

Mayor Gordon Cutler

Council Members:

Michelle Roberts

Dave Boothe

Jerry Smith

Kristi Bell

UINTAH CITY COUNCIL MEETING

TUESDAY, AUGUST 1, 2023

7:00 PM

AGENDA

Planning – Robert Guiller

Building Inspector-Jeff Monroe

Treasurer – Mike Ulrich

Sheriff – Lt. Ryan

Fire Chief – Paul Sullivan

## AGENDA ITEMS:

1. MEETING CALL TO ORDER:  
PLEDGE OF ALLEGIANCE:  
CONFLICT OF INTEREST:
2. PUBLIC COMMENT (2 minutes per person):
3. APPROVAL OF CITY COUNCIL MEETING MINUTES HELD JULY 18, 2023:  
Presenter: Mayor Cutler
4. WEBER COUNTY ELECTIONS ROADSHOW  
Presenter: Lauren Shafer
5. DISCUSSION/ACTION ON UINTAH SPRINGS BUSINESS PARK – LOT 10:  
Presenter: Kim Rindlisbacher
6. DISCUSSION/ACTION ON ORDINANCE 280-23 IMPLEMENTING WATERWISE LANDSCAPING:  
Presenter: Council Member Bell
7. DISCUSSION/ACTION ON ORDINANCE 281-23 AMENDING TITLE 12 WATER DEPARTMENT:  
Presenter: Council Member Bell
8. COUNCIL COMMENT TO PUBLIC COMMENTS:
9. CITY COUNCIL DEPARTMENT REPORTS:  
PARKS; BUILDINGS; NUISANCES; EMERGENCY PREPAREDNESS; PLANNING COMMISSION – COUNCIL MEMBER BOOTHE  
WATER; GARBAGE; CTC; U-DAY; NEWSLETTER – COUNCIL MEMBER BELL  
ANIMAL CONTROL; WEBER COUNTY TRAILS; EQUIPMENT; ROADS – COUNCIL MEMBER ROBERTS  
CEMETERY; SERVICE PROJECTS; RAILROAD RELATIONS – COUNCIL MEMBER SMITH  
STORM WATER & FLOODPLAIN; GRANTS; FIRE DEPARTMENT; WACOG– MAYOR CUTLER
10. MEETING ADJOURNMENT:  
Presenter: Mayor Cutler

### **\*\*NOTICE\*\***

Uintah City does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provisions of services. If you are planning to attend this public meeting and due to a disability, need assistance in understanding or participating in the meeting, please contact the City Clerk at 479-4130 at least four working days in advance of the meeting and we will try to provide whatever assistance may be required.

**\*Agenda items are flexible and may be moved in order, sequence, and time to meet the needs of the Council\***

### **\*\*CERTIFICATE OF POSTING\*\***

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted at Uintah City Hall, Standard Examiner and to each member of the City Council. It was also posted on the Utah Public Notice website and the Uintah City website.

  
Michelle Mortensen, Uintah City Recorder

Date

7/26/23

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**UINTAH CITY COUNCIL MEETING**  
**TUESDAY, JULY 18TH, 2023**  
**7:00 PM**  
**MINUTES**

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Attendees: Mayor Cutler, Council Member Smith, Council Member Boothe, Council Member Roberts, City Recorder Michelle Mortensen, Lt. Ryan, Planning Commission Chair Rob Guillier, Dan Combe, Cody Draheim, Colette Allred, Shawn Bostic, Bill Cheney

**AGENDA ITEMS:**

1. **MEETING CALL TO ORDER:** Mayor Cutler called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE:** Led by Council Member Boothe

**CONFLICT OF INTEREST:** None

2. **PUBLIC COMMENT (2 minutes per person):**

- Collette Allred stated that there is an ordinance to maintain property and there are several properties that continue to collect junk, they have noxious weeds, and there is a house that has ten vehicles parked there at all times. We even have some neighbors talking about moving because of the state of the neighborhood.
- Shawn Bostick stood and explained that it feels like something is happening to our community and people's homes who are like that do not care for the rest of the community. This impacts every resident within our City. We would like some clarification as to what the ordinances are and how they can be enforced.

3. **APPROVAL OF CITY COUNCIL MEETING MINUTES HELD JUNE 20, 2023:**

Presenter: Mayor Cutler

- Present City Council Members reviewed the meeting minutes from June 20, 2023.
- Council Member Boothe motioned to approve the City Council Meeting Minutes from June 20, 2023.
- Council Member Smith seconded the motion.
- Mayor Cutler asked if there was any discussion on the motion; there was none.
- All in favor; the motion carries.

4. **DISCUSSION/ACTION ON AED DEVICE**

Presenter: Cody Draheim

- Mr. Draheim came from Weber County Fire District and presented the City with an AED device. He has been wanting to educate our communities on CPR and AED devices. Mayor Cutler asked Mr. Draheim where he suggested that we keep the device, here at the City Hall or in the scout house by the park. Mr. Draheim stated that it is up to you where you place it, but my recommendation would be to put it at the scout house where there is more activity.
- We were able to get these devices from a private donation and he will continue to work on getting some grants so that they can get more of these out to the communities. We do have a CPR initiative that we are trying to grow, and we are offering classes to the City staff.
- Council Member Roberts asked if we need to maintain the batteries. Mr. Draheim stated that they will come out and check them once a year.

5. **PLANNING COMMISSION REPORT TO COUNCIL:**

Presenter: Robert Guillier

- Mr. Guillier explained that Bell Photography is looking at the piece of land west of the nursery where they want to change the zoning to commercial so that they can incorporate all their locations into one. We are moving forward with them offline and helping to answer their questions so that when they come to planning commission, they will have all the information that they need to proceed. Council Member Smith asked where the entrance will be for this building. Mr. Guillier responded that this has not been decided yet. Both he and Mr. Monroe will walk around the property and see what the options are and decide what the best direction will be.
- Uintah Springs Lot 10 had previously submitted plans for this lot, but the septic system would have been a problem. They are now looking at putting in a climate-controlled storage facility there.
- Dan and Debra did an excellent job at adapting this conservation water ordinance from Weber Basin, so that it applies to the people of Uintah. We want to serve all the people here and this will put us in the bookmarks to meet the requirements and honor the people in our community.
- Mrs. Wickizer is looking at other communities that align with us so that we can try to keep the Redd's from de-

annexing and allow them to use their property as they choose. We are looking at private shooting ranges and once

we have all our information, we will bring this to City Council.

**6. TREASURERS REPORT:**

Presenter: Mike Ulrich

a) Invoice Register – June 2023

- Council Member Roberts motioned to approve the invoice register from June 1-30, 2023.
- Council Member Smith seconded the motion.
- Mayor Cutler asked if there was any discussion on the motion; there was none.
- All in favor; Mayor Cutler aye; Council Member Smith aye; Council Member Roberts aye; Council Member Boothe aye; the motion carries.

b) Budget

- Mr. Ulrich was excused from the meeting.

**7. PUBLIC WORKS REPORT:**

Presenter: Jeff Holden

- Mr. Holden was excused.

**8. DISCUSSION/ACTION ON RECORDING SOFTWARE**

Presenter: Michelle Mortensen

- Ms. Mortensen explained that this bid for the recording software would go on the City Recorder's laptop, as well as the court clerk, which would also be used for planning commission. Our current recording device is severely outdated and does not always record.
- Council Member Booth made the motion to approve the bid for recording software in the amount of \$6,490.
- Council Member Roberts seconded the motion.
- Mayor Cutler asked if there was any discussion on the motion; there was none.
- All in favor; Mayor Cutler aye; Council Member Smith aye; Council Member Roberts aye; Council Member Boothe aye; the motion carries.

**9. SHERIFF'S REPORT:**

Presenter: Lt. Ryan

- Lt. Ryan stated that he did not get the report together due to computer issues. He went over the highlights of last month, which were 103 calls for service, which is up from last month.

**10. COUNCIL COMMENTS TO PUBLIC COMMENTS:**

- Mayor Cutler advised that there were several warnings and letters sent out this week by our code enforcement officer. We pass ordinances but it is hard to force people to do something with their property. We as a City are trying to rectify this problem.

**11. COUNCIL REPORTS:**

- Mayor Cutler stated that UDOT is doing their environmental statement and it sounds like they are going to be doing like Farmington City, where they will have a freeway with frontage roads along each side which will provide access to Uintah City. UDOT told the Mayor that Combe Road is out of the scope of the project. Although once this project is complete, we will be able to have a right in and a right out from Combe Road.

**12. MEETING ADJOURNMENT:**

- Council Member Smith motioned to adjourn the meeting at 7:53 p.m.
- Council Member Boothe seconded the motion.
- Mayor Cutler asked if there was any discussion on the motion; there was none.
- All in favor; the motion carries.

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Michelle Mortensen; Uintah City Recorder

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Date



Uintah City  
2191 E 6550 S  
Uintah City, UT 84405  
801-479-4130

Fax 801-476-7269 email uintahcity@uintahcity.com

## SITE PLAN APPLICATION PROCESS/CHECKLIST

Revised Date 8-2016

### SITE PLAN APPLICATION

A "subdivision" means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, or offer, sale lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

### DEVELOPMENT INFORMATION

Property Owner(s)  
Names

Scenic Development

If an authorized contact person is not the landowner(s), a document giving authority to the person listed to act on behalf of the landowner(s) must be given to the City. This document must be signed by all landowners and notarized.

Authorized  
Representative Name  
and Contact Information

Braiden Rindlisbacher  
801.864.2952

Preferred Method of Written Correspondence (check one)

Email

Fax

Mail

Owner(s) Address(es)

14572 S 790 W A100  
Bluffdale, UT 84065

Phone

801.259.1237

Cell

Fax

email

Kim@scenicdev.com

Property Location

Uintah Springs Business Park

Address:

Subdivision name and lot # (s):

Lot 10

Land Serial Number:

In what zone is the property  
located in (check one)

RE20

RE50

RE20 R/R

AG

C1

C2



### Application and Approval Process

- The site plan application and approval process is governed by Title 9 Chapter 12 of the Uintah City Ordinances
- In order to initiate the approval process the applicant must submit the following:
  - Application form
  - Application fee
  - Architectural Drawings and Site Development Plans
- After review, the secretary of the planning commission will prepare and mail or deliver to the applicant a formal statement of notification of approval or denial, stating the fact of the grant and any conditions attached thereto, or the fact of denial and the reason therefor.

**Information Contact  
and/or Initial  
Review**

Contact Tim Petty, PC Chair (Cell 801866-8013, email Tim.Petty@CH2M.com)  
Crystal Western, PC Secretary (Office 801-479-4130, email uintahcity@uintahcity.com)

**SUBMITTALS AND DEADLINES****SUBMITTALS**

Incomplete submittals may delay processing or labeling your project. A fair review cannot be made when all the information is not available for review prior to any meetings.

**DEADLINES**

Documents for each meeting must be submitted prior to the scheduling deadline which is **3 weeks** prior to the meeting date.

**COSTS**

- The applicant(s) requesting the change will also pay all mailings, postage, and all required publications.
- All costs of processing will be charged to the applicant(s), which includes any professional service, attorney, engineer, plats, & all other associated costs will be charged for any service.
- The application fee includes one preliminary review and two final reviews with the Building Inspector and/or the Planning Commission for compliance with zoning and other ordinances.

Acreage	Fee	Per Acre Cost
1 to 5 acres	\$400	\$300
5.1 to 10 acres	\$700	\$400
10.1 to 15 acres	\$800	\$500
15.1 to 20 acres	\$1,000	\$600
20.1 or more acres	\$1,400	\$700

**ARCHITECTURAL DRAWING AND SITE DEVELOPMENT PLAN REQUIREMENTS**

The architectural drawings and site development plans shall be drawn to scale and shall illustrate the following:

<input type="checkbox"/>	The building lot and dimensions.
<input type="checkbox"/>	Building locations.
<input type="checkbox"/>	Landscaping.
<input type="checkbox"/>	Existing trees and shrubbery.
<input type="checkbox"/>	Off street parking facilities.
<input type="checkbox"/>	Vehicular and pedestrian circulation.
<input type="checkbox"/>	Location and width of abutting streets.
<input type="checkbox"/>	Existing and proposed grades.
<input type="checkbox"/>	Surface drainage.
<input type="checkbox"/>	A north arrow.
<input type="checkbox"/>	Scale drawings of major exterior elevations and proposed exterior color scheme.

### ADDITIONAL REQUIREMENTS

- The planning commission and the zoning administrator will consider the following matters, and others when applicable, in their review of proposals, and may refer the plans to one or more expert consultants if the planning commission deems it necessary.
- The applicant may provide a brief description for the planning commission's information.

ITEMS TO BE DISCUSSED	DESCRIPTION
Traffic Safety and Congestion, including the effect of the site development plan on traffic conditions on abutting streets as well as circulation patterns within the boundaries.	
Parking	145 stalls
Lighting	
Outdoor advertising	
Landscaping	

**UINTAH CITY  
PLANNING COMMISSION MEETING**

**STAFF REPORT**

**MAY 2022**

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**I. Action Item;**

PROPERTY LOCATION: UINTAH SPRINGS BUSINESS PARK- LOT 10-

PROPERTY OWNER: Scenic Development

**II. Type Action:     *site plan / proposed property line  
adjustment & new building***

**II.1 Background:**

Proposed intent is to construct an additional commercial building on parcel 071030021, lot 10 Uintah Springs Business Park. Which will create the seventh (7<sup>th</sup>) Building that will be permitted for construction.

Plat and Drawings have been reviewed by the City Staff for compliance. **This parcel needs to have an address appointed to the parcel.**

The property is located in the RE 50- C1 Zoning District and complies with proposed use and intent.

**II.2 Analysis:**

Per the Uintah City Zoning and Municipal Code, in Section 9, Chapter 9 Commercial Zones, Article A. Commercial C1 Zone and Chapter 12 Architectural Site Plan Review addresses Commercial Development requirements.

- Site Plan and Property Line Adjustment, after review comply with the City Municipal Code
- Plat and Drawings have been reviewed by the City Staff for compliance.
- **This parcel will need to have an address appointed and recorded at the County records.**
- **Parking complies with 9.18 of the Municipal Code, with 145 parking stalls.**
- **Landscaping on the plat shows only 4.5% area and Section 9-9A-9 requires a minimum of 5%. The developer will need to correct this item.**
- **Hydrants will need to be verified on the plat for location.**
- **The SWPPP plan/ Erosion Control Plan, showing the BMP to be used and preventing and erosion control.**

- A rendering of the building shall be submitted along with the Site Plan for review.
- Lighting for off street and parking shall be identified on the plat. 9-12-3.C.f.
- Consideration for the Review of the traffic circulation and impact, I believe that the original Plat for the Subdivision took that into consideration. But is a good time to follow up of the traffic circulation for any impact if there are any.

II.3 Recommendation: City Building Official has reviewed the proposed Site Plan for the construction in the C1 zone for building to be built on lot 10, in the Uintah Springs Business Park. The Owner/Builder either complies or will need to comply with Zoning and with the Uintah City Municipal Code as identified in the above bullet points.

Site Plan approval by the Planning Commission:

At this time the Planning Commission at their desecration and approval have the following option:

1. Consider the request and recommend approval
2. Denied the request for reasonable purposes
3. Table the item with conditions and concerns per the plat and drawings and provide that info to the Builder/Developer to make the necessary correction and to provide that info for the next available meeting.

Staff Report;

JEFF MONROE,  
UINTAH CITY BUILDING OFFICIAL



# NOTICE OF IMPENDING BOUNDARY ACTION

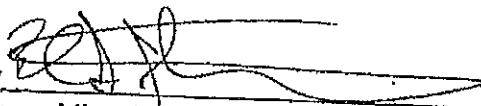
Lieutenant Governor Cox:

This is a notice of an impending boundary action. On October 14, 2020, Davis and Weber Counties ("Counties") held a joint public hearing to consider a minor boundary adjustment, pursuant to Utah Code Ann. § 17-2-209; the resolution is attached. Counties are seeking a certificate from the Lieutenant Governor's office certifying the minor boundary adjustment affecting the common boundary between Counties.

The minor boundary adjustment realigns county boundaries with the original county lines established in the 1850's. A survey conducted in 2002 attempted to retrace the original boundaries but there are some differences of opinion that Counties are attempting to correct. The attached map shows the parcels and the corrective actions taken by the counties. Parcels 07-109-0025 and 07-109-0017 both lie south of the Weber River. The original description would place these properties in Davis County, but both currently lie in Weber County. Counties passed a resolution to adjust the boundary placing these parcels in Davis County. Parcel 13-10-0016 currently lies within Davis County and the adjustment would place this parcel in Weber County.

Counties certify that all requirements applicable to this type of boundary action have been met. This notice of impending boundary action is also accompanied by a final local entity plat as required by Utah Code Ann. § 17-2-209.

BOARD OF COUNTY COMMISSIONERS  
OF DAVIS COUNTY

By   
~~Lorene Miner Kāmali, Chair~~  
Bob J. Stevenson, Chair

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By   
Gage Froerer, Chair

A.P.N.: 07-109-0017

Warranty Deed - continued

STATE OF Utah  
County of Utah ) ss.

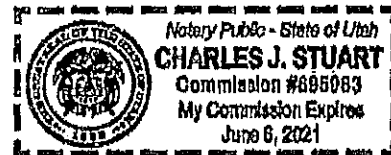
On 4/13/18, before me, the undersigned Notary Public, personally appeared **Larry W. Black aka Larry Black, Gordon K. Frisbey aka Gordon Frisbey and Wanda S. Wintle aka Wanda Wintle**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

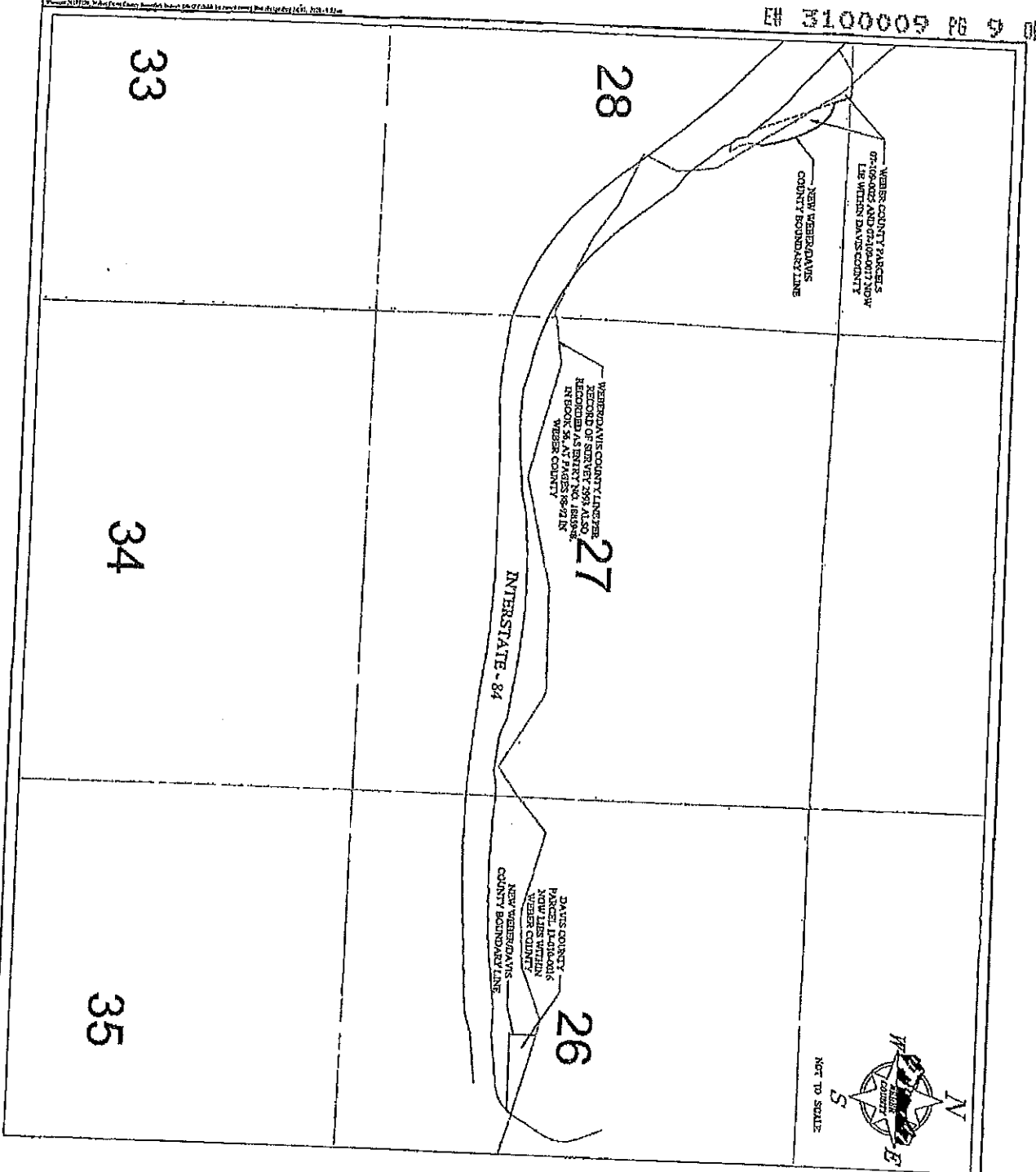
WITNESS my hand and official seal,

My Commission Expires:

6/6/2021

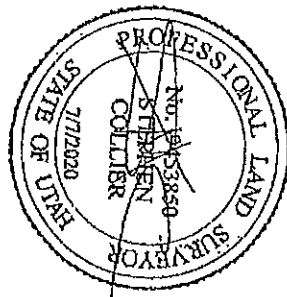
Notary Public





**EXHIBIT FOR A WEBER/DAVIS COUNTY MINOR BOUNDARY ADJUSTMENT**

NO SURVEY OR TIME SEARCH HAS BEEN PERFORMED IN CONNECTION WITH THIS EXHIBIT.



SHEET NO.  
1/1

**EXHIBIT FOR A WEBER/DAVIS COUNTY MINOR BOUNDARY ADJUSTMENT**

**WEBER COUNTY**

2000 Washington Blvd., Suite 37  
Ogden, Utah 84401  
PHONE: (801) 398-6020  
FAX: (801) 398-5315

# NOTICE OF IMPENDING BOUNDARY ACTION

Lieutenant Governor Cox:

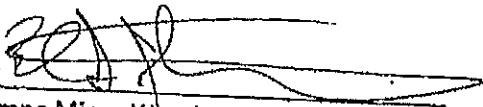
This is a notice of an impending boundary action. On October 14, 2020, Davis and Weber Counties ("Counties") held a joint public hearing to consider a minor boundary adjustment, pursuant to Utah Code Ann. § 17-2-209; the resolution is attached. Counties are seeking a certificate from the Lieutenant Governor's office certifying the minor boundary adjustment affecting the common boundary between Counties.

The minor boundary adjustment realigns county boundaries with the original county lines established in the 1850's. A survey conducted in 2002 attempted to retrace the original boundaries but there are some differences of opinion that Counties are attempting to correct. The attached map shows the parcels and the corrective actions taken by the counties. Parcels 07-109-0025 and 07-109-0017 both lie south of the Weber River. The original description would place these properties in Davis County, but both currently lie in Weber County. Counties passed a resolution to adjust the boundary placing these parcels in Davis County. Parcel 13-10-0016 currently lies within Davis County and the adjustment would place this parcel in Weber County.

Counties certify that all requirements applicable to this type of boundary action have been met. This notice of impending boundary action is also accompanied by a final local entity plat as required by Utah Code Ann. § 17-2-209.

BOARD OF COUNTY COMMISSIONERS  
OF DAVIS COUNTY

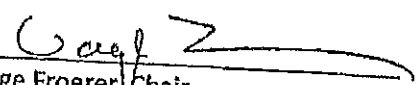
By

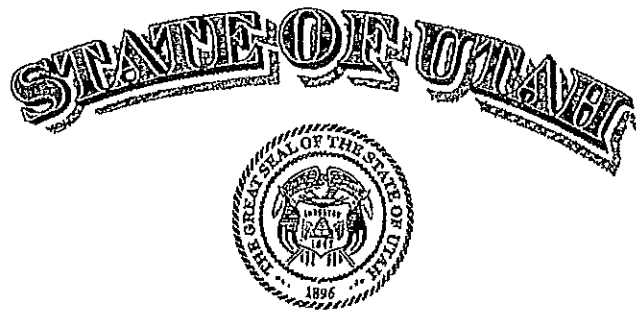
  
~~Lorene Miner Kamali, Chair~~

Bob J Stevenson VChair

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By

  
Gage Froerer, Chair



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF BOUNDARY ADJUSTMENT

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,  
HEREBY CERTIFY THAT there has been filed in my office a notice of boundary  
adjustment pertaining to WEBER COUNTY and DAVIS COUNTY, dated October 14<sup>th</sup>,  
2020 complying with Section 17-2-209, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the  
attached is a true and correct copy of the notice of boundary adjustment, referred to  
above, on file with the Office of the Lieutenant Governor pertaining to WEBER  
COUNTY and DAVIS COUNTY, located in State of Utah.



IN TESTIMONY WHEREOF, I have  
hereunto set my hand, and affixed the  
Great Seal of the State of Utah this 3<sup>rd</sup> day  
of November, 2020 at Salt Lake City,  
Utah.

A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX  
Lieutenant Governor

RESOLUTION NO. 36-2020

**A RESOLUTION OF THE BOARDS OF COUNTY COMMISSIONERS  
OF DAVIS AND WEBER COUNTIES APPROVING MINOR ADJUSTMENTS TO  
COUNTIES COMMON BOUNDARY**

**WHEREAS**, Article XI, Section 3, of the Utah Constitution, and Utah Code Ann. § 17-2-209 authorize counties sharing a common boundary to adjust all or part of the common boundary to move it a sufficient distance to reach to, and correspond with, the closest existing property boundary of record; and

**WHEREAS**, Davis and Weber Counties ("Counties") desire to clarify and resolve differences of opinion regarding a small portion of Davis County's northern boundary and Weber County's southern boundary through a minor adjustment to the common boundary line between Counties regarding the parcels of real property described in Exhibit A attached hereto ("Parcel A") such that the common boundary reaches to, and corresponds with, the northern boundary of Parcel A, and Parcel A is entirely within Davis County; and

**WHEREAS**, Counties desire to make a minor adjustment to a small portion of Davis County's northern boundary and Weber County's southern boundary through a minor adjustment to the common boundary line between Counties regarding the parcel of real property described in Exhibit B attached hereto ("Parcel B") such that the common boundary reaches to, and corresponds with, the southern boundary of Parcel B, and Parcel B is entirely within Weber County.

**NOW THEREFORE**, the Boards of County Commissioners of Davis and Weber Counties resolve to approve the minor adjustments to the Davis/Weber common boundary as set forth herein and further described in Exhibits A and B attached hereto.

**RESOLVED** this 14<sup>th</sup> day of October, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF DAVIS COUNTY

By Lorene Miner Kamalu  
Lorene Miner Kamalu, Chair

Commissioner Kamalu voted  
Commissioner Stevenson voted  
Commissioner Elliott voted

aye  
aye  
excused

ATTEST:

Curtis Koch  
Davis County Clerk/Auditor

RESOLVED this 14<sup>th</sup> day of October, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By Craig Z  
Gage Froerer, Chair

Commissioner Froerer voted Aye  
Commissioner Harvey voted Aye  
Commissioner Jenkins voted Abstained

ATTEST:

Ricky Hatch  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

DESCRIPTION FOR DAVIS COUNTY PARCEL 13-010-0016, WHICH IS TO BECOME PART OF WEBER COUNTY:

RECORD DESCRIPTION PER B# 2949607 OF DAVIS COUNTY RECORDS:

A PARCEL OF LAND LOCATED IN DAVIS COUNTY, UTAH IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN CONTAINING 20 ACRES MORE OR LESS.

LESS AND EXCEPTING THAT PORTION LYING NORTH OF THE DAVIS/WEBER COUNTY LINE.

LESS AND EXCEPTING THAT PORTION CONVEYED TO THE STATE ROAD COMMISSION OF UTAH IN THAT CERTAIN WARRANTY DEED RECORDED JUNE 17, 1964 AS ENTRY NUMBER 268779 IN BOOK 294 AT PAGE 641, OF OFFICIAL RECORDS.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED USING MARTIN MOORE'S LOCATION OF THE COUNTY LINE, AS SHOWN ON THE SURVEY FILED IN BOTH THE WEBER AND DAVIS COUNTY SURVEYOR'S OFFICES AS NUMBER 2993 IN WEBER COUNTY AND AS NUMBER 3904ABCD IN DAVIS COUNTY, AS FOLLOWS:

BEGINNING AT A POINT WHICH IS S 00°02'17" W 323.73 FEET ALONG THE QUARTER SECTION LINE FROM THE CENTER OF SECTION 26, T5N.R1W, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S 74°32'00" E 902.37 FEET ALONG MARTIN MOORE'S COUNTY LINE, THENCE S 72°32'00" E 14.78 FEET ALONG MARTIN MOORE'S COUNTY LINE TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEST BOUND RAMP OF INTERSTATE 84 LABELED AS NW-1 ON THE PLANS FOR PROJECT I-80-6(4)51 DATED 2012, AT APPROXIMATE STATION 15+49.16 OFFSET 70.00 FEET LEFT OF CENTERLINE NW-1, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF UINTAH SPRINGS BUSINESS PARK PHASE 2; THENCE ALONG SAID RIGHT OF WAY LINE SOUTHWESTERLY 91.25 FEET MORE OR LESS ALONG THE ARC OF A 428.26-FOOT RADIUS CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 12°12'29" (CHORD BEARING AND DISTANCE BEING S 37°17'52" W 91.08 FEET) MORE OR LESS TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, AT APPROXIMATE STATION 14+42.99 OFFSET 70.00 FEET LEFT OF CENTER LINE NW-1; THENCE N 89°39'05" W 828.82 FEET ALONG SAID SOUTH LINE TO THE QUARTER SECTION LINE; THENCE N 00°02'17" E 312.49 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.872 ACRES MORE OR LESS.



Exhibit B

\*W2915197\*

E# 2915197 PG 1 OF 3  
Leann H. Kitts, WEBER COUNTY RECORDER  
16-Apr-18 11:59 AM FEE \$15.00 DEP DAC  
REC FOR: FIRST AMERICAN - OREM CENTER STREI  
ELECTRONICALLY RECORDED

Recording Requested by:  
First American Title Insurance Company  
346 West Center Street  
Orem, UT 84057  
(801)762-0011

Mall Tax Notices to and  
AFTER RECORDING RETURN TO:  
F.M. Winkel Family, LLC  
3651 N 100 E, Suite 125  
Provo, UT 84604

El 3100009 PG 6 OF 10

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

## WARRANTY DEED

Escrow No. 395-5886081 (CS)  
A.P.N.: 07-109-0017

Larry W. Black aka Larry Black, Gordon K. Frisbey aka Gordon Frisbey and Wanda S. Wintle aka Wanda Wintle, each as to an undivided 1/3 interest as tenants in common, Grantor, of South Ogden, Weber County, State of Utah, hereby CONVEY AND WARRANT to

F.M. Winkel Family, LLC, Grantee, of Provo, Utah County, State of UT, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in Weber & Davis County, State of Utah:

### PARCEL 1:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 21°13'04" EAST 1138.34 FEET (SOUTHEASTERLY 1178 FEET MORE OR LESS PER DEED) TO THE NORTHEASTERLY LINE OF US HIGHWAY I-80 AT A POINT 150 FEET RADIALLY DISTANCE NORTHEASTERLY FROM THE CENTER LINE OF WEST BOUNDARY LANE; THENCE NORTHWESTERLY 513.06 FEET (509 FEET MORE OR LESS PER DEED) ALONG THE ARC OF AN 11,609.16 FOOT RADIUS CURVE TO THE LEFT TO A POINT OPPOSITE ENGINEERS STATION 172+00, (NOTE: TANGENT TO SAID 11,609.16 RADIUS CURVE AT ITS POINT OF BEGINNING BEARS APPROXIMATELY NORTH 41°09' WEST) (DELTA IS 2°31'56" AND LONG CHORD BEARS NORTH 42°29'30" WEST 513.02 FEET); THENCE NORTH 52°36'28" WEST 204.57 FEET (NORTH 52°36' WEST PER DEED) TO A POINT 120 FEET RADIALLY DISTANT NORTHEASTERLY FROM CENTER LINE OF SAID WEST BOUNDARY LANE OPPOSITE ENGINEERS STATION 170+00; THENCE NORTHWESTERLY 552.83 FEET (555 FEET MORE OR LESS PER DEED) ALONG THE ARC OF AN 11,579.16 FOOT RADIUS CURVE TO THE LEFT, (NOTE: TANGENT TO SAID 11,579.16 FOOT RADIUS CURVE AT ITS POINT OF BEGINNING BEARS NORTH 44°40' WEST) (DELTA IS 2°44'08" AND LONG CHORD BEARS NORTH 46°02'34" WEST 552.77 FEET); THENCE NORTH 0°29'48" EAST 31.84 FEET (NORTH PER

A.P.N.: 07-109-0017

Warranty Deed - continued

E# 2915197 PG 2 OF 3

File No.: 395-5886081 (CS)

DEED) TO A POINT 50 FEET PERPENDICULAR DISTANT SOUTHEASTERLY FROM CENTER LINE OF A GRADE SEPARATION FOR 6600 SOUTH STREET; THENCE NORTH 56°26'00" EAST 258.00 FEET, MORE OR LESS, PARALLEL WITH SAID CENTERLINE TO A POINT OPPOSITE GRADE SEPARATION ENGINEERS STATION 37+28; THENCE NORTH 33°34'00" WEST 3.50 FEET (2.39 FEET PER DEED) TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 89°30'12" EAST 281.70 FEET (EAST 287.99 FEET PER DEED) TO THE POINT OF BEGINNING.

**PARCEL 2:**


BEGINNING AT A POINT ON THE CENTER LINE OF THE WEBER RIVER, SAID POINT BEING SOUTH 21°13'04" EAST 187.52 FEET FROM THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND FOLLOWING A COURSE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID RIVER SOUTH 71°08'21" EAST 145.97 FEET; THENCE SOUTH 50°07'57" EAST 118.56 FEET; THENCE SOUTH 37°55'48" EAST 97.61 FEET; THENCE SOUTH 28°19'59" EAST 115.88 FEET; THENCE SOUTH 24°10'45" EAST 161.14 FEET; THENCE SOUTH 17°38'17" EAST 204.62 FEET; THENCE SOUTH 12°23'59" EAST 144.37 FEET; THENCE SOUTH 8°21'03" WEST 110.17 FEET; THENCE SOUTH 4°51'52" EAST 47.17 FEET; THENCE SOUTH 16°06'05" EAST 100.96 FEET; THENCE SOUTH 30°29'20" EAST 139.26 FEET (124.17 FEET PER DEED) TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 89°15'02" WEST ALONG SAID SECTION LINE 91.05 FEET (WEST 86.73 FEET PER DEED) TO THE NORTHEAST LINE OF US HIGHWAY I-80; THENCE ALONG SAID NORTHEAST LINE NORTH 35°18'12" WEST 97.07 FEET (95.96 FEET PER DEED); THENCE NORTH 13°57'41" WEST 112.48 FEET; THENCE NORTHWESTERLY ALONG A 11,609.16 FOOT RADIUS CURVE TO THE LEFT 108.93 FEET (99 FEET MORE OR LESS PER DEED) (DELTA IS 0°32'15" AND LONG CHORD BEARS NORTH 40°57'25" WEST 108.93 FEET) TO A POINT SOUTH 21°13'04" EAST 1138.34 FEET FROM THE NORTH QUARTER OF SAID SECTION 28; THENCE NORTH 21°13'04" WEST 950.82 FEET TO THE POINT OF BEGINNING.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year 2018 and thereafter.

Witness, the hand(s) of said Grantor(s), this April 13, 2018.

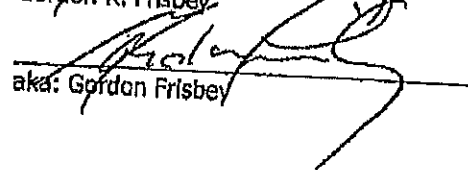
  
Larry W. Black

  
aka: Larry Black

  
Wanda S. Wintle

  
aka: Wanda Wintle

  
Gordon K. Frisbey

  
aka: Gordon Frisbey



\*W3100009\*

EH 3100009 PG 1 OF 10  
LEANN H KILTS, WEBER COUNTY RECORDER  
09-NOV-20 927 AM FEE \$.00 DEP PV  
REC FOR: WEBER COUNTY

# ANNEXATION

ANNEXATION TO: COUNTY LINE ADJUSTMENT WEBER/L

ORDINANCE NO. 36-2020

RECORDED FOR: WEBER COUNTY

RECORDING FEE: NONE

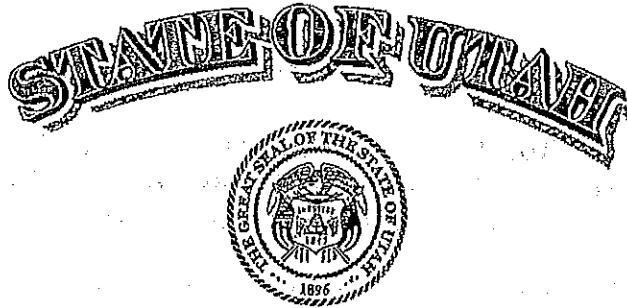
SEC. 28 & 26 TOWNSHIP 5N RANGE 1W

BOOK 89 PAGE 29 & 30

WEBER

07-109-0025

07-109-0017

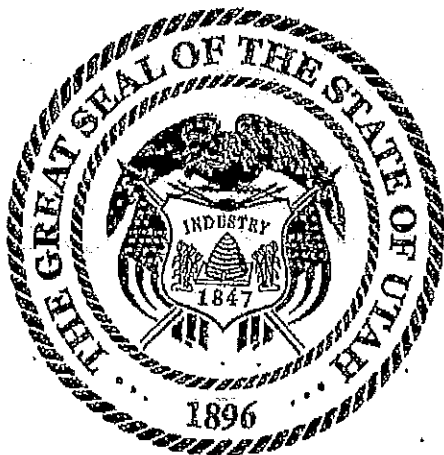


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF BOUNDARY ADJUSTMENT

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,  
HEREBY CERTIFY THAT there has been filed in my office a notice of boundary  
adjustment pertaining to WEBER COUNTY and DAVIS COUNTY, dated October 14<sup>th</sup>,  
2020 complying with Section 17-2-209, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the  
attached is a true and correct copy of the notice of boundary adjustment, referred to  
above, on file with the Office of the Lieutenant Governor pertaining to WEBER  
COUNTY and DAVIS COUNTY, located in State of Utah.



IN TESTIMONY WHEREOF, I have  
hereunto set my hand, and affixed the  
Great Seal of the State of Utah this 3<sup>rd</sup> day  
of November, 2020 at Salt Lake City,  
Utah.

A handwritten signature in black ink, appearing to read "Spencer J. Cox".

SPENCER J. COX  
Lieutenant Governor

RESOLVED this 14<sup>th</sup> day of October, 2020,

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By Craig  
Gage Froerer, Chair

Commissioner Froerer voted Aye  
Commissioner Harvey voted Aye  
Commissioner Jenkins voted Excused

ATTEST:

Ricky Hatch  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

Exhibit B

\*W2915197\*

E# 2915197 PG 1 OF 3  
Leann H. Kilts, WEBER COUNTY RECORDER  
16-Apr-18 11:59 AM FEE \$15.00 DEP DAC  
REC FOR: FIRST AMERICAN - OREM CENTER STREET  
ELECTRONICALLY RECORDED

Recording Requested by:  
First American Title Insurance Company  
346 West Center Street  
Orem, UT 84057  
(801)762-0011

EH 3100009 PG 6 OF 10

Mail Tax Notices to and  
AFTER RECORDING RETURN TO:  
F.M. Winkel Family, LLC  
3651 N 100 E, Suite 125  
Provo, UT 84604

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

## WARRANTY DEED

Escrow No. 395-5886081 (CS)  
A.P.N.: 07-109-0017

Larry W. Black aka Larry Black, Gordon K. Frisbey aka Gordon Frisbey and Wanda S. Wintle aka Wanda Wintle, each as to an undivided 1/3 interest as tenants in common, Grantor, of South Ogden, Weber County, State of Utah, hereby CONVEY AND WARRANT to

F.M. Winkel Family, LLC, Grantee, of Provo, Utah County, State of UT, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in Weber & Davis County, State of Utah:

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A.P.N.: 07-109-0017

Warranty Deed - continued

STATE OF Utah  
County of Utah ) ss.

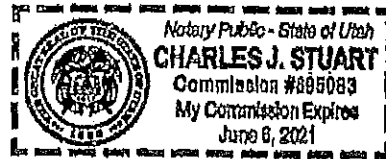
On 4/13/18, before me, the undersigned Notary Public, personally appeared **Larry W. Black aka Larry Black, Gordon K. Frisbey aka Gordon Frisbey and Wanda S. Wintle aka Wanda Wintle**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

My Commission Expires:

6/6/2021

Notary Public



# NOTICE OF IMPENDING BOUNDARY ACTION

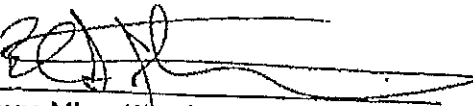
Lieutenant Governor Cox:

This is a notice of an impending boundary action. On October 14, 2020, Davis and Weber Counties ("Counties") held a joint public hearing to consider a minor boundary adjustment, pursuant to Utah Code Ann. § 17-2-209; the resolution is attached. Counties are seeking a certificate from the Lieutenant Governor's office certifying the minor boundary adjustment affecting the common boundary between Counties.

The minor boundary adjustment realigns county boundaries with the original county lines established in the 1850's. A survey conducted in 2002 attempted to retrace the original boundaries but there are some differences of opinion that Counties are attempting to correct. The attached map shows the parcels and the corrective actions taken by the counties. Parcels 07-109-0025 and 07-109-0017 both lie south of the Weber River. The original description would place these properties in Davis County, but both currently lie in Weber County. Counties passed a resolution to adjust the boundary placing these parcels in Davis County. Parcel 13-10-0016 currently lies within Davis County and the adjustment would place this parcel in Weber County.

Counties certify that all requirements applicable to this type of boundary action have been met. This notice of impending boundary action is also accompanied by a final local entity plat as required by Utah Code Ann. § 17-2-209.

BOARD OF COUNTY COMMISSIONERS  
OF DAVIS COUNTY

By   
~~Lorene Miner Kamalu, Chair~~  
Bob J. Stevenson, Chair

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By   
Gage Froerer, Chair



A.P.N.: 07-109-0017

Warranty Deed - continued

STATE OF

County of

) ss.

On

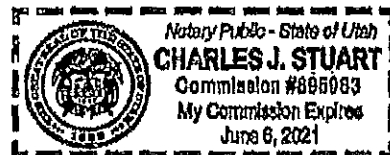
Utah  
Utah  
4/13/18, before me, the undersigned Notary Public, personally appeared **Larry W. Black aka Larry Black, Gordon K. Frisbey aka Gordon Frisbey and Wanda S. Wintle aka Wanda Wintle**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

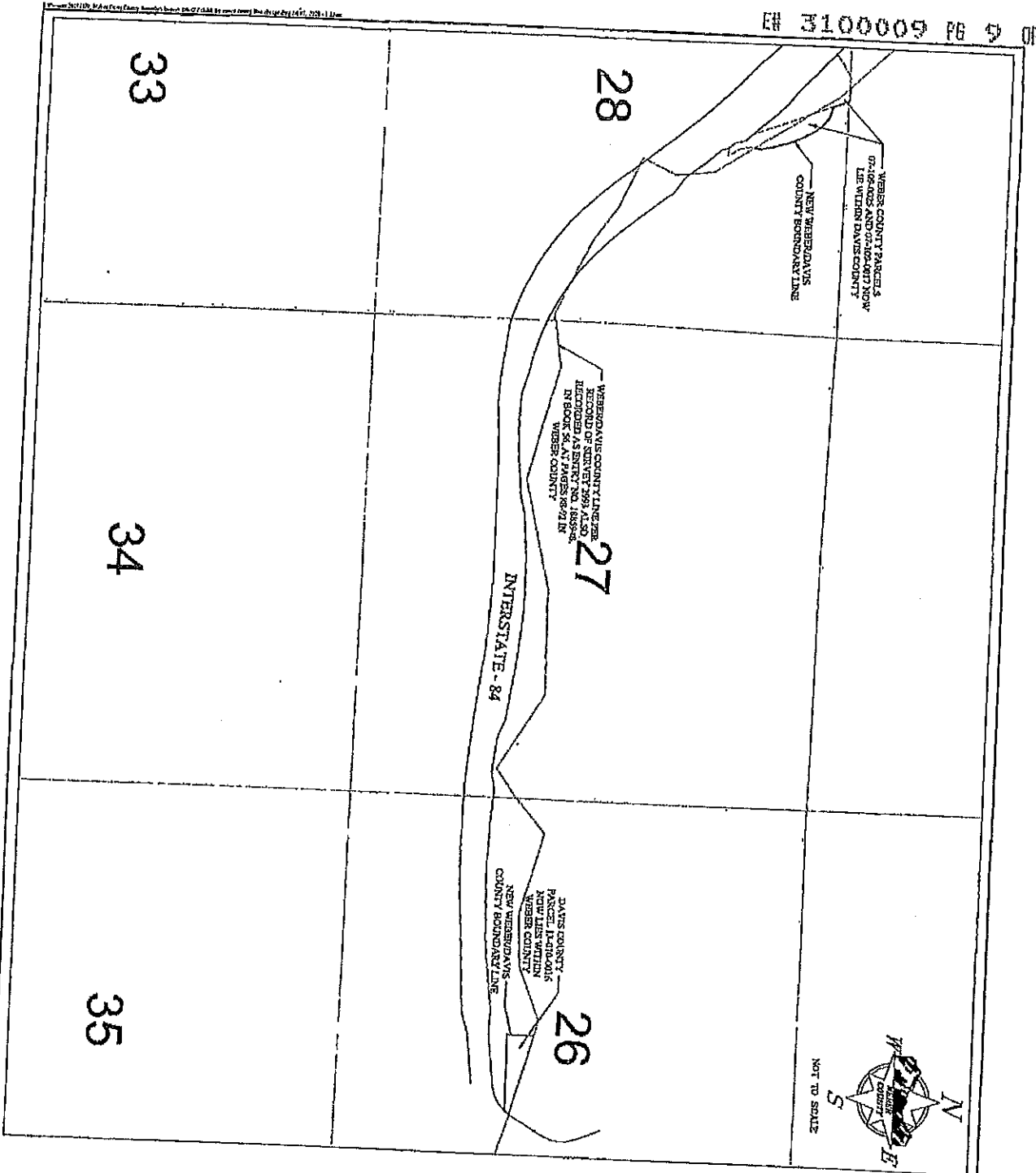
WITNESS my hand and official seal,

My Commission Expires:

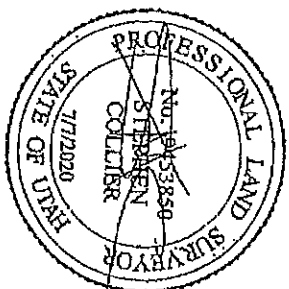
6/6/2021

Notary Public





**EXHIBIT FOR A WEBER DAVIS COUNTY MINOR BOUNDARY ADJUSTMENT**  
 NO SURVEY OR TITLE SEARCH HAS BEEN PERFORMED IN CONNECTION WITH THIS EXHIBIT.



SHEET NO.  
**1/1**

**EXHIBIT FOR A WEBER DAVIS COUNTY MINOR BOUNDARY ADJUSTMENT**



2380 Washington Blvd, Suite 37  
 Ogden, Utah 84401  
 PHONE: (801) 398-8020  
 FAX: (801) 398-8216

## **ORDINANCE 280-23**

### **AN ORDINANCE OF THE CITY COUNCIL OF UINTAH CITY, UTAH IMPLEMENTING WATERWISE LANDSCAPING AND AN EFFECTIVE DATE.**

#### **Section 1. Preamble**

- A. Whereas, water is an increasingly scarce resource, of limited supply, and subject to ever increasing demands;
- B. Whereas, it is the policy of Uintah City to promote the conservation and efficient use of water and to prevent waste of this valuable resource;
- C. Whereas, Uintah City recognizes that landscapes provide areas for active, passive recreation, and value to the community and its wildlife.
- D. Whereas; landscape design, indoor and outdoor water use, installation, maintenance, and management can and should be water efficient.
- E. Whereas, Uintah City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient.
- F. Whereas, Uintah City can accomplish these goals by adopting the standards outlined herein; and,
- G. Whereas, Uintah City has the authority to adopt these standards pursuant to Utah Code Annotated § 10-9a-501 et seq., granting the City Council a general land use authority to enact regulations that it considers necessary or appropriate for the use and development of land in the City, and hereby exercises its legislative powers in doing so.

#### **Section 2. Ordaining Clause**

Be it ordained by the Uintah City, that the Waterwise Landscape Ordinance, Number 280-23, be adopted on August 1, 2023.

#### **Section 3. Title, Water Efficient Landscape Requirements**

- A. An ordinance amending the Zoning Code Ord. 172-04, 3-2-2004 of the City of Uintah City to add a  
Waterwise Landscape Ordinance of minimum landscape requirements.  
This ordinance shall be referred to as "Uintah City Waterwise Landscape Ordinance".

#### **Section 4. Purpose**

The City Council has found that it is in the public interest to conserve the public's water resources and to promote water efficient landscaping and outdoor use. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a standard for designing, installing, and maintaining water efficient landscapes throughout the City.

#### **Section 5. Definitions**

The following definitions shall apply to this ordinance:

Applied Water: The portion of water supplied by the irrigation system to the landscape.

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella, or short stream pattern. Bubblers shall not be used within drip irrigation systems.

Check Valve: A device used in sprinkler heads or pipes to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination of the water supply due to the reverse flow of water from the secondary irrigation system.

Designated Recreation Area: Areas of the landscape dedicated to active play where Turf may be used as the playing surface (sport fields, play areas, cemeteries). These areas should be designated for use by the public or community being served and meet the landscape design and irrigation standards identified herein.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month, or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks, and paths. Does not include driveways and sidewalks.

Irrigation System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences, or benches.

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small, restricted area that is different from the surrounding area. These areas include wind areas, shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk. In the absence of a formal Park Strip, standards should be applied to areas between front property lines and roadway.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape

features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

## Section 6. Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

## Section 7. Landscape Design Standards

### A. Plant Selection.

1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization, if irrigation of these areas is necessary it shall be achieved using drip irrigation. No turf grass shall be allowed. Hardscaping would be preferred in slope conditions.
3. Landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants that do not require uniform overhead spray irrigation (no turf).
4. Turf areas shall also be limited to the areas defined in sections 9 and 11 of this document.
5. At maturity, landscapes shall have enough plant material (perennials, shrubs, and trees) to create at least 35% living plant cover at maturity at the ground plane.

B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration.

D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:

1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
2. Low-growing trees shall be selected for spaces under utility wires;
3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
4. Narrow or columnar trees shall be selected where awnings or other

building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;

5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, street access, retaining walls, utilities, lighting, and other obstacles.

## Section 8. Irrigation Design Standards

- A. Smart Automatic Irrigation Controller. Landscaped areas shall require smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be set up to operate in "smart" mode.
- B. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- C. Drip emitters shall be provided for each tree.
- D. Drip irrigation shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
- E. Sprinklers shall have matched precipitation rates with each control valve circuit.
- F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30-mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
- I. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
- J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation, or other environmental conditions not suitable for irrigation.
- K. Program valves for multiple repeat cycles were necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.



For each new development or rehabilitated landscape that is pursuing approval of a Designated Recreation Area as part of their development the following landscape and irrigation design standards shall be applied. A Landscape Plan Documentation Package for City approval shall also be submitted. This approval shall be in the sole discretion of the City based on compliance with its applicable standards for utilization of its water resources and development standards. Requested Designated Recreation Areas should look for opportunities to incorporate water saving irrigation design and landscaping principles and should be clearly identified for review.

A. Planning and Design of Turfgrass Areas

- a. Define the function of the park. Based on function determine water needs of the park.
- b. Refer to the **Design Criteria of Parks (Appendix A)** section of this document for specific design information about park types.
- c. Design intentional turfgrass spaces for function of the park. Limit turfgrass to functional areas only. Turfgrass not used as a “filler” plant.
- d. Eliminate turfgrass in the following areas:
  - i. Smaller than 8 ft. wide.
  - ii. On slopes greater than 15%
  - iii. Between sports fields
  - iv. Design turfgrass areas with drought tolerant/high traffic tolerant varieties of grass.

B. Planning and Design of Non-Turfgrass Areas

- a. Design footpaths, of impermeable or permeable materials, to lead from one area of the park to another.
- b. Plant drought tolerant trees adapted to local conditions. Efforts should be made to create a canopy of trees to keep soil temperatures cooler.
- c. Consider safety and security when designing understory plant materials.
- d. Specify alternative ground covers materials. (Gravel, mulches, etc.)

C. Irrigation Design

- a. Irrigation systems designed and installed by Irrigation Association certified professionals.
- b. Smart (weather based) irrigation controllers used with flow sensing capabilities.
- c. Design non-turfgrass areas to be irrigated with drip irrigation.
- d. Use pressure regulating pop-up irrigation heads where appropriate.
- e. Use rotors or high-efficient multi-stream rotating spray nozzles on pop-up heads.
- f. Ensure irrigation systems are maintained by competent professionals.

## Section 9. Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping options to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring

overhead spray irrigation (turf) shall not exceed the greater of 35% of the total landscaped area or 250 square feet, in front and side yards but in no case shall the total landscape water requirements be allowed to exceed 0.38 acre feet. No Turf shall be installed in park strips or areas with widths less than 8 feet. Irrigable Landscaped Areas outside of turf, shall be irrigated using drip irrigation systems. Areas utilizing overhead spray shall have their water demands calculated assuming a distribution uniformity of 70%, and an estimated ET of 30 inches which results in a total of 42.86 inches of water required to irrigate every square foot. Drip irrigation water demands shall use a distribution uniformity of 95% and ET of 15 inches, or 15.79 inches for every square foot. In no case shall a landscape requiring in excess of 0.38 acre feet of water be approved and constructed.

- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed the greater of 35% of the total landscaped area or 250 square feet, but in no case shall be allowed to exceed 4,000 square feet. Landscapes shall be designed such that no more than 0.38 acre-feet of water shall be required for supplemental irrigation, per the calculations defined in paragraph A of this section.
- C. New Construction homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits. To ensure compliance consider, "for which any variance must be approved by the City Planning Department".
- D. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of issuance of certificate of occupancy to complete the front yard and no more than 2 years (24 months) to complete the total landscape. Landscaping and irrigation plans shall also be submitted to and approved by the City Planning Department prior to issuance of building permits. During the initial occupancy before landscaping has been completed weeds or grass must be maintained at a height of six inches (6") or less and dust kept to a minimum.

#### Section 10. Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
  - 1. Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed the greater of 35% of the total landscaped area or 250 square feet, but in no case shall be allowed to exceed a total landscape water demand of more than 0.38 acre-feet for single-family developments.

2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

#### Section 11. Landscapes in Commercial, Industrial, Multi-Family and Institutional Developments

- A. Commercial, Industrial, Multi-Family and Institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance. However, the turf areas within these types of developments shall not exceed the lesser of 15% of the total landscaped area or 250 square feet, excluding Turf areas associated with approved Designated Recreation Areas. Designated Recreation Areas shall be designed and constructed in accordance with section 8 of this ordinance.

#### Section 12. Documentation for Commercial, Industrial, Multi-Family and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect, property owner, or other qualified landscape professionals and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
  1. Project name and address;
  2. Applicant or applicant agent's name, address, phone number, and email address;
  3. (If applicable) Landscape architect or Designer name, address, phone number, and email address; and
  4. (If applicable) Landscape contractor's name, address, phone number and email address, if available currently.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
  1. Location of all plant materials, a legend with proposed botanical and common names, and size of plant materials;
  2. Location of any proposed Designated Recreation Areas with MAWA calculations.
  3. Property lines and street names;
  4. Existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements;
  5. Existing trees and plant materials to be removed or retained;

6. Scale: graphic and written;
  7. Date of Design;
  8. Designation of a landscape zone
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system-Flow rate in gallons per minute and design operating pressure in psi for each valve. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements, and
  2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

#### Section 13. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, Multi-Family and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- D. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.
- E. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if the requirements of this ordinance are not satisfied.

#### Section 14. Prohibited Watering Practices

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be used conservatively, waste or overuse of water is prohibited.

#### Section 15. Outdoor Schedule

In order to conserve water, a limited resource in Utah, outside watering of lawns and landscaped areas will be restricted to the irrigation season which shall be defined as

the period of time when Weber Basin Water Conservancy District's secondary system is delivering secondary water. This period is generally from April 15 through October 15, but may vary from year to year as dictated by drought conditions or other climatic factors. Hours of outside watering shall be restricted to between 6:00 p.m. and 10:00 a.m. Exceptions to these outside watering restrictions may be permitted, in writing, by the City for new landscaping or seeding.

**Section 15. Enforcement, Penalty for Violations**

The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Ordinance. Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured, or abated immediately or within times specified by the City. Failure to receive notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.

**PASSED AND ADOPTED** by the City Council of Uintah this 1<sup>st</sup> day of August 2023.

**MAYOR:**

\_\_\_\_\_  
**Gordon Cutler**

**ATTEST:**

\_\_\_\_\_  
**Michelle Mortensen, City Recorder**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Mayor Cutler:</b>	___	___
<b>Council Member Roberts:</b>	___	___
<b>Council Member Bell:</b>	___	___
<b>Council Member Boothe:</b>	___	___
<b>Council Member Smith:</b>	___	___

## Appendix A

### Design Criteria for Parks

#### Sports Complex/Fields -10 to 20 acres

- Baseball Fields should have little to no turf grass in the infield.
- All turf grass used in any sports field should be designated as a drought tolerant variety that is maintained in a way that reduces water use.
- Areas surrounding fields should follow the guidelines spelled out earlier in this document limiting turfgrass to just playing fields and 10% of non-play field surfaces surrounding the fields for safety and health of players using the field.
- Trees can and should be used between fields.
- Sports fields that also double as water detention basins can fit the same criteria for limiting turf grass. The slopes of the basin should not be planted with turfgrass.

Community Parks – 20 to 25 acres – “The community park is a park facility that is large enough to serve several neighborhoods. It is planned primarily to serve young people and adults.” – *American Planning Association*

- Community parks need to be intentional about where drought tolerant turf grass is located and how it will be irrigated and maintained. Such areas should serve a recreational purpose (active, or passive) and should constitute no more than 20% of the total area of the park.
- Pathways to and from areas within the park should be created to limit soil compaction. Materials used to construct these pathways can be impermeable.
- Drought-tolerant trees should be used in all areas of the park.
- A variety of uses are expected at community parks and can include, but are not limited to, playgrounds, disc-golf, tennis courts, pickleball courts, bowery's, amphitheaters, fishing ponds, etc.

Neighborhood Parks – 1 to 5 acres – “The purpose of the neighborhood park is to provide an attractive neighborhood setting and a place for passive recreation for people of all ages. The area should have trees to give protection from the sun during the summer.

This type of neighborhood influences to a great extent the need for neighborhood park space in relation to playground acreage. Population density is a significant factor in determining needed neighborhood park space. Several studies recommend that more space should be provided in multifamily, high population density neighborhoods and in areas with a large percentage of elderly adults than will be needed in single-family neighborhoods... open lawn area; trees and shrubbery; tables and benches for quiet games; walks and shade areas;... play apparatus for children; shelter building with game room, storage, and toilet facilities; multi-purpose, all weather court area; spray basin or wading pool.” – *American Planning Association*

- Open lawn areas should use drought tolerant turf grass varieties.

- Shaded areas provided by drought tolerant trees are encouraged.
- Perimeter areas and sloped areas should not be planted in turf and any area less than 8 feet wide, including park strips should not have any turf.
- Smart controllers and flow sensor devices should be used on all parks to improve management and efficiency of all irrigation applied to the park.

## ORDINANCE NO. 281-23

### AN ORDINANCE OF UINTAH CITY AMENDING TITLE 12 - WATER DEPARTMENT, ORDINANCE NO. 192-06, CHAPTER 3

#### RECITALS

Uintah City ("the City") is a municipal corporation created and existing under the laws of the State of Utah.

Uintah City has authority, pursuant to Utah Code Ann. Section 10\*8-84 to enact all ordinances which "are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city."

NOW THEREFORE be it ordained by Uintah's City Council as follows:

SECTION 1. Title 12, Chapter 3 of the Uintah City Municipal Ordinance Code is hereby amended to read as follows:

#### TITLE 12 - WATER DEPARTMENT

#### CHAPTER 3 - CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

##### SECTION:

12-3-1 DEFINITIONS

12-3-2 PURPOSE

12-3-3 POLICY

12-3-4 REQUIREMENTS

12-3-5 RESPONSIBILITY OF PURVEYOR

12-3-6 RESPONSIBILITY OF CONSUMER

12-3-7 RESPONSIBILITY OF PLUMBING OFFICIAL

12-3-8 RESPONSIBILITY OF CERTIFIED BACKFLOW TECHNICIAN, SURVEYOR,  
OR REPAIR PERSON

12-3-9 VIOLATIONS/PENALTIES

#### CHAPTER 3 - CONTROL OF BACKFLOW AND CROSS-CONNECTIONS



## SECTION: 12-3-1

### DEFINITIONS:

#### A. Water Purveyor:

The person designated to oversee the Water Department of Uintah City, is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

#### B. Approved Backflow Assembly:

An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.

#### C. 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(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

#### D. Backflow:

The reversal of the normal flow of water caused by either backpressure or backsiphonage.

#### E. Back-Pressure:

The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.

#### F. Backsiphonage:

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(s) other than the intended source, caused by the reduction of pressure in the potable water system.

#### G. Backflow Prevention Assembly:

An assembly or means designed to prevent backflow as approved by USC, ASSE, and IAPMO. Specifications for backflow prevention assemblies are contained within the Plumbing Code, and amendments as adopted by the State of Utah.

#### H. Contamination:

Means 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.

Pollutant:

Means of degradation of the quality of the potable water supply by only aesthetics and does not present a health hazard.

**I. Cross Connection:**

Any actual or potential connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes or other plumbing arrangements.

**J. Isolation Protection:**

- a. Any cross connection within a private water system, downstream of the water purveyor's meter and service connection shall be protected in accordance with the most current Plumbing Code and Utah Amendments.

**K. Containment Protection:**

Each connection to the drinking water distribution system is defined as "containment protection" and shall be protected by a dual check device, Reduced Pressure Principle Assembly, or Double Check Valve Assembly, as required by the water purveyor for the purpose of preventing polluted or contaminated water backflowing into the distribution system.

**SECTION: 12-3-2 PURPOSE:**

- A. To protect the Public drinking water supply of Uintah City from the possibility of contamination or pollution by requiring compliance with The Utah State Rules for Public Drinking Water Systems (including R309-105—12) and Plumbing Code and amendments as adopted by the State of Utah, that require a cross connection control protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,
- B. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the state and plumbing regulations to assure water system safety; and,
- C. To provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

**SECTION: 12-3-3 POLICY:**

- A. The policy of this ordinance is to protect the water supply of Uintah City from contamination or pollution from any cross connections existing or potential; and to assure that approved backflow prevention assemblies are tested when put into service and at least on an annual basis thereafter. This ordinance complies with Section R309 of the Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code and amendments as adopted by the State of Utah.

- B. The installation or maintenance of any unprotected cross connection which would endanger the water supply of Uintah City is prohibited.
- C. Any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be immediately protected or eliminated.
- D. The control or elimination of cross connections and the criteria for determining degree of hazard and prescribing appropriate levels of protection shall be in accordance with the Plumbing Code and amendments as adopted by the State of Utah. Water service to any premise shall be contingent upon the customer providing appropriate cross connection control if determined necessary. Determinations and enforcement shall be the responsibility of the Water Department in conjunction with the building inspector.
- E. Water service may be refused or terminated to any premises where an unprotected cross connection may allow contamination or pollutants to backflow into the public drinking water system or in the case of a backflow incident, or noncompliance with the installation and testing requirements of backflow preventers.
- F. Authorized employees of Uintah City with proper identification shall have free access at reasonable hours of the day, to all areas of a premise or building to which drinking water is supplied for the purpose of conducting hazard assessment surveys.
- G. Water service may be refused or terminated, or maximum backflow protection may be required, to the premise where access to perform surveys is denied, where unprotected cross connections are located, or if installed assemblies are not tested, installed, or maintained as required by State and local regulations.
- H. Before any water service is terminated, a due process of notifying the customer and providing a reasonable time for compliance to be achieved will be observed according to the operating procedures of Uintah City. However, in the event of an actual backflow incident which endangers the public health, water service may be terminated immediately and not be restored until the cross connection is either eliminated or adequately protected.

#### SECTION: 12-3-4 REQUIREMENTS:

- A. No water service connection to any premises shall be installed or maintained by the Water Purveyor unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after due instances where the Public Water Purveyor deems the hazard to be great, they may require certified surveys/inspections and test at a more frequent interval. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
  - a. No backflow prevention assemblies shall be installed to create a safety hazard.  
Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

#### SECTION: 12-3-5 RESPONSIBILITY OF PURVEYOR:

- A. Uintah City shall be responsible for the protection of the drinking water distribution system from the foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.
- B. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing

Uintah City. Survey records shall indicate compliance with the State of Utah Regulations. All such records will be maintained by Uintah City.

- C. Uintah City shall schedule and notify in writing all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.
- D. Selection of an approved backflow prevention for containment control required at the service entrance shall be determined from the results of the system survey.

#### **SECTION: 12-3-6 RESPONSIBILITY OF CONSUMER:**

A. To comply with this ordinance as a term and condition of water supply and consumers acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.

B. 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 ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service.

#### **SECTION: 12-3-7 RESPONSIBILITY OF PLUMBING OFFICIAL:**

- A. The City's plumbing official or Certified Backflow Technician is responsible to enforce the applicable sections of the plumbing code begins at the point of service or consumer side of the meter and continues throughout the length of the consumer's water system.
- B. The plumbing official or Certified Backflow Technician will review all plans to ensure that unprotected cross connections are not an integral part of the consumers' water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Uniform Plumbing Code.
- C. Maintenance and repair, including materials or replacement parts used for approved backflow prevention assemblies/devices within the consumers jurisdiction.

#### **SECTION: 12-3-8 RESPONSIBILITY OF CERTIFIED BACKFLOW TECHNICIAN, SURVEYOR, OR REPAIR PERSON:**

- A. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technician, Surveyor, or Repair Person will have the following responsibilities:
  - a. Insuring that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
  - b. Make reports of such testing and/or repairs to the consumer and the water purveyor on form approved for such use by the water purveyor within time frames as described by the Division of Drinking Water. Backflow Technician, Surveyor, or Repair Person is responsible for submitting test and repair forms to the Water Purveyor within 30 days of test/repairs performed.
  - c. Include the list of materials or replacement parts being used in the reports.
  - d. Insuring that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
  - e. Not changing the design, material, or operational characteristics of the assembly during testing, repair, or maintenance.

- f. Performing all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.
- g. Insuring that his/her license is current, the testing equipment being used is acceptable to the State of Utah and is in proper operating condition.
- h. Being equipped with, and competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
- i. Tagging each backflow prevention assembly, showing the serial number, date tested and by whom. The certified technician's license number must also be on the tag. B. Responsibility: Repair of backflow assemblies.
- j. In the case of a consumer requiring an assembly to be tested, any currently Certified Backflow Technician is authorized to do the test and report the results to the consumer and the water purveyor. If any commercially tested assembly needs repair the Construction Trade License Act requires a licensed plumber to make actual repairs on any assembly within a building.

**SECTION: 12-3-9 VIOLATIONS/PENALTIES:**

- A. If violations of this ordinance 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 water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with all State and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this ordinance.
- B. Any person who refuses to comply with the requirements of this ordinance shall be guilty of a Class C misdemeanor and may be sentenced accordingly. Each day for which corrective action has not been taken by a consumer shall be a separate offense.

SECTION 2: This ordinance shall be effective immediately after passage and posting as required by law.

PASSED AND ADOPTED by the City Council of Uintah this 1<sup>st</sup> day of August 2023.

MAYOR:

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Gordon Cutler

ATTEST:

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Michelle Mortensen, City Recorder

**CITY COUNCIL VOTE AS  
RECORDED:**

Ordinance No. 281-23  
Title 12, Water Department Chapter 3,  
Backflow & Cross Connections  
August 1, 2023  
Page 6 of 7

	<b>Aye</b>	<b>Nay</b>
<b>Mayor Cutler:</b>	_____	_____
<b>Council Member Roberts:</b>	_____	_____
<b>Council Member Bell:</b>	_____	_____
<b>Council Member Boothe:</b>	_____	_____
<b>Council Member Smith:</b>	_____	_____