

ORDINANCE NO. 6162026(B)

AN ORDINANCE OF BEAVER CITY, AMENDING TITLE 8, CHAPTER 8.3, SECTION 8.3.4, USE MANDATORY, REGARDING PUBLIC SEWER CONNECTIONS, ONSITE WASTEWATER SYSTEMS, FAILED SEPTIC SYSTEMS, AND SEWER STANDBY FEES

WHEREAS, the City of Beaver, Beaver County, State of Utah, is a municipal corporation organized and established for the purpose of serving its residents and protecting the public health, safety, and welfare;

WHEREAS, Beaver City owns, operates, maintains, and regulates a public sewer system for the collection and treatment of wastewater within the City;

WHEREAS, the City desires to update its sewer connection ordinance so it is current, enforceable, and consistent with Utah law, including Utah Code §10-8-38, the Utah State Construction Code, and UAC R317-4, *et al.*;

WHEREAS, Utah Code §10-8-38 law authorizes a municipality to require connection to a public sewer system when sewer service is available and within three hundred feet (300') of the property line of property containing a building used for human occupancy;

WHEREAS, the City Council finds that failed, malfunctioning, unapproved, or improperly maintained onsite wastewater systems may create public health, safety, environmental, and nuisance concerns;

WHEREAS, the City Council desires to require connection to the City sewer system when public sewer is available and an onsite wastewater system fails, malfunctions, requires major repair or replacement, or otherwise creates a public health or environmental concern;

WHEREAS, the City Council further desires to establish a sewer availability or standby fee for properties required to connect but not yet connected, until connection occurs;

WHEREAS, the City did publish on the City website and post the proposed ordinance, and notice of a public hearing regarding adoption of this Ordinance was properly published; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interest of Beaver City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAVER, STATE OF UTAH, AS FOLLOWS:

Amendment. Beaver City Ordinance 8.3.4 is amended to read as follows:

Section 8.3.4. Use Mandatory; Public Sewer Connection; Onsite Wastewater Systems.

A. General Requirement. All houses, buildings, lodging facilities, public facilities, commercial facilities, and other structures within Beaver City where persons reside, congregate, are employed, or are otherwise present and where plumbing fixtures or drainage piping are installed shall have suitable toilet and wastewater facilities and shall connect those facilities directly to the Beaver City sewer system when required herein and in compliance with Utah Code §10-8-38 and UAC R317-4, *et al.*, or other applicable law. It is unlawful to occupy, use, or permit the occupancy or use of a building for human occupancy unless the building is connected to the City sewer system when required, or is served by an approved onsite wastewater system where public sewer is not available or practicable.

B. When Public Sewer Is Available. Public sewer is available when a Beaver City public sewer main is located within three hundred feet (300') of the property line of property containing a building used for human occupancy, is located in a public street, public right-of-way, City-approved easement, or other lawful connection location, has adequate capacity as determined by the City, and is physically and legally practicable for connection after considering grade, topography, required easements, physical barriers, system capacity, and other site-specific conditions.

C. New Construction and Occupancy. A new building used or intended for human occupancy shall connect to the Beaver City sewer system before occupancy when public sewer is available. No certificate of occupancy, business license, or utility account for occupancy shall be issued until the required sewer connection has been completed and approved, unless the City determines in writing that public sewer is not available or practicable and the owner has obtained all required approval for an onsite wastewater system.

D. Existing Onsite Wastewater Systems. An existing, approved, and properly functioning septic system may continue to be used only so long as continued use is allowed by law and the system does not fail, malfunction, or create an unsanitary condition or public health hazard. The owner of property served by an onsite wastewater system shall connect to the City sewer system when public sewer is available and any of the following occurs: (1) the onsite wastewater system fails, malfunctions, or requires replacement or major repair; (2) the Local Health Department, Utah Department of Environmental Quality, City Public Works Director, or other regulatory authority determines that the system creates or contributes to an unsanitary condition, public health hazard, environmental risk, or violation of law; (3) the building is expanded, remodeled, changed in use, or wastewater flow is increased in a manner requiring approval, repair, replacement, or enlargement of the onsite wastewater system; or (4) connection is otherwise required by law, rule, order, or ordinance.

E. Notice and Connection Deadline. When connection is required, the City shall give written notice to the property owner of record identifying the property, the basis for connection, the deadline, the applicable standby fee, and the right to request an extension, deferral, or appeal. Unless a shorter period is required by a health or environmental

authority, the owner shall obtain required permits and complete connection within ninety (90) days after notice. The City may grant one written extension, not to exceed ninety (90) additional days, for good cause if the owner is diligently pursuing connection and the extension will not create or continue a public health hazard.

F. Sewer Availability/Standby Fee. A property owner required to connect who does not complete the connection because of a properly functioning septic system shall pay a monthly sewer availability/standby fee beginning with the first full utility billing cycle after the deadline and continuing until the connection is completed, inspected, and approved. The standby fee shall be established by the City resolution. The fee is intended to recover costs associated with sewer capacity, system readiness, administration, inspection, and enforcement. Payment of the fee is not a substitute for connection and does not authorize continued use of a failed or unlawful onsite wastewater system. Fees shall be paid in accordance with Section 8-3-7.

G. Costs, Permits, and Other Fees. The property owner is responsible for all costs of designing, permitting, installing, inspecting, connecting, maintaining, and repairing the building sewer and private service lateral from the building to the point of connection, unless otherwise provided by written agreement approved by the City Council. This Section does not waive any connection fee, inspection fee, impact fee, user charge, permit fee, excavation fee, road-cut fee, or other lawful charge unless expressly approved by the City Council.

H. Deferral or Hardship Extension. The City may issue a written technical deferral if connection is not presently practicable due to lack of capacity, lack of legal access or easements, grade, topography, physical barriers, extraordinary distance from the building to the connection point, or similar unusual site-specific circumstances. The deferral shall state the reason, conditions for continued use of the onsite wastewater system, whether the standby fee applies, and when connection will be required. A property owner may also request a hardship extension from the City Council or its designated appeal authority. The City may grant a hardship extension, payment plan, or phased compliance schedule when strict compliance would create severe economic hardship and the extension will not create or continue a public health hazard. No deferral or extension authorizes use of an onsite wastewater system in violation of law or regulatory order.

I. Abandonment of Onsite Wastewater System. Upon connection to the Beaver City sewer system, the property owner shall abandon the onsite wastewater system in accordance with UAC R317-4, Local Health Department requirements, Utah Department of Environmental Quality requirements, and City standards, including disconnection, bypass, pumping, filling, removal, crushing, or other measures required to make the system safe.

J. Enforcement. Failure to connect when required, failure to pay the standby fee or other sewer charge, failure to obtain required permits, continued use of an unlawful onsite wastewater system, or failure to abandon an onsite wastewater system as required is a

violation of this Chapter. The City may enforce this Section by notices of violation, citations, administrative penalties, stop-work orders, denial or withholding of City approvals, utility-billing collection, and water-service shutoff as authorized by City ordinance and Utah Code §10-8-38. Remedies are cumulative.

All prior ordinances, resolutions, or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

If any section, clause, or provision of this Ordinance is held invalid, the remaining sections, clauses, and provisions shall remain in full force and effect.

Effective Date. This Ordinance shall become effective upon passage and publication or posting as required by law.

Matt Robinson, Mayor
Beaver City, Utah

Voting:	Aye	Nay	Abstain
Lance Cox	_____	_____	_____
Hunter Holt	_____	_____	_____
David Albrecht	_____	_____	_____
Tyler Schena	_____	_____	_____
Randy Hunter	_____	_____	_____

ATTEST:

Meranda Martin
City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the Utah Code § 10-3-713, as amended, I, the municipal recorder of the Beaver City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.

DATE: _____
MERANDA MARTIN, City Recorder

RECORDED this ____ day of June, 2026

PUBLISHED OR POSTED this ____ day of June, 2026