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9-01-010. Purpose and Title.

The purpose of this Chapter is to establish and provide requirements, regulations and procedures for the governing and administration of the Woods Cross City Water System. This Chapter shall be known as and may be referred to as the Woods Cross City Water System Ordinance.

9-01-020. Public Works Department.

The Public Works Department shall have authority to operate and maintain the Woods Cross City Water System, hereinafter referred to as the "water system," and to furnish water service to the residents of the City in accordance with the provisions of this Title. To accomplish these purposes, the Public Works Department is empowered to employ persons, purchase and approve real property, acquire equipment and perform all other acts necessary or incidental to the accomplishing of the above- described purposes, subject to all applicable ordinances, resolutions, rules, regulations and policies of the City.

9-01-030. Water Superintendent.

There is hereby created the office of Water Superintendent. The Water Superintendent shall administer and enforce this Chapter under the direction of the Public Works Director and the City Administrator and shall manage the City's water system pursuant to the provisions of this Chapter and all other applicable ordinances, rules, regulations and policies of the City. The Water Superintendent shall have such other duties and responsibilities as designated by the City Council.

9-01-040. Water System.

The water system constructed or otherwise acquired by the City to supply water is the property of the City and shall be under the sole and exclusive control and jurisdiction of the City. The City may enter into contracts with other governmental entities and/or wholesale water delivery providers for the purchase of water and may acquire water rights, water shares, etc., as it deems appropriate or desirable for the City's water system.

9-01-050. Rules and Regulations.

The City Council may from time to time by resolution establish rules and regulations regarding the establishment, installation, operation, control and modification of the City water system in accordance with the provisions of this Chapter.

9-01-060. Duty to Maintain.

The Public Works Department shall keep the water system in good repair. Any leaks, breaks or equipment failures of the City water system shall be promptly repaired in accordance with the provisions of this Chapter.

9-01-070. Authority to Shut Off.

The Public Works Department shall have the power and authority to temporarily discontinue water service to any area without notice, for the purpose of repairing and maintaining the water system.

9-01-080. Duty to Treat.

The Public Works Department shall treat or cause to be treated the water furnished to the water users hereunder using current water treatment methods such that the water shall conform to State and Federal standards of purity and fitness for culinary use.

9-01-090. Access for Water Superintendent.

As a condition of a person receiving water service from the City, the Water Superintendent and his or her authorized agents shall, at all reasonable hours and/or upon such notice as is reasonable under the circumstances, have free access to any place supplied with water service from the City's water system for the purpose of examining the apparatus, the amounts of water used, the manner of use, and to make any and all necessary adjustments to said systems or shut off for vacancy, delinquency or violation of applicable ordinances, rules or regulations of the City.

9-01-100. Liability.

Except as otherwise provided in the Utah Governmental Immunity Act, set forth in *Utah Code Ann.* §§ 63-30-1, *et seq.*, as amended, the City shall not be liable or responsible for any loss, damage, or injury, direct or indirect, to a water user, the user's family, guests, tenants, invitees, or any person, or the real or personal property of any person arising out of or caused by the City water system, or by the cessation or interruption of City water supply.

9-01-110. Application for Connection and/or Service.

The record owner of property desiring to connect to and to receive service from the City water system shall submit an application for water connection and/or service to such property in writing to the City in such form as provided by the City. If the property is not already connected to the City water system through an approved service lateral or if an extension of the water main is required for service, the provisions of this Chapter regarding the installation of service laterals and extensions shall be followed.

9-01-120. Water Service Authorized.

Water service may be furnished or restored to premises if the person requesting such service substantially complies with the following provisions.

(a) Application. The property owner of the premises fills out, signs and files with the City an application for water service as provided in Section 9-01-110.

(b) Deposit. The applicant pays a deposit in the amount set forth by resolution in the City Consolidated Fee Schedule.

(c) Fees. The applicant shall pay the cost of a water meter as set forth in the Consolidated Fee Schedule. In the event the property owner is required to install a service lateral or extend the water system prior to connection, the applicant shall be required to make all installments and connections at applicant's cost.

(d) Current Charges. Before water will be turned on to any premises, all charges due and owing to the City by the applicant(s) for water must be paid.

9-01-130. Obligation of Owner.

The record owner of property to be served by the City water system must appear as the applicant for water connection and service and shall be held responsible to the City for payment of all water service fees and charges incurred by that connection. Owners of property that rent, lease or otherwise give the said property over to the tenancy of another, shall remain liable for the water services furnished to the property, including all fees and charges incurred by a renter or lessee or other occupant of the owner's premises. It shall be the duty of the property owner to notify the City of termination or change in ownership of the property as well as any mailing address changes and occupant/tenant(user) name and contact information changes.

9-01-140. Misrepresentation.

It shall be unlawful to misrepresent a material fact in applying for water connection and service. Material facts include, but shall not be limited to, the identity of the applicant as the owner or tenant of the property to be connected and the purpose for which the water service to be provided will be used.

9-01-150. Applications Non-Transferable.

Water service and connections shall not be transferred to a location different from that shown on the application for water service nor from where originally used, nor may a larger water connection be subdivided into several smaller connections.

9-01-160. Fees.

The City Council shall, by resolution, set forth in the Consolidated Fee Schedule the fees to be charged for the base rate water service charge, service charges other than the base rate, water meter fee, impact fees, fee for use of water from fire hydrants, water service deposits, and all other appropriate fees required herein. Rates for services furnished shall be uniform with respect to each class or classes of service established by the City or that may hereinafter be established.

9-01-170. Special Rates.

The City Council may from time to time fix by agreement or resolution, special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as it deems appropriate.

9-01-175 Date Calculations for Billing Purposes

Any billing date that falls on a weekend will be recognized on the Monday following a weekend date. Any billing date that falls on a Federal or State Holiday will be recognized on the day following.

9-01-180. Billing.

The Utility Billing Clerk shall furnish a statement to each utility customer each month. Charges in the statement will reflect utility charges for the previous month. The statement will be a combined statement for water, garbage collection and other services provided by the City, which statement shall separately specify the amount of the bill for the water service, garbage collection and any other service, the place of payment, and the due date. All bills shall be paid in full by the 25th day of the month in which the statement is sent out.

9-01-190. Delinquency

If any user, owner, or account holder fails to pay the utility statement charges in full, prior to the tenth (10th) day of the month following the due date, the account shall be considered delinquent and a service fee, as set forth in the City Consolidated Fee Schedule, shall be assessed. Partial payments shall not be sufficient to prevent the account from being declared delinquent, unless written consent is provided by the Utility Billing Clerk.

9-01-200. Notice of Delinquency

The Utility Billing Clerk shall furnish to the occupant(user) of the premises and/or the property owner or owner's duly authorized agent, a notice of delinquency stating water service will be discontinued to said premises if full payment of the past due balance, and any accrued fees is not received by the date stated in the delinquent notice, which will be no sooner than ten(10) days following the date of said notice.

9-01-210. Notice of Shut Off.

If any user, owner or account holder fails to pay the delinquent utility charges and any assessed fees prior to 8:00 am on the eighth(8th) day after the date of the Notice of Delinquency the Utility Billing Clerk shall cause a notice to be posted on the service premises explaining the reason for the proposed shut off and stating water service may thereafter be shut off if payment is not made within two(2) days from the date of such notice. The notice shall also outline the terms and conditions that need to be met in order to restore service should the water service be shut off. If the delinquent utility charges and all assessed fees are not paid within two (2) days from the date of such notice, and no stay has been issued in accordance with the provisions of this Chapter, the City may shut off water service to the premises

9-01-220 Restoration of Water Service

Before water service to the premises is restored, all delinquent utility charges must be paid, together with all assessed fees including the above mentioned reconnect fee. Payment extensions will not be afforded once the water service has been shut off for non-payment. If payment has not been made to the City office by 2:00 pm on any day after the water is shut off, the water will remain turned off until the next day of business. Any unauthorized action to turn the water back on by the property owner and/or occupants will be deemed as theft of services and the account will be assessed a water meter tampering fee as outlined in the City Consolidated Fee Schedule.

9-01-220. Stay of Shut Off.

The Utility Billing Clerk may extend the time up to fifteen days for bringing current a delinquent account. In addition, the customer may file a written request for review of the billing with the City Administrator. Such request for review shall either set forth the customer's good reason to believe an error has occurred in the billing, which error has resulted in a billing amount in excess of service actually rendered or identify a hardship under which the customer has little or no control that justifies a stay of the shut off. The written request for review of a water billing shall set forth the facts and arguments in favor of the customer's position. Any appeal of a bill as set forth herein, shall stay any action by the City to shut off water service for fifteen (15) days or until a determination has been made by the City Administrator, whichever occurs first. Written notice of the decision and the action to be taken shall be provided to the customer.

9-01-230. Legal Action.

The City Recorder or Treasurer, is hereby authorized and empowered to enforce the payment of all delinquent City service charges and connection fees whether for water, garbage or other services, by an action at law in the corporate name of the City.

9-01-240. Voluntary Discontinuance.

Any user desiring to discontinue service permanently or temporarily shall notify the Utility Billing Clerk in writing at least ten (10) days before the date when such service is to be discontinued. Any credit balance in favor of the user as a result of deposit will be refunded promptly after receipt of notice of permanent discontinuance of service, unless other arrangements have been made with the Utility Billing Clerk.

9-01-250. Service Lateral Installation.

The property owner, or his or her agent, desiring to obtain water service, shall be responsible at his or her sole expense for installing a service lateral to the curb or property boundary line of his or her property which meets the following requirements.

- (a) The service lateral shall be made of such material and quality specified in the City's construction codes and standards.
- (b) The service lateral installation shall include all pipe mechanisms, meter boxes, valves and other equipment, except meters and other equipment to be installed by the City, required for proper service as designated by the City construction codes and standards and the provisions of this Chapter.

(c) The service lateral shall be buried at a depth and grade specified in the City construction codes and standards.

(d) The service lateral shall be located and installed the required distance from other service pipes in accordance with City construction codes and standards.

(e) The service lateral shall not run across property owned in fee by a person other than the property owner who is applying for connection, unless written permission is obtained from the City and a satisfactory easement is obtained from the affected property owner.

(f) The service lateral shall supply water to no more than one building, except that where permission is obtained by the property owner from the City. Connection of more than one building may be made to such a service lateral, if the property owner applying for the connection is the owner of all buildings connected to said service lateral. For the purpose of payment of fees required under the provisions of this Chapter, each building which receives water service through a common service lateral shall be deemed to receive water service through a separate service lateral and the property owner shall be required to pay appropriate charges for each building receiving water service.

(g) The service lateral to be connected to the City water system shall be inspected by an inspector of the City Public Works Department and found to conform to the provisions of this Chapter, the Plumbing Code as amended and adopted by the City, and all other applicable construction standards, ordinances, rules and regulations, prior to backfilling. It shall be the property owner's responsibility to ensure that the service lateral and all other underground water lines or connections to be inspected are open and visible to the inspector at the time of the inspection.

(h) No service lateral shall be connected to the City water system until all requirements of this Section are complied with and the lateral has been inspected and approved by the City.

9-01-260. Service Lateral Maintenance.

Subject to the provisions of this Chapter, water service users shall keep their service laterals and connections and other apparatus in good repair and protected from frost at their own expense. Each property owner shall own and shall bear the sole responsibility for repair, upkeep and maintenance of the service lateral from the property side of the water meter to the premises being served. The City shall not accept nor bear any responsibility for any leaks, or damages caused by leakage, in the service lateral. Without incurring any liability to the property owner, the City may make emergency repairs to service laterals in order to mitigate damage, prevent waste of water, and prevent contamination of the water supply. Any such repairs shall be at the property owner's expense and shall be billed to the property owner by the City.

9-01-270. Service Lateral Replacement.

The replacement of a previously used service lateral shall be deemed a connection and the provisions for installation and connection of a new service lateral shall apply to said replacement.

9-01-280. Service Lateral Repair or Alteration.

It shall be unlawful for any person to open, alter, repair, or connect to any existing service lateral without first having received a permit therefore from the Public Works Department. Except as otherwise

provided herein, no permit shall authorize the alteration of or connection to a service lateral which results in the availability of water service to a building to which such service was not furnished before the alteration or connection is made.

9-01-290. Service Lateral Location.

The City assumes no responsibility for nor shall it warrant or guarantee the specific location of water service laterals as shown on as-built drawings furnished by developers and/or contractors. Persons applying for building permits may inspect the as-built drawings by developers and/or contractors if they desire to do so in connection with locating service laterals, however, the City will not take responsibility for the accuracy of such documents. Persons desiring to obtain such information from the City shall be required to sign an appropriate disclaimer.

9-01-300. Extension of Water System Within the City.

(a) Application. Whenever any person, firm or corporation subdivides, develops or builds upon any property within the City which requires the installation or extension of a water main from an existing main, the person, firm or corporation seeking approval of the subdivision or development of the property shall submit an application for extension of and service from the City water system for the development. The application shall set forth the distance and location of the proposed extension, a map of the extension, the size, location and number of connections that applicant will require, and the intended use; i.e. residential, multi-family, commercial and/or industrial.

(b) Review. The application shall be submitted to the City by the developer with the preliminary plat or site plan review for the development and shall be reviewed by the City Engineer. Upon a finding by the City that the City has available water rights, water source capacity, and water distribution and storage facility capacity to serve the proposed development with a year round supply of water, the application may be accepted.

(c) Agreement. Upon acceptance of the application for extension and water service, the developer shall enter into a written extension agreement with the City specifying the terms and conditions under which the water extensions and connections shall be made to the City water system and the payments that shall be required.

(d) Expense. The developer shall be required, at his or her own expense, to make, construct, and lay such extension from the existing main to the proposed subdivision, development or building. Developer shall construct at its sole expense, the internal or on-site water distribution system required to serve the individual consumers within developer's subdivision or development, including all booster pumps, on-site storage, and other appurtenant facilities as well as any off-site reservoir required for the development. All improvements shall be constructed in accordance with the City's specifications. Service and connection to the City water system shall not be permitted until such improvements are inspected, approved and accepted by the City.

(e) Easements. Where possible, provisions shall be made for the construction of all line extensions and distribution lines within public streets and easements. Where lines must cross private property, developer shall obtain at developer's sole expense, all required and necessary easements in satisfactory and recordable form.

(f) Dedication. Upon compliance with all conditions and requirements set forth herein, developer shall convey to the City, free and clear of all liens and encumbrances, except for those specifically agreed to in writing by the City, and by conveyancing instrument acceptable to the City, the following:

(1) Any extension of the City's main transmission system constructed by developer and donated to the City as provided herein, together with all necessary pipeline easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(2) The internal subdivision distribution system and all appurtenant facilities specifically including but not limited to all distribution lines, pumps, storage facilities, booster pumps, and any required treatment facilities, together with all appurtenant easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(g) Reimbursement. Where any person, firm or corporation subdivides or develops property subject to these provisions and is required to make expenditures which in the opinion of the City Council should not be borne wholly and solely by such developer because other subsequent developments will benefit directly therefrom, the City Council may enter into an agreement with the developer for reimbursement on a proportionate basis for his or her actual costs as subsequent users connect to the main extension. As a condition of such reimbursement and prior to final approval and acceptance of the main extension by the City, the developer shall submit to the City a verified list of costs which shall form the basis of the reimbursement agreement taking into consideration the benefit of the line to the developer.

9-01-310. Extension of Water System Outside the City.

The City may furnish water service from its water system to persons outside the City in accordance with the provisions of this Section provided that such water service is available and will in no way deprive the residents of Woods Cross City of water consumption. Nothing contained herein shall be construed to obligate the City to extend its system to provide water service to persons outside the boundaries of the City.

(a) Petition. Any person or persons located outside the City limits who desires to be supplied with water service from the City water system may make application to the City Council for such extension and service by petition. The petition shall set forth the distance and location of the proposed extension, a map of the extension, the size, location and number of connections that petitioner will require, and the intended use. Petitioner shall be required to pay in advance the entire cost of extending the City water system to provide such service. In addition to the requirements set forth in this Section, the petition shall contain a certified acknowledgment that the petitioner understands that the City in granting the petition need only supply such water to the petitioner from time to time as shall be deemed by the City Council to be available beyond the requirements of water use within the City limits and that such extension shall be the property of and subject to the control of the City.

(b) Review. The City shall review the petition, including review by the Public Works Department, City Engineer and City Attorney. The Public Works Department shall determine what portion, if any, of the extension of the City's water mains to the City limits the City shall construct, and shall prepare a verified statement showing the whole cost and expense of making such an extension. Such costs and expenses shall include administrative and supervisory expenditures of the City, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. Upon a finding by the City that the City has available water rights, water source capacity, and water distribution and storage facility capacity to serve the proposed development the application may be accepted.

(c) Agreement. If the City grants the petition or any portion thereof, the petitioner and the City shall enter into an acceptable written water system extension agreement, which agreement shall be executed prior to the commencement of any work upon said extension.

(d) Dedication. Upon compliance with all conditions and requirements set forth herein, petitioner shall convey to the City, free and clear of all liens and encumbrances, except for those specifically agreed to in writing by the City, and by conveyancing instrument acceptable to the City, the following:

(1) Any extension of the City's main transmission system constructed by petitioner and donated to the City as provided herein, together with all necessary pipeline easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(2) The internal subdivision distribution system and all appurtenant facilities specifically including but not limited to all distribution lines, pumps, storage facilities, booster pumps, and any required treatment facilities, together with all appurtenant easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(e) Reimbursement. The City shall have the right to allow third parties to connect to any water line or facilities constructed pursuant to this Section in which case the City may enter into an agreement providing partial reimbursement to the developer. As a condition of such reimbursement, the petitioner shall, prior to final approval and acceptance of the main extension by the City, submit to the City a verified list of costs which shall form the basis of the reimbursement agreement taking into consideration the benefit of the line to the petitioner.

9-01-320. Meter Installation and Maintenance.

It shall be unlawful for any person who is not authorized by the Public Works Department to open or connect into any City water main. Any person desiring to open or connect into the City water system shall obtain the appropriate permits required herein and all work performed under such permit shall be inspected by the City. Any person connecting to the water system shall install a connection pipe of suitable quality under the street and a meter box, meter, and stopcock at a location determined by the Public Works Department. Said connection pipe, meter box, meter and stopcock are and shall remain the property of the City, which retains the sole right to maintain, repair, and service said facilities. The City shall own and maintain the shutoff valve, the water meter and its appurtenances, regardless of whether the water meter was installed at the street or inside the structure receiving service.

9-01-330. Meter Required.

All water delivered by the City to its customers shall be metered through water meters owned and approved by the City. It shall be unlawful for any person, firm or corporation to use or have in their possession any water from the City water system that has not first been passed through and the quantity thereof measured by a City water meter.

9-01-340. Meter Accuracy.

Any user may submit a request for a test of his or her water meter. The Water Superintendent may, if under the circumstances it is deemed advisable, order a test of the requested meter measuring the water delivered to the user. If such request to test the meter is made within twelve (12) months after the date of the last previous test, the user may be required to pay the costs of such test if the meter is found to record from 97% to 103% of accuracy under methods of testing that are satisfactory to the Water Superintendent. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the City shall make such adjustments in the user's previous bill as are just and fair under the circumstances. If a meter fails to register at any time, the water delivered during such period shall be estimated on the basis of previous consumption. To the extent possible, the period of time used to assess previous consumption shall be a seasonally similar time period.

9-01-350. Meter Tampering.

Meters may be checked, opened, inspected or adjusted at the discretion of the City by City personnel. It shall be unlawful for any person other than authorized agents of the City to adjust, open, manipulate, disconnect or tamper with City water meters in any manner. If any meter tampering by an owner and/or occupant of property is deemed to be done to restore water services to a property where water has been disconnected for non-payment such tampering shall be deemed theft of services and the account for that property will be assessed a water meter tampering fee as outlined in the City Consolidated Fee Schedule. A user shall prevent any damage to the water meter used by such user and shall be responsible for the cost of repairing any damage to the water meter other than normal wear and tear.

9-01-360. Illegal Use of Water Pressure.

The water provided through any connection to the City water system shall not be used for the purpose of driving any motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever.

9-01-370. Unauthorized Service.

It shall be unlawful for any person to provide oneself or others with, or to make use of water service from the City water system without prior authorization from the City and payment therefore as herein provided. It is unlawful for any person to restore discontinued water service by self-help or other means without authorization by the City. Regularly applicable charges shall be assessed for unauthorized water service and may be collected as provided in this Chapter.

9-01-380. Unauthorized Connection.

It shall be unlawful for any person, directly or indirectly, to connect to, disconnect, repair or alter the City water system or any part thereof, including, but not limited to, any water line or water meter, without prior authority obtained from the City in accordance with the provisions of this Chapter. It shall be unlawful for any person, directly or indirectly, to open any fire hydrant, stopcock, valve, or other fixtures attached to the City water system without prior authority obtained from the City in accordance with the provisions of this Chapter.

9-01-390. Damage to Water System.

(a) Prohibited. It shall be unlawful for any person to destroy, deface, damage or interfere with the operation of any part, pipe, fixture, appliance, appurtenance or property of the City water system or any source of water supplying to said system, to interfere with the flow or control of distribution of the water system, or to pollute, contaminate or introduce into such system any substance poisonous to human life or harmful to human health or detrimentally affecting the taste, smell, color, odor, or other aesthetic characteristic of the City water system.

(b) Restitution. All damages or injury to the water, lines, meters or other equipment of the City water system caused by any act or neglect of the user or his or her agents or any violation of this Chapter shall, in the discretion of the City, be repaired by or at the expense of the user, and the user shall pay all costs and expenses, including reasonable attorneys' fees, which may arise or accrue to the City through its efforts to repair or recover expenses for the repair of the damage to the water, lines, meters or other equipment of the City water system or Public Works Department.

9-01-400. Emergencies.

Notwithstanding the provisions of this Chapter, in the case of leaks or other accidents damaging service laterals or other apparatus connected with the water system, plumbers or other qualified persons may shut off the water at the curb box to make the necessary repairs, and turn on the water upon completion of such repairs without obtaining authorization.

9-01-410. Waste Prohibited.

All users of water service shall be required to keep their sprinklers, faucets, valves, hoses and all apparatus connected to the water system in good condition at their own expense and all waterways closed when not in use. No person, unless authorized by the City in accordance with this Chapter, shall turn on or discharge water from any fire hydrant, and no water user or other person shall waste water or allow it to be wasted by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, basins, sinks, or other apparatus, or to use any water from the water system except for culinary and domestic purposes, including lawn sprinkling, unless so authorized by the City, or to use the water for purposes other than those for which he or she has paid, or use water in violation of the rules and regulations adopted by the City Council.

9-01-420. Sprinklers.

All sprinkler systems shall comply with applicable provisions of the Plumbing Code, as adopted and amended by the City, and shall only be allowed in connection with other water service provided to the premises. It shall be unlawful for any person to install or use a sprinkling system which materially affects the pressure or supply of water in the City water system or any part thereof.

9-01-430. Curtailment.

Water shall be supplied first for culinary purposes. In times of water scarcity, the Mayor may, by proclamation, declare a water emergency and limit, ration, or otherwise regulate the distribution or use of water to such extent as may be required for public good of the City. Such action of the City may include, but shall not be limited to, limiting the use of water for lawn sprinkling or imposing a moratorium on new water connections until the emergency has been alleviated.

9-01-440. Turning Water Off.

If any water user shall waste water, or shall, within two (2) days after notice is given by the Public Works Department, fail to repair any service connection or plumbing on his or her premises, or fail to comply with any regulations or restrictions with respect to the use of water, he or she shall be liable to have the water shut off from his or her premises by the Public Works Department. Upon the occurrence of any of the foregoing, the Public Works Department shall notify the occupant of the premises and the owner thereof in writing, by personal delivery or certified mail, return receipt requested, of the violation and that the water service will be discontinued if the violation is not remedied within three (3) days. If the violation is not remedied within the required time frame after service of the notice of discontinuance, the Public Works Department shall cause a notice to be left on the property explaining the reason for discontinuance, and the water service may thereafter be discontinued. If water is turned off because of defective plumbing or waste, as provided herein, the water shall not be turned on again until the same have been repaired in accordance with the requirements of the Public Works Department, and a fee has been paid for shut off, turn on and inspection as set forth by resolution in the City Consolidated Fee Schedule.

9-01-450. Cross Connections.

(a) Generally. This Section shall be known as the "Woods Cross City Cross Connection Ordinance," and may be so cited. The purpose of this Section is to protect the public potable water supply from contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow or back-siphon into the public potable water supply system. This Ordinance is adopted pursuant to Section R309-102-5 of the Utah Safe Drinking Water Rules and Regulations.

(b) Requirements. No water service connection to any premises within the City shall be installed or maintained unless the water supply is protected. Unprotected cross connections shall not be an integral part of any consumer's water system within the City. In the event a cross connection cannot be eliminated, it must be protected by the installation of an air gap or approved backflow prevention assembly/device in accordance with the provisions set forth herein.

(c) Responsibilities. It shall be the responsibility of the consumer to purchase, install or cause to be installed, test and maintain any backflow prevention assembly/device required to herein. It shall be the responsibility of the City Public Works and Building Departments to administer and enforce the provisions of this Section to ensure compliance herewith.

(d) Compliance. All connections to the City water system and backflow prevention devices required herein shall conform to the provisions of this Section, the Plumbing Code, as amended and adopted by the City, the Utah Safe Drinking Water Act, and other relevant provisions of the *Utah Code Annotated*, as amended.

(e) Enforcement. Service of water to any building or location, in the discretion of the City, may be discontinued if a backflow prevention assembly required by this Section is not installed, tested, and maintained, if a backflow prevention assembly has been removed or by-passed, or if an unprotected cross connection exists at the building or location. In addition, water service may be terminated to any building or location when the Public Works Director or Building Official determines that the service connection's water usage constitutes a sufficient hazard or risk to the water supply or to the City's water system. The City shall give reasonable notice to the customer and/or owner of the building or location of the termination of water service to a building or location, and where the consumer could not reasonably be so notified before termination, then notice shall be given promptly afterwards. Service will not be restored

until such conditions or defects are corrected to the requirement of this Section and the satisfaction of the City.

(f) Record Keeping. Officers and employees of the Public Works Department and the Building Department shall report all installations of backflow prevention devices, assemblies and methods of cross connection correction installed by or communicated to them to the Public Works Director or his or her designee. The Public Works Director, or his or her designee, shall maintain or cause to be maintained an inventory of all said assemblies, as well as test and repair records on all such assemblies, and shall be responsible for notifying customers of annual testing requirements or other enforcement requirements.

9-01-460. Maintenance and Control of Hydrants.

Fire hydrants are the property of the City and are under the control of and shall be kept in repair by the Public Works Department.

9-01-470. Tampering with Hydrants.

Fire hydrants shall not be tampered with and no one shall use, adjust, alter or change any fire hydrant except the Public Works Department or persons duly authorized by the City. It is unlawful for any person, other than those duly authorized, to open or operate any City fire hydrant or to tamper or interfere with or attempt to draw water therefrom, or in any way to obstruct the approach thereto.

9-01-480. Hydrant Use by City Departments.

Duly authorized fire protection personnel shall at all times have free and unrestricted access to all fire hydrants. In the event of a fire within the City, a fireman, policeman, or employee of the Public Works Department may order that all valves, taps, and stopcocks connected to the plumbing systems of any property supplied with water service by the City be closed and remain closed until the fire is extinguished. Other City Departments or agencies may use fire hydrants with the approval of the Public Works Department.

9-01-490. Private Use of Fire Hydrant Water.

The private use of City fire hydrants for obtaining water is discouraged and shall be used as a measure of last resort and all other means of obtaining water for construction purposes, dust control and other private uses must be explored and used whenever possible. Any private use of fire hydrants shall require a permit as provided herein.

9-01-500. Fire Hydrant Water Use Permit.

(a) Permit Required. Any person or entity desiring to obtain water from a City fire hydrant shall submit an application for a Fire Hydrant Water Use Permit on forms provided by the City to the Public Works Department. The application shall be signed by the applicant or applicant's authorized and certified agent, and shall state the purpose for which the water is to be used, the location of the intended fire hydrant to be used, and the desired term of the permit, not to exceed thirty (30) days. Applicants must agree to and abide by all conditions, charges and liabilities of the permit.

(b) Fees. Each application for a Fire Hydrant Water Use Permit shall be accompanied by the required permit fees as set forth in the City Fee Schedule. No permit shall be issued until the proper fees have been paid to the City. Unless otherwise provided, the permit and fees required herein shall be in addition to any and all other licenses, permits and fees imposed by any other ordinance, regulation or law.

(c) Issuance of Permit. The Water Superintendent shall review all applications for Fire Hydrant Water Use Permits and may issue or deny such applications based upon consideration of the effect of the proposed use, the location of the hydrant, the availability of water from the system, assurance that the use of the hydrant(s) will not adversely affect delivery of water to existing connections to the City water system, and compliance with all conditions and requirements of this Chapter. Permit terms may not exceed thirty (30) days. Permits shall be valid only for the applicant for whom it was issued and only for the location and use for which it was issued and shall not be assignable or transferable.

(d) Water Meter. Upon issuance of a Fire Hydrant Water Use Permit and payment of all required fees and deposits, the permit holder shall obtain a meter and other required equipment from the Public Works Department necessary to obtain and meter the water drawn from the hydrant in accordance with the permit. A deposit shall be required for the use of the meter and other equipment provided by the City in an amount set forth in the City Fee Schedule in order to insure return of the meter and equipment in good condition. The meter number and reading shall be noted on the permit at the time of issuance.

(e) Payment. Upon completion of the use of fire hydrant water or expiration of the permit, whichever is sooner, Applicant shall return the meter and other equipment provided by the City and pay the appropriate fee in accordance with the rates set forth in the City Fee Schedule for the amount of water used as indicated on the returned meter. In the City's discretion, the City may require an applicant to pre-pay for the good faith estimate of the amount of water to be used at the appropriate rate set forth in the City Fee Schedule. Upon completion of the use of fire hydrant water or expiration of the permit, actual water usage shall be determined and the Applicant shall pay to the City any deficiency in water fees owed. All fees, deposits and payments shall be submitted to the City Treasurer's Office for receipt and remittance.

(f) Inspection. The City reserves the right to supervise and/or inspect the use of any City fire hydrant in accordance with any permit issued hereunder. Applicant shall close the hydrant and disconnect the meter from the hydrant when not using the water, thereby leaving the hydrants free and clear for use by the fire department and City officials.

(g) Free Access. No private use of City fire hydrants as permitted herein, may interfere with the use of any fire hydrant by City officials, and the fire department shall at all times have free access to all fire hydrants.

(h) Records. The Public Works Department shall keep a record of all permits issued hereunder, including the name of the person to whom the permit was issued, the term of the permit and the fees and deposit collected.

(i) Rules and Regulations. The Public Works Department may establish and adopt, with the advice and consent of the City Council, rules and regulations governing the use of City fire hydrants and permits for the same.

(j) Indemnification. Applicant shall be responsible for returning the meter and equipment to the City in good condition when due. A late fee may be charged for any meter or equipment which is not returned to the City within twenty-four (24) hours from the expiration of the permit as provided in the City Fee Schedule. Applicant shall be responsible to reimburse the City for the cost to replace any meter or equipment not returned and shall be liable for any and all damage to the City fire hydrant(s) or equipment in connection with applicant's use of the hydrant. Applicant shall further indemnify and hold harmless the City, its officers, employees, agents and sureties, from liability of any kind or nature which may result from use of the hydrant, meter, equipment or water as permitted herein.

(k) Revocation. Any Fire Hydrant Water Use Permit issued hereunder may be revoked or suspended by the City upon applicant's failure to comply with the rules and regulations of the Public Works Department and the ordinances of the City governing the use of water from City fire hydrants. Prior to revocation of any permit, proper notice and an opportunity to be heard shall be provided to the permit holder.

(l) Appeals. Any person aggrieved of the denial or revocation of a Fire Hydrant Water Use Permit may appeal such decision to the City Council by filing written notice of appeal within fifteen (15) days from the date of the decision.

9-01-510. Secondary Water Connection.

(a) New Residential Buildings. All new residential building sites shall be served by pressure irrigation in accordance with the City Subdivision Ordinance. No new building permits will be issued until the applicant has made arrangements to connect to an irrigation water system. Each owner shall extend to the pressure irrigation system and provide a connection for the building site concurrent with construction of the residence.

(b) Existing Residential Buildings. All owners of existing residences having access to pressurized irrigation systems are encouraged to connect to such systems for all outside watering.

9-01-520. Wellhead Protection.

In order to protect ground water sources that supply water to the City potable water system, the City shall adopt a Wellhead Protection Ordinance set forth in the City Zoning Ordinance restricting land use and development within the vicinity of any well that supplies potable water to the City water system in order to protect such areas from urban development which may cause pollutants to be discharged into the ground water supply. All development within the City must comply with the provisions of the Wellhead Protection Ordinance.

9-01-530. Penalty.

Unless otherwise specifically provided, any person who violates any provision of this Chapter shall be guilty of a Class B misdemeanor and shall be subject to fines and/or imprisonment as provided in *Utah Code Ann.* §§ 76-2-301 and 76-3-204, as amended. In instances where the violation is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs or continues. This Section shall not limit the authority of any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate under the laws of the State of Utah.

9-01-540. Board of Equalization.

The City Council is hereby designated as the board of equalization of water rates to hear complaints and make corrections of any assessment alleged to be illegal, unequal or unjust. All complaints shall be filed in writing to the City Recorder and shall state the grounds for the complaint.