

TITLE 8
PUBLIC UTILITIES
CHAPTER 1
WATER USE AND REGULATIONS

SECTION:

- 8-1-1: Water Department And System
- 8-1-2: Superintendent
- 8-1-3: Applicability
- 8-1-4: Connection Required
- 8-1-5: Applications For Connection And Service
- 8-1-6: Rates And Fees; Delinquency; Discontinuance Of Service
- 8-1-7: Disposition Of Fees And Charges
- 8-1-8: Location Of Private Lines
- 8-1-9: Facilities In Good Repair
- 8-1-10: Quality Of Service Pipe
- 8-1-11: Sprinkling Vehicles
- 8-1-12: Water Supplied To Motors, Syphons
- 8-1-13: Scarcity Of Water
- 8-1-14: Permits For Installation
- 8-1-15: Extension Of System By Developers
- 8-1-16: Prohibited Acts And Activities
- 8-1-17: Damage To Equipment Or System; Liability
- 8-1-18: Right Of Entry
- 8-1-19: Nonliability Of Town
- 8-1-20: Extraterritorial Jurisdiction
- 8-1-21: Penalty

8-1-1: WATER DEPARTMENT AND SYSTEM:

The culinary water department of the town is hereby created. It shall administer the operation and maintenance of the culinary water system of the town. (Ord., 10-14-2010)

8-1-2: SUPERINTENDENT:

A. Created: There is hereby created the position of superintendent of the culinary water system.

B. Powers And Duties: The superintendent of the system shall manage and supervise the system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the town 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 superintendent shall be carried on under the direction of the mayor or council member appointed by the mayor. (Ord., 10-14-2010)

8-1-3: APPLICABILITY:

When the term "water" is used in this chapter, including its use in the application for water revenue embodied in this chapter, it shall be deemed to apply specifically and exclusively to culinary water furnished under this system. (Ord., 10-14-2010)

8-1-4: CONNECTION REQUIRED:

A. 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 superintendent to adequately measure use and determine water charges to the respective users. 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 city council after due notice in writing to the parties involved.

8-1-5: APPLICATIONS FOR CONNECTION AND SERVICE:

A. Connection Application: Any person, other than a subdivider or developer (seeking multiple connections), who desires or is required to secure a new connection to the culinary system, shall file with the water department for each such connection, a written and signed connection application in such form as is on file in the town office.

B. Application By Subdivider, Developer: 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, all of which shall be fixed by the town and paid by the applicant.

C. Nonowner Applicant; Agreement Of Owner: Application for water service made by the tenant of any 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 town office.

8-1-6: RATES AND FEES; DELINQUENCY; DISCONTINUANCE OF SERVICE:

A. Set By Town Council: The rates, penalty fee for delinquency in payment, connection fees, inspection fees, reconnection fees and other charges incidental to the connection and services from the town's culinary 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 culinary water services and all other rules necessary for the management and control of the system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. Rates may be established at different levels for premises outside the corporate boundaries of the town.

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 system under exceptional circumstances, upon such terms and conditions as they may deem proper.

C. Delinquency; Discontinuance Of Service:

1. Statement: The town clerk or superintendent shall mail or otherwise deliver to the address as appears on the application or as changed by written request of applicant, a written statement outlining the amount of water service charges assessed for the prior month or other intervals as the town council shall direct.

2. Payment Date: 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 from the date due, the town clerk or superintendent shall give the consumer notice in writing of intention to discontinue the service to the consumer unless the consumer pays the bill in full within five (5) days from the date of notice.

3. Disconnection; Reconnection: If the culinary 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 and reconnection fees or charges must be paid to the town or arrangements made for their payment in a manner satisfactory to the town. A reconnection charge for turning the water on shall be paid before redelivery of water. Until amended by a resolution, there shall be a charge of fifty dollars (\$50.00) for redelivery of water. In addition to such payments and penalties, a delinquent consumer may be required to make and file a new application. 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, apart from and in addition to the remedies stated in this subsection.

4. Interest: Delinquencies or amounts associated with the nonpayment for any water service, or the initial hookup fee shall bear interest at the rate of one and one-half percent (1.5%) per month from a given due date. (Ord., 10-14-2010)

8-1-7: DISPOSITION OF FEES AND CHARGES:

All connection fees and monthly user charges collected under the provisions of this chapter shall be deposited in the town water system fund and used to meet the operation and maintenance cost of the system; debt service on obligations appertaining to the construction associated with the acquisition or development of the system; and such other allocations as the town council may by resolution provide. (Ord., 10-14-2010)

8-1-8: LOCATION OF PRIVATE LINES:

Unless prior approval is obtained from the town, all lines from the main lines to the property serviced shall be contained within the property and within the water service district on which services are to be delivered. Where necessary, the obtaining and the cost of easements shall be the responsibility of the property owner seeking water services from the town. (Ord., 10-14-2010)

8-1-9: FACILITIES IN GOOD REPAIR:

All users of water service 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 superintendent, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe. (Ord., 10-14-2010)

8-1-10: 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. 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. (Ord., 10-14-2010)

8-1-11: SPRINKLING VEHICLES:

Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department. All water obtain through a fire hydrant except by the fire department shall be metered and billed at the highest commercial rate (Ord., 10-14-2010)

8-1-12: WATER SUPPLIED TO MOTORS, SYPHONS:

No water shall be supplied from the pipes of the town 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 town council. (Ord., 10-14-2010)

8-1-13: SCARCITY OF WATER:

In times of scarcity of water, whenever it shall in the judgment of the mayor and 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 section. (Ord., 10-14-2010)

8-1-14: PERMITS FOR INSTALLATION:

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 obtained a construction permit from the officer or the town clerk, or from the superintendent. (Ord., 10-14-2010)

8-1-15: EXTENSION OF SYSTEM BY DEVELOPERS:

- A. Petition Required: Any person or entity desiring to extend the water system of the town to a project or development, including a subdivision, shall submit a petition to the town. Said petition shall include a description of the proposed extension, accompanied by maps showing the location of extensions. The petition shall include

the applicant's agreement to bear all costs and expenses associated with such extension and the agreement to construct, install and otherwise complete all improvements consistent with minimum standards established by the town engineer.

B. Agreement For Reimbursement: Applicants, other than those proposing new subdivisions, may include in their petition a request that the town enter into an agreement whereby the applicant may receive reimbursement for a portion of the costs of the extension based on subsequent connections to lines or improvements installed by applicant. If granted, all terms and conditions of reimbursement to the applicant shall be incorporated in a separate written contract outlining the time within which reimbursement would be applicable, the amount of reimbursement per subsequent connection and such other terms and conditions as deemed appropriate and necessary by the town given the particular facts and circumstances surrounding the application. Unless circumstances warrant special consideration, applicants seeking to extend culinary service lines for the development of a subdivision shall not be entitled to reimbursement for subsequent connections to lines installed by applicant. It shall be presumed that the applicant will establish prices for lots within the proposed subdivision to recoup the cost of extending water lines to such subdivision.

C. Compliance With Standards: No water, other than for testing purposes, shall be turned into the new extension and improvements until all work and improvements have been approved by the town. The town shall request certification from a qualified engineer stating that all improvements have been installed consistent with the minimum standards established by the town engineer and that the improvements otherwise comply with any and all applicable federal, state or local regulations.

D. Ownership Of Lines, Improvements For Extension:

A. Any extensions of the system shall be deemed the property of the town, whether the cost thereof has been borne by someone other than the town, with or without required permission.

2. Once accepted and connected to the town water system, all lines and improvements installed by the developer shall belong to the town and shall be deemed a part of the town culinary water system, subject to the town's rights to regulate its use. (Ord., 10-14-2010)

8-1-16: PROHIBITED ACTS AND ACTIVITIES:

A. Water To Secondary Buildings, Locations: Adding additional locations such as an accessory dwelling or accessory building shall require the written approval of the water superintendent, be within the water service district, and shall conform to Chapter 2 Backflow and Cross Connections.

B. Use Without Payment: It shall be unlawful for any person or entity to utilize the culinary water system without proper payment therefor. It shall be unlawful to open any pipe, line, connection, stopcock, valve or other fixtures attached to the system of culinary water supply unless it is done pursuant to proper application and authorization.

C. Turning On Water After Being Turned Off: It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment or otherwise, to turn on or to allow the water to be turned on without authority from the superintendent or town clerk.

D. Separate Connections Required: Connections to multi-family dwellings, duplexes, triplexes, and fourplexes, shall be through a single connection and the property owner shall be liable to the town for all water services utilized on all such premises.

E. Interconnections: No interconnection, cross connection or other joining of the culinary and irrigation systems by any existing or future water user of the town shall be permitted, and any such interconnection shall be punishable as a class B misdemeanor and the owner of record of such property shall bear all costs associated with the destruction and removal of such interconnecting device or apparatus.

F. Open Discharge Of Pressurized System: There shall be no open discharge of water from the culinary water system which may intermingle culinary water with irrigation water. Any such discharge from the culinary water system shall be a violation of this system and shall be punishable as a class B misdemeanor. The owner of record of such property found to have any open discharge shall bear all costs required repair or rectify the violation.

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

H. Faulty Equipment:

1. It shall be unlawful for any water user to:
 - a. Waste water;
 - b. Allow it to be wasted by open stops, taps, valves or leaky pipes, or to allow tanks or water troughs to leak or overflow;
 - c. Wastefully run water from hydrants, faucets or stops or through basins, water closets, urinals, sinks or other apparatus;
 - d. 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.
2. Users of water from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the superintendent, a user of culinary water engages in practices which result in the needless waste of water and continues to do so after the notice to discontinue has been given, the superintendent or any officer may refer the matter to the town council.
3. The town council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the town council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
4. A water user whose right to utilize culinary water is being reviewed shall have opportunity to appear, with or without counsel, and present his reasons why his water service should not be discontinued.
5. After such hearing, the town council shall make a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of that decision and of the period during which the service will remain discontinued. (Ord., 10-14-2010)

I. Well Drilling: It shall be unlawful for any person or drill a well within the water district. (2016 Code)

8-1-17: DAMAGE TO EQUIPMENT OR SYSTEM; LIABILITY:

A. All damages or injury to the lines, meters or other materials of the town on or near the consumer's premises caused by any act or neglect of the consumer, his guests or invitees shall be repaired by and at the expense of the consumer. The consumer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the town if required to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the consumer.

B. It shall be unlawful to injure, deface or impair any part or component of the water system or to cast anything into any reservoir, storage tank or facilities appurtenant or contributing to the culinary water system. It shall be unlawful to pollute any water source, watershed, drainage area or any other area contributing to the culinary water system. (Ord., 10-14-2010)

8-1-18: RIGHT OF ENTRY:

A. Department To Have Free Access: The 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 its use.

B. Right Of Entry On Premises Of Water User: All authorized persons connected with the waterworks of the town shall have the right to enter upon any premises furnished with water by the town to examine the apparatus, the amount of water used and the manner of use, and to make all necessary shutoffs for vacancy, delinquency or violation of the ordinances, rules or regulations enacted or adopted by the town. (Ord., 10-14-2010)

8-1-19: NONLIABILITY OF TOWN:

The town shall not be 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 act. (Ord., 10-14-2010)

8-1-20: EXTRATERRITORIAL JURISDICTION:

The town may construct or authorize the construction of waterworks within or without the town limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for fifteen (15) miles above the point from which it is taken and for a distance of three hundred feet (300') on each side of such stream

and over highways along such stream or watercourse within said fifteen (15) miles and said three hundred feet (300'). All ordinances and regulations, including this chapter, are deemed necessary to carry the power herein conferred into effect, and is to enact among other things, an ordinance preventing pollution or contamination of the streams or watercourses from which the inhabitants of the town derive their water supply, in whole or in part, for domestic and culinary purposes, and this chapter prohibits the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the town has jurisdiction, and provides for permits for the construction and maintenance of the same, applications for which permits must be made to the town council. In granting such permits, the town council may annex thereto such reasonable conditions and requirements for the protection of the public health as they deem proper, and may, if deemed advisable, require that all closets, privies and urinals along such streams shall be provided with effective septic tanks or other instrumentalities deemed necessary to prevent possible contamination of the water provided through the system. (Ord., 10-14-2010)

8-1-21: PENALTY:

Without altering or diminishing the effect of any other sanction, penalty or consequence provided in this chapter or elsewhere, the violation of, failure to observe, or omission to comply with any provision of this chapter, shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. Each day of continued violation shall be a separately punishable offense and this section shall be in addition to any other penalty, sanction, consequence or remedy for enforcement of this chapter. (Ord., 10-14-2010; amd. 2016 Code)

CHAPTER 2

BACKFLOW AND CROSS CONNECTIONS

SECTION:

8-2-1: Purpose

8-2-2: Responsibilities

8-2-3: Requirements

8-2-4: Discontinuance Of Service

8-2-1: PURPOSE:

The purpose of this chapter is to:

A. 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, occupational safety and health rules and regulations and other applicable industry standards for water system safety within the consumer's internal distribution 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 system; and

B. Promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system of the consumer, as required by state and local plumbing codes, health regulations, occupational safety and health rules and regulations and other applicable industry standards to ensure water system safety; and

C. 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, 3-10-1992)

8-2-2: RESPONSIBILITIES:

A. Town: Responsibilities of the town include:

1. The town shall be responsible for the protection of the 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 or inspections of the consumer's water distribution system shall be conducted or caused to be conducted by 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 periodic system surveys 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.

5. Any consumer, prior to installing a sprinkler system using public drinking water, must notify the town in writing and receive approval and must comply with state department of health specifications.

6. It shall be the responsibility of the town to purchase, install and test the first backflow prevention device or assembly required to comply with this chapter.

B. Consumer: The consumer shall comply with this chapter as a term and condition of supply and consumer's acceptance of service is admittance of his or her awareness.

C. Plumbing, Contractor Or Installer:

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 or assembly in accordance with the state plumbing code.

3. Water vacating the drinking water supply must do so via an approved air gap or approved mechanical backflow prevention assembly properly installed and in accordance with the state plumbing code. (Ord. 1, 3-10-1992)

8-2-3: REQUIREMENTS:

A. Protection Required:

1. 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 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 suspension for voluntary compliance, if:

- a. A backflow prevention assembly required by this chapter for control of backflow and cross connections is not installed, tested and maintained; or
- b. If it is found that a backflow prevention assembly has been removed or bypassed; or
- c. If an unprotected cross connection exists on the premises; or
- d. If the periodic system survey has not been conducted.

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

B. Inspection: The customer's system shall be open for inspection at all reasonable times to authorized representatives of the 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.

C. Existence Of Hazard: 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 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 or resulting from the required survey.

E. Presently Installed 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, 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. Annual Inspections, Surveys: It shall be the responsibility of the consumer at any 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 After Installation: All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

H. Hazardous Installation: 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, 3-10-1992)

8-2-4: 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 condition in conformance with the state and city statutes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto. (Ord. 1, 3-10-1992)

CHAPTER 3

WATER IMPACT FEES

SECTION:

8-3-1: Uniform Application

8-3-1: UNIFORM APPLICATION:

The Torrey Town council as trustees of the Torrey Town water department resolve that the Torrey Town water department, including subsequently annexed areas, be and is a single service area as allowed by Utah Code Annotated section 11-36a-102(19)(b) and the impact fees adopted shall uniformly be applied throughout the Torrey Town water department. (Ord. 2016-2, 10-13-2016)