

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)

Title 7 – Utilities

Chapter 2

Water Use & Service

ARTICLE A. DRINKING WATER SOURCE PROTECTION

7-1A-1: ADMINISTRATION:

7-1A-2: ESTABLISHMENT OF PROTECTION ZONES:

7-1A-3: PERMITTED USES:

7-1A-4: PROHIBITED USES:

7-1A-1: ADMINISTRATION:

The policies and procedures for administration of any source protection zone established under this article, including, without limitation, those applicable to nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the town, as the same is presently enacted or may from time to time be amended. (Ord. 09-012, 7-28-2009)

7-1A-2: ESTABLISHMENT OF PROTECTION ZONES:

There are hereby established use districts to be known as zones one, two, three and four of the drinking water source protection area identified and described below:

- A. Zone one: The area within a one hundred foot (100') radius from the wellhead.
- B. Zone two: The area within the two hundred fifty (250) day groundwater line of trade, whichever is closer.
- C. Zone three; waiver criteria zone: The area within a three (3) year groundwater time of travel to the wellhead or margin of the collection areas, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- D. Zone four: The area within a fifteen (15) year groundwater time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer. (Ord. 09-012, 7-28-2009)

7-1A-3: PERMITTED USES:

The following uses shall be permitted within drinking water source protection zones:

- A. Any use permitted within existing agricultural, single-family residential, multi-family residential and commercial districts, so long as the use conforms to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord. 09-12, 7-28-2009)

7-1A-4: PROHIBITED USES:

The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be permitted under this article:

- A. Zone one: The location of "potential contamination sources", as defined in section [7-1-2](#) of this title, unless they are controlled with design standards.
- B. Zone two: The location of "pollution sources", as defined in section [7-1-2](#) of this title, unless the pollution source implements design standards which prevent contaminated discharges to groundwater.
- C. Zones three and four: The location of potential contamination sources unless they are controlled through land management strategies. (Ord. 09-012, 7-28-2009)

Title 7 – Utilities

Chapter 2 Water Use & Service

ARTICLE B. BACKFLOW AND CROSS CONNECTIONS

7-1B-1: PURPOSE:

7-1B-2: RESPONSIBILITIES:

7-1B-3: REQUIREMENTS:

7-1B-4: RIGHT OF REASONABLE ENTRY:

7-1B-5: APPEALS:

7-1B-6: VIOLATIONS; PENALTY:

7-1B-1: PURPOSE:

The purpose of this article is:

- A. To protect the public drinking water supply of the town from the possibility of contamination or pollution by requiring compliance with the cross connection control program of the Utah division of drinking water, as amended, and the international plumbing code, that require cross connection protection of all public drinking water systems in the state. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants that could backflow into the public drinking water system.
- B. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping systems of the consumer, as required by the state and plumbing regulations to assure water system safety.
- C. To provide for the administration of a continuing program of backflow prevention that will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system. (Ord. 09-12, 7-28-2009)

7-1B-2: RESPONSIBILITIES:

A. Public Works Director Or His/Her Designee:

- 1. Drinking water system surveys/inspections of the consumer water distribution system shall be conducted or caused to be conducted by individuals deemed qualified by the

town and the state. Survey records shall indicate compliance with the state regulations. All such records shall be maintained by the town.

2. The town shall schedule and notify in writing all consumers of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety standards.
3. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.

B. Consumer:

1. It shall be the responsibility of the consumer to comply with this article as a term and condition of water supply, and consumer's acceptance of service is admittance of his or her awareness of his or her responsibilities as a water system user.
2. It shall be the responsibility of the consumer to purchase, install and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this article. Failure to comply with this article shall constitute grounds for discontinuation of service.
3. All buildings will be adequately protected against excessive pressure by using proper pressure reducing mechanisms.

C. Building Official:

1. The Building Official's responsibility to enforce the applicable sections of the international plumbing code begins code currently adopted by the state.

D. Certified Backflow Technician, Repair Person: Whether employed by the consumer or the town to survey, test, repair or maintain backflow prevention assemblies, the certified Backflow Technician or repair person will have the following responsibilities:

1. Ensure that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
2. Make reports of such testing and/or repairs to the consumer and the Public Works Director, or his/her designee, on form approved for use by the Public Works Director, or his/her designee, within ten (10) working days of the tests and/or repairs.
3. Include the list of materials or replacement parts being used on the reports.
4. Ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
5. Not change the design, material or operational characteristics of the assembly during testing, repair or maintenance.
6. Perform all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.

7. Ensure that his or her license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
8. Be equipped with, and competent in the use of, all tools, gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.

E. Test, Install And Repair Of Backflow Assemblies:

1. In the case of a consumer requiring an assembly to be tested, any currently certified backflow technician is authorized to make the test and report the results to the consumer and the Public Works Director, or his/her designee.
2. In the case of a consumer requiring an assembly to be installed or repaired, the work must be performed by a tester having class II or III backflow technician certification, and who is also a licensed plumber or agent of the owner. (Ord. 09-012, 7-28-2009)

7-1B-3: REQUIREMENTS:

A. Protection Required:

1. No water service connection to any premises shall be installed or maintained by the Public Works Director, or his/her designee, unless the water supply is protected as required by state laws, the currently adopted plumbing code, and this article. Service of water to a consumer found to be in violation of this article may be discontinued by the Public Works Director, or his/her designee, after due process of written notification of violation and an appropriate time interval for voluntary compliance, if:
 - a. A backflow prevention assembly required by this article for the control of backflow and cross connections is not installed, tested or maintained; or
 - b. It is found that a backflow prevention assembly has been removed, bypassed or altered; or
 - c. An unprotected cross connection exists on the premises; or
 - d. The periodic system survey and assembly tests have not been conducted.
2. Service will not be restored until such conditions or defects are corrected.

B. Inspections: The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Public Works Director, or his/her designee, to do to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, downstream of the meter, at or near the beginning of service or immediately inside the building being served; but in all cases, before the first branch leading off the service line.

D. Type Of Assembly: The type of protective assembly required under this article shall depend upon the degree of hazard which exists at the point of cross connection, whether direct or indirect, applicable to local and state requirements or resulting from the required survey.

- E. Certified Surveys, Inspections: It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the Public Works Director, or his/her designee, deems the hazard to be great, they may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made according to the standards set forth by the state division of drinking water.
- F. Testing Upon Installation: It shall be the responsibility of the consumer to have all backflow prevention assemblies installed on their water system tested within ten (10) working days of initial installation.
- G. Safety Hazards Prohibited: No backflow prevention assemblies shall be installed so as to create a safety hazard, such as over an electrical panel, steam pipes, boilers, or above ceiling level, and shall be easily accessible for testing, maintenance and repair. (Ord. 09-012, 7-28-2009)

7-1B-4: RIGHT OF REASONABLE ENTRY:

- A. Authority: Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this article, or whenever the Public Works Director, or his/her designee, has reasonable cause to believe that there may exist in any building or upon any premises an unsafe, substandard or dangerous cross connection, as defined in the applicable sections of the currently adopted plumbing code, that presents a danger to the public water system or the building or premises itself, the Public Works Director, or his/her designee, or his or her authorized representative, may enter such building or premises at all reasonable times to inspect the same or proper credentials and demand entry; and
 - 2. If such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Public Works Director, or his/her designee, or his or her authorized representative, shall have recourse to every remedy provided by law to secure entry.
- B. Failure To Permit: No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Public Works Director, or his/her designee, or his or her authorized representative, for the purpose of inspection and examination pursuant to any provisions of the currently adopted plumbing code or the provisions of this article. (Ord. 09-012, 7-28-2009)

7-1B-5: APPEALS:

- A. Authorized: A customer may appeal the deficiencies noted within the survey or test results which the Public Works Director, or his/her designee, is authorized to make pursuant to this article.
- B. Time Limit: Appeals shall be taken within ten (10) days of the Public Works Director or his/her designee's written notification of the deficiencies noted within the survey or test results by filing with the Public Works Director, or his/her designee, a notice of appeal specifying the grounds for the appeal.
- C. Hearing Notice: The Public Works Director, or his/her designee, shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.
- D. Hearing; Further Appeal: The Hearing Officer is authorized to make findings I be final, and may be appealed to the fifth district judicial court.
- E. Decision Of Hearing Officer: The Hearing Officer may, so long as such action is in conformance with the provisions of this article, reverse or affirm, in whole or part, or may modify the determinations of the Public Works Director, or his/her designee, with respect to the customer's compliance with the currently adopted plumbing code upon a determination that it is proper to do so based on proper safeguarding of the public water system, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Public Works Director, or his/her designee, by this article.
- F. Policy Review: Where the Hearing Officer determines that there is a flaw in the cross connection control program or that a specific exemption should be awarded on a consistent basis, or that the proper safeguarding of the public water system requires amendment to this article, the Hearing Officer shall advise the town attorney as to any question or questions that the hearing officer believes should be reviewed and/or amended. (Ord. 09-012, 7-28-2009)

7-1B-6: VIOLATIONS; PENALTY:

If violations of this article exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the consumer shall be charged with a class B misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code, and the Public Works Director, or his/her designee, may deny or immediately discontinue service to the premises by providing a physical break in the service line until the consumer has corrected the condition in conformance with all state and local regulations and statutes relating to plumbing, safe drinking water supply and this article. (Ord. 09-12, 7-28-2009; amd. 2010 Code)

Title 7 – Utilities

Chapter 2 Water Use & Service

ARTICLE C. WATER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS

7-1C-1: PURPOSE AND FINDINGS:

7-1C-2: DEFINITION:

7-1C-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:

7-1C-4: CALCULATION OF REIMBURSEMENT COSTS:

7-1C-1: PURPOSE AND FINDINGS:

- A. Purpose: It is the purpose of this article to establish guidelines and provisions for the reimbursement of costs to developers for the construction of culinary water system improvements within the town annexation boundaries.
- B. Findings: Based on preliminary information, the town finds:
1. It is necessary in the interest of the public health, public safety and general welfare that the town and the county promote the construction of water system infrastructure within the annexation boundary of the town;
 2. By allowing for the reimbursement of the costs of the construction of water systems, the likelihood of developers constructing new water facilities is increased;
 3. It is fair and equitable for other lot owners or developers to reimburse a previous developer for the costs incurred by the previous developer for the construction of the water facility. (Ord. 07-003, 3-13-2007)

7-1C-2: DEFINITION:

For the purposes of this article, "water main line" means that portion of a central water distribution system (public system) that is usual water laterals, and is owned and maintained by a municipality or service district. For the purposes of this article, an eight inch (8") diameter pipe

is the minimum size to be considered a water main line and eligible for reimbursement. (Ord. 07-003, 3-13-2007)

7-1C-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:

- A. Agreement: In the event that a developer desires to install new water infrastructure, with an eight inch (8") minimum diameter, and connect to the town water distribution system, they shall be entitled to enter into an agreement with the town to provide for the reimbursement of a proportional share of the actual costs of constructing or extending the water infrastructure.
- B. Costs Paid: The reimbursement of the costs would be paid by lot owners or developers who thereafter connect to the new water infrastructure. The reimbursement agreement would be binding on all current or future lot owners connecting to the new water system, unless a written agreement is executed between the initial developer and the lot owner, waiving the reimbursement requirement.
- C. Submittal, Approval: In order for a reimbursement agreement to be effective, the reimbursement agreement must be executed and construction drawings of the new facilities must have been submitted and approved by the public works department prior to the installation of the new water infrastructure.
- D. Collection: Thereafter, the installation reimbursement costs shall be collected for the provision of new water facilities until the initial developer has been reimbursed, without interest, according to the terms of a reimbursement agreement, or for a ten (10) year period following the execution of the reimbursement agreement.
- E. Payment Not Guaranteed: The town in no way guarantees payment to the initial developer, except to the extent that funds are actually collected from lot owners or developers in accordance with the terms of this article.
- F. Additional Costs: In addition to the cost of the extension, the lot owner or developer shall pay the physical connection costs and or any other impact fees as required by ordinance. (Ord. 07-003, 3-13-2007)

7-1C-4: CALCULATION OF REIMBURSEMENT COSTS:

- A. Methods Of Calculation: With respect to any reimbursement agreement entered into by the town, the town may consider methods of calculating reimbursement costs, such as: 1) by number of connections; 2) by length of infrastructure fronting a lot; or 3) by volume or capacity demand.
- B. Determination Of Method: Each reimbursement agreement shall specify which method or combination of methods shall be used to calculate reimbursement costs. Which methods of calculation are used in each development agreement shall be determined by the town, in its sole discretion.

- C. Responsibility For Billing And Collection Of Reimbursement Amounts: It is the responsibility of the developer to notify the town if any third party connects or intends to connect onto said water main as installed by the developer at any time within ten (10) years from the date of signing a reimbursement agreement. The town shall, upon receipt of written notification from the developer, inform the third party of the reimbursement agreement and collect said fee as part of the approval for water connection, in addition to charging the usual connection and impact fee. The town shall then pay the amount over to the developer until such time as they have been reimbursed for the amount agreed upon in the reimbursement agreement, or up and until the expiration of ten (10) years, whichever shall occur first. The town in no way guarantees payment to the developer, except to the extent that the developer timely notifies the town of the need to collect funds from a third party and funds are collected from such third party and in accordance with the terms set forth in this article. (Ord. 07-003, 3-13-2007)

Chapter 2 – Utilities

SEWER USE AND SERVICE

7-2-1: ADMINISTRATION:

7-2-2: DEFINITIONS:

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

7-2-4: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:

7-2-5: RATES FOR USE:

7-2-6: ANNUAL REVIEW OF OPERATIONAL COSTS; REVISION WHERE
REQUIRED; DEBT SERVICE:

7-2-7: USE REGULATIONS:

7-2-8: INDUSTRIAL WASTE PROVISIONS:

7-2-9: VANDALISM:

7-2-10: EXTENSION OF SEWER LINES:

7-2-1: ADMINISTRATION:

A. Sewer Department Established:

1. There is hereby established a sewer department, which shall operate and maintain the town sewage collection and disposal system. The department shall administer, operate and maintain the sewer system for the town. The department shall maintain the town sewer system at the standards which are required by the State Department of Environmental Quality (DEQ) and shall recommend such action as it deems necessary to the Town Council for upgrading and expanding the system.
2. The department shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the town sewage collection and disposal system.

B. Public Works Director: The sewer department shall be headed by the Public Works Director, who shall manage, supervise and otherwise direct the town sewer system pursuant to the direction of the Town Council.

C. Sole Authority To Operate Sewage Disposal System: There shall be only one operating sewage collection and disposal 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 to develop, form, own, maintain and operate any type of sewage collection and disposal system within the town limits separate and apart from the town system, except as expressly authorized in this chapter. (Ord. 09-013, 7-28-2009)

7-2-2: DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) centigrade, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The sewer extension from the building drain to the public sewer or other place of disposal.

CESSPOOL: An underground reservoir for liquid waste (as household sewage).

DEPARTMENT: The Brian Head Town Department of Public Works.

COMBINED SEWER: A sewer intended to receive both wastewater and stormwater or surface water.

FLOATABLE OIL: Oil, fat or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: All waste resulting from residences, commercial trades or businesses and institutions. Commercial and industrial waste shall be distinct from domestic or household sanitary wastes.

GOVERNING BODY: The Brian Head Town Council.

INDUSTRIAL WASTE: The wastewater from industrial processes, trade or business, as distinct from domestic or sanitary wastes.

MAY: Is permissive. See definition of Shall.

NATURAL OUTLET: Any outlet, including storm sewer and combined sewer overflows, into a watercourse, pond, ditch, lake or other body.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the hydrogen concentration. The concentration is the weight of hydrogen, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

PRIVY: A small building having a bench with holes through which the user may defecate or urinate.

PROPERLY SHREDED GARBAGE: The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than two inches (2") (1.27 centimeters) in any dimension.

PUBLIC SEWER: A sewer controlled by the town or part of the system.

RESIDENTIAL EQUIVALENT: A structure, building or unit discharging effluent into the system placing no more burden or discharge than "residential flows", as defined in this section.

RESIDENTIAL FLOWS: The assumed average and/or standard flow expected from a single-family dwelling based on culinary water usage. A residential flow volume strength is two hundred fifty milligrams per liter (250 mg/l) TSS (total suspended solids, see definition of Suspended Solids) and two hundred milligrams per liter (200 mg/l) BOD₅ (biochemical oxygen demand).

SANITARY SEWER: A sewer that carries liquid and water carried wastes from residences, commercial buildings and industrial plants.

SEPTIC SYSTEM: A septic tank, a leach field, and any necessary pumps, pipes and equipment.

SEPTIC TANK: A tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

SEWAGE: The spent water of a community. The preferred term is "wastewater", as defined in this section.

SEWER: A pipe or conduit that carries wastewater or drainage water.

SHALL: Is mandatory. See definition of May.

SLUG: Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (Sometimes Termed STORM SEWER): A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source other than from inside a building, residence or other enclosed structure connected to a building drain.

SUSPENDED SOLIDS: Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater", and referred to as nonfilterable residue.

SYSTEM: The sanitary sewer, storm sewer, combined sewer, wastewater facilities and wastewater treatment works of the town.

TOWN: Brian Head Town, Iron County, Utah.

UNPOLLUTED WATER: Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

WASTEWATER FACILITIES: The structures, equipment, sewers and processes required to collect, carry away and treat wastewater and dispose of the effluent.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 09-013, 7-28-2009)

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

A. Prohibited Deposits, Discharges:

1. It shall be unlawful for any person to place, deposit or permit to be deposited on public or private property within the town, or in any area under the jurisdiction of said town, any human excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of said town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic system, cesspool or other facility intended or used for the disposal of wastewater.

B. Connection Required: Any owner of property located within the town shall connect (hook up) to the town system when a sewer main line is within three hundred feet (300') of any portion of the property boundary as follows:

1. **New Construction:** Connection to a public sewer is required where a new dwelling unit or facility used for human occupancy is being proposed, built, reconstructed or altered, and where a building permit is required.
2. **Existing Dwelling Or Facility:**
 - a. **Failed System:** Connection to a public sewer is required when the existing septic system has failed and needs repairs to the leach field or septic tank (treatment outside the building in the septic tank or absorption system).

- b. Unpermitted System: Connection to a public sewer is required within one year of a notice to comply issued by Southwest Utah public health department, when the owner of property is unable to provide information and materials that a septic system permit has been issued by Southwest Utah public health department.
 - c. Change Of Ownership: Connection to a public sewer is required when the ownership of property changes to another owner.
 - d. New Sewer Service Availability: Connection to a public sewer is required within three (3) years of a new public sewer main line becoming available to an existing dwelling or facility.
- C. Special Funding: The town acknowledges the possibility of utilizing special funding tools (i.e., special improvement districts, special service districts, etc., or other legally recognized methods) when collective connections to the public sewer may be required by this chapter.
- D. Evaluation, Approval Authority: The Southwest Utah Public Health Department and the State Department of Environmental Quality shall be considered the town experts in evaluating and approving and permitting sewage treatment systems.
- E. Waiver Of Sewer Connection Requirement: In the event that a sewer 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 system, distance of home from property line, topography, etc. Additionally, the town shall explain its intent to provide, or not to provide, for a future sewer connection, as well as a statement of acknowledgment for the use of an appropriate on site wastewater system.
- F. Connections Outside Distance Requirement: Nothing in this chapter shall prohibit the connection to a public sewer as described in this chapter when a property is beyond the three hundred foot (300') connection requirement, if desired by the property owner and for which provisions are made in an appropriate agreement. The town encourages connection to a public sewer whenever and wherever possible in order to preserve and protect groundwater quality in the county.
- G. Penalty: To evidence compliance with the requirements of this section, the town adopts the penalty and compensatory sanctions, the violation of which shall constitute a class B misdemeanor: The town hereby exercises jurisdiction to protect its culinary water system and sources from exposure to underground percolation from any ecological injury, pollution or contamination of the watershed or exposure to the system and water polluting underground percolation influencing the culinary waterworks sources. The failure of a person to comply with this section shall constitute a public offense and is punishable by law as a class B misdemeanor. Such person shall pay a fine of not less than fifty dollars (\$50.00) for each day of violation and each day of failure to connect shall be deemed a separate offense. (Ord. 09-013, 7-28-2009)

7-2-4: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:

- A. Permit Required: No unauthorized person shall uncover, make any connections into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town.
- B. Classification; Application: There shall be one class of sewer connection, to be known as "residential" or "residential equivalent". In every case, the owner or agent shall make application on a form obtained from the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Public Works Director. A fee for sewer connection permits and inspections shall be assessed and collected at the time of application to the town.
- C. Separate Sewer Required; Exception: A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot having no street frontage and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole system will be considered as one building sewer. The town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- D. Use Of Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are examined and tested by the department, at the owner's sole cost, and found to meet all requirements of this chapter.
- E. Construction Methods: The size, slope, alignment, materials or construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the code provisions, or in amplification thereof. The materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply.
- F. Elevation: Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the owner shall be responsible for all installations, maintenance and operating costs of their operation.
- G. Polluted Surface Drainage: No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Public Works Director and the state department of environmental quality for purposes of disposal of polluted surface drainage.
- H. Grease Interceptors: All new and existing buildings and facilities are required to have in place and operational grease interceptors and/or separators as set forth by the international plumbing code section 1003.
- I. Code Compliance; Standards: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town and the state, or the procedures set forth in appropriate

specifications of nationally recognized publications of what are known as the ASTM and the WPCF manual of practice no. 9, and/or the town public works standards. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director before installation.

- J. Excavations: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. A person must first obtain a permit from the Public Works Director prior to doing any excavation in a public right of way. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. 09-013, 7-28-2009)

7-2-5: RATES FOR USE:

- A. Established: The rates for connecting to and use on monthly or any other basis may be fixed and amended by resolution or amending ordinance. The governing body will, to promote equity in distribution of operation and maintenance costs, and for no other purpose, establish rates based entirely upon metered water usage, effluent strength by or solely upon the basis as defined hereinabove, or upon an equitable combination of any of those so that the costs of operation and maintenance reflected in rates will be equitably distributed among those based upon their usage of and benefit received from the system.
- B. Costs And Expenses Borne By Owner: All costs and expenses incidental to the installation, connection and maintenance of each building sewer to the public sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation, connection or maintenance activities of the building sewer.
- C. Liability For Charges: Irrespective of the occupant, user, tenant, cotenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service made available, the owner of the premises according to the records of the county recorder shall be legally responsible for the payment of all charges, fees, assessments and any other obligation or liability of user.
- D. Delinquency: If any delinquent sewer connection, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property, buildings or structures, the obligation shall be deemed by the town as an obligation of the owner of the real property on which any use is made from a sewer connection. Water service to delinquent property shall be turned off by the town for failure to pay any and all sewage and wastewater fees, assessments, charges or liability, and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the town for sewer service are paid in full. All payments for utilities, whether "water" or "sewer", shall be credited first to sewer assessments, fees or charges.
- E. Interest Charge On Delinquent Or Past Due Connection Fees: The town council may, at their discretion and in circumstances that are equitable, impose interest at the highest legal rate on all past due accounts, either for connection fees, user charges, assessments, maintenance, repair or any other charge which is provided for, imposed or authorized by this chapter.

- F. Notification: Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to wastewater treatment services (O&M) vs. debt service. (Ord. 09-013, 7-28-2009)
- G. Fee/Rate Relief: Public Works Director shall be authorized to adjust and/or waive sewer fees resulting from excessive use of water if the Public Works Director determines that the excessive use is not due to the actions of the utility user (property owner or tenant) but rather due to causes beyond the control of the user and if the utility 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)

7-2-6: ANNUAL REVIEW OF OPERATIONAL COSTS; REVISION WHERE REQUIRED; DEBT SERVICE:

- A. The town shall review the total annual cost of operation and maintenance, long term debt service relating to the wastewater treatment works, as well as each user's wastewater contribution percentage not less often than every year, and will revise the user charge system as necessary to assure equity of the system established herein, and to assure that sufficient funds are obtained from the town user charge system to:
 - 1. Consistently operate and maintain the wastewater treatment works; and
 - 2. Cover said debt service.
- B. The town will apply excess revenues collected from users to the costs of operation and maintenance for the next year, and adjust this rate accordingly. The addendum attached to ordinance 09-013, entitled "Brian Head Town Consolidated Fee Schedule" shall be used for calculating rates. The addendum shall be used as a formula for calculating rates, fees and charges for connection, use and access to the system. The addendum is adopted and made a part of this chapter. (Ord. 09-013, 7-28-2009)

7-2-7: USE REGULATIONS:

- A. Unpolluted Waters: No person shall discharge or cause to be discharged any unpolluted waters, such as storm water, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.
- B. Storm water: Storm water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the state department of environmental quality and other regulatory agencies.

C. Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
2. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the town system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or the interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups and milk containers, etc., either whole or ground by garbage grinders. Each user which discharges any toxic pollutants which cause damage to the town wastewater facilities shall be liable to the town for such damage and for all expenses incurred by the town in repairing or replacing those wastewater facilities.

D. Limited Discharges: The following described substances, materials, waters or waste shall be limited in discharges to the town system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Public Works Director may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Public Works Director shall consider such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Works Director are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65 degrees centigrade).
2. Wastewater containing more than twenty five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat or grease.

4. Any garbage that has not been properly shredded (see definition of "properly shredded garbage", as defined in section [7-2-2](#) of this chapter). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Grinders for commercial establishments may be inspected by town personnel at any reasonable time.
 5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the wastewater treatment works exceeds the limits established by DEQ for such materials.
 6. Any waters or wastes containing odor producing substances in an amount exceeding limits established by DEQ for such substances.
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with the applicable state or federal regulations.
 8. Quantities of flow, concentrations, or both, which constitute a "slug", as defined in section [7-2-2](#) of this chapter.
 9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 10. Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- E. Authority Regarding Prohibited Discharges: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contains the substances or possesses the characteristics enumerated in subsection D of this section, and which, in the judgment of the Public Works Director, may have a deleterious effect upon the wastewater facilities, wastewater treatment processing equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may:
1. Reject the wastes;
 2. Require pretreatment to an acceptable condition before discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section [7-2-5](#) of

this chapter. When considering the above alternatives, the Public Works Director shall give consideration to the economic impact of each alternative on the discharger. If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director.

- F. Interceptors: Grease, oil and sand interceptors shall be provided when required by the international plumbing code section 1003. Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal, which shall be subject to review by the Public Works Director. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- G. Maintenance Of Facilities: Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. Observation Structure: When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. Information Determining Compliance Required: The Public Works Director may require a user of sewer services to provide information needed to determine compliance with these rules. Such information may include:
 - 1. Wastewaters discharge peak rate and volume over a specified time period.
 - 2. Chemical analysis of wastewaters.
 - 3. Information on raw materials, processes and products affecting wastewater volume and quality.
 - 4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
 - 5. A map or plat of the user's property showing any pretreatment facility location.
 - 6. Details of wastewater pretreatment facilities.
 - 7. Details of systems to prevent and control the losses of materials through spills to the public sewer.

- J. Measurements, Tests And Analyses: All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in these rules shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Public Works Director.
- K. Special Agreements: No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the town for treatment. (Ord. 09-013, 7-28-2009)

7-2-8: INDUSTRIAL WASTE PROVISIONS:

The developers of all commercial/industrial projects shall provide the town with detailed information concerning the projects' expected wastewater quality and quantity. The town will review this information and determine which of the following facilities are required:

- A. Building sewer sampler.
- B. Wastewater flow monitoring station.
- C. Gravity separator.
- D. Industrial waste clarifier.
- E. Pretreatment facilities.
- F. Under certain circumstances, the town may require special pipe installation procedures or types of pipe, including special protective coating for pipe and fittings.
- G. All industrial truck/car washes will be a recirculating non-discharge type. (Ord. 09-013, 07-28-2009)

7-2-9: VANDALISM:

No persons shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment that is a part of the wastewater facilities. Any persons violating this provision may be subject to immediate arrest. (Ord. 09-013, 7-28-2009)

7-2-10: EXTENSION OF SEWER LINES:

Any and all line extensions from any town sewer main line, not otherwise a part of a town public

works project, shall be at the owner's expense, subject to the terms of a sewer line extension agreement provided by the town, and required as a condition precedent to any sewer line extension. The property owner shall extend such sewer line to the furthest point on the owner's lot property line which is fronting a town street. The expenses of installing sewer lines shall be at the sole expense of the owner, and in accordance with town specifications and state DEQ; and, under this section, shall be deemed the property of the town upon inspection and acceptance of the sewer line by the town. (Ord. 09-013, 7-28-2009)

Title 7 – Utilities

Chapter 2 Sewer Use & Service

ARTICLE A. SEWER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS

7-2A-1: PURPOSE AND FINDINGS:

7-2A-2: DEFINITION:

7-2A-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:

7-2A-4: CALCULATION OF REIMBURSEMENT COSTS:

7-2A-1: PURPOSE AND FINDINGS:

- A. Purpose: It is the purpose of this article to establish guidelines and provisions for the reimbursement of costs to developers for the construction of sewer system improvements within the town annexation boundaries.
- B. Findings: Based on preliminary information, the town finds:
 - 1. It is necessary in the interest of the public health, public safety and general welfare that the town and the county promote the construction of sewer system infrastructure within the annexation boundary of the town; and
 - 2. By allowing for the reimbursement of the costs of the construction of sewer systems, the likelihood of developers constructing new sewer facilities is increased;
 - 3. It is fair and equitable for other lot owners or developers to reimburse a previous developer for the costs incurred by the previous developer for the construction of the sewer facility. (Ord. 07-003, 3-13-2007)

7-2A-2: DEFINITION:

For the purposes of this article, "sewer main line" means that portion of a central wastewater collection system (public system) that is used or designed to gather or collect sewage for delivery to an approved wastewater treatment facility, and is owned and maintained by a municipality or service district. For the purposes of this article, an eight inch (8") diameter pipe is

the minimum size to be considered a sewer main line and eligible for reimbursement. (Ord. 07-003, 3-13-2007)

7-2A-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:

- A. Agreement: In the event that a developer desires to install new sewer infrastructure, with an eight inch (8") minimum diameter, and connect to the town sewer collection system, they shall be entitled to enter into an agreement with the town to provide for the reimbursement of a proportional share of the actual costs of constructing or extending the sewer infrastructure.
- B. Costs Paid: The reimbursement of the costs would be paid by lot owners or developers who thereafter connect to the new sewer infrastructure. The reimbursement agreement would be binding on all current or future lot owners connecting to the new sewer system, unless a written agreement is executed between the initial developer and the lot owner, waiving the reimbursement requirement.
- C. Submittal, Approval: In order for a reimbursement agreement to be effective, the reimbursement agreement must be executed and construction drawings of the new facilities must have been submitted and approved by the public works department prior to the installation of the new sewer infrastructure.
- D. Collection: Thereafter, the installation reimbursement costs shall be collected for the provision of new sewer facilities until the initial developer has been reimbursed, without interest, according to the terms of a reimbursement agreement, or for a ten (10) year period following the execution of the reimbursement agreement.
- E. Payment Not Guaranteed: The town in no way guarantees payment to the initial developer, except to the extent that funds are actually collected from lot owners or developers in accordance with the terms of this article.
- F. Additional Costs: In addition to the cost of the extension, the lot owner or developer shall pay the physical connection costs and or any other impact fees as required by ordinance. (Ord. 07-003, 3-13-2007)

7-2A-4: CALCULATION OF REIMBURSEMENT COSTS:

- A. Methods Of Calculation: With respect to any reimbursement agreement entered into by the town, the town may consider methods of calculating reimbursement costs, such as: 1) by number of connections; 2) by length of infrastructure fronting a lot; or 3) by volume or capacity demand.
- B. Determination Of Method: Each reimbursement agreement shall specify which method or combination of methods shall be used to calculate reimbursement costs. Which methods of calculation are used in each development agreement shall be determined by the town, in its sole discretion.

C. Responsibility For Billing And Collection Of Reimbursement Amounts: It is the responsibility of the developer to notify the town if any third party connects or intends to connect onto said sewer main as installed by the developer at any time within ten (10) years from the date of signing a reimbursement agreement. The town shall, upon receipt of written notification from the developer, inform the third party of the reimbursement agreement and collect said fee as part of the approval for sewer connection, in addition to charging the usual connection and impact fee. The town shall then pay the amount over to the developer until such time as they have been reimbursed for the amount agreed upon in the reimbursement agreement, or up and until the expiration of ten (10) years, whichever shall occur first. The town in no way guarantees payment to the developer, except to the extent that the developer timely notifies the town of the need to collect funds from a third party and funds are collected from such third party and in accordance with the terms set forth above. (Ord. 07-003, 3-13-2007)