

**SECTION 1:            AMENDMENT** “4.04.060 Conveyance Of Water Rights, Requirements For Development” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 4.04.060 Conveyance Of Water Rights, Requirements For Development

The following requirements pertain to new development within the City. These requirements are intended to be in harmony with the requirements of PCC 13, Zoning Ordinance and PCC 12, Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

- A. It is the intent of the City to assure each future property owner reasonable access to adequate water to make said property productive; and, to initiate a program to provide funding and adequate water resources for more efficient city water systems.
- B. All developers of subdivisions or land owners requesting a building permit within the boundaries of the City shall provide adequate water to be distributed through the city’s water systems with appropriate easements along a suitable location by which to convey the water to each property. Adequate water shall be assessed as follows, except as noted:

Zone	Acre Feet of Indoor Water Per ERC*	Acre Feet of Irrigation Water Per Acre or Per Connection +
A-5, Agriculture	0.3	3.2
R-1-A, Residential Agriculture	0.3	3.2
R-1-12, Residential	0.30	0.48 <sup>+</sup>
R-1-10, Residential	0.30	0.42 <sup>+</sup>
R-1-9, Residential	0.30	0.38 <sup>+</sup>
R-1-75, Residential	0.30	0.32 <sup>+</sup>
R-2-75, Residential	0.30	0.32 <sup>+</sup>
PO-1, CC-1, GC-1, I-1, I-2, S-1, R&D, All R-M-O Overlay Zones, Planned Residential Developments, R-MF	Site Specific – 0.30 acre-ft per ERC	Site Specific - 3.2 acre-ft per irrigable acre

\* ERC – An ERC is an Equivalent Residential Connection, which means it is the equivalent of one average residential homes worth of water usage.

The irrigation water right requirement is the same on the Culinary System and PI System. the A-5 and the R-1-A zones are using the irrigatable acreage for the water requirement where the other zones are using the ERC calculation for the water requirement. Anything with the \* is Based on the ERC number for culinary water usage.

+ Acre-feet per connection based on the residential zoning definition in PCC 13, Zoning Ordinance, and irrigated area level of service. The numbers are calculated by taking the Irrigated Acreage listed in the adopted Pressurized Irrigation Impact Fee Plan adopted on 9-2-2020 on Table 3-5. You take the number listed in the table and multiply it by 43,560 to obtain the water per connection based on the lot size.

C. As of July 20, 2022, Payson City is not requiring the dedication of indoor (culinary) water rights for Developments. Payson City currently has the required amount of indoor (culinary) water rights to meet the City's needs for the foreseeable future. The City will continue to evaluate the water shares and requirements with each development. Once Payson City reaches 80% of the amount of indoor (culinary) water being used compared to the available water shares that are owned by the City, the City will start requiring the dedication of indoor (culinary) water rights for all new developments. No development will be approved if the water required to service the development encroaches into the 80% buffer without dedicating indoor (culinary) water to Payson City.

Water rights or source shall be dedicated to or procured from the City—at the City's discretion—prior to the time of recording of the plat in which the lot or unit is located. If the lot is existing, but water rights or sources have not been dedicated to or procured from the City in sufficient quantities to meet the requirements of this Section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit. The following is a list of water rights or source that may be acceptable to the City:

- A. **Peteetneet Creek (Payson Canyon) Water.** All Peteetneet Creek Water is owned by the City. At the time of development approval, all Peteetneet Creek Water attached to any land proposed to be subdivided or developed shall revert to the ownership of the City and shall not be used on any other property or to satisfy any other water requirement.
- B. **Underground Water Rights.** Water rights approved by the Public Works Director and approved by the Utah Division of Water Rights for underground withdrawal and municipal use in the City Culinary Water System service area.
- C. **Strawberry Water.** Only limited Strawberry water shall be accepted when approved by the Public Works Director at the amount of 0.88 acre-feet per share.
- D. **Salem Canal Water.** Only limited Salem Canal Company water shall be accepted when approved by the Public Works Director at the amount of 0.88 a/f per acre foot of water.

- E. **Central Utah Project Water.** City has contractual rights to obtain 5,123.96 acre feet of Central Utah Project (CUP) water when the project is complete. The City will accept cash in order to obtain and pay for the cost of CUP water based on the following formula: The estimated repayment cost for 5,123.96 acre-feet of CUP water, spread over the repayment term, discounted to present value, which equals \$5,383.00. An exception exists for applicants who have submitted a completed application for development approval (preliminary plat or site plan) by May 1, 2020 and can show that they already had water rights for that development on May 1, 2020.

As a condition of subdivision approval, all lots shall be connected to the pressurized irrigation system as required by PCC 4.04.090. Irrigation easements at a suitable location may be required at the time the system is installed. No open ditches shall be allowed unless accepted and required by the City Engineer and approved by the irrigation company and the City. Appropriate grates, gates, vents, valves, drains, and other control structures may also be required. In accordance with Utah Code § 73-1-15 (1953 as amended), the developer shall be responsible for obtaining written approval from all affected irrigation companies for any proposed work before final subdivision approval is granted. The developer shall also meet the specifications for pipe or covering size and requirements established and approved by the City Engineer in accordance with the provisions of state law.

The provisions of this Section apply only to properties located within the city limits. Any application for annexation will be required to meet all water requirements of PCC 13.26, Annexation Ordinance.

If a subdivision is proposed on land that water rights have been previously transferred to the City as part of the annexation process, a credit shall be given toward satisfying the requirements of this Section.

When a building permit is requested for more units than the property was designed to accommodate on the original plat or exceeds the number for which water rights were conveyed, the additional water rights shall be conveyed before the permit shall be issued.

The installation of the city water systems shall be consistent with the requirements of PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, and the ~~Design Guidelines and Standard Specifications of the City~~ Payson City Development Guidelines. The distribution lines required for new development shall be at least eight (8) inches in ~~size~~ diameter and of a material approved by the City Engineer in the ~~Design Guidelines and Standard Specifications~~ Payson City Development Guidelines.

Any project that proposes a water storage facility to satisfy the requirements of this Title, PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, the adopted Fire Code, or any other relevant development ordinance of the City, the following requirements shall apply:

- A. All new storage facilities shall have a capacity of at least Two Hundred Fifty Thousand (250,000) gallons.
- B. If the new storage facility has a capacity of less than Five Hundred Thousand

(500,000) gallons, the facility shall be located below ground.

- C. The City may require applicants to explore options that may provide water storage facilities in the most efficient manner including communication with other applicants.
- D. All new water storage facility plans and technical specifications must be reviewed and approved by the City. The color and landscaping requirements of the new water storage facility must be approved by the City Council.
- E. Individual water pumping stations that provide water on an on-demand basis are not allowed. Water pumping stations that pump to an approved water storage facility are acceptable.

**SECTION 2:**            **AMENDMENT** “4.04.080 Open Ditch Irrigation” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 4.04.080 Open Ditch Irrigation

- A. **Irrigation Secretary To List Property And Prepare Schedule.** On or before the fifteenth of January each year the irrigation secretary shall ascertain the number of city lots and the number of acres of land irrigated by open ditch irrigation, and the name of all persons, corporations, companies and firms owning, being in possession, charge or control thereof, and make a schedule of the same and return it to the Water Superintendent previous to the first of February of the same year. The City shall keep an account with the amount of assessment and the amount paid.
- B. **Appeal Of Apportionment.** Any person aggrieved at the proportion of water may, on written complaint, be heard by the City Council. All complaints must be presented within twenty (20) days from the origin of the act. If any person is aggrieved at the decision of the City Council, they may appeal the decision to the appropriate district court within thirty (30) days.
- C. **Entitlement To Use Of Water.** Persons owning property with open ditch irrigation shall be entitled to the use of water as fixed by the water schedule, provided the assessment has been paid and that all the requirements of this Section have been complied with by the owner. It shall be unlawful for any person to use water without first having paid the assessment. Open ditch irrigation will not be extended to any new property. The responsibility of the City in regard to irrigation water ends when pressurized irrigation water has been brought to the respective property line of the property in question, or to the head ditch feeding the property.
- D. **Permission To Make Change In Street.** The property owner shall keep in constant repair all necessary bridges and culverts, where the ditch crosses any street, road, or sidewalk, and shall be liable for all damages occurring by their neglect. No open, unbridged, dangerous, or unsafe ditch or canal across any sidewalk, or use of any water by means of an open, unbridged, dangerous, or unsafe ditch or canal is permitted.

- E. **Surplus Water.** It shall be the duty of all persons using or conveying water for irrigation purposes to conduct any surplus or waste water into the city open ditch irrigation system. It shall be unlawful for any person to permit flooding of any street, sidewalks, or private property or to unnecessarily waste water. It shall be unlawful for any person, during the freezing non-irrigation season of the year, to conduct or turn surplus or waste water into any irrigation ditch situated on any public street of the City.
- F. **Users To Control Water.** Persons using water for irrigation shall be required to control the water distributed to them, and shall be liable for all damages caused through their neglect.
- G. **Changes In Irrigation Water System.** It shall be unlawful to alter, move, cover, or change any head gate, irrigation ditch, pipeline, or other right-of-way through which city open ditch irrigation water travels, without the prior written consent of the Water Superintendent. Any person proposing to make a change shall submit written plans describing the change. The plans, when approved, shall be implemented at the expense of the person proposing the change. Any person making a change prohibited by this Section shall be liable for all damages and costs caused by the unauthorized action including the cost of any corrective or restoration work deemed necessary by the City.
- H. **Head Gates.** Any person who shall convey any water from any ditch or canal of the City without first having provided a good and sufficient head gate through which to take such water, to the acceptance of the Water Superintendent, or fail to keep such head gate in good repair, shall be guilty of a Class C misdemeanor. Every person that takes any water under the control of the City at any time when the water is distributed by authority of the City to any other person, or take any greater quantity of such water than has been duly distributed or interfere with or changes any flow or any water when lawfully distributed to any other person for irrigation or other useful purposes, except when authorized to make such changes, or willfully or maliciously breaks or injures any dam, canal, head gate, water ditch, or other means of diverting or conveying water for irrigation or other useful purposes, or digs away the bank or banks or any ditch, canal, or reservoir forming part of the city open ditch irrigation system, shall be guilty of a Class C misdemeanor. Where more than one turn-out from the main feeder ditch has been allowed for a single account owner, the owner is responsible for closing all turnouts diverting water to the property prior to the beginning of the scheduled turn of the following account owner.

**SECTION 3:**            **AMENDMENT** “4.04.090 Pressurized Irrigation” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 4.04.090 Pressurized Irrigation

- A. **Connections And Extensions.** No connection shall be made to the pressurized

irrigation system and no extension shall be made to any installation served by the pressurized irrigation system until a permit has been issued by the City Engineer. The City Engineer shall not issue a permit until the required connection and other fees have been paid. All pressurized irrigation system users shall keep their service pipe and connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the Public Works Director, shall be allowed to dig into the street, parking strip, sidewalk, or other public property or right-of-way for the purpose of laying, removing, or repairing any service pipe.

- B. **Wasting Water Prohibited.** It shall be unlawful for any pressurized irrigation user to waste water by imperfect stop-taps, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow. Additionally, water shall not be wasted by allowing water to run from hose bibs, excessive watering, open pipes, or other apparatus, or to use the water in such a manner as to cause it to overflow into the neighboring yards, property, streets, or sidewalks, or in violation of the rules and regulations set forth by resolution for controlling the pressurized irrigation system. 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 to make any necessary regulations as circumstances may require to protect the users of the pressurized irrigation system.
- C. **City To Have Unrestricted Access.** The City shall at all ordinary hours have unrestricted access to places supplied with water from the pressurized irrigation system for the purpose of examining the apparatus to ascertain the amount of water used and the manner of its use.
- D. **City Not Liable For Damage.** The City shall not be liable for any damage due to the pressurized irrigation system by reason of stoppage or interruption of the pressurized irrigation supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other cause.
- E. **Water Not For Motors.** No water shall be supplied from the pipes of the pressurized irrigation system for the purposes of driving any motor, siphon, turbine, or other wheels, or any hydraulic engines or elevators, or for driving or propelling machinery of any kind, nor shall any license be granted or issued for any such purpose ~~except by special permission of the City.~~
- F. **Connection Required.** The record owners, or their duly authorized agents, of all residential sites and all commercial sites located within the City that require outside watering of lawns or plants whose properties lie within three hundred (300) feet of the pressurized irrigation system shall connect their properties to the pressurized irrigation system and pay the applicable fees and charges, unless the sites are part of a newly annexed area and the annexation agreement dictates when existing sites will be connected to the pressurized irrigation system. Property that is required to be connected to the pressurized irrigation system shall not be issued a building permit for construction unless the building permit applicant shall first connect the property to the pressurized irrigation system, or agree to connect the property to the pressurized irrigation system, and provide adequate assurances of connection, in a form acceptable to the City, including the payment of all applicable fees and costs. It shall be unlawful for the owner or occupant of any property served by the pressurized irrigation system,

or any user thereof, to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from the premises or pressurized irrigation fixtures.

**G. Prohibitions.**

1. It shall be unlawful for any person, after the pressurized irrigation system has been turned off from the premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the city water systems, to turn on or allow the water to be turned on or used without authorization from the Water Superintendent.
2. It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part, pipe, fixture, appliance, or appurtenance of the pressurized irrigation system.
3. It shall be unlawful for any person to place or introduce into the pressurized irrigation system or any source of water supplying the system any matter, substance, chemical, or compound without authorization from the Water Superintendent.
4. It shall be unlawful for any person to connect any part of the pressurized irrigation system to any part of any culinary water system to create a potential cross-connection whereby irrigation water could be introduced into the culinary water system.
5. It shall be unlawful for any person to use substantial quantities of water from the pressurized irrigation system for the purpose of flood irrigating any property. Except for incidental watering of shrubs, flowers, and other limited use applications, water from the pressurized irrigation system used for irrigation of lawns, gardens, and other irrigation applications must be applied through either a sprinkler or drip irrigation system, including sprinklers attached to garden hoses.
6. Any water owned by a landowner for the purpose of use in the pressurized irrigation system that has been used to satisfy the water requirements of this Title shall not be removed or transferred to another location without the written approval of the City. If any such water is removed or transferred, the landowner's connection to the pressurized irrigation system will be disconnected until the landowner satisfies the water requirements of this Title. The City will require each developer that proposes to use water not owned by the City to satisfy the requirements of this Title to deed restrict the water to remain appurtenant to the land.

**H. Water Service Outside City Limits.** The City prohibits anyone outside the city limits to connect to the pressurized irrigation system. Users outside the city limits that are currently connected to the pressurized irrigation system may remain connected to the system.

**I. Failure To Pay For Service.** If the owner of any of the premises fails to pay the required fees and charges applicable to the pressurized irrigation system or violates any provisions of this Section, the City may cause the culinary water system or pressurized irrigation system to be shut off from the premises, and the City shall not be required to turn the utility on again until all arrears are paid in full.

- J. **Shut-Off Valve.** Persons connecting to the pressurized irrigation system shall be required to provide and install a valve independent of the City's shut-off valve with which they may control the pressurized irrigation service to their premises. At no time will a person be allowed to tamper with or operate the City's shut-off valve unless acting under the direction of the Water Superintendent. Shut-off valve shall be located and installed in the resident's irrigation box adjacent to and directly behind irrigation meter box. No connections are to be made in the irrigation box, including and not limited to filters, tees, elbows, etc.
- K. **Use Of Culinary Water.** It shall be unlawful for any person or entity to use culinary water for outside watering of lawns or plants if the property is connected to the pressurized irrigation system and water is available in the system, or the owner is required to connect to the pressurized irrigation system pursuant to this Title and has not done so.
- L. **Pressurized Irrigation Meters.** When a new service line is installed connecting any unit or premises to the pressurized irrigation system of the City, an irrigation meter must be installed. All irrigation meters shall be installed in easily accessible locations selected by the Water Superintendent. Irrigation meters shall be furnished and installed by the City. Irrigation meters shall not be installed until new main lines have been pressure tested and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including connection fees and main line extension fees as appropriate. It shall be unlawful for any person to tamper with, modify, or deface in any manner an irrigation meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the distribution main are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down, or in any way destroy any signs or markers erected by the City.

**SECTION 4:**        **AMENDMENT** "4.08.030 Water Main Line Extensions" of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 4.08.030 Water Main Line Extensions

It shall be unlawful for any person to make any extension of any pipe or water fixture attached to city water systems without first obtaining a permit from the City Engineer. Additionally, it shall be unlawful for any person other than duly authorized employees of the department to open or close any water gate valve in connection with the city water systems.



When an applicant desires or is required to install water connections and extensions for a subdivision or development, the applicant may voluntarily extend the water main line. The applicant for a project that requires the extension of a water main line shall pay the cost of the extension. No person shall construct a water main line extension without first having plans for the main line extension approved by the City Engineer. All subdivisions shall have a complete water distribution system installed before subdivision improvements are accepted by the City. The design and construction of the water distribution system shall be approved by the City Engineer before the system is installed. The water distribution system shall be installed at the applicant's expense.

If an applicant installs a water main line extension to serve a parcel of property, the water main line extension shall originate at the nearest adequate existing water main and extend completely across the parcel of property being developed along all public street frontages. The applicable cost shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the ~~Design Guidelines and Standard Specifications~~Development Guidelines.

**SECTION 5:**        **AMENDMENT** “4.08.130 Use And Regulation Of Fire Hydrants And Valves” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 4.08.130 Use And Regulation Of Fire Hydrants And Valves

It shall be unlawful for any person, without obtaining prior permission from the City, to turn on, turn off, operate, or tamper with any fire hydrant or any valve constituting a part of city water systems for any purpose. In addition to the criminal punishment hereinafter provided, any person violating this provision shall be liable for all ensuing damages to the city water systems and to private property.

Pipes to be used only in case of fire will be allowed within buildings on the following conditions. The fire pipes must be entirely disconnected from those pipes used for other purposes, and hose pipes or branches must be arranged by means of seals or otherwise used only in case of fire. Any water used through fire pipes for other than fire purposes shall require a meter to be installed on the fire pipes.

~~The City shall charge a uniform fee per inch of diameter per month of water main requested for standby service for fire protection as fixed by the city fee schedule.~~

**SECTION 6:**        **AMENDMENT** “4.08.180 Cross Connection Control And Backflow Prevention” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 4.08.180 Cross Connection Control And Backflow Prevention

- A. **Title And Purpose.** This Section shall be known as the “Culinary Water Source Protection and Backflow Prevention Ordinance.” The purpose of the ordinance is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of culinary backflow prevention definitions and requirements to protect the health and safety of those using the water system.
- B. **Definitions.** When used in this Section, the following words and phrases shall have the following meanings:

**APPROVED BACKFLOW ASSEMBLY.** An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water meeting an applicable specification or as suitable for the proposed use.

**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 city's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or may be objectionable and constitute an unacceptable water source over which the Water Superintendent does not have authority for sanitary control.

**BACKFLOW.** The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

**BACK-PRESSURE.** The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source.

**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(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

**BACKFLOW PREVENTION ASSEMBLY.** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Plumbing Code, as adopted by the State of Utah in the Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

**CONTAMINATION.** Degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds, or other materials that may create a health hazard.

**CROSS CONNECTION.** Any physical connection or arrangement of piping or fixtures that may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tubes, or other plumbing arrangements.

**CROSS CONNECTION-CONTROLLED.** A connection between a potable water system and a non-potable 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.

**CROSS CONNECTION-CONTAINMENT.** The installation of an approved backflow assembly as the water service connection to any premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a water system when there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

**RIGHT OF ENTRY.** Employees of the City shall have the right to enter any place which is plumbed with water from the City drinking water distribution system to conduct a hazard survey or any other examination or test reasonably required for the enforcement of this Section.

**RESPONSIBILITY OF COST.** Any user of drinking water installing a backflow prevention device or assembly shall pay all costs for installation and testing.

**TESTING.** Backflow prevention devices must be tested by the owner 10 days after installation and every year thereafter by a technician certified by the Utah State ~~Bureau~~Division of Drinking Water ~~Committee~~. Test results shall be furnished to the Public Works Department of the City and the Utah State ~~Bureau~~Division of Drinking Water ~~and Sanitation~~.

**VIOLATION.** Drinking water service may be discontinued to any user who is found in violation of this Section and who fails to take corrective action within ten days after violation notification, except that drinking water service may be discontinued immediately if a threat to the water supply exists. Any person who violates the provisions of this Section shall be civilly liable to Payson City, or to third persons suffering damage, for all damages approximately caused by said violation.

**PRESSURIZED IRRIGATION CROSS CONNECTION.** Pressurized irrigation water is not treated and is not to be used for any drinking water purpose, but is for outdoor watering use only. ~~No cross connections with the drinking water system shall~~

~~be allowed without backflow prevention. Additionally, t~~There shall be no direct connection between Culinary and Pressurized Irrigation lines. In addition to any criminal penalty, such person ~~violating this requirement~~ shall ~~also~~ be subject to termination of drinking and pressurized irrigation water service from the City and shall be responsible for the costs of disinfecting the City's drinking water system, together with all other costs incurred by the City as a result of the cross connection.

**C. Requirements.**

1. No water service connection to any premises shall be installed or maintained by the Water Superintendent unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service of water to a lot, parcel, or property found to be in violation of this ordinance shall be discontinued by the Water Superintendent after due process of written notification of violation and an appropriate time suspense for voluntary compliance, if:
  - a. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
  - b. It is found that a backflow prevention assembly has been removed or by-passed, or
  - c. An unprotected cross connection exists on the premises, or
  - d. The periodic system survey has not been conducted.
2. Service will not be restored until such conditions or defects are corrected.
3. The system(s) shall be open for inspection at all reasonable times to authorized representatives of the Water Superintendent to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (R309-~~400~~105-12 of the Utah Administrative Code).
4. Whenever the Water Superintendent deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer'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.
5. The type of protective assembly required shall depend upon the degree of hazard that exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
6. All presently installed backflow prevention assemblies that do not meet the requirements of this Section but were approved assemblies for the purposes described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Water Superintendent is assured that it will satisfactorily protect the public water system.
7. Whenever the existing backflow preventer is moved from the present location

or requires more than minimum maintenance or when the Water Superintendent finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.

8. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified survey/inspections, and operational tests made at once per year at the consumer's expense. In those instances where the Water Superintendent deems the hazard to be great, certified surveys/inspections and tests may be required at more frequent intervals. It shall be the duty of the Water Superintendent to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
9. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
10. No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

#### **D. Pollution Of Culinary Water System.**

1. Protection of culinary water from the possibility of contamination or pollution through compliance with Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code, as adopted by the State of Utah. Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants that could backflow into the public culinary water system.
2. It shall be unlawful at any place supplied with water from the city culinary water system:
  - a. To install or use any physical connection or arrangement of piping or fixtures that may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the city culinary water system.
  - b. To connect the culinary water system and pressurized irrigation water system together.
  - c. To install any connection, arrangement, or fixtures without using a backflow prevention device or assembly designed to prevent backflow. Any such device or assembly must be approved for installation by the City Engineer.
  - d. To install any backflow prevention device or assembly that is not installed as required in the adopted Plumbing Code.
3. Any user of the city culinary water system shall pay all costs of installation and testing of backflow prevention devices or assemblies. Backflow prevention devices or assemblies required by this Section shall be tested as frequently as determined by the City Engineer. Test results shall be furnished to the City and the Utah State Department of Environmental Quality, Division of Drinking Water.
4. Water service may be discontinued to any user who is found to be in violation

of this Section and who fails to take corrective action within ten (10) days after notification, except that water service may be disconnected immediately if an immediate threat to the water supply exists. Any person who violates the provisions of this Section shall be liable to the City, and third parties other than the City, for all damage caused by the violation.

5. The responsibility to enforce the applicable sections of the Plumbing Code begins at the point of service (downstream side of the meter) and continues throughout the developed length of the city culinary water system. The City Engineer or designee will review all plans to ensure that unprotected cross connections are not an integral part of the water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention assembly, in accordance with the adopted Plumbing Code. Water vacating the culinary water system must do so via [an](#) approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the adopted Plumbing Code.
6. Whether employed by the consumer or utility to survey, test, repair, or maintain backflow prevention assemblies the certified backflow technicians, surveyors, or repair persons will have the following responsibilities:
  - a. To insure acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
  - b. To make reports of testing and/or repair to the Water Superintendent on a form approved for such use by the Water Superintendent within time frames as described by the Division of Drinking Water.
  - c. Prepare a report that shall include the list of materials or replacement parts used. Replacement parts shall be equal in quality to parts originally supplied by the manufacturer of the assembly being repaired. A certified technician shall perform all tests of the mechanical assemblies and be responsible for the competence and accuracy of all tests and reports.
  - d. To not change the design, material, or operational characteristics of the assembly during testing, repair, or maintenance.
  - e. To insure the license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition and to be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
  - f. The certified technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested, and by whom. The technician's license number must also be on this tag. In the case of a consumer requiring an assembly to be tested, any certified technician is authorized to make the test and report the results of that test to the consumer, and the Water Superintendent. The installation, replacement, or repair of assemblies must be made by a tester having appropriate licensure from the Department of

Commerce, Division of Professional Licensing, except when the backflow technician is an agent of the assembly owner.