

CHAPTER 21. WATER**Article 21-1. Water Services****Article 21-2. Drinking Water Source Protection****Article 21-1. Water Services**

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21-1-1. Conformance with master plan.

The water system of the City shall be developed in conformance with the Water Master Plan for the City. (Ord. No. 661, Revised, 04/10/90)

21-1-2. Definitions.

The following words used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context.

A. Accessory Apartment. An apartment with an accessory apartment permit from the City of Orem. (Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

B. City Manager. The City Manager of the City of Orem, Utah, or his or her designee. (Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

C. Living unit. A room or group of rooms designed to provide independent living space for one family. Each living unit will typically have kitchen facilities, bathroom facilities, and a place to sleep. (Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

D. Main line. A water line supplying more than one water meter. The minimum size of a main line is two inches (2") in diameter.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

E. Multiple family residence. A residential building having more than one living unit, if the living units are not separately owned or titled. Examples of multiple family residences include townhouses, duplexes, dormitories and apartments. Accessory apartments are excluded from the definition of "multiple family residence."

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

F. Single family residence. A residential building having only one living unit, or a residential building having more than one living unit, if the living units are separately owned and titled. Examples of single family residences include single family houses and condominiums.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

G. Water user. The applicant for water services, the person or entity paying the water bill, or any person occupying the premises being served.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-3. Connection required.

A. When connection required. The owner(s) of all houses, buildings or properties used for human occupancy, employment or recreation which abut any street, alley or other right-of-way in which there is now located or may in the future be located a main line of the City water system, is hereby required, at the owner's expense, to connect onto the City water system, provided the main line is reasonably available and is within three hundred feet (300') of the property line.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0013, Amended July 11, 2006)

B. Meters. Water meters shall be installed as follows:

- 1. Residential buildings with four or fewer living units or buildings with no stacked units.** Residential buildings with four or fewer living units or buildings with no stacked units shall be metered in one of the following ways, at the discretion of the owner/developer of the building:

- a. Separate meters.** Each living unit in the building is served by a separate water meter. The water meters shall be located in front of the building.

1. **Water bill.** The bill for the water service shall be in the name of the owner or occupant of the living unit.

2. **Landscaping meter.** Water for common landscaping and other uses benefiting more than one living unit shall be metered separately from the individual living units and shall be in the name of a homeowner's association or other group or organization responsible for paying bills for the residential development.

b. **Common meter.** All living units in the building are served by a common water meter.

1. **Water bill.** The bill for the water service shall be in the building owner's name (in the case of a multiple family residence, such as an apartment) or in the name of a unit owner's association (in the case of a single family residence, such as a condominium.) The building owner or unit owner's association shall pay the full fee for water service, regardless of the occupancy of the building.

2. **Landscaping meter not required.** Landscaping and other uses may be included on the common meter.

3. **Restrictions on use of common meter.** A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardize the safety of the City water system, the City may require that some or all of the living units in the building be metered separately.

4. **One building only.** A common water meter shall serve only one building. Additional buildings shall be metered separately.

5. **Individual meters for buildings served by a common meter.** Individual living units in the building served by a common meter may still be metered separately, provided that (1) the individual meters are owned and maintained by the building owner or unit owner's association, (2) the individual meters are located inside the building, and (3) the building owner or unit owner's association pays the water bill based on the reading from the common meter (although the building owner or unit owner's association

may use the individual meters for internal billing purposes.)

2. **Residential buildings with five or more living units containing any stacked units.** Residential buildings with five or more living units containing any stacked units shall be served by a common water meter, according to the following terms:

a. **Water bill.** The bill for the water service shall be in the building owner's name (in the case of a multiple family residence, such as an apartment) or in the name of a unit owner's association (in the case of a single-family residence, such as a condominium.) The building owner or unit owner's association shall pay the full fee for water service, regardless of the occupancy of the building.

b. **Landscaping meter not required.** Landscaping and other uses may be included on the common meter.

c. **Restrictions on use of common meter.** A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardize the safety of the City water system, the City may require that some or all of the units in the building be metered separately.

d. **One building only.** A common water meter shall serve only one building. Additional buildings shall be metered separately.

e. **Individual meters for buildings served by a common meter.** Individual living units in the building served by a common meter may still be metered separately, provided that (1) the individual meters are owned and maintained by the building owner or unit owner's association, (2) the individual meters are located inside the building, and (3) the building owner or unit owner's association pays the water bill based on the reading from the common meter (although the building owner or unit owner's association may use the individual meters for internal billing purposes.)

3. **Accessory apartments.** Accessory apartments shall be metered in one of the following ways:

a. **Common meter.** The accessory apartment and the main dwelling are served by a common water meter. The bill for the water service shall be in the name of the owner of the main dwelling.

b. **Separate meters.** The accessory apartment and the main dwelling are metered separately. The bill for each water service shall be in the name of the owner of the main dwelling.

4. **Non-residential buildings.** Non-residential buildings shall be metered in one of the following ways, at the discretion of the developer/owner:

a. **Separate meters.** Each unit in the building is metered separately.

1. **Water bill.** The bill for the water service shall be in the unit owner's or occupant's name.

2. **Landscaping meter.** Water for common landscaping and other uses benefiting more than one unit owner or occupant shall be metered separately from the individual units and shall be in the name of a unit owner's association or in the name of the owner or developer of the project.

b. **Multiple meters.** Each building is served by multiple meters (more than one meter per building, but less than one meter per unit).

1. **Water bill.** The bill for the water service shall be in the name of a unit owner's association or in the name of the owner or developer of the commercial project.

2. **Landscaping meter.** Water for common landscaping and other uses benefiting more than one unit owner or occupant shall be metered separately and shall be in the name of a unit owner's association or in the name of the owner or developer of the project.

3. **Restrictions on use of multiple meters.** Multiple meters shall not be installed unless the City approves the number and type of meters used pursuant to a policy established by the City.

4. **Shut-off valves.** A shut-off valve shall be installed for each unit. The shut-off valves shall be installed in an accessible location approved by the City. If the owner or developer adds more units to the building, a shut-off valve shall be installed for each new unit.

c. **Common meter.** All units in the building are served by a common water meter.

1. **Water bill.** The bill for the water service shall be in the name of the owner of the building.

2. **Landscaping meter.** A separate landscaping meter shall be installed for each development. The bill for the landscaping meter shall be in the name of a unit owner's association or in the name of the owner or developer of the non-residential project.

3. **Restrictions on use of common meter.** A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardize the safety of the City water system, the City may require that some or all of the units in the building be metered separately.

4. **Shut-off valves.** A shut-off valve shall be installed for each unit. The shut-off valves shall be installed in an accessible location approved by the City. If the owner or developer adds more units to the building, a shut-off valve shall be installed for each new unit.

5. **Additional meters.** This section sets forth minimum water meter requirements. Nothing herein shall be interpreted to prohibit a property owner from paying for and utilizing additional water meters, provided that the additional water connections and water meters comply with City policies and ordinances.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-2; Ord. No. O-98-0039, Amended, 09/08/98; Ord. No. O-06-0013, Amended July 11, 2006)

21-1-4. Application for connection.

It shall be unlawful to connect onto the City water system without first obtaining a permit to do so and paying a connection fee in an amount and according to guidelines established by resolution of the City Council. Application for the permit shall be made in writing to the Department of Public Works.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-3)

21-1-5. Connection to the system.

A. **Connection responsibilities - meters smaller than 1.5 inches.** The following provisions apply for water meters that are smaller than 1.5 inches:

1. **Owner.** The owner and/or developer of the property to receive water service shall install the following:

- a. The water line from the City's main line to the meter box;
- b. The meter box;

- c. The water line from the meter box to the building or structure being served; and
- d. All plumbing within the building or structure being served.

All installation and construction shall be in accordance with the City's Construction Standards and Specifications and must be inspected and approved by the City before water service begins.

- 2. **City.** The City shall do the following:
 - a. Install the water meter; and
 - b. Inspect the installation/construction by the owner/developer.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-4, Effective,7/1/94; Ord. No. O-98-0039, Amended, 09/08/98)

B. Connection responsibilities - meters that are 1.5 inches or larger. The following provisions apply for water meters that are 1.5 inches or larger:

- 1. **Owner.** The owner and/or developer of the property to receive water service shall install the following:
 - a. The water line from the City's main line to the meter box;
 - b. The meter box;
 - c. The plumbing inside the meter box;
 - d. The water meter;
 - e. The water line from the meter box to the building or structure being served; and
 - f. All plumbing within the building or structure being served.

All installation and construction shall be in accordance with the City's Construction Standards and Specifications and must be inspected and approved by the City before water service begins.

- 2. **City.** The City shall inspect the installation/construction by the owner/developer.
- 3. **Radio/touch read ready.** Water meters that are 1.5 inches or larger shall be radio read or touch read ready (as designated by the City) and shall meet standards established by the City.
- 4. **Additional requirements for meters that are 3 inches or larger.** Water meters that are 3 inches or larger must be "compound" water meters (designed to measure low and high flows) unless another type of meter is approved by the Water Section Manager and the Utilities Coordinator.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-4, Effective,7/1/94; Ord. No. O-98-0039, Amended, 09/08/98)

C. Miscellaneous connection requirements.

- 1. **Drinking water connections.** Water fountains and other drinking devices shall not be

connected to a lawn sprinkling system unless they are connected on the protected side of an approved backflow prevention device.

- 2. **Connections inside meter can or vault.** There shall be no connections inside any meter can or meter vault other than the meter riser and the water meter itself. Electrical grounding and stop and waste connections are prohibited inside the meter can or vault, except in unique situations when approved by the Water Section Manager and the Utilities Coordinator.

- 3. **Service line connections.** All water meter service lines shall be connected directly to a main line that is 2 inches or larger.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-4, Effective,7/1/94; Ord. No. O-98-0039, Amended, 09/08/98)

D. Ownership.

- 1. **Owner of property.** The owner of the property being served owns the water line from the meter box to the building or structure being served.
- 2. **City.** The City owns the City water system. The City water system includes the main water lines, laterals from the main water lines to the water meter, the water meter itself, and the meter box. However, some main water lines and laterals are privately owned (e.g. in some Planned Residential Developments).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-4, Effective,7/1/94; Ord. No. O-98-0039, Amended, 09/08/98)

E. Maintenance.

- 1. **Owner of property.** The owner of the property being served shall maintain the following:
 - a. The water line from the meter box to the building or structure being served;
 - b. All plumbing within the building or structure being served;
 - c. Any fire line serving the property, from the property line to the building. If a culinary line is attached to the fire line, the owner shall maintain the fire line from the point where the culinary line connects into the fire line, and shall maintain the culinary line from the meter box to the building.
- 2. **City.** The City maintains the City water system. The City water system includes the main water lines, laterals from the main water lines to the water meter, the water meter itself, and the meter box. Some main water lines and laterals are privately owned (e.g. in some Planned Residential Developments). The City is not responsible for installing or maintaining privately owned water lines or laterals, although the City shall maintain all

main water lines (2" or larger - publicly or privately owned) unless the privately owned main line has a master meter and backflow protection approved by the City.

a. The City shall maintain any fire line serving the property from the main line to the property line. If a culinary line is attached to the fire line, the City shall maintain the fire line from the main line to the point where the culinary line connects into the fire line, and shall maintain the culinary line from the main line to the meter box.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-4, Effective,7/1/94; Ord. No. O-98-0039, Amended, 09/08/98)

F. **Costs.** The property owner or developer shall pay the City a connection fee in an amount set by resolution of the City Council for each water meter installed. The property owner or developer shall install the main water line for the full length of the property being served, unless otherwise approved by the City. The main water line shall be installed in a location approved by the City. The City may defer the connection fee payment until the owner and/or developer submits an application for a building permit if (1) the property being served is in a new subdivision, and (2) the developer desires to install the improvements before construction of any buildings in the subdivision.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-4, Effective,7/1/94; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-6. Location of water meter and main lines.

Water meters and main lines shall be located as follows:

A. **Residential meters.** Residential water meters shall be located near the front property line of the lot being served (as close to the sidewalk as possible), in a public utility easement. Residential water meters shall not be located in driveways (except approved deep lot developments), under covered parking, under any permanent structure, or in sidewalks. Service lines to the meter shall not be located in driveways (except approved deep lot developments), under covered parking, or under any permanent structure. Main lines shall not be located in driveways, under covered parking, under permanent structures, or in a rear yard or a side yard (as defined in the Zoning Ordinance), unless approved by the Public Works Director.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

B. **Non-residential meters.** Non-residential water meters (water meters servicing anything other

than a residence) shall be located as directed by the City.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

C. **Relocation of water meters.** An owner or developer of real property may request the City to relocate a water meter. Water meters shall only be relocated by the City, although the City may allow a contractor to move the meter if the work is coordinated with the City. All costs associated with relocating a water meter shall be borne by the developer or property owner requesting the relocation.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

D. **All meters.** All water meters shall be installed in an accessible location at least ten feet (10') from any building. The Water Section Manager may waive this requirement if he or she finds that, due to the circumstances related to the particular building being metered, the meter location requirement unnecessarily burdens the water user or the City.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

E. **Main lines.** All main lines shall be installed in a utility easement at least twenty feet (20') from any building or structure. The Water Section Manager may waive this requirement if he or she finds that, due to the circumstances related to the particular building being served, the main line location requirement unnecessarily burdens the water user or the City.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-7. Damages to line, box, or meter.

The developer or owner of the property shall be responsible for any damage the owner/developer or their agent causes to the lateral from the City main line to the meter box, the meter box or the meter, and shall pay any repair or replacement costs, including the costs of locating and uncovering the line or meter. The City shall determine at its sole discretion whether damages to the lateral, meter box, or meter require repair or replacement. Repairs shall be performed (1) by the City and charged to the water user (to the contractor or developer if the damages are made during construction), or (2) by a licensed contractor approved by the City. Any work performed pursuant to option (2) shall be completed to the satisfaction of the City at the water user's (or contractor/developer's) expense.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-5; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-8. Application for water services; fees.

A. Application. Application for water services shall be made with the Department of Administrative Services in the manner established by the department. By requesting services, the applicant agrees to keep current all payments for water supplied to the premises, and agrees to pay all costs of collection, including reasonable attorney fees and interest.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-6; Ord. No. O-98-0039, Amended, 09/08/98)

B. Payments required. Water service shall not be supplied to any applicant until all unpaid balances and all applicable fees, charges, and fines have been paid.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-6; Ord. No. O-98-0039, Amended, 09/08/98)

C. Monthly fee. All water users shall be charged a monthly fee for water supplied them. The rate, as well as other fees, charges and fines related to water service, shall be established by resolution of the City Council.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-6; Ord. No. O-98-0039, Amended, 09/08/98)

D. Billing cycle. Fees shall be paid according to billing cycles and procedures established by the City Manager.

E. Application of Payments. Payments on any City utility bill shall be applied as designated by City policy, although the water fee portion of the bill shall be paid last (if a customer pays only a portion of the City utility bill, all fees (other than the water fee), taxes, charges, surcharges and fines shall be paid in full before any amount is applied to the water fee portion of the bill).

F. Assumption. All bills sent to water users shall be deemed to be correct if they are not disputed by the water user within sixty (60) days from the issuance thereof.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-6; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-9. Deposit may be required.

A. When deposit required. The City may require that the applicant post a deposit to insure the payment of water bills as they arise in cases where the applicant has previously allowed a water account to become delinquent or if, for good cause, he is deemed by the City to be a credit risk. The deposit shall be in an amount deemed necessary by the Department of Administrative Services, and may be up to three times the average of the monthly bills for the previous six (6) months for the premises for which application is being made, or in the case of new premises or a new and

different use of existing premises, the deposit may be up to three times the estimated monthly bill.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-7)

B. Deposit when delinquent. The City may also require that any water user pay a deposit once his payments for water have become delinquent. This deposit may be in the amount of up to three times the average of the monthly bills for the previous six (6) months for the premises being served.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-7)

C. Additional delinquencies. If, after paying a deposit pursuant to Subsection (A) or (B) above, a water user allows his payments to become delinquent, the City may apply the deposit toward the unpaid bill and require that the water user post a further deposit.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-7)

D. Refund of deposit. If, after paying a deposit pursuant to Subsection (A) or (B) above, a water user pays all his water bills on time for twelve (12) consecutive months, the City shall refund the entire deposit upon the written request of the water user.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-7)

E. Failure to post deposit. If an applicant or water user refuses to post a deposit as required by this Section, the City may refuse to extend water service to him or may discontinue service to his premises.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-7)

21-1-10. Discontinuing water service.

A. Grounds for discontinuing service. The City may shut off the water to any premises for any of the following reasons:

1. Failure to pay a City utility fee or tax (water, sanitary sewer, storm sewer, solid waste, utility license tax, franchise fee, or any other fee, tax or component of the City utility bill).
2. Illegal or unauthorized hookup to the City's water system.
3. Failure to pay a deposit, when required.
4. Use of water in violation of any City, State or Federally imposed rationing or use limitation requirement.
5. Failure to install, test or maintain a backflow prevention assembly as required.
6. Removing or bypassing a required backflow prevention assembly without replacing the assembly.

7. Allowing an unprotected cross connection to exist on the premises.

8. The property being served has a condemned structure, a structure scheduled for abatement, a structure without a required occupancy permit, or has not passed a final inspection.

9. Failure to acquire a required pretreatment permit or Permit for Industrial Wastewater Discharge.

10. Failure to comply with a pretreatment permit or Permit for Industrial Wastewater Discharge.

11. Failure to pay a surcharge, fee or fine assessed pursuant to Chapter 20 (Wastewater Control and Treatment) of the Orem City Code.

12. Failure to comply with a Consent Order or Compliance Order issued pursuant to Chapter 20 (Wastewater Control and Treatment) of the Orem City Code.

13. Releasing materials into the City's sewer system that cause, or may cause, the City to violate its UPDES permit.

14. Releasing materials into the City's sewer system in violation of Chapter 20 (Wastewater Control and Treatment) of the Orem City Code.

15. Refusing to allow a City representative to read the water meter, refusing to allow a City representative to test or inspect for compliance with backflow prevention requirements, or failure to remove overgrowth or other obstructions from the vicinity of the water meter after receiving notice of the overgrowth or obstruction from the City.

16. Supplying water (by hose or other type of connection) to a user whose water service has been terminated by the City.

17. Failure to comply with any of the provisions or requirements of this Chapter (21-Water) of the Orem City Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-8; Ord. No. O-98-0039, Amended, 09/08/98)

B. Process. Water service shall not be discontinued until the water user has been afforded reasonable notice and an opportunity to be heard, unless the City determines that there is an immediate danger to the health, safety, or welfare of the community or any individual. Any hearing requested by the water user shall be held by the City Manager (or his or her designee) according to policies established by the City Manager.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-8; Ord. No. O-98-0039, Amended, 09/08/98)

C. Restoring service. Water service shall not be restored after being shut off until:

1. All money owed, including deposits, fines, fees and penalties, has been paid in full; and

2. The water service complies with all City requirements, including those related to backflow prevention and cross-connection control (this provision shall not be interpreted to require retrofitting unless (1) the water service was terminated for failure to comply with backflow and cross-connection requirements, or (2) if required as part of a city-wide retrofitting program); and

3. A field service fee in an amount established by resolution of the City Council has been paid. The field service fee may be charged any time a City representative is required to visit the premises, even if the water to the premises is not shut off.

Nothing in this section shall be interpreted to prohibit the Administrative Services Department from making other financial arrangements with customers to restore service pursuant to a policy developed by the department.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-8; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-11. Tapping into the system.

A. Tap in. It shall be unlawful for any person to tap into the City water system or open any closed valve in order to supply water to premises where services have not been established or have been discontinued by the City. In cases where the City has placed a lock on the water meter and the lock is damaged or destroyed in an attempt to obtain water for the premises, the water user shall pay the fee established by resolution of the City Council for replacing the lock, and shall reimburse the City for its costs in repairing or replacing the meter, if necessary.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-9)

B. Allowing tap in. It shall be unlawful for any person to allow any other person to tap into the water line or otherwise connect to the water system on his property in order to obtain water where the other person's water service has never been established or has been discontinued by the City. In the event that such occurs, the City may discontinue water service to the premises of the person allowing the illegal use of water.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-9)

21-1-12. Access to meters.

Access to water meters, and the water meters themselves, shall be kept free from brush, trees, bushes

or any other obstacles, including parked vehicles, so that the City has unobstructed access to the meter at all times. Authorized City employees shall have the right to enter premises furnished with water by the City for the purpose of examining, reading or servicing the meter, excavating or digging materials on or around the meter, determining the amount of water used or the manner in which used, or to shut off the water. It shall be unlawful for any person to deny access to the meter to any such employee lawfully doing his job. If a water user refuses to remove an obstruction, the City may remove it and the water user shall be liable for all the costs of doing so. Such costs may be added to the user's monthly bill, and if not paid, may be grounds for the discontinuance of water services to the premises.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-10)

21-1-13. Regulation of water use.

In times of water shortage, the City may limit the use of water for any purpose to the extent that the City Council deems necessary for the public good. In such cases, it shall be unlawful to use water except as allowed by the City. In addition to, or in lieu of criminal prosecution or other proceedings, the City may discontinue water services to the premises violating this section.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-11)

21-1-14. Backflow and cross connection control.

A. **Purpose.** This section has the following purposes:

1. To protect the City's water supply from contamination or pollution caused by backflow or cross-connections; and

2. To comply with federal, state and local requirements designed to provide safe drinking water.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

B. Requirements.

1. **Plumbing Code.** All users of the City's water system shall comply with the plumbing code adopted by the City. The Water Section Division Manager and the Building Official (or their respective designees) shall determine the appropriate backflow device(s) to be installed at each location.

2. **New residential connections.** All water meters installed as part of a new residential construction shall be equipped with a dual check valve or other backflow prevention device approved by the City to prevent water from the

residence side of the meter from backflowing into the City water system.

3. **Non-residential.** All non-residential water service lines shall be equipped with a backflow prevention device and/or cross-connection controls approved by the City. The City may require existing services to be retrofitted to comply with this requirement, including the installation of an appropriate relief valve.

4. **Inspections.** City representatives shall have authority to enter any property, structure or building serviced by the City water system to conduct backflow, cross-connection and hazard assessments, to conduct water quality analyses and audits, and to perform other examinations or inspections.

5. **Installation and Testing.** All backflow prevention devices and assemblies shall be installed and tested by a Certified Backflow Technician. The results of the test shall be mailed to the Department of Public Works, Water Section. Testing shall be performed as prescribed in the plumbing code adopted by the City. The water user is responsible for the maintenance, repair, testing, and replacement of required backflow prevention devices.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

C. **Failure to comply.** No water service connection to any premises shall be installed by the City unless the water supply is protected as required.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-15. Water System Construction, Maintenance, and Testing.

All construction associated with the water system shall be in accordance with the Safe Drinking Water Act, the plumbing code adopted by the City, and the most recently approved Construction Standards and Specifications of the City of Orem.

(Ord. No. O-94-0004, Enacted, 03/01/94; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-16. Utility license tax equivalent.

A. **Purpose.** The City imposes a utility license tax on utility companies providing natural gas, electricity, telephone and cable television service within the City. The utility license tax is a charge for, among other things, the utility's use of City streets, easements, and rights-of-way. The City's Water Resources Division is operated as an enterprise fund. The utility license tax equivalent set forth in this ordinance is to treat all users of the City's streets, easements, and rights-of-way,

including the City's Water Resources Division, fairly and equally.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-12; Ord. No. O-97-0029, Amended, 06/10/97; Ord. No. O-98-0039, Amended, 09/08/98)

B. Amount. In addition to all other rates, fees or charges of any kind for the use or maintenance of the City's culinary water, there is hereby levied an annual utility license tax in an amount determined by the City Council in the annual budget resolution. The tax shall be a percentage of the gross revenue derived from the use and maintenance of the City's culinary water system. All monies received under this section shall be general fund revenues of the City and shall be delivered to the City Treasurer within thirty (30) days of receipt.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-12; Ord. No. O-97-0029, Amended, 06/10/97; Ord. No. O-98-0039, Amended, 09/08/98)

C. Other fees. The City Council may also levy a fee in lieu of a utility license tax on all businesses, public or private, which through agreement with the City provide traditional municipal services or services deemed by the city to be utilities. This fee shall be equivalent to the utility license tax and shall be collected in the same manner.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-12; Ord. No. O-97-0029, Amended, 06/10/97; Ord. No. O-98-0039, Amended, 09/08/98)

21-1-17. Metropolitan Water District.

The Metropolitan Water District of Orem, established pursuant to the Metropolitan Water District Act, Section 17A-2-801 et seq., Utah Code Annotated (1953, as amended) is hereby acknowledged as the authorized and approved water district serving the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-13)

21-1-18. Unauthorized Use.

It shall be unlawful for any person or entity to use the City water system or a fire hydrant connected to the City water system without first obtaining permission from the City.

(Ord. No. O-94-0004, Enacted, 03/01/94)

21-1-19. Blue Stakes.

The City belongs to the "Blue Stakes" organization for the marking of underground utilities. Any person or excavator who fails to comply with the Damage to Underground Facilities Act as specified in U.C.A. §54-8a-1, et. seq., shall be liable to the City for the full amount of the damage to the City, plus any penalties imposed by the Act.

(Ord. No. O-98-0039, Enacted, 09/08/98)

21-1-20. Violations.

The City may pursue either or both of the following remedies against any person or entity that fails to comply with this ordinance:

A. Criminal prosecution. Each violation of this Chapter shall be a Class B misdemeanor. Each day a violation occurs shall constitute a separate offense.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-14; Ord. No. O-98-0039, Renumbered, 09/08/98, 21-1-19)

B. Termination of water service. The City may terminate water service to the premises of the person or entity violating the ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-14; Ord. No. O-98-0039, Renumbered, 09/08/98, 21-1-19)

Article 21-2. Drinking Water Source Protection

- 21-2-1. **Title, Purpose, and Applicability.**
- 21-2-2. **Definitions.**
- 21-2-3. **Drinking Water Source Protection Zones Delineated.**
- 21-2-4. **Prohibited and Restricted Uses Within Specific DWSP Zones.**
- 21-2-5. **Exclusions and Exemptions from DWSP Zone Prohibitions and Restrictions.**
- 21-2-6. **Land Management Strategies and Regulations for Specific Uses and Activities.**
- 21-2-7. **Non-Orem Drinking Water Source Protection Zones.**
- 21-2-8. **Development and Management Plan Approval.**
- 21-2-9. **Enforcement.**

21-2-1. Title, Purpose and Applicability.
 A. **Title.** This ordinance shall be known as the “Drinking Water Source Protection Ordinance.”
 (Ord. No. O-03-0009, Enacted, 04/01/2003)

B. **Purpose.** The purposes of this ordinance are to:

- 1. **Protect Drinking Water.** Protect the City’s drinking water by designating drinking water source protection zones surrounding City wellheads.
- 2. **Restrict Uses and Activities.** Restrict the types of uses and activities that can occur in each drinking water source protection zone.
- 3. **Require Land Management Practices and BMPs.** Require land management practices and best management practices to help prevent inappropriate discharges from entering the City’s drinking water supply.
- 4. **Control Dangerous Discharges.** Control, to the maximum extent allowed by law, inappropriate uses and potential discharges from properties in other jurisdictions that may negatively affect the City’s drinking water supply.
- 5. **Compliance.** Comply with Federal and State law, and applicable administrative rules.
 (Ord. No. O-03-0009, Enacted, 04/01/2003)

C. **Liberal Construction.** This ordinance shall be liberally construed to effect the purposes set forth herein.
 (Ord. No. O-03-0009, Enacted, 04/01/2003)

D. **Applicability.** The provisions and requirements of this ordinance apply to the following parties and the following uses of real property:

1. **Responsible Parties.** The following people and entities are responsible for complying with the provisions and requirements of this ordinance:

- a. **Owner.** The owner of the subject property.
- b. **Lessee or Occupant.** The lessee or occupant of the subject property.
- c. **Other.** Any other person or entity entitled to control, use, or occupy the subject property.

2. **Regulated Uses.** The provisions and requirements of this ordinance apply to the following uses of real property:

- a. **Existing Uses.** Uses existing at the time of enactment of this ordinance.
- b. **New or Changed Uses.** Any new development, expansion of an existing facility, new use, or change of use within the City of Orem.
- c. **Uses on Property Located Outside of Orem.** Uses of property located outside of the City of Orem to the extent regulation is allowed pursuant to State law or agreement between Orem and the appropriate jurisdiction.

3. **Conflict with Other Ordinances and Regulations.** This ordinance is designed to supplement, but not replace, other ordinances and regulations governing the use of property within the City of Orem, such as the City’s zoning ordinance and the City’s storm sewer ordinance. In case of conflict between this Ordinance and any other applicable ordinance or regulation, the more restrictive requirement shall prevail.

4. **Protection Afforded.** The degree of protection provided by this ordinance is considered adequate for regulatory purposes. This ordinance does not guarantee that public drinking water sources will be free from accidental or intentional discharges, nor does it create liability against the City of Orem, or any officer, employee or agent of the City of Orem, for damage or contamination to the public water supply.
 (Ord. No. O-03-0009, Enacted, 04/01/2003)

5. **Animal Feeding Operation.** A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained 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.

21-2-2. Definitions.

The following bolded words and phrases shall be defined as follows when used in this Article:

- A. **Animal Feeding Operation.** A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained 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.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. Animal Unit. 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.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. Best Management Practices (BMPs). A practice or combination of practices determined to be the most effective practicable means of preventing or reducing the amount of pollution to a level compatible with water protection and quality goals. BMPs may take into account technological, economic, and institutional considerations.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

D. City. The City of Orem, Utah.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

E. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

F. Design Standard. A control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard. Appropriate design standards for a given situation are approved by the City as part of the Development Review Committee (DRC) process.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

G. Drinking Water Source Protection (DWSP) Program. The program adopted by the City and approved by the State of Utah to protect drinking water source protection zones and management areas from contaminants that may have an adverse effect on the health of persons.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

H. Drinking Water Source Protection (DWSP) Zone. The surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system, through which contaminants are reasonably likely to move toward and reach such groundwater source.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

I. Extremely Hazardous Substances. Those substances which are identified in the Sec. 302(EHS) column of the "Title III List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) and Section 112(R) of the Clean Air Act, As Amended."

(Ord. No. O-03-0009, Enacted, 04/01/2003)

J. Groundwater Source. Any well, spring, tunnel, adit or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

K. Management Plan. A City-approved plan to manage existing contaminant sources which conforms with the City's adopted Drinking Water Source Protection plans.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

L. Non-point Source. Any diffuse source of pollutants or contaminants not otherwise defined as a point source.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

M. Point Source. Any discernible, confined, and discrete source of pollutants or contaminants, including but not limited to any site, pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten (10) animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

N. Pollution Source. Point source discharges 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, drain lines, and animal feeding operations with more than ten (10) animal units.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

O. Potential Contamination Source. Any facility or site, which employs an activity or procedure, which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

P. Person. An individual, association, partnership, corporation, limited liability company, or other entity.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

Q. Public Water System (PWS). A system, either publicly or privately owned, providing water for human consumption and other domestic uses, which has at least fifteen (15) service connections, or regularly serves an average of at least twenty-five (25) individuals for at least sixty (60) days out of the year. Such term includes collection, treatment, storage, and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment, or storage facilities used primarily in connection with the system but not under such control.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

R. Regulated Substances. Substances (including degradation and interaction products) which, because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material, may cause significant harm to human health and/or environment (including surface and groundwater, plants, and animals).

(Ord. No. O-03-0009, Enacted, 04/01/2003)

S. Sanitary Landfill. A disposal site where solid wastes, including putrescible wastes and hazardous wastes, are disposed of on land by placing earth cover thereon.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

T. Sanitary Sewer Line. A pipeline that connects a residence or other building with a sanitary sewer.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

U. Septic Tank/Drain-field System. A system, which is comprised of a septic tank and a drain field, which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

V. Spring. The ground surface outlet of a natural underground spring including spring collection and control boxes, valves, piping and other attachments.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

W. Storm Water Infiltration Structure. A structure (including sumps) that is intended to discharge storm water in a manner that it infiltrates groundwater.

X. Underground Storage Tanks. Underground tanks used for the storage of gas, oil or other hazardous substances.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

Y. Wellhead. The physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-3. Drinking Water Source Protection Zones Delineated.

The City has delineated four (4) drinking water source protection zones (DWSP Zones) for each of its drinking water wellheads. A map showing each City wellhead and the DWSP Zones for each wellhead is attached to this article and incorporated herein by reference. The boundary for each DWSP Zone was delineated using the following criteria:

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

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. Zone Two. Zone two is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. Zone Three. Zone three is the area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

D. Zone Four. Zone four is the area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

If any portion of a parcel lies within a DWSP Zone, the entire parcel shall be governed by the restrictions and requirements of that DWSP Zone. Parcels located within more than one DWSP Zone shall comply with the restrictions and requirements of the most restrictive DWSP zone covering the property.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-4. Prohibited and Restricted Uses Within Specific DWSP Zones.

The following uses and activities are prohibited within the specified DWSP Zones:

A. **Zone One.** The following uses and activities are prohibited in Zone 1:

1. **Disposal Sites.** Disposal sites for hazardous waste or materials are prohibited in Zone 1.

2. **Sanitary Landfills.** Sanitary landfills are prohibited in Zone 1.

3. **Unauthorized Discharges.** Discharging or permitting the discharge of any regulated substance, hazardous material, or petroleum product, whether treated or untreated, to soils, groundwater, or surface water, is prohibited in Zone 1, unless the discharge complies with applicable federal, state, and local regulations.

4. **Septic Tank/Drain Field Systems.** Septic tank/drain field systems are prohibited in Zone 1.

5. **Sanitary Sewer Lines.** Sanitary sewer lines are prohibited in Zone 1, unless (1) the sewer line is required to service an existing residence, and (2) the sewer line is a ductile iron pipe approved by the City.

6. **Agricultural Industries.** Agricultural industries, including animal feeding operations, feed lots, dairies, fur breeding operations and poultry farms, are prohibited in Zone 1.

7. **Underground Storage Tanks.** Underground storage tanks are prohibited in Zone 1.

8. **Pollution Sources and Potential Contamination Sources.** The usage, storage, dumping or spilling of any Pollution Source or Potential Contamination Source is prohibited in Zone 1.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. **Zone Two.** The following uses and activities are prohibited in Zone 2:

1. **Disposal Sites.** Disposal sites for hazardous waste or materials are prohibited in Zone 2.

2. **Sanitary Landfills.** Sanitary landfills are prohibited in Zone 2.

3. **Unauthorized Discharges.** Discharging or permitting the discharge of any regulated substance, hazardous material, or petroleum product, whether treated or untreated, to soils, groundwater, or surface water, is prohibited in Zone 2, unless the discharge complies with applicable federal, state, and local regulations.

4. **Septic Tank/Drain Field Systems.** Septic tank/drain field systems are prohibited in Zone 2.

5. **Agricultural Industries.** Agricultural industries, including animal feeding operations,

feed lots, dairies, fur breeding operations and poultry farms, are prohibited in Zone 2.

6. **Pollution Sources and Potential Contamination Sources.** The dumping or spilling of any Pollution Source or Potential Contamination Source is prohibited in Zone 2. A person may use or store a Pollution Source or Potential Contamination Source within Zone 2 under the following conditions:

a. **No Reportable Quantities.** If the Pollution Source or Potential Contamination Source is a hazardous substance, that the amount of the Pollution Source or Potential Contamination Source does not exceed the reportable quantity for that substance listed in 40 CFR 302.4, as amended; and

b. **Management Plan.** That the person implement a Management Plan approved by the City that is designed to ensure that the Pollution Source and/or Potential Contamination Source will not be spilled or released in a manner that may potentially contaminate ground water.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. **Zone Three.** The following uses and activities are prohibited in Zone 3:

1. **Disposal Sites.** Disposal sites for hazardous waste or materials are prohibited in Zone 3.

2. **Sanitary Landfills.** Sanitary landfills are prohibited in Zone 3.

3. **Unauthorized Discharges.** Discharging or permitting the discharge of any regulated substance, hazardous material, or petroleum product, whether treated or untreated, to soils, groundwater, or surface water, is prohibited in Zone 3, unless the discharge complies with applicable federal, state, and local regulations.

4. **Agricultural Industries.** Agricultural industries, including animal feeding operations, feed lots, dairies, fur breeding operations and poultry farms, are prohibited in Zone 3.

5. **Pollution Sources and Potential Contamination Sources.** The dumping or spilling of any Pollution Source or Potential Contamination Source is prohibited in Zone 3. A person may use or store a Pollution Source or Potential Contamination Source within Zone 3 under the following conditions:

a. **No Reportable Quantities.** If the Pollution Source or Potential Contamination Source is a hazardous substance, that the amount of the Pollution Source or Potential Contamination Source does not exceed the

reportable quantity for that substance listed in 40 CFR 302.4, as amended; and

b. **Management Plan.** That the person implement a Management Plan approved by the City that is designed to ensure that the Pollution Source and/or Potential Contamination Source will not be spilled or released in a manner that may potentially contaminate ground water. Management Plans shall not be required for septic tank/drain field systems and drain lines in Zone 3.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

D. **Zone Four.** The following uses and activities are prohibited in Zone 4:

1. **Disposal Sites.** Disposal sites for hazardous waste or materials are prohibited in Zone 4.
2. **Sanitary Landfills.** Sanitary landfills are prohibited in Zone 4.
3. **Unauthorized Discharges.** Discharging or permitting the discharge of any regulated substance, hazardous material, or petroleum product, whether treated or untreated, to soils, groundwater, or surface water, is prohibited in Zone 4, unless the discharge complies with applicable federal, state, and local regulations.
4. **Animal Feeding Operations.** Animal feeding operations with more than ten (10) animal units are prohibited in Zone.
5. **Pollution Sources and Potential Contamination Sources.** The dumping or spilling of any Pollution Source or Potential Contamination Source is prohibited in Zone 4. A person may use or store a Pollution Source or Potential Contamination Source within Zone 4 under the following conditions:

a. **No Reportable Quantities.** If the Pollution Source or Potential Contamination Source is a hazardous substance, that the amount of the Pollution Source or Potential Contamination Source does not exceed the reportable quantity for that substance listed in 40 CFR 302.4, as amended; and

b. **Management Plan.** That the person implement a Management Plan approved by the City that is designed to ensure that the Pollution Source and/or Potential Contamination Source will not be spilled or released in a manner that may potentially contaminate ground water. Management Plans shall not be required for septic tank/drain field systems and drain lines in Zone 4.

Nothing in this section shall be interpreted to prevent the City's use of storm water infiltration structures until it has completed a traditional piped storm water system. (Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-5. Exclusions and Exemptions from DWSP Zone Prohibitions and Restrictions.

The following exclusions and exemptions apply to the DWSP Zone prohibitions and restrictions set forth above. No exclusion or exemption shall apply to uses within DWSP Zone 1.

A. **Excluded Substances.** The following substances are not subject to the DWSP Zone prohibitions and restrictions, provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater.

1. **Normal Household Storage.** Regulated substances stored at residences that do not exceed 10 pounds or 5 gallons and are used for personal, family, or household purposes.
2. **Janitorial Products for Commercial Sites.** Products intended for use at a commercial site and solely for office or janitorial purposes. Such products must be stored in total quantities of less than 20 pounds or 10 gallons.
3. **Prepackaged Consumer Products.** Prepackaged consumer products available through retail sale to individuals for personal, family, or household use that are properly stored.
4. **Latex Paint.** Water-based latex paint.
5. **Fertilizers and Treated Seed.** Fertilizers and treated seed, when stored and applied in accordance with manufacturer's instructions, label directions and nationally recognized standards.
6. **Pesticides.** Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment, or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.
7. **Compressed Gases.** Compressed gases.
8. **Commercial Products.** Substances or mixtures, which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. **Continuous Transit.** The transportation of any regulated substance(s) through any DWSP Zone shall be allowed provided that the transporting vehicle is in continuous transit and meets the requirements of federal and state transportation requirements.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. Fuel and Lubricant Use. The use of any petroleum product solely as an operational fuel in a vehicle, or as an operational fuel in a landscaping or garden tool or device, or as a lubricant in any such vehicle, tool, or device shall be exempt from the provisions of the Ordinance. However, these spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations. (Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-6. Land Management Strategies and Regulations for Specific Uses and Activities.

The following land management strategies and regulations apply to existing and new uses and activities within a designated DWSP Zone.

A. Pollution Sources and Potential Contamination Sources. In DWSP Zones that allow pollution sources and potential contamination sources subject to the implementation of appropriate land management strategies and/or a Management Plan, the following regulations shall apply:

1. Storage Containers. All regulated pollution sources, potential contamination sources, and regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in this ordinance, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire-protection water discharged in the storage area (secondary containment). Storage containers, which are stored outside, must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state and federal standards.

2. Secondary Containment. Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections, which would allow leakage through the containment material.

a. Capacity. The secondary containment system shall have sufficient capacity to contain (1) 10 percent of the

volume of all the containers and 100 percent of the volume of the largest single container, whichever is greater, plus (2) the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and /or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in a timely a manner as necessary to prevent overflow of the system. Nonhazardous liquids may be drained in accordance with applicable regulations. If the collected material is a hazardous waste under Title 40 party 261 of the Code of Federal Regulations, it must be managed as a hazardous waste in accordance with all applicable requirement of Parts 262 through 266 of that regulation.

b. Containment Devices and Materials. Vacuum suction devices, absorbent scavenger materials or other devices approved by the Management Plan, shall be present on-site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances plus absorbent material.

3. Emergency Management Plan. An emergency management plan shall be prepared and filed with the DRC, the Public Safety Department, and the PWS indicating the procedures that will be followed by a regulated person in the event of the release of a pollution source, potential contamination source, or regulated substance from the person's property. The emergency management plan shall be designed to control and collect all such spilled material in such a manner as to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater may be required by the City to submit a Regulated Substances Management Plan for the facility. The written Plan will be used to demonstrate to the City that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this Ordinance. The Plan

should not be implemented without the approval of the City.

4. **Reporting of Spills.** Any spill of a regulated pollution source, potential contamination source, or a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR part 261, Subpart D), 40 CFR Appendix VIII-Hazardous Constituents and EPA Designations Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the City within 1 hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the City within 15 days of discovery of the spill.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. Best Management Practices. All potential contamination sources within a DWSP Zone shall incorporate and utilize Best Management practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this Ordinance to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the DRC, the Utah Department of Environmental Quality and the U.S. Environmental Protection Agency.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. Underground Storage Tanks. Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in DWSP Zone 2, 3 or 4 shall comply with applicable federal and state regulations and shall include a secondary containment system for the tank and associated underground piping, and an automatic leak detection system. A permit from the State of Utah shall be required for the removal or closure of underground storage tanks (USTs). Any leaking tanks must be pumped dry and removed from the ground by a state-licensed company. If removal of the UST(s) is not feasible, the lines shall be disconnected and capped and the tank shall be filled with an inert substance such as washed sand. Best management practices implementation is required for all underground storage tanks.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

D. Septic Tank/Field Drain Systems. No person shall place, maintain, or operate onsite sewage disposal from a septic tank/field drain system within DWSP Zone 1, DWSP Zone 2, or within 300 feet of any public

street in which a public sewer is laid. Septic systems in DWSP Zones 3 and 4 shall comply with applicable state and local regulations. Non-residential activities, which have septic tank systems, shall have installed a 4-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner, which will permit ready access by City personnel to extract representative samples to check for improper unauthorized disposal of regulated substances.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

E. Sewage Collection, Transmission and Disposal. No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the City.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-7. Non-Orem Drinking Water Source Protection Zones.

Other public water systems adjacent to the City of Orem may also develop drinking water source protection zones for their wellheads. Such drinking water source protection zones may extend into City of Orem boundaries. If another public water system has a DWSP Plan approved by the State of Utah, and if such public water system is willing to acknowledge and protect Orem's DWSP zones, then the Orem City Manager may enter into an agreement with such water system providing for the reciprocal acknowledgment and protection of each other's DWSP zones. Upon execution of such an agreement, Orem may regulate development and property usage within the other public water system's drinking water source protection zones located in Orem in the same manner that it may regulate development and property usage within its own drinking water source protection zones, and all provisions and requirements of this ordinance shall apply equally to the other public water system's drinking water source protection zones located in Orem.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-8. Development and Management Plan Approval.

Any person desiring to (1) develop undeveloped property within a DWSP Zone, or (2) expand an existing structure or facility within a DWSP Zone, or (3) change the use of any real property within a DWSP Zone, or (4) engage in an activity that is restricted by a given DWSP Zone, shall submit a Management Plan to the City. No Management Plan will be required if the proposed development, use or activity is not restricted or prohibited by this Ordinance.

A. Content of Management Plan. The Management Plan shall incorporate land management

strategies and Best Management Practices designed to manage existing contaminant sources and to protect the groundwater from any type of potential contamination. The City will work with an applicant in developing an appropriate Management Plan for a given site.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. Review and Approval of Management Plan by DRC. The DRC shall review all new developments and changes to existing developments to determine if they comply with the requirements of this Ordinance. The DRC shall also review all Management Plans to determine if they comply with the requirements of this ordinance.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. Restriction on Development, Uses, and Activities without DRC Approval. No site plan, conditional use permit, building permit or subdivision plat shall be approved by the City unless the DRC determines that the development of the property, the uses of the property, and the activities on the property comply with the requirements of this ordinance, including the approval of any required Management Plan. The DRC may reject any Management Plan failing to meet the requirements of this Ordinance.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

21-2-9. Enforcement.

The City may pursue any or all of the following non-exclusive remedies for violations of this ordinance:

A. Nuisance Abatement. The following activities shall be deemed a nuisance and may be abated pursuant to the provisions of Article 11-1 of the Orem City Code:

1. Violation of DWSP Zone Restriction.

Any violation of a DWSP Zone restriction or prohibition may be abated as a nuisance.

2. Violation of Approved Management Plan.

Any violation of a requirement of a Management Plan approved by the City pursuant to this ordinance may be abated as a nuisance.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

B. Criminal Prosecution. Each violation of this ordinance is a Class B misdemeanor. Each day a violation occurs shall constitute a separate offense.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

C. Injunctive Relief. The City may seek injunctive relief from any court of competent jurisdiction to restrain violations of this ordinance and/or to order compliance with this ordinance.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

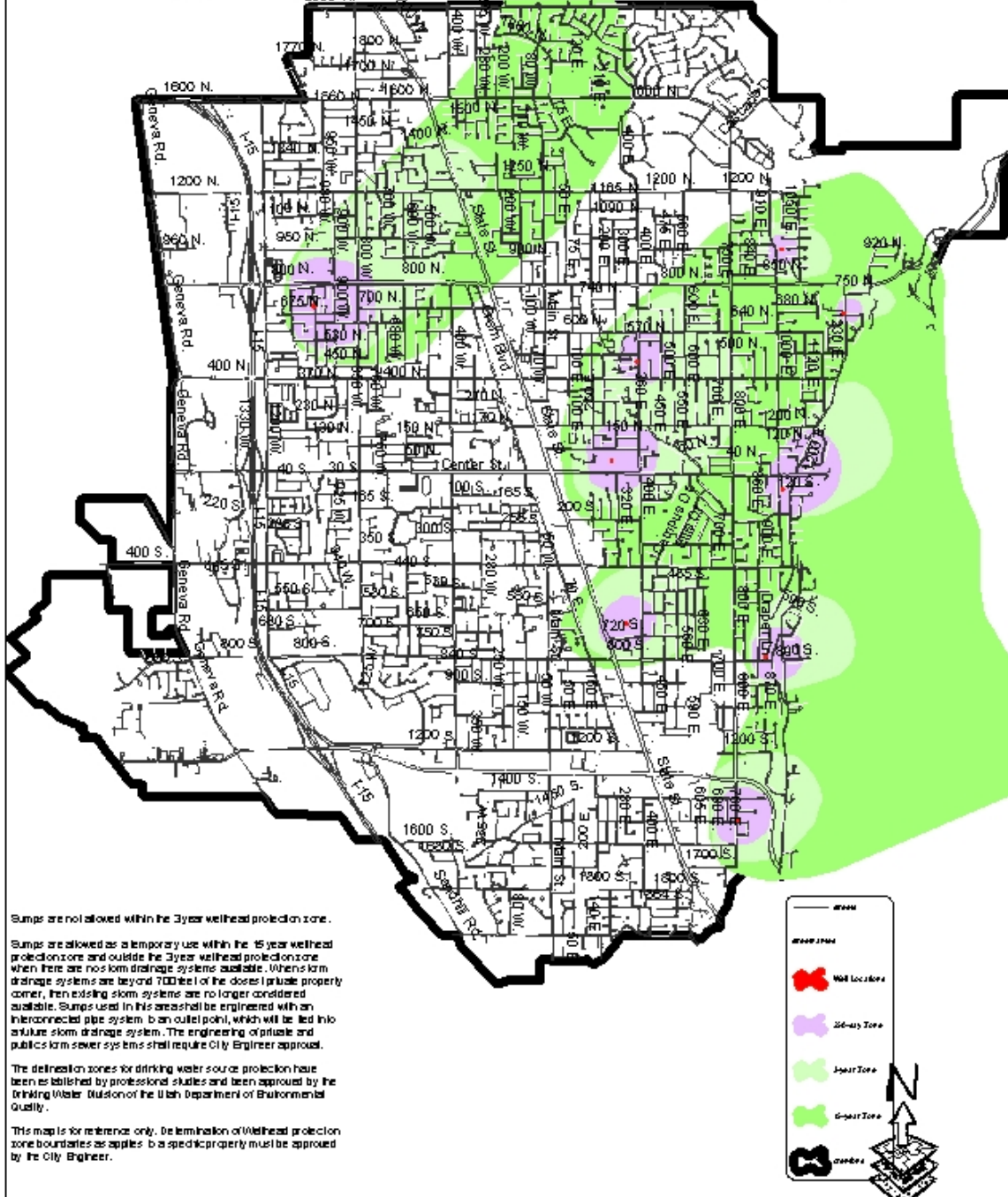
D. Civil Damages. In addition to other civil remedies that may be available at law or equity, any

person subject to regulation under this Ordinance shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the City and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the discharge or threatened discharge of a regulated substance as defined by this Ordinance. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from the discharge of any regulated substance or material which creates, or is expected to create, an emergency hazardous situation.

(Ord. No. O-03-0009, Enacted, 04/01/2003)

City of Orem

Wellhead Protection Zones



Sumps are not allowed within the 3-year wellhead protection zone.

Sumps are allowed as a temporary use within the 15-year wellhead protection zone and outside the 3-year wellhead protection zone when there are no storm drainage systems available. Where storm drainage systems are beyond 100 feet of the domestic private property corner, then existing storm systems are no longer considered available. Sumps used in this area shall be engineered with an interconnected pipe system to an outlet point, which will be tied into a future storm drainage system. The engineering of private and public storm sewer systems shall require City Engineer approval.

The delineation zones for drinking water source protection have been established by professional studies and been approved by the Drinking Water Division of the Utah Department of Environmental Quality.

This map is for reference only. Determination of Wellhead protection zone boundaries as applies to a specific property must be approved by the City Engineer.