with more than one ERC will be serviced by a master meter capable of registering both high and low flows. Commercial buildings with any residential units will be serviced by two (2) separate master meters capable of registering both high and low flows. The residential portion of the building will be serviced with one meter and the remaining uses will be serviced with one meter. The owner of a building may install at his/her expense separate meters to any portion of his/her building. The owner will be responsible for proper installation, maintenance and reading of such meters. Information gathered from additional meters will be for owner use only. (Ord. 09-012, 7-28-2009)

7-1-5: METERS:

A. Metered Service:

1. A base rate will be charged to all water connections according to the size of the meter in use. The base rate for all meter sizes shall be established by the consolidated fee schedule. All water used from the town water system for household, domestic, irrigation, commercial, industrial, or any other use shall be metered and water paid for according to the quantity used. (Ord. 09-12, 7-28-2009)
2. All water delivered through each meter shall be used on the premises where the meter is located and charged at the rate established by the consolidated fee schedule. Unoccupied structures will be billed the minimum charge set by the consolidated fee schedule for the meter used in the structure unless a service disconnect request has been received by the water department. A service disconnect request will be charged a reconnect fee established by the consolidated fee schedule to reestablish water service.
3. Except for individual personal use, no water shall be removed from the premises. (Ord. 11-002, 4-26-2011)

B. Meter Reading: Meters may be read monthly, but shall be read a minimum of five (5) times per year. In the event that one reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connecting to the water system, property owners and occupants of the property are deemed to have consented to permit meter readers onto their property to read the meters. In the event that meters were installed within any building on the premises, and there is no remote readout device, the property owner or occupant must permit access for the reading of the meter during normal business hours as a condition of continued water service.

C. Meter Error: In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated based on the average usage of the previous six (6) months.

D. Meter Test: If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be estimated, for not more than three (3) months. Meter errors of three percent (3%) or less shall be deemed accurate readings. If upon the second rereading requested by the customer within six (6) months the meter is found to be accurate, a reread charge as established by the consolidated fee schedule will be included in the next billing. The Public Works Director may waive the reread fee if needed. (Ord. 09-012, 7-28-2009)

E. Meter Tampering: It shall be a violation of this chapter to tamper with or bypass any water meter, causing it to produce inaccurate meter readings, or for any other purpose, or to willfully cause damage to any water meter. Willful consumption of water through a meter known to be damaged, bypassed or tampered with, constitutes theft of services and may be punishable as a class B misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code. All meters installed throughout the system shall become the property of the town upon installation. Only meters meeting the town specifications may be used. (Ord. 09-012, 7-28-2009; amd. 2010 Code)

7-1-6: ACCESSIBILITY OF METERS:

All water meters shall be located in town rights of way or utility easements with direct and reasonable access for town water crews on accessible property lines, unless otherwise authorized by the Public Works Director. The areas surrounding the meter box must be kept clear of obstructions and must be accessible at all times. The meter lid must be kept free of weeds, plants, trees, rocks, planters, grass and anything that would impede access to the meter box. (Ord. 09-012, 7-28-2009)

7-1-7: SERVICE AGREEMENT:

The town shall require all persons desiring water service and the owner of real property to be serviced to sign a service agreement. Said agreement shall be binding upon both the town and the individual in setting forth terms and conditions of water service and methods of collection of past due amounts owed for water service. When more than one dwelling or unit is served by a single water meter or when there are multiple owners or timeshare interval owners of the property, the service agreement will designate a single responsible party to whom all notices and billings shall be sent. Notice to the responsible party shall have the same force and effect as notice to all owners. (Ord. 09-012, 7-28-2009)

7-1-8: FEES, RATES, CHARGES, BILLINGS:

A. Meter Deposit: All customers requesting new services will be required to pay a deposit as set forth by the consolidated fee schedule. If no outstanding, unpaid balance occurs for twelve (12) consecutive months, the deposit will be applied to the thirteenth month bill. However, if the occupant paying the deposit is a renter, the town shall retain the deposit until the renter vacates the unit, at which time the deposit shall be returned to the renter within thirty (30) days. No interest will be paid on the deposit.

B. Billing:

1. The town shall send a monthly or bimonthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due upon issuance of the bill.
2. Late fees shall be assessed against all accounts which are more than thirty (30) days past due as set forth by the consolidated fee schedule. Interest will be charged only against the unpaid balance, and not against any partial payment, or against the current billing cycle charges. All payments on past due accounts shall first be applied to fees accrued, then to the oldest unpaid balance.

3. Unless separate meters are established for every unit, billing for multiple users at a single address or multiple users organized as a homeowners' association shall be to a single responsible party who shall be responsible for payment of the entire billing. For such users with more than one meter, the usage from all meters shall be accumulated to determine the total amount of water used. In such cases, the allowances for each residential unit shall be combined and any water used in excess of the total allowance shall be billed at the excess water rate established by the consolidated fee schedule.
 4. In the case of mixed use, the residential allowance shall be subtracted from the total water used and any excess shall then be billed at the commercial usage rates established by the consolidated fee schedule. When a residential project includes an office located in the common area of the project, and if a business license is required for the activity of such office, then the project shall be billed for one commercial user in addition to the number of residential users and be treated as a mixed use user.
- C. Water Meter Fees: All water meters shall be supplied and installed by the town or by its authorized representative. For all water lines serving residential and commercial uses, an installation fee shall be paid to the building department at the time the building permit is issued. The meter installation fee shall be established by the consolidated fee schedule.
- D. Returned Checks: Any user paying by check will pay an additional fee established by the consolidated fee schedule if the check is returned by the bank for any reason. (Ord. 09-12, 7-28-2009; amd. Ord. 13-001, 4-9-2013)
- E. Fee/Rate Relief: Public Works Director shall be authorized to adjust and/or waive excessive use fees if the Public Works Director determines that the excessive use is not due to the actions of the water user (property owner or tenant) but rather due to causes beyond the control of the user and if the water user informs the Town within thirty (30) days of the date of the bill showing the excessive use. (Ord. 15-002, 01-27-2015)

Administrative decisions regarding water fee/rate relief may be appealed by the water user upon written request within thirty (30) days of the administrative decision. The appeal will be heard by a board consisting of the Town Manager and two members of the Town Council. The appeal board will review whether the administrative decision was made consistent with the provisions of this Title. (Ord. 15-002, 01-27-2015)

7-1-9: NONPAYMENT:

- A. Notice Of Termination: In the event of nonpayment of any billing for town service and a sixty (60) day balance exceeding fifty dollars (\$50.00), the town may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or shall be posted on the property, and notice shall be given to the owner of the property by mail to the last known address of the owner. When more than one dwelling or unit is served through a single water meter, or when there are multiple or timeshare owners, notice may be given to the owners' association, management company or representative owner as shown on the town billing records. The multi-unit, single metered structures shall be posted with notice of

termination, but it shall not be necessary to post each unit served. Service shall not be terminated for nonpayment without at least ten (10) days' notice.

- B. Reinstatement Of Water Service: Any water customer who has had water shut off for nonpayment of a bill, a request for disconnect from water service, failure to repair leaks, or failure to comply with a requested curtailment during a water emergency, in addition to any other fees, monies owed, deposits or fines, shall pay a reconnection fee as established by the consolidated fee schedule before service is reinstated. (Ord. 09-012, 7-28-2009)

7-1-10: REINSTATEMENT FOR PUBLIC HEALTH:

For reasons of public health, the Town Manager may extend or reinstate water service to indigent individuals regardless of past due amounts owed or ability to pay. A reasonable fee for such services may be established by the Town Manager. (Ord. 09-012, 7-28-2009)

7-1-11: WATER CONNECTION PLAN:

Any applicant for development with a one inch (1") water meter, or larger meter, shall submit to the public works department a water connection plan for approval by the public works department prior to the installation of water service lines and to the issuance of a building permit. The water connection plan shall include the location of meters, service lines and water mains in relation to the property lines, streets, driveways, town mains and the buildings to be served. (Ord. 09-012, 7-28-2009)

7-1-12: REPAIRS AND MAINTENANCE:

- A. Responsibility For Repairs And Maintenance: The town shall be responsible to maintain and repair town owned transmission and distribution water mains lying within town rights of way and utility easements. The property owner shall be responsible for the repair and maintenance of their water service line from the meter to their building. Water meters and town maintained water service lines shall be maintained and repaired by the town so long as the meter/service line lies within five feet (5') of property line, rights of way, or utility easements and not within or under any building or structure.
- B. Leaking Pipes Or Fixtures:
 - 1. If at any time, the Public Works Director or his/her designee shall ascertain that the plumbing fixtures, appliances, sprinkler systems or service lines on any premises are leaking or otherwise wasting water, or intentionally allowing water to run to prevent freezing of pipes, he/she shall immediately give notice to the property owner to repair the same. The Public Works Director or his/her agent may immediately shut off the water from the premises and shall immediately notify the Town Fire Marshal.
 - 2. Notice for the purposes of this subsection shall consist of any of the following:

- a. Posting notice on the premises;
- b. Leaving notice with any occupant or employee on the premises over the age of eighteen (18) years; or
- c. Mailing notice by regular mail, to the owner or responsible party according to the records of the water department. Notice shall be deemed received three (3) days after such mailed notice is sent. (Ord. 09-012, 7-28-2009)

7-1-13: SERVICE CALLS:

When a water customer requests a service call by the town, and no problem exists on the town side of the meter, the town, at the discretion of the Public Works Director, may charge a fee as set forth by the consolidated fee schedule for the second such call for the same complaint made within one year by the same water customer. After the second call, every subsequent call shall also be chargeable at the same rate. If a customer requests a check for a leak and the meter is located inside the unit, customers will be instructed on how to check the meter to see if water is flowing through the meter and subsequent information where a leak might be found. (Ord. 09-12, 7-28-2009)

7-1-14: WATER CONSERVATION:

- A. Watering Schedule: In order to conserve water, a limited resource in the state, outside watering of lawns and landscaped areas using town water may be restricted by resolution of the Town Council.
- B. Water Waste Prohibited; Notice Of Prohibited Use:
 1. The Public Works Director, or designee, shall identify persons who waste water while watering.
 2. Whenever the Public Works Director finds that any person wastes water while watering, he or she may give such person verbal or written notice of that fact with recommendations as to how the wasting of water can be eliminated. Such recommendations might include, but are not limited to, redirection of sprinkler heads, resetting of system timers, addition of devices to prevent water pressure fluctuations, or changes in location of sprinkler systems.
 3. Whenever the Public Works Director, or designee, finds that any person repeatedly or flagrantly wastes water while watering, he or she may serve upon such person a written violation notice. Such notice shall be served by personal delivery or by mail, shall identify the location at which water is being wasted while watering, shall identify the manner in which the water is being wasted while watering, and shall specify a time within which the wasting of water while watering shall cease. The notice shall also warn that more severe measures, such as imposition of civil penalties or restriction or termination of water service, may be assessed or brought against the

person unless the wasting of water while watering ceases within the time provided. The time given to cease wasting water while watering may range from a requirement for immediate compliance to thirty (30) days, depending upon the facts and circumstances of each case. For instance, if a remedy involves a portable hose or sprinkler, immediate compliance may be appropriate; if a remedy involves repairing or replacing a sprinkler head, several days may be required; or if the remedy involves more extensive or expensive work, up to thirty (30) days may be necessary.

4. Any person who continues to waste water while watering after the period of time specified in the notice for ceasing such activity shall be issued a citation by personal delivery or by mail, and shall be subject to the fees established by the consolidated fee schedule. (Ord. 09-012, 7-28-2009)

7-1-15: WATER EMERGENCIES:

The Mayor may declare by executive order, or the Town Council may declare by resolution, a state of water emergency when it appears to the mayor or the Town Council that the town water sources are incapable of producing sufficient water to meet all the needs of the town water users.

- A. During a declared water emergency, water service may be interrupted in any or all parts of the town in order to affect repairs, provide water for firefighting, or for any other good cause. Upon the expiration of the emergency, water service shall be restored without charge.
- B. Upon such a declaration, and for the duration of the state of water emergency, it shall be unlawful to use the town municipal water supply for outside irrigation, watering, or sprinkling uses, except as provided in subsection C of this section.
- C. The declaration of state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.
- D. The owner or tenant of property cited for illegal watering or irrigation under this section shall be required to pay a penalty in the amount set forth by the consolidated fee schedule and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges.
- E. Unpaid, uncontested bail forfeitures and fines may be debited against the municipal water account of the cited party and will be subject to collection pursuant to town water bill collection policies.
- F. The provisions of this section shall not apply insofar as the watering restrictions established herein are in conflict with any provision of the town land management code. (Ord. 09-012, 7-28-2009)

7-1-16: WATER USE DURING PERIODS OF DROUGHT:

In the event of scarcity of water, whenever it shall, in the judgment of the Town Council, be necessary, the mayor shall, by proclamation, limit the use of water for other than indoor domestic purposes, to such an extent as may be required for the public good. (Ord. 09-012, 7-28-2009)

7-1-17: FIRE HYDRANTS:

No individual may draw water from a fire hydrant without the written permission from the Public Works Director and in compliance with the current adopted fire code. The Fire Department is authorized to draw water from fire hydrants in the case of fire at all times without advance notice. The Fire Department, after notification to the Public Works Director, may utilize the fire hydrants in the course of training or practice exercises. Any unauthorized connection to a fire hydrant is a violation of this chapter. (Ord. 09-012, 7-28-2009)

7-1-18: SALE OF WATER OUTSIDE TOWN:

It is the policy of the town to provide culinary water within the corporate limits of the town. Those individuals or entities outside the town corporate limits desiring connection to the town water system must petition the Town Council for annexation as a condition of water service. Those individuals and entities outside the corporate limits of the town currently connected to the water system and receiving water shall agree to abide by the terms and conditions of this chapter and shall pay an additional 1.75 percent of the applicable rate charged for water provided inside the corporate limits of the town. Upon annexation, they will receive water service at the normal rate. (Ord. 09-012, 7-28-2009)

7-1-19: PENALTY:

All violations of this chapter shall be a class B misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code. Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of one thousand dollars (\$1,000.00). (Ord. 09-012, 7-28-2009)