WORK SESSION

The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

The American Fork City Council will meet in a work session on Thursday, November 17, 2016, in the American Fork City Hall, 31 North Church Street, commencing at 3:00 p.m.

The agenda shall be as follows:

1. Discussion on the Watershed Protection Ordinance. (Requested by Terilyn Lurker, Recorder)
2. Presentation of the L.I.F.T (Local Incident Follow-up Team) Program. (Requested by Kriss Garcia, Fire/Rescue Department)
3. Harassment Training for Mayor, Council, Directors, and Managers (Requested by Judy Thimakis, Administration)
4. Adjournment

Dated this 15 day of November, 2016

Terilyn Lurker
City Recorder
STUDY ITEM  Discussion on the Watershed Protection Ordinance.

BACKGROUND  Pursuant to Utah Code Ann. 10-8-15, a City may enact ordinances preventing pollution or contamination of portions of the streams or watercourses from which the City derives its water supply for domestic and culinary purposes. The extraterritorial authority achieved through the proposed ordinance is limited but would provide the City with the ability to regulate some of the actions upstream that may pollute the City’s water supply. While this proposed ordinance would not eliminate all polluting activities or govern all potential sources of pollution, it would allow the City to exercise its extraterritorial authority to curtail or restrict the activities Section 10-8-15 of the Utah State Code was unmistakably intended to address.

SUPPORTING DOCUMENTS
Watershed Protection Ordinance 110316  (DOC)
AN ORDINANCE CREATING A NEW SECTION OF THE AMERICAN FORK CITY CODE PROVIDING RESTRICTIONS AND REGULATIONS OVER THE AMERICAN FORK CITY WATERSHED AREA TO PROTECT THE CITY’S WATER QUALITY.

RECITALS

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the welfare of the citizens of American Fork City would be served by the adoption of restrictions and regulations over the City’s watershed area; and

WHEREAS, Utah Code Annotated Section 10-8-15 authorizes the City Council to enact ordinances preventing pollution or contamination of the streams or watercourses from which the City derives its water supply for domestic and culinary purposes; and

WHEREAS, the American Fork City Municipal Code does not presently contain any regulations or protections for the City’s watershed area; and

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

NOW THEREFORE, be it ordained by the city council of American Fork, Utah, that:

Chapter ___. Restrictions and Regulations Over the American Fork City Watershed.

The provisions codified in this chapter shall be known and may be referred to as restrictions and regulations over the American Fork City Watershed Area (the “Watershed Area”).

.___. Purpose and Intent.

It is the purpose of this Chapter to protect the City’s water resources and to improve water quality by restricting and regulating conduct within the Watershed Area. It is the intent of the City to assert jurisdiction over the Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality. In addition to the provisions of this chapter the City is hereby authorized to prescribe rules and regulations not contrary to law, for governing all matters of water quality within the Watershed Area.

.___. Definitions.

For the purposes of this Chapter, the following terms, phrases and words shall have the meanings set forth in this Section:

1. “Aquifer” means an underground formation that contains and transmits ground water.
2. “Chemical Toilet” means a non-flush device wherein the waste is deposited directly into a receptacle containing a solution of water and chemical housed in a permanent or portable structure.

3. “City” means the city of American Fork, Utah.


5. “Drinking Water Source Protection Zone” and “Water Protection Zone” mean those areas delineated or established by the City in accordance with standards set by the Utah Drinking Water Source Protection Rule.

6. “Owner” means any person who along, jointly or severally with others:
   a. has legal or equitable title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
   b. have charge, care, or control of any premises, dwelling or dwelling unit, as legal or equitable owner or agent of the owner, or an executrix, administrator, administratrix, trustee or guardian of the estate of the owner, with or without possession.

7. “Pollution” means those contaminants to ground water identified as a “pollution source” as defined in the Drinking Water Source Protection Rule.

8. “Putrrescible Material” means any organic material subject to biological decomposition with the production of offensive odors associated with anaerobic or aerobic conditions, including but not limited to dead animals, garbage, manure, and vegetable compost matter.

9. “Reservoir” means any natural or artificial lake or pond except a storm water detention basin.

10. “Septic Tank” means a watertight receptacle which received the discharge of drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into soil outside of the tank through and underground absorption system.

11. “Sewage” means a combination of liquid or water carried wastes produced by man, animal, or fowl from residences, business buildings, institutions, industrial establishments, agriculture, recreation, and other locations including septic tanks, privy vaults, and cesspools, together with ground, surface, and storm water.
12. “Sewage Disposal System” means any system for the disposal of sewage including, but not limited to, sewers, septic tanks, vault privies, and chemical toilets.

13. “Sewage Holding Tank” means a watertight receptacle which receives sewage from the discharge of a drainage system and retains such wastes until removal and subsequent disposal by scavenger operation.

14. “Vault Privy” means any facility wherein the waste is deposited without flushing, into a vault or receptacle, which is usually installed below ground.

15. “Waste” means, for the purpose of this ordinance, domestic waste water or sewage which is normally deposited in or retained for disposal in sewers, septic tanks, sewage holding tanks, chemical toilets, or vault privies.

16. “Watercourse” means aqueducts, pipelines, natural or artificial streams or channels through or in which water at any time flows.

17. “Watershed Area” means the any area or territory occupied by or tributary to American Fork City’s waterworks and all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over the stream or source from which the water is taken for fifteen (15) miles above the point from which it is taken and for a distance of 300 feet on each side of such stream and over highways along such stream or watercourse within said 15 miles and said 300 feet.

__.__.____ Jurisdiction, Rules and Regulations.

In enacting this Chapter, it is American Fork City’s intent to protect its watershed and to assert jurisdiction over the American Fork City Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality. In addition to the provisions of this Chapter the City is hereby authorized to prescribe rules and regulations not contrary to law, for governing all matters of water quality within the Watershed Area.

__.__.____ Pollution of Water Sources Prohibited.

It shall be unlawful for any person to commit any nuisance or allow to be done any act that will pollute any source of water in the Watershed Area. In particular, it shall be unlawful for any person to do or allow to be done any of the things proscribed in this Chapter anywhere within any Drinking Water Source Protection Rule or any other rule or standard adopted by American Fork City.

__.__.____ Construction Conditions.

It shall be unlawful to construct or remodel a closet, privy, outhouse, or urinal within the Watershed Area without first securing approval from the City in accordance with these
provisions. No such structure in the Watershed Area shall be approved without complying with all requirements set forth in this Chapter.

___.__.__ Plans, Specifications, and Permit Conditions.

All applicants for a building permit within the Watershed Area shall submit to the City a copy of all plans, specifications and drawings required to be submitted to any other government authority by applicable laws or ordinances. In addition to any other necessary permits, approval by the Engineer shall be obtained for all construction in the Watershed Area. Building permits and plan approvals by other agencies of government, including county, state, and federal government, shall not be considered approval by the City.

___.__.__ Compliance with County, State, and Federal Requirements

All applicants for a building permit within the watershed shall comply with all City, county, state and federal waste disposal system regulations.

___.__.__ Sewage Disposal Requirements

1. Approval for the construction and maintenance of all garbage or sewage disposal system within the Watershed Area shall be under the direct supervision and control of the City Engineer. It shall be unlawful to:

   a. Construct, use, or maintain any sewage disposal system anywhere within the Watershed Area without first obtaining the written approval of the City. The City shall only give approval for the construction, use, or maintenance of a sewage disposal system if the owner of the sewage disposal system can demonstrate that the construction, use or maintenance of the sewage disposal system will not violate established standards or rules for Drinking Water Source Protection Zones. At the time of adoption of this Chapter, existing systems shall be allowed to continue as long as they are not modified, expanded, damaged, become inoperable, or otherwise constitute a threat of contamination to the watershed.

   b. Throw or break bottles or glass, or deposit garbage, debris, or other deleterious matter of any kind anywhere within the Watershed Area, except into a designated garbage container.

   c. Damage, vandalize, alter, or destroy any authorized sewage disposal system in the Watershed Area.

   d. Deposit any dead animal or any putrescible matter within the Watershed Area.

   e. Pump sewage storage vaults or conduct a scavenger operation except in accordance with all applicable laws rules and regulations.
2. A sewage disposal system within the Watershed Area shall be sealed immediately if it is unsanitary or does not comply with the water quality requirements of federal, state, or local law or regulations. Facilities may not be used until they are made sanitary and conform to the requirements of federal, state, and local law and regulations. It shall be unlawful for any person to use or maintain any facility sealed in accordance with the provisions of this Chapter.

3. When the City determines that a sewage disposal system violates applicable laws, rules or regulations or is a potential hazard to the watershed and cannot be adequately corrected the City shall order the destruction and removal of the sewage disposal system. The cost of all remedies or destruction and removal shall be the responsibility of the property owner.

4. As a condition of operating a sewage disposal system, the owner of property grants the Engineer and his authorized agents the right to enter upon the owner’s property to inspect for violations of federal, state, and city laws, rules and regulations. Reasonable prior notice shall be given for such inspections unless in the opinion of the Engineer an emergency exists which might jeopardize the watershed.

___.___ Sanitary Sewage Disposal System Required.

Any person who owns, operates, maintains or permits the use of any house, cottage, cabin, human habitation or camping place shall provide and maintain a sewage disposal system satisfactory to the Department of Water Resources. Failure to do so may result in the closure, seal and prevention of use of the house, cottage, cabin, human habitation or camping place.

___.___ Septic Tanks and Chemical Toilets.

Septic tanks and drain fields in the Watershed Area may only be used if permitted, in writing, by the City and approved by other governing agencies.

The use of chemical toilets in the Watershed Area shall be installed and used only with the prior written approval by the City. This approval shall be in addition to approval by other governing agencies.

___.___ Emptying of Sanitary Sewage Facilities.

All vaults or other approved receptacles used by any persons for storage of sewage shall be emptied completely at least once each year. If determined a health hazard by the City, owners of such facilities shall keep the level of sewage below sixty (60) percent of the vault’s capacity to allow sufficient reserve for emergencies. The contents removed from any sewage holding tank or vault must be removed by a licensed scavenger operation at the cost of the owner.

Failure to properly maintain the sewage level may result in a notice of violation to the owner or operator of the facility using such vault or receptacle, allowing seven (7) days for complete removal of such sewage. Upon any failure to comply with a notice to remove sewage within seven (7) days, the house, cabin, human habitation or camping place, or other facility involved in
such notice may be closed and sealed to prevent its use until the owner or operator of such facility complies with this Chapter.

Location of Toilet Vaults.

It shall be unlawful for any person to construct, locate or maintain any vault for the deposit or storage of sanitary sewage within 150 lineal feet of the edge of any spring, marsh, watercourse, water source or reservoir within the Watershed Area or at any place in such manner as to contaminate or threaten to contaminate the same.

Animal Permit.

It shall be unlawful to keep or maintain for a period in excess of thirty (30) days any domestic animals, including but not limited to, dogs, cattle, horses, sheep, and hogs within the Watershed Area without first obtaining a written animal permit from the City. Applicants shall inform the City of the number and type of animals and their proposed method of controlling and maintaining the animals. Animal enclosures shall be kept and maintained in a reasonably clean and sanitary condition at all times and shall subject to inspection by the City. Fecal waste must be disposed of in a manner approved by the City.

Corrals and Similar Structures.

It shall be unlawful for any person to construct or maintain any corral, sheep pen, pig pen, chicken coop, stable, or any offensive or contaminating yard, or outhouse within the Watershed Area except as permitted by this Chapter.

Camping and Campfire Restrictions.

The City may require that picnicking or camping be restricted from certain designated places. The City may prohibit campfires within the Watershed Area. No person shall camp overnight within the Watershed Area, except within areas authorized, designated and posted as campgrounds for overnight camping during the camping season as designated by the director or the United States forest service, and except in connection with backpacking where the campsite is at least one-half (1/2) mile from any access or other roadway and at least two hundred (200) feet from any spring, stream or other water source.

Vehicles.

It shall be unlawful for any person to operate any motor vehicle including, but not limited to, motorcycles, trail bikes, dune buggies, motor scooters or jeeps upon any public property, within the Watershed Area, except on roads designated for public use by the appropriate government authority, without first obtaining the written permission of the public entity which is in possession of the property, with the exception of the use of real property primarily devoted to agricultural purposes.

Penalties.
Any person violating any provision of this Ordinance shall be guilty of a Class B misdemeanor. Each day the violation continues shall constitute a separate offense.

__.__.__ Remedies.

Any person, subdivision, development and/or land use is found to be in violation of this Ordinance shall, in addition to other penalties and remedies available in law or equity, be subject to a civil penalty, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. Civil penalties shall be in the amount of $50.00 per day for the first violation. If the same violation occurs on the same property within five (5) years after the initial violation is remedied, a civil penalty in the amount of $100.00 per day shall apply. Each day the violation continues shall constitute a separate offense.

__.__.__ Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid and unconstitutional.

__.__.__ Effective Date.

This Ordinance shall take effect and be in force on and after _________________.

STUDY ITEM  Presentation of the L.I.F.T Program.

BACKGROUND  The Fire Department will be presenting a new community health and safety program. The program will be called the Local Incident Followup Team, (L.I.F.T)

This service will be an extension of fixed location health care providers through cooperative efforts with City emergency responders.

While dramatically enhancing life and health of citizens this program will not require substantial funds to implement nor operate

SUPPORTING DOCUMENTS