

## TITLE 27. WATER

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### Chapter 1. General

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**27-1-1 Statement of Purpose.** The purpose of this Title is to protect the health, safety and welfare of the Clinton City residents by establishing, and controlling the systems outlined in this Title as well as setting up procedures related to management, and outside influences upon the systems. The objectives of this Title are:

- (1) Protect human life and health;
- (2) To prohibit illicit connections and discharges to the systems;
- (3) To manage and control flows and the introduction of inappropriate materials into the systems;
- (4) To protect the environment;
- (5) Minimize expenditure of public money for costly public works and infrastructure projects;
- (6) Minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;

- (7) Minimize prolonged business interruptions;
- (8) Minimize damage to public facilities and utilities such as water, sewer, stormwater and gas mains, electric, telephone and cable lines, streets and bridges located in and servicing the City;
- (9) Help maintain a stable tax base by providing for the sound use and development of areas in such a manner as to provide adequate infrastructure and minimize blight areas;
- (10) To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of earth on land within the City;
- (11) Insure that potential buyers are notified of probability of incompatibility of land features that may make that property inappropriate for an intended use. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Title; and,
- (12) To establish a viable and fair method of financing the construction, operation and maintenance of the systems.

**27-1-2 Applicability.** This Title shall apply to all water, waste water, sewerage, effluent, and other materials entering the systems established in this Title generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **27-1-3 Water Department and System.**

- (1) The city water department is hereby created to administer the operation and maintenance of the water systems of the city.
- (2) The water system shall consist of property, equipment, rights, contractual or otherwise, possessed by the city to the utilization of mains.

*History: 9/65, 9/8*

### **27-1-4 Abrogation and Greater Restrictions.**

This Title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Title and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**27-1-5 Interpretation.** In the interpretation and application of this Title, all provisions shall be;

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

**27-1-6 Division to Have Free Access.** The supervisor and his representatives shall at all ordinary hours have free access to places supplied with one or more of the systems established by this Title for the purpose of examining the apparatus, ascertaining flows, and the manner of use.

**27-1-7 Non-Liability for Damages.**

(1) The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his water service caused by fires, scarcity of water, accidents to the water systems, or their mains, or as the result of maintenance and extension operations, or from any other unavoidable cause.

(2) The City shall not be liable for any damage to the structure, building, or location if the “full-open valve”, main shutoff valve, located on the “water distribution supply pipe at the entrance to the structure” is left on or is not fully closed and the City turns on the “full-open valve” from the “public water supply near the curb”. (Terms in quotations are defined in the International Plumbing Code and International Residential Code.)

*History: 9/65, 9/84, 10/09*

**27-1-8 Water Not Supplied for Motors, Siphons, Etc.** No water shall be supplied from the pipes of the city water system for the purpose of driving any motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the city council.

*History: 9/65*

**27-1-9 Sprinklers.**

(1) 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 city council materially affect the pressure or supply of water in the city water system or any part thereof, and the city council may, from time to time, by resolution, specify combinations or number of outlets which may have such effect.

(2) The city council shall, after a determination that such improper use exists, notify the affected water user, or the owner of the premises whereon such use occurs, of such determination in writing and order such use discontinued and advise him that such continued usage constitutes a violation of this ordinance.

*History: 9/65*

**27-1-10 Curtailment.** In time of scarcity of water, whenever it shall in the judgment of the city council be necessary, the council shall, by resolution and proclamation, limit the use of water for other than domestic purposes to such extent as may be necessary for the public good. It shall be unlawful for any person by himself, family, servants, or agents, to violate any proclamation made in pursuance of this section.

*History: 9/65, 9/84*

**27-1-11 Severability.** The provisions of this Title are hereby declared to be severable. If any provisions, clause, sentence, or paragraph of this Title or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Title.

*History: 1/12*

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## Chapter 2. Definitions

### 27-2-1 Definitions

**27-2-1 Definitions.** Unless specifically defined below, words or phrases used in this Title shall be interpreted to give them the meaning they have in common usage and to give this Title its most reasonable application.

**"Abandoned Well"** means a well whose purpose and use has been permanently discontinued or a well that is in a state of disrepair and its intended purpose cannot reasonably be achieved. A well can be abandoned only after being properly sealed according to the requirements of the State of Utah Administrative Rules for Water Well Drillers, R655-4-12.

**"Allowed Uses" or "A"** means a use, activity or practice of which does not create a risk of contamination in the specified zone significant enough to require the implementation of regulatory requirement and Best Management Practices and, therefore, the use is allowed.

**"Approved Backflow Assembly"** means an approved by the State of Utah as meeting an applicable specification or as suitable for the proposed use.

**"Auxiliary Water Supply"** means any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor, public potable water supply or any natural source(s) such as a well, spring, river, stream, ditch, secondary water system, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

**"Backflow"** means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source caused by either back-pressure or back-siphonage.

**"Back-Pressure"** means backflow due to an increased pressure above the supply pressure.

This may be due to pumps, boilers, gravity or other sources of pressure.

**"Back-Siphonage"** means the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe.

**"Backflow Prevention Assembly"** means an assembly or other means designed to prevent backflow which is capable of being tested in line. Specifications for backflow prevention assemblies are contained within the IPC.

**"Backflow Prevention Device"** means a device that prevents backflow but is not capable of being tested in line nor is it listed in the IPC.

**"Best Management Practices"** means a practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source (including technological, economic and institutional considerations).

**"Building Supply Pipe"** means the pipe carrying potable water from the water meter or other source of water supply to a building or other point of use or distribution on the lot. **"Building Supply Pipe"** also means water service pipe.

**"Clinton City Users"** means any user of culinary water who resides within the corporate limits of Clinton City.

*History: 11/82, 12/83, 9/84, 1/12*

**"Collection Area"** means the area surrounding a ground-water source which is underlain by collection pipes, tile, tunnels, infiltration boxes or other ground-water collection devices.

**"Consumer's Water Distribution System"** means all culinary water piping and fixtures extending from the meter box (in the case of an inside meter set) into and throughout the consumer's premises and extending to all free flowing taps. The city shall retain control of all meter assemblies and appurtenances.

**"Contamination"** means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, auxiliary water supply, compounds or other materials.

**"Cross Connection"** means any connection or arrangement, physical or otherwise, between a

potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition.

**“Cross Connection-Controlled”** means 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”** means the installation of an approved backflow device/assembly at the water service connection to any consumer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention device/assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

**“Design Standard”** means established State or National Standards for the design, construction, placement or maintenance of a potential contamination source to prevent discharges to the ground water. See also "secondary containment."

**“Hazardous Waste”** means a waste with properties that make it dangerous or potentially harmful to human health or the environment.

**“High Risk Consumer”** means all cases where a cross connection exists.

**“International Plumbing Code – IPC”** means the International Plumbing Code, published by the International Code Council, as adopted and amended by the State.

*History: 9/91, 1/12*

**“Land Management Strategies”** means land use and non land use controls which include, but are not limited to, the following: land ordinance, site plan reviews, design and operating standards, source prohibitions, optional purchase of property and development rights, public

education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

**“Land Use Authority”** means the Clinton City Planning Commission, applications to appear before the Authority are submitted through the Community Development Department.

**“Land Use Ordinance”** means the Clinton City Zoning Ordinance, Subdivision Ordinance, and Sign Ordinance.

**“Low Risk Consumer”** means those cases where a consumer may inadvertently create a temporary cross connection as a result of water use practices.

**“Pollution Source”** means point source discharge of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(1) "Animal Feeding Operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintain for a total of 45 days or more in any 12 month period and crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area or if they use a common system for the disposal of wastes.

(2) "Animal Unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4 plus the number of

sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(3) "Extremely Hazardous Substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS- Consolidated List of Chemicals Subject to Reporting under SARA Title III," (EPA 560/4-91-011).

**"Potential Contamination Source"** means any facility or site, which employs and activity or procedure, which may potentially contaminate ground water. A pollution source is also a potential contamination source.

**"Prohibited Uses" or "X"** means a use, activity or practice of which creates a substantial risk or contamination in the specified zone. The use is not permitted.

**"Regulatory Agency"** means any governmental agency (local, state, and/or federal) with jurisdiction of hazardous waste as defined herein.

**"Restricted" or "R"** means that the nature of the use, or some element of the use, represents a "Potential Contamination Source." The use may be permitted only after review and approval by the land use authority. As part of this review, recommendations from the Davis County Health Department and other applicable regulatory agencies shall be considered.

**"Sanitary Landfill"** means a disposal site where solid wastes, including putrescible wastes or hazardous wastes are disposed of on land by placing earth cover thereon.

**"SARA Title III"** means the Superfund Amendment and Reauthorization Act section found on 40 CFR 300-302, pertaining to emergency response and right-to-know.

**"Secondary Containment"** means a type of system that is used to provide release detection prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substance. Examples include a double-walled tank, a double-walled integral piping system or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

**"Septic Tank/Drain-field Systems"** means a system, which is comprised of a septic tank and a grain-field, which accepts wastewater from buildings or facilities for surface or subsurface treatment and disposal.

**"Source Protection Zone"** means the specified surface and subsurface area surrounding a ground-water source of drinking water supplying a Public Water Supply, through which contaminants are reasonable likely to move toward and reach such ground-water source. These zones shall have the approval of the State of Utah, Division of Drinking Water as described in R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources and stated in Section Three herein.

**"Underground Storage Tank"** means a tank or combination of tanks and underground pipes and impact valves connected to tanks being used or having been used to contain regulated substances and which has at least ten per cent of the total volume of the tank and underground portions of pipes connected to the tank underground.

**"Watercourse"** means a channel in which a flow of water occurs, either continuously or intermittently.

**"Water Purveyor"** means the water department of the city is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this chapter.

**"Water System"** means the Clinton City Public Works Director for issues within Clinton City or the appropriate authority, as designated by adjoining governmental entities, where the well is located outside of Clinton City.

**"Wellhead"** means the upper terminal of a well, including adapters, ports seals valves and other attachments.

**"West Point Users"** means any user of a Clinton Utility who resides within West Point, Utah.

*History: 11/82, 12/83, 9/84, 1/12*

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### Chapter 3. Administration

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- 27-3-3 Supervisor of the Public Works Divisions
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- 27-3-23 Department to Have Free Access
- 27-3-24 Supply of Water Services to Persons Outside City Limits

**27-3-1 Responsibility of Administration.** The City Manager shall administer, implement, and enforce the provisions of this Title. Any powers granted or duties imposed upon the City may be delegated, in writing, by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**27-3-2 Office of Primary Responsibility.** The Public Works Department is the Office of Primary Responsibility for review and proposing changes to this Title. The Public Works Director may call on the Community Development Department and City Engineer for assistance in reviewing this Title.

**27-3-3 Supervisor of the Public Works Divisions.** The Public Works Director, with the advice and consent of the City Manager, shall appoint a competent person to act as the supervisor of the systems outlined in this Title (Supervisor).

*History: 9/65, 9/84, 1/12*

**27-3-4 Duties of the Supervisor.** The Public Works Director shall prescribe the Supervisor's duties, and direct the manner and frequency of reporting on the City's systems outlined in this Title.

*History: 9/65, 9/84, 1/12*

**27-3-5 Regulations.** The City Council shall have power and retains the right to adopt regulations controlling the manner and circumstances under which the systems established by this Title may be used, in addition to the regulatory provisions set forth expressly in this Title. Such regulations may include, but are not limited to, the manner in which excavations shall be made, connections or repairs, service lines which may necessitate excavations on or near and under sidewalks and the public ways, the manner in which excavations shall be backfilled and the type of materials that may be used for the purpose.

**27-3-6 Policies.** The Public Works and Community Development Directors may adopt policies, consistent with this Title and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this Title and systems established in this Title.

**27-3-7 Application for Culinary Water Service.** Application for Culinary Water service shall be as established in Title 2, Chapter 13.

**27-3-8 Permit Required.** No person shall be allowed to cut into the street or conduct activities to expose, gain access to, connect to, turn on or off main valves, or otherwise disturb the systems established in this Title without obtaining a permit as outlined in § 27-3-9 or 27-3-10.

*History: 9/65, 9/84, 1/12*

**27-3-9 Establishment of Land Use Permit.** For activities related significant construction or connection to the systems in this Title:

- (1) A Land Use Permit shall be required to ensure conformance with the provisions of this Title.
- (2) Land Use Permits are to be reviewed and approved in accordance with Title 26 of the Clinton City Code.

**27-3-10 Establishment of a Road Cut Permit.**

For activities related service laterals extending into a right-of-way or easement for access to a system outlined in this Title:

(1) A Road Cut Permit shall be obtained from the Public Works Department.

(2) Road Cut Permits shall be processed as outlined in Title 9, Chapter 21, Street Excavations/Road Cuts, Clinton City Code.

**27-3-11 Applications for Installation Permit.**

(1) Applications for a permit or for connections to any connecting systems established in this Title or other alteration, laying or repairing of lines connected directly or indirectly thereto must be made in writing by a licensed contractor, his authorized representatives, or by the owner of the premises.

(2) Application shall describe the manner and circumstances surrounding such installation or alteration. If, in the judgment of the supervisor, the carrying out of such connection, repair, or installation, will cause no injury to the street in which the system sought to be connected with is located, or that such installation, improvement or repair will not be prejudicial to the interest of the persons whose property has been or may thereafter be connected with the system and that the connection in all things shall conform to the code and standards of the City, then the application to connect with the systems shall be granted subject to the provisions of this Title.

(3) All the connections or installations shall be to line and grades designated by the project engineer and approved by the supervisor.

*History: 9/65, 9/84, 1/12*

**27-3-12 Permit Fees.** Fees for permits or for inspection services shall be established by the city council, by resolution, and published in the Consolidated Fee Schedule.

*History: 9/65, 9/84, 1/12*

**27-3-13 Revocation of Permits.** All construction permits for water connections or installations shall be issued to the plumber who is to do the work, or to the owner of the property, subject to supervision and inspection by the supervisor or his agents, but the city recorder or supervisor may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

*History: 9/65, 9/84*

**27-3-14 When Permits Shall not be Issued.**

Permits to connect with the water system of the city shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and IPC.

*History: 9/65, 9/84*

**27-3-15 Turning on Water after being Turned off - Prohibited.**

It shall be unlawful for any person after the water has been turned off from his premises for nonpayment of water charges or other violation of the rules and regulations pertaining to the water supply to turn on or allow the water to be turned on or used without authority.

*History: 9/65, 9/84*

**27-3-16 Separate Connections.** It shall be unlawful for two or more families or service users to be supplied from the same service pipe or connection or water meter unless special permission for such combination usage has been granted and the premises served are owned by the same owner. In all such cases a failure on the part of any one of said users to comply with this chapter shall warrant a withholding of a supply of water through said service connections until compliance or payment has been made and in any event the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections, or meters at a subsequent time.

*History: 9/65, 9/84*

**27-3-17 Unauthorized Users.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized persons to use or obtain water services regularly from his premises water facilities, either outside or inside his premises.

*History: 9/65, 9/84*

**27-3-18 Unauthorized Tampering Prohibited.**

No person, other than authorized City personnel acting within the scope of their employment, shall tamper with, modify, obstruct, or damage any water meter, valve, main, pipe, service

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opening, or other part of the City water system, nor detach, install, use, or knowingly permit the use of any jumper or bypass pipe or other bypass structure on or in connection with any part of the City water system. No person shall impede the natural flow of any waterline or pipe in any manner whatsoever.

**27-3-19 Pipes to be Kept in Good Repair.** All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person shall be allowed to dig into the street for any purpose without complying with the requirements of § 27-3-8.

*History: 9/65, 9/84, 1/12*

**27-3-20 Quality of Materials and Construction Standards.**

(1) All service and other pipes used in conjunction with the culinary water system shall be of such material, quality, and specifications and shall be installed at such distances below ground as specified in Title 9 Clinton City Code.

(2) All work, alterations, or extensions affecting culinary water pipes shall be subject to the acceptance of the supervisor, nor shall any connections with systems established in this Title be made without first obtaining the permit required in § 27-3-8.

(3) No person shall be allowed to conduct pipes associated with the systems established in this Title across lots or under future building pads to adjoining premises or building without first applying for and receiving a permit from the Community Development Department. Actions of this type will require property rights to be honored and that easements be established for construction and maintenance access.

(4) All work associated with the secondary water system shall meet the permit requirements and standards of the Davis and Weber County's Canal Company.

*History: 9/65, 9/84, 1/12*

**27-3-21 Waste Prohibited.** It shall be unlawful for any water user to 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, faucets, or stops or through basins, water closets, urinals,

sinks, or other apparatus, or to use the water for purposes other than for those which he has paid, or to use water in violation of the rules and regulations for controlling the water supply.

*History: 9/65*

**27-3-22 Sprinkling Vehicles.** Vehicles for sprinkling shall be regulated and controlled by the water department through the supervisor of the water and sewer department.

*History: 9/65*

**27-3-23 Department to Have Free Access.**

The supervisor and his agents shall at all ordinary hours have free access to places supplied with water services from the city system for the purpose of examining the apparatus, ascertaining the amount of water service being used, and the manner of its use.

*History: 9/65, 9/84*

**27-3-24 Supply of Water Services to Persons Outside City Limits.**

(1) The city may furnish water service from its water system to persons outside its corporate limits in accordance with the provisions of the following sections.

(2) Any person located outside the city limits desiring to be supplied with water services from the city water system and being willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending the water main from its present location to the city limits, may make application to the city council by petition containing the following:

- (a) A description of the proposed extension;
- (b) Accompanied by a map showing the location thereof;
- (c) An offer to pay the whole expense incurred by the city in providing such extension and to advance such expense as said expense shall be certified to by the supervisor. The city council and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.

(d) An acknowledgment that the city in granting said petition engages to supply only such water service to petitioner which, from time to time, the city council deems beyond the requirements of water users within the city limits; and

(e) An acknowledgment that such extension shall be the property of and subject to the control of the city.

*History: 9/65, 9/84*

## Chapter 4. Culinary Water System

- 27-4-1 Mandatory Nature of Charge Supervisor
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- 27-4-14 Ownership of Connecting Lines
- 27-4-15 Destruction--Contaminating Materials Use Without Payment Prohibited

**27-4-1 Mandatory Nature of Charge.** Any home or structure built within the City must connect to the city culinary water system, irrespective of whether or not the owner of the structure intends to use the culinary water provided by Clinton City.

*History: 11/82, 12/8*

**27-4-2 Private Water Service, Fire Service Mains and Hydrants.** Developments with water mains and fire hydrants within the development that do not designed to specifically loop the City System are the property of the Development and shall be maintained as outlined in this section.

(1) Testing, inspection, maintenance, and repair of private fire hydrants shall be the responsibility of the property owner. Private fire hydrants shall be maintained in an operable condition at all times. Testing, inspection, and maintenance of private fire hydrants shall be conducted on an annual basis and after each use.

(2) The annual maintenance shall include steps as promulgated in the Private Fire Hydrant Testing, Inspection and Maintenance Policy.

(3) If a private fire hydrant is defective, has been damaged or otherwise been rendered inoperable

repairs or other necessary efforts must be made to render the hydrant fully operational within ten (10) working days. All repair work shall be preapproved by the Clinton City Public Works Department and inspected and approved by Clinton City Public Works Department after repairs have been made. If the property owner fails to comply within the ten (10) working days a fine of not more than One Hundred Dollars (\$100.00) will be levied against the property owner each day the hydrant remains out of service.

(4) Every five (5) years, a fire flow test of the fire service main piping shall be conducted as outlined in National Fire Protection Association (NFPA) Standard 291 Recommended Practice for Fire Flow Testing and Marking of Hydrants. Fire flow tests shall be conducted by a person trained in the procedures specified in NFPA 291 and the conducting of the test shall be coordinated with Clinton City Public Works Department.

(5) Written documentation of the testing and maintenance required in § (1), and (2) above shall be provided to the Public Works and Fire Departments upon the completion.

*History: 1/12*

### **27-4-3 Water Meters.**

(1) All culinary water laterals extending from the City culinary water system shall have a water meter. Meters will be furnished by the city at the expense of the property holder, at rates established from time to time by resolution of the city council and published in the Consolidated Fee Schedule.

(2) The Public Works Director shall cause meter readings to be taken regularly and shall advise the city treasurer thereof for the purpose of recording the necessary billings for water service.

### **27-4-4 Access to Water Meters.**

(1) Access to any water meter on private or public property shall not be obstructed or interfered with by any person, trees, shrubs, barriers, or hindrance of any kind.

(2) If the reading of any water meter is obstructed or interfered with, the city shall cause the property owner to be given a written notice to remove the obstruction or interference as

established in Title 18 of the Clinton City Code of Ordinances.

*History: 9/65, 9/84, 11/89, 1/12*

**27-4-5 Service meters.** All service meters shall be installed by the waterworks crews upon application.

**27-4-6 Fire Hydrant Use.**

(1) No persons, other than City personnel acting within the scope of their employment, shall open a fire hydrant or other access facility, standpipe, or bypass valve on the City water system, or extract water from by any other means for any purpose except upon permission from the Public Works Department.

(2) Any person using water from a City hydrant or other facility shall pay a fee established by the City Council, set by resolution, and published in the Consolidated Fee Schedule.

**27-4-7 Extension of Water Mains Within the City.** Any person or persons, including any subdivider, desiring to have the water mains extended within the city shall comply with the requirements of § 27-3-8, Titles 9 and 28 and other applicable items in the Clinton City Code.

*History: 9/65, 9/84*

**27-4-8 Costs of Extensions Determined.** Upon receipt of such petition and map, and before the petition is granted, the city council shall obtain from the supervisor a certified statement showing the whole cost and expense of making such extension.

*History: 9/65, 9/84*

**27-4-9 Amount of Cost to be Deposited with City Recorder.** If the city council shall grant said petition, before any work shall be done on such extension, and within 30 days, or such other time as the city council shall indicate, after the granting thereof, the amount of the cost and expense of making such extension as certified by the supervisor shall be deposited with the city recorder.

*History: 9/65, 9/84*

**27-4-10 Return of any Money.** At the time that the city council determines whether or not to grant said petition for an extension, it shall also determine whether or not any of said deposited costs of extension shall be ultimately refunded to

the applicant, the amount to be so refunded, if any, and the manner and circumstances under which said refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

*History: 9/65*

**27-4-11 Ownership of Extension.** Any such extension shall be deemed the property of the city.

*History: 9/65*

**27-4-12 Extensions may be Master-Metered.** When an extension supplying more than one house or user outside the city limits is connected to the city mains, the supervisor may require a master meter to be installed near the point where the connection is to be made to the city main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through said meter at the meter rates hereinafter provided.

*History: 9/65, 9/84*

**27-4-13 Cost of Extensions to be Determined by Supervisor.** Upon receipt of such petition and map and before the petition is granted, the city council shall determine what portion, if any, of the extension of the city water mains to the city limits the city shall construct, and shall obtain from the supervisor a certified statement showing the whole cost and expense of making such extensions. Such costs and expenses shall include administrative and supervisory expenditures of the city water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor.

*History: 9/65, 9/84*

**27-4-14 Ownership of Connecting Lines.** Unless provision is expressly made for ownership of mains or lines by the owner of adjacent property, by means of written agreement, all pipe lines and mains connecting the municipal water systems to a landowner or residents premises which are situated on the public way between the main and the property line shall be deemed to be the property of the city and subject to its absolute control and

supervision even though actual installation may have been performed by the owner or resident of the premises. Repair and maintenance of said water lines shall be done by the landowner at his cost, or if done by the city, the cost thereof shall be paid by the landowner.

*History: 9/65, 9/84*

**27-4-15 Destruction--Contaminating**

**Materials.** It shall be unlawful for any person to

destroy, deface, injure, or interfere with the operation of any part, pipe, fixtures, appliance, or appurtenance of the city water systems. No person shall cause to be placed or induced into the water system or any source of water supplying said system, any matter or substance which shall cause the contamination of the water of the city's system or which may result in deleterious or harmful effects to human health.

*History: 9/65, 9/84*

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## Chapter 5. Obstructing Watercourses

- 27-5-1 Prohibited Acts
- 27-5-2 Correction of Existing Conditions
- 27-5-3 Permitted Acts
- 27-5-4 Procedure for Obtaining Permit
- 27-5-5 Appeal from Building Inspector's Decision
- 27-5-6 Penalties and Corrective Action

**27-5-1 Prohibited Acts.** Except as hereinafter provided, it shall be unlawful for any person, firm, entity or corporation to:

(1) Place, deposit or permit to be placed or deposited any debris, fill, sand, stone, or other solid materials of any kind or nature, or construction of any kind or pipeline into or across any stream, ditch, culvert, pipe, watercourse or other drainage system within the city;

(2) Construct and/or place any ditch, pipe, culvert or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage, or increase in intensity or quantity the flow of surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, ditch, culvert, pipe or watercourse or other drainage system within the city;

(3) Fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage, or the intensity or quantity of flow, through any stream, ditch, pipe, culvert, watercourse or other improvements or drainage system within the city.

*History: 2/77*

**27-5-2 Correction of Existing Conditions.**

Except as hereinafter provided, all existing obstructions, dams, diversions, construction of any kind, deposits of debris, fill, sand, stone, or other solid materials, or other alterations or diversions of the natural flow of water or the intensity or quantity of flow, through across, or to any stream, ditch, culvert, watercourse or other drainage systems within the city which:

- (1) Causes the inundation of real property and streets and roads, or
- (2) Constitutes an undue burden upon the official drainage system or hampers the proper present or

future course of development of official drainage system, or

(3) Presently constitutes or in the reasonably foreseeable future will constitute a danger or hazard to well-being, safety or general welfare of the residents of the city or any property located therein, shall be removed or corrected by the owners of the premises upon which said obstructions, dams, diversion, construction, deposits, or other alterations of the natural flow of water are situated, within 60 days after a written notice to remove or correct the same.

*History: 2/77, 9/84*

**27-5-3 Permitted Acts.** The prohibited acts in correction of existing conditions set forth above shall have no application to work done pursuant to the authority of an agency of the federal, state or other governmental body.

*History: 2/77, 9/84*

**27-5-4 Procedure for Obtaining Permit.** All applicants for a permit to do any of the acts prohibited above or to fill, divert, dam or in any way alter the natural flow of a stream, ditch, culvert, watercourse, or other drainage system shall be made from the building inspector of the city, who shall refer the request to the city engineer, who shall review the application and make a recommendation to the building inspector, either granting or denying the permit.

*History: 2/77*

**27-5-5 Appeal from Building Inspector's Decision.**

(1) If any interested person, firm, entity or corporation that is denied a permit, as provided herein, shall have the right to appeal said decision to the city council, provided said appeal is made in writing and within 30 days after the building inspector's decision.

(2) The city council shall render its determination to the applicant who appealed and to the building inspector within 45 days after receipt of the appeal. If the city council approves the proposed permit, the building inspector shall issue a permit therefore.

*History: 2/77*

**27-5-6 Penalties and Corrective Action.**

(1) Any person, firm, entity or corporation found to be violating any provisions of this chapter

shall be served with a written notice stating the nature of the violation and providing a 60-day time limit for satisfactory correction thereof. The offender shall, within the period stated in such notice, correct or remove all violations.

(2) Any person, firm, entity, or corporation who shall continue any violation beyond the time limit

provided for above shall be deemed guilty of a class C misdemeanor and each day of violation of this chapter shall be considered a separate offense.

*History: 2/77, 6/96*



## Chapter 6. Control of Backflow and Cross Connections

27-6-1	Definitions
27-6-2	Purpose of Ordinance
27-6-3	Responsibilities
27-6-4	Water Service Termination Policy
27-6-5	Public Education
27-6-6	Training and Reporting
27-6-7	Violations of this Policy

### 27-6-1 Definitions

**“Administrative Authority”** shall mean the individual, official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the cross connection control program and/or the plumbing code.

**“Backflow”** shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable (culinary) water supply from any source.

**“Backpressure”** shall mean the phenomenon that occurs when the customer's pressure is higher than the supply pressure. This could be caused by an unprotected cross connection between a drinking water supply and a pressurized irrigation connection, a boiler, a pressurized industrial process, elevation differences, air or steam pressure, use of booster pumps or any other source of pressure.

**“Back-siphonage”** shall mean a form of backflow due to a reduction in system pressure which causes a sub-atmospheric pressure to exist at a site in the water system.

**“Certified Backflow Technician”** shall mean an individual that has successfully completed a Division of Drinking Water approved backflow certification course with a written and practical examination, and has maintained this certification in accordance with R309-305, Certification Rules for Backflow Technicians.

**“Consumer/Customer”** shall mean the owner or operator of a privately or publicly owned plumbing system(s) having a service connection from the public drinking water system.

**“Containment (Meter or Point of Connection Protection)”** shall mean the practice of installing

approved backflow prevention assemblies/devices at the service connection of consumers in order to protect the public drinking water system from any backflow from the consumers plumbing system.

**“Contaminant”** shall mean any substance introduced into the public drinking water system which creates a threat to the public health such as poisoning, pathogenic organisms or any other public health concern.

**“Cross Connection”** shall mean any actual or potential connection between a potable (culinary) water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, industrial fluid, gas or substance other than the intended potable water.

**“Degree of Hazard”** shall mean either a pollutant (non-health) or contaminant (health) hazard that may be introduced into the public drinking water system through a cross connection. Through an evaluation of the consumers plumbing system, the threat to public health (the degree of hazard) will be determined. In the past these terms have been referred to as high hazard for health and low hazard for non-health.

**“Isolation (Plumbing Code Compliance)”** shall mean the practice of installing approved backflow prevention assemblies/devices at each point of cross connection or system outlet as required by Plumbing Code as adopted by the State and its amendments.

**“Pollutant”** shall mean any substance introduced into the public drinking water system which does not create a threat to the public health but which does adversely and unreasonably affect the aesthetic quality of the water.

**“Public Drinking Water System”** shall mean a water system that is either publicly or privately owned, that provides water for human consumption and other domestic uses, which: has at least 15 service connections, and/or serves an average of at least 25 individuals at least 60 days out of the year.

**“Plumbing Official”** shall mean the City's Chief Building Inspector.

**“Service Connection”** shall mean the terminal end of the public drinking water system where the water purveyor transfers jurisdiction and

sanitary control of the water. If a water meter is present then the service connection exists at the downstream end of the meter.

**“Water Purveyor”** shall mean the public or private owner or responsible party of a public drinking water system.

**27-6-2 Purpose of Ordinance:**

- (1) To protect the Public drinking water supply of Clinton City from the possibility of contamination or pollution by requiring compliance with the 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 diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,
- (2) To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the state regulations and plumbing code to assure water system safety; and,
- (3) To provide for the administration of a program for backflow prevention, which will systematically examine risk and reduce the possibility of contamination of the drinking water system.

**27-6-3 Prohibited Connections:**

- (1) Dual source sprinkling systems (providing both raw water pressure irrigation and drinking water supplies) are considered high health hazards and are prohibited.

**27-6-4 Responsibility**

**(1) Responsibility: Drinking Water Purveyor**

(a) The City shall be responsible for the protection of the drinking water distribution system from the foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.

(b) The City will assess the degree of hazard at all existing service connections. All existing service connections will be surveyed at least once every 2 years or as often as may be necessary. Accounts are currently classified as Residential or Commercial. Many assessments will be completed based solely on the account

classification. Commercial accounts will be surveyed through a mailed or hand delivered questionnaire. A determination of which sites are in need of an onsite inspection will be made by reviewing the survey results. Survey records shall indicate compliance with the State of Utah Regulations. All such records will be maintained by the City.

(c) Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey in (b).

**(2) Responsibility: Consumer**

(a) Compliance with this ordinance is required as a term and condition of receiving water service. The consumer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.

(b) It shall be the responsibility of the consumer to purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service and a penalty as outlined in 27-6-7.

**(3) Responsibility: Plumbing Official**

(a) The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the length of the consumer's water system.

(b) The plumbing official will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's 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 device/assembly, in accordance with the adopted Plumbing Code.

**(4) Responsibility: Certified Backflow Technician, Surveyor, or Repair Person**

(a) Whether employed by the consumer or the City to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technician, Surveyor, or Repair Person will have the following responsibilities:

(b) Insuring that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.

(c) Make reports of such testing and/or repairs to the consumer and the water purveyor on form approved for such use by the water purveyor within time frames as described by the Division of Drinking Water.

(d) Include the list of materials or replacement parts being used on the reports.

(e) Insuring that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

(f) Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.

(g) Performing all test of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all test and reports.

(h) Insuring that his/her license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition.

(i) Being equipped with, and competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.

(j) Tagging 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 certified technician's license number must also be on the tag.

**(5) Responsibility: Repair of backflow assemblies**

In the case of a consumer requiring an assembly to be tested, any currently Certified Backflow Technician is authorized to make the test and report the results to the consumer and the water purveyor. The installation, replacement or repair of assemblies must be made by a Certified Backflow Technician having appropriate licensure from the Department of Commerce, Division of Occupational and Professional Licensing, except when the Backflow Technician is an agent of the assembly owner.

**27-6-5 Water Service Termination Policy:**

(1) No water service connection to any premises shall be installed or maintained by the Water Purveyor unless the water supply is protected as

required by State laws, regulations, codes, and this ordinance.

(2) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of a survey.

(3) Whenever the public water purveyor 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.

(4) The type of protective assembly required under subsection 27-6-3.3, shall depend upon the degree of hazard which exist at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

(5) All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 27-6-3.6, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing is moved from the present location or, requires more than minimum maintenance or, when the water purveyor finds that the operation or 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.

(6) It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational test made at least once per year at the consumer's expense. In those instances where the Public Water Purveyor deems the hazard to be great, he may require certified surveys/inspections and test at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made

according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.

(7) All backflow prevention assemblies shall be tested within ten (10) working days of initial installation and annually thereafter.

(8) 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.

(9) If the City becomes aware of a clear and immediate hazard to its public water system and the hazard cannot be immediately abated, the City may institute proceedings to discontinue water service to the premises at which the hazard exists.

(10) Conditions or water uses that shall be deemed an immediate hazard which create a basis for water service termination. These shall include, but are not limited to, the following:

(a) Refusal to, immediately install a required backflow prevention assembly.

(b) Refusal to, immediately upon notice, test a backflow prevention assembly.

(c) Refusal to, immediately upon notice, repair a faulty backflow prevention assembly.

(d) Refusal to, immediately upon notice, replace a faulty backflow prevention assembly.

(e) A direct or indirect connection between the public water system and a sewer line.

(f) An unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.

(g) Any direct or indirect connection between the public water system, and an auxiliary water system, and/or secondary water irrigation system.

(h) Any other situation which the water system operator or his designee reasonably determines presents an immediate health hazard to the public water system.

(i) Refusal to complete or allow periodic system survey.

(j) Service will not be restored until such conditions or defects are corrected and any applicable fees or penalties paid.

(11) Procedures for water service termination are as follows:

(a) The City may terminate service to a customer's premise after two written notices have been sent specifying violation of item (a), (b), (c) or (d) of subsection (10) above.

(b) For violations of items (e), (f), (g), or (h), as set forth in subsection (10) above the City may take the following action:

(i) The City may make a reasonable effort to advise the water user of intent to terminate water service.

(ii) The City may terminate water supply and lock the service valve.

**27-6-6 Public Education:** The City will establish a public education program to inform water operators and users on operating dual potable and non-potable water systems. The public education program will be identified in the Standard Operating Procedures.

**27-6-7 Training And Reporting:**

(1) The City will have on staff personnel certified as Backflow Technician Class I, Program Administrator by April 30, 2016.

(2) Cross connection training for public works staff, building officials, canal company staff, etc. will be held as identified in the Standard Operating Procedures.

(3) Quarterly reports documenting the system progress with the Compliance Agreement/Enforcement Order will be submitted to the Division of Drinking Water beginning the 3<sup>rd</sup> quarter of 2015 and ending the 2<sup>nd</sup> quarter of 2018.

**27-6-8 Violations of this Policy:**

(1) The violation of any provision of this Chapter shall be considered a Class B Misdemeanor and punishable by fines and imprisonment according to state law.

(2) Every day any violation of this Chapter shall constitute a separate offense.

(3) In addition to other fines and punishments, all costs reasonably related to the violation incurred by the City, or any other agent working on its behalf, shall be allowed in a claim for restitution to the courts including but not limited to, labor and materials for flushing, disinfection, sampling, alternate water supply any subsequent claims and litigation as well as all other legal remedies that are available.

*History: 11/15; Ord 15-05*

**Chapter 7. Pressure Irrigation Water Service**

- 27-7-1 Connections Mandatory
- 27-7-2 Schedule of Rates and Charges
- 27-7-3 Establishment of Rate
- 27-7-4 Connection Fees
- 27-7-5 Special Rates
- 27-7-6 Due Date of Service Charges
- 27-7-7 Due Date of Connection Fee
- 27-7-8 Application for Water Service
- 27-7-9 Permits and Reports
- 27-7-10 Fixtures and Fittings Used in Water Connections
- 27-7-11 Use Without Payment Prohibited
- 27-7-12 Discontinuance of Service if Payment is Delinquent
- 27-7-13 Turning on Water Without Authorization
- 27-7-14 Taker Only to Use Water
- 27-7-15 Waste Prohibited
- 27-7-16 Multi-family Lots
- 27-7-17 Failure to Connect
- 27-7-18 Compliance to Standards

**27-7-1 Connections Mandatory.** The owners of all residential lots possessing or requiring culinary water connections shall connect to the Davis and Weber Counties Canal Company secondary water pressure irrigation system within Clinton City limits, except those lots whose total irrigation needs are served by irrigation water and have an established run-off right-of-way as of April 15, 1997. Owners of commercial, industrial or agricultural lots or other lots using culinary water or having a need for culinary water for irrigation purposes, shall be required to connect to the Canal Company’s secondary water pressure irrigation system in Clinton, as reviewed and determined by the Canal Company. The intent of this chapter is to encourage residents and private property owners in the city to use secondary water pressure irrigation water for landscaping purposes. City parks may use culinary or secondary water as determined by the City Council. Lot owners shall be required to connect to the secondary water pressure irrigation system within 60 days of receiving written notice from the City that the pressure irrigation secondary water system is available for connection.

*History: 8/96, 7/97, 8/21 Ord 21-02*

**27-7-2 Schedule of Rates and Charges.** The initial schedule of rates and charges for service by the pressure irrigation water system, which initial schedule shall be subject to increase and revision by resolution of the city council from time to time as may be necessary to repay the Board of Water Resources loan and to operate and maintain the system, shall be as follows:

Pipe Size	Lot Size	Annual Fee
3/4"	≤ .5 Acre	\$200
1"	>.5 ≤ 1 Acre	\$300
1"	> 1 Acre	\$156 + \$36 per .25 acre or part thereof
2"	> 1 Acre	\$624 + \$36 per .25 acre or part thereof
3"	> 1 Acre	\$1,404 + \$36 per .25 acre or part thereof
4"	> 1 Acre	\$2,469 + \$36 per .25 acre or part thereof

**27-7-3 Establishment of Rate.** Except as noted in Section 27-7-1, the lot owner or user shall be required to pay the monthly rate beginning 60 days after the notice referred to in the previous section is received, even if the lot owner or user has failed to make a connection to the pressure irrigation system or failed to pay the connection fee. All other new users and lot owners shall begin making the monthly payments at the time occupancy is granted for the residence or building, or at such time as the user begins using the pressure irrigation system, whichever is sooner.

*History: 8/96, 7/97*

**27-7-4 Connection Fees.** For every connection to the pressure irrigation water system, the following fees shall be collected by and paid to the Canal Company or its Agent:

Pipe Size	Lot Size	Connection Fee
3/4"	≤ .5 Acre	<b>Initial:</b> \$200
		<b>Future:</b> \$500
1"	>.5 Acre	<b>Initial:</b> \$300
	≤ 1 Acre	<b>Future:</b> \$750
1"	> 1 Acre	<b>Initial:</b> \$300 + \$75 per .25 acre

		or part thereof over 1 acre  <b>Future:</b> \$750 + \$187.50 per .25 acre or part thereof over 1 acre
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**27-7-5 Special Rates.** Any special connections not covered by the above schedules shall pay fees set by the Canal Company in each individual situation and approved by the city council. Connection fees may be revised and modified by resolution of the city council.

*History: 8/96*

**27-7-6 Due Date of Service Charges.** Payment of all rates and water charges accruing herein shall be made to the city at the same time as payments are due and payable for culinary water service furnished by the city. All payments for culinary or pressure irrigation water shall be applied in the following order: first to any late charges or reconnection fees, expenses of the city including attorney's fees, pressure irrigation system charges, sewer fees, garbage fees and last to culinary water charges.

*History: 8/96*

**27-7-7 Due Date of Connection Fee.** Payment of the water connection fees as required herein shall be made according to 27-7-3 for existing residences and businesses and prior to receiving a building permit for a new development.

*History: 8/96*

**27-7-8 Application for Water Service.** For all new development, application for pressurized irrigation water must be obtained from the Canal Company.

*History: 8/96*

**27-7-9 Permits and Reports.** It shall be unlawful for any person to make any extension of any pipe or connect any fixture to the pressure irrigation water system for any purpose whatsoever without first obtaining a permit therefrom from the Canal Company. All persons must, within 24 hours after the completion of any plumbing work connected with the pressurized irrigation water system, report the same to the Canal Company.

*History: 8/96*

**27-7-10 Fixtures and Fittings Used in Water Connections.** It shall be unlawful for any person to use any kind or size of fitting, pipe stopcock, drawcock, or other equipment in connection with the pressure irrigation water system except the kind prescribed by the Canal Company.

*History: 8/96*

**27-7-11 Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the city pressure irrigation water system without paying therefore as herein provided, or without authority to open any stopcock, valve, or other fixture attached to the system or water supply, or to in any way injure, deface, or impair any part or appurtenance of the system or to cast anything into any reservoir or tank belonging to said system.

*History: 8/96*

**27-7-12 Discontinuance of Service if Payment Delinquent.** The city shall mail a written statement to each user of the pressure water service once each month, or at such other regular intervals as the city council shall direct. The statement shall specify the amount of the bill for the pressure irrigation water service used and the place of payment and date due. If any person fails to pay the charges within the 30 days of the due date, the city shall so notify the public works director and shall have authority to direct the public works director to shut off all water service, both pressure irrigation and culinary, to the premises involved. Before the service to the premises shall again be provided, all delinquent water charges must be paid to the city treasurer, together with such disconnection and reconnection charges as may be established by resolution of the city council. The city is hereby authorized and empowered to enforce payment of all delinquent water service charges by an action at law in the corporate name of the city. Except as outlined in Section 27-7-1, should a lot owner or user fail to connect to the pressure irrigation system within the time required after having received written notice from the city, the culinary water service to the lot may be shut off until the lot owner or user pays all connection fees, all service fees and monthly charges, all expenses incurred by the city, and until the lot owner or user connects to the pressure irrigation system.

*History: 8/96, 7/97*

**27-7-13 Turning on Water Without Authorization.** It shall be unlawful for any person, after the culinary or pressure irrigation system water has been turned off from his or her lot on account of nonpayment or other violations of the rules and regulations pertaining to the culinary water supply or pressurized irrigation system, to turn on or allow the water to be turned on or used or allow the water to be used without authorization from the public works director.

*History: 8/96*

**27-7-14 Taker Only to Use Water.** It shall be unlawful for any water user to permit any person from other premises, or any unauthorized persons, to use or obtain pressure irrigation water from his premises or water fixtures.

*History: 8/96*

**27-7-15 Waste Prohibited.** It shall be unlawful for any pressure irrigation water user to 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, faucets, or stops, or other apparatus, or to use water in violation of the rules and regulations for controlling the water supply.

*History: 8/96*

**27-7-16 Multi-Family Lots.** Lots containing more than one multi-family residence or structure shall be required to pay a connection fee and monthly service charge in accordance to the same rate structure as single family residence, according to lot size.

*History: 8/96*

**27-7-17 Failure to Connect.** Any lot owner or resident who is required by this chapter to connect to the Clinton City pressure irrigation system and who fails to connect in a timely manner, who fails to pay connection fees when required, or fails to pay monthly service charges, shall be required to pay all costs and expenses, including attorney's fees incurred by the city, that result from the city taking action to enforce the provisions of this chapter.

*History: 8/96*

**27-7-18 Compliance to Standards.** All pressure irrigation users must comply with the Davis and Weber Counties Canal Company's standards, specifications and policies.

*History: 8/96*

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**Chapter 8. Provisions for Secondary Irrigation Water for New Developments**

- 27-8-1 Dedication of Water Shares
- 27-8-2 Water Shares Transfer
- 27-8-3 Alternate Source of Irrigation Water

**27-8-1 Dedication of Water Shares.** Prior to the final approval of any subdivision, or any other activity requiring secondary pressurized irrigation water from the City, the developer shall dedicate to the City, a sufficient quantity of water necessary to provide and deliver to each lot and/or dwelling unit, or use, within the new development, a minimum of three (3) acre feet ( $\frac{1}{2}$  a water share) of water per acre of land proposed for development. The City, in conjunction with other existing agreements, may adjust this amount depending on the type of use and water requirements of that use.

**27-8-2 Water Shares Transfer.** The water shares provided pursuant to the provisions of this chapter shall comply with the following requirements:

- (1) The water shares provided pursuant to this chapter shall be shares from the Davis and

Weber Counties Canal Company. Water shares from Kayscreek Irrigation Company, Holmes Creek Irrigation Company, Hooper Water Improvement District, or from such other usable source, may be considered and approved by the City at its own discretion. Such approval may be granted by the City Manager.

- (2) The developer shall provide water rights that are reasonably accessible for use by the City, and shall cooperate in and provide anything necessary for any transfer of point of diversion or change of use.

**27-8-3 Alternate Source of Irrigation Water.**

In the event there are no owner water rights or water shares on the land being proposed for development, and the developer is unable to acquire such water shares from another acceptable water source, the developer may, with the approval of the City, pursue accessing water for the property from the Weber Basin Water Conservancy District, in accordance with existing agreements with the City. Compliance with all the provisions of those agreements would need to be met before final approval of the development would be granted by the City.

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## Chapter 9. Water Source Protection

- 27-9-1 Short Title and Purpose:
- 27-9-2 Definitions
- 27-9-3 Establishment Of Drinking Water
  - a. Source Protection Zones
- 27-9-4 Allowed Uses
- 27-9-5 Prohibited Uses
- 27-9-6 Overly Protective Protection Zones
- 27-9-7 Administration
- 27-9-8 Potential Contamination Sources
- 27-9-9 Generic Regulated Substance List

### 27-9-1 Short Title and Purpose:

(1) This ordinance shall be known as the "Drinking Water Source Protection Ordinance" and may be referred to as the "Source Protection Ordinance."

(2) The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Clinton City (hereinafter "City"), surrounding cities, and Davis County (hereinafter "County"), by the establishment of drinking water source protection zones surrounding the wells and springs located in or used by public water systems in the City and by the designation and regulation of property uses and conditions that may be maintained within such zones. Included under this ordinance are all source protection zones or portions thereof falling within and regulated by the County, which protect public drinking water sources not owned, operated or controlled by the City.

**27-9-2 Definitions:** When used in this ordinance the following words and phrases shall have the meanings given in this section:

### 27-9-3 Establishment Of Drinking Water Source Protection Zones:

(1) There are hereby established use districts to be known as zones one, two, three, and four, of the drinking water source protection area, or alternatively the Management Area. These zones shall have the approval of the State of Utah,

Division of Drinking Water as described in R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources and are identified and described as follows:

(a) Zone one is the area within a 100-foot radius from a wellhead or margin of the collection area.

(b) Zone two is the area within a 250-day ground-water time to travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer, as specified on the "Drinking Water Source Protection Zone Map" on file with the County.

(c) Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer, as specified on the "Drinking Water Source Protection Zone Map" on file with the County.

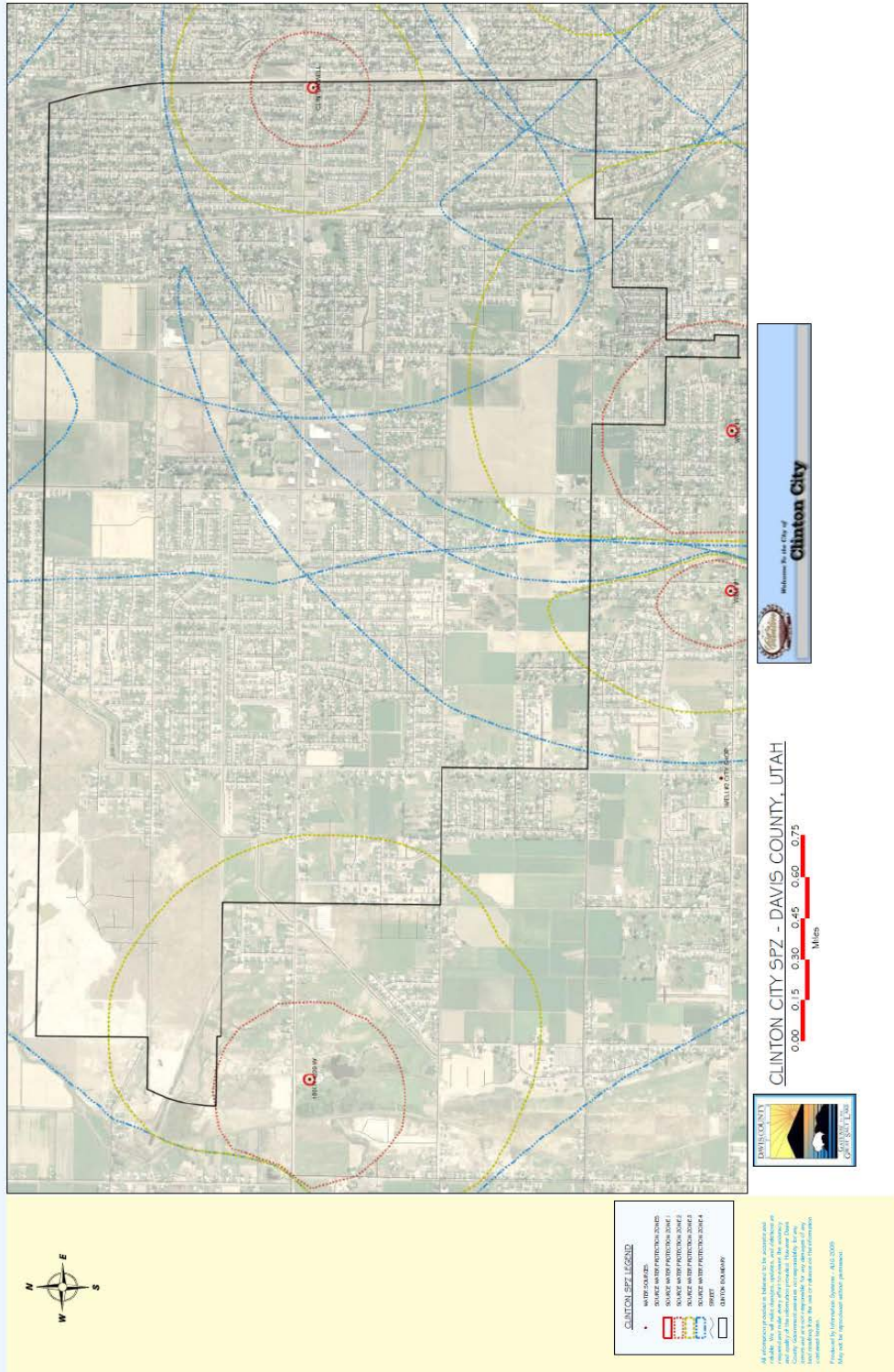
(d) Zone four is the area within a 15-year ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source or the ground-water divide, whichever is closer, as specified on the "Drinking Water Source Protection Zone Map" on file with the County. In some cases, such as bedrock areas, zones two, three, and four are overlapping, due to the inability to determine time of travel. These are sensitive areas. In these cases, the zone should be protected as for zone two.

(2) Management area means the area outside of zone one and within a two-mile radius where the Optional Two-mile Radius Delineation Procedure has been used to identify a protection area as described in the Utah, Division of Drinking Water R309-600 source Protection: Drinking Water Source Protection for Ground-Water Sources. This area shall be treated as for zone two.

### Clinton City Source Protection Map



CLINTON CITY WATER SOURCE PROTECTION ZONES



Source Protection for Wells Located Around Clinton City

**27-9-4 Allowed Uses:** The following uses shall be permitted within drinking water source protection zones:

(1) Any use permitted within existing agricultural, single family residential, multi-family residential and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.

(2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

**27-9-5 Prohibited Uses:**

(1) The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such uses or conditions may otherwise be ordinarily included as part of a use permitted under Section 4 of the ordinance.

(a) Zone one - The location of a potential contamination source as defined herein.

(b) Zone two and Management area- The location of pollution sources as defined herein unless their contaminated discharges are controlled with design standards.

(c) Zones three and four - The location of potential contamination sources, unless they are controlled through land management strategies.

(2) To further clarify uses and prohibitive uses in protective zones, refer to Table 1, Use Matrix for Potential Contamination Sources in § 27-9-7(3) below. For a generic list of regulated substances, see § 27-9-9 below. This list and table are for clarification and planning purposes. They are not all inclusive. Substances that are not in this table and list may need further clarification.

**27-9-6 Overly Protective Protection Zones:** If management areas were delineated using the Optional Two-Mile Radius Delineation Procedure or if protection zones appear to be excessively conservative (too large), they may be disputed according to the following procedure:

(1) Submit written comments to the Land Use Authority stating the reasons that the delineated management area or protective zones should be reconsidered.

(2) If the Land Use Authority concurs, it may authorize a new hydrogeologic investigation at the expense of the entity requesting changes to the delineated management area or protective zones.

(3) The new hydrogeologic investigation must then be submitted to the Utah Division of Drinking Water for their review.

(4) If the Division of Drinking Water finds that the new hydrogeologic investigation is protective and meets the requirements of a Delineation Report according to the Utah Drinking Water Source Protection for Ground Water Sources Rule (R309-600), the Land Use Authority may enforce this ordinance according to the new protection zones.

**27-9-7 Administration:**

(1) The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to existing nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the existing land use ordinance for Clinton City, as presently enacted except that the Land Use Authority can not grant a permit to a restricted use until the request is reviewed and recommendation is provided by the Davis County Health Department. If it is necessary to have additional expertise evaluate the use or restrictions that may be placed upon it, it shall be at the expense of the entity requesting the restricted use. The recommendation relative to the requested use shall be documented and returned to the requester, Clinton City Community Development, and the Davis County Land Use Authority.

(2) If there are noncompliant potential contamination source found in the source protection zones that cannot be resolved by the water system, this shall be brought before Clinton City Community Development, Public Works, the Davis County Land Use Authority, Davis County Health Department and/or the applicable regulatory agency for enforcement action.

(3) It shall be the water system's responsibility to maintain and supply maps of their source protection zones to both the County Health Department and the Davis County Land Use Authority in which the source protection zones reside or the data may be obtained by the County, through the State Division of Drinking Water. The County shall check with the Division of Drinking Water for updates on an annual basis. The extent of the source protection zones can be seen on the "Drinking Water Source Protection Zone Map" on file with the County and is incorporated and made part of this ordinance, made available through GRAMA.

**27-9-8 Potential Contamination Sources:** The following table identified uses, which have varying potentials to contaminate groundwater sources. These

uses have been classified according to the risk of contamination in each protection zone as follows (see definitions for risk classifications):

- (1) Allowed Uses (A)
- (2) Restricted (R)
- (3) Prohibited Uses (X)

**TABLE 1**

**USE MATRIX FOR POTENTIAL CONTAMINATION SOURCES**

POTENTIAL CONTAMINATED SOURCES	Protection Zone		
	Zone 1	Zone 2	Zones 3 & 4
Abandoned wells	X	X	X
Agricultural pesticide, herbicide and fertilizer storage, use, filling, and mixing area pursuant to federal regulations	X	R	A
Airport maintenance and fueling sites	X	R	R
Appliance repair	X	R	R

**AUTO OPERATIONS AND FLEET VEHICLE MAINTENANCE FACILITIES (commercial):**

Dealership maintenance departments	X	R	R
Tire		X	R
Auto body		X	R
Engine Repair		X	R
Rust proofing		X	R
Oil and lube shops		X	R
Vehicle rental with maintenance		X	R
Beauty salons		X	R
Boat building and refinishing		X	R

Car washes	X	A	A
Cemeteries, golf courses, parks and plant nurseries	X	R	R
Chemical reclamation facilities	X	R	R
Chemigation wells	X	X	R
Concrete, asphalt and tar companies	X	R	R
Dairy Farms and animal feed lots (more than 1,000 animal units)	X	X	A
Dry cleaners (with onsite chemicals)	X	X	R
Dry cleaners (without onsite chemicals)	X	A	A
Embalming services	X	R	R

**FARM OPERATIONS:**

Dump sites	X	R	R
Maintenance garages	X	R	R
Manure piles (per 1,000 animal units)	X	X	A
Food processing, meat packing and slaughter houses	X	X	A
Fuel, oil and heating oil distribution and storage facilities	X	R	R
Furniture stripping, painting and finishing businesses	X	R	R
Gasoline service stations (including underground storage tanks)	X	R	R
Hospitals and medical, dental and veterinary offices	X	R	R
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone glass, pharmaceuticals and electrical equipment, etc.	X	R	R
Industrial waste disposal / impoundment areas	X	X	R

Junk and salvage yards	X	R	R
Landfills and transfer stations	X	R	A
Laundromats	X	A	A
Machine shops, metal plating, heat treating, smelting, annealing and descaling facilities	X	R	R

**MINING OPERATIONS:**

Radiological	X	R	R
Sand and gravel excavation and processing	X	R	R
Municipal wastewater treatment plants	X	X	A
Photo processing and print shops	X	R	R
Railroad loading or unloading areas	X	R	R
Railroad yards	X	R	R
Residential pesticide, herbicide and fertilizer storage, use, filling and mixing areas pursuant to federal regulations	X	A	A
R V waste disposal stations	X	X	A
Salt and salt-sand piles	X	R	R
Septic tank drain field systems	X	X	R
Storm water detention basin and snow storage sites	X	R	A
Oil pipelines	X	R	R
Toxic chemical storage	X	X	X
Wood preservative treatment facilities	X	R	R

Animal Dips	Medical, pharmaceutical, dental veterinary and hospital solutions
Arsenic and arsenic compounds	Mercury and mercury compounds
Battery acids	Metal finishing solutions
Bleaches and peroxide	Oils
Brake and transmission fluid	Paints, primers, thinners, dyes, stains, wood preservative, varnishing and cleaning compounds
Brine solution	Painting solvents
Casting and foundry chemicals	Pesticides and herbicides
Caulking agents and sealants	Photo development chemicals
Cleaning solvents	Plastic resins, plasticizers and catalysts
Corrosion and rust preventatives	Poisons
Cutting fluids	Polishes
Degreasing solvents	Polychlorinated biphenyls (PCBs)
Disinfectants	Pool chemicals
Dyes	Processed dust and particulate
Electroplating solutions	Radioactive sources
Explosives	Reagents and standards
Fertilizers	Refrigerants
Fire extinguishing chemicals	Roofing chemicals and sealers

**27-9-9 Generic Regulated Substance List:**

**TABLE 2**

**GENERIC REGULATED SUBSTANCE LIST**

Acid and basic cleaning solutions	Laboratory chemicals
Antifreeze and coolants	Liquid storage batteries

Food processing wasters	Sanitizers, disinfectants, bactericides and algacides
Formaldehyde	Soaps, detergents and surfactants
Fuels and additives	Solder and fluxes



Glues, adhesives and Stripping compounds  
resins

Greases                      Tanning industry chemicals

Hydraulic fluid            Transformer and capacitor oils  
and fluids

Indicators                  Wastewater

Industrial and              Water and wastewater treatment  
commercial                chemicals  
janitorial supplies

Industrial sludges  
and stillbottoms

Inks, printing and  
photocopying  
chemicals

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