

TITLE 8
WATER REGULATIONS

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CHAPTER 1

WATER USE AND SERVICE

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8-1-1: WATER DEPARTMENT:

- A. Creation: The water department of the town is hereby created. It shall administer the operation and maintenance of the water system of the town.
- B. Control Of Town Council: The waterworks constructed, owned and controlled by this town to supply the town with water shall be designated and known as the town waterworks; it shall be the property of said town, and shall be under the sole and exclusive control of the town council, who may from time to time direct the construction of such reservoirs, water tanks, water mains and fire

hydrants as the necessities of the inhabitants of the town may require. (Ord., 2-11-1993)

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 town water system, shall file with the water department for each such connection a written and signed connection application in substantially the following form:

LAKETOWN, UTAH

APPLICATION FOR WATER CONNECTION

TO THE TOWN OF LAKETOWN

I hereby apply to the Town of Laketown for permission to connect my premises at _____ with the Town of Laketown water system and hereby agree as follows:

1. (a) The Town shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed within my property. I agree to pay the Town the connection charges and fees as may be fixed by the Town Council by resolution or ordinance including a reservoir charge if so provided.

Additionally, I agree to pay \$ _____ for inspection and overhead charges and other miscellaneous costs of the Town as may be fixed by the Town Council by resolution or ordinance.

The work of extending the water connection from the point to which the Town installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.

(b) The connection so made by the Town, including the meter, shall remain the property of the Town at all times, and the Town shall have access thereto at all times.

2. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the Town.

3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the Town and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements of the Town or of any other governmental agency having jurisdiction to regulate the water system within the Town.

4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the Town applicable to the Town's water system.

5. The purpose for which the water connection will be used is _____.

6. The Town shall have free access to the lines and meters installed under this agreement and, at reasonable times, through my property if necessary.

Dated this _____ day of _____.

Applicant _____

- 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. The developer shall provide to the town water shares and/or water rights. The developer shall provide to the town water shares and/or water rights that are free, clear and uncontested in the amount proportional to the size of the development as determined by the town's engineer.

Both the cost of the evaluation of the amount of water rights to transfer must be borne by the developer and the town's attorney shall bill the developer for an evaluation of the free, clear and uncontested water right being proposed. (Ordinance 2019-14 3-4-2020)

- C. Service: Any person who desires or is required to secure water service when such service is available from the town water system, shall file with the water department a written application and agreement for the service which shall be in substantially the following form:

LAKETOWN, UTAH
APPLICATION FOR WATER SERVICE
TO THE TOWN OF LAKETOWN, UTAH

March 2020

Town of Laketown

The undersigned hereby applies for water service from the Town of Laketown, Utah, for premises located at _____ and hereby agrees:

1. To pay charges for such water service as are fixed from time to time by the Town Council until such time as I shall direct such service to be discontinued.

2. In the event of a failure to pay water charges within the due dates fixed by the Town Council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the Town Council regulating the use of the water system, that the Town shall have the right to discontinue the water system service at its election, pursuant to five (5) days' written notice of the Town's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this Chapter or regulations issued thereunder is eliminated.

3. To be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the Town Council applicable to the Town's water system.

Applicant does hereby deposit \$ _____ with the Town on the filing of this application for water service, and it is agreed and understood that the Town may, but need not, apply the deposit upon bills due for prior service and that the right of the Town to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the Town at the time the deposit is made.

4. That the deposit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of water service shall not have the right to compel the Town to apply the deposit to any account to avoid delinquency.

Dated this _____ day of _____, ____.

(Applicant)

- 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 substantially the following form: (Ord., 2-11-1993)

In consideration of the acceptance of the application for water service submitted by (tenant), I or we will pay for all water services for any such tenant or any other occupant of _____ premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations or resolutions enacted by the Town.

Dated this _____ day of _____, _____.

Owner

(Ord., 2-11-1993; amd. 2001 Code)

8-1-3: FEES AND RATES:

- 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 town water system shall be fixed from time to time by resolution enacted by the town council. The town 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. The connection fee is for the standard size meter (5/8") and any cost for a larger meter and everything associated with installation of a larger meter as well as any cost incurred in installation of the larger meter is the responsibility of the property owner. (Ordinance 2019-13 3/4/2020)
- B. Special Rates: The town 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. (Ord., 2-11-1993)

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

- A. Statement: The town clerk or water superintendent shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each

month or at such other regular interval as the town council shall direct.

- B. **Failure To Pay:** The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within thirty (30) days of the date due, the town clerk or water superintendent shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five (5) days from the date of notice. (Ord., 2-11-1993; amd. 2001 Code)
- C. **Discontinued Service:** If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the town treasurer or arrangements made for their payment in a manner satisfactory to the town. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the town council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of one hundred fifty dollars (\$150.00) for tuning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The town clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the town. (Ord., 2-11-1993)

8-1-5: DISCONTINUANCE OF SERVICE: Any customer desiring to discontinue service shall notify the town 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. If at any time in the future water service is to be resumed at that same address, there will be a turn-on fee of not less than one hundred fifty dollars (\$150.00), or whatever the town council shall from time to time determine by resolution, plus any unpaid previous water bills owed at that address at the time of discontinuance. (Ord., 2-11-1993)

8-1-6: USE WITHOUT PAYMENT PROHIBITED: It shall be unlawful for any person by himself, family, servants or agents to utilize the town water 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. (Ord., 2-11-1993)

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 superintendent or town clerk.
- 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 town 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 town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the town to require separate pipes, connections or meters at a subsequent time.
- 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.
- D. **Adjoining Premises:** No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the town council and subject to such requirements relating to controls as may be imposed by it.
- 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. (Ord., 2-11-1993)

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 town culinary water system without first having received a construction permit from the office of the town clerk or from the town council.
- B. **Determination Of Approval:** The application shall be granted if the town council 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 material required by the town.
- C. **Line And Grade Designation:** All connections, alterations or installations shall be to the line and grade designated by the water superintendent, Laketown Town Council and the code of the State of Utah. (Ordinance 2019-07 2/5/2020)
- D. **Fees:** Fees for permits or for inspection services shall be of such amounts as the town council shall from time to time determine by resolution.
- E. **Moving Or Replacement Of Water Lines:** In the event that the town in its sole discretion determines that any water line of the town must be moved or replaced, the town 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.
- F. **Plumbing Requirements:** Permission to connect with the town water system shall not be given unless the plumbing in the house or

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building to be connected meets the provisions of the building and plumbing codes of the state. (Ord., 2-11-1993; amd. 2001 Code)

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 water superintendent, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.
- B. Quality Of Service Pipe: All service and other pipe used in conjunction with the water services of the town shall be of such material, quality and specifications as the town 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 water department. All work, alterations or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefor from the town clerk.
- C. Check Valve Required¹: All structures, dwelling units, establishments and persons using water from the town water system must have a check valve or valves connected to their water system to prevent backflow into the town water system connected in a location as determined by the water superintendent or town council. (Ord., 2-11-1993)

8-1-10: WATER MAINS EXTENDED:

- A. Petition To Town Council: Any person, including any subdivider, who desires to have the water mains extended within the town, 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 town 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 water superintendent. The town council may grant or

1. See also chapter 3 of this title.

deny the petition as in its discretion deems best for the welfare of existing water users in the town.

- B. Ownership Of Extension: Any such extension shall be deemed the property of the town. (Ord., 2-11-1993)

8-1-11: **SPRINKLING VEHICLES:** Vehicles for sprinkling shall be regulated and controlled by the water department through the town council. (Ord., 2-11-1993; amd. 2001 Code)

8-1-12: **ACCESS BY DEPARTMENT:** The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water service from the town system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of use. (Ord., 2-11-1993)

8-1-13: **FIRE HYDRANTS:** Water for fire hydrants will be furnished free of charge by the town. Installation and repairs on such hydrants shall be at the expense of the town and shall be made under the direction of the town. All customers shall grant the town, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the town concludes that such hydrants shall be so installed for the protection of the residents of the town. (Ord., 2-11-1993)

8-1-14: **SCARCITY OF WATER:** In time of scarcity of water, whenever it shall in the judgment of the mayor and the town council be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants or agents to violate any proclamation made by the mayor in pursuance of this chapter. (Ord., 2-11-1993)

8-1-15: **EXCESSIVE USE OF SPRINKLERS:**

- A. Effect On Town 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 town council materially affect the pressure or supply of water in the town water system or any part thereof, and the town council may

from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

- B. Order To Discontinue: The town council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this chapter. (Ord., 2-11-1993)

8-1-16: 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.
- B. Prohibited; Refer To Town Council: Users of water from the town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the town, a user of town 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 superintendent or any officer may refer the matter to the town council. (Ord., 2-11-1993)
- C. Termination Of Service; Meeting: The town council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least ten (10) days prior to the meeting of the town council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and the charges which lead to the consideration of the termination. (Ord., 2-11-1993; amd. 2001 Code)

- D. **Appearance By Water User:** A water user whose right to utilize town 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 town council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, the town council shall notify him of the decision and of the period during which the service will remain discontinued. (Ord., 2-11-1993)

8-1-17: WATER METERS:

- A. **Number Of Meters:** Except as otherwise expressly permitted by this chapter, all structures, dwelling units, establishments and persons using water from the town water system must have such number of water meters connected to their water system as are necessary, in the judgment of the superintendent, to adequately measure use and determine water charges to the respective users.
- B. **Meters Furnished By Town:** Meters will be furnished by the town upon application for a connection and upon payment of such connection fees and other costs as may be established by the town council from time to time by resolution.
- C. **Property Of Town; Disputes:** Meters shall be deemed to be and remain the property of the town. Whenever a dispute between the superintendent 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 town council after due notice in writing to the parties involved.
- D. **Meter Readings:** The town council shall cause meter readings to be taken regularly and shall advise the town clerk thereof for the purpose of recording the necessary billings for water service.
- E. **Meter Testing:** If a customer submits a written request to the superintendent to test his water meter, the town 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 town council, the meter shall be deemed to accurately measure the use of water.

- F. **Damage By Customer:** All damages or injury to the lines, meters or other materials of the town on or near the customer's premises caused by any act or neglect of the customer shall, in the discretion of the town, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.
- G. **Liability For Damage:** Because meters, valves, lines and other materials are the property of the town waterworks, the turning on and off, even temporarily, shall be done by the water superintendent or a member of the town council. Anyone turning water on/off at the meter to his/her residence without town council supervision will be financially responsible for any breakage caused. (Ord., 2-11-1993)
- H. **Water Meter Covers:** It is the responsibility of the property owner to keep the meter uncovered and accessible for reading. The property owner shall not plant trees or bushes that will grow over the meter covering. If the meter cannot be found after a reasonable search, the owner will be notified to find and uncover the meter. A twenty five dollar (\$25.00) fine will be imposed. This will be added to the owner's water bill.
- I. **Leakage In Water Lines:** It is the property owner's responsibility to check and maintain all water lines on their property. The meter reader shall notify owner immediately upon discovering excessive usage of water that may indicate a possible leak. The owner shall have responsibility to find and fix the leak immediately. The overage on the water bill is the responsibility of the property owner. (Ord. 2011-1, 11-2-2011)

8-1-18: SERVICE OUTSIDE TOWN:

- A. **Scope:** The town may furnish water service from its water system to persons outside the town in accordance with the provisions of this chapter.
- B. **Petition For Service:** Any person located outside the town limits who desires to be supplied with water services from the town water system and is willing to pay in advance the whole expense of

extending the water system to his property, including the cost of extending any water main beyond its present location, may make application to the town council by petition containing:

1. A description of the proposed extension.
 2. A map showing the location thereof.
 3. An offer to pay the whole expense incurred by the town in providing such extension and to advance such expense as shall be verified by the water superintendent. The town council and the person seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
 4. An acknowledgment that the town in granting the petition need supply only such water to the petitioner which from time to time the town council deems beyond the requirements of water users within the town limits, and that such extension shall be the property of and subject to the control of the town.
- C. **Costs Determined:** Upon receipt of such petition and map and before the petition is granted, the town council shall determine what portion, if any, of the extension of the town water mains to the town limits the town shall construct, and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor.
- D. **Extensions May Be Master Metered:** When an extension supplying more than one house or user outside the town limits is connected to town water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the town main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates. (Ord., 2-11-1993)

8-1-19: **NONLIABILITY FOR DAMAGES:** The town 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 town beyond that provided in the governmental immunity act¹. (Ord., 2-11-1993)

1. UCA § 63-30-1.

CHAPTER 2

DRINKING WATER SOURCE PROTECTION

SECTION:

- 8-2-1: Title And Purpose
- 8-2-2: Definitions
- 8-2-3: Administration
- 8-2-4: Establishment Of Protection Zone
- 8-2-5: Permitted Uses
- 8-2-6: Prohibited Uses

8-2-1: **TITLE AND PURPOSE:**

- A. Title: This chapter shall be known as *THE DRINKING WATER SOURCE PROTECTION ORDINANCE*.
- B. Purpose: The purpose of this chapter is to ensure the provision of a safe and sanitary drinking water supply for the town by the establishment of drinking water source protection zones surrounding the wellheads for all wells which are the supply sources for the town water system and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord., 9-9-1999, eff. 9-9-1999)

8-2-2: **DEFINITIONS:** When used in this chapter, the following words and phrases shall have the meanings given in this section:

DESIGN STANDARD: A control which is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

LAND MANAGEMENT STRATEGIES: Zoning and nonzoning controls which include, but are not limited to, the following: zoning and

subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

POLLUTION SOURCE: Point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances", which are stored in containers in excess of "applicable threshold planning quantities", as specified in SARA title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten (10) animal units. The following clarify the definition of pollution source:

A. Animal Feeding Operation: A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any one year period, and crops, vegetation forage, growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common system for the disposal of wastes.

B. Animal Unit: A unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4,

plus the number of swine weighing over fifty five (55) pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

C. Extremely Hazardous Substances: Those substances which are identified in the sec. 302 (EHS) column of the title III list of lists - "consolidated list of chemicals subject to reporting under SARA title III" (EPA 560/4-91-011).

**POTENTIAL
CONTAMINATION
SOURCE:**

Any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

**REGULATORY
AGENCY:**

Any governmental agency with jurisdiction over hazardous waste.

SANITARY LANDFILL:

A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

**SEPTIC TANK/DRAIN
FIELD SYSTEMS:**

A system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

WELLHEAD:

The upper terminal of a well, including adapters, ports, seals, valves and other attachments. (Ord., 9-9-1999, eff. 9-9-1999; amd. 2001 Code; Ord. 2003-12, 8-14-2003)

8-2-3: **ADMINISTRATION:** The policies and procedures for administration of any source protection zone established under this chapter, including, without limitation, those applicable to nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the existing zoning title, as the same is presently

enacted or may from time to time be amended. (Ord., 9-9-1999, eff. 9-9-1999)

8-2-4: **ESTABLISHMENT OF PROTECTION ZONE:** There is hereby established use districts to be known as zones one, two, three and four of the drinking water source protection area, identified and described as follows:

- A. Zone One: The area within a one hundred foot (100') radius from the wellhead.
- B. Zone Two: The area within a two hundred fifty (250) day ground water time of travel to the wellhead, the boundary of the aquifer which supplies water to the ground water source, or the ground water device, whichever is closer.
- C. Zone Three (Waiver Criteria Zone): The area within a three (3) year ground water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the ground water source, or the ground water divide, whichever is closer.
- D. Zone Four: The area within a fifteen (15) year ground water time of travel to the wellhead, the boundary of the aquifer which supplies water to the ground water source, or the ground water divide, whichever is closer. (Ord., 9-9-1999, eff. 9-9-1999)

8-2-5: **PERMITTED USES:** The following uses shall be permitted within drinking water source protection areas:

- A. Any use permitted within existing agricultural, single-family residential, multi-family residential and commercial districts, so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord., 9-9-1999, eff. 9-9-1999)

8-2-6: **PROHIBITED USES:** The following uses or conditions shall be and are hereby prohibited within drinking water source

protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under section 8-2-5 of this chapter:

- A. Zone One: The location of any "pollution source", as defined in section 8-2-2 of this chapter.
- B. Zone Two: The location of a pollution source unless its contaminated discharges can be controlled with design standards.
- C. Zones Three And Four: The location of a potential contamination source, unless it can be controlled through land management strategies. (Ord., 9-9-1999, eff. 9-9-1999)

CHAPTER 3

BACKFLOW AND CROSS-CONNECTIONS¹

SECTION:

- 8-3-1: General Purposes
- 8-3-2: Definitions
- 8-3-3: Responsibilities
- 8-3-4: Requirements
- 8-3-5: Discontinuance Of Service

8-3-1: **GENERAL PURPOSES:** The purposes of this chapter are as follows: (2001 Code)

- A. **Protection Of Water Supply:** To protect the safe drinking water supply of the town from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system or private water system. Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and
- B. **Elimination Or Control Of Cross-Connections:** To promote reasonable elimination or control of cross-connections in the plumbing fixtures and industrial piping systems of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and
- C. **Administration Of Backflow Prevention:** To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems. (Ord., 1-10-1991)

1. See also subsection 8-1-9C of this title.

8-3-2: **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings specified, unless a different meaning is clearly evident from the context:

APPROVED BACKFLOW ASSEMBLY:	Accepted by the Utah department of health, bureau of drinking water/sanitation, as meeting an applicable specification or as suitable for the proposed use.
AUXILIARY WATER SUPPLY:	Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.
BACK PRESSURE:	The flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.
BACK SIPHONAGE:	The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.
BACKFLOW:	The reversal of the normal flow of water caused by either back pressure or back siphonage.
BACKFLOW PREVENTION ASSEMBLY:	An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah plumbing code, chapter 10, (appendix J), and the cross-connection control program for Utah.

CONTAMINATION:	A degradation of the quality of the potable water supply by nonpotable water, sewage, industrial fluids or waste liquids, compounds or other materials.
CROSS- CONNECTION:	Any physical connection or arrangement of piping or fixtures which may allow nonpotable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four (4) way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes or other plumbing arrangements.
CROSS- CONNECTION, CONTAINMENT:	The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).
CROSS- CONNECTION, CONTROLLED:	A connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
WATER PURVEYOR:	The person designated to be in charge of the water department of Laketown is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the

provisions of this chapter. (Ord., 1-10-1991; amd. 2001 Code)

8-3-3: RESPONSIBILITIES:

A. Town:

1. The town shall be responsible for the protection of the public drinking water distribution system from foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.

2. Drinking water system surveys/inspections of the consumer's water distribution system shall be conducted or caused to be conducted by the individuals deemed qualified by and representing the town. Survey records shall indicate compliance with the aforementioned health and safety standards. All such records will be maintained by the town.

3. The town shall notify in writing all consumers of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety standards.

4. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey. (Ord., 1-10-1991)

B. Consumer: It shall be the responsibility of the consumer to: (Ord., 1-10-1991; amd. 2001 Code)

1. Comply with this chapter as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.

2. Purchase, install, test and maintain any backflow prevention device/assembly required to comply with this chapter.

C. Plumbing Official:

1. The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the developed length of the consumer's water system.

2. The plumbing official will review all plans to ensure that unprotected cross-connections are not an integral part of the consumer's water system. If a cross-connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly in accordance with the Utah plumbing code.

3. Water vacating the drinking water supply must do so by an approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Utah plumbing code.

D. Technician, Surveyor Or Repair Person:

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

a. Ensuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.

b. Make reports of such testing and/or repair to the consumer, water purveyor and the bureau of drinking water/sanitation on forms approved for such use by the bureau of drinking water/sanitation, and within the time frames prescribed by the bureau of drinking water/sanitation.

c. The report shall include the list of materials or replacement parts used.

d. Ensuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

e. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.

f. A certified technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.

g. Ensuring his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.

h. Be equipped with, and be competent to use, all necessary tools, gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.

i. The certified technician conducting the test must tag each double-check valve, pressure-vacuum breaker, reduced-pressure backflow assembly and high-hazard air gap, showing the serial number, date tested and by whom. The technician's license number must also be on this tag. (Ord., 1-10-1991)

2. In the case of a consumer requiring a commercially-available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the bureau of drinking water/sanitation. If such a commercially-tested assembly is in need of repair, a licensed plumber shall make the actual repair. (Ord., 1-10-1991; amd. 2001 Code)

8-3-4: **REQUIREMENTS:**

A. **Protection Of Water Supply:** No water service connection to any premises shall be installed or maintained by the public water purveyor unless the water supply is protected as required by state laws, regulations, codes and this chapter. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time suspense for voluntary compliance, if:

1. A backflow prevention assembly required by this chapter for control of backflow and cross-connections is not installed, tested and maintained; or

2. If it is found that a backflow prevention assembly has been removed or bypassed; or

3. If an unprotected cross-connection exists on the premises; or

4. If the periodic system survey has not been conducted.

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

B. **Inspection Of Customer's System:** The customer's system shall be open for inspection at all reasonable times to authorized

representatives of the public water purveyor to determine whether cross-connections or other structural or sanitary hazards, including violation of this chapter, exist and to audit the results of the required survey (subsection 8-3-3A2 of this chapter).

- C. Installation Of Approved Prevention Assembly: Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- D. Type Of Protective Assembly: The type of protective assembly required under subsection C of this section shall depend upon the degree of hazard which exists at the point of cross-connection (whether direct or indirect), applicable to local and state requirements resulting from the required survey.
- E. Previously-Approved Assemblies: All presently-installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under subsection F of this section, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.
- F. Inspection And Maintenance Requirements: It shall be the responsibility of the consumer at the premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the public water purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the public water purveyor to see that these tests are made according to the standards set forth by the state department of health, bureau of drinking water/sanitation.

- G. Testing Backflow Prevention Assemblies: All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
- H. Safety Hazards: No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, pits or above ceiling level. (Ord., 1-10-1991)

8-3-5: **DISCONTINUANCE OF SERVICE:** If violations of this chapter exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the conditions in conformance with the state and town statutes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto. (Ord., 1-10-1991)