

**AN ORDINANCE OF THE FARMINGTON CITY COUNCIL AMENDING
PROVISIONS OF CHAPTER 9-1 OF THE FARMINGTON CITY MUNICIPAL CODE
RELATED TO CULINARY WATER SUPPLY SHORTAGE AND DROUGHT
CONDITION MEASURES**

WHEREAS, the City of Farmington and State of Utah are consistently and predictably facing water shortages during irrigation seasons due to extreme drought conditions; and

WHEREAS, the City currently requires the installation of secondary water systems for outdoor watering, which encourages the preservation of culinary water supply sources; and

WHEREAS, the City Council has been provided information demonstrating that the supply of culinary water for which the City has rights to use is insufficient to supplement or replace secondary water during periods of scarcity, disconnection or end-of-season discontinuance; and

WHEREAS, the City finds that its supply of culinary water is an essential resource for the public health and safety of Farmington City; and

WHEREAS, the City Council has determined that to protect the public health and safety, restrictions during periods of scarcity are appropriately implemented through the changes in this ordinance.

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

Section 1: Amendment. Sections 9-1-080 and 9-1-310 are amended as provided in the attached Exhibit A.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS 1ST DAY OF SEPTEMBER 2026.**

ATTEST:


DeAnn Carlile, City Recorder

FARMINGTON CITY


Brett Anderson, Mayor

9-1-080: CURTAILMENT OF USAGE – RESTRICTIONS AND PENALTIES:

A. The city council may ~~by resolution~~ regulate, restrict or limit the use of water during water shortage periods and shall have the power to take all necessary means and ~~make any unnecessary means and~~ make any necessary regulations as circumstances require to protect the users of the city water.

B. The following shall apply to the city culinary water system when specific circumstances are present:

1. Level 1 (Advisory): When potential water shortages are identified by the Weber Basin Water Conservancy District, staff may engage in increasing community awareness of potential water shortages. City resources may be dedicated to conveying this information, even if limited to secondary water usage only, and encouraging voluntary reduction in water use.
2. Level 2 (Moderate Restrictions): When either: (i) Weber Basin Water Conservancy District implements allocation reductions for secondary water of twenty percent (20%) or greater, or (ii) Weber Basin Water Conservancy District's secondary water system is depressurized for the season, then outdoor use of culinary water is prohibited without prior City Council approval, except in the following circumstances:
 - a. The home lacks access to a secondary water main because there is no main in an abutting right-of-way or abutting public utility easement. In such cases, the user shall be required to reduce their outdoor watering in a percentage equal to that required by Weber Basin Water Conservancy District, and shall cease irrigation watering on the same date on which the District's watering season ends;
 - b. Hand-held hose-watering of planter boxes, trees and gardens, with a person physically present and overseeing watering;
 - c. Water use by government entities for public safety or public welfare; and
 - d. The use of recirculated and treated water for public or quasi-public swimming pools and splash pads.

3. Level 3 (Critical Restrictions): When the water system experiences extreme circumstances such as natural disaster, extreme drought, contamination or well failures, the City shall prohibit all outdoor use of culinary water and limit culinary water use to essential health and safety functions. The City Council must authorize the imposition of this restriction by resolution.

C. Notice of Level 2 and Level 3 Restrictions shall be posted on the city website, posted in a prominent location at the Farmington City Municipal Building, and shared on the city's social media accounts, prior to enforcement of penalties under those restrictions.

D. Violations of restrictions posted in compliance with subsection C of this code, on a property owner's land within the same calendar year, constitutes the unauthorized use and diversion of residential culinary water service. Enforcement against the property owner shall follow the process established in chapter 1-6 of this code, and violations are punishable by the following:

1. For a first offense, a warning may be issued to the property owner by an individual authorized by the city;
2. For a second offense occurring more than twenty-four (24) hours after the first offense, a civil citation accompanied by a fine of \$200.00 shall be issued to the property owner;
3. For a third offense occurring more than twenty-four (24) hours after the second offense, a civil citation accompanied by a fine of \$400.00 shall be issued to the property owner, and culinary water shall be disconnected for one (1) day after all fines and reconnection fees have been paid; and
4. For each offense occurring more than twenty-four hours following a citation issued pursuant to subsection (D)(3), the owner of the property is guilty of a Class B misdemeanor and a minimum fine of \$600.00, and culinary water shall be disconnected from the offending property for a minimum of two (2) days. A citation issued under subsection (D)(3) which has not been administratively overturned serves as valid proof of the prior offenses, and the City is not required to prove each prior offense as part of a criminal prosecution under this subsection. A violation of this subsection is a strict liability offense.

E. An informal hearing is available to property owners prior to disconnection under subsection (D)(3) and (D)(4) of this section. Such an

appeal must be requested by the property owner by filing a written request with the City Recorder before disconnection takes place.

1. The pre-disconnection hearing shall be conducted by the City Manager or a designee, within two business days of receiving the appeal.
2. The appellant shall be permitted to present evidence and question any city witnesses.
3. The disconnection shall only be overridden in cases where it is established by a preponderance of evidence that the violation did not occur.
4. A disconnection shall not be overridden based upon lack of intent, the owner's absence from the property, extenuating circumstances unrelated to water usage, or requests for leniency.
5. Overriding a disconnection shall not result in a civil or criminal citation being dismissed; an appealed citation must be resolved via an administrative hearing as provided in subsection (F) of this section, or via criminal prosecution.
6. If a violation is ultimately upheld by the administrative hearing officer following an administrative hearing under subsection (F) of this section, the property owner is convicted of the violation, or if the property owner fails to timely appeal a civil citation within the timeline established in Chapter 3-7 of this Code, then the water disconnection shall be re-authorized as a penalty for the unauthorized use.

F. All other appeals shall be undertaken by filing a written notice of appeal with the City Recorder, as provided in Chapter 3-7 of this Code.

9-1-310: CROSS CONNECTIONS:

A. Title And Purpose: This section shall be known as the FARMINGTON CITY CROSS CONNECTION ORDINANCE, and may be so cited. The purpose of this section is to protect the public potable water supply from contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow or back siphon into the public potable water supply system. This section is adopted pursuant

to section R309-~~102-5-105-12~~ of the Utah safe drinking water rules and regulations.

B. Definition of Cross Connection: For purposes of this section, "cross connection" means a physical link between the city's culinary water system and a contaminated or non-potable source, such as a secondary water system or private well.

A.C. Prohibition: All cross connections between a culinary and secondary water system are absolutely prohibited within the city, regardless of when such cross connection was established.

B.D. Requirements: No water service connection to any premises within Farmington City shall be installed or maintained unless the water supply is protected. ~~Unprotected cross connections shall not be an integral part of any consumer's water system within Farmington City. If culinary water is used for irrigation in a residential setting due to the absence of an available connection to the secondary water system within an abutting right-of-way or public utility easement, then in the event a cross connection cannot be eliminated, it the water supply~~ must be protected by the installation of an air gap or approved backflow prevention assembly/device in accordance with the provisions set forth herein.

C.E. Responsibilities: It shall be the responsibility of the consumer to purchase, install or cause to be installed, test and maintain any backflow prevention assembly/device required herein. It shall be the responsibility of the city public works and building departments to administer and enforce the provisions of this section to ensure compliance herewith.

D.F. Compliance: All connections to the Farmington City potable water system and backflow prevention devices required herein shall conform to the provisions of this section, the international plumbing code as adopted by the city, the Utah safe drinking water act, and other relevant provisions of Utah Code Annotated, as amended.

E.G. Enforcement: Service of water to any building or location, in the discretion of Farmington City, may be discontinued if a backflow prevention assembly required by this section is not installed, tested and maintained, if a backflow prevention assembly has been removed or bypassed, or if an ~~unprotected~~ cross connection exists at the building or location. In addition, water service may be terminated to any building or location when the public works director or building official determines that the service connection's water usage constitutes a sufficient hazard

or risk to the water supply or to the city water system. The city shall give reasonable notice to the customer and/or owner of the building or location of the termination of water service to a building or location, and where the consumer could not reasonably be so notified before termination, then notice shall be given promptly afterwards. Service will not be restored until such conditions or defects are corrected to the requirement of this section and the satisfaction of the city.

F.H. Recordkeeping: Officers and employees of the public works department and the building department shall report all installations of backflow prevention devices, assemblies and methods of cross connection correction installed by or communicated to them to the public works director. The public works director shall maintain or cause to be maintained an inventory of all said assemblies, as well as test and repair records on all such assemblies, and shall be responsible for notifying customers of annual testing requirements or other enforcement requirements.

G.I. Omission Not Waiver: The omission to specify or enumerate in this section those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.