

TITLE 9

WATER

- CHAPTER 9-01. WATER DEPARTMENT AND SYSTEMS**
- CHAPTER 9-02. CULINARY WATER**
- CHAPTER 9-03. DRINKING WATER SOURCE PROTECTION**
- CHAPTER 9-04. BULK WATER STATION AND FIRE HYDRANT PERMITS**
- CHAPTER 9-05. IRRIGATION WATER AND NATURAL WATER COURSES**
- CHAPTER 9-06. SUBSURFACE WATER**
- CHAPTER 9-07. STORM WATER**
- CHAPTER 9-08. FLOOD DAMAGE PREVENTION**

CHAPTER 9-01. WATER DEPARTMENT AND SYSTEM.

- 9-01-010. Water Department and Systems.**
- 9-01-020. Public Works Director.**
- 9-01-030. Water Superintendent.**
- 9-01-040. Service Fee Appeal for Indigent Persons.**
- 9-01-050. Compliance with State and Federal Regulations.**
- 9-01-060. Interpretations and Enforcement.**
- 9-01-070. Violations and Penalties.**

9-01-010. Water Department and Systems.

The City has created the water division within the Public Works Department of the City, hereinafter referred to as the water department. The water department shall administer the operation and maintenance of the water systems of the municipality.

9-01-020. Public Works Director.

The Public Works Director is responsible for maintaining the City water systems and shall oversee the administration and operation of the water department and provide general supervision of the water superintendent.

9-01-030. Water Superintendent.

The water superintendent, under the direction of the Public Works Director, shall manage and supervise the municipal water systems pursuant to the provisions of this Title and pursuant to resolutions, rules and regulations adopted by the City Council from time to time prescribing powers and duties and directing the manner and frequency with which the water superintendent shall make reports to the Mayor and Council relating to the water system.

9-01-040. Service Fee Appeal for Indigent Persons.

Except as otherwise specifically provided in this Title, any person or entity that has paid a utility or municipal service fee under the terms and conditions of this Title may challenge the legality, equitability, or sensitivity to indigent persons of such fee by filing a written appeal with the City Recorder within thirty (30) days from the date such fee is paid. Such appeals shall be reviewed and decided by the Mayor and

shall be limited to appeals challenging the legality, equitability, or sensitivity to indigent persons of the fee. Written appeals shall specifically state the grounds therefor. The Mayor shall issue a written decision regarding the appeal within a reasonable time from receipt of the appeal.

9-01-050. Compliance with State and Federal Regulations.

All parts, material and facilities of the City's public water systems must meet applicable State and Federal requirements. It is the intent of this Title to comply with such applicable provisions.

9-01-060. Interpretation and Enforcement.

Except as otherwise provided herein, the provisions of this Title shall be administered, interpreted and enforced by the Public Works Director. Civil enforcement procedures may be pursued by the Public Works Director or authorized enforcement official for violations of this Title in accordance with Title 1, Chapter 6 of the Centerville Municipal Code. Criminal violations shall be enforced by the Police Department.

9-01-070. Violations and Penalties.

Any violation of this Title shall be deemed a class "B" misdemeanor, subject to penalty and fines set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended. Violations may also be subject to civil penalties in accordance with applicable provisions of Title 1, Chapter 6 of the Centerville Municipal Code regarding civil enforcement procedures.

CHAPTER 9-02. CULINARY WATER

- 9-02-010. Culinary Water System.**
- 9-02-020. Application for Culinary Water Connection – Individual.**
- 9-02-030. Application for Culinary Water Connection – Subdivider.**
- 9-01-040. Application for Culinary Water Service.**
- 9-02-050. Non-Owner Applicants – Agreement of Owner Required.**
- 9-02-060. Rates and Connection Fees.**
- 9-02-070. Special Rates.**
- 9-02-080. Water Use Without Payment Prohibited.**
- 9-02-090. Delinquency – Discontinuance of Service.**
- 9-02-100. Turning on Water After Turned Off Prohibited.**
- 9-02-110. Separate Connections.**
- 9-02-120. Unauthorized Users.**
- 9-02-130. Period of Water Use by Visitors.**
- 9-02-140. Service Pipes to be Kept in Good Repair.**
- 9-02-150. Quality of Service Pipes.**
- 9-02-160. Faulty Equipment.**
- 9-02-170. Sprinkling Vehicles.**
- 9-02-180. Water Department Access.**
- 9-02-190. Nonliability for Damages.**
- 9-02-200. Water Not Supplied for Motors, Syphons, Etc.**
- 9-02-210. Sprinklers.**
- 9-02-220. Scarcity of Water.**
- 9-02-230. Waste of Water.**
- 9-02-240. Water Meters.**
- 9-02-250. Permit for Installation or Connection to Water System.**
- 9-02-260. Application for Installation or Connection Permit.**
- 9-02-270. Moving or Replacing Waterlines.**
- 9-02-280. Plumbing Code Compliance Required.**
- 9-02-290. Discontinuance of Service.**
- 9-02-300. Fire Hydrant Installations.**
- 9-02-310. Extension of Water Mains – Within City Limits.**
- 9-02-320. Cost of Extension Determined.**
- 9-02-330. Cost of Extension Deposited with City.**
- 9-02-340. Ownership of Extension.**
- 9-02-350. New, Upgraded, or Modified Water Laterals.**
- 9-02-360. Supply of Water Service – Outside City Limits.**
- 9-02-370. Extension of Water Mains – Outside City Limits.**

9-02-010. Culinary Water System.

The City owns, operates and maintains its own culinary water system. The culinary water system is supervised and administered by the water superintendent. The City installs or contracts for the installation of its culinary water system and any extension or connection to the City culinary water system must be paid for upfront by the subdivider or developer in accordance with the provisions of this Title.

9-02-020. Application for Culinary Water Connection – Individual.

Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal

culinary water system, shall file with the water department for each such connection a written and signed connection application on forms provided by the City.

9-02-030. Application for Culinary Water Connection – Subdivider.

Whenever a subdivider or developer desires or is required to install culinary 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.

9-01-040. Application for Culinary Water Service.

Any person who desires or is required to secure culinary water service when such service is available from the municipal water system, shall file with the water department a written application and agreement for the service on forms provided by the City.

9-02-050. Non-Owner Applicants – Agreement of Owner Required.

Applicants for culinary water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or the owner's duly authorized agent on forms provided by the City.

9-02-060. Rates and Connection Fees.

The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee, and other charges incidental to connection and services from the municipal culinary water system shall be fixed from time to time by resolution enacted by the City Council. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for culinary water services and all other rules necessary for the management and control of the culinary 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.

9-02-070. Special Rates.

The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of culinary water and service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

9-02-080. Water Use Without Payment Prohibited.

It shall be unlawful for any person to utilize the municipal culinary water system without paying therefore, 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 of the City. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water system, or to cast anything into a reservoir, tank, or facility belonging to the water system.

9-02-090. Delinquency - Discontinuance of Service.

(a) The City shall furnish to each user, or mail to, or leave at user's place of residence or usual place of business, a written or printed statement stating the amount of culinary water service charges assessed against user once each month or at such other regular interval as the City Council shall direct.

(b) The statement shall specify the amount of the bill for the culinary water service and the place of payment and date due. If any person fails to pay the water charges within (30) days of the date due, the City 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 ten (10) days from the date of notice.

(c) 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 must be paid to the Treasurer or arrangements made for their payment in a manner satisfactory to the municipality. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the City Council may establish. Until such a fee has been adopted, there shall be added an extra charge for turning on the culinary water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application (and deposit) if the previous deposit has been applied to the payment of delinquent bills. The City is authorized and empowered to enforce the payment of all delinquent culinary water charges by an action at law in the name of the City.

9-02-100. Turning on Water After Being Turned Off Prohibited.

It shall be unlawful for any person, after the culinary 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 culinary water to be turned on or used without authority from the water superintendent.

9-02-110. 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 City and the premises served are owned by the same owner. In all such cases, a failure on the part of anyone of the users to comply with this Section shall warrant a withholding of a supply of culinary 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 municipality for all culinary 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.

9-02-120. Unauthorized Users.

It shall be unlawful for any culinary water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from user's premises or water facilities, either outside or inside user's premises.

9-02-130. Period of Water Use by Visitors.

Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive culinary water service from the service pipes or facilities of the host during the visitation period which shall not exceed (1) month. Continued use thereafter shall be deemed unauthorized and a violation of the provisions of this Chapter relating to separate connections and unauthorized use. All other codes and regulations regarding recreational vehicle use and storage limitations must be met.

9-02-140. Service Pipes to be Kept in Good Condition.

All users of culinary 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 shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe without appropriate permit and approval by the City. All required permits shall be obtained prior to any excavations within the public rights-of-way in accordance with provisions set forth in Title 11.

9-02-150. Quality of Service Pipes.

(a) All service and other pipe used in conjunction with the culinary water services of the City shall be of such material, quality, and specifications as the City provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any culinary water mains shall be made without City approval and oversight.

(b) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by the City.

9-02-160. Faulty Equipment.

It shall be unlawful for any culinary water user to:

(a) Waste culinary water or to use culinary water for irrigation sprinkling during prohibited hours as more particularly set forth in Section 9-02-210.

(b) Allow culinary water to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.

(c) Wastefully run culinary water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.

(d) Use culinary water for purposes other than for those which the user has applied, or to use water in violation of the rules and regulations for controlling the culinary water supply.

9-02-170. Sprinkling Vehicles.

Vehicles for sprinkling shall be regulated and controlled by the water department through the water superintendent.

9-02-180. Water Department Access.

The water superintendent and authorized agents shall at all ordinary hours have free access to any place supplied with culinary water services from the City water system for the purpose of examining the apparatus and ascertaining the amount of culinary water service being used and the manner of its use.

9-02-190. Nonliability for Damages.

The City shall not be liable for any damage to a culinary water service user by reason of stoppage or interruption of water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occur as the result of maintenance and extension operations, from any other unavoidable cause, or for any reason for which the City is provided immunity under the Utah Governmental Immunity Act, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended.

9-02-200. Water Not Supplied for Motors, Syphons, Etc.

No water shall be supplied from the pipes of the municipal culinary 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.

9-02-210. Sprinklers.

(a) It shall be unlawful for any person to use culinary water to sprinkle lawns or gardens between the hours of 10:00 a.m. and 6:00 p.m.

(b) It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the water superintendent materially affect the pressure or supply of water in the municipal culinary water system or any part thereof. The City Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

9-02-220. Scarcity of Water.

In time of scarcity of water, whenever it shall in the judgment of the Mayor and the City 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 to violate any proclamation made by the Mayor in pursuance of this Section.

9-02-230. Waste of Water.

Users of water from the municipal 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 water superintendent or of any authorized enforcement officers of the City, a user of municipal water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the water superintendent or any authorized enforcement officer may initiate civil or criminal enforcement proceedings in accordance with provisions of Title 1.

9-02-240. Water Meters.

(a) Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal culinary water system must have such number of water meters connected to their water system as are necessary in the judgment of the water superintendent to adequately measure use and determine water charges to the respective users.

(b) Unless otherwise included in an application for the extension of a culinary water main in accordance with Section 9-02-310 or Section 9-02-370, or an application for a culinary water lateral in accordance with Section 9-02-350, any person, subdivider, or developer who is required or desires to have installed a new water meter or who is required or desires to upgrade, eliminate, modify or relocate an existing water meter, shall submit an application for the same to the City. The Public Works Director shall review and approve or deny all applications for water meters based on the conditions and requirements set forth herein. The Public Works Director shall estimate the cost of the proposed or modified water meter and all related facilities. Upon approval of the application by the Public Works Director, the applicant shall pay all required fees to the City and a sum equal to the cost for installation or modification estimated by the Public Works Director which shall include labor, materials, engineering and design fees, and inspection, disconnection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the Public Works Director, the City shall refund the difference to the applicant. If the actual costs exceed the deposit amount, the applicant shall pay the difference to the City within thirty (30) days of invoice from the City. All water meters and related facilities shall comply with all specifications and requirements of the City and its ordinances, including, but not limited to, the Plumbing Code, as adopted by the City.

(c) The location of all water meters shall comply with the following standards and requirements unless otherwise approved in writing by the Public Works Director upon a showing of good cause and necessity for exception. Except as otherwise specifically provided, for purposes of calculating the following dimensional standards, all distances shall be measured from the ring of the meter.

(1) All water meters shall be located in such a manner as to provide sufficient and safe access by City officials and employees for reading, inspection and maintenance of the meter, to prevent damage to the water meters, and to prevent injury to persons and property.

(2) In order to provide safe access by City officials and employees for reading, inspection and maintenance of the meter, all water meters shall be located and maintained within in an area providing an unobstructed surface working area of at least six feet (6') by three feet (3'). For purposes of this dimensional standard, the water meter shall be included within the described working area and is not measured from the meter ring. The unobstructed area shall not include any portion of a street, driveway, sidewalk, drive access, or other area where vehicular or pedestrian traffic has access to, across or over.

(3) In order to provide safe access by City officials and employees for reading, inspection and maintenance of the meter, all water meters shall be located outside of and at least twelve inches (12") away from any street, driveway, sidewalk, drive access, or other area where vehicular or pedestrian traffic has access to, across or over.

(3) In order to avoid damage to the water meter from freezing, no water meter shall be located within six inches (6") of any concrete or other hard surfacing.

(4) In order to avoid damage to the water meter from tree roots, no water meter shall be located within six feet (6') of any existing tree and no future trees shall be planted or maintained with six feet (6') of any water meter. Nothing herein shall prevent the City from removing any tree within the public right-of-way as permitted by law.

(5) Standard water meter lids are not designed or manufactured for traffic or other heavy vehicles or equipment. In addition to concerns for worker safety and access to water meters, injury to persons or property may occur

when water meters are located within vehicular or pedestrian accesses. As such, no water meter shall be located within any paved or hard surfaced street, driveway, sidewalk, drive access, or any other area where vehicular or pedestrian traffic has access to, across or over the water meter.

(6) All water meters shall be located within the landscaped parkstrip area of the public right-of-way between the curb and sidewalk. In the event the sidewalk is located adjacent to the curb, the water meter location shall be approved by the Public Works Director.

(d) The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate all water meters and related facilities where located outside the public right-of-way. All water meters shall be deemed to be and remain the property of the municipality. Whenever a dispute between the Public Works Director and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City Council after due notice in writing to the parties involved.

(e) The water superintendent shall cause meter readings to be taken regularly and shall advise the Finance Department thereof for the purpose of recording the necessary billings for water service.

(f) 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 written permission is given by the water superintendent.

(g) If a customer submits a written request to the water superintendent to test customer's 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 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 97% to 103% of accuracy under methods of testing satisfactory to the City Council, the meter shall be deemed to accurately measure the use of water.

(h) 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 97% or more than 103% of accuracy, the City shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

(i) All damages or injury to the lines, meters or other materials of the municipality on or near the customer's premises caused by an act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the City through its efforts to repair the damage to the lines, meters or to other equipment of the water department or collect such costs from the customer.

(j) In cases where water meters have been previously installed to serve residential property, no driveways shall thereafter be installed to serve said property which are located on or over the installed water meter. Property owners desiring to locate or construct private residential driveways on or over any existing water meter shall be obligated, prior to installation of such driveway, to request the City to relocate the water meter to a new location which is acceptable to the City. All costs of such relocation shall be borne by the property owner requesting the relocation.

9-02-250. Permit for Installation or Connection to Water System.

It shall be unlawful for any person to lay, repair, alter or connect any waterline to the municipal culinary water system without first having received a construction permit from the Public Works Department. A state contractor's license for this specific purpose is required.

9-02-260. Application for Installation or Connection Permit.

(a) Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal culinary water system must be made in writing by a licensed plumber, the plumber's authorized agent, or by the owner of the property, and shall describe the nature or work to be done. The application shall be granted if the water superintendent determines that:

(1) The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.

(2) The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality.

(b) All connections, alterations or installations to the culinary water system shall be to the line and grade designated by the water superintendent

(c) Fees for permits or for inspection services shall be of such amounts as the City Council shall from time to time determine by resolution.

9-02-270. Moving or Replacing Waterlines.

In the event that the City in its sole discretion determines that any waterline of the City must be moved or replaced, the City shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to the customer's property line shall be borne by the customer.

9-02-280. Plumbing Code Compliance Required.

Permission to connect with the municipal culinary 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 adopted by the City.

9-02-290. Request for Discontinuance of Service.

Any customer desiring to discontinue culinary water service shall notify the City in writing of such fact at least ten (10) days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the ten (10) day notice provided. 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.

9-02-300. Fire Hydrant Installations.

Initial installation of fire hydrants and related facilities shall be at the expense of the property owner or developer and shall be made in accordance with

specifications, requirements and under the direction of the City. The property owner or developer shall deposit with the City by cashier's check a sum equal to the cost for installation estimated by the City Engineer which shall include labor, materials, engineering and design fees, inspection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the City Engineer, the City will refund the difference. If the actual costs exceed the deposit amount, the property owner or developer shall pay the difference by cashier's check to the City within thirty (30) days of invoice from the City. The property owner shall grant to the City a satisfactory recordable easement and right-of-way to install, construct, maintain, flush and operate such hydrants and related facilities on their premises. The easement shall provide that the owner will indemnify and hold the City harmless against property damages or personal injury resulting from ownership or maintenance. After installation and acceptance by the City, the fire hydrants shall thereafter be maintained by the City.

9-02-310. Extension of Water Mains - Within City Limits.

Any person, subdivider or developer who is required or desires an extension of any culinary water main within the City, shall first obtain approval of the City for such extension. Prior to extending any water main within the City, such person, subdivider, or developer shall make written application to the City. The application shall contain a description of the proposed extension, including all related facilities such as laterals, meters, and valves, and shall be accompanied by a map showing location of the proposed extension and related facilities together with an offer to advance the entire cost and expense thereof, which cost shall be determined by the City Engineer. The extension and related facilities shall be designed and sized by the City Engineer and shall comply with all specifications and requirements of the City and its ordinances. The City Engineer shall estimate the cost of the proposed extension and all related facilities, including, but not limited to laterals, meters, and valves. The City may approve or deny the application upon such conditions as in its discretion seems best for the safety and welfare of persons within the City, existing water users, and the applicant. Upon approval by the City, the applicant shall pay all required fees to the City by cashier's check and a sum equal to the cost for installation estimated by the City Engineer which shall include labor, materials, engineering and design fees, and inspection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the City Engineer, the City shall refund the difference. If the actual costs exceed the deposit amount, the property owner or developer shall pay the difference to the City by cashier's check within thirty (30) days of invoice from the City. The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate such water mains and related facilities where located outside of the public right-of-way.

9-02-320. Cost of Extension Determined.

Upon the receipt of an application to extend any culinary water main within the City, and before the application is granted, the City Engineer shall provide an estimate of the cost of making such an extension.

9-02-330. Cost of Extension Deposited with City.

If the City approves the extension application, the amount of the estimated cost of making the extension, as provided by the City Engineer, shall be deposited

with the City before any work shall be done on such extension. The deposit shall be made within (30) days, or such other time as the City shall indicate, after the granting thereof. The City may also require the applicant to enter into a water main extension agreement prior to commencement of work on the extension.

9-02-340. Ownership of Extension.

All extensions located within public rights-of-way or public utility easements accepted by the City shall be deemed to be the property of the City after completion, inspection, and acceptance of such facilities by the City. Unless otherwise directed by the City, the City shall own all water mains, waterlines, and laterals from the main line to the meter. Waterlines, service lines and laterals from the meter to the property, building or use shall be the property and sole responsibility of the property owner unless located within a public easement and specifically accepted by the City.

9-02-350. New, Upgraded, or Modified Water Laterals.

Unless otherwise included in an application for the extension of a culinary water main in accordance with Section 9-02-310 or Section 9-02-370, any person, subdivider, or developer who is required or desires to install a new water lateral or upgrade, eliminate, modify or relocate an existing water lateral shall first obtain approval of the City for such new or modified water lateral. The application shall contain a description of the proposed water lateral or modification, including all related facilities such as meters and valves, and shall be accompanied by a map showing location of the proposed or modified water lateral and related facilities together with an offer to advance the entire cost and expense thereof, which cost shall be determined by the Public Works Director. The water lateral and related facilities shall comply with all specifications and requirements of the City and its ordinances, including, but not limited to, the Plumbing Code, as adopted by the City. The Public Works Director shall estimate the cost of the proposed or modified water lateral and all related facilities, including, but not limited to meters and valves. The Public Works Director may approve or deny the application upon such conditions as in his or her discretion seems best for the safety and welfare of persons within the City, existing water users, and the applicant. Upon approval by the Public Works Director, the applicant shall pay all required fees to the City and a sum equal to the cost for installation or modification estimated by the Public Works Director which shall include labor, materials, engineering and design fees, and inspection, disconnection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the Public Works Director, the City shall refund the difference. If the actual costs exceed the deposit amount, the property owner or developer shall pay the difference to the City within thirty (30) days of invoice from the City. The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate such water laterals and related facilities where located outside of the public rights-of-way. All water laterals, meters and related facilities located within the public rights-of-way or public utility easements accepted by the City shall be deemed to be the property of the City. All service lines and related facilities located on private property shall be the property and sole responsibility of the property owner.

9-02-360. Supply of Water Service - Outside City Limits.

The City municipality may furnish water service from its culinary water system to persons outside the City in accordance with the provision of this Chapter.

9-02-370. Extension of Water Mains – Outside City Limits.

Any person located outside the City limits who desires to be supplied with culinary water services from the municipal culinary water system and is willing to pay in advance the whole expense of extending the water system to the applicant's property, including the cost of extending the water main beyond its present location, may make application to the City Council. Any such application shall include the following information:

- (a) A description of the proposed water system extension.
- (b) A map showing the location of the proposed water system extension.

(c) An offer to pay the whole expense incurred by the City in providing such extension and to advance such expenses as shall be verified to by the City Engineer. The City Council may require the applicant seeking such extension to enter into an agreement providing in detail the terms under which the extension will be constructed, how the extension may be utilized by others in the future, and the terms under which all or any portion of cost of installing such extension may be refunded. No such refund agreement will be for a period of more than ten (10) years, nor will interest charges accrue.

(d) An acknowledgement that the municipality in granting the application need supply only such water to the petitioner which from time to time the City Council deems beyond the requirements of water users within the municipal limits, and that such extension shall be the property of and subject to the control of the City.

9-02-380. Extension May Be Master Metered.

When an extension supplying more than one house or user outside the City limits is connected to municipal culinary water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the municipal main. Installation of the master meter and all costs associated with the master meter will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.

9-02-390. Cost of Extension Determined.

Upon receipt of an application for culinary water service outside City limits, and before the application is granted, the City Council shall determine what portion, if any, of the extension of the municipal culinary water mains to the City limits shall be constructed, and shall obtain from the City Engineer a verified statement showing the entire estimated cost of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. The City maintains the option of charging an upfront cost per foot for the improvements, and contracting work out by competitive bid.

CHAPTER 9-03 DRINKING WATER SOURCE PROTECTION

- 9-03-010. Title.
- 9-03-020. Purpose.
- 9-03-030. Authority.
- 9-03-040. Applicability.
- 9-03-050. Jurisdiction.
- 9-03-060. Definitions
- 9-03-070. Designation of Protection Zones.
- 9-03-080. Determination of Protection Zones.
- 9-03-090. Uses and Restrictions within Protection Zones.
- 9-03-100. Exclusions.
- 9-03-110. Exemptions.
- 9-03-120. Review of Permits.
- 9-03-130. Best Management Practices.
- 9-03-140. Reporting of Spills.
- 9-03-150. Enforcement and Inspections.
- 9-03-160. Water Supplier Right of Enforcement.
- 9-03-170. Violations.
- 9-03-180. Appeals.
- 9-03-190. Abrogation and Greater Restrictions.
- 9-03-200. Review of the Provisions.
- 9-03-210. Liability.
- 9-03-220. Protection Afforded.
- 9-03-230. Compliance with Other Applicable Laws.
- 9-03-240. Use Matrix for Potential Contamination Sources.
- 9-03-250. Generic List of Regulated Substances.

9-03-010. Title.

This Chapter shall be known as the “Drinking Water Source Protection Ordinance”.

9-03-020. Purpose.

The purpose of this Chapter is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of drinking water source protection zones surrounding drinking water wells and springs that are supply sources for public water systems within the City and by the designation and regulation of property uses and conditions that may be maintained within such zones. It is the intent of this Chapter to comply with all applicable federal and state laws, rules and regulations for safe drinking water source protection, including, but not limited to, the Utah Safe Drinking Water Act, as set forth in *Utah Code Ann.* §§ 19-4-101, *et seq.*, as amended, and the source protection rules and regulations as set forth in the *Utah Administrative Code* R309-600, as amended.

9-03-030. Authority.

This Chapter is adopted pursuant to authority set forth in *Utah Code Ann.* § 10-8-15, as amended, the provisions of the *Utah Administrative Code*, R309-600, as amended, and other applicable statutory and common laws of the State of Utah.

9-03-040. Applicability.

Unless otherwise specified, the provisions of this Chapter shall apply to existing uses, new development, the expansion of any existing building or use, new or changed uses, and/or the handling, movement and storage of potentially hazardous materials within the City or without, to the extent allowed by state law or agreement with the appropriate jurisdiction. It shall be the responsibility of any person owning real property and/or operating a business within the jurisdiction of the City, or conducting activities within the City, to conform and comply with the applicable provisions contained in this Chapter. Ignorance of this Chapter and the provisions set forth herein shall not excuse any violation of this Chapter.

9-03-050. Jurisdiction.

The provisions of this Chapter shall be effective within the corporate boundaries of the City with respect to groundwater sources and to groundwater sources which are under the direct influence of surface water which are used by public water systems to supply drinking water, and to the fullest extent permitted by law, outside the corporate boundaries of the City with respect to such groundwater sources. Specifically, pursuant to authority set forth in *Utah Code Ann.* § 10-8-15, as amended, the City has extraterritorial jurisdiction to enact ordinances to protect a stream or source from which the City or its inhabitants derive their water supply, in whole or in part, for domestic and culinary purposes, for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of any stream.

9-03-060. Definitions.

(a) "Best Management Practices" (or "BMP") means a practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source (including technological, economic and institutional considerations).

(b) "Collection Area" means the area surrounding a groundwater source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other groundwater collection devices.

(c) "Continuous Transit" means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

(c) "Design Standard" means established state or national standards for the design, construction, placement, or maintenance of a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

(d) "Discharge" means, but is not limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances, hazardous waste, or petroleum products to the soils, air, ground waters or surface waters of the City. Discharge does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances; provided that such use is not prohibited by federal, state or local laws or regulations. Discharge also does not include discharges specifically authorized by federal or state permits.

(e) "Drinking Water Source Protection Zone" means the specified surface and subsurface area surrounding a groundwater source of drinking water supplying a public water supply through which contaminants are reasonably likely to move toward and reach such groundwater source. The Drinking Water Source Protection Zones for the protection of drinking water sources within the jurisdiction of this Chapter are more particularly described and defined in Section 9-03-070.

(f) "EPA" means the United States Environmental Protection Agency.

(g) "Groundwater" means any water which may be drawn from the ground.

(h) "Groundwater Divide" means that subsurface boundary at which groundwater flow occurs in opposite directions, usually occurring at the high and low points of surface topography. Groundwater flows away from this line at all times.

(i) "Hazardous Waste" means a waste with properties that make it dangerous or potentially harmful to human health or environment and any hazardous waste as defined by the EPA.

(j) "Land Management Strategies" means land use and non-land use controls which include, but are not limited to the following: land use ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, groundwater monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(k) "Person" means an individual, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as the singular.

(l) "Petroleum Product" means fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

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

(1) "Animal Feeding Operation" means 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 45 days or more in any 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.

(2) "Animal Unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the numbers 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.

(3) "Extremely Hazardous Substances" means those substances which are identified in the Section 302(EHS) column of the SARA Title III List of Lists - Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) and Section 112(r) of the Clean Air Act, as amended.

(n) "Potential Contamination Source" (or "PCS") means any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a potential contamination source.

(o) "Regulated Substances" means substances (including degradation and interaction products), which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bio-accumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health and/or the environment (including surface and groundwater, plants and animals).

(p) "Regulatory Agency" means any governmental agency (local, state or federal) with jurisdiction over hazardous waste as defined herein.

(q) "Sanitary Landfill" means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(r) "SARA" means the Superfund Amendment and Reauthorization Act, Title III, 40 CFR 300-302.

(s) "Septic Tank/drain Field System" means a system which is comprised of a septic tank and a drain-field which accepts wastewater from buildings or facilities for surface or subsurface treatment and disposal.

(t) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater.

(u) "Wellhead" means the physical structure, facility or device at the land surface from or through which groundwater flows or is pumped from subsurface water-bearing formations.

9-03-070. Designation of Protection Zones.

The Drinking Water Source Protection Zones ("Protection Zones") for the

protection of drinking water sources within the jurisdiction of this Chapter are hereby designated to be known as Protection Zone 1, Protection Zone 2, Protection Zone 3, and Protection Zone 4 identified and described as follows. The Protection Zones are further delineated in the City's Drinking Water Source Protection Zone Map on file with the City and available for public review during regular business hours at the City Offices.

(a) Protection Zone 1 is the area within a 100-foot radius from the wellhead or margin of the collection area.

(b) Protection Zone 2 is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(c) Protection Zone 3 is the area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(d) Protection Zone 4 is the area within a 15-year groundwater time of travel to the wellhead or the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

9-03-080. Determination of Protection Zones.

(a) Portion of Parcel. If any portion of a parcel lies within a Protection Zone, the entire parcel shall be governed by the restrictions and requirements of that Protection Zone. Parcels located within more than one Protection Zone shall comply with the restrictions and requirements of the most restrictive Protection Zone covering any portion of the parcel.

(b) Boundary Disputes. If the location of any Protection Zone boundary in relation to a particular parcel or property is disputed, resolution of the boundary dispute shall be through an administrative determination application to the Public Works Director. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the Protection Zone with respect to their individual parcel or property should be located. If the owner(s) request the City to determine more accurately the boundaries of the Protection Zone with respect to an individual parcel or property, the City may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

9-03-090. Uses and Restrictions within Protection Zones.

(a) Unlawful Discharges. No person shall discharge, or permit the discharge of any regulated substance, hazardous waste, or petroleum product, whether treated or untreated, to soils, air, groundwater, or surface water in any Protection Zone, that may have a deleterious effect upon groundwater within the City, unless the discharge is in compliance with all applicable federal, state and local laws and regulations.

(b) Permitted Uses. The following uses shall be permitted within any Protection Zone:

(1) Any use permitted within existing underlying agricultural, residential, or commercial districts so long as such uses conform to the rules and regulations of any regulatory agency having jurisdiction.

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

(c) Prohibited Uses. The following uses or conditions shall be and are hereby prohibited within Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Subsection (b) above, or as an accessory use thereto.

(1) Protection Zone 1 - The location of any potential contamination source as defined herein, unless controlled with design standards.

(2) Protection Zone 2 - The location of any potential contamination source as defined herein, unless its contaminated discharges can be controlled with design standards.

(3) Protection Zones 3 and 4 – The location of any potential contamination source, unless it is controlled through land management strategies.

(d) Table of Uses and Regulated Substances. To further clarify permitted, restricted and prohibited uses in the Protection Zones, refer to Section 9-03-240 regarding the Use Matrix for Potential Contamination Sources. For a Generic List of Regulated Substances, see Section 9-03-250.

9-03-100. Exclusions.

The following substances are not subject to the restrictions and prohibitions set forth in Section 9-03-090 within Protection Zones 2-4, provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized discharge or cause contamination of the groundwater.

(a) Regulated substances stored in appropriate product tight containers at residences that do not exceed ten (10) pounds (dry) or five (5) gallons (liquid) and used for personal, family or household purposes.

(b) Commercial products limited to use at the commercial site solely for office or janitorial purposes when stored in appropriate product tight containers in total quantities of less than twenty (20) pounds (dry) or ten (10) gallons (liquid).

(c) Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored in appropriate product tight containers.

(d) Water-based latex paint, or oil-based finishes, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.

(e) Fertilizers, treated seed, pesticide products, erosion control products, soil amendment products, or similar application products, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.

(f) Compressed gases.

(g) Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug and Cosmetic Act.

9-03-110. Exemptions.

The following uses and/or activities are exempt from the restrictions and prohibitions set forth in Section 9-03-090 within Protection Zones 2-4.

(a) Continuous Transit. The transportation of any regulated substance(s) through any Protection Zone shall be allowed provided that the transporting vehicle is in continuous transit and meets applicable federal and state transportation requirements and regulations.

(b) Fuel and Lubricant Use. The use of any petroleum products solely as an operational fuel in a vehicle or lawn or garden tool or device, or as a lubricant in such a vehicle, tool or device, shall be exempt from the provisions of this Chapter. These spent products shall be properly disposed of in compliance with applicable federal, state, and local laws and regulations.

9-03-120. Review of Permits.

Any and all development or use permits or approvals for property located within a Protection Zone shall be submitted to the Public Works Director for review, including, but not limited to, conditional use permits, site plans, subdivisions, nonconforming uses, variances, and building permits. The Public Works Director shall review the proposed application for compliance with the terms and conditions of this Chapter. If the Public Works Director determines the application meets the terms and conditions of this Chapter and that the proposed use or development will not have an adverse impact on groundwater quality, the Public Works Director may approve the application for further processing. The Public Works Director may also impose any necessary design standards, land management strategies, or other conditions and restrictions on the application to the extent necessary to mitigate any potential adverse impacts of the proposed application. If the Public Works Director determines the proposed application may have an adverse effect upon groundwater quality and that the potential adverse effects cannot be adequately mitigated as provided herein, the permit may be denied.

9-03-130. Best Management Practices.

Under the provisions of this Chapter, all potential contamination sources within a Protection Zone shall incorporate and utilize best management practices in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this Chapter to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah

Department of Environmental Quality, Division of Drinking Water and the EPA. At a minimum, the BMPs listed in the City's Drinking Water Source Protection Plan, as submitted to the State of Utah, as amended, shall be incorporated and utilized. The City's Drinking Water Source Protection Plan, and the BMPs referred to therein, are on file with the City and may be available for public review during regular business hours at the City Offices.

9-03-140. Reporting of Spills.

Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR part 261, Subpart D), 40 CFR Appendix VIII - Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), as amended, shall be reported by telephone to the Public Works Director and the City Manager, or their designees, within one (1) hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the Public Works Director and the City Manager within fifteen (15) days of discovery of the spill.

9-03-150. Enforcement and Inspections.

The Public Works Director, or his or her designee, including authorized Code enforcement officer (hereinafter collectively referred to as the "Public Works Director") is hereby granted the right to enforce the provisions of this Chapter on behalf of the City. The Public Works Director has the right to conduct or cause to be conducted inspections to determine compliance with the provisions of this Chapter. Noncompliance with the provisions of this Chapter is a violation of this Chapter subject to enforcement action, penalties and liability as more particularly provided herein.

9-03-160. Water Supplier Right of Enforcement.

In accordance with *Utah Code Ann.* § 19-4-113, as amended, a retail water supplier or wholesale water supplier may seek enforcement of the drinking water source protection zone provisions of this Chapter and the use restrictions within such protection zones if: (1) the City notifies the retail or wholesale water supplier within ten (10) days of receiving notice of a violation of this Chapter that the City will not seek enforcement of this Chapter; or (2) the City does not seek enforcement of this Chapter within two (2) days of a notice of violation of this Chapter when the violation may cause irreparable harm to the groundwater source.

9-03-170. Violations.

(a) Continuing Violation. Each day that any violation of this Chapter is committed, maintained, continued or permitted shall be considered a separate offense for purposes of the penalties and remedies available to the City.

(b) Cumulative Remedies. In addition to any of the remedies provided herein, the City shall have such remedies and powers of enforcement for violations of this Chapter as provided by Utah law or City Ordinances. All remedies shall be cumulative and non-exclusive.

(c) Complaints. The Public Works Director, or his or her authorized designee, may investigate any purported violation of this Chapter and take such action as is warranted in accordance with the provisions and procedures set forth herein.

(d) Notice of Violation. If the Public Works Director determines that any provision of this Chapter is being violated and immediate enforcement action is not necessary under the circumstances, the Public Works Director shall provide a written notice of violation to the property owner or any other person determined to be responsible for the violation. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall serve to start the warning period.

(e) Warning Period. Unless otherwise determined by the Public Works Director, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the date of receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the Public Works Director shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The Public Works Director is authorized, in his or her discretion, to extend the warning period, not to exceed thirty (30) days, if the Public Works Director determines that good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. Any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the Public Works Director. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the ten (10) day response period.

(f) Immediate Enforcement. In the case of a violation involving continuing construction, business or development, or an emergency situation, as reasonably determined by the Public Works Director, the City may use the enforcement powers and remedies available to it under this Chapter without prior notice or notice of violation. In such case, the Public Works Director shall send the notice to the same parties set forth in subsection (d) simultaneously with the beginning of enforcement action.

(g) Abatement. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained; or any land, building, business or premises used contrary to the provisions of this Chapter is hereby declared to be unlawful and a public nuisance. The City Attorney, Prosecutor or other authorized legal counsel may commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law. The City Attorney, Prosecutor, or other authorized legal counsel may also take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, business or property contrary to the provisions of this Chapter.

(h) **Cease and Desist Order.** In the event of a discharge of a regulated substance, if the Public Works Director deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the Public Works Director has the authority under this Chapter to cause the immediate cessation of said activity or use of such regulated substance, require administrative controls to mitigate said danger and/or initiate other pollution control and abatement activities which he or she deems necessary in his or her discretion. A cease and desist order shall also be issued by the Public Works Director if the violator is found not to employ BMPs and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the violator. In the event the violator fails to comply with a cease and desist order within the specified time period, the Public Works Director has the authority to initiate proceedings for issuance of penalties and other relief as necessary.

(i) **Criminal Penalties.** If any violation of this Chapter remains uncured after issuance of a notice of violation and expiration of the warning period, a criminal citation may be issued to the property owner or other person determined to be responsible for the violation in accordance with the notice of violation. All criminal citations for Chapter violations shall be issued by the City Police Department in accordance with applicable criminal procedures for issuance of a criminal citation. Violations of the provisions of this Chapter constitute a Class B misdemeanor, punishable as provided by law.

9-03-180. Appeals.

Any person may appeal a final determination of the Public Works Director regarding a boundary dispute, the denial of a permit or conditions attached thereto, or any other final determination or action taken under this Chapter to the City Manager by filing a written notice of appeal within fourteen (14) days from the date of final action stating the grounds for appeal and providing all supporting documentation and evidence regarding the appeal. The appellant shall bear the burden to establish that there was an error in the Public Works Director's determination or that such determination was illegal.

9-03-190. Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other restriction, including land use codes or development regulations conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

9-03-200. Review of Provisions.

The City shall review the provisions of this Chapter at least once every six (6) years, or more frequently if determined appropriate by the City, to determine its applicability, and may incorporate changes as deemed appropriate. Failure to conduct this review shall not affect the validity of this Chapter, its provisions, or the Protection Zones adopted herein.

9-03-210. Liability.

Any person subject to regulation under this Chapter shall be liable with

respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the City and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release or a regulated substance as defined by this Chapter. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates, or is expected to create, an emergency or hazardous situation.

9-03-220. Protection Afforded.

The degree of protection afforded by this Chapter is considered adequate for regulatory purposes. This Chapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the City, or any officer or employee thereof, for any damages to the public water supplies arising out of reliance on this Chapter or any administrative order lawfully made hereunder.

9-03-230. Compliance with Other Applicable Laws.

Compliance with the terms of this Chapter shall not relieve the owner subject to the terms herein of the obligation to comply with any other applicable federal, state, regional or local law or regulations, rules, ordinances, laws or requirements, nor shall compliance with the terms of this Chapter relieve any person or owner of any liability for violation of such laws, regulations, rules, ordinances, or requirements.

9-03-240. Use Matrix for Potential Contamination Sources.

The following Use Matrix identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to risk of contamination in each Protection Zone. This Use Matrix and list is for clarification and planning purposes. The Use Matrix is not intended or considered to be all-inclusive. Substances that are not on this Use Matrix may need further clarification. The following definitions shall apply to the designations set forth in the Use Matrix:

Allowed Uses (A) means a use, activity, or practice which does not create a risk of contamination in the specified zone significant enough to require the implementation of regulatory requirements or BMP's and is an allowed use.

Restricted Use (R) means a use, activity, or practice, the nature or some element of which represents a potential contamination source. The use, activity, or practice may be permitted only after review and approval by the Public Works Director. As part of this review, recommendations from any applicable regulatory agencies shall be considered. Restricted uses are subject to BMP's and compliance with other reasonable conditions as may be imposed by the Public Works Director or other applicable regulatory agencies.

Prohibited Use (X) means a use, activity, or practice which creates a substantial risk of contamination in the specified zone and is not permitted.

USE MATRIX FOR POTENTIAL CONTAMINATION SOURCES

POTENTIAL CONTAMINATION SOURCES	Protection Zone		
	Zone 1	Zone 2	Zones 3 & 4
Abandoned wells	X	X	X
Agricultural pesticide, herbicide and fertilizer storage, use, filling, and mixing area pursuant to federal regulations	X	R	A
Airport maintenance and fueling sites	X	R	R
Appliance repair	X	R	R
Dealership maintenance departments	X	R	R
Tire	X	R	R
Auto body	X	R	R
Engine Repair	X	R	R
Rust proofing	X	R	R
Oil and lube shops	X	R	R
Vehicle rental with maintenance	X	R	R
Beauty salons	X	R	A
Boat building and refinishing	X	R	R
Car washes	X	A	A
Cemeteries, golf courses, parks and plant nurseries	X	R	R
Chemical reclamation facilities	X	R	R
Chemigation wells	X	X	R
Concrete, asphalt and tar companies	X	R	R
Dairy Farms and animal feed lots (more than 1,000 animal units)	X	X	A
Dry cleaners (with onsite chemicals)	X	X	R
Dry cleaners (without onsite chemicals)	X	A	A
Embalming services	X	R	R
Dump sites	X	R	R
Maintenance garages	X	R	R
Manure piles (per 1,000 animal units)	X	X	A
Food processing, meat packing and slaughter houses	X	X	A
Fuel, oil and heating oil distribution and storage facilities	X	R	R
Furniture stripping, painting and finishing businesses	X	R	R
Gasoline service stations (including underground storage tanks)	X	R	R
Hospitals and medical, dental and veterinary offices	X	R	R
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone glass, pharmaceuticals and electrical equipment, etc.	X	R	R
Industrial waste disposal / impoundment areas	X	X	R

Junk and salvage yards	X	R	R
Landfills and transfer stations	X	R	A
Laundromats	X	A	A
Machine shops, metal plating, heat treating, smelting, annealing and descaling facilities	X	R	R
Radiological	X	R	R
Sand and gravel excavation and processing	X	R	R
Municipal wastewater treatment plants	X	X	A
Photo processing and print shops	X	R	R
Railroad loading or unloading areas	X	R	R
Railroad yards	X	R	R
Residential pesticide, herbicide and fertilizer storage, use, filling and mixing areas pursuant to federal regulations	X	A	A
R V waste disposal stations	X	X	A
Salt and salt-sand piles	X	R	R
Septic tank drain field systems	X	X	R
Storm water detention basin and snow storage sites	X	R	A
Oil pipelines	X	X	X
Toxic chemical storage	X	X	X
Wood preservative treatment facilities	X	R	R

9-03-250. Generic List of Regulated Substances.

The following is a generic list of regulated substances. This list is not intended to be all-inclusive, but is provided for convenience as a sample list.

GENERIC REGULATED SUBSTANCE LIST

Acid and basic cleaning solutions	Laboratory chemicals
Antifreeze and coolants	Liquid storage batteries
Animal Dips	Medical, pharmaceutical, dental veterinary and hospital solutions
Arsenic and arsenic compounds	Mercury and mercury compounds
Battery acids	Metal finishing solutions
Bleaches and peroxide	Oils
Brake and transmission fluid	Paints, primers, thinners, dyes, stains, wood preservative, varnishing and cleaning compounds
Brine solution	Painting solvents
Casting and foundry chemicals	Pesticides and herbicides
Caulking agents and sealants	Photo development chemicals
Cleaning solvents	Plastic resins, plasticizers and catalysts
Corrosion and rust preventatives	Poisons
Cutting fluids	Polishes

Degreasing solvents	Polychlorinated biphenyls (PCBs)
Disinfectants	Pool chemicals
Dyes	Processed dust and particulate
Electroplating solutions	Radioactive sources
Explosives	Reagents and standards
Fertilizers	Refrigerants
Fire extinguishing chemicals	Roofing chemicals and sealers
Food processing wasters	Sanitizers, disinfectants, bactericides and algaecides
Formaldehyde	Soaps, detergents and surfactants
Fuels and additives	Solder and fluxes
Glues, adhesives and resins	Stripping compounds
Greases	Tanning industry chemicals
Hydraulic fluid	Transformer and capacitor oils and fluids
Indicators	Wastewater
Industrial and commercial janitorial supplies	Water and wastewater treatment chemicals
Industrial sludges and stillbottoms	
Inks, printing and photocopying chemicals	

CHAPTER 9-04. BULK WATER STATION AND FIRE HYDRANT PERMITS

- 9-04-010. Findings.**
- 9-04-020. Bulk Water Station and Fire Hydrant Permits.**
- 9-04-030. Permit Required.**
- 9-04-040. Fees.**
- 9-04-050. Issuance of Permit.**
- 9-04-060. Water Meters and Keys.**
- 9-04-070. Payment.**
- 9-04-080. Inspection.**
- 9-04-090. Records.**
- 9-04-100. Rules and Regulations.**
- 9-04-110. Indemnification.**
- 9-04-120. Revocation.**
- 9-04-130. Unauthorized Use.**
- 9-04-140. Penalty.**
- 9-04-150. Appeals.**

9-04-010. Findings.

Due to the rapid and continuing growth within Centerville City and in order to protect the efficient and safe use of the City's water system, the City Council hereby finds it to be in the best interest of the public health, safety and welfare to establish a system for drawing and purchasing water from the Public Works Department Bulk Water Station and City fire hydrants for the purpose of filling water trucks for construction, dust control and other private uses. The City Council further finds that the establishment of such a system will help preserve fire hydrants from leaks, improper use, water hammering, and water theft; will help protect the City's water system from backflow contamination; and will provide an easy and efficient procedure for obtaining water at reasonable rates from the City.

9-04-020. Bulk Water Station and Fire Hydrant.

The purpose of this Chapter is to provide a uniform set of guidelines for issuing Bulk Water Station and Fire Hydrant Permits. In most instances, water should be obtained from the Public Works Department Bulk Water Station in accordance with the permit procedures set forth herein. If use of the Bulk Water Station for obtaining water is unreasonable in certain circumstances, water may be obtained from City fire hydrants in accordance with the permit procedures set forth herein. Other means of obtaining water for construction purposes, dust control and other private uses should be explored and used whenever possible prior to seeking a Bulk Water Station or Fire Hydrant Permit. In any event, no private use of City fire Hydrants or public facilities as permitted herein, may interfere with the use of any fire hydrant or public facility by City or fire officials. Fire officials and the Public Works Department shall at all times have free access to all fire hydrants and public facilities.

9-04-030. Permit Required.

Any person or entity desiring to obtain water from the Bulk Water Station or a City fire hydrant shall submit an application for a Bulk Water Station or Fire Hydrant Permit to the Public Works Department on forms provided by the City. The application shall be signed by the applicant or applicant's authorized and certified

agent, and shall state the purpose for which the water is to be used and the location of the intended fire hydrant to be used, if applicable, and the desired term of the permit. Applicants must agree to and abide by all conditions, charges and liabilities of the permit.

9-04-040. Fees.

Each application for a Bulk Water Station and Fire Hydrant Permit shall be accompanied by the required permit fees as set forth in the City Fee Schedule. No permit shall be issued until the proper fees have been paid to the City. Unless otherwise provided, the permit and fees required herein shall be in addition to any and all other licenses, permits and fees imposed by any other ordinance, regulation or law.

9-04-050. Issuance of Permit.

The Public Works Director or Water Superintendent shall review all applications for Bulk Water Station and Fire Hydrant Permits and may issue or deny such applications based on consideration of the effect of the proposed use, the location of the hydrant, the availability of water from the system, assurance that the use of the hydrant(s) or Bulk Water Station will not adversely affect delivery of water to existing connections to the City water system, and compliance with all conditions and requirements of this Chapter. Bulk Water Station Permits may be renewed on an annual basis. Fire Hydrant Permits shall not exceed thirty (30) days. Permits shall be valid only for the applicant for whom it was issued and only for the location and use for which it was issued and shall not be assignable or transferable.

9-04-060. Water Meters and Keys.

Upon issuance of a Bulk Water Station Permit and payment of all required fees and deposits, the permit holder shall be issued an access number or key necessary to operate the Bulk Water Station at the Public Works Department facilities. A deposit shall be required for the issuance of a key for use of the Bulk Water Station in the amount set forth in the City Fee Schedule in order to insure return of the key. Upon issuance of a Fire Hydrant Permit and payment of all required fees and deposits, the permit holder shall obtain a meter and other required equipment from the Public Works Department necessary to obtain and meter the water drawn from the fire hydrant in accordance with the permit. A deposit shall be required for the use of the fire hydrant meter and other equipment provided by the City in an amount set forth in the City Fee Schedule in order to insure return of the meter and equipment in good condition. The meter number and reading shall be noted on the permit at the time of issuance.

9-04-070. Payment.

Applicants obtaining water from the Bulk Water Station shall be billed monthly for the water obtained from the system in accordance with the rates set forth in the City Fee Schedule. In the alternative, the City may require Applicant to pre-pay for the good faith estimate of the amount of water to be used in accordance with the rates set forth in the City Fee Schedule. Applicants obtaining water from a fire hydrant shall be required to pay for the water obtained upon completion of the use of fire hydrant or expiration of the permit, whichever is sooner. Applicants shall return the meter and other equipment provided by the City and pay the appropriate fee in

accordance with the rates set forth in the City Fee Schedule for the amount of water used as indicated on the returned meter. In the alternative, the City may require Applicant to pre-pay for the good faith estimate of the amount of water to be used at the appropriate rate set forth in the City Fee Schedule. All fees, deposits and payments shall be submitted to the City Treasurer's Office for receipt and remittance.

9-04-080. Inspection.

The City reserves the right to supervise and/or inspect the use of the Bulk Water Station or any City fire hydrant in accordance with any permit issued by the City. Applicant shall close the hydrant and disconnect the meter from the hydrant when not using the water, thereby leaving the hydrants and public facilities free and clear for use by the City and fire officials.

9-04-090. Records.

The Public Works Department shall keep a record of all permits issued hereunder.

9-04-100. Rules and Regulations.

The Public Works Department may establish and adopt rules and regulations governing the use of the Bulk Water Station and City fire hydrants and permits issued under this Chapter.

9-04-110. Indemnification.

Applicant shall be responsible for returning the key, meter and other equipment to the City in good condition when due. A late fee may be charged for any key, meter or equipment which is not returned to the City within twenty-four (24) hours from the expiration of the permit as provided in the City Fee Schedule. Applicant shall be responsible to reimburse the City for the cost to replace any key, meter or equipment not returned and shall be liable for any and all damage to the City fire hydrants, Bulk Water Station, public facilities, or equipment in connection with applicant's use of the hydrants and Bulk Water Station. Applicant shall further indemnify and hold harmless the City, its officers, employees, agents and sureties, from liability of any kind or nature which may result from use of the Bulk Water Station, City fire hydrants, meters, equipment, or water as permitted herein.

9-04-120. Revocation.

Any Bulk Water Station or Fire Hydrant Permit issued hereunder may be revoked or suspended by the City upon applicant's failure to comply with the rules and regulations of the Public Works Department and the ordinances of the City governing the use of water from the Bulk Water Station and City fire hydrants.

9-04-130. Unauthorized Use.

It is unlawful for any person, other than those duly authorized, to open or operate the Bulk Water Station, any City fire hydrant, or other public water facility or equipment, or to tamper or interfere with, or attempt to draw water there from, or in any way to obstruct the approach thereto.

9-04-140. Penalty.

Any person who violates the provisions of this Chapter may be guilty of a class B misdemeanor subject to fines provided in *Utah Code Ann.* § 76-3-301, as amended. In instances where the violation of this Chapter is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs or continues. This Section shall not limit the authority of any court of competent jurisdiction to impose other sanctions or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

9-04-150. Appeals.

Any person aggrieved by the denial or revocation of a Bulk Water Station or Fire Hydrant Permit may appeal such decision to the City Manager by filing written notice of appeal within fifteen (15) days from the date of the decision.

CHAPTER 9-05. IRRIGATION WATER AND NATURAL WATER COURSES.

- 9-05-010. Irrigation Water.**
- 9-05-020. Prohibited Use of Irrigation or Nonpotable Water.**
- 9-05-030. Distribution of Irrigation or Nonpotable Water.**
- 9-05-040. Disruption of Drainage or Water Courses Prohibited.**
- 9-05-050. Building Permit – Water Course Review.**
- 9-05-060. Public Works Director Determination.**
- 9-05-070. Backflow Prevention Regulations.**
- 9-05-080. Backflow Prevention Assembly Required.**
- 9-05-090. Building Inspector Duties.**
- 9-05-100. Certified Backflow Assembly Technician.**
- 9-05-110. Backflow Prevention Definitions.**
- 9-05-120. Backflow Prevention Requirements.**
- 9-05-130. User Responsibility for Backflow Prevention Assembly.**
- 9-05-140. Penalty.**

9-05-010. Irrigation Water.

Centerville City does not operate or provide irrigation (or secondary) water. All irrigation water within the City must be obtained from third parties, including, but not limited to, the Deuel Creek Irrigation Company or the Weber Basin Water Conservancy District.

9-05-020. Prohibited Use of Irrigation or Nonpotable Water.

It shall be unlawful for any person, firm or corporation to:

- (a) Use or cause to be used any untreated or nonpotable water from a pressure irrigation system for other than irrigation purposes.
- (b) Interconnect or cause to be interconnected the potable and nonpotable portions, distribution systems or service lines of dual water supplies or extension thereof.
- (c) Install or cause to be installed in the same trench or trenches the distribution or service lines of potable and nonpotable water.
- (d) Connect or cause to be connected a service line to any distribution system or main line carrying nonpotable water without authority of the irrigation district, municipality, company or person having jurisdiction of the nonpotable water supply.
- (e) Extend or cause to be extended into any building a nonpotable water supply system or service line.
- (f) Connect or cause to be connected to any fire hydrant, a nonpotable water supply system or service line.
- (g) Expose or cause to be exposed any portion of nonpotable water supply system or extensions or service lines thereof without identifying the same by distinctive coloring or other suitable means sufficient to distinguish the same from potable water supply systems, extensions or service lines.

(h) Contaminate or cause to be contaminated any source of supply, distribution system, or service line furnishing or carrying nonpotable water or potable water.

(i) Use irrigation or nonpotable water to sprinkle lawn or gardens between the hours of 10:00 a.m. and 6:00 p.m.

9-05-030. Distribution of Irrigation or Nonpotable Water.

All hydrants and sprinkling system control valves for the distribution of irrigation or nonpotable water shall be operated by a removable key in accordance with the Utah Safe Drinking Water Act, as set forth in *Utah Code Ann.* §§ 19-4-101, *et seq.*

9-05-040. Obstruction of Drainage or Water Courses Prohibited.

It is unlawful to obstruct or alter any drainage or water course in the City without the express written authority of the applicable owner or jurisdiction. All major creeks and drainages in the City are under the jurisdiction of Davis County.

9-05-050. Building Permit - Water Course Review.

Any building permit application for construction or development within the City shall be submitted to the Public Works Director for review of any proposed interference or alteration of any irrigation or natural drainage course and for compliance with the terms and conditions of this Chapter. Any development within 100' of jurisdictional creek channels must be approved and permitted by Davis County.

9-05-060. Public Works Director Determination.

If the Public Works Director is satisfied that the installation, development, or work described in the building permit application will not result in an interference with the flow of water in a water course or drainage way and/or will not reduce the capacity of the water course or drainage way to conduct storm water, waste water, run-off water, flood water, or to otherwise continue its previous functions, and that the applicant has otherwise conformed to the requirements of this ordinance, the Public Works Director shall sign off on issuance of the building permit as it relates to Water Course Review. The Public Works Director may require the applicant to provide additional information or engineering review prior to making a water course determination.

9-05-070. Backflow Prevention Regulations.

The purpose of the following backflow prevention regulations of the City is to protect the City culinary water supply from the possibility of contamination or pollution by isolating within the user's internal distribution system or the user's private water system contaminants or pollutants which could backflow into the public water system; to promote the elimination or control of existing cross connections, actual or potential, between the consumer's in-plant potable water system, and nonpotable water system, plumbing fixtures and industrial piping system; and to provide for a continuing program of cross connection control which will systematically

and effectively prevent the contamination or pollution of the potable water system of the City.

9-05-080. Backflow Prevention Assembly Required.

If, in the judgment of the Public Works Director, an approved backflow prevention assembly is required at the user's private water system for the protection of the public culinary water distribution system from contamination or pollution due to the backflow or contaminants through water service connections, the City, or its designated agent, shall give notice in writing to such user to install an approved backflow prevention assembly at a specific location or locations on the user's premises. The user shall immediately install such approved assembly at the user's own expense, and failure, refusal or inability on the part of the user to install, have tested, and/or maintain said assembly shall constitute grounds for discontinuing culinary water service to the premises until such requirements have been satisfactorily met.

9-05-090. Building Inspector Duties.

The City Building Inspector shall have the responsibility to review building plans and inspect plumbing as it is installed to prevent cross connections from being designed and built into structures within the City. Where the review of building plans suggests or indicates the potential for a cross connection being made an integral part of the plumbing system, the Building Inspector shall require such cross connections to either be eliminated or provided with an approved backflow prevention assembly in accordance with the Plumbing Code, as adopted by the City.

9-05-100. Certified Backflow Assembly Technician.

When employed by the user or the City to test, repair overhaul and/or maintain backflow prevention assemblies, a backflow assembly technician shall have the responsibility and obligation:

(a) To ensure that acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.

(b) To make reports of such testing and/or repair to the user and City on forms approved for such use by the City, such reports to include the list of materials or replacement parts used.

(c) To ensure the design, material, or operational characteristics of the assembly during repair or maintenance.

(d) To not change the design, material, or operational characteristics of the assembly during repair or maintenance.

(e) To perform the work and be responsible for the competence and accuracy of all tests and reports.

(f) To ensure that the technician's license is current, and that the testing equipment being used is acceptable to the State of Utah and the City and is in proper operating condition.

(g) To report a failing assembly to the City within five (5) working days from the date the failure was detected. Failure to do so may be grounds for revocation of the technician's certification.

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

(i) To tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on such tag.

(j) In the case of a user requiring a commercially available technician, any certified technician is authorized to make the test and report the results of the same to the user and the City. If such a commercially tested assembly is in need of repair, the repair shall be performed by a plumber licensed pursuant to Utah statutes.

9-05-100. Backflow Prevention Definitions.

The following words and phrases shall have the meanings set forth as follows for purposes of this Chapter and the backflow prevention regulations.

(a) "Public Works Director." The Public Works Director is invested with the authority and responsibility for the implementation of the City's Cross Connection Control Program and for the enforcement of the provisions of this chapter.

(b) "Approved Backflow Assembly." A backflow assembly accepted by the Utah Department of Health, Division of General Sanitation, as meeting an applicable specification or as suitable for the proposed use.

(c) "Auxiliary Water Supply." Any water supply on or available to the premises other than the City's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another public potable water supply or any natural source, such as a well, spring, river, stream, harbor, irrigation water, or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City does not have authority for sanitary control.

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

(e) "Back-Pressure." The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

(f) "Back-Siphonage." The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

(g) "Backflow Prevention Assembly." An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained

within the Utah Plumbing Code and the Cross Connection Control Program of Utah. All backflow prevention assemblies must be approved by the Utah Department of Health, Division of General Sanitation, prior to installation. A listing of these approved backflow prevention assemblies may be found in the Cross Connection Control Program for Utah.

(h) "Contamination." An impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, irrigation or other nonpotable water, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

(i) "Cross Connection." Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other water from a non-City source or nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes.

(j) "Cross Connection-Controlled." A connection between a potable water system and water from a non-City source or a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

(k) "Cross Connection - Containment." The installation of an approved backflow assembly at the water service connection to any user's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the user's water system, or the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a user'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).

9-05-120. Backflow Prevention Requirements.

(a) No water service connection to any premises shall be installed by any user of the City's culinary water system or maintained by the user unless the water supply is protected as required by State laws, regulations, and codes, and the provisions of this Chapter. Service of water to any premises shall be discontinued by the user if a backflow prevention assembly required for control of backflow and cross connections is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises. Service will not be resumed by any user until such conditions or defects are corrected, and the City shall not furnish culinary water to the premises of any user known by the City to be lacking suitable backflow prevention assemblies.

(b) The user's system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross connections or other structural or sanitary hazards, including violation of this chapter, exist. When such a condition becomes known, 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 in conformance with the State statutes and City ordinances and regulations relating to plumbing, water supplies, and the regulations adopted pursuant thereto.

(c) An approved backflow prevention assembly shall be installed on each service line to a user'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, whenever the City determines that such is necessary for protection of the water supply or in the best interest of the users of the City's water supply system.

(d) The type of protective assembly required shall depend upon such degree of hazard which exists at the point of cross connection, i.e., whether direct or indirect, as defined in the Utah Plumbing Code.

(e) All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Section 9-05-130, be excluded from the requirements of these rules so long as the City believes 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 City finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by the user with an approved backflow prevention assembly meeting the requirements of this chapter.

9-05-130. User Responsibility for Backflow Prevention Assembly.

(a) It shall be the duty and responsibility of the user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the user's expense. In those instances where the City deems the hazard to be great, it may require certified inspections and tests at more frequent intervals. These inspections and tests shall be performed by a certified backflow assembly technician, licensed through the State Department of Health, and be made in accordance with the standards set forth by the State Department of Health, Division of Public Water Supplies.

(b) Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection provided in the Utah Plumbing Code. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

(c) All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the user or other person or persons having control of such assemblies. The State Department of Health, Division of Public Water Supplies, and the City may inspect such assemblies and if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated, or another assembly substituted without the approval of the City.

(d) The user shall cause all backflow prevention assemblies to be tested within ten working days of installation.

(e) No backflow prevention assembly shall be installed so as to create a safety hazard, i.e., installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.

9-05-140. Penalty.

Any user of culinary water from the City's culinary water system who knowingly installs or maintains, or permits to be installed or maintained any device not permitted by City ordinances or regulations, State law, or the Building or Plumbing Codes adopted by the City, or who fails to repair or remove unacceptable devices within five (5) days after written notice from the City shall be guilty of a class B misdemeanor.

CHAPTER 9-06. SUBSURFACE WATER

- 9-06-010. Subsurface Water.**
- 9-06-020. Subsurface Drain Systems.**
- 9-06-030. Drainage Utility Fee.**
- 9-06-040. Subsurface Drains – Limitation.**
- 9-06-050. Request and Documentation to Install Subsurface Drain.**
- 9-06-060. Standards and Requirements for Subsurface Drains.**
- 9-06-070. Construction Restrictions.**
- 9-06-080. Videotaping Inspection.**

9-06-010. Subsurface Water.

Centerville City is located at a low spot in the Salt Lake Valley and many areas of the City have a high water table. Subsurface drains are only permitted when specifically authorized by the City in accordance with the provisions of this Chapter. The lowest finished floor elevation of structures and facilities within the City may be limited or restricted as more particularly provided in this Chapter.

9-06-020. Subsurface Drain Systems.

Except for a few limited exceptions, all subsurface drain systems within the public rights-of-way of the City are owned and operated by the City. Unless otherwise specifically provided by the City Council, no new private subsurface drain systems are allowed in the public rights-of-way. The City will not take over ownership or maintenance of any legally existing private subsurface drain systems within the public rights-of-way until and unless such systems comply with City Standards and Specifications for subsurface drains and have been inspected and determined to be in acceptable condition by the City.

9-06-030. Drainage Utility Fee.

All subsurface water drain systems of the City are owned and operated by the City's Drainage Utility as created and functioning in accordance with Title 16, Chapter 2 of the Centerville Municipal Code. Any properties that are serviced and/or benefited by a subsurface drain system of the City shall be subject to an additional drainage utility fee as established by the City Council and set forth in the City's Fee Schedule.

9-06-040. Subsurface Drains Approval.

No subsurface drain or subsurface drain system shall be permitted within the City without prior written approval from the City. Such approval may be given by the City in conjunction with a building permit, site plan and/or subdivision approval, as applicable, in accordance with the procedures and requirements set forth herein. No building permit, site plan and/or subdivision plat for which a subsurface drain system is required shall be approved until and unless the subsurface drain system has been reviewed and approved by the City in accordance with the procedures and requirements set forth herein. Unless otherwise specifically provided by the City Council, all approved subsurface drain systems shall be dedicated to the City after approval and inspection as more particularly provided in this Chapter.

9-06-050. Request and Documentation to Install Subsurface Drain.

Any person desiring to construct and/or install a subsurface drain or subsurface drain system within the City shall provide the following information to the City for review and consideration. Such information shall be submitted with the building permit application, conceptual site plan application, or preliminary subdivision plat application, as applicable.

(a) A geotechnical and soils report, prepared by a Utah licensed engineer, delineating the groundwater profile and the estimated discharge from the entire property proposed for development and defining the porosity of the soil and the high and low levels of the water table for the entire property proposed for development. For purposes of the geotechnical and soils report provided herein, the site shall be monitored over a period of at least two (2) months. If deemed necessary or desirable, the City may require an additional monitoring period.

(b) Construction drawings, prepared by a Utah licensed engineer, for the proposed subsurface drains and system in accordance with the standards and specifications set forth in this Chapter and any other applicable City Ordinances, rules, regulations and standards.

(c) Any applicable application fees required by the City as set forth in the City Fee Schedule.

(d) Any additional information, documentation, or reports deemed necessary and desirable by the City for purposes of determining the appropriateness and compliance of the proposed subsurface drains or systems with the terms and conditions of this Chapter.

9-06-060. Standards and Requirements.

The following standards and requirements shall apply to any proposed subsurface drain system within the City. No subsurface drain system shall be approved by the City which does not comply with the standards and requirements set forth herein.

(a) All construction drawings for proposed subsurface drains or systems shall be reviewed and approved by the City Engineer.

(b) All subsurface drains and systems shall be designed and installed in accordance with City Standards and Specifications regarding subsurface drains, the approved construction drawings for the improvements, and all other applicable City Ordinances, rules, regulations and standards.

(c) All subsurface drains and systems shall be subject to inspection by the City in accordance with City inspection procedures and requirements.

(d) The applicant must establish the adequacy and compliance with applicable City Ordinances, rules, regulations and standards, of existing subsurface drains and systems which are proposed to be utilized by the applicant for transfer and discharge of subsurface water from the site to the proposed discharge point.

(e) All subsurface drain systems, including systems that it will tie into, shall meet the required capacity of all combined flows and applicable City Ordinances, rules, regulations and standards. When deemed necessary and desirable, the City may require applicant to pay for the cost of inspecting existing subsurface drains and systems which the applicant proposes to utilize for the transfer and discharge of the subsurface water from the site to the proposed discharge point.

(f) The City shall have the right to clean and maintain any private subsurface drain or system deemed to be in disrepair, after thirty (30) days written notice to the responsible party or parties, and to charge the expense of such clean up or repair to the responsible party or parties. Nothing herein shall be deemed to prevent the City, without notice, from cleaning or maintaining any subsurface drain or system or taking any other action deemed necessary in the event of an emergency, as determined by the City.

(g) The City can require any additional information, documentation and/or reports to be provided by the applicant when deemed necessary and desirable by the City for purposes of determining the appropriateness and compliance of the proposed subsurface drains or systems with the terms and conditions of this Chapter.

9-06-070. Construction Restrictions.

In areas where soil characteristics, existing site conditions, inadequate infrastructure, and/or high water table levels are found to exist and/or the use of subsurface drain system is not adequate to remedy the conditions, as determined by the City, the City may prohibit the construction of structures, below grade structures, and/or structures with basements, as deemed appropriate for public health and safety. In such locations, structures shall be prohibited and/or built above grade at a point where rising water tables or runoff cannot affect the proposed structure. In no instance shall any structure be built with a lower floor elevation than one foot above the curb at the discharge point of the subsurface drain where it connects to the storm drain system.

9-06-080. Videotaping Inspection.

Any newly installed subsurface drain or system within the City shall be required to be videotaped to verify acceptable condition and installation of such improvements and facilities. Such videotaping shall be conducted or caused to be conducted by the City and paid for by the developer in accordance with the City Fee Schedule. All sediment and waste material shall be flushed and vacuumed out of the subsurface drain improvements and facilities by the developer prior to any request for videotaping by the City. If a deficiency in the improvements or facilities is revealed by videotaping, the developer is required to make the necessary repairs. Once the repairs are complete, a videotaping re-inspection shall be requested and conducted by the City at the developer's sole cost and expense in accordance with the City Fee Schedule. No final inspection shall be approved until and unless the newly installed subsurface drain improvements and facilities have been videotaped in accordance with the provisions of this Section and such videotaping reveals no deficiencies in the improvements and facilities. Nothing herein is intended to replace or alter developer's warranty obligations for newly installed subsurface drains or systems.

CHAPTER 9-07. STORM WATER

9-07-010. Storm Water System.

9-07-020. Storm Water Regulations.

9-07-010. Storm Water System.

Centerville City owns and operates a Municipal Separate Storm Sewer System (MS4) as defined under the National Pollutant Discharge Elimination System (NPDES) as a municipally owned and operated storm water collection system that consists of any or all of the following: curb, gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey storm water that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by the municipality.

9-07-020. Storm Water Regulations.

The City has adopted storm water management regulations for the City's MS4 storm drain system in accordance with applicable state and federal law, including, but not limited to the NPDES and the Utah Pollutant Discharge Elimination System (UPDES) programs. The City's storm water regulations are set forth in Title 16.

CHAPTER 9-08. FLOOD DAMAGE PREVENTION

- 9-08-010. Statement of Purpose.**
- 9-08-020. Definitions.**
- 9-08-030. General Provisions.**
- 9-08-040. Designation of the Public Works Director.**
- 9-08-050. Duties and Responsibilities of the Public Works Director.**
- 9-08-060. Permit Procedures.**
- 9-08-070. Appeal Procedure.**
- 9-08-080. Variance Procedures**
- 9-08-090. General Standards.**
- 0-08-100. Specific Standards.**
- 9-08-110. Floodways.**
- 9-08-120. Penalty.**

9-08-010. Statement of Purpose.

(a) Finding of Fact.

(1) The flood hazard areas of Centerville City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by users vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(b) **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare of the residents of Centerville, Utah, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to the public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special flood hazard areas;

(6) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future

flood blight areas;

(7) To ensure that potential buyers are notified that property is in a special flood hazard area; and

(8) To ensure that those who occupy a special flood hazard area assume responsibility for their actions.

(c) **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

9-08-020. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

(a) "Alluvial Fan Flooding." Flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(b) "Apex." A point on an alluvial fan or similar land form below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(c) "Appurtenant structure." A structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Appurtenant structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of appurtenant structures are detached garages, carports, storage sheds, pole barns and hay sheds.

(d) “Area of Shallow Flooding.” A designated AH, AP, or VO zone with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(e) “Base Flood.” The flood having a one percent chance of being equaled or exceeded in any given year.

(f) “Base Flood Elevation.” The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

(g) “Basement.” Any area of the building having its floor sub-grade (below ground level) on all sides.

(h) “Breakaway wall.” A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

(i) “Critical Feature.” An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(j) “Development.” Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the special flood hazard area.

(k) “Elevated Building.”

(1) A non-basement building which is:

(i) Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear wall parallel to the floor of the water; and

(ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

(2) In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(3) In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the

breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

(l) Existing Construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

(m) "Existing Manufactured Home Park or Subdivision." A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

(n) "Expansion to Existing Manufactured Home Park or Subdivision." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(o) "Flood or Flooding." A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation of runoff of surface waters from any source; or

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(p) "Flood elevation study." An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(q) "Flood Insurance Rate Map (FIRM)." The official map on which the Federal Emergency Management Agency has delineated both special flood hazard areas and eh risk premium zones applicable to the City.

(r) "Flood Insurance Study." The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

(s) "Flood Protection System." Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those

constructed in conformance with sound engineering standards.

(t) "Floodplain" or "Flood Prone Area." Any land area susceptible to being inundated by water from any source (see definition of "flooding").

(u) "Floodplain Management." The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(v) "Floodplain Management Regulations." Any state law or city ordinance, including Centerville City zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances such as this Floodplain Ordinance, etc., which provide standards for the purpose of flood damage prevention and reduction.

(w) "Floodproofing." Any combination of structural and non structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(x) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(y) "Functionally Dependent Use." A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(z) "Highest Adjacent Grade." The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(aa) "Historic Structure." Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the State register as promulgated by the Utah Division of State History; or

(4) Individually listed on the Centerville City Historic Sites List and Historic Landmark Register, as promulgated by the Centerville City Landmarks Commission under Title 12, Chapter 20 of the Centerville City Municipal Code.

(bb) "Hydrodynamic Loads." Forces imposed on structures by flood waters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

(cc) "Hydrostatic Loads." Loads or pressures resulting from the static mass of water at any point of floodwater contact with a structure. They are equal in all directions and always act perpendicular to the surface on which they are applied.

(dd) "Levee." A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(ee) "Levee System." A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(ff) "Lowest Floor." The lowest floor of the lowest enclosed area (including basement) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

(gg) "Manufactured Home." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(hh) "Manufactured Home Park or Subdivision." A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(ii) "Mean Sea Level." For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(jj) "New Construction." For purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the City's initial FIRM, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance, and includes any subsequent improvements to such structures.

(kk) "New Manufactured Home Park or Subdivision." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

(ll) "Recreational Vehicle." A vehicle which is: (a) built on a single chassis

(mm) "Regulatory Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(nn) "Special Flood Hazard Area." The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

(oo) "Start of Construction." Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(pp) "Structure." A walled and roofed building or manufactured home that is principally above ground.

(qq) "Substantial Damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed (50) percent of the market value of the structure before the damage occurred.

(rr) "Substantial Improvement." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(ss) "Variance." A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(tt) "Violation." Failure to comply with any of the terms and conditions of

this ordinance.

(uu) “Water Surface Elevation.” The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

9-08-030. General Provisions.

(a) Lands to which this Ordinance Applies. This ordinance shall apply to all special flood hazard areas within the jurisdiction of Centerville City.

(b) Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitles “The Flood Insurance Study for the City of Centerville,” dated June 18, 2007, with an accompanying Flood Insurance Rate Map (FIRM), as amended, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM, and amendments, are available for inspection at the City Public Works offices, 655 north 1250 West, Centerville, Utah 84014.

(c) Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered unless the modification fully complies with the terms of this ordinance and other applicable regulations.

(d) Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit or repeal any other powers granted under State statutes.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Centerville City or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result in reliance on this ordinance or any administrative decision lawfully made thereunder.

9-08-040. Designation of the Public Works Director.

The Public Works Director or his or her designee (hereinafter referred to as the "Public Works Director") is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with these provisions and performing all other duties as provided herein.

9-08-050. Duties and Responsibilities of the Public Works Director.

Duties of the Public Works Director shall include, but not be limited to the following:

(a) Permit Review.

(1) Review and approve or deny all applications for Floodplain Development Permits required by the adoption of this ordinance.

(2) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(3) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

(4) Review all development permits to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

(5) Review all development permits to determine if the proposed development is located in the floodway. Except as provided in Section 9-08-110, no development shall be permitted within a floodway.

(b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 9-08-030, "Basis for Establishing the Special Flood Hazard Areas", the Public Works Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 9-08-100 "Specific Standards."

(c) Information to Be Obtained and Maintained.

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; provided that in any V1-30, VE, and V Zones, the actual elevation to be obtained and recorded is that of the bottom of the lowest structural member of the floor (excluding piling and columns) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures

i. Verify and record the actual elevation (in relation to mean

sea level) to which the structure has been floodproofed.

ii. Maintain the floodproofing certifications required in Section 9-08-060.

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(d) Alteration of Watercourses.

(1) Notify adjacent communications, the Utah State Division of Water Rights, and the Utah State Division of Water Resources prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency.

(2) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(e) Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 9-08-070.

(f) Construction when No Regulatory Floodway has been Designated. When a regulatory floodway has not been designated, the Public Works Director must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(g) Application for Conditional FIRM Revision. The Public Works Director shall review applications for Conditional Firm Revisions in accordance with Section 9-08-110, Floodways.

9-08-060. Permit Procedures.

A Floodplain Development Permit ("Permit"), shall be obtained before construction or development begins within any special flood hazard area established in Section 9-08-030. Application for a Permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. The Public Works Direction may require certification of any of the requirements by a professional engineer, architect, or surveyor as he or she deems necessary.

(a) Specific Requirements. The applicant must provide the following information:

(1) The elevation in relation to the mean sea level, of the lowest floor (including the basement) of all new and substantially improved structures;

(2) The elevation in relation to the mean sea level to which any nonresidential structure has been floodproofed;

(3) Certification by a registered professional engineer or surveyor that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this ordinance; and

(4) A description of the extent to which any watercourses will be altered or relocated as a result of the proposed development.

(b) Approval or Denial. Approval or denial of a Permit by the Public Works Director shall be based on the provisions and intent of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development:

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the comprehensive plan and floodplain management plan for that area; and

(11) The importance of the services provided by the proposed facility to the community.

9-08-070. Appeal Procedure.

(a) Any person adversely affected by a final decision of the Public Works Director made in the administration or interpretation of this ordinance may, within the time provided herein, appeal that decision to the City Council by alleging that there is error in any such final order requirement, decision, or determination made by the Public Works Director in the administration or interpretation of this ordinance. Appeals filed hereunder shall be in writing and shall be filed with the City Recorder within thirty (30) days of the decision which is appealed. The appeal shall include any required City appeal forms and shall set forth, at a minimum: the name, address and telephone number of the appellant; the decision being appealed; the grounds for appeal; and a description of the alleged error in the decision or determination of the Public Works Director. Only decisions of the Public Works Director applying this Chapter 9-08 may be appealed to the City Council as provided herein. Appeals may not be used to waive or modify the terms or requirements of this Chapter.

(b) After the appeal application is deemed complete, the City Recorder shall schedule the matter to be heard by the City Council. Prior to the appeal hearing, the City Recorder shall transmit all papers constituting the record of the decision or action being appealed to the City Council and the appellant. The City Council shall review the record of the decision or action of the Public Works Director and provide the appellant an opportunity to be heard regarding the appeal. In reviewing the appeal, the City Council shall consider and review all relevant technical evaluations and the specific factors set forth in Section 9-08-060. The City Council shall decide the matter in accordance with the standard of review set forth in Subsection (c).

(c) The City Council may affirm or reverse the decision of the Public Works Director, in whole or in part, or may remand the administrative decision to the Public Works Director. The City Council is also authorized to impose additional conditions as part of its determination of the appeal as necessary to conform with the purposes and intent of this ordinance. The City Council shall review the administrative decision of the Public Works Director for correctness in determining whether there is substantial evidence in the record to support the order, decision, or determination. The appellant shall have the burden of proving that an error has been made. The City Council shall issue a written decision.

(d) A record of all appeals shall be maintained by the City in accordance with the Utah Government Records Access and Management Act, as amended.

9-08-080. Variance Procedure.

(a) The Centerville City Council is hereby designated to hear and decide whether to grant a variance upon request by an applicant.

(b) The applicant shall have the right to a hearing before the Centerville City Council on the question of whether or not the request for the variance fulfills the variance requirements of this ordinance. Within thirty (30) days following conclusion of said hearing, the City Council shall render a decision denying the variance, granting the variance, or granting the variance with conditions.

(c) Those aggrieved by the decision of the City Council may appeal such decision to the Second District Court, Davis County, Utah, as provided by law.

(d) The City shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Public Works Director. The Public Works Director shall report any variances to the Federal Emergency Management Agency upon request.

(e) In passing upon applications for a variance, the City Council shall consider all technical evaluations, those specific factors established in Section 9-08-060, the intent and purpose of this ordinance, and the following conditions:

(1) Due to the dangers caused by flooding to human life and property and the costs and hardship caused thereby, only under limited circumstances may variances be granted in Centerville City. Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to human life and public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued when a determination has been made that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use may only be granted provided the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(6) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased risk to life and property and an increase in premium rates for flood insurance, which may be substantial and will be commensurate with the risk of construction below the base flood level. Insurance rates may amount up to as high as \$25 for \$100 of insurance coverage. This notice shall be maintained with a record of all variance actions as required in Section 9-08-080.

(7) All variances shall include a condition that the applicant sign an assumption of risk and waiver of liability agreement, in a form acceptable to the City, absolving Centerville City of any and all liability in the event flood damage occurs to that portion of a structure for which the variance is granted. This agreement shall be recorded in the office of the Davis County Recorder, shall run with the land, and shall be binding upon all future owners thereof.

(f) The Centerville City Council may attach such conditions to the granting of variances as it deems necessary and which fulfill the criteria of the variance provisions of this ordinance.

9-08-090. General Standards.

In all special flood hazard areas the following standards are required:

(a) **Construction Materials and Methods.**

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) **Anchoring.** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.

(c) **Utilities.**

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(3) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) **Subdivision Proposals.**

(1) All subdivision proposals (including proposals for manufactured home parks and subdivisions) shall be consistent with the need to minimize flood damage in accordance with the purposes and intent of this ordinance.

(2) All subdivision proposals (including proposals for manufactured home parks and subdivisions) shall meet the permit requirements of Section

9-08-060 and all applicable provisions of Sections 9-08-090 and 9-08-100.

(3) All subdivision proposals (including proposals from manufactured home parks and subdivisions) shall be consistent with the need to minimize flood damage in accordance with the purposes and intent of this ordinance.

(4) All subdivision proposals (including proposals for manufactured home parks and subdivisions) shall have adequate drainage provided to reduce exposure to flood hazards.

(5) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) which contain at least fifty (50) lots or five (5) acres (whichever is less), if not otherwise provided by 9-08-030(b), "Basis for Establishing the Special Flood Hazard Areas" or 9-08-080(b), "Use of Other Base Flood Data."

9-08-100. Specific Standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in Section 09-08-030, "Basis for Establishing Special Flood Hazard Areas," or Section 9-08050 "Use of Other Base Flood Data," the following provisions are required:

(a) Residential Construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation with certification provided to the Administrator by a registered professional engineer, architect, or land surveyor.

(2) Require within any AO Zone on the City's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two (2) feet if no depth number is specified).

(3) Require adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures within Zones Ah and AO.

(b) Nonresidential Construction.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered professional engineer or land surveyor that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Public Works Director and include the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

(2) Require within any AO Zone on the City's FIRM that all new construction and substantial improvements of nonresidential structures: (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified) or (b) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Subsection (b)(1)(i) and (ii), above.

(3) Require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures within Zones AH and AO.

(c) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one(1) square inch for every foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one (1) foot above grade; and

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured Homes.

(1) All manufactured homes to be placed within Zone A must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

(i) Over the top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;

(ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(iv) Any additions to the manufactured home be similarly anchored.

(2) All manufactured homes or those to be substantially improved which are proposed to be located on sites (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall meet the following requirements:

(i) Within Zones A1-30, AH, and AE, such manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement;

(ii) Within Zones A1-30, AH and AE, such manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Subsection (i), above must be elevated so that either:

(A) The lowest floor of the manufactured home is at or above the base flood elevation; or

(B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(iii) Within Zones VI-30, VE, and V, such manufactured homes must meet the requirements of Section 9-08-100(d)(2)(ii), above, and must meet the standards of Subsection (e), below.

(e) Regulations for VI-30, VB, and V Zones.

(1) Landward Location. All new construction within Zones VI-30, VE, and V must be located landward of the reach of mean high tide,

(2) Elevation.

(i) All new construction and substantial improvements in Zones VI-30, VE, and also Zone V, if base flood elevation data is available, must be elevated on pilings and columns so that:

(A) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and

(B) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(ii) A registered professional engineer or surveyor shall develop or review the structural design, specifications and plans for the construction requirements of Subsection (i), and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Subsection (i).

(3) Space Below the Lowest Floor.

(i) All new construction and substantial improvements within Zones VI-30, VE, and V must have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(ii) For the purposes of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or surveyor certifies that the designs proposed meet the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind

loading values used shall be those required by applicable State or local building standards.

(iii) Such enclosed space shall be useable solely for parking vehicles, building access, or storage.

(4) Fill and Man-Made Alterations Prohibited. The use of fill is prohibited for structural support of buildings within Zones VI-30, VB, and V. Man-made alteration of sand dunes and mangrove stands within Zones VI-30, VB, and V which would increase potential flood damage is prohibited.

(f) Recreational Vehicles.

(1) Recreational vehicles placed on sites within Zones A 1-3 0, AH, and AE must either: (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements of Section 9-08-060 and the elevation and anchoring requirements for resisting wind forces of Section 9-08-100(d)(2)(i).

(2) Recreational vehicles placed on sites within Zones VI-30, V, and VE, must either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the permit requirements of Section 9-08-060 and the requirements of Section 9-08-100(e).

(3) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9-08-110. Floodways.

Located within special flood hazard areas established in Section 9-08-030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, encroachments, including fill, new construction, substantial improvements and other development are prohibited unless the following requirements are met:

(a) Certification by a registered professional engineer or land surveyor is provided demonstrating through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) All fill, new construction, and substantial improvements, or other development shall comply with all applicable flood hazard reduction provisions of Sections 9-08-090 and 9-08-100.

(c) The Public Works Director may permit encroachment within the adopted regulatory floodway that would result in an increase in base flood elevations, provided the Public Works Director has applied for and been granted a conditional FIRM and floodway revision through FEMA, under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations.

9-08-120. Penalty.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a class B misdemeanor, and upon conviction thereof shall be punishable by a fine, or by imprisonment in the Davis County Jail, or by both as provided by law. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.