



ORDINANCE NO. 20-009

AN ORDINANCE AMENDING TITLE 7, UTILITIES, 7.1.3 WATER USE AND SERVICE, MANDATORY CONNECTION REQUIREMENTS, AND 7.2.3 SEWER USE AND SERVICE, USE OF PUBLIC SEWER REQUIRED AND REPEALING CHAPTER 1, ARTICLE C: WATER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS AND CHAPTER 2, ARTICLE A: SEWER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Brian Head Town Council has determined it necessary to amend the Town's Water and Sewer Code in order to establish the rules and regulations for water and sewer connections and service of the Town's culinary water system and sewer system; and

WHEREAS, the Council determined that it was in the best interest of the Town to repeal Chapter 1, Article C of the Water Code and Chapter 2, Article A of the Sewer Code to eliminate the reimbursement agreements between property owners and the Town when a water or sewer line is installed; and

WHEREAS, the Brian Head Town Council has determined that it is in the best interest of the public health, safety, and welfare of Brian Head Town to amend Title 7, Chapter 1.3 of the Water Code, and Chapter 2.3 Sewer Code of the Brian Head Town Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL, IRON COUNTY, STATE OF UTAH AS FOLLOWS:

SECTION 1. The Brian Head Town Water Code 7.1.3 and Sewer Code 7.2.3 are hereby amended as follows:

TITLE 7, CHAPTER 1 WATER USE AND SERVICE:

7-1-3: MANDATORY CONNECTION REQUIREMENTS:

- A. It shall be mandatory for any property owner constructing, ~~a new dwelling unit or facility 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 the furthest point of the adjacent property line on which the building or water fixture is installed or erected.~~ Where the waterline is installed in a Town street, right of way or Town approved easement.

- B. It shall be mandatory for any property owner who owns or maintains a building used for human occupancy to connect to the Town water system whenever that system is located adjacent to and extends the length of any property line abutting a Town approved street, right of way or easement in which the system is located within three (3) years of time the system was extended to their location.
- C. The system shall be extended to the furthest point of the property line adjacent to the Town approved street, right-of-way or a Town approved easement in which the water system is located.
- D. All connections shall be through an approved water meter. (Ord. 09-12, 7-28-2009)

7-1-4: CONNECTION TO SYSTEM:

- C. **Waiver of Water Connection Requirement:** In the event that a water connection is required by this chapter, but is not practically feasible due to unusual circumstances, a letter of waiver may be provided by the Public Works Director stating the nature of the unusual circumstances. Unusual circumstances shall be determined by the Public Works Director and may include such things as grade, physical barriers, insufficient capacity of the system, distance of home from the property line, topography, etc. Additionally, the Town shall explain its intent to provide, or not to provide, for a future water connection, as well as a statement of acknowledgment for the use of an appropriate on-site water system.

TITLE 7, CHAPTER 1 WATER USE AND SERVICE, ARTICLE C: WATER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS are hereby repealed in its entirety.

TITLE 7, CHAPTER 2, SEWER USE AND SERVICE:

7-2-3: USE OF PUBLIC SEWER REQUIRED:

- B. **Connection Required:** Pursuant to §10-8-28 of Utah State Code, any owner of property located within the Town shall connect (hook up) to the Town system when a sewer mainline is within three hundred feet (300') and is installed in a Town Street, Right of Way or Town approved easement of any portion of the property boundary as follows:

TITLE 7 CHAPTER 2 SEWER USE AND SERVICE, ARTICLE A: SEWER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS are hereby repealed in its entirety.

SECTION 2. Effective Date. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated into the Brian Head Town Code under Title 7, Utilities.

SECTION 3. Repealer: All provisions of the Brian Head Town Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions

of the Brian Head Town Code shall remain in full force and effect as codified.

SECTION 4. Conflict. To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this 8th day of September 2020, with the following vote.

Town Council Vote:

Mayor Clayton Calloway	Aye
Council Member Lynn Mulder	Aye
Council Member Larry Freeberg	Aye
Council Member Kelly Marshall	Nay
Council Member Shaun Kelly	Aye

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: 
Mayor Clayton Calloway

ATTEST:


Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance, passed by the Town Council on the 8th day of September 2020 and have posted a summary of the adopted ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office, and the Mall and a complete copy of the adopted ordinance on the Brian Head Town Website.

Nancy Leigh, Town Clerk