

ORDINANCE NO. 03-09

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	Absent	
JENS P. NIELSON <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Nielson

I SECOND the foregoing motion Councilman Davis

ORDINANCE No. 03-09

**AN ORDINANCE CREATING A PRESSURIZED IRRIGATION WATER UTILITY
AND REQUIRING BACKFLOW PREVENTION DEVICES ON THE CULINARY
WATER SYSTEM**

WHEREAS, Spanish Fork City operates and maintains a culinary water system to provide drinking water to the residents of the city and also operates and maintains a pressurized irrigation water system which provides non-culinary water to the residents for outdoor usage ; and

WHEREAS, the installation and maintenance of a pressurized irrigation water system relieves the pressure on the culinary water system, and prolongs the life of the culinary water system without the necessity of adding new sources or storage facilities; and

WHEREAS, the City operated and maintained pressurized irrigation water system allows the City to more efficiently make use of available surface water, including CUP and SVP water ;

and

WHEREAS, the pressurized irrigation water system allows for the use of surface water without the necessity of treating the water, a very expensive process; and

WHEREAS, in order for the process to work effectively and efficiently, pressurized irrigation water utility needs to be established, with appropriate rules and regulations applicable to both culinary and pressurized irrigation water systems;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork Municipal Code §13.28.085, entitled “Backflow Prevention Devices” is hereby created as follows:

13.28.085 Backflow Prevention Devices.

A. It shall be unlawful, at any location supplied with water from the city culinary water distribution system, to do any of the following:

1. To install or use any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with water in the city culinary water distribution system;
2. To install any connection arrangement, or fixtures, without using a backflow prevention device or assembly designed to prevent any fluid or other substance to come in contact with water in the Spanish Fork City culinary water distribution system. Any such device or assembly must be approved for installation by the Spanish Fork City Engineer, or his/her representative, with respect to each application;

3. To install any backflow prevention device or assembly which is not installed as required by the version of the International Plumbing Code in effect of the time of installation.

B. Employees of Spanish Fork City shall have the right to enter any place which is plumbed with water from the city culinary distribution system to conduct a hazard survey or any other examination or test reasonably necessary for the enforcement of this section.

C. Any user of water installing a backflow prevention device or assembly shall pay all costs for installation and testing.

D. Backflow prevention devices or assemblies required by this section shall be tested at least once a year by a technician certified by the Utah State Bureau of Drinking Water Committee. Test results shall be furnished to the water department of the City and the Utah State Bureau of Drinking Water and Sanitation.

E. 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 water service may be discontinued immediately if a threat to the water supply exist.

F. Any person who violates the provisions of this section shall be civilly liable to Spanish Fork City, or to third persons suffering damage, for all damages proximately caused by said violation.

II.

Spanish Fork City Municipal Code Title 13 Chapter 30 entitled Pressure Irrigation Water Service is hereby enacted as follows:

CHAPTER 13.30 PRESSURE IRRIGATION WATER SERVICE

13.30.010 Pressure Irrigation Water Service.

The City shall provide pressurized irrigation water service to its residents and businesses. This water is not treated and is not to be used for any culinary purpose, but is for outdoor watering use only. The City Council may enact policies necessary for the management and control of the system.

13.30.020 Rates and Fees.

The City Council may establish rates and fees for use of the pressurized water irrigation system. The connection fees and usage rates may be set by resolution of the City Council, or may be set as part of the City's annual budget approval process.

13.30.030 Billing-Delinquent-Discontinuance of Service.

- A. The City shall furnish to each user or mail or leave at his/her place of residence or usual place of business a statement, written thereon the amount of pressurized irrigation water service charge assessed against him/her, once each month, or such other regular interval as the City Council shall direct.
- B. Said statement shall separately specify the amount of the bill for the pressurized irrigation water used and the place of payment and date due. If any person fails to pay the water charges within thirty (30) days of the date due, the City shall have the authority to direct that all pressurized irrigation water service to the premises involved be discontinued.
- C. Before said pressurized irrigation water service to said premises shall again be provided, all delinquent pressurized irrigation water charges must have been paid to the City, together with such extra charge for turning the water on and off and late fees as the City Council may have established by resolution or budget.

13.30.040 Unauthorized Use.

- A. It is unlawful for any person, after the pressurized irrigation water has been turned off from his/her premises for nonpayment of these charges or other violation of the rules and regulations pertaining to the pressurized irrigation water supply, to turn on or allow the water to be turned on or used without authority.
- B. It shall be unlawful for any person, whether by himself, family, servants, or agents, to utilize the pressurized irrigation water system without paying therefore, as herein provided or, without authority, to open any stopcock, valve, or other fixtures attached to the system of pressurized irrigation water supply unless it is done pursuant to proper applications, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the pressurized irrigation water system.
- C. It is unlawful for any person to use or obtain pressurized irrigation water services from the premises of another without the express permission of the other.

13.30.050 Service Pipes-Maintenance.

- A. All water pipes from the city main to the pressurized irrigation water valve, located at near the property line, shall be maintained by the City. Pipes beyond the valve are service pipes and the responsibility of the customer.
- B. All users of pressurized irrigation water service shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense.
- C. All service and other pipes used in conjunction with the pressurized irrigation water services of the City shall be of such material, quality, and specifications as

the City Engineer may from time to time provide, and shall be installed in accordance with the Construction and Development Standards of the City.

- D. No cross connections with the culinary water system shall be allowed. Any person cross connecting the pressurized irrigation water service with the culinary water service shall be guilty of a Class B Misdemeanor. In addition to any criminal penalty, such person shall also be subject to termination of all water service (culinary and pressurized irrigation) from the City and shall be responsible for the costs of disinfecting the City's culinary water system, together with all other costs incurred by the City as a result of the cross connection.

13.30.060 Connection Required.

All outdoor water users in the City, who have access to the pressurized irrigation water system, shall be required to connect to the system, and pay the required fees. The City Engineer may waive this requirement for any lot that has a private well which can be used for outdoor watering. Any such lot which seeks to connect to the system at a future date must pay applicable impact and connection fees in place at the time of application, and prior to connection to the system.

13.30.070 Waste Prohibited.

- A. No water user may waste water or to allow it to be wasted by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, taps, hoses, stops, or other apparatus, or to use the water for purposes other than for those which he/she has paid, or to use the water in violation of the rules and regulations for controlling the pressurized irrigation water supply.

11-2B-080 Excessive Use.

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinklers or combinations of sprinklers or outlets as will, in the opinion of the City Engineer, materially affect the pressure or supply of pressurized irrigation water in the pressurized irrigation water system or any part thereof.
- B. The City Engineer shall, after determining that such improper use exists, notify the affected pressurized irrigation water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

13.30.090 Limitations of Use.

In times of scarcity of water, whenever it shall in the judgment of the Mayor and the City Council be necessary, the Mayor shall, by proclamation, limit the use of pressurized irrigation water to such extent as may be necessary for the public good.

13.30.100 City Not Liable For Damages.

The City shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her pressurized irrigation water supply caused by scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the City beyond that provided in the Utah Governmental Immunity Act.

13.30.110 Violation-Penalty.

Unless otherwise specifically provided, every person who violates any provision of this

chapter is guilty of a Class C Misdemeanor.

III.

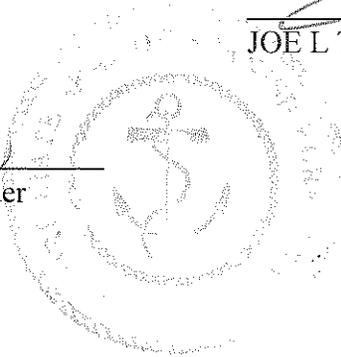
This Ordinance shall be effective thirty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this 7th day of April, 2009.

ATTEST:



Kimberly Robinson, City Recorder





JOE L THOMAS, Mayor

Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Provo, Utah County and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for 1 consecutive weeks,

the first publication on the 21st day

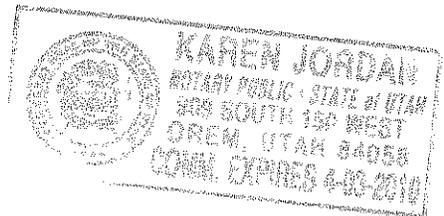
of May 2009

And the last on the 21st day

of May 2009

Debbie Chance

PUBLIC NOTICE Spanish Fork Ordinance No. 03-09, The Spanish Fork City Council has adopted an ordinance creating a pressurized irrigation water utility and requiring back-flow prevention devices on the culinary water system. A complete copy of this ordinance is available at the Spanish Fork City, 40 South Main, Spanish Fork. Published in the Spanish Fork Press May 21, 2009 UPAXLP



Subscribed and sworn to before me this 21st day of May 2009

Notary Public

Karen Jordan