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CHAPTER 1

WATER USE AND SERVICE

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8-1-1: **PUBLIC WORKS DEPARTMENT:**

- A. **Creation:** The public works department of the city is hereby created. It shall administer the operation and maintenance of the water system of the city. (1980 Code § 14-110)
- B. **Director:** There is hereby created the position of public works director of the public works department. (1980 Code § 14-111)

- C. **Duties:** The public works director of the water system shall manage and supervise the city water system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the city council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the public works director shall be carried on under the direction of the mayor and city council. (1980 Code § 14-112; amd. 2005 Code)

8-1-2: APPLICATIONS FOR CONNECTION, SERVICE:

- A. **Connection:** Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the city water system, shall file with the public works department for each such connection a written and signed connection application form which is on file in the office of the public works department. (1980 Code § 14-113; amd. 2005 Code)
- B. **Connection By Subdividers:** Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement, which shall constitute an application for permission to make the extensions and connections, and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required. (1980 Code § 14-114)
- C. **Service:** Any person who desires or is required to secure water service when such service is available from the city water system, shall file with the public works department a written application and agreement for the service which is on file in the office of the public works department. (1980 Code § 14-115; amd. 2005 Code)
- D. **Nonowner Applicants:** Applications for water service made by the tenant of an owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in such form as is on file in the office of the public works department. (1980 Code § 14-116; amd. 2005 Code)

8-1-3: FEES:

- A. **Service Rates And Connection Fees:** The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the city water system shall be fixed from time to time by resolution enacted by the city council. The city council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. (1980 Code § 14-117)
- B. **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 they may deem proper. (1980 Code § 14-118)
- C. **Complaints; Corrections:** The city council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person. (1980 Code § 14-119)

8-1-4: STATEMENT OF CHARGES; DELINQUENCY:

- A. **Statement:** The city shall mail monthly to each user, a written or printed statement indicating thereon the amount of water service charges for each user.
- B. **Contents Of Statement:** Said statement shall specify the amount due for water service, the period billed, the place of payment, office hours, the date due and such other information as the city may direct.
- C. **Owner Liable:** The city shall not be required to furnish water for use in any house, tenement, apartment, building place, premises or lot unless the application for water be made in writing and signed by such owner. Said owner shall agree that he will pay for all water furnished. Said owner may request the city, in writing, to send all statements for water services to a tenant or other occupant of the owner's premises; provided such request contains an agreement

signed by the owner to the effect that in consideration of the granting of such application the owner will pay for all water furnished under the application. In case such tenant or other occupant shall fail to pay for same according to ordinances and resolutions enacted by the city, then such owner shall be liable to pay.

- D. Failure To Pay; Discontinuance Of Service: If any user fails to pay the amount of the statement for water service within thirty (30) days from the date due, the city shall discontinue service without notice.
- E. Late Charges: Water accounts delinquent thirty (30) days following the period for which billed shall be assessed a one and one-half percent ($1\frac{1}{2}\%$) charge monthly to cover the extra expense in handling delinquent payments.
- F. Meter Removal; Collection: Water service may be discontinued without notice by removing the meter unless all amounts due to the city, including delinquent water, sewer and garbage accounts, are paid in full, or at the city's option, arrangements are made in writing for the payment of all accounts due and owing. If payment of all accounts due and not made after sixty (60) days, the accounts will then be added to the property owner's taxes and collected by the county assessor.
- G. Resumption Of Services: Before water service is again provided on discontinued water accounts: (Ord., 8-1987)
 - 1. All delinquent accounts, including water, sewer and garbage accounts, shall be paid in full, together with a reconnect fee in such amount as established by resolution of the city council; or
 - 2. A meter tampering fee in such amount as established by resolution of the city council if the user has adjusted, reconnected or in any manner tampered with the water connection. (Ord., 8-1987; amd. 2005 Code)
- H. Action At Law: An action at law to collect all delinquent amounts due may be maintained at any time in the name of the city.
- I. Transfer Of Ownership: Subject to the approval of the city, all water service connections shall be considered appurtenant to the land they serve. It is further provided, that the ownership to water service connections shall not be transferred to a new purchaser of any appurtenant/real property until all city delinquent water charges are first paid, nor shall any water service be continued in service to any

service connection after the transfer or ownership of the appurtenant land so long as any delinquency exists. Such water service shall not again be restored or reconnected until all charges, including, but not limited to, water charges set forth in this chapter, shall have been paid current to the date of resumption of service to ensure that there shall be no delinquent charges at the time of ownership. (Ord., 8-1987)

8-1-5: DISCONTINUANCE OF SERVICE REQUEST BY CUSTOMER: Any customer desiring to discontinue service shall notify the city in writing of such fact at least ten (10) days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuation of service. (1980 Code § 14-141)

8-1-6: USE WITHOUT PAYMENT PROHIBITED: It shall be unlawful for any person by himself, family, servants or agents to utilize the city water or sewage system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It shall be unlawful to injure, deface or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system. (1980 Code § 14-120)

8-1-7: USE WITHOUT AUTHORITY; RESTRICTIONS:

- A. **Turning On After Being Turned Off Prohibited:** It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the public works director or city recorder. (1980 Code § 14-122)
- B. **Separate Connections:** It shall be unlawful for two (2) or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the city council and the premises served are owned by the same owner. In all such cases, a

failure on the part of any one of the users to comply with this subsection shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections or meters at a subsequent time. (1980 Code § 14-123)

- C. **Unauthorized Users:** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises. (1980 Code § 14-124)
- D. **Adjoining Premises:** No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the public works director and subject to such requirements relating to controls as may be imposed by him. (1980 Code § 14-127B)
- E. **Visitors:** Individuals visiting the premises of an authorized user in a recreational vehicle, not including a mobile home, and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and violative of the provisions of this chapter relating to separate connections and unauthorized use. (1980 Code § 14-125)

8-1-8: INSTALLATION OF WATER LINES:

- A. **Permit Required:** It shall be unlawful for any person to lay, repair, alter or connect any water line to the city culinary water system without first having received a construction permit from the office of the city recorder or from the public works director. (1980 Code § 14-137)
- B. **Application:** Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the city water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made.

- C. **Determination Of Approval:** The application shall be granted if the public works director determines that:
1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
 2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the city.
- D. **Line And Grade Designation:** All connections, alterations or installations shall be to the line and grade designated by the public works director.
- E. **Fees:** Fees for permits or for inspection services shall be of such amounts as the city council shall from time to time determine by resolution. (1980 Code § 14-138)
- F. **Moving Or Replacement Of Water Lines:** In the event that the city in its sole discretion determines that any water line of the city must be moved or replaced, the city shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer. (1980 Code § 14-139)
- G. **Plumbing Requirements:** Permission to connect with the city water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the city. (1980 Code § 14-140)

8-1-9: PIPE REQUIREMENTS:

- A. **Good Repair:** All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the public works director, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe. (1980 Code § 14-126)
- B. **Quality Of Service Pipe:** All service and other pipe used in conjunction with the water services of the city shall be of such material, quality and specifications as the city council may from time

to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the public works department. All work, alterations or extensions affecting water pipes shall be subject to the acceptance of the public works director, and no connections with any water mains shall be made without first obtaining a permit therefor from the city recorder. (1980 Code § 14-127A)

8-1-10: WATER MAINS EXTENDED:

- A. **Petition To City Council:** Any person, including any subdivider, who desires to have the water mains extended within the city, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the city council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the public works director. The city council may grant or deny the petition as in its discretion deems best for the welfare of existing water users in the city. (1980 Code § 14-143)
- B. **Cost Determined:** Upon the receipt of such petition and map and before the petition is granted, the city council shall obtain from the public works director a certified statement showing the whole cost or expense of making such extension. (1980 Code § 14-144)
- C. **Amount Deposited:** If the city council grants the petition, the amount of the cost of making the extension, as certified by the public works director, shall be deposited with the city recorder before any work shall be done on such extension. The deposit shall be made within thirty (30) days, or such other time as the city council shall indicate, after the granting thereof. (1980 Code § 14-145)
- D. **Return Of Deposit:** At the time the city council decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the cost is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
- E. **Forfeiture:** In the event any deposit remains unclaimed for a period of five (5) years after the depositor has discontinued water service,

the deposit may be forfeited and then transferred to the water utility fund. (1980 Code § 14-146)

- F. **Ownership Of Extension:** Any such extension shall be deemed the property of the city. (1980 Code § 14-147)

8-1-11: **SPRINKLING VEHICLES:** Vehicles for sprinkling shall be regulated and controlled by the public works department through the public works director. (1980 Code § 14-129)

8-1-12: **RIGHT OF ENTRY:** All authorized persons of the city shall have the right to enter upon any premises furnished with water by the city to examine the meter and apparatus, the amount of water used and the manner of use and to make necessary shutoffs for vacancy, delinquency or violation of city ordinances and resolutions enacted or adopted by the city. (Ord., 8-1987)

8-1-13: **MOTORS AND CERTAIN MACHINERY RESTRICTED:** No water shall be supplied from the pipes of the city water system for the purpose of driving motor, syphon, turbine or other wheels, or any hydraulic engines or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose, except by special permission of the city council. (1980 Code § 14-132)

8-1-14: **FIRE HYDRANTS:** Water for fire hydrants will be furnished free of charge by the city. Installation and repairs on such hydrants shall be at the expense of the city and shall be made under the direction of the city. All customers shall grant the city, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city. (1980 Code § 14-142)

8-1-15: **SCARCITY OF WATER:**

- A. **Limit; Authority:** The mayor may by proclamation limit the use of culinary water supplied by the city for all outdoor uses with the exception of outdoor uses essential to the continuance of licensed business ventures within the city during any period of time the mayor

determines that a scarcity of water exists within the city water system. Such limitation to continue for such period of time until the mayor lifts the proclamation limiting the use.

- B. **Penalty:** Violation of any provision of the mayor's proclamation shall be considered a class B misdemeanor and may subject the violator to penalty as provided in section 1-4-1 of this code. (Ord. 14-134, 3-27-1990; amd. 2005 Code)

8-1-16: EXCESSIVE USE OF SPRINKLERS:

- A. **Effect On City Water System:** It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the city council materially affect the pressure or supply of water in the city water system or any part thereof, and the city council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. **Order To Discontinue:** The city council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this chapter. (1980 Code § 14-133)

8-1-17: WASTE OF WATER:

- A. **Prohibited Acts:** It shall be unlawful for any water user to:
1. Waste water.
 2. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
 3. Wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus.
 4. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply. (1980 Code § 14-128)
- B. **Refer To City Council:** Users of water from the city water system shall not permit water to continue to run wastefully and without due

efforts to conserve water. If, in the judgment of the public works director or of any of the officers of the city, a user of city water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the public works director or any officer may refer the matter to the city council.

- C. Termination Of Service; Meeting: The city council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the city council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and the charges which lead to the consideration of the termination.
- D. Appearance By Water User: A water user whose right to utilize city water is being reviewed shall have opportunity to appear with or without counsel and present the reasons why his water service should not be discontinued.
- E. Determination: After due hearing, the city council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, the city council shall notify him of the decision and of the period during which the service will remain discontinued. (1980 Code § 14-135)

8-1-18: **WATER METERS:**

- A. Number Of Meters; Dispute: Except as otherwise expressly permitted by this chapter, all structures, dwelling units, establishments and persons using water from the city water system must have such number of water meters connected to their water system as are necessary in the judgment of the public works director to adequately measure use and determine water charges to the respective users. Whenever a dispute between the public works director and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.
- B. Meters Furnished By City: Meters will be furnished by the city upon application for a connection, and upon payment of such connection fees and other costs as may be established by the city council from

time to time by resolution. Meters shall be deemed to be and remain the property of the city.

- C. **Meter Readings:** The public works director shall cause meter readings to be taken regularly and shall advise the city recorder thereof for the purpose of recording the necessary billings for water service.
- D. **Tampering:** Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water, except by an authorized representative of the city, unless special permission is given by the city through its representatives to the customer to do so.
- E. **Meter Testing:** If a customer submits a written request to the public works director to test his water meter, the city may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve (12) months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from ninety seven percent (97%) to one hundred three percent (103%) of accuracy under methods of testing satisfactory to the city council, the meter shall be deemed to accurately measure the use of water.
- F. **Estimation In Case Of Failure:** If the city's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than ninety seven percent (97%) or more than one hundred three percent (103%) of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- G. **Damage By Customer:** All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall, in the discretion of the city, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the public works department or collect such costs from the customer. (1980 Code § 14-136)

8-1-19: SALES OUTSIDE CITY:

- A. **Definitions:** As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

AGRICULTURAL: Refers to the raising of crops or growing of plants of any kind and the husbandry of and raising of animals regardless of whether for personal or commercial use. More specifically as it relates to water, the reference is to irrigation of plants and the provision of drinking water for livestock of all kinds.

COMMERCIAL: Those endeavors permitted within the definitions and permitted uses as designated in the East Carbon City zoning ordinance for commercial zones: GC and CC zones.

CULINARY WATER: That water used in or at a residential site and includes inside the house use for kitchen and bath and outside uses such as a reasonably sized lawn, a family sized vegetable garden, drinking water for household pets.

INDUSTRIAL WATER: That water used for any purpose permitted in the I-1 and I-2 zones defined in the East Carbon City zoning ordinance, inclusive of culinary use within the industrial facility.

OUTSIDE WATER SALE: The sale of water, treated or untreated; the ownership of which is established by existing water rights or cooperative agreements, by East Carbon City to any person, corporation, organization or legal entity wherein the point of use of the water is outside the corporate city limits.

- B. **Industrial Or Commercial Connections:** Outside water connections for use as industrial or commercial water use shall be permitted only at the discretion of the city council. Each such water sale must be approved by city council in open meeting on a case by case basis with appropriate consideration of the following factors:

1. Quantity of water proposed to be used as compared to the availability of water in the city water system.
 2. Pricing of the water and method of payment. Water charges shall be consistent with prices within the city boundaries, but shall recognize the wholesale nature of industrial and commercial users.
 3. Transmission facilities; i.e., piping, valves, pressure controls, meters, rights of way and the ownership and maintenance responsibilities of each item above.
- C. Residential Connections: Outside water connections for use as residential culinary water shall be permitted only at the discretion of the city council. Each such water connection must be approved by city council in open meeting on a case by case basis, with strict compliance with the following parameters:
1. Each water connection shall serve one single-family residence only.
 2. Each water connection shall be limited to fifty thousand (50,000) gallons of water for any one month period. Any two (2) months in succession that this limit is exceeded is grounds for terminating water service by the city; provided, however, that the city reserves the right to terminate water service under this section if the quantity limit is exceeded for two (2) months or more not in succession.
 3. Water charges shall be consistent with prices within the city boundaries, but the city council reserves the right to charge a higher amount to the outside water users, if necessary.
 4. The cost of all pipe, valves, pressure controls, meters or other water works necessary to deliver culinary water outside city boundaries shall be borne by the customer, including any waterworks or piping inside the city limits related to the outside hookup. Maintenance of said waterworks or piping outside city boundaries shall be the sole responsibility of the owner of the connection. Waterworks or piping within city boundaries shall become the property of and responsibility of the city. (Ord. 99-1, 9-21-1999)
 5. Residential connections shall be for residential use only. Proof of such use shall be evidenced by means of an existing residential structure or an active residential building permit from the proper jurisdiction, i.e., city, county, state, federal.

6. Consistent with residential water connections within the jurisdictional boundaries of the city, the water meter, piping at the connection, valves, cross connection prevention, etc., shall be sized at three-fourths inch ($3/4$ " maximum. (Ord. 99-3, 12-14-1999)

- D. **Agricultural Connections:** Outside water connections for agricultural purposes shall be permitted for the watering of normal family gardens and yards. It shall not be permitted for the watering of crops. (Ord. 00-01, 5-23-2000)
- E. **Prior Obligations:** The provisions of this section do not preclude the use of any existing or future pipelines to convey water to satisfy the provisions of the Christensen decree of 1957 which requires delivery of water by the city, under certain circumstances, for stock watering purposes to the Hirnonas brothers ranch. (Ord. 99-1, 9-12-1999)

8-1-20: OWNERSHIP OF SYSTEM:

- A. The city shall hold title to all main distribution lines, all delivery lines, and service lateral lines and connections from the main lines to and including the water meter, meter box, shutoff valve and any appurtenant facilities thereto. The city shall maintain, repair and replace the same in perpetuity. Each individual water user shall own and shall bear the sole responsibility for repair, upkeep and maintenance of the service lateral from the meter to the premises being served. The city shall not accept nor bear any responsibility for any leaks or damages caused by leakage on the water users side of the meter.
- B. The city may, without incurring liability, enter upon the users' property to read and inspect meters and service laterals, and to make emergency repairs to service laterals, in order to mitigate damages, prevent waste of water, and to prevent contamination of the water supply, and any such repairs shall be at the water users' sole expense. (Ord. 14-113-A, 11-12-1986)

8-1-21: NONLIABILITY FOR DAMAGES: The city shall not be held liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the

liability of the city beyond that provided in the governmental immunity act.
(1980 Code § 14-131)

CHAPTER 1

WATER USE AND SERVICE

ARTICLE A. WATERSHED AREAS

SECTION:

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8-1A-8:	Penalty

8-1A-1: **AREA DEFINED:** The "watershed area" of the city is hereby defined to be the entire area in any canyon upstream from and within fifteen (15) miles of any intake of the city, and within three hundred feet (300') on either side of the stream on Grassy Trail Creek or any stream, spring, reservoir or tributary where such stream of water is taken by said city into its waterworks system for the culinary and domestic use of the inhabitants thereof. (Ord. 34, 7-6-1977)

8-1A-2: **PERMIT REQUIREMENTS:**

- A. It shall be unlawful for any person to construct, use or maintain any closet, privy, outhouse, cesspool, urinal or sewage disposal system or any public bathhouse, swimming tank or swimming pool, at any place within the "watershed area" of the city, as defined in section 8-1A-1 of this article, other than those facilities expressly provided for in subsection 8-1A-3A of this article, unless such person shall first have obtained from the city council and the health officer a permit for the construction, use and maintenance of the same. The construction and maintenance of all sewage disposal systems,

cesspools, vaults and privies shall be under the direction and supervision of the city council and the health officer.

- B. It shall be unlawful for any person to construct, use or maintain any sewage disposal system whatsoever or any other facility for the discharge of human excreta, without first having obtained from the city council and health officer a permit for the construction, use and maintenance of the same. (Ord. 34, 7-6-1977)

8-1A-3: DISPOSAL SYSTEMS; RULES AND REGULATIONS:

- A. No person shall deposit any human excreta within the watershed area except in toilet facilities or other approved receptacles utilizing either a sealed vault system or a closed watertight outfall system which prevents any of the contents thereof from being dispersed into or onto the soil.
- B. No person shall construct, locate or maintain any vault or closed pipeline system for the deposit or storage of human excreta within fifty feet (50') of any spring, watercourse, water source or reservoir within the watershed area of the city, or at any place or in such a manner as to contaminate or threaten to contaminate the same.
- C. Any person who owns, operates, maintains or permits the use of any house, cottage, cabin, human habitation or camping place within the watershed area of the city shall be required to provide and maintain a sewage disposal system satisfactory to the city council and health officer, and in compliance with this article, and upon his failure to do so, the city council shall have authority to close, seal and prevent the use of such house, cabin, human habitation or camping place.
- D. All vaults or other approved receptacles used by any person for storage of human excreta shall be emptied completely at least once a year. Additionally, whenever the level of human excreta in such vault or receptacle is allowed to reach eighty percent (80%) capacity, or a point twelve (12) or less inches below any removal or leakage point, or the sealing of such vault or receptacle, whichever point is lower, a notice of violation will be issued to the owner or operator of the facility using said vault or receptacle allowing twenty four (24) hours for complete removal of said excreta. Upon any failure to comply with a notice to remove all excreta within twenty four (24) hours, the house, cabin, human habitation or camping facility or other facility involved in such notice shall be closed and sealed to prevent its use until the owner or operator of such facility complies

herewith. All owners and others having control over the use of such vaults are encouraged to keep the level of excreta below sixty percent (60%) of the vaults capacity to allow sufficient reserve for emergencies. Due care shall be exercised in the emptying of such facilities so as to prevent contamination of the watershed during such operations. If the sewage disposal facility used is a watertight outfall line system, such line shall convey said sewage into the city sewer system or to a sewage disposal plant operated by the city.

- E. The effluent from any tank or vault for the storage of human excreta must be hauled at the cost of the owner or occupant to a sewage disposal plant maintained by the city. The hauling of all such waste material must be either by the city or by a scavenger licensed by the city and under the direct supervision of the health officer and in accordance with the requirements of city ordinances.
- F. No person shall alter any existing or construct or install any new receptacle for human excreta without first having the plans thereof approved by the city council and the health officer and all receptacles for human excreta shall be operated and maintained in a manner approved by said city council or health officer.
- G. No person shall discharge or throw upon the ground or into any spring, watercourse, water source or reservoir within the watershed area of the city, any house slops, sink or shower waste (excluding human excreta) or to dispose of the same except in a sewage disposal system to be distributed into the ground that fulfills the following requirements:
1. It shall be located in areas of substantial soil cover, ten feet (10') or more, where water table is a minimum of four feet (4') below the ground surface.
 2. It shall be located a minimum of twenty five feet (25'), and where possible, at least fifty feet (50') from any spring, watercourse or reservoir.
 3. It shall consist of a septic tank, sized according to size of facility served, in a subsurface seepage field. Both septic tank and seepage field shall be constructed in accordance with regulations of the state department of health, except that minimum septic tank size shall be five hundred (500) gallons, in consideration of the fact that no toilet water may be discharged therein.

4. Any such disposal system shall be approved by the city council and health officer.

- H. It shall be unlawful for any person to construct, use or maintain any cesspool or septic tank for disposal of human waste anywhere within the "watershed area" of the city, as defined in section 8-1A-1 of this article, except as expressly provided herein. (Ord. 34, 7-6-1977)

8-1A-4: **PROHIBITED ACTS AND CONDITIONS:** It shall be unlawful for any person to do or permit to be done any of the things hereinafter described in the "watershed area" of the city, as defined in section 8-1A-1 of this article, from which water is used by the inhabitants of the city for domestic purposes:

- A. To construct or maintain any corral, sheep pen, pig pen, chicken coop, stable or any offensive or contaminating yard or outhouse;
- B. To deposit, pile, unload or leave any manure or offensive rubbish, or carcass of any dead animal, any place within said "watershed area", as defined in section 8-1A-1 of this article, except at a garbage disposal plant designated by the health officer;
- C. To permit any horses, cattle, sheep, hogs or other animals to water directly from the streams, springs or reservoirs;
- D. To permit any horses, cattle, sheep, hogs or other animals to remain or graze within three hundred feet (300') of any such streams, springs or reservoirs or to pollute or contaminate any such streams, springs or reservoirs;
- E. To throw or deposit any garbage or other deleterious matter of any kind anywhere within said limits, except at a garbage disposal plant designated by the health officer;
- F. To throw or break bottles or glass;
- G. To spread or eat any lunch or picnic within one rod of the bank of such stream, spring or reservoir;
- H. To wade or bathe in the stream;
- I. To wash dishes or other articles in the streams, springs or reservoirs;

- J. To commit any nuisance whatsoever or to do any act that will pollute or contaminate the water. (Ord. 34, 7-6-1977)

8-1A-5: **NUISANCES:** The health officer or any deputy or inspector acting under his direction may condemn as a nuisance and seal up and prevent the use of any privy, closet, urinal or other place where human waste is deposited where the same is not constructed, equipped and maintained as provided by this article; or where any such privy, closet or tank is not cleaned and the contents thereof properly hauled away or disposed of after notice to the owner or occupant of any premises within the time designated on said notice. It shall be unlawful for any person to break or remove any seal placed by the health officer or any deputy or inspector acting under his direction, upon any privy, closet, urinal or other place where human waste is deposited, or to use any such place so sealed until the nuisance is abated. (Ord. 34, 7-6-1977)

8-1A-6: **ESTRAYS:** Whenever any loose cattle, horses, sheep, hogs or other animals are found in any stream within the "watershed area" of the city, as defined in section 8-1A-1 of this article, or within three hundred feet (300') of any stream, spring or reservoir, or shall be polluting or contaminating the water, it is hereby made the duty of the health officer to cause any such animals to be driven to the nearest stray pound, there to be dealt with according to law. (Ord. 34, 7-6-1977)

8-1A-7: **NONCOMPLYING EXISTING SYSTEMS:** All existing sewage disposal systems, cesspools or privies within the "watershed area" of the city, as defined in section 8-1A-1 of this article, which shall be found to be unsanitary or which do not comply with the requirements of the city ordinances, must be remodeled and converted into sanitary types or systems within ten (10) days after notice to the owner thereof of such unsanitary or inadequate condition from the city council or health officer. It shall be unlawful for any person to use or maintain any unsanitary sewage disposal system, cesspool or privy after ten (10) days' notice shall have been given of such unsanitary or inadequate condition by the health officer or city council. (Ord. 34, 7-6-1977)

8-1A-8: **PENALTY:** Any person violating any provision of this article shall be guilty of a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 34, 7-6-1977; amd. 2005 Code)

CHAPTER 2

SEWER SERVICE REGULATIONS

SECTION:

- 8-2- 1: Public Works Department
- 8-2- 2: Use Of System Mandatory
- 8-2- 3: Application For Service
- 8-2- 4: Fees
- 8-2- 5: Statement Of Charges; Delinquency
- 8-2- 6: Installation And Connection To System
- 8-2- 7: Pipe Requirements
- 8-2- 8: Access By Department
- 8-2- 9: Prohibited Uses And Regulations
- 8-2-10: Ownership Of System

8-2-1: PUBLIC WORKS DEPARTMENT:

- A. **Creation:** The public works department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the city sewage collection and disposal system. The department shall administer the operation and maintenance of the city sewer system. (1980 Code § 14-211)
- B. **Public Works Director:** There is hereby created the position of public works director of the public works department. (1980 Code § 14-212)
- C. **Duties:** The public works director shall manage and supervise the city sewer system under the direction of the mayor and city council, which from time to time shall by resolution or otherwise, prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the sewer system. (1980 Code § 14-213; amd. 2005 Code)

8-2-2: USE OF SYSTEM MANDATORY: It shall be unlawful for the owner or any other person occupying or having charge of any premises within the city which are located within three hundred feet (300')¹ of a sewer main to dispose of sewage therefrom by any means other than by use of the city sewer system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy vault, cesspool or septic tank on the property, except by written approval of the city council in cases of undue hardship. (1980 Code § 14-220)

8-2-3: APPLICATION FOR SERVICE:

- A. **Agreement:** Any person who desires or is required to secure sewer service when such service is available from the city sewer systems shall apply therefor to the city recorder and file an agreement with the city, which shall be in such form as is on file in the city office. (1980 Code § 14-214; amd. 2005 Code)
- B. **Nonowner Applicants:** Applications for sewer service made by the tenant of an owner must, in addition to the above requirement, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in such form which shall be on file in the city office. (1980 Code § 14-215; amd. 2005 Code)

8-2-4: FEES:

- A. **Service Rates And Connection Fees:** The rates, penalty fee for delinquency in payment and connection fees for sewer services from the city sewer system shall be fixed from time to time by resolution or ordinance of the city council. The city council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system. (1980 Code § 14-216)
- B. **Special Rates:** The city council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances. (1980 Code § 14-217)

1. See also subsection 4-4-7B of this code.

- C. **Complaints; Corrections:** The city council is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal or unjust. (1980 Code § 14-218)

8-2-5: STATEMENT OF CHARGES; DELINQUENCY: Statement of charges and delinquency provisions shall be as provided in section 8-1-4 of this title. (1980 Code § 14-219; amd. 2005 Code)

8-2-6: INSTALLATION AND CONNECTION TO SYSTEM:

- A. **Permit Required:** It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connecting of any drain or sewer pipe connected with or part of the city sewer system without first having received a permit from the office of the city recorder. (1980 Code § 14-222; amd. 2005 Code)
- B. **Licensed Plumber; Exception:** It shall be unlawful for any person to connect any drain or sewer pipe with the city sewer system unless the person is a duly licensed plumber or unless, in the absence of a duly licensed plumber, any proposed connection to, alteration of or change of connection to the sewer system shall be first submitted to the public works director for review and approval. After such approval, the installation or work done shall be subject to inspection by the public works director or his agent. (1980 Code § 14-221)
- C. **Connection To Basement:** In order to determine the feasibility of connecting a basement or proposed basement to the sanitary sewer, the owner or plumber may make application for a trial sewer survey, the cost of which shall be as established from time to time by resolution of the city council. The result of a trial sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes. (1980 Code § 14-228)
- D. **Plumbing Requirements:** Permits to connect to the city sewer system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the city. (1980 Code § 14-223)
- E. **Revocation Of Permit:** All construction permits for sewer connections or installations shall be issued to the plumber who is to do the work or to the owner of the property, subject to the supervision and inspection by the public works director or his agents. The city

recorder or public works director may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work. (1980 Code § 14-224)

8-2-7: PIPE REQUIREMENTS:

- A. **Good Repair:** All users of the sewer services shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the public works director, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main. (1980 Code § 14-225)
- B. **Quality Of Service Pipe:** All service and other pipes used in conjunction with the sewer services of the city shall be of such material, quality and specifications as the city council may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the public works department. All work, alterations or extensions affecting sewer pipes shall be subject to the acceptance of the public works director, and no connections with sewer mains shall be made without first obtaining a permit therefor from the city recorder. (1980 Code § 14-226)

8-2-8: ACCESS BY DEPARTMENT: The public works director and his agents shall at all ordinary hours have free access to places supplied with sewer service from the city system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use. (1980 Code § 14-227)

8-2-9: PROHIBITED USES AND REGULATIONS:

- A. **Scope:** The city council shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used in addition to the regulatory provisions set forth expressly in this chapter. (1980 Code § 14-232)
- B. **Inflammables:** It shall be unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, any calcium carbide or residue therefrom, or any liquid or other

materials or substance which will emit an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any building where volatile fluids are used must not be connected directly or indirectly with a sewer.

- C. **Waste From Certain Establishments:** The contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the stabling or keeping of horses, cows and other animals, or plants using milk or processing milk products, and all similar establishments shall not be disposed of through connection with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented. The construction of such tanks must be approved by the city engineer, and must be subject to his inspection, approval or condemnation before cement is poured and at all times thereafter until completion of such construction. Upon condemnation by the city engineer, the sewage from the tanks shall not be allowed to flow into the sewer until satisfactory alterations have been made and the construction approved by the city engineer.
- D. **Obstructive Materials:** It shall be unlawful for any person to empty or discharge into the public sanitary sewer any garbage, refuse or other similar matter or substance likely to obstruct the sewer, or any substance, solid or liquid other than the waste products for which the sewer is provided. (1980 Code § 14-231)
- E. **Drainage Waters And Destructive Materials:** It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rainwater, cellar or surface water, acids, alkalies, lye or other injurious liquids, or the contents of any spring, flowing well, creek, ditch or other watercourses. No boiler or heating plant shall be directly connected to the sanitary sewer. The overflow from boilers or heating plants, when cooled to a temperature not to exceed one hundred twenty degrees Fahrenheit (120°F), will be allowed to run to a sump, which sump shall be connected to the sewer. The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses which contain inflammable substances, buildings for the stabling or keeping of horses, cows and other animals, and all similar establishments, shall not be made into or connected with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented. Settling tanks shall be constructed of a material approved by the public works director and shall be at all times subject to his

inspection and approval or condemnation. Upon condemnation by the public works director, the sewage from said tanks shall not be allowed to flow into sewer until satisfactory alterations have been made and the construction approved by the public works director. (1980 Code § 14-231)

- F. **Destruction Of System:** It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part or appurtenance of the sewer system. (1980 Code § 14-235)
- G. **Sewer Manholes:** It shall be unlawful for any person to open any sewer manhole without permission from the public works director. (1980 Code § 14-234)

8-2-10: OWNERSHIP OF SYSTEM:

- A. The city shall hold title to all main distribution lines, lateral lines, connections and any appurtenant facilities thereto. The city shall maintain, repair, and replace the same in perpetuity. Each individual sewer user shall own and shall bear the sole responsibility for repair, upkeep and maintenance of the service lateral from the main sewer line to the premises being served. The city shall have no obligation to repair, replace or maintain the service lateral on the users' side of the main sewer lines.
- B. The city may, without incurring liability, enter upon the users' property to inspect and service the laterals in order to mitigate damages and prevent surface water from entering the sewer lines; and any such repairs shall be at the sewer users' sole expense. (Ord. 14-214-A, 11-12-1986)

CHAPTER 3

BACKFLOW AND CROSS CONNECTIONS

SECTION:

- 8-3- 1: Purpose
- 8-3- 2: Authority
- 8-3- 3: Definitions
- 8-3- 4: Administration
- 8-3- 5: Water Department And Owner Requirements
- 8-3- 6: Degree Of Hazard
- 8-3- 7: Permits
- 8-3- 8: Fees And Charges
- 8-3- 9: Existing In Use Backflow Prevention Devices
- 8-3-10: Periodic Testing
- 8-3-11: Records And Reports
- 8-3-12: Residential Dual Check Devices
- 8-3-13: Strainers

8-3-1: **PURPOSE:** The purpose of this chapter is to:

- A. Protect the public potable water supply served by the water department from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back siphon into the public water supply.
- B. Promote the elimination or control of existing cross connections, actual or potential, between its customers in plant potable water system and nonpotable systems.
- C. Provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination and pollution of all potable water systems by cross connections. (Ord. 01-01, 11-27-2001)

8-3-2: **AUTHORITY:** Authority for enactment and enforcement of this chapter is:

- A. The federal safe drinking water act of 1974, and the statutes of the state public drinking water regulations, section 2.4, which provides that the water surveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- B. The water department, rules and regulations, as adopted. (Ord. 01-01, 11-27-2001)

8-3-3: **DEFINITIONS:** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPROVED: Accepted by the mayor/city council as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

AUXILIARY WATER SUPPLY: Any water supply on or available to the premises, other than the surveyor's approved public potable water supply.

BACK PRESSURE: A condition in which the owner's system pressure is greater than the supplier's system pressure.

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 other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

BACKFLOW: The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

**BACKFLOW
PREVENTER:**

A device or means designed to prevent backflow or back siphonage, most commonly categorized as air gap, reduced pressure principal backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent and barometric loop.

A. Air Gap: A physical separation sufficient to prevent backflow between the free flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter, but never less than one inch (1").

B. Atmospheric Vacuum Breaker: A device which prevents back siphonage by creating an atmospheric bent when there is either a negative pressure or subatmospheric pressure in a water system.

C. Barometric Loop: A fabricated piping arrangement rising at least thirty five feet (35') at its topmost point above the highest fixture it supplies. It is used in water supply systems to protect against back siphonage.

D. Double Check Valve Assembly: An assembly of two (2) independently operating spring loaded check valves with tight closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

E. Double Check Valve With Intermediate Atmospheric Vent: A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

F. Hose Bib Vacuum Breaker: A device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker.

G. Pressure Vacuum Breaker: A device containing one or two (2) independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shutoff valves on each side of the check valves and properly located test cocks for the testing of the check valves.

H. Reduced Pressure Principal Backflow Preventer: An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

I. Residential Dual Check: An assembly of two (2) spring loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

COMMISSION:	The state of Utah water supply and pollution control commission.
CONTAINMENT:	A method of backflow prevention which requires a backflow preventer at the service entrance.
CONTAMINANT:	A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.
CROSS CONNECTION:	An actual or potential connection between the public water supply and a source of contamination or pollution.

DEPARTMENT:	East Carbon City water department.
DIRECTOR OF MUNICIPAL SERVICES:	The maintenance supervisor, or his delegated representative in charge of the water department of municipal services, is vested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of this chapter.
FIXTURE ISOLATION:	A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in plant location rather than at a service entrance.
OWNER:	Any person who has legal title to, or license to operate or inhabit, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
PERMIT:	A document issued by the water department which allows the use of a backflow preventer.
PERSON:	Any individual, partnership, company, public or private corporation, political subdivision or agency of the state, or department, agency or instrumentality of the United States, or any legal entity.
POLLUTANT:	A foreign substance that, if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.
WATER SERVICE ENTRANCE:	That point in the owner's water system beyond the sanitary control of the department; generally considered to be the outlet end of the water meter and always before any unprotected branch. (Ord. 01-01, 11-27-2001)

8-3-4: ADMINISTRATION:

- A. **Responsibility Of Maintenance Supervisor:** The maintenance supervisor shall be responsible for the protection of the public potable water system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the maintenance supervisor, an approved backflow device is required at the city water service connection to any customer's premises, the maintenance supervisor, or his delegated agent, shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his premises. The customer shall, within ninety (90) days, install such approved device or devices, at his own expense, and failure or refusal, or inability on the part of the customer, to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.
- B. **Operation By Water Department:** The water department will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the state's cross connection control regulation and is approved by the state.
- C. **Authority For Inspection:** The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the water department program and the city regulations if a cross connection is permitted.
- D. **Owner Responsible For Quality:** If the water department requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. The owner may utilize public health officials, or personnel from the water department, or their delegated representatives, to assist in the survey of facilities and the selection of proper fixture outlet devices, and the proper installation of these devices. (Ord. 01-01, 11-27-2001)

8-3-5: WATER DEPARTMENT AND OWNER REQUIREMENTS:

- A. **Water Department:**
1. On new installations, the water department will provide on site evaluation and/or inspection of plans in order to determine the type

of backflow preventer, if any, that will be required, and will issue a permit after proper installation and testing. In any case, a minimum dual check valve will be required in any new construction.

2. For premises existing prior to the start of this program, the water department will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction and time allowed for the corrections to be made. Ordinarily ninety (90) days will be allowed, however, this time period may be shortened depending on the degree of hazard involved.

3. The water department will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.

4. The water department shall inform the owner by letter of any failure to comply by the time of the first reinspection. The water department will allow an additional fifteen (15) days for the correction. In any event the owner fails to comply with the necessary correction by the time of the second reinspection, the water department will inform the owner by letter that the water service to the owner's premises will be terminated within a period not to exceed five (5) days. In the event the owner informs the water department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the water department, but in no case will exceed an additional thirty (30) days.

5. If the water department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

6. The water department shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

7. The water department will begin initial premises inspections to determine the nature of existing or potential hazards following approval of this program by the mayor/city council during the calendar year 2001. Initial focus will be on high hazard industries and commercial premises.

B. Owner:

1. The owner shall be responsible for the elimination or protection of all cross connections on his premises.
2. The owner, after having been informed by a letter from the water department, shall at his expense, install, maintain and test, or have tested, any and all backflow preventers on his premises.
3. The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
4. The owner shall inform the water department of any proposed or modified cross connections and also any cross connections of which the owner is aware but has not been found by the water department.
5. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device must supply additional devices necessary to allow testing to take place.
6. The owner shall install backflow preventers in a manner approved by the water department.
7. The owner shall install only backflow preventers approved by the water department or the mayor/city council.
8. Any owner having a private well or other private water source must have a permit if the well or source is cross connected to the city water system. Permission to cross connect may be denied by the water department. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the city water system.
9. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the city side of the backflow preventer, such plumbing must have its own backflow preventer installed.
10. The owner shall be responsible for the payment of all fees for permits, annual or semiannual device testing, retesting in the case that the device fails to operate correctly, and second reinspections

for noncompliance with water department or mayor/city council requirements. (Ord. 01-01, 11-27-2001)

8-3-6: **DEGREE OF HAZARD:** The water department recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principal backflow prevention devices or double check valves. (Ord. 01-01, 11-27-2001)

8-3-7: **PERMITS:** The water department shall not permit a cross connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

A. Required; Fee: Cross connection permits that are required for each backflow prevention device are obtained from the water department. A fee in such amount as established by the city council will be charged.

B. Renewal; Transferability; Revocation: Permits shall be renewed every year and are nontransferable. Permits are subject to revocation and become immediately revoked if the owner should change the type of cross connection or degree of hazard associated with the service.

C. Exception: A permit is not required when fixture isolation is achieved with the utilization of a nontestable backflow preventer. (Ord. 01-01, 11-27-2001; amd. 2005 Code)

8-3-8: **FEES AND CHARGES:** The water department will publish a list of fees or charges for the following services or permits:

A. Permit fees.

B. Fee for reinspection.

C. Charges for after hours inspection fees. (Ord. 01-01, 11-27-2001)

8-3-9: **EXISTING IN USE BACKFLOW PREVENTION DEVICES:**
Any existing backflow preventer shall be allowed by the water department to continue in service unless the degree of hazard is such as to

supersede the effectiveness of the present backflow preventer, or result in unreasonable risk to public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principal device, or a reduced pressure principal device must be installed in the event no backflow device was present. (Ord. 01-01, 11-27-2001)

8-3-10: PERIODIC TESTING:

- A. Reduced pressure principle backflow devices shall be tested and inspected at least semiannually.
- B. Periodic testing shall be performed by certified contractors or plumbers. This testing will be done at the owner's expense.
- C. The testing shall be conducted during the water department's regular hours. Exceptions to this, when at the request of the owner, may require additional charges to cover increased costs to the water department.
- D. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure the correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be immediately repaired. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two (2) devices is an effective means of the owner ensuring that uninterrupted water service during testing or repair of devices is continued and is strongly recommended when the owner desires such continuity.
- E. Backflow prevention devices will be tested more frequently than specified in subsection A of this section in cases where there is a history of test failures and the water department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owner. (Ord. 01-01, 11-27-2001)

8-3-11: RECORDS AND REPORTS:

- A. Records: The water department will initiate and maintain the following:
1. Master file on customer cross connection tests and/or inspections.
 2. Master files on cross connection permits.
 3. Copies of permits and permit applications.
 4. Copies of lists and summaries supplied to the mayor/city council.
- B. Reports: The water department will submit the following to the mayor/city council:
1. Initial listing of low hazard cross connections to the state.
 2. Initial listing of high hazard cross connections to the state.
 3. Annual updated lists of items in subsections B1 and B2 of this section.
 4. Annual summary of cross connection inspections to the state. (Ord. 01-01, 11-27-2001)

8-3-12: RESIDENTIAL DUAL CHECK DEVICES: Effective the date of acceptance of this cross connection control program for the city, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the water department. The owner must be aware that installation of a residential dual check device results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves. (Ord. 01-01, 11-27-2001)

8-3-13: STRAINERS: The water department strongly recommends that all new retrofit installations of reduced pressure principal devices and double check valve backflow preventers include the installation

of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system, such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers. (Ord. 01-01, 11-27-2001)