

VIRGIN TOWN, UTAH

ORDINANCE 2024.XX

WATER EFFICIENCY STANDARDS

THIS IS AN ORDINANCE ESTABLISHING A NEW CHAPTER FOR WATER EFFICIENCY STANDARDS THAT MEET THE REQUIREMENTS ESTABLISHED BY THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT.

RECITALS

WHEREAS, pursuant to Utah Code Ann. § 10-1-2-1 Virgin Town (“the Town”) is a Utah municipal corporations and political subdivision of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-3b-401 the Virgin Town Council (“the Town Council”) is the legislative and governing body of the Town;

WHEREAS, pursuant to Utah Code Ann. 10-9a-103(31) the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person;

Commented [RS1]: The Recitals will need to be looked at and more may need to be added by the Town attorney

ORDINANCE

NOW THEREFORE, be it ordained by the Council of Virgin Town, in the State of Utah, as follows:

SECTION 1: ADOPTION OF CHAPTER 62 OF THE VIRGIN UNIFORM LAND USE CODE. “Chapter 62 Water Efficiency Standards” of the Virgin Uniform Land Use (VULU) is hereby adopted as follows:

BEFORE ADOPTION

VULU 62 (*Non-existent*)

AFTER ADOPTION

VULU CHAPTER 62 WATER EFFICIENCY STANDARDS

- 62.01 PURPOSE
- 62.02 APPLICABILITY
- 62.03 DEFINITIONS
- 62.04 ENFORCEMENT
- 62.05 INDOOR REQUIREMENTS
- 62.06 LANDSCAPING REQUIREMENTS
- 62.07 METERING
- 62.08 EXCEPTIONS

62.01 PURPOSE:

The purpose of the Water Efficiency Standards is to conserve the public's water resources by establishing minimum conservation standards for new development.

62.02 APPLICABILITY:

The following standards shall be required for single and multi-family residential, commercial, institutional and industrial development, construction activity or landscape installation that uses potable, secondary or reuse water provided by the Washington County Water Conservancy District or one of its municipal partners. These standards shall comply with the Washington County Water Conservancy District's Water Efficiency Standards, as amended.

These standards are not intended to conflict with Utah law. Any requirement in conflict with Utah law shall not apply. Where these standards conflict with a municipal ordinance or the requirements of a common interest community, the regulation providing the greatest water conservation benefit shall apply.

Unless specified, all measures within these standards are applicable to all development and landscape installation undertaken after the adoption date of these standards.

62.03 DEFINITIONS:

- A. Active Recreation Area: Dedicated active play areas where irrigated lawn is used as the playing surface, such as a sports field designated for public use. Active Recreation Areas shall be:
 - 1. A minimum of 1,500 contiguous square feet of lawn area.
 - 2. Not less than 30 feet in any dimension
 - 3. Not less than 10 feet from areas dedicated to vehicular use, such as a street or parking lot.
 - 4. Designed and located to be accessible to large populations, such as at a school, daycare, recreation center, senior center, public park, private park, water park or religious institution.
 - 5. Co-located with amenities, including but not limited to trash bins, benches, tables, walking paths, drinking water, playground equipment and/or other recreational amenities.
- B. Lawn: Irrigated nonagricultural land planted in closely mowed, managed grasses.
- C. Mulch: Material (such as, but not limited to, rock bark, wood chips) uniformly applied upon the surface of the soil to reduce evaporation and weed growth. Mulches must allow penetration of water and air. For purposes of this standard, ungrouted pavers, stepping stones, and artificial turf manufactured to be permeable to air and water may be considered mulch.

- D. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

62.04 ENFORCEMENT:

Failure to comply with these standards may result in termination or restriction of water service, assessment of fees to the property, and/or civil penalties, depending on jurisdictional code.

62.05 INDOOR REQUIREMENTS

A. Fixtures:

1. New and future installations of plumbing fixtures must meet or exceed the water conservation requirements specified in Utah Code.

B. Hot Water Recirculation Systems:

1. Hot water recirculation systems shall be installed in single and multi-family properties exceeding 1,400 square feet unless hot water can be delivered without displacing more than 0.6 gallons of water.

C. Car Wash Facilities:

1. All car wash facilities shall be plumbed during construction for water recycling systems and not exceed an average of 35 gallons of potable water per washed vehicle.

62.06 LANDSCAPING REQUIREMENTS:

All landscaping projects, including new installations and rehabilitations, shall comply with the following standards:

- A. Where lawns are allowed, spray irrigation may be used. All other plant material must be irrigated from a drip irrigation system equipped with a pressure regulator filter, flush-end assembly and emitters rated for 20 gallons per hour (gph) or less. To the extent possible, spray irrigation should be free from obstructions (trees, signs, posts, enclosures, etc.).
- B. Drip irrigation and sprinkler irrigation may not be served from the same irrigation valve.
- C. Automated irrigation systems must use a US EPA WaterSense labeled smart controller or a similar weather-based controller if an appropriate WaterSense model is not available for the specific application.
- D. All Planting Beds must have mulch upon the soil surface with exceptions for areas being restored to appear as native desert.
- E. Each municipality shall establish and maintain a minimum standard for living plant cover to help mitigate heat island impacts and soil erosion.
- F. Lawn Allowances:
 1. Lawns may not be within 10 feet of an area dedicated to vehicular use, such as a street or parking lot, in commercial, institutional and industrial developments.

Commented [RS2]: The Town will need to decide on a minimum standard of living plant coverage and we will need to put that in the ordinance.

2. Single-family residential – 8% of any residential lot, or 2,500 square feet, whichever is less. Lots less than 75,000 square feet are allowed up to 600 square feet for lawn.
 3. Limited common areas developments – single family homes with limited common areas designated for the exclusive use of the adjacent dwelling shall have the same allowances as a single-family home.
 4. Attached multi-family residential – up to 100 square feet per dwelling unit used in functional applications. Properties with less than 6 dwelling units are allowed up to 600 square feet of lawn.
 5. Commercial, institutional, and industrial – lawn areas are prohibited except where Active Recreation Area is appropriate, such as at a childcare center or athletic complex.
 6. No lawn shall be less than 8 feet in any dimension, or upon a slope with a grade exceeding 25% (1 foot of rise per 4 feet of run).
- G. Certain special purpose landscape areas (e.g., stormwater management areas, cemeteries, etc.) may receive exception from the slope or lawn allowances and other elements of the Landscaping Requirements. Exceptions shall be considered by the Town on a case-by-case basis.
- H. Gold Courses:
1. All courses using district or Town supplied water shall have a separate meter for irrigation.
 2. All golf courses, without regard to date of construction, shall be required to submit and follow a water budget and identify water conservation measures for regular Town and water provider review.
- I. Manmade Ornamental Water Features:
1. Manmade ornamental water features are limited to 25 square feet per parcel and are limited to the parcel.
- J. Misting Systems:
1. Misting systems are permitted from May through September when temperatures exceed 90 degrees.

62.07 METERING:

- A. All attached and detached single-family dwelling units with ground floor square footage shall be separately metered, sub metered, or equipped with alternative technology capable of tracking the water use of the individual unit.
- B. All non-single family residential projects require separate meters for outdoor water use when irrigating more than 5,000 square feet.

62.08 EXCEPTIONS:

A. Any exceptions to these standards must be approved by the Board of Trustees for the Washington County Water Conservancy District.

Severability Clause: Should any part or provision of this ORDINANCE be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ORDINANCE as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This ORDINANCE shall be in full force and effect from [INSERT DATE] and after the required approval and publication according to law.

Repealer Clause: All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE GOOD CITY [GOVERNING BODY] [MONTH, DAY, YEAR].

Attest:

[AUTHORITY NAME, AUTHORITY TITLE,]
AUTHORITY TITLE,] Virgin Town, Utah

[AUTHORITY NAME,
Virgin Town, Utah

[GOVERNING BODY] Vote as Recorded:	AYE	NAY	ABSENT
[GOVERNING BODY] Member [NAME]	_____	_____	_____
[GOVERNING BODY] Member [NAME]	_____	_____	_____
[GOVERNING BODY] Member [NAME]	_____	_____	_____
[GOVERNING BODY] Member [NAME]	_____	_____	_____
[GOVERNING BODY] Member [NAME]	_____	_____	_____
[GOVERNING BODY] Mayor/President [NAME]	_____	_____	_____

RECORDED this ____ day of _____, 2017.

PUBLISHED OR POSTED this ____ day of _____, 2017.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the [AUTHORITY TITLE] of Good, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted at:

1) Front doors of Good City Hall at 23 North Center Street

- 2) Front doors of Good County Library at 34 W Center Street
- 3) the base of the Good City Electronic Sign at 100 North Center Street on the above referenced dates.

[AUTHORITY NAME, AUTHORITY TITLE,]
Virgin Town, Utah