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TITLE 13 – WATER CODE

CHAPTER 1 – CITY WATER SERVICE

13- 1- 1. METERED SERVICE.

A base rate will be charged to all water connections according to the size of the meter in use. The base rate for all meter sizes shall be established by resolution. All water used from the City water system for household, domestic, irrigation, commercial, industrial, or any other use shall be metered, and water paid according to the quantity used.

All water delivered through each meter will be charged at a rate as established by resolution. Unoccupied structures will be billed the charge set by resolution for the meter used in the structure unless a service disconnect request has been received by the Water Department. A service disconnect request will be charged a reconnect fee, established by resolution, to reestablish water service. When an oversized meter is required for fire sprinklers, the base charge will be adjusted downward to reflect the meter size that would have been used for the culinary and irrigation demand.

(Amended by Ord. Nos. 02-16; 08-27)

13- 1- 2. WATER CONSERVATION RATES.

All water billed between June 1 and October 30 of each year for water delivered through each meter serving individually metered residential, single family, condo, townhouse, and through each meter serving multi-family residential and landscape irrigation customers shall be billed at the rate established by resolution.

The water conservation rates established by said resolution are based on the City’s cost of providing water service, which cost may change. The City Manager may provide administrative relief up to a twenty percent (20%) reduction in any water billing following application to and recommendation by the Water Manager in cases of hardship or unusual circumstances.

(Amended by Ord. Nos. 02-16; 04-27; 08-27)

13- 1- 3. METER READING.

Meters may be read monthly, but shall be read a minimum of five (5) times per year. In the event that one reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connecting to the water system, property owners and occupants of the property are deemed to have consented to permit meter readers onto their property to read the

meters. In the event that meters were installed within any building on the premises, and there is no remote read-out device, the property owner or occupant must permit access for the reading of the meter during normal business hours as a condition of continued water service.

13- 1- 4. METER ERROR.

In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated.

13- 1- 5. METER TEST.

If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing, and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be estimated, for not more than three (3) months. Meter errors of three percent (3%) or less shall be deemed accurate readings. If upon the second rereading requested by the customer within six (6) months the meter is found to be accurate, a reread charge as established by resolution will be included in the next billing.

13- 1- 6. METER TAMPERING.

It shall be a violation of this Title to tamper with or bypass any water meter causing it to produce inaccurate meter readings or for any other purpose, or to willfully cause damage to any water meter. Willful consumption of water through a meter known to be damaged, bypassed, or tampered with,

constitutes theft of services and may be punishable as a felony. All meters installed throughout the system shall become the property of the City upon installation. Only meters meeting the City's specifications may be used.

(Amended by Ord. No. 08-27)

13- 1- 7. DISCOUNT OF RATES.

The City Manager shall be authorized to discount water rates for indigent persons who suffer serious hardship as a result of increased rates. The discounted rate shall never be less than two dollars (\$2.00) per month. All current senior rate payers will be grandfathered at the current \$2.00/month base rate for the first 10,000 gallons. Additional use will be billed at the normal user rates as established by resolution pursuant to Section 13-1-1.

13- 1- 8. BILLING.

The City shall send a monthly or bi-monthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due within fifteen (15) days from receipt of the bill, or by the end of the month when the bill is mailed.

Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent (1½%) per month, which is an annual rate of eighteen percent (18%). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or any portion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaid balance, and not against

any partial payment, or against the current billing cycle charges.

(Amended by Ord. No. 08-27)

13- 1- 9. SHUT OFF.

In the event of non-payment of any billing for city service and a sixty (60) day balance exceeding fifty dollars (\$50.00), the City may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or shall be posted on the property, and notice shall be given to the owner of the property by mail to the last known address if the owner has signed a service agreement with the Water Department. When more than one dwelling or unit is served through a single water meter, or when there are multiple or time-share owners, notice may be given to the owners association, management company or representative owner as shown on the City billing records. The multi-unit, single metered structures shall be posted with notice of termination, but it shall not be necessary to post each unit served. Service shall not be terminated for non-payment without at least ten (10) days notice.

13- 1-10. METER DEPOSIT.

All customers requesting new services will be required to pay a deposit as set forth by resolution. If no outstanding, unpaid balance occurs for twelve (12) consecutive months, the deposit will be applied to the thirteenth (13th) month bill. However, if the occupant paying the deposit is a renter, the

City shall retain the deposit until the renter vacates the unit, at which time the deposit shall be returned to the renter. No interest will be paid on the deposit.

13- 1-11. REINSTATEMENT OF WATER SERVICE.

Any water customer who has had water shut off for non-payment of a bill, a request for disconnect from water service, failure to repair leaks, or failure to comply with a requested curtailment during a water emergency, in addition to any other fees, monies owed, deposits or fines, shall pay a reconnection fee as established by resolution before service is reinstated.

(Amended by Ord. No. 08-27)

13- 1-12. RETURNED CHECKS.

Any user paying by check will pay an additional fee established by resolution if the check is returned by the bank for any reason.

(Amended by Ord. No. 08-27)

13- 1-13. CONNECTION TO SYSTEM.

Prior to connection, the owner must sign a customer agreement. Applicants for water service shall include in their system a suitable meter box or vault, and all appurtenances to specifications required by the Public Works Department and approved at the time the building permit is issued. It shall be unlawful for unauthorized individuals to tap or connect to the Park City Municipal water distribution system without authorization. The owner of the property

with an unauthorized connection shall be liable to the City for all water use resulting from such connection and may be subject to criminal fines and penalties. All connections shall be approved and inspected by the City Engineer. Upon connection, regular water service fees must be paid.

(Renumbered by Ord. No. 04-27)

13- 1-14. WATER METER FEES.

All water meters shall be supplied and installed by Park City Municipal Corporation or by its authorized representative. For all water lines serving residential and commercial uses, an installation fee shall be paid to the Building Official at the time the building permit is issued. The meter installation fee shall be established by resolution.

13- 1-15. ACCESSIBILITY OF WATER METERS.

All water meters shall be located in City rights-of-way or utility easements with direct and reasonable access for City water crews on accessible property lines unless otherwise authorized by the Water Manager or the City Engineer. The area surrounding the meter box must be kept clear of obstructions and must be accessible at all times. The meter lid must be kept free of weeds, plants, trees, rocks, planters, grass and anything that would impede access to the meter box.

(Amended by Ord. No. 08-27)

13- 1-16. WATER CONNECTION PLAN.

Any applicant for development with a two inch (2") water meter or larger meter shall submit to the Water Department a water connection plan for approval by the Water Department prior to the installation of water service lines and to the issuance of a building permit. The water connection plan shall include the location of meters, service lines and water mains in relation to the property lines, streets, driveways, City mains and the buildings to be served.

13- 1-17. RESPONSIBILITY FOR REPAIR AND MAINTENANCE.

The City shall be responsible to maintain and repair city owned transmission and distribution water mains lying within City rights-of-way and utility easements. The property owner shall be responsible for the repair and maintenance of their water service line from the meter to their building.

Water meters and city maintained water service lines shall be maintained and repaired by the City so long as the meter/service line lies within five feet (5') of property line, rights-of-way, or utility easements and not within or under any building or structure.

(Amended by Ord. No. 08-27)

13- 1-18. LEAKING PIPES OR FIXTURES.

If at any time, the City Manager or his/her designee shall ascertain that the plumbing fixtures, appliances, sprinkler systems or service lines on any premises are leaking or otherwise wasting water, he/she shall immediately give notice to the property owner to repair the same. If the same is not repaired within forty-eight (48) hours after

notice has been given, the Water Manager or his/her agent shall shut off the water from the premises and shall immediately notify the City Fire Marshal.

Notice for the purposes of this section shall consist of any of the following:

- (A) Posting notice on the premises;
- (B) Leaving notice with any occupant or employee on the premises over the age of eighteen (18) years;
- (C) Mailing notice by regular mail, to the owner or responsible party according to the records of the Water Department. Notice shall be deemed received three (3) days after such mailed notice is sent.

(Amended by Ord. No. 08-27)

13- 1-19. SERVICE CALLS.

When a water customer requests a service call by Park City Municipal Corporation, and no problem exists on the City side of the meter, Park City Municipal Corporation, at the discretion of the Water Manager, may charge a fee as set forth by resolution for the second such call for the same complaint made within one (1) year by the same water customer. After the second call, every subsequent call shall also be chargeable at the same rate. If a customer requests a check for a leak and the meter is located inside the unit, customers will be instructed on how to check the meter to see if water is flowing through the meter and subsequent information where a leak might be found.

(Amended by Ord. No. 08-27)

13- 1-20. SERVICE AGREEMENT.

Park City Municipal Corporation shall require all persons desiring water service and the owner of real property to be serviced to sign a service agreement. Said agreement shall be binding upon both the City and the individual in setting forth terms and conditions of water service and methods of collection of past due amounts owed for water service. When more than one dwelling or unit is served by a single water meter or when there are multiple owners or time-share interval owners of the property, the service agreement will designate a single responsible party to whom all notices and billings shall be sent. Notice to the responsible party shall have the same force and effect as notice to the owners.

13- 1-21. WATER CONSERVATION.

(A) **WATERING SCHEDULE.** In order to conserve water, a limited resource in Utah, outside watering of lawns and landscaped areas using City water will be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m. Exceptions to these outside watering restrictions may be permitted, in writing, by the Water Manager for new landscaping or seeding.

(B) **WATER WASTE PROHIBITED.**

(1) **DEFINITIONS.** The following terms, when used in this section, shall have the meanings ascribed herein:

(a) Impervious Surface. Any artificially created surface which cannot be penetrated by water or which causes water to run off the surface, including streets, driveways, sidewalks, and rooftops.

(b) Person. Any individual, partnership, firm, corporation, limited liability company, or other legal entity in whose name water is provided and billed by the town.

(c) Repeated or Flagrant Wasting of Water. Those situations where persons who have received informal notice that they are wasting water while watering continue to water in the same manner. It does not mean those persons who waste water while watering on solitary or isolated occasions.

(d) City Water. All water that passes through the City's water distribution system.

(e) Waste Water While Watering. Either of the following:

(i) Watering impervious surfaces – Watering so that water falls directly onto impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches, and other conveyances; or

(ii) Excess Watering – Watering to the extent that water is allowed to accumulate on the surface of the ground and leave the property and enter gutters, storm drains, ditches and other conveyances.

(f) Watering or 'to Water'. The act of applying water to the outdoor landscape through means such as moveable sprinklers, installed watering systems and hoses, and similar devices.

(2) **NOTICE OF PROHIBITED USE.**

(a) The Water Manager or designee shall identify persons who waste water while watering.

(b) Whenever the Water Manager finds that any person wastes water while watering, he or she may give such person verbal or written notice of that fact, with recommendations as to how the wasting of water can be eliminated. Such recommendations might include, but are not limited to, redirection of sprinkler heads, resetting of system timers, addition of devices to prevent water pressure fluctuations, or changes in location of sprinkler systems.

(c) Whenever the Water Manager or designee finds that any person repeatedly or flagrantly wastes water while watering, he or she may serve upon such person a written violation notice. Such notice shall be served by personal delivery or by mail, and shall identify the location at which water is being wasted while watering, and shall identify the manner in which the water is being wasted while watering, and shall specify a time within which the wasting of water while watering shall cease. The notice shall also warn that more severe measures, such as imposition of civil penalties or restriction or termination of water service, may be assessed or brought against the person unless the wasting of water ceases

within the time provided. The time given to cease wasting water while watering may range from a requirement for immediate compliance to thirty (30) days, depending upon the facts and circumstances of each case. For instance, if a remedy involves moving a portable hose or sprinkler, immediate compliance may be appropriate; if a remedy involves repairing or replacing a sprinkler head, several days may be required; if the remedy involves more extensive or expensive work, up to thirty (30) days may be necessary.

(d) Any person who continues to waste water while watering after the period of time specified in the notice for ceasing such activity shall be issued a citation by personal delivery or by mail, and shall be subject to the fees established by resolution.

(Amended by Ord. No. 08-27)

13- 1-22. WATER EMERGENCIES.

The Mayor may declare by executive order, or the City Council may declare by resolution, a state of water emergency when it appears to the Mayor or the City Council that the City’s water sources are incapable of producing sufficient water to meet all the needs of the City’s water users.

(A) During a declared water emergency, water service may be interrupted in any or all parts of the City in order to affect repairs, provide water for fire fighting, or for any other good cause. Upon the expiration of the emergency, water service shall be restored without charge.

(B) Upon such a declaration, and for the duration of the state of water emergency, it shall be unlawful to use Park City Municipal water supply water for outside irrigation, watering, or sprinkling uses, except as provided in Paragraph (C) of this section.

(C) The declaration of state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.

(D) The owner or tenant of property cited for illegal watering or irrigation under this Title shall be required to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges.

(E) Bail and/or fines shall be paid to Park City Municipal Corporation by cash or check to the City's post office box, which shall be stated on all citations, or at the City offices. Unpaid, uncontested bail forfeitures and fines may be debited against the municipal water account of the cited party and will be subject to collection pursuant to City water bill collection policies.

(F) The provisions of this Title shall not apply insofar as the watering restrictions

established herein are in conflict with any provisions of the Park City Land Management Code.

13-1-23. FIRE HYDRANTS.

No individual may draw water from a fire hydrant without the written permission from the Water Manager and in compliance with the current adopted Fire Code. The Park City Fire Service District is authorized to draw water from fire hydrants in the case of fire at all times without advance notice. The Park City Fire Service District after notification to the Water Manager, may utilize the fire hydrants in the course of training or practice exercises. Any unauthorized connection to a fire hydrant is a violation of this Title.

(Amended by Ord. Nos. 03-28; 08-27)

13- 1-24. PUBLIC HEALTH.

For reasons of public health, the City Manager may extend or reinstate water service to indigent individuals regardless of past due amounts owed or ability to pay. A reasonable fee for such services may be established by the City Manager.

13- 1-25. SALE OF WATER OUTSIDE OF PARK CITY.

It is the policy of the City to provide culinary water within the corporate limits of Park City. Those individuals or entities desiring connection to the Park City water system must petition the Park City Council for Annexation as a condition of water service. Those individuals and entities outside the corporate limits of Park City currently connected to the water system and

receiving water shall agree to abide by the terms and conditions of this Title and shall pay double the applicable rate charged for water provided inside the corporate limits of Park City. Upon annexation, they will receive water service at the normal rate.

13- 1-26. WATER USE DURING PERIODS OF DROUGHT.

(A) **OBJECTIVE.** The objective of this section is to establish authority, policy and procedure by which the Park City Water Service District and Park City Municipal Corporation will assure during periods of water shortages that the peak daily demand for water does not exceed ninety percent (90%) of available water source capacity.

(B) **STAGE ONE DROUGHT.** Stage One of a drought shall exist when the Water Manager, or his or her designee, determines that water demand has exceeded eighty-five percent (85%) of available water source capacity. During Stage One of a drought, the Public Works Director shall immediately implement measures set forth in the Stage I goals outlined in the City’s “Water Conservation and Drought Management Plan.”

(C) **STAGE TWO DROUGHT.** Stage Two of a drought shall exist when the Water Manager, or his or her designee, determines that water demand continues to exceed ninety percent (90%) of available water source capacity in spite of the implementation of Stage One measures.

During Stage Two of a drought, the Park City Mayor, or his or her designee, shall be executive order impose the following regulations:

(1) Lawn and landscape irrigation shall be limited to two (2) times per week. Houses with odd address numbers shall be allowed to use water for outdoor irrigation on Monday and Thursday. Houses with even address numbers shall be allowed to use water for outdoor irrigation on Tuesday and Friday. All other use of water for outdoor irrigation shall be prohibited;

(2) Sidewalk and driveway washing shall be prohibited;

(3) Car washing, unless done at a commercial car wash that recycles water, shall be prohibited; and

(4) The installation of additional lawn or landscaping, whether by seed or sod shall be prohibited.

(D) **STAGE THREE DROUGHT.** Stage Three of a drought shall exist when the Water Manager, or his or her designee, determines that water demand continues to exceed ninety percent (90%) of available water source capacity in spite of implementation of Stage Two measures.

During Stage Three of a drought, the Park City Mayor, or his or her designee, shall by executive order impose the following restrictions:

(1) All acts prohibited during Stage Two of a drought shall be prohibited during Stage Three of a drought;

(2) All use of water for outdoor irrigation shall be prohibited except

as needed for the health and safety of residents and visitors as per the Parks Water Reduction Plan;

(3) Use of water in ornamental fountains, ponds, or other aesthetic water features shall be prohibited;

4) New or additional connections to the Park City Water Service District's water distribution system shall be prohibited;

(5) The use of water for filling or refilling all private and public swimming pools shall be prohibited; and

(6) The irrigation of the Park City Municipal Golf Course shall be per the Golf Water Reduction Plan.

(E) **NOTICE**. The Water Manager in the case of a Stage One drought and the Mayor in the case of a Stage Two or Stage Three drought shall provide notice of his or her declaration of drought stage as follows:

(1) Notice shall be published in a newspaper of general circulation in the Park City community at least once each week during the period of drought;

(2) Public service announcements shall be made on a radio station broadcasting in the Park City community at least once each day during the period of drought; and

(3) Written notice shall be posted at all government buildings.

(F) **ENFORCEMENT**. Upon a first violation of this ordinance, in addition to any fine imposed pursuant to Section 28 of this Title, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to be responsible for the violation or its correction shall be provided with notice. Said notice shall describe the violation and order that it be corrected within such specified time as the Water Manager determines is reasonable under the circumstances.

If the violation is not corrected within the proscribed time, the Water Manager may order the disconnection of water service to the violating property subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body.

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(G) **RECONNECTION.** A fee established by resolution shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be double the fee established by resolution for the second reconnection and triple the fee established by resolution for any additional reconnections.

(Created by Ord. No. 03-28; Amended by Ord. Nos. 07-39; 08-27)

13-1-27. PENALTY.

All violations of this Title shall be a Class B misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) and incarceration not exceeding six (6) months. Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of one thousand dollars (\$1,000).

(Amended by Ord. No. 03-28)

13-1-28. DRINKING WATER SOURCE PROTECTION.

(Created by Ord. No. 06-51)

(A) **DEFINITIONS.** When used in this Ordinance, the following words and phrases shall have the meanings given in this Section:

(1) **DESIGN STANDARD.** A control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

(2) **LAND MANAGEMENT STRATEGIES.** Zoning and non-zoning 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.

(3) **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 field, class V underground injection wells, landfills, open dumps, land filling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten 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 twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two 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 area, or 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 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).

(4) **POTENTIAL CONTAMINATION SOURCE**. Any facility or site which employs an activity or procedure which may potentially contaminate group water. A pollution source is also a potential contamination source.

(5) **REGULATORY AGENCY**. Any governmental agency with jurisdiction over hazardous waste as defined herein.

(6) **SANITARY LANDFILL**. A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(7) **WELLHEAD**. The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

(B) **ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES**. There are 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:

(1) **ZONE ONE**. The area within a 100-foot radius from the wellhead.

(2) **ZONE TWO.** The area within a 250-day ground water line of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

(3) **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 areas, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide whichever is closer.

(4) **ZONE FOUR.** The area within a fifteen (15) year ground water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

(C) **PERMITTED USES.** The following use shall be permitted within drinking water source protection zones:

(1) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(D) **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 part of the use permitted under Section 4 of the ordinance.

(1) **ZONE ONE.** The location of potential contamination sources as defined herein, unless they are controlled with design standards.

(2) **ZONE TWO.** The location of pollution sources as defined herein, unless there contaminated discharges are controlled with design standards.

(3) **ZONES THREE AND FOUR.** The location of potential contamination sources unless they are controlled through land management strategies.

(E) **ADMINISTRATION.** The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exception, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for park City, as the same is presently enacted or may from time to time be amended.

(Amended by Ord. No. 08-27)

13-1-29. CONTROL OF BACKFLOW AND CROSS CONNECTIONS.

(Created by Ord. No. 08-27)

(A) **PURPOSE.**

(1) To protect the public drinking water supply of Park City from the possibility of contamination or pollution by requiring compliance with the Cross Connection Control Program of the Utah Division of

Drinking Water, as amended, and the Park City Municipal Corporation Municipal Code, Chapter 7, Plumbing Code, that require cross connection protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants that could backflow into the public drinking water system.

(2) To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the State and plumbing regulations to assure water system safety.

(3) To provide for the administration of a continuing program of backflow prevention that will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

**(4) RESPONSIBILITY:
WATER PURVEYOR.**

(a) Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by the City and the State of Utah. Survey records shall indicate compliance with the State of Utah regulations. All such

records shall be maintained by the City.

(b) The City shall schedule and notify in writing all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.

(c) 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) RESPONSIBILITY:
CONSUMER.**

(a) To comply with this Ordinance as a term and condition of water supply and consumer's acceptance of service is admittance of his or her awareness of his or her responsibilities as a water system user.

(b) It shall be the responsibility of the consumer to 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.

**(6) RESPONSIBILITY:
CHIEF BUILDING OFFICIAL.**

(a) The Chief Building Official's responsibility to enforce the applicable sections of Chapter 7, Plumbing Code, begins at the point of service, downstream or consumer side of the meter, and continues throughout the length of the consumer's water system.

(b) The Chief Building Official will review all plans to ensure that unprotected cross connections are not a part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an approved backflow prevention device/assembly, in accordance with the Plumbing Code currently adopted by the State of Utah.

**(7) RESPONSIBILITY:
CERTIFIED BACKFLOW
TECHNICIAN, REPAIR
PERSON.**

(a) Whether employed by the consumer or Park City to survey, test, repair, or maintain backflow prevention assemblies, the Certified Backflow Technician or Repair Person will have the following responsibilities:

(i) Insuring that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.

(ii) Make reports of such testing and/or repairs to the consumer and the Water Purveyor on form approved for such use by the Water Purveyor within ten (10) working days of the tests and/or repairs.

(iii) Include the list of materials or replacement parts being used on the reports.

(iv) Insuring that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

(v) Not changing the design, material or operational characteristics of the assembly during

testing, repair or maintenance.

(vi) Performing all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.

(vii) Insuring that his or her license is current, the testing equipment being used is acceptable to the State of Utah and is in proper operating condition.

(viii) Being equipped with, and competent in the use of, all tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies.

(8) RESPONSIBILITY: TESTING, INSTALLATION AND REPAIR OF BACKFLOW ASSEMBLIES.

(a) In the case of a consumer requiring an assembly to be tested, any currently Certified Backflow Technician is authorized to make the test and report the

results to the consumer and the Water Purveyor.

(b) In the case of a consumer requiring an assembly to be installed or repaired, the work must be performed by a tester having Class II or III Backflow Technician Certification, who is also a licensed plumber or “agent of the owner.”

(B) DEFINITIONS.

(1) **WATER PURVEYOR.** The Water Department of Park City is vested 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.

(2) **APPROVED BACKFLOW ASSEMBLY.** An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water and the Water Purveyor, as meeting the standards of the currently adopted Plumbing Code for a specific application.

(3) **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(s) such

as a well, spring, river, stream, etc., or “used waters.” 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.

(4) **BACKFLOW.** The reversal of the normal flow of water caused by either backpressure or backsiphonage.

(5) **BACKPRESSURE.** The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of low pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.

(6) **BACKSIPHONAGE.** The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure into the potable water system.

(7) **BACKFLOW PREVENTION ASSEMBLY.** An assembly or means designated to prevent backflow. Specifications for backflow assemblies are contained within the currently adopted Plumbing Code and in the Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

(8) **CONTAMINATION.** A degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials that may create a health hazard.

(9) **CROSS CONNECTION.** Any actual or potential connection between the potable water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, industrial fluid, gas or substance other than the intended potable water. This includes any temporary conditions such as swing connections, removable sections, or other similar plumbing arrangements.

(10) **CROSS CONNECTION – CONTROLLED.** A connection between a potable water system and a non-potable 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.

(11) **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, permanently eliminate or control all actual or potential cross connections within the customer’s water distribution

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).

(C) **REQUIREMENTS.**

(1) **POLICY.**

(a) No water service connection to any premises shall be installed or maintained by the Water Purveyor unless the water supply is protected as required by State laws, the currently adopted Plumbing Code, and this Ordinance. Service of water to a consumer found to be in violation of this Ordinance may be discontinued by the Water Purveyor after due process of written notification of violation and an appropriate time interval for voluntary compliance, if:

(i) A backflow prevention assembly required by this Ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or

(ii) It is found that a backflow prevention assembly has been removed, bypassed, or altered, or

(iii) An unprotected cross connection exists on the premises, or

(iv) The period system survey and assembly tests have not been conducted.

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

(b) The customer's water system(s) 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 exist, including violation of this Ordinance, and to audit the results of the required survey.

(c) Whenever the Water Purveyor deems that a service connection's water usage contributes to 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, downstream of the

meter, at or near the beginning of service or immediately inside the building being served; but in all cases, before the first branch leading off the service line.

(d) The type of protective assembly required under this Ordinance 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) 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 Water Purveyor deems the hazard to be great, they may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the Purveyor to see that these tests are made according to the standards set forth by the State Division of Drinking Water.

(f) It shall be the responsibility of the consumer to have all backflow prevention assemblies installed on their water system tested within ten (10) working days of initial installation.

(g) No backflow prevention assemblies shall be installed so as to create a safety hazard, such as over an electrical panel, steam pipes, boilers, or above ceiling level, and shall be easily accessible for testing, maintenance, and repair.

(2) RIGHT OF REASONABLE ENTRY.

(a) Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this Ordinance, or whenever the Water Purveyor has reasonable cause to believe that there may exist in any building or upon any premises unsafe, substandard, or dangerous cross connection, as defined in the applicable sections of the currently adopted Plumbing Code, that presents a danger to the public water system or the building or premises itself, the Water Purveyor or his or her authorized representative may enter such building or premises at all

reasonable times to inspect the same or perform any duty imposed upon the Water Purveyor, provided that:

(i) If such building or premises be occupied, he or she shall first present proper credentials and demand entry; and

(ii) If such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Water Purveyor or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.

(b) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Water Purveyor or his or her authorized representative for the purpose of inspection and

examination pursuant to any provisions of the currently adopted Plumbing Code or the provisions of this Ordinance.

(3) **APPEALS.**

(a) A customer may appeal the deficiencies noted within the survey or test results which the Water Purveyor is authorized to make pursuant to this Ordinance.

(b) Appeals shall be taken within ten (10) days of the Water Purveyor's written notification of the deficiencies noted within the survey or test results by filing with the Water Purveyor a notice of appeal specifying the grounds for the appeal.

(c) The Water Purveyor shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(d) The Hearing Officer is authorized to make findings of fact regarding the customer's compliance with the currently adopted Plumbing Code and the Water Purveyor's decision regarding any deficiencies found in the survey or test

results. The decision of the Hearing Officer shall be final, and may be appealed to the Third District Judicial Court for Summit County.

(e) The Hearing Officer may, so long as such action is in conformance with the provisions of this Ordinance, reverse or affirm, in whole or part, or may modify the determinations of the Water Purveyor with respect to the customer's compliance with the currently adopted Plumbing Code upon a determination that it is proper to do so based on proper safeguarding of the public water system, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Water Purveyor by this Ordinance.

(f) Where the Hearing Officer determines that there is a flaw in the Cross Connection Control program or that a specific exemption should be awarded on a consistent basis or that the proper safeguarding of the public water system require amendments to this Ordinance, the Hearing Officer shall advise the City Attorney as to any question or questions that the Hearing

Officer believes should be reviewed and/or amended.

(4) **VIOLATIONS OF THIS POLICY.** If violations of this Ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the consumer shall be charged with a class B misdemeanor, and the Water Purveyor may deny or immediately discontinue service to the premises by providing a physical break in the service line until the consumer 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.