

TITLE 14. UTILITIES

CHAPTER 14-100. WATER.

Part 14-110. Power to Promulgate Ordinances, Rules, and Regulations. As authorized by Utah Code Annotated § 10-7-14, Tremonton City may enact ordinances, rules, and regulations for the management and conduct of the water work system owned and controlled by the City.

14-111. Water Department. The Water Department of the City is hereby created. It shall administer the operation and maintenance of the water system of the City.

(1) Water Meters.

(a) Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and person 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 or their designee to adequately measure use and determine water charges to the respective users.

(b) Meters will be furnished by the City upon submission of a completed and signed Utility Service Agreement application for a connection, and upon payment of such connection fees and other costs as contained in the City's Consolidated Fee Schedule.

(c) Meters shall be deemed to be and remain the property of the City. Whenever a dispute between Public Works Director or their designee and the property owner arises as to the appropriate number of meters and size of meters to be installed on any premises, the matter shall be heard and determined by the International Building Code and the Building Official.

(d) The Public Works Director or their designee shall cause meter readings to be taken regularly and shall advise the Treasurer thereof for the purpose of recording the necessary billings for water service.

(e) 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 Public Works Director or their designee to the customer to do so.

(f) If a customer submits a written request to the Public Works Director or their designee 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 Public Works Director or their designee, the meter shall be deemed to accurately measure the use of water.

(g) 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.

(h) 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 Department or collect such costs from the customer.

(2) Fire Hydrants. Water for fire hydrants will be furnished free of charge by the City. Repairs on fire hydrants within property owned by Tremonton City shall be at the expense of the City and shall be made under the direction of the Public Works Director or their designee. When installed on private property the installation and repairs on such hydrants shall be the responsibility of the property owners. Owners of fire hydrants on property may contact the Tremonton City Fire Department to have those fire

hydrant routinely inspected, to ensure that fire hydrants are operational but assumes no responsibility for property damage associated with exercising the hydrant.

(3) **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 meter or City owned water service shut-off valve of the customer. The cost of reconnecting such new line or lines from the house of the customer to meter or City owned water service shut-off valve shall be borne by the customer.

(4) **Permits for Installation.** 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 an excavation permit from the Public Works Director or their designee.

(5) **When Permits Shall Not Be Issued.** 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.

(6) **Pipes to Be Kept in 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 or their designee shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe, any person excavating in the City's right-of-way shall first obtain a excavation permit.

(7) **Quality of Service Pipe.**

(a) All service and other pipe used in conjunction with the water services of the City shall be of such material, quality, and specifications as defined in the City's Land Use Code or as required by the Public Works Director or City Engineer, and shall be installed at such distances below ground as may be specified by regulations within the Land Use Code or required by the relating to the Public Works Director or City Engineer. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the Public Works Director, City Engineer, or designee and no connections with any water mains shall be made without first obtaining submitting a completed and signed Utility Service Agreement application, therefor from the Treasurer's Office Public Works Director or their designee.

(b) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the Public Works Director or their designee and subject to such requirements relating to controls as may be imposed by them, such as having a proper easement.

(8) **Department to Have Right of Entry.** The Public Works Director or their designee shall at all ordinary hours have free access to any place supplied with water services, as allowed by Utah Code Annotated § 10-7-13, from the City system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

Part 14-120. RESERVED.

Part 14-130. RESERVED.

Part 14-140. Billing for Water Service.

14-141. Application for Water Connection and Water Service. Any person who desires or is required to secure a new service connection or water service to the City water system, shall file with the City for each such connection a completed and signed Utility Service Agreement application, as authorized by UCA § 10-7-10.5, on forms prepared by either the City Manager, Public Works Director, or City Treasurer and approved by the City Attorney.

14-142. Rates and Connection Fees. The rates, penalty fee for delinquency in payment, connection fee, inspection fee and other charges incidental to connection and services from the City water system shall be contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council. The City Council may from time to time promulgate rules, as authorized by Utah Code Annotated § 10-7-14, 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.

14-143. Billing Process.

(1) The City Treasurer or their designee shall furnish to each person who has signed up for a utility account, by mail or electronic means a written or printed statement of the account stating thereon the amount of water service charges assessed against the

customer's account, once each month or at such other regular interval as the City Council shall direct.

(2) 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 City Treasurer or their designee 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.

(3) If the water service is thereafter discontinued for failure to make payment, as allowed by Utah Code Annotated § 10-7-10.5 (b), then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the Treasurer or arrangements made for their payment in a manner satisfactory to the City. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to provide a new deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The Treasurer is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the City.

14-144. Discontinuance of Service. Any customer desiring to discontinue service shall notify the City 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 will be refunded upon discontinuance of service.

14-145. Board of Equalization on Water Billing. The Public Works Director, City Manager, and City Treasurer are hereby constituted a Board of Equalization of water bills to hear complaints and may make corrections of any assessments that the Board deems to be illegal, unequal, or unjust. Aggrieved individuals may appeal the Board of Equalization's decision to the Mayor who shall hear the complaint de novo (meaning starting from the beginning; anew). After hearing the complaint the Mayor shall determine if the water billed was illegal, unequal, or unjust and shall reduce or rebate the water bill accordingly. The Mayor is also granted discretion to consider additional factors in the complaint on a case by case basis and may pardon an individual use of water or reduce or rebate their bill. The Mayor's decision shall be final.

14-146. Turning on Water 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 Treasurer, Public Works Director, or designee.

(1) The Public Works Director or City Treasurer is authorized to issue a financial penalty, as contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council for violation of use of City water without payment. The financial penalty is not considered to be a criminal punishment, as it is sought in order to compensate the City for harm done to it, rather than to punish the wrongful conduct. The standard for review in issuing civil financial penalties by the Public Works Director or City Treasurer is more than fifty percent (50%) likely that the accused violated the City ordinance. If the individual appeals financial penalty or refuses to pay the financial penalty then the Public Works Director or City Treasurer shall turn the matter over to the Police Department to investigate the violation and to process the violation of the City ordinance criminally through the City's Justice Court.

14-147. Use Without Payment Prohibited. It shall be unlawful for any person by himself, family, servants, or agents to utilize the City water or sewer 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.

(1) The Public Works Director or City Treasurer is authorized to issue a financial penalty, as contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council for violation of use of City water without payment. The financial penalty is not considered to be a criminal punishment, as it is sought in order to compensate the City for harm done to it, rather than to punish the wrongful conduct. The standard for review in issuing civil financial penalties by the Public Works Director or City Treasurer is more than fifty percent (50%) likely that the accused violated the City ordinance. If the individual appeals financial penalty or refuses to pay the financial penalty then the Public Works Director or City Treasurer shall turn the matter over to the Police Department to investigate the violation and to process the violation of the City ordinance criminally through the City's Justice Court.

14-148. Nonliability for Damages. The City 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, contamination, 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.

Part 14-150. Impairment of Water System.

14-151. Tampering of Water System. Pursuant to United States Code 42 300i-1, it is unlawful to tamper, attempt to tamper or threatens to tamper with a public drinking water system. Any person who injure, deface, or impair any part or appurtenance of the water system, or to cast anything into any reservoir or tank belonging to the water system shall be prosecuted to the fullest extent of the law.

14-152. Separate Connections. It shall be unlawful for two 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 Public Works Director 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 section 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.

14-153. Unauthorized Users. It shall be unlawful, as contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council, for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from their premises or water facilities, either outside or inside their premises.

14-154. Water Not Supplied for Motors, Syphons, Etc. 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.

14-155. Sprinklers.

(1) 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 determination of the Public Works Director or their designee materially affect the pressure or supply of water in the City water system or any part thereof.

(2) The Public Works Director or their designee 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 part.

Part 14-160. Scarcity of Water & Conservation.

14-161. Water Restrictions.

(1) In time of scarcity of water, not rising to the level of an emergency as defined by Utah Code Annotated § 53-2A-208, whenever it shall, in the judgment of the Mayor or, in the event of the Mayor's unavailability, the Mayor Pro Tem, be necessary, the Mayor or Mayor Pro Tem shall, by a written Proclamation, limit the use of water to such extent as may be necessary as allowed by Utah Code Annotated § 10-7-12. Such Proclamation shall describe the limitation of water and shall remain in full force and effect until the next regularly scheduled meeting of the City Council, at which time the City Council shall decide to extend and/or amend, or revoke said written Proclamation.

(2) It shall be unlawful for any person, his family, servants, or agents, to violate any written Proclamation made by the Mayor, Mayor Pro Tem, or City Council in pursuance of this part. Any person or entity found guilty of the said written Proclamation shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

14-162. Waste of Water. It shall be unlawful for any person or entity to permit water from the City water system shall to continual to run wastefully and without due efforts to conserve water. Such continual waste of water includes but is not limited to:

(1) Allow water to be wasted by leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.

(2) Wastefully run water from hydrants, faucets, or watering through, water closets, urinals, sinks or

other apparatus.

(3) Other practices that in the in the judgment of the Public Works Director which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the Public Works Director or other City Officer.

Part 14-170. Supply of Water Services to Person Outside the City Limits. The City shall only furnish water service from its water system to persons outside the City if the person can produce a recorded water service certificate issued by Tremonton City.

Part 14-180. Cross Connection Control – General Policy.

14-181. Purpose of Ordinance.

- (1) The purpose of this ordinance is to:
 - (a) protect Tremonton City's drinking water distribution system from the possibility of contamination or pollution, by requiring compliance with the Utah State Rules for Public Drinking Water Systems Section (R309.105.12) and the International Building Code (Plumbing Code Section) as adopted by the State of Utah, which requires cross connection control protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes shall be considered reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water distribution system; and,
 - (b) promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping systems of Tremonton City customers, as required by the state and plumbing regulations, International Building Code (Plumbing Code Section), to assure water system safety; and,
 - (c) provide for the administration of a continuing program of backflow prevention which shall systematically examine risk and effectively prevent the contamination or pollution of the Tremonton City drinking water distribution system.
 - (d) To eliminate interconnection between the Tremonton City drinking water system. Secondary or auxiliary sources.

14-182. Responsibility of the Public Works Department.

(1) Tremonton City Public Works Director or their designee shall be responsible for the protection of the drinking water distribution system from the foreseeable condition 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 by doing the following:.

- (a) conducting surveys and inspections of customer's water distribution systems. Survey and inspection records shall indicate compliance with the State of Utah Drinking Water Regulations. All such records shall be maintained by the Public Works Department.
- (b) scheduling and notifying in writing, any customer that may be in need of a system survey to insure compliance with exiting applicable minimum health and safety standards.
- (c) Selecting an approved backflow prevention device/assembly for containment control required at the service entrance based upon the results of a system survey.

14-183. Responsibility of the Customer.

- (1) It shall be the responsibility of the customer to:
 - (a) comply with this ordinance as a term and condition of water supply and customer's acceptance of service is admittance of their awareness and responsibilities as a Tremonton City drinking water system user.
 - (b) purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service.

14-184. Responsibility of the Tremonton City Plumbing Official.

- (1) It shall be the responsibility of the Tremonton City Plumbing Official to:
 - (a) 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 length of the customer's water system.
 - (b) review all plans to ensure that unprotected cross connections are not an integral part of the customer's water

system. If a cross connection cannot be eliminated, it shall be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the International Building Code (Plumbing Code Section) as adopted by the State of Utah.

14-185. Responsibility of a Certified Backflow Technician, Surveyor, or Repair Person.

(1) Whether employed by the customer or by Tremonton City, to survey, test, repair, or maintain backflow prevention devices/assemblies the Certified Backflow Technician, Surveyor, or Repair Person shall have the following responsibilities:

(a) Insure that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention devices/assemblies are in compliance with the Utah Division of Drinking Water.

(b) Make reports of such testing and/or repairs to the consumer and the Public Works Director or their designee, on forms approved for such use by the Utah Division of Drinking Water within time frames as described by the Utah Division of Drinking Water.

14-186. Responsibility for the Repair, Installation and Relocation of Backflow Prevention Device/Assemblies.

(1) In the case of a customer requiring a backflow prevention device/assembly to be tested, any currently Utah Certified Backflow Technician is authorized to make the test and report the results to the customer and the Public Works Director or their designee. Any installation repair or relocation of a backflow prevention device/assembly shall be done with individuals having appropriate licensure from the department of licensing as required by the Utah Division of Drinking Water rules.

14-187. Definitions.

(1) "Air gap" means the unobstructed vertical space between the water outlet and the flood level of a fixture. A simple example is the space between a wall mounted faucet and the sink rim (this space is the air gap). Water can easily flow from the faucet into the sink, but there is no way that water can flow from the sink into the faucet without modifying the system. This arrangement will prevent any contaminants in the sink from flowing into the potable water system by siphonage and is the least expensive form of backflow prevention.

(2) "Approved backflow device/assembly"

means a device/assembly approved by the Public Works Director or their designee and accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting and applicable specification or as suitable for the proposed use to prevent back flows.

(3) "Auxiliary water sources" means any water supply on or available to the premises other than Tremonton City's drinking water supply shall be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public drinking water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute and unacceptable water source over which Tremonton City does not have authority for sanitary control.

(4) "Backflow" means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

(a) "Back-pressure" means the flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a drinking water supply system from any source(s) other than the intended source.

(b) "Back-siphonage" means the flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a drinking water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the drinking water system.

(5) "Backflow prevention device/assembly" means a device or assembly or means designed to prevent backflow.

(6) "Contamination or pollution" means a degradation of the quality of the drinking water supply by sewage, industrial fluids or waste liquids, compounds or other materials that may create a health hazard.

(7) "Cross connection" means any physical connection or arrangement of piping or fixtures which may allow non-drinking water or industrial fluids or other material of questionable quality to come into contact with drinking water inside a drinking water distribution system. This shall include temporary conditions, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes or other plumbing arrangements.

(8) "Public Works Director or their designee" means the person designated to be in charge of the Tremonton City Water Department, they are 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 ordinance.

14-188. Requirements.

(1) No water service connection to any premises shall be installed or maintained by Tremonton City or customer unless the water supply is protected as required by State laws, regulations, codes, and this ordinance with a backflow prevention device/assembly. A water service connection to a premise shall be discontinued by Tremonton City if the conditions or defects below exist. The water service connection shall not be restored until such conditions or defects are corrected.

(a) A backflow prevention device/assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or

(b) If Tremonton City finds that a backflow prevention device/assembly has been removed or by-passed, or

(c) If a cross connection exist on the premises, or

(d) If the periodic system survey has not been conducted.

(2) In accordance with Utah Administrative Code, R309.105.12 the customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the Tremonton City Public Works Department to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey.

(3) Whenever Tremonton City deems a service connection's water usage contributes a sufficient hazard to the drinking water supply system, at the expense of the customer a Public Works Director or their designee's approved backflow prevention device/assembly shall be installed on the service line of the identified customer's water supply 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.

(4) All presently installed backflow prevention devices/assemblies which do not meet the requirements of this section but were approved devices/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 required by this ordinance shall be excluded from the requirements of these rules so long as Tremonton City is assured that they shall satisfactorily protect the public drinking water system. Whenever the existing is moved from the present location or, requires more than minimum maintenance or, when Tremonton City finds that the operation or of this backflow prevention device/assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention device/assembly meeting all local and state requirements.

(5) It shall be the responsibility of the customer at any premises where backflow prevention devices/assemblies are installed to have certified surveys; inspections, and operational test made at least once per year at the customer's expense. In those instances where the Public Works Director or their designee deems the hazard to be great, the City may require certified surveys/inspections and test at a more frequent interval. It shall be the duty of Public Works Director or their designee's to see that these test are made according to the standards set forth by the State of Utah Department of Environmental Quality, Division of Drinking Water.

(6) All backflow prevention devices/assemblies shall be tested within ten (10) working days of installation or ten (10) working days after initial use by a Utah Certified Backflow Technician.

(7) No backflow prevention devices/assemblies shall be installed so as to create a safety hazard. (Examples of safety hazards include but are not limited to the installation of a backflow prevention devices/assemblies over an electrical panel, steam pipes, boilers, or above ceiling level).

(8) Secondary or auxiliary water sources shall not be allowed to be interconnected to the Tremonton City drinking water system. Secondary or auxiliary sources shall not be allowed to connect using a swing joint connection or any configuration even when a Reduced Pressure Zone Principle (RPZP) backflow assembly is installed on the Tremonton City drinking water system service line.

14-189. Violation of this Policy. If a violation of this ordinance exist that causes an immediate hazard to the Tremonton City drinking water system the City 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(s) in conformance with all State and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this ordinance.

Otherwise a violation that only creates a potential hazard or if there has not been any corrective action taken by the customer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then Tremonton City 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(s) in conformance with all State and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this ordinance.

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