

---

**Document Control Changes:** Created May 9, 2019 (consolidates, amends and restates all of the following: CF-414-CE-2018; CFO-402-WR-2016; CFO-412-RS-2007; CFO-406-BP-1997; CFO-404-WS-2001); Amended September 2019; amended December 2019; amended July 2020;

**BE IT ORDAINED** by the Town Council of Cedar Fort, Utah County, Utah that an ordinance pertaining to the management and oversight of the Town culinary water system be enacted as follows:

**CHAPTER 1  
GENERAL PROVISIONS.**

**1.1. Purpose.**

Cedar Fort Town, a municipal corporation of the State of Utah (the "Town"), is the owner of a culinary water distribution system for the purpose of furnishing culinary water to the residents of said Town under a system of facilities (the "Water System"); and whereas it is necessary and advisable to adopt an ordinance for the control of the System, which will supersede the existing ordinance or portions thereof that are inconsistent with this Ordinance which contains, without limitation, provisions for culinary water services and amends, and, where necessary, repeals water ordinances and regulations heretofore adopted in conflict with this document.

**1.2. Culinary Water Utility System.**

The Water System of the Town shall manage, operate and maintain the system to:

1. To protect and provide for the public health, safety, and general welfare;
2. To provide adequate water service and facilities for current and future residents in accordance with the General Plan;
3. To protect the Town's water supply in event of fire, flood, or other geologic and natural hazards;
4. To establish standards of design;
5. To ensure that culinary water is available with adequate capacity and quality to serve future development; and
6. To prevent pollution of streams, ponds, and other natural water courses, ensure protection of subsurface water, encourage the wise and prudent use and management of water resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.

**1.3. Title and Penalty.**

This Title may be known, cited and referred to as the Town of Cedar Fort Water System Ordinance. Any person violating any of the provisions of this Title shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished in accordance with Utah State law. Notwithstanding any provision or agreement to the contrary, the Town may terminate drinking water without notice where, in the Town's judgment, a clear emergency or serious health or safety hazard exists, for so long as such conditions exist, or where there is unauthorized use of or connection to the Town drinking water. No drinking water connection to any premises shall be installed or maintained by the Town unless the water supply is established and protected as required by Town, County, State and Federal statutes, regulations, and other laws. Water service found to be in violation of this Title shall be discontinued after written notification and due process of the violation.

**1.4. Water Superintendent.**

There is hereby created the position of Water Superintendent of the Water System.

**1.5. Duties of the Water Superintendent.**

The Water Superintendent shall manage and supervise the Water System pursuant to the provisions of this Ordinance and pursuant to resolutions, rules and regulations adopted by the Town Council from time to time describing his powers and duties and directing the manner and frequency with which he shall make reports to the Town Mayor or his designated appointee.

**1.6. Rate Schedules and Connection Fees.**

The Town Council shall adopt and establish rate schedules, connection fees, rules and regulations governing the water system. The Town Council may, from time to time, affix, by agreement or resolution, such terms and conditions as they deem proper, for the purpose of establishing special rates and conditions for users using exceptionally large amounts of water or making use of the System under exceptional circumstances. The Town Council is constituted as a Board of Equalization of water system rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust.

**1.7. Conveyance of Water Rights- Requirements for Development.**

The following requirements pertain to new development within Cedar Fort Town. These requirements are intended to be in harmony with the requirements of the Cedar Fort Town Zoning Ordinance and Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

1. It is the intent of Cedar Fort Town to assure each future lot owner reasonable access to adequate water to make that lot productive; and, to initiate a program to provide funding and adequate water resources for a more efficient water distribution system.

2. All developers of subdivisions or land owners requesting a building permit within the boundaries of Cedar Fort Town, shall provide adequate water to be distributed through Cedar Fort Town's drinking water system with appropriate easements along a suitable grade by which to convey the water to each lot. Adequate water shall be assessed as follows, except as noted:
  - a. Well or subsurface rights which are capable of being transferred into the name of Cedar Fort Town.
  - b. Any other water right approved by the Town Council that is capable of being transferred into the name of Cedar Fort Town or adequately assigned to Cedar Fort Town through warranty deed or other legal decree.

## **CHAPTER 2.**

### **APPLICATION FOR NEW RESIDENTIAL CULINARY WATER CONNECTION.**

#### **2.1. Water Service Connection Application Requirements.**

Any person or entity, who desires or is required to secure a new service connection to the System, shall file with the Water Utility for each such service connection, a written and signed new service connection application. The applicant will be responsible for payment of all associated impact fees and connection fees. The application must be submitted along with proof of the applicant's ownership of, or rights to transfer adequate water rights to serve the dwelling in an amount determined by the Cedar Fort Town Council, that amount being **1.45 acre** feet of culinary water rights per equivalent residential connection. Any water deeded in excess of the above requirement shall not be credited, banked, or returned and for all purposes shall be considered gifted to the Town.

The applicant will also be responsible to deed the water rights to the Town and obtain approval from the State Water Engineer to transfer the point of diversion for the water right to Cedar Fort Town's designated point of diversion. The water right is required to be a municipal or culinary water right.

#### **2.2. Building Permits and Water Applications.**

1. Plans for the new service connection must be approved by the Town Council prior to construction and a pre-construction meeting between the developer, contractor, and the Town must be conducted before any water line construction begins.
  - a. Plans shall be submitted and approved prior to the pre-construction meeting
  - b. Plans shall comply with the Cedar Fort Town design standards.

2. Once approved, the owner has the option to hire a Contractor or pay the Town to make the requested new service connection from its water main to the property line where the new service meter shall be located. The Town will contract with a certified drinking water system contractor to install the water line from the existing main line to the owner's property line. The cost of this installation will be borne by the new connection owner. If Cedar Fort Town deems the connection is a major extension of the system, the connection owner will secure the contractor to install the new line with Cedar Fort Town approval of said contract, materials and line size used and all work is subject to the Town's approval and specifications.
3. No residential building permit will be issued without first completing an approved water source.
  - a. If the applicant is drilling a well, proof of ownership of the required water rights shall be submitted to the Town and approved by the Town prior to issuing any building permit.
  - b. Request for a Culinary Water Connection may NOT be submitted in advance of a residential building permit application. Applicant will be required to provide a bond or other security equal to 150% of the fair market value of the required water shares in the type satisfactory to Town to guarantee and secure the successful transfer/change of water right as required by Ordinance. Transfer must be completed within one year of approval, unless an extension from the Town Council is granted, or the security shall be claimed.
4. No water connection will be approved without a residence on the parcel. No water facilities/plumbing are permitted in any building on a parcel, save those solely for irrigation or commercial in commercial zone, will be permitted on parcels unless and until a residence is constructed on the parcel.
5. Applicant is responsible for all fees and costs associated with obtaining the water right changes, transfers, and approvals.
6. A water connection impact fee shall be assessed for each ERC (equivalent residential connection) shall be \$2,583.00. Said impact fee shall be governed by and subject to all applicable state laws.
7. Applicant for a culinary water connection shall pay a non-refundable \$500 application fee, all applicable water impact fees, the Town's cost to install the connection and meter, and an administration fee equal to 50% of the installation costs, but no more than \$1500.

8. All connections shall be done by the Town's approved contractor and require the user to enter into a Residential Culinary Water Service Connection Agreement with the Town.

### **2.3. Private Systems and Private Wells.**

Private water systems and the use of private wells to provide municipal water services are **not allowed** except at the discretion of the Town Council, in the following instances:

1. The applicant is constructing a home or place of business on a legally subdivided lot that lies farther than 1,000-feet from the current water system regardless of the actual building location on the property; and
2. The cost is prohibitive to expand the current municipal water system, connect to the current municipal water system, or create facilities capable of linking to the Cedar Fort Town water system; and
3. Property lies within a zone greater than one (1) acre; and
4. Allowance of the private system or private well is more compatible with the land use development goals of the Town Council (i.e. environmental preservation, construction of a necessary public facility significantly removed from the current water system, limitation of the number of dwelling units in a given area where connection to the municipal water system could result in more dwelling units than are desired by the Town Council). The Town Council is under no obligation to approve the use of a private system or private well and no precedent will be established by a previous Town Council decision.

### **2.4. Water Main Line Extensions and Connections.**

1. It shall be unlawful for any person to make any extension of any pipe or water fixture attached to the waterworks system without first obtaining a permit from the Water Department.
2. It shall be unlawful for any person other than duly authorized employees of the department to open or close any water gate valve in connection with the water system.
3. When an applicant desires or is required to install water connections and extensions for a subdivision or development, the applicant may voluntarily extend the water main line beyond the distance required for connection. The applicant for a project which requires the extension of a water main line shall pay the cost of the extension.

4. No person shall construct a water main line extension without first having plans for the main line extension approved by the Town Engineer.
  - a. The applicant will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the Town applicable to the Town's System.
  - b. If an applicant installs a water main line extension to serve a parcel of property, the main line extension shall originate at the nearest adequate, existing water main and extend completely across the parcel of property being developed along all public street frontages.
  - c. Boring of pipelines under roadway is encouraged.
  - d. The applicable cost of an extension shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the **Design Guidelines and Standard Specifications of Cedar Fort Town**.
5. The main purpose for which the new water service connection will be used must be for culinary use. The location of the service connection will be decided solely by the Town. The Town must also approve the length of the addition to the System, pipe size, and the number of fire hydrants, isolation valves and other appurtenances as necessary installed along the line before construction of said line begins. All work shall be performed by a licensed, bonded and insured Contractor, bonded with the Town. All work shall be performed and inspected according to Cedar Fort Town construction specifications. A utility easement extending the length of the property must be recorded with Utah County.
6. Any subdivider or developer who desires or is required to install water connections and extensions for a subdivision or development, must enter into a Master Development Agreement with the Town. Said agreement shall constitute an application for permission to make the extensions and connections and shall specify the terms and conditions under which the water extensions and connections shall be made. Said agreement shall also include any and all payments that shall be required. No precedent will be established by a previous Town Council agreement. Whenever an extension of a water line benefits property which is adjacent to the extension or extended from the end of an existing extension, other than that which is owned by the applicant, a Master Development Agreement may be entered into.
7. Master Development Agreement will include the excess capacity (if any) and formula and terms for any reimbursement. Master Development Agreement will be identified prior to the beginning of construction. The Town will then enter a deferred credit on its books and records in the amount of the actual prorated cost of extension across the front of said benefited property and shall reimburse the applicant, his assignee or successor, upon

collection by the Town of charges assessed against such benefited property as service connections are made.

8. All such reimbursements shall extend for a period determined by the Town Council from the date of the completion and acceptance by Town of the extension or until the initial prorated cost of the extension along the frontage not owned by the applicant shall have been refunded. The amount of an "Extension Charge" to benefited property shall be determined by the Town Council.

### **Chapter 3. BILLING**

#### **3.1. Water Rates.**

The rate schedule is designed to encourage water efficiency and to charge an increasingly higher amount for additional water use. The monthly rate for water use is:

\$25.00 per month for basic service and usage up to 7000 gallons, plus

\$0.70 for each 1,000 gallons, or fraction thereof, from 7001-20,000 gallons, plus

\$1.00 for each 1,000 gallons, or fraction thereof, from 20,001-35,000 gallons, plus

\$1.30 for each 1,000 gallons, or fraction thereof, from 35,001-50,000 gallons, plus

\$1.60 for each 1,000 gallons, or fraction thereof, from 50,001-75,000 gallons, plus

\$3.00 for each 1,000 gallons, or fraction thereof, over 75,000 gallons.

Individuals that are renting a property with a culinary water connection shall make and maintain a deposit of \$200.00 with the Town for each water connection.

Disconnect fee: \$35

Reconnect fee: \$55

Late Fee (if monthly charge not paid by due date): \$25

Monthly Delinquent Account Fee (if account not current at time of next billing): \$25

\* Delinquent Account Fee is in addition to any applicable Late Fees.

\*\* Town shall apply payments first to fees and interest before current charges.

### **3.2. Payment of Bills.**

Billing for water use shall be rendered monthly or as determined by the Town Council. If bills are not paid within sixty (60) days, the Town may cause the water to be turned off. All delinquent water charges must be paid to the Town or arrangements must be made for their payment in a manner satisfactory to the Town before the water is turned on again. In addition to all delinquent water charges, the user shall pay such extra charge for turning the water on or off as the Town Council may have established by resolution. Furthermore, in addition to such payments and penalties, a delinquent user may be required to make and file a new application and deposit. The Clerk/Recorder is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the Town of Cedar Fort Town.

### **3.3. Charges for Water Leaks.**

The customer is fully and completely responsible for any and all water leaks that occur on the customer's side of the town's water meter. Customer is liable for all fees and charges at the rates set forth herein for all water that flows through the meter to the customer side of the meter, regardless of whether it was of beneficial use to the customer (e.g. water leaks on the customer side of the water meter).

### **3.3. Return Check Policy.**

A return check fee of \$35 will be charged for any check submitted to Cedar Fort Town's water utility that is returned by the bank unpaid.

### **3.4. Resuming Use after Turn-Off Prohibited.**

After the water has been turned off on the premises for non-payment of culinary water charges, or other violations of ordinances, rules, regulations, or resolutions pertaining to the water supply or the System, it shall be unlawful for any person to turn the water on or to allow the water to be turned on or used in any way without the authorization of the Water Superintendent or the Town Clerk\Recorder.

### **3.5. Use Without Payment Prohibited.**

It shall be unlawful for any person, either by himself/herself or through his/her family, servants or agents to utilize the System without paying therefore, as herein provided. It shall also be unlawful for any person, without authority, to open any pipe, line, connection, stopcock, valve or other fixtures, attached to the System unless it is done pursuant to proper application,



agreement, permit, or resolution. A violation of this Section shall constitute a Class C misdemeanor and may be punishable as such.

### **3.6. Discontinuance of Service.**

Any customer desiring to discontinue service shall notify the Town in writing at least 10 days before the date when such service shall be discontinued. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

## **Chapter 4**

### **WATER AND WATER LINE REGULATIONS AND RESTRICTIONS.**

#### **4.1. Water Restrictions.**

The Mayor is hereby authorized and empowered during times of emergency in the Town to issue on behalf of the Town, and at the direction of the Town Council, an order restricting the use of water. The order shall be given by proclamation and signed by the Mayor.

#### **4.2. Water Protection Zones.**

##### **1. Spring Protection Zone.**

Spring protection zones include all land within fifteen hundred (1500) feet of a spring collection area.

##### **2. Wellhead Protection Zone.**

Water Protection Zones surrounding Town wellheads are established as outlined in the Utah Administrative Code R309-600-9.

##### **3. Prohibited Uses/Conditions.**

Sources of pollution, including, but not limited to, septic tanks, drain fields, garbage dumps, pit-prives, corrals, etc., shall not be allowed within water protection zones. No person shall discharge, or permit the discharge, of any Regulated Substances or Petroleum Products, whether treated or untreated, to soils, air, groundwater or surface water in any water protection zone, that may have a deleterious effect upon groundwater within the Town, unless the Discharge is in compliance with all applicable federal, state, and local laws and regulations. Sewer lines may be permitted within water protection zones at the discretion of the Town Engineer. Sewer lines shall be greater than three hundred (300) feet from a spring or wellhead.

#### **4.3. Maintenance of Water Mains, Meters and Service Connections.**

The responsibility of maintenance of water mains and the property being serviced by the new water service line is borne by the applicant until the Town accepts, by dedication, the new water line. Service connections therefrom shall be as follows:

1. Once dedicated, all water mains and service connections therefrom which are located on public property shall be maintained by the Town, except that the Town will not maintain a service connection at any point between the meter and the facility it serves. Service lines from the meter to the facility shall be kept in good repair and free from leaks by the owner of the property serviced.
2. Water mains and service lines which are located on private property shall be maintained and repaired by the owner and not by the Town, provided, however, that water mains which are on private property, located within a utility easement, and part of the Town water distribution system shall be maintained and repaired by the Town. Water service to or through main lines or service lines on private property may be discontinued if the owner of the lines fails or refuses to repair the lines when reasonably requested by the Town.
3. The Town shall maintain all water meters including those on private property. The Town shall have the right to enter private property to inspect, repair or replace water meters.

#### **4.4. Service Line Connections Service.**

Line connections shall not be made to the Town water distribution system or to main water lines on private property without authorization of the Water Superintendent. The party making the connection shall be required to obtain a permit and pay the appropriate fees. Expense of trenching, line, meter set and container shall be borne by the applicant. This will include trenching from new service location or building to the Town main. Inspection shall be by the Water Superintendent who will give final approval of the installation. Water service connections including the main line tap, service line, meter box, yoke, ring and lid, must be installed by a qualified and licensed plumber or a prequalified utility contractor at the expense of the owner. No tapping or connecting to water mains will be allowed in temperatures below 40 degrees Fahrenheit.

#### **4.5. Separate Service Lines Required.**

Service lines must be arranged to supply each separate unit or premises with a separate meter placed in accordance with applicable utility placement ordinance. Where water is now supplied through one service to one or more units or premises, the Town may either refuse to furnish water until separate services are provided, or continue to supply water on the condition one person shall be responsible to pay for all water used through the service.

**4.6. Abandoned Service Lines.**

When a water service line is abandoned in favor of a different service line, the old service line shall be disconnected from the main line and the old service tap shall be plugged at the main line. The cost of all work shall be the responsibility of the owner of the property being serviced by the new water service line. Application for abandonment and new connections must be applied for. All work described in this Section shall be inspected before backfilling.

**4.7. Moving or Replacement of Water Lines.**

In the event that the Town Council determines that any component of the water system must be moved or replaced, and as a result of such move or replacement a customer's connection must be moved, the Town shall bear the cost of such a move or replacement which applies to main lines up to the property boundary of the customer and the cost of reconnecting or establishing such new branch or branches from the house of the customer to his property boundary.

**4.8. Unauthorized Users.**

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water service regularly from his premises or water facilities, either outside or inside his premises.

**4.9. Cross Connections and Backflow Prevention.**

It shall be unlawful for any water user to intentionally or through negligence cause there to be a cross connection of Town culinary water with any other water source. The Town Building Official shall review all new construction plans to ensure that there are no unprotected cross connections.

Further, a Town culinary water source shall not be connected by pipe, hose, or submersion, or brought in contact with another water source. Whenever the Town deems that a service connection's water usage contributes a sufficient hazard to the water supply, installation of an approved backflow assembly shall be required. Backflow prevention assemblies shall be installed by the Town as deemed necessary. The Town shall test all backflow assemblies within 10 working days after initial installation in order to determine adequacy. All backflow prevention assemblies existing at the time this Ordinance is adopted shall be subject to the periodic inspection and testing required by this Ordinance.

**4.10. Water Meters.**

1. When a new service line is installed connecting any unit or premises to an unmetered private line which is supplied water from Cedar Fort Town, or when a service pipe is connected directly to the water system of the Town, a water meter must be installed.

2. All water meters shall be installed in easily accessible locations selected by the Public Works Representative or Town Engineer.
3. Water meters shall be furnished and installed by Cedar Fort Town.
4. Water meters shall not be installed until new main lines have been pressure tested, disinfected, and approved and service lines, including meter boxes and appurtenances, have been inspected and approved.
5. No meters shall be installed until all applicable fees have been paid including water connection fees and main line extension fees as appropriate.
6. If any meter malfunctions and fails to register, the water shall be charged for the time the meter is out of order at the average daily rate as registered by the meter for the previous meter reading period when the meter was in order.
7. It shall be unlawful for any person to tamper with, modify, or deface in any manner a water meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the distribution main. Any such connections shall be removed at the expense of the owner of the property being served.
8. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down or in any way destroy any signs or markers erected by the department.
9. All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall, at the discretion of the Town, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the Town through its efforts to repair the damage to the lines, meters or other equipment of the culinary water system or collect such costs from the customer.

#### **4.11. Use of Unmetered Water.**

Use of un-metered water through any service line, main line, or fire hydrant is prohibited unless authorized by the Town Council. Use of a "jumper" in place of a meter to convey water through a service line is prohibited.

### **Chapter 5.**

---

## **WASTING OF WATER.**

### **5.1. Using Water in a Wasteful Manner.**

Users of water from the System shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Water Superintendent or Town Engineer, or any of the officers of the Town, a user of culinary water who engages in practices which result in the needless waste of water and continues to do so after the notice to discontinue wastefulness has been given, the Water Superintendent or any officer may refer the matter to the Town Council.

1. The Town Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the Town Council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
2. A water user who's right to utilize culinary water is 'being reviewed' shall have opportunity to appear with or without counsel and present his reasons why his water service should not be terminated.
3. After due hearing, the Town Council may arrive at a determination. If the determination is to terminate the water user's service connection due to wastefulness, the Council shall notify him of the decision to terminate and of the length of time for which the service will remain disconnected.
4. A violation of this Section may be punishable as a Class C Misdemeanor.

## **Chapter 6. SPRINKLERS AND SPRINKLING SYSTEMS.**

### **6.1. Systems Controlled by Water Superintendent.**

Devices for sprinkling shall be regulated and controlled by the Water Utility through the Water Superintendent or designee of the System.

1. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the Town Council materially affect the pressure or supply of water in the municipal culinary water system or any part thereof, and the Town Council may from time to time, by resolution,

specify combinations or numbers of outlets which may have such an effect on the pressure of the municipal culinary water system..

2. The Town Council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

## **Chapter 7 SHUTTING OFF WATER.**

### **7.1. Town Liability.**

Cedar Fort Town reserves the right, without notice, to shut off the water from its mains for the purpose of making repairs or extensions or for other purposes, and no claim shall be made against the Town, by reason of any breakage, or for any damage that may result from the shutting off of water for repairing, laying or relaying mains, hydrants, or other connections or for any other reason. In case of leaks or other accidents to service pipes, or other apparatus connected with the waterworks, licensed plumbers may shut off the water at the curb/meter box to make necessary repairs.

### **7.2. Shutoff Process.**

When an account becomes delinquent, the Town shall provide the Owner (and Renter) with Notice of Delinquent Account as required by this ordinance. The Notice shall include a statement that the account is delinquent and that late fees will be charged as provided in this section 7.2. If the Owner (or Renter) does not pay the delinquent account and late fees by the tenth day of the month in which the notice occurs, the Town will disconnect service under the provisions of this section.

### **7.3. Reporting**

Town reserves the right to report a delinquency or outstanding amounts incurred by users to credit agencies. The Town may also certify the delinquent amounts to the Utah County Treasurer and Assessor. These delinquent fees and charges, together with penalties and applicable interest shall, immediately upon this certification with the County, become a lien on the delinquent premises and be on parity with and collected at the same time and in the same manner as general county taxes on the premises.

The Town may also pursue recovery of all fees, charges, late fees, collection costs, pre-litigation damages, court costs and attorney fees, in a civil litigation against the Owner (or Renter).

## **Chapter 8 MISCELLANEOUS.**

### **8.1. Access.**

Access shall, at all ordinary hours, be allowed to the Water Department or other authorized persons, to all places supplied with water from the Town water system, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shut offs for vacancy, delinquency and violations of this Title.

### **8.2. Fire Service Line.**

Private fire service lines designed to provide fire protection to a building or buildings shall be constructed according to Town specifications at the expense of the owner of the building being serviced. Maintenance associated with such fire service lines shall also be at the expense of the owner.

### **8.3. Fire Hydrants.**

Installation and repairs of fire hydrants shall be made under the direction of the Town. All property owners shall grant the Town, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the Town concludes that hydrants shall be installed for the protection of the residents of the Town.

### **8.4. Fire Hydrant Use.**

It's unlawful to use the Town of Cedar Fort Town fire hydrants without a permit issued by the Water Superintendent.

### **8.5. Non Liability for Damages.**

The Town shall not be liable for any damages incurred by a water service user by reason of stoppage or interruption of his or her water supply service for any reason. This section shall not be construed to extend the liability of the Town beyond that provided in the Governmental Immunity Act.

### **8.6. Service or Connections Outside of Town Limits.**

Nothing herein contained shall be construed to require water connections or services outside the corporate limits of the Town, and such shall be discretionary with the Town Council, or as may be governed by other ordinances.

### **8.7. Pollution of Water System.**

It shall be unlawful at any place supplied with water from the Town water distribution system:

1. To install or use any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the Town water distribution system.
2. To connect the culinary water systems at any time.
3. To install any connection, arrangement, or fixtures without using a backflow prevention device or assembly designed to prevent backflow. Any such device or assembly must be approved for installation by the Town Engineer.

#### **8.8. Open Ditch Irrigation.**

Open Ditch Irrigation must comply with the Cedar Fort Town Irrigation Company rules and regulations.

#### **8.9. Generally.**

The Water Superintendent or Town Engineer shall cause this chapter to be enforced by the withholding of building, excavation, access or other appropriate permits and cause the institution or appropriate legal actions; they shall require such plans and make such inspections as are reasonably necessary to carry out the enforcement of this ordinance.

#### **8.10. Penalty.**

Any person, firm or corporation violating or permitting the violation of any provision of this Ordinance shall be guilty of a Class B. misdemeanor and the Town Attorney may institute, in addition to other remedies provided by law, injunction, mandamus, abatement or other appropriate action to obtain compliance.

#### **8.11. Disclaimer of Liability.**

Whether by reason of the issuance of a permit, the performance of inspections, the approval of any work authorized hereunder, or any other act or omission, the provisions of this Ordinance shall not be construed as imposing upon Cedar Fort Town or any official or employee thereof, any liability or responsibility for damages to any property or person harmed by the performance of work, or the utilization of any structure or location, or otherwise, for which an access permit is issued hereunder.

#### **8.12. Repeal.**

Ordinance #CF0-406-BP-1997 Backflow Prevention of the Town is hereby repealed in its entirety.

Ordinance #CF0-404-WS-2001 Drinking Water Source Protection of the Town is hereby repealed in its entirety.

Ordinance #CFO-402-WR-2017 Water Rates of the Town is hereby repealed in its entirety.



Ordinance #CFO-414-CE-2018 Culinary Water Connection Exchange of the Town is hereby repealed in its entirety.

**Chapter 9  
JUDICIAL REVIEW.**

**9.1. Legal Action.**

Any legal action challenging any decision of the Town Council, or other governmental body performing a function under this ordinance shall be filed in a court of competent jurisdiction within 30 days of the action challenged.

**Chapter 10  
SEVERABILITY.**

**10.1. Severability of Section, Phrase, Sentence or Portion.**

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

**Chapter 11  
CONFLICT WITH OTHER LAND USE ORDINANCES OF THE TOWN.**

**11.1. Governing Ordinance.**

If any provision of this ordinance is in conflict with a provision of another ordinance of the Town, then the most restrictive requirement shall govern.


**Chapter 12.  
EFFECTIVE DATE AND AFFIDAVIT OF POSTING.**

This ordinance will take effect upon its passage by majority vote of the Town Council and posting in three public places.

Approve and passed this \_\_\_\_\_ day of \_\_\_\_\_ 2020

TOWN OF CEDAR FORT


  
David T. Gustin, Mayor

Attested by:   
Town Clerk  
SEAL

Mayor David T. Gustin

Voted Y Don

Councilmember Ellen Cibula

Voted Yes 

Councilmember Wyatt Cook

Voted yes WC

Councilmember Rett Messersmith

Voted yes RM

Councilmember Laura Ault


Voted ABSENT

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, JULIA COSPER, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 9 day of July 2020, entitled

**"WATER SYSTEM ORDINANCE of the Town of CEDAR FORT, UTAH"**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 9 day of July 2020.

  
\_\_\_\_\_  
JULIA COSPER, Cedar Fort Town Clerk

(SEAL)



**AFFIDAVIT OF POSTING**

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Julia Cospers, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 9 day of July 2020 and herein referred to as:

**"WATER SYSTEM ORDINANCE of the Town of CEDAR FORT, UTAH"**

**SUMMARY:**

Clarify that any and all leaks on the customer side of water meter are full responsibility of the customer, including liability for water usage and its associated fees.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store

  
\_\_\_\_\_  
Julia Cospers, Cedar Fort Town Clerk

Date of Posting July 9, 2020

