

TITLE 10 Payson City Water Ordinance

- 10.1 Title and Penalty
- 10.2 Purpose for Title
- 10.3 Water Superintendent
- 10.4 Rates Schedules and Connection Fees
- 10.5 Water Restrictions
- 10.6 Conveyance of Water Rights, Requirements for Development
- 10.7 Application for New Water Service, Payment
- 10.8 Water Service - General Provisions
- 10.9 Open Ditch Irrigation
- 10.10 Pressurized Irrigation
- 10.11 Watershed Protection
- 10.12 Culinary Water Source Protection

- 4. To provide adequate and efficient water facilities for current and future residents of the City.
- 5. To establish reasonable standards of design and orderly layout of the city water systems.
- 6. To insure water facilities are available with sufficient capacity to serve proposed development.
- 7. To prevent pollution of streams and ponds, assure the adequacy of drainage facilities, protect subsurface water, encourage the wise use and management of natural resources throughout the City, and preserve the integrity, stability, beauty of the community, and value of the land.

10.1 Title and Penalty

This Title may be known, cited, and referred to as the City Water 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 City may terminate culinary water or pressurized irrigation services without notice where, in the City'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 city culinary water system or pressurized irrigation system collectively known as city water systems.

No culinary water or pressurized irrigation service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by the City, County, State, and/or Federal laws, regulations, codes, and this Title. A water service found to be in violation of this Title shall be discontinued after written notification and due process of the violation.

10.2 Purpose for Title

This Title is adopted for the following purposes:

- 1. To protect and provide for the public health, safety, and general welfare.
- 2. To provide adequate water service for present residents, future growth, and development in the City in accordance with the City General Plan.
- 3. To protect water supplies in case of fire, flood, landslides, and other geologic and natural hazards.

10.3 Water Superintendent

The city water systems shall be under the supervision of the Water Superintendent as directed by the Public Works Director. It shall be the duty of the Water Superintendent to supervise, manage, operate, and maintain the city water systems in accordance with the provisions of the City Code and any other rules and regulations adopted by the City. The Water Superintendent shall authorize all connections to the city water systems and keep suitable maps and records of all connections, repairs, and extensions.

The Water Superintendent shall supervise the maintenance of the city water systems and all extensions or repairs thereof, and ensure that appropriate inspections are completed. The Public Works Director may employ, subject to the approval of the Mayor and City Council, such help as shall be necessary to carry out the duties prescribed by City Code and any other rules and regulations adopted by the City.

10.4 Rate Schedules and Connection Fees

The City has adopted and established fee schedules, connection fees, and rules and regulations governing the city water systems. The City 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.

10.5 Water Restrictions

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

10.6 Conveyance of Water Rights, Requirements for Development

The following requirements pertain to new development within the City. These requirements are intended to be in harmony with the requirements of Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

1. It is the intent of the City to assure each future property owner reasonable access to adequate water to make said property productive; and, to initiate a program to provide funding and adequate water resources for more efficient city water systems.
2. All developers of subdivisions or land owners requesting a building permit within the boundaries of the City shall provide adequate water to be distributed through the city’s water systems with appropriate easements along a suitable location by which to convey the water to each property. Adequate water shall be assessed as follows, except as noted:

Zone	Acre Feet of Indoor Water Per ERC*	Acre Feet of Irrigation Water Per Acre or Per Connection ⁺
A-5, Agriculture	0.3	3.2
R-1-A, Residential Agriculture	0.3	3.2
R-1-12, Residential	0.30	0.53 ⁺
R-1-10, Residential	0.30	0.44 ⁺
R-1-9, Residential	0.30	0.40 ⁺
R-1-75, Residential	0.30	0.33 ⁺
R-2-75, Residential	0.30	0.33 ⁺
PO-1, CC-1, GC-1, I-1, I-2, S-1, R&D, All R-M-O Overlay Zones, Planned Residential Developments, R-MF	Site Specific – 0.30 per ERC	Site Specific - 3.2 acre-ft per irrigable acre

* ERC – An ERC is an Equivalent Residential Connection, which means it is the equivalent of one average residential homes worth of water usage.

The irrigation water right requirement is the same on the Culinary System and PI System. the A-5 and the R-1-A zones are using the irrigatable acreage for the water requirement where the other zones are using the ERC calculation for the water requirement. Anything with the * is Based on the ERC number for pressurized irrigation usage.

⁺ Acre-feet per connection based on the residential zoning definition in Title 19, Zoning Ordinance, and

irrigated area level of service.

Water rights or source shall be dedicated to or procured from the City—at the City’s discretion—prior to the time of recording of the plat in which the lot or unit is located. If the lot is existing, but water rights or sources have not been dedicated to or procured from the City in sufficient quantities to meet the requirements of this section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit. The following is a list of water rights or source that may be acceptable to the City:

1. Peteetneet Creek (Payson Canyon) Water – All Peteetneet Creek Water is owned by the City. At the time of development approval, all Peteetneet Creek Water attached to any land proposed to be subdivided or developed shall revert to the ownership of the City and shall not be used on any other property or to satisfy any other water requirement.
2. Underground Water Rights – Water rights approved by the Public Works Director and approved by the Utah Division of Water Rights for underground withdrawal and municipal use in the City Culinary Water System service area.
3. Strawberry Water - Only limited Strawberry water shall be accepted when approved by the Public Works Director at the amount of 0.88 acre-feet per share.
4. Salem Canal Water – Only limited Salem Canal Company water shall be accepted when approved by the Public Works Director at the amount of 0.88 a/f per acre foot of water.
5. Central Utah Project Water - City has contractual rights to obtain 5,123.96 acre feet of Central Utah Project (CUP) water when the project is complete. The City will accept cash in order to obtain and pay for the cost of CUP water based on the following formula: The estimated repayment cost for 5,123.96 acre-feet of CUP water, spread over the repayment term, discounted to present value, which equals \$5,383.00. An exception exists for applicants who have submitted a completed application for development approval (preliminary plat or site plan) by May 1, 2020 and can show that they already had water rights for that development on May 1, 2020.

As a condition of subdivision approval, all lots shall be connected to the pressurized irrigation system as required by Chapter 10.10 herein. Irrigation easements at a suitable location may be required at the time the system is installed. No open ditches shall be allowed unless accepted and required by the City Engineer and approved by the irrigation company and the City. Appropriate grates, gates, vents, valves, drains, and other control structures may also be required. In accordance with

§73-1-15 Utah Code Annotated, 1953, as amended, the developer shall be responsible for obtaining written approval from all affected irrigation companies for any proposed work before final subdivision approval is granted. The developer shall also meet the specifications for pipe or covering size and requirements established and approved by the City Engineer in accordance with the provisions of state law.

The provisions of this Section apply only to properties located within the city limits. Any application for annexation will be required to meet all water requirements of Title 19.12, Annexation Ordinance.

If a subdivision is proposed on land that water rights have been previously transferred to the City as part of the annexation process, a credit shall be given toward satisfying the requirements of this Section.

When a building permit is requested for more units than the property was designed to accommodate on the original plat or exceeds the number for which water rights were conveyed, the additional water rights shall be conveyed before the permit shall be issued.

The installation of the city water systems shall be consistent with the requirements of Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, and the Design Guidelines and Standard Specifications of the City. The distribution lines required for new development shall be at least eight (8) inches in size and of a material approved by the City Engineer in the Design Guidelines and Standard Specifications.

Any project that proposes a water storage facility to satisfy the requirements of this Title, Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, the adopted Fire Code, or any other relevant development ordinance of the City, the following requirements shall apply:

1. All new storage facilities shall have a capacity of at least Two Hundred Fifty Thousand (250,000) gallons.
2. If the new storage facility has a capacity of less than Five Hundred Thousand (500,000) gallons, the facility shall be located below ground.
3. The City may require applicants to explore options that may provide water storage facilities in the most efficient manner including communication with other applicants.
4. All new water storage facility plans and technical specifications must be reviewed and approved by the City. The color and landscaping requirements of the new water storage facility must be approved by the City Council.

5. Individual water pumping stations that provide water on an on-demand basis are not allowed. Water pumping stations that pump to an approved water storage facility are acceptable.

10.7 Application for New Water Service, Payment

- 10.7.1 Application for New Service
- 10.7.2 Payment

10.7.1 Application for New Service

Applicants for new water service from the City shall make written application on forms prepared by the City and pay all applicable fees including a utility deposit. An owner having a recent record of six (6) continuous months of timely and complete payments to the City for water service, shall not be required to pay a deposit to obtain water service for a residential structure containing four (4) or less dwelling units.

The City may accept a guarantee, in lieu of the customer deposit required in this Section, subject to the following:

1. The guarantor must agree in writing to pay all obligations incurred by the named purchaser of water service and for charges to connect, disconnect or reconnect, if the obligations are not paid when due by the purchaser.
2. The guarantor may withdraw the guarantee by giving thirty- (30) day written notice thereof and by paying the unpaid obligations of the purchaser through and including the notice period.

Deposits may be applied to the payment of delinquent accounts. Renewal of deposits applied to delinquent accounts may be required as a condition of the continuation of water service.

10.7.2 Payment

Bills for water use shall be rendered monthly or as determined by the City. If bills are not paid within sixty (60) days, the City may cause the water to be turned off. Before the water is turned on again, all unpaid water bills shall be paid in full together with a reconnection fee in an amount as established by the city fee schedule.

10.8 Water Service – General Provisions

- 10.8.1 Spring Protection Zone
- 10.8.2 Protection of Water Transmission Line
- 10.8.3 Water Main Line Extensions

- 10.8.4 Maintenance of Water Mains and Service Connections
- 10.8.5 Service Line Connections
- 10.8.6 Separate Service Lines Required
- 10.8.7 Abandoned Water Service Lines
- 10.8.8 Water Meters
- 10.8.9 Use of Unmetered Water
- 10.8.10 Resuming Use after Turn-Off Prohibited
- 10.8.11 Wasting Water
- 10.8.12 Cost of Pumping Water
- 10.8.13 Use and Regulation of Fire Hydrants and Valves
- 10.8.14 Shutting Off Water - City Liability
- 10.8.15 Access
- 10.8.16 Fire Service Lines
- 10.8.17 Water Service Outside of City Limits
- 10.8.18 Cross Connection Control and Backflow Prevention
- 10.8.19 Pollution of Water Supply Prohibited
- 10.8.20 Private Systems and Private Wells

10.8.1 Spring Protection Zone

Concentrated sources of pollution including, but not limited to, septic tanks, drain fields, garbage dumps, pit-privies, corrals, etc., shall not be allowed within Spring Protection Zones. Spring Protection Zones include all land within fifteen hundred (1500) feet of a spring collection area. Sewer lines may be permitted within Spring Protection Zones at the discretion of the City Engineer. Sewer lines shall be no less than three hundred (300) feet from a spring. The provisions of this Section shall be superseded by State or Federal regulations if such impose stricter standards.

10.8.2 Protection of Water Transmission Line

No person shall establish, construct, or maintain any structure including field drains, septic tanks, pit-privies, nearer than three hundred (300) feet to any city water main line without first procuring written permission from the City Engineer.

10.8.3 Water Main Line Extensions

It shall be unlawful for any person to make any extension of any pipe or water fixture attached to city water systems without first obtaining a permit from the City Engineer. Additionally, 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 city water systems.

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. The applicant for a project that requires the extension of a water main line shall pay the cost of

the extension. No person shall construct a water main line extension without first having plans for the main line extension approved by the City Engineer. All subdivisions shall have a complete water distribution system installed before subdivision improvements are accepted by the City. The design and construction of the water distribution system shall be approved by the City Engineer before the system is installed. The water distribution system shall be installed at the applicant's expense.

If an applicant installs a water main line extension to serve a parcel of property, the water 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. The applicable cost shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the Design Guidelines and Standard Specifications.

10.8.4 Maintenance of Water Mains 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 City accepts, by dedication, the new water mains and service connections. Service connections therefrom shall be as follows:

1. Once dedicated, all water mains and the service connections therefrom that are located on public property shall be maintained by the City, except that the City 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. If a water meter is located in any place other than a location near the property line, the City will only maintain the lines to the curb box or valve located on the property line.
2. Water mains and service lines that are located on private property shall be maintained and repaired by the property owner and not by the City. Provided, however, that water mains that are on private property, located within a utility easement, and part of the city water systems shall be maintained and repaired by the City. 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 City.
3. The City shall maintain all water meters including those on private property. The City shall have the right to enter private property to inspect, repair, or replace water meters.

10.8.5 Service Line Connections

Service line connections shall not be made to the city water systems or to main water lines on private property without a permit authorized by the City Engineer and payment of the appropriate fees. All connection expenses shall be borne by the applicant including trenching from the new service location or building to the main water lines. Inspection and final approval of the installation shall be by the Water Superintendent or designee

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 pre-qualified utility contractor at the expense of the applicant. No tapping or connecting to water mains will be allowed in temperatures below forty (40) degrees Fahrenheit.

10.8.6 Separate Service Lines Required

Service lines must be arranged to supply each separate unit or premises with a separate meter placed near the street curb. Where water is supplied through one service to one or more units or premises, the City may either refuse to furnish water until separate services are provided or continue to supply water on the condition that one (1) person shall be responsible to pay for all water used through the service.

10.8.7 Abandoned Water 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. Work described in this Section shall be inspected by the City before backfilling.

10.8.8 Water Meters

When a new service line is installed connecting any unit or premises to an unmetered private line, which is supplied water from the City or when a service pipe is connected directly to city water systems, a water meter must be installed. All water meters shall be installed in easily accessible locations selected by the Water Superintendent.

Water meters shall be furnished and installed by the City. 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. No meters shall be installed until all applicable fees have been paid including water connection fees and main line extension fees as appropriate. 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.

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 main line are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. 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 City.

10.8.9 Use of Unmetered Water

Use of unmetered water through any service line, main line, or fire hydrant is prohibited unless authorized by the City. Use of a "jumper" in place of a meter to convey water through a service line is at all times prohibited.

10.8.10 Resuming Use after Turn-Off Prohibited

It shall be unlawful for any person after the water has been turned off from any lot or premises, because of non-payment of rates or other violation of the rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on, or use or allow the water to be used without permission of the Water Superintendent.

10.8.11 Wasting Water

It shall be unlawful to waste water or to allow it to be wasted by imperfect stops, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, or stops, or through basins, water closets, urinals, sinks, or other apparatus.

10.8.12 Cost of Pumping Water

When it becomes necessary to pump water, the cost of the pump or pumps and the installation thereof together with the cost of operation shall be borne by the benefitted party, and all water shall be metered. No pumps shall be installed unless the pumps shall have a capacity to create twenty (20) pounds or more per square inch at the highest meter where the water shall be delivered.

10.8.13 Use and Regulation of Fire Hydrants and Valves

It shall be unlawful for any person, without obtaining prior permission from the City, to turn on, turn off, operate, or tamper with any fire hydrant or any valve constituting a part of city water systems for any purpose. In addition to the criminal punishment hereinafter

provided, any person violating this provision shall be liable for all ensuing damages to the city water systems and to private property.

Pipes to be used only in case of fire will be allowed within buildings on the following conditions. The fire pipes must be entirely disconnected from those pipes used for other purposes, and hose pipes or branches must be arranged by means of seals or otherwise used only in case of fire. Any water used through fire pipes for other than fire purposes shall require a meter to be installed on the fire pipes.

The City shall charge a uniform fee per inch of diameter per month of water main requested for standby service for fire protection as fixed by the city fee schedule.

10.8.14 Shutting Off Water - City Liability

The City 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 City, 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.

10.8.15 Access

Access at all ordinary hours shall be allowed to the Water Department, or other authorized persons to all places supplied with water from the city water systems, 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.

10.8.16 Fire Service Lines

Private fire service lines designed to provide fire protection to a building or buildings shall be constructed according to city specifications, Plumbing Code adopted by the State of Utah, and the International Fire Code latest edition 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.

10.8.17 Water Service Outside of City Limits

Connection to the city culinary water system for properties outside of the city limits, but within the Annexation Policy Plan area, is allowed only under the following conditions. Each request will be reviewed by the City Council on a case by case basis following a recommendation by staff. The City Council is under no

obligation to approve the request. Approval for connection to the city culinary water system does not grant approval for connection or use of other city services. The approval for any non-resident to connect to the city culinary water system does not set a precedent for future connections. The City reserves the right to refuse service to any non-resident.

1. The connection to the city culinary water system by non-residents should be to address emergency situations only when the non-resident has exhausted all other possibilities and remedies. It will be the burden of the non-resident to submit the necessary information to the City in order to determine whether an emergency situation exists. The City will only provide culinary water and not pressurized irrigation to non-residents.
2. An existing culinary water main must be located along the frontage of the property of the non-resident. The connection to the city culinary water system cannot include an extension of the culinary water main.
3. The emergency situation must be directly related to an existing residential dwelling or unit. In no case will the City provide a culinary water service for new construction.
4. All connections must be metered with a water meter provided by the City at the expense of the non-resident. The non-resident user will be required to pay according to the city fee schedule.
5. The culinary water will be used for domestic purposes and will not be used for agricultural pursuits. Any verification of non-domestic use (inside use and incidental landscape maintenance not to exceed eight thousand (8,000) square feet of turf area) will result in termination of service.
6. The non-resident will be responsible for payment of all associated impact fees and connection fees according to the city fee schedule. Furthermore, the non-resident will be required to transfer adequate water rights to serve the dwelling or unit in an amount according to Section 10.6 of this Title. The City may, at the option of the City, accept money in lieu of water rights when addressing an emergency situation.
7. If the non-resident uses rights assigned to a private well to satisfy the water transfer requirement, the subject well shall be appropriately capped in accordance with State statute.
8. The non-resident is responsible for all construction costs associated with the connection to the culinary water main. Furthermore, the non-resident is responsible to obtain any necessary permits that may be required by non-city entities including, but not limited to, Utah County and the Utah Department of Transportation.

9. If deemed appropriate by the City Council, a non-resident, as a condition of approval, may be required to submit an application for annexation, submit payment of application fees, and complete the annexation process. If it is not practicable for the property to be annexed into the City, the request may be denied by the City Council.
10. The request to connect to the city culinary water system will not be approved simply to avoid compliance with federal, state or local laws (i.e. drilling new wells, decontamination of an existing well).
11. The City will not accept any responsibility or liability associated with the inability of the property owner to obtain culinary water from the previous source, which must be evidenced by a hold harmless agreement from the non-resident.
12. Following a recommendation from the Fire Chief, the City Council may, but is not obligated to, approve an extension of, or connection to, the culinary water system for improvement to the firefighting system. The non-resident for extension of or connection to the culinary water system must demonstrate that the extension or connection will significantly improve the ability of the City to provide fire protection and will not impact the fire flow of the existing system.
 - a. Each non-resident requesting extension of or connection to the culinary water system for firefighting purposes must be able to demonstrate that the extension or connection will not be used to satisfy water requirements of another government agency, that the water will not be used for any purpose other than fire protection, and that the provision of fire protection through use of the culinary water system will not place an inordinate burden on the culinary water system due to the size or building materials of the structure or the contents of the structure.
13. Any other circumstance deemed necessary and appropriate by the City Council to be determined on a case by case basis.

Water service outside of the city limits will require a finding of surplus water and a written contract between the non-resident and the City. Any use not authorized by the contract may result in disconnection from the culinary water system. The City reserves the right to pursue any legal remedies to enforce such contract or recover damages or lost water from the non-resident.

10.8.18 Cross Connection Control and Backflow Prevention

10.8.18.1 Definitions

- 10.8.18.2 Requirements
- 10.8.18.3 Water Pollution Prohibited

10.8.18.1 Definitions

Water Superintendent: The Water Superintendent is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provision of this ordinance.

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

Auxiliary Water Supply: Any water supply on or available to the premises other than the city's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another city's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or may be objectionable and constitute an unacceptable water source over which the Water Superintendent does not have authority for sanitary control.

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

Back-Pressure: The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source.

Back-Siphonage: The flow of water or other liquids, mixtures, or substances 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 supply system.

Backflow Prevention Assembly: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Plumbing Code, as adopted by the State of Utah in the Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

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

Cross Connection: Any physical connection or arrangement of piping or fixtures that may allow non-

potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tubes, or other plumbing arrangements.

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

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

10.8.18.2 Requirements

No water service connection to any premises shall be installed or maintained by the Water Superintendent unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service of water to a lot, parcel, or property found to be in violation of this ordinance shall be discontinued by the Water Superintendent after due process of written notification of violation and an appropriate time suspension for voluntary compliance, if:

1. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
2. It is found that a backflow prevention assembly has been removed or by-passed, or
3. An unprotected cross connection exists on the premises, or
4. The periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected.

The system(s) shall be open for inspection at all reasonable times to authorized representatives of the Water Superintendent to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit

the results of the required survey (R309-400 of the Utah Administrative Code).

Whenever the Water Superintendent deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

The type of protective assembly required shall depend upon the degree of hazard that exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

All presently installed backflow prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Water Superintendent is assured that it will satisfactorily protect the public water system.

Whenever the existing backflow preventer is moved from the present location or requires more than minimum maintenance or when the Water Superintendent finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.

It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified survey/inspections, and operational tests made at once per year at the consumer's expense. In those instances where the Water Superintendent deems the hazard to be great, certified surveys/inspections and tests may be required at more frequent intervals. It shall be the duty of the Water Superintendent to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.

All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

10.8.18.3 Pollution of Culinary Water System

Protection of culinary water from the possibility of contamination or pollution through compliance with Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code, as adopted by the State of Utah. Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants that could backflow into the public culinary water system.

It shall be unlawful at any place supplied with water from the city culinary water system:

1. To install or use any physical connection or arrangement of piping or fixtures that may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the city culinary water system.
2. To connect the culinary water system and pressurized irrigation water system together.
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 City Engineer.
4. To install any backflow prevention device or assembly that is not installed as required in the adopted Plumbing Code.

Any user of the city culinary water system shall pay all costs of installation and testing of backflow prevention devices or assemblies. Backflow prevention devices or assemblies required by this Section shall be tested as frequently as determined by the City Engineer. Test results shall be furnished to the City and the Utah State Department of Environmental Quality, Division of Drinking Water.

Water service may be discontinued to any user who is found to be in violation of this Section and who fails to take corrective action within ten (10) days after notification, except that water service may be disconnected immediately if an immediate threat to the water supply exists. Any person who violates the provisions of this Section shall be liable to the City, and third parties other than the City, for all damage caused by the violation.

The responsibility to enforce the applicable sections of the Plumbing Code begins at the point of service (downstream side of the meter) and continues throughout the developed length of the city culinary water system. The City Engineer or designee will review all plans to ensure that unprotected cross connections are not an integral part of the 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 assembly, in accordance with the adopted Plumbing Code. Water vacating the culinary water system must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the adopted Plumbing Code.

Whether employed by the consumer or utility to survey, test, repair, or maintain backflow prevention assemblies the certified backflow technicians, surveyors, or repair persons will have the following responsibilities:

1. To insure acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
2. To make reports of testing and/or repair to the Water Superintendent on a form approved for such use by the Water Superintendent within time frames as described by the Division of Drinking Water.
3. Prepare a report that shall include the list of materials or replacement parts used. Replacement parts shall be equal in quality to parts originally supplied by the manufacturer of the assembly being repaired. A certified technician shall perform all tests of the mechanical assemblies and be responsible for the competence and accuracy of all tests and reports.
4. To not change the design, material, or operational characteristics of the assembly during testing, repair, or maintenance.
5. To insure the license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition and to be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
6. The certified technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested, and by whom. The technician's license number must also be on this tag. In the case of a consumer requiring an assembly to be tested, any certified technician is authorized to make the test and report the results of that test to the consumer, and the Water Superintendent. The installation, replacement, or repair of assemblies must be made by a tester having appropriate licensure from the Department of Commerce, Division of Professional Licensing, except when the backflow technician is an agent of the assembly owner.

10.8.19 Water Pollution Prohibited

It shall be unlawful for any person to maintain or erect any building, pens, or stalls for any horses, cattle, sheep, swine, or other animals or to permit any of such animals to be corralled, bedded, or to run at large within three hundred (300) feet of any stream from which water for the

city culinary water system shall be taken at any point within fifteen (15) miles above the point where the water of the stream is taken into the city culinary water system.

It shall likewise be unlawful for any person to construct or maintain within three hundred (300) feet of any such stream at any point within fifteen (15) miles above the point where the water of such system is taken into the city culinary water system, any closet, privy, or outhouse without providing an effective septic tank or other germ destroying appliance. Such tanks or appliances, prior to being placed in use, are subject to inspection and approval of the City.

10.8.20 Private Systems and Private Wells

As specified in Chapter 19.6 of Title 19, Zoning Ordinance, private drinking water wells may be allowed in the A-5-H, Annexation Holding Zone and the Mountain and Hillside Zones, as outlined in the respective ordinance. Only one single-family dwelling shall be connected per well.

Wells must satisfy the requirements of the Utah Division of Environmental Quality; the Utah County Health Department; and any other agency having authority to regulate on-site utility systems. Written documentation certifying the proposed on-site system conforms to the pertinent state and county health regulations shall be provided. A building permit shall not be issued until the required approvals have been granted.

10.9 Open Ditch Irrigation

- 10.9.1 Irrigation Secretary to List Property and Prepare Schedule
- 10.9.2 Appeal of Apportionment
- 10.9.3 Entitlement to Use of Water
- 10.9.4 Permission to Make Change in Street
- 10.9.5 Surplus Water
- 10.9.6 Users to Control Water
- 10.9.7 Changes in Irrigation Water System
- 10.9.8 Head gates

10.9.1 Irrigation Secretary to List Property and Prepare Schedule

On or before the fifteenth of January each year the irrigation secretary shall ascertain the number of city lots and the number of acres of land irrigated by open ditch irrigation, and the name of all persons, corporations, companies and firms owning, being in possession, charge or control thereof, and make a schedule of the same and return it to the Water Superintendent previous to the first of February of the same year. The City shall

keep an account with the amount of assessment and the amount paid.

10.9.2 Appeal of Apportionment

Any person aggrieved at the proportion of water may, on written complaint, be heard by the City Council. All complaints must be presented within twenty (20) days from the origin of the act. If any person is aggrieved at the decision of the City Council, they may appeal the decision to the appropriate district court within thirty (30) days.

10.9.3 Entitlement to Use of Water

Persons owning property with open ditch irrigation shall be entitled to the use of water as fixed by the water schedule, provided the assessment has been paid and that all the requirements of this Section have been complied with by the owner. It shall be unlawful for any person to use water without first having paid the assessment. Open ditch irrigation will not be extended to any new property. The responsibility of the City in regard to irrigation water ends when irrigation water has been brought to the respective property line of the property in question, or to the head ditch feeding the property.

10.9.4 Permission to Make Change in Street

The property owner shall keep in constant repair all necessary bridges and culverts, where the ditch crosses any street, road, or sidewalk, and shall be liable for all damages occurring by their neglect.

No open, unbridged, dangerous, or unsafe ditch or canal across any sidewalk, or use of any water by means of an open, unbridged, dangerous, or unsafe ditch or canal is permitted.

10.9.5 Surplus Water

It shall be the duty of all persons using or conveying water for irrigation purposes to conduct any surplus or waste water into the city open ditch irrigation system. It shall be unlawful for any person to permit flooding of any street, sidewalks, or private property or to unnecessarily waste water. It shall be unlawful for any person, during the freezing non-irrigation season of the year, to conduct or turn surplus or waste water into any irrigation ditch situated on any public street of the City.

10.9.6 Users to Control Water

Persons using water for irrigation shall be required to control the water distributed to them, and shall be liable for all damages caused through their neglect.

10.9.7 Changes in Irrigation Water System

It shall be unlawful to alter, move, cover, or change any head gate, irrigation ditch, pipeline, or other right-of-way through which city open ditch irrigation water travels, without the prior written consent of the Water

Superintendent. Any person proposing to make a change shall submit written plans describing the change. The plans, when approved, shall be implemented at the expense of the person proposing the change. Any person making a change prohibited by this Section shall be liable for all damages and costs caused by the unauthorized action including the cost of any corrective or restoration work deemed necessary by the City.

10.9.8 Head Gates

Any person who shall convey any water from any ditch or canal of the City without first having provided a good and sufficient head gate through which to take such water, to the acceptance of the Water Superintendent, or fail to keep such head gate in good repair, shall be guilty of a Class C misdemeanor. Every person that takes any water under the control of the City at any time when the water is distributed by authority of the City to any other person, or take any greater quantity of such water than has been duly distributed or interfere with or changes any flow or any water when lawfully distributed to any other person for irrigation or other useful purposes, except when authorized to make such changes, or willfully or maliciously breaks or injures any dam, canal, head gate, water ditch, or other means of diverting or conveying water for irrigation or other useful purposes, or digs away the bank or banks or any ditch, canal, or reservoir forming part of the city open ditch irrigation system, shall be guilty of a Class C misdemeanor.

Where more than one turn-out from the main feeder ditch has been allowed for a single account owner, the owner is responsible for closing all turnouts diverting water to the property prior to the beginning of the scheduled turn of the following account owner.

10.10 Pressurized Irrigation

- 10.10.1 Connections and Extensions
- 10.10.2 Wasting Water Prohibited
- 10.10.3 City to Have Unrestricted Access
- 10.10.4 City Not Liable for Damage
- 10.10.5 Water Not for Motors
- 10.10.6 Connection Required
- 10.10.7 Prohibitions
- 10.10.8 Water Service Outside City Limits
- 10.10.9 Failure to Pay for Service
- 10.10.10 Shut-Off Valve
- 10.10.11 Use of Culinary Water
- 10.10.12 Pressurized Irrigation Meters

10.10.1 Connections and Extensions

No connection shall be made to the pressurized irrigation system and no extension shall be made to any installation served by the pressurized irrigation system until a permit has been issued by the City Engineer. The City Engineer

shall not issue a permit until the required connection and other fees have been paid.

All pressurized irrigation system users shall keep their service pipe and connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the Public Works Director, shall be allowed to dig into the street, parking strip, sidewalk, or other public property or right-of-way for the purpose of laying, removing, or repairing any service pipe.

10.10.2 Wasting Water Prohibited

It shall be unlawful for any pressurized irrigation user to waste water by imperfect stop-taps, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow. Additionally, water shall not be wasted by allowing water to run from hose bibs, excessive watering, open pipes, or other apparatus, or to use the water in such a manner as to cause it to overflow into the neighboring yards, property, streets, or sidewalks, or in violation of the rules and regulations set forth by resolution for controlling the pressurized irrigation system.

The City Council may, by resolution, regulate, restrict, or limit the use of water during water shortage periods and shall have the power to take all necessary means to make any necessary regulations as circumstances may require to protect the users of the pressurized irrigation system.

10.10.3 City to Have Unrestricted Access

The City shall at all ordinary hours have unrestricted access to places supplied with water from the pressurized irrigation system for the purpose of examining the apparatus to ascertain the amount of water used and the manner of its use.

10.10.4 City Not Liable for Damage

The City shall not be liable for any damage due to the pressurized irrigation system by reason of stoppage or interruption of the pressurized irrigation supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other cause.

10.10.5 Water Not for Motors

No water shall be supplied from the pipes of the pressurized irrigation system for the purposes of driving any motor, siphon, turbine, or other wheels, or any hydraulic engines or elevators, or for driving or propelling machinery of any kind, nor shall any license be granted or issued for any such purpose except by special permission of the City.

10.10.6 Connection Required

The record owners, or their duly authorized agents, of all residential sites and all commercial sites located within the City that require outside watering of lawns or plants whose properties lie within three hundred (300) feet of the pressurized irrigation system shall connect their properties to the pressurized irrigation system and pay the applicable fees and charges, unless the sites are part of a newly annexed area and the annexation agreement dictates when existing sites will be connected to the pressurized irrigation system. Property that is required to be connected to the pressurized irrigation system shall not be issued a building permit for construction unless the building permit applicant shall first connect the property to the pressurized irrigation system, or agree to connect the property to the pressurized irrigation system, and provide adequate assurances of connection, in a form acceptable to the City, including the payment of all applicable fees and costs.

It shall be unlawful for the owner or occupant of any property served by the pressurized irrigation system, or any user thereof, to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from the premises or pressurized irrigation fixtures.

10.10.7 Prohibitions

1. It shall be unlawful for any person, after the pressurized irrigation system has been turned off from the premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the city water systems, to turn on or allow the water to be turned on or used without authorization from the Water Superintendent.
2. It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part, pipe, fixture, appliance, or appurtenance of the pressurized irrigation system.
3. It shall be unlawful for any person to place or introduce into the pressurized irrigation system or any source of water supplying the system any matter, substance, chemical, or compound without authorization from the Water Superintendent.
4. It shall be unlawful for any person to connect any part of the pressurized irrigation system to any part of any culinary water system to create a potential cross-connection whereby irrigation water could be introduced into the culinary water system.
5. It shall be unlawful for any person to use substantial quantities of water from the pressurized irrigation system for the purpose of flood irrigating any property. Except for incidental watering of shrubs, flowers, and other limited use applications, water from the pressurized irrigation system used for irrigation of lawns, gardens, and other irrigation

applications must be applied through either a sprinkler or drip irrigation system, including sprinklers attached to garden hoses.

6. Any water owned by a landowner for the purpose of use in the pressurized irrigation system that has been used to satisfy the water requirements of this Title shall not be removed or transferred to another location without the written approval of the City. If any such water is removed or transferred, the landowner's connection to the pressurized irrigation system will be disconnected until the landowner satisfies the water requirements of this Title. The City will require each developer that proposes to use water not owned by the City to satisfy the requirements of this Title to deed restrict the water to remain appurtenant to the land.

10.10.8 Water Service Outside City Limits

The City prohibits anyone outside the city limits to connect to the pressurized irrigation system. Users outside the city limits that are currently connected to the pressurized irrigation system may remain connected to the system.

10.10.9 Failure to Pay for Service

If the owner of any of the premises fails to pay the required fees and charges applicable to the pressurized irrigation system or violates any provisions of this Section, the City may cause the culinary water system or pressurized irrigation system to be shut off from the premises, and the City shall not be required to turn the utility on again until all arrears are paid in full.

10.10.10 Shut-Off Valve

Persons connecting to the pressurized irrigation system shall be required to provide and install a valve independent of the City's shut-off valve with which they may control the pressurized irrigation service to their premises. At no time will a person be allowed to tamper with or operate the City's shut-off valve unless acting under the direction of the Water Superintendent. Shut-off valve shall be located and installed in the resident's irrigation box adjacent to and directly behind irrigation meter box. No connections are to be made in the irrigation box, including and not limited to filters, tees, elbows, etc.

10.10.11 Use of Culinary Water

It shall be unlawful for any person or entity to use culinary water for outside watering of lawns or plants if the property is connected to the pressurized irrigation system and water is available in the system, or the owner is required to connect to the pressurized irrigation system pursuant to this Title and has not done so.

10.10.12 Pressurized Irrigation Meters

When a new service line is installed connecting any unit or premises to the pressurized irrigation system of the City, an irrigation meter must be installed. All irrigation meters shall be installed in easily accessible locations selected by the Water Superintendent.

Irrigation meters shall be furnished and installed by the City. Irrigation meters shall not be installed until new main lines have been pressure tested and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including connection fees and main line extension fees as appropriate.

It shall be unlawful for any person to tamper with, modify, or deface in any manner an irrigation 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 are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. 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 City.

10.11 Watershed Protection

- 10.11.1 Jurisdiction, Rules, and Regulations
- 10.11.2 Construction Conditions
- 10.11.3 Sewage Disposal Requirements
- 10.11.4 Sanitary Sewage Disposal System Required
- 10.11.5 Animals
- 10.11.6 Camping and Campfire Restrictions
- 10.11.7 Vehicles

10.11.1 Jurisdiction, Rules, and Regulations

It is the intent of the City to protect its watershed and to assert jurisdiction over the City Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality. In addition to the provisions of this Section, the City is hereby authorized to prescribe rules and regulations not contrary to law, for governing all matters of water quality. It shall be unlawful for any person to commit any act that will pollute any source of water in the City Watershed Area pursuant to the Utah Drinking Water Source Protection Rule or any other rule or standard adopted by the City.

10.11.2 Construction Conditions

It shall be unlawful to construct or remodel any structure within the City Watershed Area without first securing approval from the City in accordance with these provisions. No structure in the watershed shall be approved without complying with all requirements set forth in this Section.

All applicants for a building permit within the City Watershed Area shall submit a copy of all plans, specifications and drawings required to the City. In addition, any other necessary permits, approval by the City Engineer, shall be obtained for all construction in the City Watershed Area. Building permits and plan approvals by other agencies of government, including county, state, and federal government, shall not be considered approval by the City.

10.11.3 Sewage Disposal Requirements

Approval for the construction and maintenance of all garbage or sewage disposal systems within the City Watershed Area shall be under the direct supervision and control of the City Engineer. It shall be unlawful to:

1. Construct, use, or maintain any sewage disposal system anywhere within the watershed without first obtaining the written approval of the City. The City shall only give approval for the construction, use, or maintenance of a sewage disposal system if the owner of the sewage disposal system can demonstrate that the use or maintenance of the sewage disposal system will not violate established standards or rules for Drinking Water Source Protection Zones. At the time of adoption of this chapter, existing systems shall be allowed to continue as long as they are not modified, expanded, damaged, become inoperable, or otherwise constitute a threat of contamination to the City Watershed Area.
2. Deposit any dead animal within the City Watershed Area.
3. Damage, vandalize, alter, or destroy any authorized sewage disposal system in the City Watershed Area.
4. Pump sewage storage vaults or conduct a scavenger operation except in accordance with all applicable laws, rules, and regulations. A sewage disposal system within the City Watershed Area shall be sealed immediately if it is unsanitary or does not comply with the water quality requirements of federal, state, or local law or regulations. Facilities may not be used until made sanitary and conform to the requirements of federal, state, and local law and regulations. It shall be unlawful for any person to use or maintain any facility sealed in accordance with the provisions of this Section.

When the City determines that a sewage disposal system violates applicable laws, rules, or regulations or is a potential hazard to the watershed and cannot be adequately corrected, the City shall order the destruction and removal of the sewage disposal system. The cost of all remedies or destruction and removal shall be the responsibility of the property owner.

10.11.4 Sanitary Sewage Disposal System Required

Any person who owns, operates, maintains, or permits the use of any house, cottage, cabin, human habitation, or camping place shall provide and maintain a sewage disposal system satisfactory to the Department of Water Resources. Failure to do so may result in the closure, seal, and prevention of use of the house, cottage, cabin, human habitation, or camping place.

Septic tanks and drain fields in the City Watershed Area may only be used if permitted by the City and approved by other governing agencies. The use of chemical toilets in the City Watershed Area shall be installed and used only with the prior written approval of the City. This approval shall be in addition to approval by other governing agencies. All vaults or other approved receptacles used by any persons for storage of sewage shall be emptied completely at least once each year. If determined a health hazard by the City, owners of such facilities shall keep the level of sewage below sixty (60) percent of the vault’s capacity to allow sufficient reserve for emergencies. The contents removed from any sewage holding tank or vault must be removed by a licensed scavenger operation at the cost of the owner to an approved sewage facility. It shall be unlawful for any person to construct, locate, or maintain any vault for the deposit or storage of sewage within one hundred (100) feet of any spring, marsh, watercourse, water source, or reservoir.

10.11.5 Animals

It shall be unlawful to keep or maintain for a period in excess of thirty (30) days any domestic animals, including but not limited to, dogs, cattle, horses, sheep, and hogs within the City Watershed Area without first obtaining a written animal permit from the City. Applicants shall inform the City of the number and type of animals and their proposed method of controlling and maintaining the animals. Animal enclosures shall be kept and maintained in a reasonably clean and sanitary condition at all times and shall be subject to inspection by the City. Fecal waste must be disposed of in a manner approved by the City.

It is unlawful for any person to permit an animal to run loose upon any City Watershed Area. Any such animal shall be deemed stray, and the City may cause any such animal to be impounded.

10.11.6 Camping and Campfire Restrictions

The City may require that picnicking or camping be restricted from certain designated places. The City may prohibit campfires within fifteen hundred (1500) feet of any well or spring protection area.

10.11.7 Vehicles

It shall be unlawful for any person to operate any motor vehicle including, but not limited to, motorcycles, trail bikes, dune buggies, motor scooters, or jeeps upon any public property within the watershed, except on designated roads, without first obtaining the written permission of the public entity that is in possession of the property, with the exception of the use of real property primarily devoted to agricultural purposes.

10.12 Culinary Water Source Protection

- 10.12.1 Short Title and Purpose
- 10.12.2 Definitions
- 10.12.3 Establishment of Culinary Water Source Protection Zones
- 10.12.4 Permitted Uses
- 10.12.5 Prohibited Uses
- 10.12.6 Administration

10.12.1 Short Title and Purpose

This section shall be known as the “Culinary Water Source Protection Ordinance.” The purpose of the ordinance is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of culinary water source protection zones surrounding the wellheads for all wells and the spring collection area margin for all springs that are the supply sources for the city culinary water system and by the designation and regulation of property uses and conditions that may be maintained within such zones.

10.12.2 Definitions

When used in this Section, the following words and phrases shall have the following meanings:

1. Design Standard: A control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.
2. Land Management Strategies: Zoning and non-zoning controls that include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous

waste collection programs, water conservation programs, memoranda of understanding, written contracts, agreements, and so forth.

3. **Pollution Source:** The point a source discharges contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" that are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:
 - a. **Animal Feeding Operation:** A lot or facility where the following conditions are met: animals have been or will be stabled or confirmed and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues that are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
 - b. **Animal Unit:** A unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
 - c. **Extremely Hazardous Substances:** means those substances that are identified in Section 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).
 - d. **Potential Contamination Source:** Any facility or site that employs an activity or procedure that may potentially contaminate ground water. A pollution source is also a potential contamination source.
4. **Regulatory Agency:** Any governmental agency with jurisdiction over hazardous waste as defined herein.
5. **Sanitary Landfill:** A disposal site where solid wastes, including putrescible wastes or hazardous

wastes, are disposed of on land by placing earth cover thereon.

6. **Septic Tank/Drain-Field Systems:** A system that is comprised of a septic tank and a drain-field that accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By design, septic tank/drain-field system discharges cannot be controlled with design standards.
7. **Wellhead:** The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

10.12.3 Establishment of Culinary Water Source Protection Zones

There are hereby established use districts known as Zone One, Zone Two, Zone Three, and Zone Four of the Culinary Water Source Protection Zones, identified and described as follows:

1. **Zone One:** The area within a one hundred- (100) foot radius from the wellhead or spring collection area margin.
2. **Zone Two:** The area within a Two Hundred Fifty- (250) day ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.
3. **Zone Three (waiver criteria zone):** The area within a three- (3) year ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.
4. **Zone Four:** The area within a fifteen- (15) year ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.

10.12.4 Permitted Uses

The following uses shall be permitted within Culinary Water Source Protection Zones:

1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial zones so long as uses conform to the rules and regulations of the regulatory agencies.
2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

10.12.5 Prohibited Uses

The following uses or conditions shall be and are hereby prohibited within Culinary Water Source Protection Zones, whether or not such use or condition may

otherwise be ordinarily included as a part of a use permitted under section 10.12.4 of this ordinance.

1. Zone One: The location of any pollution source as defined herein.
2. Zone Two: The location of a pollution source unless its contaminated discharges can be controlled with design standards.
3. Zones Three and Four: The location of a potential contamination source unless it can be controlled through land management strategies.

10.12.6 Administration

The policies and procedures for administration of any Culinary Water Source Protection Zone established under this ordinance, including without limitation those applicable to nonconforming uses, exception, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance as the same is presently enacted or may from time to time be amended.