



## ORDINANCE 2025-04

### AN ORDINANCE AMENDING TITLES 7, 8, AND 9 OF THE TOWN CODE TO CONFORM TO AND BE CONSISTENT WITH UTAH STATE CODE AND APPLICABLE CASE LAW

**WHEREAS**, the Town Attorney's office has conducted a comprehensive and thorough review of Titles 7 through 9 of Town Code to review the code based on recent State Code changes and applicable case law; and

**WHEREAS**, based on this review, the Town Attorney has proposed numerous changes throughout Titles 7 through 9 to provide consistency and compliance with the Utah State Code and applicable case law; and

**WHEREAS**, Town staff and the Town Attorney have reviewed the proposed changes and recommend their adoption by the Town Council, and

**WHEREAS**, the Town Council determines that modifying Titles 7 through 9 as proposed by the Town Attorney and Town Staff is necessary to provide for a town code that is consistent and compliant with the Utah State Code and applicable case law;

**NOW THEREFORE BE IT ORDAINED** by the Springdale Town Council that Titles 7, 8, and 9 of the Springdale Town Code are amended as shown in the attached pages of the Town Code.

ADOPTED by the Springdale Town Council this 9th day of April 2025.



Barbara Bruno, Mayor



Aren Emerson, Town Clerk

| ROLL CALL VOTE |     |    |
|----------------|-----|----|
| R. Aton        | Yes | No |
| B. Bruno       | Yes | No |
| J. Burns       | Yes | No |
| P. Campbell    | Yes | No |
| K. Topham      | Yes | No |

## Title 7 PUBLIC WAYS AND PROPERTY

### CHAPTER 1 STREETS, SIDEWALKS AND PUBLIC WAYS

#### 7-1-1: DEPARTMENT OF STREETS:

- A. *Creation:* There is hereby created a Department of Streets, which shall have general supervision of streets, sidewalks, bridges and other public ways.
- B. *Superintendent:* The department shall be under the direction and control of the Streets Superintendent.
- C. *Powers and duties:* The department shall:
  - 1. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways, whether originating from storm, flood, drainage or irrigation waters.
  - 2. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.
  - 3. Enforce the provisions of this chapter and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.
  - 4. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair.

(Ord. 4-94, 3-3-1994)

#### 7-1-2: OBSTRUCTIONS IN STREETS:

It shall be unlawful for any person owning, occupying or having control of any premises to place or permit to be placed upon or in the sidewalk, parking area, gutter or on the half of the street next to such premises any material, vehicle, or equipment that would obstruct the public way without a permit.

(Ord. 4-94, 3-3-1994; amd. 2001 Code)

#### 7-1-3: DISCHARGE OF WATER:

It shall be unlawful for any person owning, occupying or having control of any premises to fail, refuse or neglect to prevent water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk.

(1976 Code § 11-365)

## CHAPTER 2 STREET AND SIDEWALK CONSTRUCTION

### 7-2-1: PERMIT REQUIRED; INSPECTION:

- A. *Required:* No person, either as owner, agent, servant, contractor or employee, shall construct any permanent streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways or other public ways for public use without first obtaining from the Department of Public Works a permit to do so. The permit shall specify the construction design standards and details.
- B. *Unlawful violation of specifications:* It shall be unlawful to construct streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways in violation of the specifications given by the construction design standards and details.
- C. *Inspection:* All streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways shall be inspected by the Streets Superintendent or his duly authorized representative.

(Ord. 4-94, 3-3-1994; amd. 2001 Code)

### 7-2-2: CONFORM TO ESTABLISHED SPECIFICATIONS:

It shall be unlawful for any person either as owner, agent, servant, contractor or employee to construct a street or sidewalk which does not conform to specifications established by the construction design standards and details, Town Engineer or other authorized representative of the Town unless special permission to deviate from such specification is first obtained from the Town Council.

(Ord. 4-94, 3-3-1994)

### 7-2-3: DRIVEWAYS; CHANGING EXISTING CONSTRUCTION:

It shall be unlawful for any person to construct a driveway across a sidewalk or cut or change the construction of sidewalk, curb or gutter without first making written application and obtaining from the Department of Public Works a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the Town.

(Ord. 4-94, 3-3-1994; amd. 2001 Code)

### 7-2-4: BUILDING MATERIALS IN STREET; PERMIT:

It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the Department of Public Works a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the Town Council. Any such permit may be revoked by the Town Council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the Town Council, the public interest requires such revocation.

(Ord. 4-94, 3-3-1994; amd. 2001 Code)

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## **7-2-5: MIXING, PLACING CONCRETE ON PAVED STREETS OR SIDEWALKS; PERMIT:**

Unless a permit from the Department of Public Works has been obtained, it shall be unlawful to:

- A. *Place, pile or permit:* Place or pile or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.
- B. *Make, mix or permit:* Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk.

(Ord. 4-94, 3-3-1994)

## **7-2-6: OVERFLOWING OF WATER:**

It shall be unlawful for any person to allow water to overflow from any ditch, canal, well or irrigation stream onto the streets, sidewalks or property of the Town.

(Ord. 4-94, 3-3-1994)

## **CHAPTER 3 [Reserved for Future Use]**

## **CHAPTER 4 MUNICIPAL PROPERTY, USE AND CONTROL**

### **7-4-1: UNLAWFUL USE:**

Unless authorized by permit or other written authorization issued by the Town, or unless authority is granted by provisions of this Code or other ordinance of the Town now or hereafter enacted, it shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to:

- A. *Property controlled by Town:* Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by the Town, any utility, canal, ditch, construction or building.
- B. *Restricted areas:* Enter upon any property of the Town contrary to any posting or marking restricting or prohibiting use of the area.
- C. *Damage to property:* Intentionally use or perform acts upon property of the Town which materially impairs, alters or damages the property.

(Ord. 2-94, 1-10-1994; amd. 2001 Code)

### **7-4-2: REPAIR AFTER UNLAWFUL USE:**

The Town Council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of the Town to repair or restore the property to its original condition prior to the damage, alteration or change.

(Ord. 2-94, 1-10-1994)

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### **7-4-3: FRANCHISE; EASEMENT:**

- A. *Provisions:* The Town Council may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of the Town, and the provisions of sections 7-4-1 and 7-4-2 of this chapter shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.
- B. *In writing:* Any franchise or easement granted by the Town shall be in writing and any franchise or easement not in writing shall be void.

(Ord. 2-94, 1-10-1994)

### **7-4-4: ACTS EXEMPTED:**

It shall not be a violation of this chapter where any person uses the public property of the Town in the manner or for the purpose for which such property has been made available for public use.

(Ord. 2-94, 1-10-1994)

## **CHAPTER 5 CEMETERIES**

### **7-5-1: NAME:**

The burial ground of this Town shall be known and designated by the name of Springdale Jolley-Gifford Cemetery.

(Ord. 2-94, 1-10-1994)

### **7-5-2: DEFINITIONS:**

The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

*Certificate of right:* Legal document issued by the Town of Springdale which transfers a burial lot to the lot owner or purchaser for the interment of a human body. The certificate shall list the name of the lot owner or purchaser, the location of the burial lot, the name and location of the cemetery, the purchase price and date of sale, and the signature of the Town Sexton or other designated representative of the Parks and Recreation Department.

*Lot:* Shall include the partial lots or single graves in the Town Cemetery.

*Lot owner or purchaser:* The owner or purchaser of any burial lot shall be evidenced by a certificate of right.

*Nonperpetual care:* Shall refer to the filling of graves, placing topsoil on graves, seeding with grass seed and at reasonable intervals watering and cutting the grass. There shall be no perpetual care lots within cemeteries governed by this chapter.

(Ord. 2-94, 1-10-1994; amd. 2001 Code; Ord. 2013-02, 4-17-2013)

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### **7-5-3: APPLICABILITY:**

All cemeteries owned and/or maintained by the Town, or which may be hereafter acquired by the Town, wherever situated, are hereby declared subject to the provisions of this chapter, excepting the old cemetery which is located just north of Paradise Road. The "Pioneer Cemetery, also known as the O.D. Gifford Cemetery", has not been used in the recent past, nor will it be used in the future, for burial purposes.

(Ord. 2013-02, 4-17-2013)

### **7-5-4: TOWN SEXTON:**

- A. *Created:* There is hereby created the position of Town Sexton.
- B. *Duties:* The Town Sexton shall have the general supervision and administration of the Town Cemetery, including, but not limited to:
  - 1. Recommending to the Parks and Recreation Director such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
  - 2. Subdividing the cemetery into lots and gravesites.
  - 3. Maintaining a record of the location and disposition of unused lots, reserved lots and graves and preventing any lot from being used beyond its capacity.
  - 4. Keeping in proper repair any fencing or walls around the cemetery and preventing it from being entered into by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
  - 5. Opening any graves in the cemetery upon application to him being made by a funeral director or any other responsible party. The required fees must be paid to the Town and vital statistics information provided to the Town Sexton.
  - 6. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than seven days after original placement, except in emergency.
  - 7. Keeping the cemetery in good order and unobstructed, including streets and parking lots.

(Ord. 2013-02, 4-17-2013)

### **7-5-5: SALE OF LOTS:**

- A. *Sale:*
  - 1. *Authority; records; certificate:* The Town Sexton, and such other person as the Town Council may designate, are hereby authorized to sell the use of lots in the Town Cemetery for burial purposes only and to collect all sums arising from the sale. The Town Sexton shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefor. The Town Sexton or designated person shall deliver to each purchaser a certificate of right for each lot purchased, which certificate shall among other things, describe the location of the lot, the purchase price and the date of payment. The certificate shall be signed by the Town Sexton or his designated appointee.
  - 2. *Application of charges:* A certificate of right shall be exempt from execution, taxation or assessment other than burial charges, for care and maintenance from and after full payment of the purchase price.

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Payments made pursuant to this section shall not be construed to be payment for burial charges or other cemetery services, if any.

3. *Improvements or changes:* No improvements or changes, other than headstones and holders for cut flowers, shall be made to any lot without the certificate holder or his heirs first submitting to and receiving from the Town Sexton, written approval for such improvements or changes, which improvements or changes shall be subject to the rules and regulations promulgated by the Town Council.

B. *Resale restrictions:*

1. From and after May 1, 1978, the lots sold by this Town shall not be further sold, transferred, conveyed or assigned to any person or entity except the Town. The Town hereby agrees to buy back any Town Cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.
2. Whenever a certificate of right reverts to the Town, as provided for in this subsection, or becomes vested in the Town for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.
3. The certificates shall be issued and signed by the Town Sexton or his designated appointee. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment other than burial charges from and after said payment.

(Ord. 2-94, 1-10-1994; amd. 2001 Code; Ord. 2013-02, 4-17-2013)

### **7-5-6: FEES AND CHARGES:**

A. *Collection of fees:* The Town Sexton, and such other persons as the Town Council may designate, are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include, but not be limited to, properly interring or disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amounts as are determined by the Town Council from time to time by resolution.

B. *Fee to be paid for opening grave:*

1. *Required:* No grave shall be opened in the Town Cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid to the Town and vital statistics information provided to the Town Sexton.

C. *Purchase price and fees established:* The Town Council shall from time to time by resolution fix the price at which burial rights shall be sold and the fees which shall be charged for various cemetery services to be provided.

(Ord. 2-94, 1-10-1994; Ord. 2013-02, 4-17-2013)

### **7-5-7: BURIALS; CEMETERY REGULATIONS:**

A. *Vital statistics required:* Before any deceased person is buried in the Town Cemetery, the mortuary or family representative must provide the Town Sexton with a burial transit permit if the remains crossed state lines, or a cemetery statistics report of the deceased's vital statistics, the information thereon to be entered into the cemetery records. After burial, the Town Sexton or his designated appointee shall endorse upon the permit or report a description of the location where the deceased is buried and shall enter all the

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information contained in the permit or report in the cemetery records. The Town Sexton or designated appointee shall supervise every interment and shall fill up and neatly trim the grave immediately after depositing the coffin and trim up all graves that have or may hereafter settle.

- B. *Certificate of right required:* It shall be unlawful for any person to bury the body of a deceased person in the Town Cemetery without first obtaining a certificate of right for the lot used.
- C. *Burials and disinterment; prohibited acts and activities:*
  - 1. It is an infraction, subject to penalty as provided in section 1-4-1 of this Code, for any person to:
    - a. Disinter any body buried in any cemetery, except under the direction of the Town Sexton who shall, before disinterment, require a written permission from both the Washington County health officer or coroner and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
    - b. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
  - 2. It is an infraction, subject to penalty as provided in section 1-4-1 of this Code, to inter anything other than the remains or cremains of human bodies in the cemetery.
  - 3. It is an infraction, subject to penalty as provided in section 1-4-1 of this Code, to bury the body of any person within this Town except in the Springdale Jolley - Gifford Cemetery, a private cemetery, or other Town Cemetery hereafter acquired, unless by special permission of the Town Council under such rules and regulations that it may prescribe.
- D. *Vaults required:*
  - 1. It shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel or brick lined, or of such other material approved by the Southwest Utah Public Health Department, substantially constructed and covered with a similar durable material.
  - 2. No wood shall be used as a permanent part of the construction of any part of the vault.
- E. *Sale subject to rules:* Every lot or single grave sold is subject to rules and regulations that have been or may be adopted by resolution of the Town Council. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.
- F. *Care reserved:* The Town reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.
- G. *Orders and responsibilities for errors:* Under no circumstances will the Town assume responsibilities for errors in opening graves when orders are given by telephone.
- H. *Traffic rules:*
  - 1. The provisions of the Town traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the Town Cemetery, except as herein otherwise modified by this chapter.
  - 2. It shall be unlawful for any person to ride or drive within the Town Cemetery at a speed greater than five miles per hour.
- I. *Children:* Children under the age of eight years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of

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adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

- J. *Animals on leash:* No animals shall be allowed in any cemetery unless controlled on a leash not to exceed six feet in length. The animal owners shall dispose of pet waste appropriately.
- K. *Decorum:* Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons.
- L. *Injury to cemetery property prohibited:*
  - 1. It is a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.
  - 2. It shall be an infraction, subject to penalty as provided in section 1-4-1 of this Code, for any person except the Town Sexton to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery.
- M. *Landscaping by private persons:* Except as provided by the rules and regulations adopted by resolution of the Town Council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley or walk in the cemetery, or to grade the ground or land thereof. The Town Sexton shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.
- N. *Placement of markers:* It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery without first receiving authorization from the Town Sexton. All work in the cemetery shall be done under the supervision and authority of the Town Sexton.
  - 1. *Ownership and responsibility:* Headstones are personal property. All monuments within the cemetery are the property of lot owners, their heirs or the responsible party that ordered and placed them. All care and upkeep of monuments is the responsibility of the owner. The Town provides care and maintenance of the cemetery grounds and desires to limit its liability for inadvertent scratches and/or chips that may occur as a result of this maintenance.
  - 2. *Requirements:* No headstones, monuments or markers may exceed 36 inches aboveground. Flat or flush monuments are strongly preferred. All headstones, monuments or markers must have a concrete border six inches wide installed flush with the surface of the lawn. All permanent vases must be attached to the monument, stone base or cast into the concrete border. No vases separate from the memorial will be permitted. Memorials will be placed in an orderly manner in designated rows as directed by the Town Sexton. Flat markers, level with the ground, may be installed between established rows, with the approval of the Town Sexton. No vases or containers, permanent or otherwise, will be permitted on these markers. Only one raised marker is permitted per grave. Monuments and markers must be placed within the boundary of the grave or graves, in conformity with established rows.
- O. *Additional rules and regulations:*
  - 1. *Authority:* The Town Council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.
  - 2. *Booklet published:* The Town Sexton may from time to time, as the Town Council deems necessary, amend and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the Town Cemetery. Such rules and regulations shall constitute a part of the terms and conditions

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under which owners and users may utilize the cemetery and shall form a supplement to this chapter after they have been adopted as official by resolution of the Town Council.

3. *Amendments:* Any change in the rules and regulations shall be adopted by the Town Council before such changes shall be official.

(Ord. 2-94, 1-10- 1994; amd. 2001 Code; amd. Ord. 2013-02, 4-17-2013)

#### **7-5-8: NONPERPETUAL CARE LOTS:**

- A. *Maintenance required:* All lots shall be nonperpetual care. Care and maintenance of all lots shall be provided for by certificate sales, burial charges and such donations from the Town and private sources as may be received.

(Ord. 2-94, 1-10-1994)

#### **7-5-9: INDIGENTS:**

- A. *Authority for burial:* Upon presentation of proof submitted to the Mayor by the Town Sexton that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the Mayor may grant burial space for such deceased person at the request made to him by the Town Sexton.
- B. *Notification to Town officials:* The Mayor shall communicate his decision to the Town Sexton. The Mayor shall give report of his decision, whether affirmative or negative, to the Town Council at its next regular meeting.
- C. *Strangers:* All strangers without funds or other persons who may die in the Town may be granted the privilege described herein.

(Ord. 2-94, 1-10-1994; amd. 2001 Code; Ord. 2013-02, 4-17-2013)

### **CHAPTER 6 PARKS AND RECREATIONAL AREAS**

#### **7-6-1: PURPOSE:**

The purpose of this chapter is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the Town.

(Ord. 2-94, 1-10-1994)

#### **7-6-2: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

*Animals:* Includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park or recreation area.

*Crossing:* Any crossing whether marked by a pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street or highway.

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*Curb:* Any boundary of any street, road, avenue, boulevard or drive, whether or not marked by a curb.

*Park attendant:* Any person employed by the Town of Springdale as a parks attendant to perform duties or tasks within the park and recreation areas.

*Path:* Any foot path, walk or any path maintained for pedestrians.

*Pedestrian:* A person afoot.

*Permit:* Any written license issued by or under the authority of the Town Clerk permitting a special event or activity on park facilities.

*Person:* Any natural person, corporation, company, association, joint stock association, firm or copartnership.

*Soliciting:* Persons selling goods or services by sample or taking orders for future delivery or any other commercial activities with or without accepting advance payment for the goods. Persons seeking any form of contributions.

*Stopping or standing:* When prohibited, means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic, including horses and bicycles.

*Traffic:* Pedestrians, ridden or herded animals and vehicles, either singly or together.

*Vehicle:* Any conveyance (except baby carriages), including motor vehicles, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, pushcarts or vehicles propelled by other than muscular power. Also any horse or horse-drawn conveyance.

*Vending:* Selling or trading any item or service.

(Ord. 2-94, 1-10-1994; amd. 2001 Code)

### **7-6-3: APPLICABILITY:**

This chapter shall apply in all parks and recreation areas under the jurisdiction of the Town, unless expressly exempted. The Town Manager shall be responsible for issuance of permits, temporary designations, authorizations, approvals and other actions provided by this chapter.

(Ord. 2-94, 1-10-1994)

### **7-6-4: CONSTRUCTION:**

In the interpretation of this and all succeeding park and recreation area ordinances, the provisions shall be construed as follows:

- A. Any term in the singular shall include the plural.
- B. Any term in the masculine shall include the feminine.
- C. Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- D. No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the Town in the line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the Town.
- E. Any act otherwise prohibited by law or this chapter shall be lawful if performed under, by virtue of, and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

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(Ord. 2-94, 1-10-1994; amd. 2001 Code)

#### **7-6-5: ENFORCEMENT:**

- A. *Authority:* The Public Safety Department shall, in connection with duties imposed by law, diligently enforce the provisions of this chapter.
- B. *Violators:* The Public Safety Department shall have the authority to order any person or persons acting in violation of this chapter to leave the park or recreation area.

An officer with the Public Safety Department shall give a verbal warning to any person camping on a Town park or recreation area in violation of this chapter to vacate the area within one hour. Any camper who remains after the one hour warning period shall be deemed in violation of this chapter.

(Ord. 2-94, 1-10-1994; amd. 2001 Code)

#### **7-6-6: STRUCTURES, PLANTS, TREES, EARTH, RUBBISH:**

It shall be unlawful for any person in a public park or recreation area to:

- A. *Injury to facilities:* Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- B. *Unsanitary restrooms:* Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.
- C. *Removal of materials:* Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agent.
- D. *Construction:* Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.
- E. *Plant injury:* Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
- F. *Climbing trees; unauthorized use of property:* Climb any tree or walk, climb, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- G. *Attachments to structures:* Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench or other structure in a way that is likely to cause damage or harm to property.
- H. *Pollution of water:* Throw, discharge or otherwise place or cause to be placed in the waters of any fountains, ponds, lakes, streams or other bodies of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- I. *Litter:* Take into, carry through or put into any park, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not

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provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

- J. *Animals at large:* Cause or permit to run loose any animal, except as provided for in section 5-2-13 of this Code.
- K. *Tying animals:* Tie or hitch an animal to any tree or plant.
- L. *Disturbing wildlife; exception:*
  - 1. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.
  - 2. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight unless prohibited by state or federal law.
- M. *Riding outside trails:* Ride a horse except on designated bridle trails; horses shall be thoroughly broken and properly restrained, ridden with due care and shall not be allowed to graze or go unattended.
- N. *Domestic animals without leash; removal of waste:* Walk a domestic animal without a leash, said leash to be no longer than six feet, except as provided for in section 5-2-13 of this Code. Further, the owner or person having custody of said domestic animal shall be responsible for removal of any animal solid waste.

(Ord. 2-94, 1-10-1994; amd. 2001 Code; Ord. 2007-03, 3-14-2007)

## **7-6-7: VEHICLES:**

It shall be unlawful for any person in a public park or recreation area to:

- A. *Driving on unpaved areas:* Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.
- B. *Parking outside designated area:* Park a vehicle anywhere except on a designated parking area.
- C. *Leaving after closing hours:* Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation areas are closed. During a snowstorm and for three days thereafter, established parking areas in parks and recreation areas may be utilized for parking, but not by trailers of any kind.
- D. *Bicycles:* Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- E. *Washing vehicle:* Wash any vehicle.
- F. *Overloaded vehicles:* Drive or operate within the parks any bus or vehicle adapted for more than 12 passengers; any hearse, truck or tractor, or vehicle used for advertising; provided, that taxis, buses and trucks may be used to carry visitors to the parks and recreation areas.
- G. *Demonstrating, repairing, cleaning:* Use the parks, park drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle, nor shall any person use any park area, including parking places, for the repairing or cleaning of any vehicle, except in an emergency.

(Ord. 2-94, 1-10-1994)

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## **7-6-8: WEAPONS, TOOLS:**

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area:

- A. Any BB gun, air gun, spring gun, slingshot, bow or other weapon in which the propelling force is a spring or air.

(Ord. 2-94, 1-10-1994; amd. 2001 Code; Ord. No. 2023-02, 2-8-2023)

## **7-6-9: EXPLOSIVES AND FIREWORKS:**

It shall be unlawful for any person to have in his possession or set off any explosives or fireworks. Permits may be given for conducting properly supervised fireworks in designated park areas.

(Ord. 2-94, 1-10-1994)

## **7-6-10: ADVERTISING, ASSEMBLAGES, ENTERTAINMENT:**

- A. *Prohibitions:* No person may post, paint, affix, distribute, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement.
- B. *Activities requiring permit:* No person shall do any of the following without a permit; provided, that no permit shall be required for any action or event sponsored by the Town:
  1. Display any advertising signs or other advertising matter; provided, that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.
  2. Operate for advertising purposes any musical instrument, soundtrack or drum.
  3. Hold public assemblages.
  4. Conduct exhibitions.

(Ord. 2019-01, 7-10-2019)

## **7-6-11 MERCANDISE, SALE, COMMERCIAL ACTIVITIES PROHIBITED:**

No person shall expose or offer for sale any article or otherwise engage in commercial activities in any park or recreation area, except on special written permit issued hereunder.

(Ord. 2-94, 1-10-1994)

## **7-6-12: IGNITABLE AND COMBUSTIBLE MATERIALS:**

No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush.

(Ord. 2-94, 1-10-1994)

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### **7-6-13: ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, GAMBLING:**

- A. While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner.
- B. No person may use or possess a controlled substance in any public park or recreation area.
- C. No person may be under the influence of intoxicating liquor or a controlled substance in a public park or recreation area. For purposes of this section 7-6-13, a "recreation area" is defined to mean any public trail or open space area.
- D. Other than as specifically allowed under subsection E., no person may possess or drink any alcoholic beverage in a public park or recreation area.
- E. The Town Council may authorize beer or wine to be sold and consumed at an event on the ball field based on the following conditions and standards:
  - 1. The event organizer has signed an indemnity agreement, the form of which will be provided by the Town of Springdale.
  - 2. The event organizer has, in the opinion of the Town Council, provided proof of adequate insurance that names the Town of Springdale as an additional insured for both general liability and alcohol liability. At the Town's request, the event organizer shall provide full copies of any policies that are issued in accordance with this requirement, and if the Town determines that any policy is inadequate or is inconsistent with certificates of insurance provided to the Town, the Town Council may revoke its authorization.
  - 3. The event organizer has received a large outdoor event permit from the Town of Springdale under section 10-22-3 of this Code.
  - 4. The event organizer or alcohol retailer has received a temporary beer permit or single event permit, as applicable, from the Utah Department of Alcoholic Beverage Services.
  - 5. The event organizer has provided a security plan that has been approved by the Chief of Police.
  - 6. The event organizer has demonstrated to the satisfaction of the Town Council that the organizer has the experience and expertise needed to organize the event. The Town Council may request and consider any relevant information related to this requirement, including but not limited to the following:
    - a. A list of past events organized by the same person or company, including type of permit and location of events.
    - b. A list of references from past events who can attest to the organizer's ability to comply with alcoholic beverage control standards.
  - 7. The event promotes and supports the Town's identity and village character as defined in the General Plan and does not include any activity or performance that is indecent, obscene, or otherwise damaging to the Town's reputation or identity and village character as defined in the General Plan.
- F. Other than an event organizer who is specifically authorized to do so under subsection E., no person may bring any outside alcoholic beverage to an event at the ball field.
- G. No person may play any game of chance or have possession of any instrument or device for gambling in a park or recreation area.
- H. No person may, in any park or recreation area, play, engage or take part in any game or competitive sport for money or other valuable thing without a written permit.

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(Ord. 2019-01, 7-10-2019; Ord. No. 2020-07, 11-10-2020)

#### **7-6-14: PROHIBITED ACTS AND ACTIVITIES:**

It shall be unlawful for any person in a park or recreation area to:

- A. *Camping*: Camp or stay overnight.
- B. *Roller skates, skateboards*: Rollerskate or use skateboards, except in those areas specifically designed for such pastimes.
- C. *Entering unauthorized areas*: Enter an area posted as "Closed To The Public".
- D. *Disorderly conduct*: Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- E. *Fail to produce permit*: Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any chapter or rule.
- F. *Disturbing permitted activities*: Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- G. *Unpermitted occupancy, use*: Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other thing, without a permit.

(Ord. 2-94, 1-10-1994)

#### **7-6-15: PICNIC AREAS:**

It shall be unlawful for any person or group of persons to hold a picnic in any park, except in areas set aside or specifically designated as picnic areas.

(Ord. 2019-01, 7-10-2019)

#### **7-6-16: SWIMMING POOLS:**

The ordinances relating to the use of public swimming pools shall govern the use of any swimming pool in any park.

(Ord. 2-94, 1-10-1994)

#### **7-6-17: CLOSING HOURS:**

Except for designated camping areas, no person shall be in any park during the hours the park is closed. Parks are closed from 11:00 p.m. to 6:00 a.m. Closing hours will be posted at all parks.

(Ord. 2-94, 1-10-1994)

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## **7-6-18: REGULATED ACTIVITIES:**

The following activities are permitted only at times and in areas so designated for that purpose and are prohibited elsewhere within the parks:

- A. Swimming, bathing, wading, fishing.
- B. Model airplane flying.
- C. Baseball.
- D. Archery.
- E. Horseshoe pitching.
- F. Tennis.
- G. Picnicking.
- H. Football and track.
- I. Basketball.
- J. Soccer.
- K. Bicycle riding.
- L. Rollerskating.

(Ord. 2-94, 1-10-1994; amd. 2001 Code)

## **7-6-19: RESERVATIONS AND PERMITS:**

A. *Applicability, application, and procedure:* Reservation of a park or recreation area, including its facilities, and permits for special events in parks and recreation areas (other than for large outdoor events, special events, and free speech events, which are governed under section 10-22-4 of this Code) shall be obtained by application to the Parks and Recreation Director or designated appointee in accordance with the following procedure:

- 1. *Form of application:* A person seeking a reservation or permit shall file an application in such form as is located on the Town's website or on file in the Town Office.
- 2. *Standards for issuance:* Standards for issuance of a use permit shall include the following findings:
  - a. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
  - b. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - c. The proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
  - d. The proposed activity will not entail extraordinary or burdensome expense or police operation by the Town.
  - e. The facilities desired have not been reserved for other use on the date and hour requested in the application.

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3. *Exemptions:* The Town Manager, upon advice and consent of the Town Council, may authorize a temporary exemption to section 7-6-7 and subsection 7-6-14A of this chapter (and such other sections as he, upon advice and consent of the Town Council, sees fit), during an organized festival or activity of Town-wide significance. Such exemption to be in effect only during such festival or activity. The Town Council, however, may still regulate the exempted activities as required to protect the health, welfare and safety of the public.
4. *Reservations:* Reservations for parks and recreational areas, including facilities, shall be handled as follows:
  - a. Any person may reserve areas of Town parks and recreational areas, including facilities, for the use and enjoyment of a group or organization for a period not exceeding four hours.
  - b. All reservations are subject to availability on a first come first serve basis.
  - c. For all reservations other than public events as described in park rental policies, a reservation fee shall be placed with the Parks and Recreation Director. This fee shall be in such amount as established by resolution of the Town Council.
  - d. The Parks and Recreation Director or designated appointee shall maintain a reservation calendar for the facilities.
  - e. At least one day in advance of any reservation, the Parks and Recreation Director or designated appointee shall post notice of the reservation on the areas and facilities to be used. Notice shall include the name of the applicant, the date and time of the reservation of the areas and facilities, and the length of the reservation.

B. *Permittee bound by rules:* A permittee or holder of a reservation shall be bound by all park rules and regulations and all applicable ordinances as though the same were inserted in said permit and reservation. Failure to follow rules shall result in the revocation of the permit or reservation.

C. *Liability insurance:* An applicant for a reservation or permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any reservation or permit.

(Ord. 2019-01, 7-10-2019; Ord. No. 2020-07, 11-10-2020)

#### **7-6-20: PENALTY:**

Any person, firm or corporation violating any provision of this chapter shall be guilty of an infraction, and upon conviction, subject to penalty as provided in section 1-4-1 of this Code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2-94, 1-10-1994; amd. 2001 Code)

## **CHAPTER 7 TRAILS**

#### **7-7-1: PURPOSE:**

The purpose of this chapter is to provide rules and regulations for the use of the Town's network of trails.

(Ord. 2011-04, 9-12-2011)

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(Supp. No. 16)

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## **7-7-2: APPLICABILITY:**

This chapter shall apply to all trails owned or maintained by the Town. It shall serve as guidelines for those trails not owned or maintained by the Town but dedicated by the owner for the use and enjoyment of the public through easement or other means.

(Ord. 2011-04, 9-12-2011)

## **7-7-3: DESIGNATION OF TRAILS:**

The master trail plan designates all official trails in the Town.

(Ord. 2011-04, 9-12-2011)

## **7-7-4: CLASSES OF TRAILS:**

For the purpose of this chapter, trails in the Town are classified as follows:

- A. *Natural trail*: Nonpaved trails that have a soft surface of dirt, crushed rock, gravel, or other similar surface.
- B. *Multiuse trail*: Paved trails with either an asphalt or concrete surface.

(Ord. 2011-04, 9-12-2011)

## **7-7-5: GENERAL TRAIL USE STANDARDS:**

The following standards apply to all trails in the Town:

- A. No motorized traffic is allowed on any trail, except for maintenance vehicles authorized by the Director of Parks and Recreation or Streets Superintendent, or emergency vehicles responding to an emergency.
- B. No person shall stand, stop, or loiter on a trail when such actions have the effect of impeding the reasonable use of the trail by other trail users or obstructing the trail.
- C. No person shall place, shall cause to be placed, or allow to be placed any objects on the trail that have the effect of impeding the reasonable use of the trail by other trail users or obstructing the trail.
- D. Bicycles, skateboarders, in-line skaters and other similar trail users shall yield the right-of-way to pedestrians and to equestrians (where allowed).
- E. No trail user shall operate at a speed greater than is safe for the conditions, nor in such a manner as to create a hazard for other trail users. In no case shall any trail user exceed a speed of 20 miles per hour.
- F. When passing or overtaking another trail user, trail users shall pass on the left and only after giving an audible warning of the impending pass.
- G. Trail users must comply with all applicable state and local traffic laws, as well as any direction from traffic control devices or police officers.

(Ord. 2011-04, 9-12-2011)

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## **7-7-6: STANDARDS FOR MULTIUSE TRAILS:**

In addition to the standards in section 7-7-5 of this chapter, the following standards apply to all multiuse trails:

- A. No equestrians are allowed on multiuse trails.
- B. Bicyclists must ride single file on all multiuse trails.
- C. Bicyclists, skateboarders, in-line skaters and other similar trail users must yield at all driveway crossings and at all intersecting streets.
- D. When riding a bicycle on a multiuse trail one-half hour or more after dusk or one-half hour or more before dawn, or at any other time with similar lighting conditions, trail users must comply with the lighting and reflective material requirements of Utah State Code 41-6a-1603.

(Ord. 2011-04, 9-12-2011)

## **7-7-7: ENFORCEMENT AND PENALTY:**

Any person, firm or corporation violating any provision of this chapter shall be guilty of an infraction, and upon conviction, subject to penalty as provided in section 1-4-1 of this Code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2011-04, 9-12-2011)

# **CHAPTER 8 PIONEER CEMETERY**

## **7-8-1: DEFINITIONS:**

*Pioneer Cemetery:* Means the cemetery containing gravesites dating from the late 1800s to the early to mid-1900s that is located on the hilltop northeast of the intersection of Paradise Road and Winderland Lane.

*Pioneer Cemetery protection zone:* Means any area that is within 200 feet of a monument, grave marker, or any other similar indication in the Pioneer Cemetery.

(Ord. 2019-07, 8-14-2019)

## **7-8-2: CEMETERY PROTECTION AND PRESERVATION:**

- A. It is unlawful to bury any human remains or cremains in the Pioneer Cemetery or within the Pioneer Cemetery Protection Zone.
- B. It is unlawful to store any human remains or cremains in or above the ground in the Pioneer Cemetery or the Pioneer Cemetery Protection Zone.
- C. It is unlawful to disinter or disturb any human remains in the Pioneer Cemetery without specific legal authorization from the State of Utah for the disinterment.
- D. It is unlawful to damage or vandalize any monument, grave marker, or any other similar indication in the Pioneer Cemetery.

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E. It is unlawful to excavate or otherwise disturb any part of the area within the Pioneer Cemetery Protection Zone.

F. It is unlawful to build any structure or building within the Pioneer Cemetery Protection Zone.

(Ord. 2019-07, 8-14-2019)

### **7-8-3: VIOLATION:**

The violation of any part of section 7-8-2 of this chapter is a Class B misdemeanor.

(Ord. 2019-07, 8-14-2019)

### **7-8-4: EXEMPTION:**

The prohibitions of section 7-8-2 of this chapter do not apply to the Town of Springdale, its employees, or any volunteers acting with the written permission of the Town of Springdale.

(Ord. 2019-07, 8-14-2019)

## **CHAPTER 9: DISPOSAL OF TOWN-OWNED REAL PROPERTY**

### **7-9-1: DEFINITIONS:**

As used in this chapter:

*Disposal:* The alienation of town-owned real property by sale, trade, or transfer of title.

*Reasonable notice:* Publication of notice on the Utah Public Notice website and on the Town's website.

*Significant parcel:* Any lot or parcel of real property with an estimated fair market value based on a professional appraisal conducted within the last six months of \$250,000.00 or more.

*Town-owned real property:* A lot or parcel of real property owned by the Town.

(Ord. No. 2021-04, 4-14-2021)

### **7-9-2: PUBLIC COMMENT:**

The public will be allowed to comment on any proposed disposal of a significant parcel of Town-owned real property. Public comment shall be made in the following manner as designated prior to the disposal by the Town Manager:

A. In writing submitted to the Town Clerk by the time and date set by the Town Manager; or

B. In a public meeting, the time and date of which will be set by the Town Council.

(Ord. No. 2004-07; Ord. No. 2021-04, 4-14-2021)

### **7-9-3: NOTICE:**

Reasonable notice will be given at least 14 days before the disposal of a significant parcel of Town-owned real property. The notice will state whether public comment will be taken:

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- A. In writing along with the deadline for the submission; or
- B. In a public meeting along with the date, time, and place of the meeting.

(Ord. No. 2021-04, 4-14-2021)

## Title 8 UTILITIES

### CHAPTER 1 WATER USE AND SERVICE

#### **8-1-1: PUBLIC WORKS DEPARTMENT:**

- A. *General:* The Public Works Department shall administer the operation and maintenance of the water system of the Town.
- B. *Superintendent:* The maintenance of the Town's water system shall be under the direction of the Public Works Superintendent.
- C. *Duties:* The Public Works Superintendent shall manage and supervise the Town's water system pursuant to the provisions of this chapter and pursuant to resolutions, rules, and regulations adopted by the Town Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Town Manager relating to the water system. All of the functions and activities of the Public Works Superintendent shall be carried out under the direction of the Town Manager.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-2: DEFINITION:**

*Town water system:* The Town's culinary water system including its various components such as water mains, water lines, water pipes, valves, fittings, fire hydrants, meters, meter boxes, meter setters, and service lines connecting the water lines to the meters. The Town's water system does not include any service line, fittings, valves, or other components beyond the fitting on the customer side of the meter setter.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-3: APPLICATION FOR CONNECTION, SERVICE:**

- A. *Connection:* Any person who desires or is required to secure a new connection to the Town's water system, shall file with the Town an application for installation permit as specified in section 8-6-2 of this chapter.
- B. *Service:* Any person who desires or is required to secure water service shall file with the Town Treasurer a written application and agreement for the service using forms provided by the Town.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-4: FEES:**

- A. *Service rates and connection fees:* The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee, and other charges incidental to connection and services from the Town's water system shall be fixed from time to time by resolution or ordinance enacted by the Town Council pursuant to State Code. The Town Council may from time to time promulgate rules for levying, billing, guaranteeing, and

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collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

- B. *Special rates:* The Town Council may from time-to-time fix by agreement or resolution special rates and conditions for users making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.
- C. *Complaints; corrections; indigents:* The Town Council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.
- D. *Water use rates:* The following rates and fees are imposed on the use of culinary water within the Town of Springdale:
  - 1. *Application fee:* \$25.00.
  - 2. *Inspection fee:* \$25.00 for new installations.
  - 3. *Connected services:* There shall be a monthly base charge plus a volume charge based on water used according to schedule A below.
  - 4. *Unconnected and reserve connections:* There shall be a monthly base charge according to schedule A below.
  - 5. *Construction water:* Water usage during the construction of any building, excavation or grading shall be billed a monthly base charge plus a volume charge based on water used using the highest applicable user rate in schedule A below. Construction water is any water used prior to the issuance of a Certificate of Occupancy and Zoning Compliance. Construction water will be provided via a hydrant meter per section 8-1-12.
  - 6. *Rental deposit:* Applications for water accounts at rental properties must pay a rental deposit of \$125.00. Deposit shall be refunded after the account is settled and closed.
  - 7. *Hydrant meter rental:* \$2,000.00 refundable deposit.
  - 8. *Residential fire sprinkler connections:* When the Hurricane Valley Fire Special Service District requires a residential structure to be equipped with fire sprinklers, the fire sprinkler system must have a dedicated and metered connection to the town's culinary water system. The fire sprinkler connection may not be used for any purpose other than fire suppression. Costs related to the installation of the water meter and connection to the town's system are the responsibility of the property owner.

Fire sprinkler connections will not be charged a culinary water impact fee.

Fire sprinkler connections will not be charged a monthly base charge provided there is no water use on the connection. If there is use on the connection due to operation of the fire sprinkler system for fire suppression, the connection will not be charged a monthly base charge or any use charges.

If there is use on the connection for any purpose other than fire suppression such as maintenance, testing, or unauthorized use, the connection will be charged a monthly base charge for each month in which the use occurred. The connection will also be charged use charges according to the highest rate in Schedule A below for all such use.

#### Schedule A

|  | Current Rates<br>(11/9/22) | Effective 1/1/23 | Effective 1/1/24 | Effective 1/1/25 | Effective 1/1/26 | Effective 1/1/27 |
|--|----------------------------|------------------|------------------|------------------|------------------|------------------|
|  |                            |                  |                  |                  |                  |                  |

|                                     |  |         |         |         |         |         |
|-------------------------------------|--|---------|---------|---------|---------|---------|
| <b>Base Charge</b>                  | \$17.78                                  | \$18.73 | \$19.29 | \$19.87 | \$20.47 | \$21.08 |
| <b>Usage Tiers<br/>(in Gallons)</b> | <b>Volume Charge (per 1,000 gallons)</b> |         |         |         |         |         |
| 0—5,000                             | \$5.57                                   | \$5.70  | \$5.87  | \$6.04  | \$6.22  | \$6.41  |
| 5,001—<br>10,000                    | \$7.84                                   | \$7.11  | \$7.32  | \$7.54  | \$7.77  | \$8.00  |
| 10,001—<br>25,000                   | \$9.74                                   | \$8.87  | \$9.13  | \$9.41  | \$9.69  | \$9.98  |
| 25,001—<br>50,000                   | \$11.26                                  | \$11.06 | \$11.39 | \$11.73 | \$12.09 | \$12.45 |
| Over 50,000                         | \$12.40                                  | \$13.80 | \$14.21 | \$14.64 | \$15.08 | \$15.53 |

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022; Ord. No. 2022-13, § 1, 12-14-2022; Ord. No. 2023-03, § 1, 2-8-2023)

### **8-1-5: STATEMENT OF CHARGES; DELINQUENCY:**

- A. *Statement:* The Town Treasurer shall furnish to each user, or mail to, or leave at the user's place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against the user once each month or at such other regular interval as the Town Council shall direct.
- B. *Refusal to pay:* Any user who neglects or refuses to pay the amount due on or before the date due, shall be assessed and levied an account service charge in the amount of five percent of the outstanding balance due and owing, including delinquency and service charges. If any water user fails to pay a water charge within 30 days of the date due, the Town Treasurer shall immediately provide written notice to the user by certified first class mail, postage prepaid, that full payment must be made within ten days of the date of the notification or water services will be terminated.
- C. *Payment plan:* A user may submit a request for a payment plan to the Town Treasurer that proposes payments of all service charges owed. If the Town Treasurer accepts the proposed payment plan, the user shall sign a contract with the Town Treasurer outlining the payment schedule.
- D. *Appeal to Board of Equalization:* Any person wishing to appeal a decision of the Town Treasurer regarding service charges may do so by filing a written appeal to the Board of Equalization as provided in subsection 8-1-4C of this chapter, within five days after the decision of the Town Treasurer, for hearing at the next regular Town Council meeting, occurring no sooner than five days after the appeal has been filed. Filing of an appeal with the Board of Equalization shall stay termination of water service during the pendency of the appeal.
- E. *Termination; reinstatement:*
  1. If the water service is terminated as provided above, all delinquent water charges, penalties and costs provided in this chapter must be paid to the Town Treasurer or arrangements made for their payment in a manner satisfactory to the Town Treasurer before water service will be reinstated. The Town Council, by resolution, may establish the costs to be charged for reinstating water service which has been terminated. Until such a resolution has been adopted, there shall be added an extra charge of \$25.00 for turning on the water.
  2. Furthermore, in addition to payments and penalties, a delinquent customer may be required to make and file a new application and pay a deposit fee if the previous deposit has been applied to the payment of delinquent bills.

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(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-6: DISCONTINUANCE OF SERVICE:**

Any customer desiring to discontinue service shall notify the Town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuation of service.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-7: USE WITHOUT PAYMENT PROHIBITED:**

It shall be unlawful for any person, individually or through an agent, to utilize the Town's water system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-7.5: UNLAWFUL ACTS REGARDING WATER SYSTEM:**

It shall be unlawful to injure, deface or impair any part or appurtenance of the Town's water system, or to cast anything into any reservoir or tank belonging to the Town's water system.

#### **8-1-8: USE WITHOUT AUTHORITY; RESTRICTIONS:**

- A. *Turning on after being turned off prohibited:* It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the Town's water supply, to turn on or allow the water to be turned on or used without authority from the Public Works Superintendent or Town Treasurer.
- B. *Separate connections:* It shall be unlawful for two or more separately owned dwellings or structures to be supplied from the same water meter. Buildings or structures that cannot be individually owned may be served by one meter. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes, connections, or meters at a subsequent time.
- C. *Unauthorized users:* It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

#### **8-1-9: INSTALLATION OF WATER LINES:**

- A. *Permit required:* It shall be unlawful for any person to lay, repair, alter or connect any water line to the Town's culinary water system without first having received a permit pursuant to chapter 6 of this title.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

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### **8-1-10: PIPE REQUIREMENTS:**

- A. *Good repair:* All users of water services shall keep their service pipes and connections and other apparatus in good repair, in compliance with applicable plumbing codes, and protected from frost at their own expense.
- B. *Quality of service pipe:* All service and other pipe used in conjunction with the water services of the Town shall be of such material, quality and specifications as provided for in the current building code and the Town's construction design standards and details, as approved and adopted by the Town Council. All service and other pipe shall be installed at such distances below ground as may be specified by the Town's construction design standards and details.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-11: OWNERSHIP OF EXTENSIONS:**

Any extensions of the Town's water system as described herein within the Town shall be deemed the property of the Town.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-12: CONSTRUCTION WATER USE/HYDRANT METERS:**

Water truck water and water for construction purposes must be purchased from the Town after the approval of the Public Works Superintendent. Persons using water for construction purposes must utilize a fire hydrant meter as provided for in this section. Upon application for a construction water service and payment of deposit, the Town will furnish a fire hydrant meter to the property specified in the application. Fire hydrant meters must be installed by Town personnel, remain attached to the fire hydrant for the duration of the application period, and removed by Town personnel upon completion of the application period. Fire hydrant meters provided for construction water purposes are the property of the Town. The applicant is responsible for any damage to the fire hydrant meter during the course of construction, and the applicant is responsible to take all reasonable measures to protect the hydrant meter from damage during the course of construction. Privately owned hydrant meters will not be utilized for construction water purposes.

The applicant is responsible to pay water use rates established in the Town's fee schedule based on the readings on the hydrant meter.

The use of water for construction purposes without utilizing a meter furnished by the Town is unlawful, and if continued after reasonable notice to discontinue use has been given, shall be considered an infraction, and upon conviction, subjects the violator to penalty provisions as provided in section 1-4-1 of this Code.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-13: ACCESS BY DEPARTMENT:**

The Public Works Superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the Town's water system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

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## **8-1-14: MOTORS AND CERTAIN MACHINERY RESTRICTED:**

No water shall be supplied from the pipes of the Town's water system for the purpose of driving 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 Town Council.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

## **8-1-15: FIRE HYDRANTS:**

Fire hydrants shall be installed at the direction of the Public Works Superintendent and the Hurricane Valley Fire Special Service District based on fire code requirements. A fire hydrant installed in connection with new development shall be installed by a licensed contractor at the expense of the developer. A fire hydrant installed in any existing development and not in conjunction with new development will be installed at the expense of the Town. Hydrants shall be installed according to specifications adopted by the Town and will be deemed to be the property of the Town once installed and accepted by the Public Works Superintendent. Repairs on such hydrants shall be at the expense of the Town and shall be made under the direction of the Town. All customers shall grant the Town, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the Town concludes that hydrants shall be so installed for the protection of the residents of the Town.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

## **8-1-16: SCARCITY OF WATER:**

In time of scarcity of water, whenever it shall, in the judgment of the Mayor and the Town Council, be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants or agents to violate any proclamation made by the Mayor in pursuance of this chapter.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

## **8-1-17: WASTE OF WATER:**

A. *Prohibited acts:* It shall be unlawful for any water user to:

1. Waste water.
2. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
3. Wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus.
4. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

B. *Violation:* Users of water from the Town's water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Public Works Superintendent or of any of the officers of the Town, a user of Town water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, such

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action shall be considered an infraction, and upon conviction, subjects the violator to penalty provisions as provided in section 1-4-1 of this Code.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-18: WATER METERS:**

- A. *Required:* Except as otherwise expressly permitted by this section, all structures, dwelling units, establishments, and persons using water from the Town's water system must have such number and size of water meters connected to their water system as required by the Town's construction design standards and details to adequately measure use and determine water charges to the respective users.
- B. *Furnished by Town:* Meters will be furnished by the Town upon application for a connection, and upon payment of such connection fees and other costs as may be established by the Town Council from time to time by resolution.
- C. *Installation:* Meter setter and meter box will be installed by a licensed contractor at the expense of the property owner. Installation of meter bases will be in accordance with the Town's construction design standards and details.
- D. *Property of Town:* Meters, meter boxes, and meter setters shall be deemed to be and remain the property of the Town.
- E. *Readings:* The Public Works Superintendent shall cause meter readings to be taken regularly and shall advise the Town Treasurer thereof for the purpose of recording the necessary billings for water service.
- F. *Checking, inspection, adjustment, opening:*
  - 1. Meters may be checked, inspected, or adjusted at the discretion of the Town, and they shall not be adjusted or tampered with by the customer.
  - 2. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the Town unless special permission is given by the Town through its representatives to the customer to do so.
- G. *Failure of meter:* If the Town's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. The Town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- H. *Liability for damages:* All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the Town be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the Town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-19: TRANSFER OF WATER CONNECTIONS:**

Water service connections may be transferred by a user to another property where the town provides water service if approved by the Public Works Superintendent and the Town Treasurer. A user seeking to transfer a water connection must make application to the Town Treasurer on a form provided by the Town. Upon approval and transfer of the water service connection to the new location, the Public Works Superintendent will remove the meter at the previous location.

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(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-20: GRAVITY FLOW SERVICE AREA:**

The service area of the water system of the Town shall be restricted to gravity flow limits within the Town boundaries. The Town shall not extend the water system within the Town boundaries beyond the gravity flow limits of the water system.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-21: SERVICE OUTSIDE TOWN:**

- A. *Scope:* The Town may furnish surplus water from its water system to persons or properties outside the Town in accordance with the provisions of this chapter.
- B. *Petition for water:* Any person located outside the Town limits who desires to be supplied with water from the Town's water system may make application to the Town Council by petition containing:
  - 1. The amount of water desired.
  - 2. A map showing the location of the meter connecting the property to the Town's water system.
  - 3. An acknowledgment that the Town in granting the petition need supply only such water to the petitioner which from time to time the Town Council deems beyond the requirements of water users within the Town limits.
- C. *Costs:* Any improvement needed to deliver water outside the Town's boundaries is the responsibility of the petitioner. Petitioner must agree to pay all bills for water delivered through the meter at the applicable water rates.
- D. *Meter:* The water meter connecting the property to the Town's water system must be located within the Town boundary and shall be installed pursuant to section 8-1-18 of this chapter.
- E. *Obligation:* Notwithstanding any contrary provision in this section, the Town is not obligated to provide any water or water service outside the Town's boundaries.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-22: NONLIABILITY FOR DAMAGES:**

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

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

### **8-1-23: WATER USE AREAS:**

- A. Subject to the exceptions listed in subsection B. of this section, culinary water shall be used only for indoor, nonirrigation uses.
- B. Exceptions to subsection A. of this section are:

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1. *Outside irrigation:* Culinary water may be used on a limited basis for outside irrigation if all of the following conditions have been met:
  - a. Secondary water is not available at the property where the culinary water is used;
  - b. The culinary water is used to irrigate vegetation that is native or adapted to Zion Canyon and is drought tolerant;
  - c. The culinary water is not used to irrigate lawn or turf areas;
  - d. The outside irrigation system using culinary water is equipped with the proper backflow prevention required by the current plumbing code adopted by the Town; and
  - e. The property owner has received written approval issued by the Town under subsection C. of this section.
2. *Swimming pools:* Culinary water may be used to fill swimming pools.
3. *Construction water:* Culinary water may be used for dust control and other construction related activities.
4. *Fountains and ornamental water features:* Culinary water may be used in fountains and ornamental water features if all the following conditions have been met:
  - a. The water feature is designed and operated in a way that avoids excessive usage or waste of water;
  - b. The water feature utilizes a recirculating system; and
  - c. Irrigation water is unavailable or it is unfeasible to use irrigation water.

C. A request to use culinary water for outside irrigation under subsection B.1. of this section shall be filed with the Town on an application form provided by the Town. The Public Works Superintendent and the Director of Community Development or their designee shall review each application to verify that the requested use meets the requirements stated above. If the requested use meets the requirements stated in subsections B.1.a. through B.1.d. of this section, the Town shall issue a written approval to the applicant.

D. If culinary water is used in violation of subsection A. of this section, the Town will suspend culinary water service to the property until the noncompliance is resolved.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-02, 3-9-2022)

## CHAPTER 2 SECONDARY WATER SYSTEM<sup>1</sup>

### 8-2-1: PUBLIC WORKS DEPARTMENT:

The Public Works Department shall administer the operation and maintenance of the secondary water system of the Town. The same personnel and systems now used for the operation of the culinary system shall be utilized for this purpose.

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<sup>1</sup>Ord. No. 2019-11, adopted October 9, 2019, amended chapter 2 in its entirety to read as herein set out. Former chapter 2, §§ 8-2-1—8-2-22, pertained to similar subject matter, and derived from Ord. 8-93, 8-5-1993; amd. 2001 Code; Ord. 2007-14, 10-23-2007.

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(Ord. No. 2019-11, 10-9-2019)

## **8-2-2: DEFINITIONS:**

*Town secondary water system:* The Town's secondary water system including its various components such as water mains, water lines, water pipes, valves, fittings, hydrants, meters, meter boxes, meter setters and service lines connecting the water lines to the meters. The Town's secondary water system does not include any service line, fittings, valves or other components beyond the fitting on the customer side of the meter setter, or the fitting on the customer side of the Town valve, whichever scenario is used to provide secondary water service to a customer.

(Ord. No. 2019-11, 10-9-2019)

## **8-2-3: USE REGULATIONS BY AREA:**

- A. Secondary water may be used on any property that was irrigable by the historic irrigation ditch, upon approval of an application for service per section 8-2-4 of this chapter.
- B. Secondary water may be used on any property that was not irrigable by the historic irrigation ditch, subject to the following conditions:
  1. The property owner or agent must submit an application for service, pursuant to section 8-2-4 of this chapter.
  2. Secondary water may not be used to irrigate areas above steep slopes, on poor soils, or other similar areas if such use will potentially cause slope failure, excessive runoff, or create adverse impacts on surrounding properties. The use of drip emitters or bubblers in these areas may help mitigate the potential impacts of secondary water use.
  3. Each irrigated property is limited to one 1-inch secondary water connection.
  4. The Town is not responsible to supply a minimum level of secondary water pressure on any property above the historic irrigation ditch. Property owners may install pumps or other devices to increase the secondary water pressure at their own expense and on their own property, or another private property with the written consent of the property owner.
  5. The town is not responsible to install or to maintain any secondary water line that serves properties that were not irrigable by the historic irrigation ditch, but may do so at its own discretion.
  6. Public uses that customarily require significant irrigation, such as cemeteries and parks, are not subject to the requirements of subsections B.1. through B.5. of this section.
- C. In the event there is a question as to whether a specific property was irrigable by the historic irrigation ditch, the Public Works Superintendent shall investigate the matter and make a recommendation to the Town Council. The Town Council shall then review the matter and issue a decision regarding whether or not the property was irrigable by the historic irrigation ditch at the next regularly scheduled meeting. The Public Works Superintendent in making his recommendation, and the Town Council in making its decision, shall use all available maps, drawings, topographic information, aerial photographs, and other information available to discern if the property was irrigable by the ditch.

(Ord. No. 2019-11, 10-9-2019)

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## 8-2-4: APPLICATIONS FOR CONNECTION, SERVICE:

- A. *Connection:* Any person who desires or is required to secure a new connection to the Town's secondary water system, shall file with the Town an application for installation permit as specified in chapter 6 of this title.
- B. *Service:* Any person who desires or is required to secure water service shall file with the Town Treasurer a written application and agreement for the service using forms provided by the Town.
- C. *Fee:* Fees for permits or for inspection services shall be of such amounts as the Town Council shall from time to time determine by resolution.

(Ord. No. 2019-11, 10-9-2019)

## 8-2-5: FEES:

- A. *Service rates and connection fees:* The rates, penalty fee for delinquency in payment, connection fee, inspection fee and other charges incidental to connection and services from the Town's secondary water system shall be fixed from time to time by resolution or ordinance enacted by the Town Council pursuant to State Code. The Town Council may from time to time establish rules for levying, billing, guaranteeing and collecting charges for secondary water services and all other rules necessary for the management and control of the Town's secondary water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.
- B. *Special rates:* The Town Council may from time-to-time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the Town's secondary water system under exceptional circumstances, upon such terms and conditions as they deem proper.
- C. *Complaints; corrections; indigents:* The Town Council is hereby constituted a board of equalization of secondary water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the secondary water bill of any indigent person.
- D. *Irrigation use rates:* The following rates and fees are imposed on the use of the Town's secondary water service system:
  1. *Application fee:* \$25.00.
  2. *Inspection fee:* \$25.00 for new installations.
  3. *Town irrigation customers:* There shall be a monthly base charge based on installed valve size plus a volume charge based on water used according to schedule A below. All irrigation connections installed after 10/9/2019 are limited to a 1-inch connection per Ord. 2019-11.

### Schedule A

| 1" Meter                            | Current Rates<br>(11/9/22)               | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|--|-----------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Base Charge</b>                  | \$21.17                                  | \$42.34               | \$43.61             | \$44.92             | \$46.27             | \$47.65             |
| <b>Usage Tiers<br/>(in Gallons)</b> | <b>Volume Charge (per 1,000 gallons)</b> |                       |                     |                     |                     |                     |
| 0—50,000                            | \$0.00                                   | included in base rate |                     |                     |                     |                     |

|                   |        |        |        |        |        |        |
|-------------------|--------|--------|--------|--------|--------|--------|
| 50,001—<br>60,000 | \$0.00 | \$0.79 | \$0.81 | \$0.84 | \$0.86 | \$0.89 |
| 60,001—<br>75,000 | \$0.00 | \$0.99 | \$1.02 | \$1.05 | \$1.08 | \$1.11 |
| Over 75,000       | \$0.00 | \$1.23 | \$1.27 | \$1.31 | \$1.35 | \$1.39 |

| 1.5" Meter                          | Current Rates<br>(11/9/22)       | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|----------------------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Base Charge</b>                  | \$42.33                          | \$63.51               | \$65.42             | \$67.38             | \$69.40             | \$71.48             |
| <b>Usage Tiers<br/>(in Gallons)</b> | Volume Charge (per 1000 gallons) |                       |                     |                     |                     |                     |
| 0—300,000                           | \$0.00                           | included in base rate |                     |                     |                     |                     |
| 300,001—<br>360,000                 | \$0.00                           | \$0.79                | \$0.81              | \$0.84              | \$0.86              | \$0.89              |
| 360,001—<br>450,000                 | \$0.00                           | \$0.99                | \$1.02              | \$1.05              | \$1.08              | \$1.11              |
| Over 450,000                        | \$0.00                           | \$1.23                | \$1.27              | \$1.31              | \$1.35              | \$1.39              |

| 2" Meter                            | Current Rates<br>(11/9/22)       | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|----------------------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Base Charge</b>                  | \$63.50                          | \$95.27               | \$98.12             | \$101.07            | \$104.10            | \$107.22            |
| <b>Usage Tiers<br/>(in Gallons)</b> | Volume Charge (per 1000 gallons) |                       |                     |                     |                     |                     |
| 0—300,000                           | \$0.00                           | included in base rate |                     |                     |                     |                     |
| 300,001—<br>360,000                 | \$0.00                           | \$0.79                | \$0.81              | \$0.84              | \$0.86              | \$0.89              |
| 360,001—<br>450,000                 | \$0.00                           | \$0.99                | \$1.02              | \$1.05              | \$1.08              | \$1.11              |
| Over 450,000                        | \$0.00                           | \$1.23                | \$1.27              | \$1.31              | \$1.35              | \$1.39              |

| 4" Meter                            | Current Rates<br>(11/9/22)       | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|----------------------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Base Charge</b>                  | \$148.25                         | \$482.28              | \$496.75            | \$511.65            | \$527.00            | \$542.81            |
| <b>Usage Tiers<br/>(in Gallons)</b> | Volume Charge (per 1000 gallons) |                       |                     |                     |                     |                     |
| 0—800,000                           | \$0.00                           | included in base rate |                     |                     |                     |                     |
| 800,001—<br>960,000                 | \$0.00                           | \$0.79                | \$0.81              | \$0.84              | \$0.86              | \$0.89              |
| 960,001—<br>1,200,000               | \$0.00                           | \$0.99                | \$1.02              | \$1.05              | \$1.08              | \$1.11              |
| Over<br>1,200,000                   | \$0.00                           | \$1.23                | \$1.27              | \$1.31              | \$1.35              | \$1.39              |

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4. *Springdale Consolidated Irrigation Company (SCIC):* The SCIC will be assessed a share of the operations and maintenance costs of the irrigation system in accordance with an agreement between the Town and the SCIC, to be billed annually, or as otherwise provided for by agreement.

(Ord. No. 2019-11, 10-9-2019; Ord. No. 2022-13, § 2, 12-14-2022)

#### **8-2-6: STATEMENT OF CHARGES; DELINQUENCY:**

- A. *Statement:* The Town Treasurer will provide to each user, or mail to, or leave at the user's residence or usual place of business, a statement of the amount of secondary water service charges assessed against the user. Each statement, which will be issued monthly or at such other regular interval as the Town Council directs, will specify the amount of the bill for the secondary water service, the place of payment, and the payment deadline.
- B. *Refusal to pay:* Any user who neglects or refuses to pay the amount due on or before the date due, will be assessed and levied an account service charge in the amount of five percent of the outstanding balance due and owing, including delinquency and service charges. If any secondary water user fails to pay a secondary water charge within 30 days of the date due, the Town Treasurer may immediately provide written notice to the user by certified first class mail, postage prepaid, that full payment must be made within ten days of the date of the notification or secondary water services will be terminated. If a person receives written notice of a delinquency under this subsection, and payment is not made within ten days of the date of the notification, the Town may terminate the user's secondary water service. The Town may also file a legal action against a water user who fails to pay for water charges and assessments when due, in which case the Town is also entitled to all costs of collection including attorney's fees.
- C. *Payment plan:* A user may submit a request for a payment plan to the Town Treasurer that proposes payments of all service charges owed. The Town Treasurer is not obligated to accept any proposed payment plan. If the Town Treasurer accepts the proposed payment plan, the user shall sign a contract with the Town Treasurer outlining the payment schedule.
- D. *Appeal to Board of Equalization:* To appeal a decision of the Town Treasurer regarding service charges, a person must, within five days of the Treasurer's decision, file a written appeal to the Board of Equalization as provided in subsection 8-2-5.C. of this chapter. The appeal will be heard in the next regular Town Council meeting, though no sooner than five days after the appeal has been filed. Filing of a timely appeal with the Board of Equalization will stay any termination of water service during the pendency of the appeal.
- E. *Termination; Reinstatement:*
  - 1. If the secondary water service is terminated as provided above, all delinquent water charges, penalties and costs provided in this chapter must be paid to the Town Treasurer or arrangements made for their payment in a manner satisfactory to the Town Treasurer before secondary water service will be reinstated. The Town Council, by resolution, may establish the costs to be charged for reinstating secondary water service which has been terminated. Until such a resolution has been adopted, there shall be added an extra charge of \$25.00 for turning on the water.
  - 2. Furthermore, in addition to payments and penalties, a delinquent customer may be required to make and file a new application and pay a deposit fee if the previous deposit has been applied to the payment of delinquent bills.

(Ord. No. 2019-11, 10-9-2019)

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## **8-2-7: DISCONTINUANCE OF SERVICE:**

Any customer desiring to discontinue service shall notify the Town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuation of service.

(Ord. No. 2019-11, 10-9-2019)

## **8-2-8: SEASONAL SERVICE:**

The Town's secondary water system is deemed a seasonal service and may be closed and drained during such period of the year as the Public Works Superintendent may determine in order to prevent damage to the system from freezing. No refund will be provided for any interruption in service due to inclement weather or freezing condition.

(Ord. No. 2019-11, 10-9-2019)

## **8-2-9: USE WITHOUT PAYMENT PROHIBITED:**

It is unlawful for any person, either individually or through an agent, to use the Town's secondary water system without paying therefor, as herein provided, or, without authority, to open any fire hydrant, stopcock, valve or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It is unlawful to injure, deface or impair any part or appurtenance of the Town's secondary water system, or to cast anything into any reservoir or tank belonging to the Town's secondary water system.

(Ord. No. 2019-11, 10-9-2019)

## **8-2-10: USE WITHOUT AUTHORITY; RESTRICTIONS:**

- A. *Turning on after being turned off prohibited:* It is unlawful for any person, after the secondary water has been turned off from the premises for nonpayment of secondary water charges or other violation of the ordinances, rules, regulations or resolutions pertaining to the secondary water supply, to turn on or allow the secondary water to be turned on or used without authority from the Public Works Superintendent.
- B. *Separate connections:* It is unlawful for two or more dwellings or service users to be supplied from the same service pipe or connection unless special permission for such combination usage has been granted by the Town Council and the premises served are owned by the same person. In all such cases, a failure on the part of any one of the users to comply with this subsection shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the Town for all secondary water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes, connections or meters at a subsequent time.
- C. *Unauthorized users:* It is unlawful for any secondary water user to permit any person to use or obtain secondary water services regularly from his premises or secondary water facilities, either outside or inside his premises.

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- D. *Adjoining premises:* No consumer shall be permitted to conduct secondary water pipes across lots or buildings to adjoining premises without permission from the Public Works Superintendent and subject to such requirements relating to controls as may be imposed by him.
- E. *Schedule of Use:* The Public Works Superintendent may prohibit the use of the Town's secondary water system during any period of time, by individual users or by all users, if he determines that watering is resulting in a waste of water, or that use needs to be scheduled in order to meet the demands of the system.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-11: INSTALLATION OF SECONDARY WATER LINES:**

- A. *Permit required:* It is unlawful for any person to lay, repair, alter or connect any water line to the Town's secondary water system without first having received a permit pursuant to chapter 6 of this title.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-12: PIPE REQUIREMENTS:**

- A. *Size of Lines:* All new secondary water connections shall be by one-inch lines.
- B. *Good repair:* All users of secondary water services shall keep their pipes and connections and other apparatus in good repair, in compliance with applicable plumbing codes, and protect them from frost at their own expense.
- C. *Quality of Service Pipe:* All service and other pipe used in conjunction with the water services of the Town shall be of such material, quality and specifications as provided for in the current building code and the Town's construction design standards and details, as approved and adopted by the Town Council. All service and other pipe shall be installed at such distances below ground as may be specified by the Town's construction design standards and details.
- D. *Each property to have separate connection:* Each property served by the Town's secondary water system shall have its own connection to the secondary water system, and shall have a Town-owned shutoff valve or meter off of the main line. The Town shall own and maintain all pipes and lines up to the customer side of the meter or the fitting on the customer side of the Town's shutoff valve. Such pipes and lines shall be installed to meet the requirements of subsection C. of this section.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-13: OWNERSHIP OF EXTENSIONS:**

Any extensions of the Town's secondary water system as described herein within the Town shall be deemed the property of the Town.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-14: ACCESS BY DEPARTMENT:**

The Public Works Superintendent and his agents shall at all ordinary hours have free access to any place supplied with secondary water services from the Town's secondary water system for the purpose of examining the apparatus and ascertaining the amount of secondary water service being used and the manner of its use, and such access shall not be deemed a trespass on any such user's property.

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(Ord. No. 2019-11, 10-9-2019)

### **8-2-15: MOTORS AND CERTAIN MACHINERY RESTRICTED:**

No water shall be supplied from the pipes of the Town's secondary water system for the purpose of driving 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 Town Council.

(Ord. No. 2019-11, 10-9-2019)

### **8-2-16: SCARCITY OF WATER:**

In time of scarcity of water, whenever it shall, in the judgment of the Mayor and the Town Council, be necessary, the Mayor may by proclamation limit the use of water to such extent as may be necessary. It is unlawful for any person, either individual or through an agent, to violate any proclamation made by the Mayor under this chapter.

(Ord. No. 2019-11, 10-9-2019)

### **8-2-17: EXCESSIVE USE OF SPRINKLERS, OUTLETS, OR BOTH:**

- A. *Effect on system:* No person may use such numbers of outlets simultaneously or use such sprinkler or combinations of sprinklers or outlets as will, in the opinion of the Public Works Superintendent, materially affect the pressure or supply of water in the Town's secondary water system or any part thereof, and the Town Council may from time to time, by resolution, specify combinations of numbers of outlets which may have such effect, after recommendation by the Public Works Superintendent.
- B. *Notification of violation:* The Public Works Superintendent shall, after determining that such improper use exists, provide written notification of the determination to the affected secondary water user or the owner of the premises whereon such use occurs, order such use discontinued, and advise that any continued usage constitutes a violation of this section.
- C. A person who receives written notice under subsection 8-2-17.B., and continues the improper use or uses described in the notice for more than seven days after the notice is given, is guilty of an infraction. The Town Council may impose a civil penalty against any person who receives a written notice under subsection 8-2-17.B. and continues the improper use or uses described in the notice.
- D. *Appeal:* A person who is adversely affected by a determination of the Public Works Superintendent under subsection B. may appeal the determination to the Town Council in accordance with this subsection D. To be considered timely, an appeal must be filed within seven days of the Public Works Superintendent's issuance of the written notification under subsection 8-2-17.B. An appeal must be in writing and submitted to the Town of Springdale. Notwithstanding subsection 8-2-17.C., if an appeal is timely filed, the appellant is not required to comply with the Public Works Superintendent's order while the appeal is pending. The Town Council will consider the appeal without any deference to the determination of the Public Works Superintendent. The Town Council may consider any evidence that is relevant to the question of whether the Public Works Superintendent correctly determined that the appellant violated subsection 8-2-17A. If the Town Council affirms the determination of the Public Works Superintendent, then the appellant has seven days from the date of the Town Council's decision to comply with the terms of the order. If the appellant fails to comply with the appealed order within seven days of the date of the Town Council's decision, the appellant is guilty of an infraction, and the Town Council may impose a civil penalty against the appellant. If

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the Town Council reverses the determination of the Public Works Superintendent, then notwithstanding section 8-2-17.C., the order of the Public Works Superintendent is considered void ab initio, and the appellant has no duty to comply with the order.

(Ord. No. 2019-11, 10-9-2019)

### **8-2-18: WASTE OF WATER:**

- A. *Prohibited acts:* It is unlawful for any person to:
  - 1. Waste secondary water.
  - 2. Allow secondary water to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
  - 3. Use the secondary water for purposes other than for those which the person has applied, or to use water in violation of the rules and regulations for controlling the secondary water supply.
  - 4. Use secondary water in violation of the irrigation schedule adopted by the Town Council.
- B. *Violation:* No person may allow water from the Town's secondary water system to run wastefully or without due efforts to conserve water. If, in the judgment of the Public Works Superintendent or of any of the officers of the Town, a person engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the person is guilty of an infraction, and upon conviction, subjects the violator to penalty provisions as provided in section 1-4-1 of this Code. The Town may also impose a civil penalty for the violation of any part of this section.

(Ord. No. 2019-11, 10-9-2019)

### **8-2-19: WATER METERS:**

- A. *Required:* Except as otherwise expressly permitted by this section, all properties, structures, dwelling units, establishments and persons making application to connect to or use water from the Town's secondary water system must have such number and size of water meters connected to their individual secondary water system as required by the Town's construction design standards and details to adequately measure use and determine water charges to the respective users.
- B. *Furnished by town:* Meters will be furnished by the Town upon the approval of an application for a connection, and upon payment of such connection fees and other costs as may be established by the Town Council from time to time by resolution.
- C. *Installation:* The meter setter and meter box will be installed by a licensed contractor at the expense of the property owner. Installation of meter bases will be in accordance with the Town's construction design standards and details.
- D. *Property of town:* Meters, meter boxes and setters shall be deemed to be and remain the property of the Town.
- E. *Readings:* The Public Works Superintendent will cause meter readings to be taken as necessary to advise the Town Treasurer thereof for the purpose of recording the necessary billings for water service.
- F. *Checking, inspection, adjustment, opening:*
  - 1. A meter may be checked, inspected or adjusted at the discretion of the Town, and they shall not be adjusted or tampered with by the customer or any other unauthorized person.

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2. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the Town unless written permission is given by the Town through its representatives to the customer to do so.

G. *Failure of meter:* If the Town's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. The Town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

H. *Liability for damages:* All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the Town be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the Town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-20: DECLARATION OF EASEMENT:**

There is hereby declared and established an easement across the properties of property owners within the Town along presently existing public utility easements for the installation of the secondary water system. Installation of the secondary water system shall not interfere with existing uses of the utility easement by other utilities and shall not unreasonably interfere with use of the surface by property owners.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-21: CROSS CONNECTION PROHIBITED:**

It shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, to make any connection to the Town's secondary water system that could cause the mingling of secondary water with culinary water of the town.

(Ord. No. 2019-11, 10-9-2019)

#### **8-2-22: NONLIABILITY FOR DAMAGES:**

The Town shall not be liable for any damage to a secondary water service user by reason of stoppage, interruption or water pressure fluctuations of his or her secondary water service caused by fires, scarcity of water, accidents to the secondary system or its mains, caused by entry on the user's property, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the Town beyond that provided in the governmental immunity act.

(Ord. No. 2019-11, 10-9-2019)

### **CHAPTER 3 BACKFLOW AND CROSS-CONNECTIONS**

#### **8-3-1: PURPOSE:**

This chapter is enacted to:

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- A. Protect the public potable water supply of the Town from the possibility of contamination or pollution by isolating within the customer's internal distribution system such contaminants or pollutants which could backflow into the public water system, either by back pressure or back siphonage.
- B. Eliminate or control existing cross-connections, actual or potential, between the customer's in-plant potable water system and nonpotable water system, plumbing fixtures and industrial piping system.
- C. Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. 8-93, 8-5-1993)

### **8-3-2: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

*Approved backflow assembly:* The assembly which is accepted by the Utah Department of Health as meeting an applicable specification or as suitable for the proposed use.

*Auxiliary water supply:* Any water supply on or available to the premises other than the Town's public water supply. These auxiliary waters may include water from another public potable supply or any natural source such as well, spring, river, stream, 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 Town does not have authority for sanitary control.

*Back pressure:* The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

*Back siphonage:* The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

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

*Backflow prevention assembly:* An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing Code, and replacements thereof, and the cross-connection control program for Utah. All backflow prevention assemblies shall be approved by the Utah Department of Environmental Quality/Division of Drinking Water prior to installation. A listing of these approved backflow prevention assemblies is available from the Utah Department of Health.

*Contamination:* An impairment of the quality of the potable water supply by sewage, industrial fluids, water liquids, compounds or the other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

*Cross-connection:* Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This shall include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes.

*Cross-connection, controlled:* A connection between a potable water system and a nonpotable 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.

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*Cross-connection, containment:* The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control the actual or potential cross-connections within the customer's water system. It shall also include isolation by the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of the customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

(Ord. 8-93, 8-5-1993; amd. 2001 Code)

### **8-3-3: ENFORCEMENT:**

The Public Works Superintendent is vested with the authority and responsibility for the implementation of an effective cross-connection control or cross-connection containment program and for the enforcement of the provisions of this chapter.

(Ord. 8-93, 8-5-1993)

### **8-3-4: PROTECTION REQUIRED:**

No water service connection to any premises, including any auxiliary water supply connection, shall be installed or maintained by the Public Works Superintendent, unless the water supply is protected as required by state and local laws, regulations, codes and this section.

(Ord. 8-93, 8-5-1993)

### **8-3-5: CROSS-CONNECTION PREVENTION:**

A. *Required; inspection:*

1. The Building Inspector, in reviewing building plans and inspecting plumbing as it is installed, shall prevent cross-connections from being designed and built.
2. Where the review of building plans suggests or detects the potential for a cross-connection being made an integral part of the plumbing system, the Building Inspector shall require such cross-connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the applicable codes.

B. *Authority of inspector; assembly required:* The Building Inspector's authority to review and specify shall begin at a point of service (the downstream side of the meter) and carry throughout the entire length of the customer's water system. The Building Inspector shall inquire about the intended use of the water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such a cross-connection is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly is required by the plans and be properly installed, in accordance with the applicable codes.

(Ord. 8-93, 8-5-1993)

### **8-3-6: CONTAMINATION AND BACKFLOW PREVENTION:**

A. *Prohibited conditions:* It shall be unlawful for any person having control in any degree over any premises, or for any user of potable water supplied by the Town, to permit the existence or occurrence of: 1) back pressure or back siphonage causing contamination; 2) backflow; or 3) contamination of the Town's potable

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water by an auxiliary water supply. It shall be unlawful for any person having control in any degree over any premises, or for any user of potable water supplied by the Town, to allow cross-connection of the Town's potable water system with any auxiliary water supply or other plumbing system which contains fluids not originating within the Town's potable water system, unless such cross-connection is made with an approved backflow prevention assembly in compliance with this section.

B. *Assembly required:* Each Town water system customer shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through its water service connection. If, in the judgment of the Town Council, an approved backflow prevention is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the Public Works Superintendent shall give notice in writing to said customer to install such an approved backflow prevention assembly at a specific location on his premises. The customer shall immediately install such approved assembly at the customer's own expense, and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. 8-93, 8-5-1993)

### **8-3-7: BACKFLOW PREVENTION ASSEMBLY:**

A. *Installation:* Installation of an approved backflow prevention assembly shall be installed on each service line to a customer's water system, at or near the property line or immediately inside the building being served. In all cases, the assembly shall be installed before the first branch line leading off the service line.

B. *Specifications:* Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the Utah Plumbing Code, or replacements thereof. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

C. *Maintenance:* It is the responsibility of the person or persons (including owners and lessees), having control of backflow prevention assemblies installed in a potable water system for protection against backflow to assure that such assemblies are maintained in good working condition. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed for use, relocated or substituted without the approval of the Public Works Superintendent.

D. *Testing:*

1. Only certified backflow assembly technicians shall do the testing, maintenance and/or repair of backflow prevention assemblies. The certified technician shall tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gap, showing the serial number of the assembly, date tested and by whom.
2. The technician's license number shall also be on this tag. Tests are made according to the regulations set forth by the Utah Department of Environmental Quality/Division of Drinking Water.
3. A technician making any test shall report the results of that test to the customer, to the Public Works Superintendent and the Division of Drinking Water. If such a commercially tested assembly is in need of repair, a licensed plumber shall make the actual repair.
4. Backflow prevention assemblies shall be inspected and tested at least once per year at the expense of the owner, lessee or user of the premises. In those instances where the Public Works Superintendent deems the hazard to be great, he may require certified inspections and tests shall be performed by a certified backflow assembly technician.
5. All backflow prevention assemblies shall be tested within ten working days of initial installation.

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- 6. No backflow prevention assembly shall be installed so as to create a safety hazard or in violation of any plumbing, building or other code.
- E. *Nonconforming assemblies:* 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 this chapter, be excluded from the requirements of these rules if the Public Works Superintendent determines they will satisfactorily protect the public water system. The unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this chapter whenever the existing assembly is moved from the present location or requires more than minimum maintenance, or when the Public Works Superintendent finds that maintenance of this assembly constitutes a hazard to health.

(Ord. 8-93, 8-5-1993; amd. 2001 Code)

### **8-3-8: INSPECTION OF SYSTEM:**

The customer's system shall be open for inspection at all reasonable times to the Public Works Superintendent to determine whether cross-connections or other structural or sanitary hazards, including violations of this chapter, exist. When such a condition becomes known, the Public Works Superintendent shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the state statutes and Town ordinances relating to plumbing water supplies and the regulations adopted pursuant thereto.

(Ord. 8-93, 8-5-1993)

### **8-3-9: DISCONTINUANCE OF SERVICE:**

Service of water to any premises shall be discontinued by the Public Works Superintendent if any violation of this chapter is suspected, or if a backflow prevention assembly required by this chapter for control of backflow and cross-connections is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(Ord. 8-93, 8-5-1993)

## **CHAPTER 4 SEWER REGULATIONS**

### **8-4-1: PUBLIC WORKS DEPARTMENT:**

- A. *General:* The Public Works Department shall administer the operation and maintenance of the Town's sewer/wastewater system.
- B. *Superintendent:* The maintenance of the Town's sewer/wastewater system shall be under the direction of the Public Works Superintendent.
- C. *Duties:* The Public Works Superintendent shall manage and supervise the Town's sewer system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the Town Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Town Manager relating to the Town's sewer system. All of the functions and activities of the Public Works Superintendent shall be carried out under the direction of the Town Manager.

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(Ord. 2015-06, 11-10- 2015)

#### **8-4-2: DEFINITIONS:**

*Town sewer system:* The Town's sanitary sewer system including its various components such as sewer mains, sewer lines, sewer pipes, fittings, manholes, flow meters, and other components installed on the sewer mains or sewer lines to facilitate the collection of wastewater that are owned and maintained by the Town of Springdale. The Town's sewer system does not include any privately owned or maintained sewer line, lateral, fittings, or other components required to connect the property being served to the Town's sewer main or sewer line.

(Ord. 2015-06, 11-10-2015)

#### **8-4-3: AUTHORITY TO ADOPT REGULATIONS:**

The Town Council shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the Town's sewer system may be used in addition to the regulatory provisions set forth expressly in this chapter.

(Ord. 2015-06, 11-10-2015)

#### **8-4-4: APPLICATION FOR SERVICE:**

- A. *Service:* Any person who desires or is required to secure sewer service when such service is available from the Town's sewer systems shall file with the Town Treasurer a written application and agreement for the service using a form provided by the Town.

(Ord. 2015-06, 11-10-2015)

#### **8-4-5: FEES:**

- A. *Service rates and connection fees:* The rates, penalty fee for delinquency in payment and connection fees for sewer services from the Town's sewer system shall be fixed from time to time by resolution or ordinance of the Town Council pursuant to State Code. The Town Council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the Town's sewer system.
- B. *Special rates:* The Town Council may from time-to-time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the Town's sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.
- C. *Complaints; corrections:* The Town Council is hereby constituted as a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.
- D. *Sewer use rates:* The following rates and fees are imposed on the use of Town's sewer system:
  1. *Application fee:* \$25.00.
  2. *Inspection fee:* \$25.00 for new installations.
  3. *Springdale connected services:* There shall be a monthly base charge plus a volume charge for water used, as measured through the water meter, according to schedule A below.

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4. *Springdale unconnected and reserve connections:* There shall be a monthly base charge according to schedule A below.

**Schedule A**

|                                     | Current Rates<br>(8/10/22)               | Effective<br>1/1/23 | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Base Charge</b>                  | \$14.03                                  | \$14.73             | \$15.17             | \$15.63             | \$16.10             | \$16.58             |
| <b>Usage Tiers<br/>(in Gallons)</b> | <b>Volume Charge (per 1,000 gallons)</b> |                     |                     |                     |                     |                     |
| 0—5,000                             | included in base rate                    |                     |                     |                     |                     |                     |
| 5,001—<br>10,000                    | \$3.83                                   | \$3.83              | \$3.94              | \$4.06              | \$4.19              | \$4.31              |
| 10,001—<br>25,000                   |  | \$4.44              | \$4.58              | \$4.71              | \$4.85              | \$5.00              |
| 25,001—<br>50,000                   |  | \$5.15              | \$5.31              | \$5.47              | \$5.63              | \$5.80              |
| Over 50,000                         |  | \$5.98              | \$6.16              | \$6.34              | \$6.53              | \$6.73              |

5. *Sewer services in Rockville:* There shall be a monthly charge on the various connection types in the Town of Rockville according to schedule B below.

6. *Canyon Springs Estates Subdivision Sewer Grinder Maintenance:* In addition to the base and volume charges in subsection 3. above, there shall be a monthly rate of \$20.29 for connected properties in the Canyon Springs Estates Subdivision. Rates shall increase by five percent annually each July according to schedule C below. Rate shall be evaluated in 2025 to analyze and compare five-year fees and grinder maintenance costs.

**Schedule C**

| Year | Rate    |
|------|---------|
| 2021 | \$20.29 |
| 2022 | 21.30   |
| 2023 | 22.37   |
| 2024 | 23.49   |
| 2025 | 24.66   |

7. *Zion National Park:* The National Park Service will be assessed a proportionate share of the operational and maintenance costs per agreement between the Town and the National Park Service, as determined by annual proportionate flow, to be billed as a monthly fee.

(Ord. 2015-06, 11-10-2015; Ord. No. 2022-13, § 3, 12-14-2022)

**8-4-6: STATEMENT OF CHARGES; DELINQUENCY:**

The Town shall furnish to each user a written or printed statement of charges as provided in section 8-1-5 of this title. All provisions of said section 8-1-5 of this title are hereby incorporated in this section.

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(Ord. 2015-06, 11-10-2015)

#### **8-4-7: USE WITHOUT PAYMENT PROHIBITED:**

It shall be unlawful for any person, individually or through an agent, to utilize the Town's sewer system without paying therefor, as herein provided.

(Ord. 2015-06, 11-10-2015)

#### **8-4-8: USE MANDATORY; DISTANCE REQUIREMENT:**

Where a sewer line is within 300 feet of any property line of property containing any building used for human occupancy, hookup to the sewer main is mandatory. In the event there is more than 300 feet between the sewer main and the property line of property containing a building used for human occupancy, construction of an alternate sewage disposal system such as a privy vault, cesspool or septic tank shall only be permitted upon recommendation of the Town Engineer and approval of the Town Council. The Council and Engineer shall use the following standards in evaluating requests for an alternate sewage disposal system:

- A. Connecting to the sewer presents an undue hardship for the property owner. The hardship cannot be purely a financial hardship.
- B. The lot where the system is to be located is large enough to accommodate all components of the system without impacting other properties.
- C. The system complies with all applicable health and safety standards pertaining to such systems.
- D. There are natural constraints that make connection to the sewer system impractical. Such natural constraints include:
  1. Extreme topographic variations between the property and the sewer.
  2. Rivers, streams or washes that would be difficult or impossible to cross with a sewer connection.
  3. Rock outcrops or rock ledges that prevent trenching for a sewer lateral.
- E. A soil percolation test has been completed on the property and demonstrates capacity for the system to function properly on the lot for the foreseeable future.

(Ord. 2015-06, 11-10-2015)

#### **8-4-9: INSTALLATION REQUIREMENTS:**

- A. *Qualifications of installer:* It shall be unlawful for any person to connect any drain or sewer pipe with the Town's sewer system unless the person is a duly licensed plumber or contractor.
- B. *Permit required:* It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connecting of any drain or sewer pipe connected with or part of the Town's sewer system without first having received a permit pursuant to chapter 6 of this title.
- C. *Plumbing; code compliance:* Permits to connect to the Town's sewer system 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 Plumbing Codes of the Town.
- D. *Revocation of permit:* All construction permits for sewer connections or installations shall be issued to the plumber or contractor who is to do the work or to the owner of the property, subject to the supervision and

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inspection by the Public Works Superintendent or his agents. The Public Works Superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

(Ord. 2015-06, 11-10-2015)

#### **8-4-10: OWNERSHIP OF CONNECTING LINES:**

Ownership and the responsibility for maintenance and repair of sewer lines, laterals, grinder pumps and lift stations, shall belong to the property owner whose property they serve unless provision is expressly made by means of a written agreement for ownership and/or maintenance and repair by the Town. This requirement shall pertain to all sewer grinder pumps and lift stations, and to all lines and laterals connecting a property or structure to the Town's sewer system, up to and including the physical connection of the line or lateral to the main, including those which are situated in the public way between the main and the property line, or in an easement associated with the sewer main. Owners of such lines, laterals, sewer grinder pumps and lift stations, are responsible for maintaining an adequate water flow into the main line and any maintenance or repair to the line, lateral, connection, sewer grinder pump or lift station. The sewer main is owned by the Town and is subject to its absolute control and supervision.

(Ord. 2015-06, 11-10-2015)

#### **8-4-11 PIPE REQUIREMENTS:**

- A. *Good repair:* All users of the Town's sewer services shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the Public Works Superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.
- B. *Quality of service pipe:* All service and other pipes used in conjunction with the sewer services of the Town shall be of such material, quality and specifications as the Town Council may from time to time by resolution provide and shall be installed at such distances belowground as may be specified by regulations relating to the Public Works Department. All work, alterations or extensions affecting sewer pipes shall be subject to the acceptance of the Public Works Superintendent, and no connections with sewer mains shall be made without first obtaining a permit therefor from the Town Clerk.

(Ord. 2015-06, 11-10-2015)

#### **8-4-12: ACCESS BY DEPARTMENT:**

The Public Works Superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the Town system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use.

(Ord. 2015-06, 11-10-2015)

#### **8-4-13: [RESERVED FOR FUTURE USE]**

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#### **8-4-14: TRANSFER OF SEWER CONNECTIONS:**

Sewer connections may be transferred by a user to another property where the Town provides sewer service if approved by the Public Works Superintendent and the Town Treasurer. A user seeking to transfer a sewer connection must make application to the Town Treasurer using a form provided by the Town.

(Ord. 2015-06, 11-10-2015)

#### **8-4-15: SEWER MANHOLE:**

It shall be unlawful for any person to open any sewer manhole without permission from the Public Works Superintendent.

(Ord. 2015-06, 11-10-2015)

#### **8-4-16: UNLAWFUL ACTS REGARDING SEWER SYSTEM:**

It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part or appurtenance of the Town's sewer system, or to cast anything into any manhole or lagoon belonging to the Town's sewer system.

(Ord. 2015-06, 11-10-2015)

#### **8-4-17: PROHIBITED DISCHARGES AND USES:**

- A. *Inflammables:* It shall be unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, any calcium carbide or residue therefrom, or any liquid or other materials or substances which will emit an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any building where volatile fluids are used must not be connected directly or indirectly with a sewer.
- B. *Waste pipes from enumerated establishments:*
  - 1. The contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the stabling or keeping of horses, cows and other animals, or plants using milk or processing milk products, and all similar establishments shall not be disposed of through connection with a sanitary sewer unless such contents are discharged into settling tanks properly trapped and vented.
  - 2. The construction of such tanks must be approved by the Town Engineer, and must be subject to his inspection, approval or condemnation before cement is poured and at all times thereafter until completion of such construction. Upon condemnation by the Town Engineer, the sewage from the tanks shall not be allowed to flow into the Town's sewer system until satisfactory alterations have been made and the construction approved by the Town Engineer.
- C. *Obstructive material:* It shall be unlawful for any person to empty or discharge into the Town's sewer system any garbage, refuse or other similar matter likely to obstruct the sewer including, but not limited to, the following:
  - 1. Solid waste from the domestic and commercial preparation, cooking and dispensing of food; or
  - 2. Solid waste from the handling, storage and sale of produce; or

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- 3. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances that may solidify or become viscous at temperatures between 32° and 150°; or
- 4. Any other solid or liquid other than the waste products for which the Town's sewer system is designed and intended.

D. *Drainage water and destructive materials:* It shall be unlawful for any person to connect with the Town's sewer system any drain or pipe which discharges rainwater, cellar or surface water, acids, alkalies, lye or other injurious liquids, or the contents of any spring, flowing well, creek, ditch or other watercourses. No boiler or heating plant shall be directly connected to the Town's sewer system. The overflow from boilers or heating plants, when cooled to a temperature not to exceed 120 degrees Fahrenheit, will be allowed to run to a sump, which sump shall be connected to the Town's sewer system. The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuums or dry cleaners, garages, wash racks, stores or warehouses which contain inflammable substances, buildings for the stabling or keeping of horses, cows and other animals, and all similar establishments, shall not be made into or connected with the Town's sewer system, unless such contents are discharged into settling tanks properly trapped and vented. Settling tanks shall be constructed of a material approved by the Public Works Superintendent and shall be at all times subject to his inspection and approval or condemnation. Upon condemnation by the Public Works Superintendent, the sewage from said tanks shall not be allowed to flow into the Town's sewer system until satisfactory alterations have been made and the construction approved by the Public Works Superintendent.

E. *Privies, cesspools and septic tanks:* Privies, cesspools and septic tanks shall be as specified in section 8-4-8 of this chapter.

(Ord. 2015-06, 11-10- 2015)

#### **8-4-18: SERVICE OUTSIDE TOWN:**

- A. *Scope:* The Town may furnish sewer service from its sewer system to persons or property outside the Town in accordance with the provisions of this section.
- B. *Petition for service:* Any person located outside the Town limits who desires to be supplied with sewer service from the Town's sewer system may make application to the Town Council by petition containing:
  - 1. A description of the service desired.
  - 2. A map showing the location of the property and the proposed improvements to the Town's sewer system.
  - 3. An acknowledgment that the Town, in granting the petition, need supply only such sewer capacity to the petitioner which from time to time the Town Council deems beyond the requirements of sewer users within the Town limits, and that such extension and any improvements shall be the property of and subject to the control of the Town.
- C. *Master meter:* When a connection supplies service to more than one house or user outside the Town limits, the Public Works Superintendent may require a master meter to be installed near the point where the connection is to be made to the Town's sewer main.
- D. *Costs:* Any improvement needed to provide sewer service outside the Town's boundaries is the responsibility of the petitioner. Petitioner must agree to pay all bills for sewer services at the applicable sewer rates.

(Ord. 2015-06, 11-10-2015)

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#### **8-4-19: GREASE TRAPS AND INTERCEPTORS:**

- A. *General:* A grease trap or grease interceptor, installed in accordance with the construction design standards and details adopted by the Town of Springdale, shall be installed to receive the drainage from fixtures and equipment located in food preparation areas, including, but not limited to, the following: restaurants, hotel kitchens, hospitals, school kitchens, bars, cafeterias and clubs.
- B. *Definitions:* As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:
  - Grease interceptor:* A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the Town's sewer/wastewater system. These devices are below ground units in outside areas with a minimum capacity of one thousand (1,000) gallons.
  - Grease trap:* A device designed for the purpose of removing and preventing fats, oils, and grease from entering the Town's sewer/wastewater system. These devices are typically compact, under the sink units located near food preparation areas.
- C. *Installation standards:* Grease traps are only allowed in place of grease interceptors when in the opinion of the facility manager it is physically impossible to install a grease interceptor outside the building or business. As such, a variance request from the owner or lessee of the property must be made to the Public Works Superintendent or his appointee with a certification letter from a duly licensed Utah plumber or engineer.

(Ord. 2015-06, 11-10-2015)

## **CHAPTER 5 ELECTRIC, PHONE AND CABLE LINE INSTALLATIONS**

#### **8-5-1: UNDERGROUND INSTALLATIONS:**

- A. *New lines to be underground:* In the case of new development and where new electrical, telephone or cable service lines are required as part of any expansion, modification or addition of an existing structure for which a building permit is required, such new service lines must be installed underground. Remodeling or construction that does not require new service lines and updates of electrical systems, lines or cables for existing structures are not included in this requirement. Where new service lines are installed underground as part of remodeling an existing structure, it is not required that such new lines also be installed on preexisting portions of the structure.
- B. *Temporary overhead lines:* Where new underground lines are required, temporary overhead lines may be installed only on a temporary basis and only after having received Town Council approval when emergency, safety or unusual economic considerations require the use of an overhead line. In any event, any line installed pursuant to this subsection shall not be granted for a period longer than 12 months.

(Ord. 8-93, 8-5-1993; amd. 2001 Code)

## **CHAPTER 6 UTILITY REVIEW**

#### **8-6-1: REVIEW REQUIRED:**

- A. No person shall install any connection to a Town-owned utility without first obtaining approval pursuant to this chapter.

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B. No person shall install any utility in a public or private right-of-way without first obtaining approval pursuant to this chapter.

(Ord. 2016-06, 4-13-2016)

### **8-6-2: REVIEW PROCESS:**

A. All requests to install connections to a Town-owned utility or to install new utilities in a public or private right-of-way shall be made to the Public Works Superintendent.

1. The request shall be made on an application available at the Town office.
2. An application fee, in an amount set by resolution of the Town Council, shall be charged at the time of application.
3. The request shall include plans of sufficient detail and quality to allow the Public Works Superintendent to verify compliance with all Town standards. At a minimum these plans shall include:
  - a. The location of proposed new utilities, along with details about the utility installation (e.g., size of pipe, depth, type of material, etc.).
  - b. The best known location of all existing utilities and underground infrastructure (e.g., storm drains) along with all other available information regarding the existing infrastructure (depth, size, material, etc.).
  - c. Name and contractor license information for the person installing the new utilities.

B. The Public Works Superintendent shall review the plans submitted with the application for conformance with the following:

1. All applicable standards in this Code.
2. All applicable standards in the Town's construction design standards and details.
3. All other applicable adopted Building Code and Plumbing Codes.

C. If the plans are in compliance with all applicable codes and standards the Public Works Superintendent shall issue a permit for the installation of the utilities.

(Ord. 2016-06, 4-13-2016)

### **8-6-3: ENCROACHMENT PERMITS:**

A. *Encroachment permit required:* In addition to the permit and review required in section 8-6-2 of this chapter, an encroachment permit issued by the Public Works Superintendent or designee shall be required for the following activities:

1. Installation of new utilities or repairs to existing utilities in Town-owned public rights-of-way, on Town-owned property, or under or adjacent to a Town-maintained sidewalk.
2. Development of any new curb cut or vehicular or pedestrian access from any property onto a Town-owned public right-of-way.

B. *Insurance requirement:* All applications for an encroachment permit shall include proof of insurance as detailed below:

1. Proof of insurance shall be in the form of an insurance certificate.

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- 2. The certificate shall list all subsidiaries or DBAs covered by the certificate.
- 3. The Town of Springdale must be listed as an additional insured on the certificate.
- 4. Minimum liability limits shall be \$1,000,000.00 and shall include general liability and workers' compensation.
- 5. The permittee shall provide the Town with at least 30 days' advance notice if the insurance is canceled after the permit has been issued.

C. *Performance guarantee:* For all projects other than access to or utility service for one single-family residence, the applicant must provide a bond or other surety in the amount of 110 percent of the value of the work allowed by the encroachment permit. The Town will hold the bond for a period of one year after completion of the work. If the work performs satisfactorily the bond will be returned to the applicant at the conclusion of the one-year period. If the Town is required to take action to remedy any inadequacies in the work, the costs of such remedial action will be deducted from the bond. The remainder, if any, shall be returned to the applicant at the end of the one-year period. For projects extending access or utilities to one single-family residence, the owner of the property benefiting from the project shall be financially responsible for any deficiencies or defects in the work, as well as any damage to Town-owned infrastructure related to the work, for a period of one year after completion of the work.

- 1. *Asphalt and concrete patching:* Any asphalt or concrete removed, cut, or damaged during the project authorized by the permit must be repaired, replaced, or patched, pursuant to standards in the Town's construction design standards and details, no more than 30 days after the work necessitating the removal, cut or damage is complete. If this time line is not met the Town will deduct the cost to repair, replace or patch the asphalt or concrete from the bond. This deduction may be made prior to the expiration of the one-year guarantee period.
  - a. Any asphalt placed between November 15 and March 15 will be considered temporary and must be replaced with permanent pavement as soon as temperatures allow paving pursuant to Town standards for temperature and weather.
- 2. *Annual bond:* A contractor may apply for an annual bond that may be used to provide the guarantee for multiple projects.
- 3. *Damages:* Any damage to utilities or surrounding surfaces or structures shall be the responsibility of the contractor to repair or pay for the cost of said damage to be repaired. The Town shall be immediately notified of any damages to utilities or surrounding surfaces or structures. All repair methods and materials must be approved by the Town according to the Town's standards prior to installation.
- 4. *Exceptions:* In the case of repairs needed to address immediate utility emergencies (e.g., broken or plugged service lateral in the public right-of-way), a property owner may proceed with work to correct the emergency after obtaining verbal approval from the Public Works Superintendent or designee. In such a case the property owner shall make application for the appropriate permit within two business days following the repair.

D. *Traffic control plan:* The applicant must provide a traffic control plan, pursuant to the standards for traffic control in the Town's construction design standards and details, for any work occurring in Town-owned rights-of-way. The applicant is solely responsible for implementation of the traffic control plan.

E. *Permit time requirements:* Work on the project permitted by the encroachment permit must be commenced within 30 days from the date the permit is issued. All work authorized by the permit must be complete within 180 days from the date work is commenced, however in regards to the repair or replacement of driveway approaches the maximum time allowed shall be no longer than 14 days from the start of work. The Public Works Superintendent may grant exceptions and modifications to these time requirements based on

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demonstration of need by the applicant, and when, in the opinion of the Public Works Superintendent, granting such an exception or modification is in the Town's best interest.

F. *Permit cost:* The Town Council shall, by resolution, establish a fee for encroachment permits, which fee may be amended from time to time.

(Ord. 2016-06, 4-13-2016)

## Title 9 BUILDING REGULATIONS

### CHAPTER 1 BUILDING CODE AND REGULATIONS

#### 9-1-1: BUILDING OFFICIAL:

- A. There is hereby created the position of Building Official who shall also be known as the Building Inspector.
- B. *Powers and duties:*
  - 1. *Stop order:* The Building Inspector or his deputy, as permitted in the State Construction Code, shall have the power to order all work stopped on construction, alteration or repairs of buildings in the Town when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision, zoning or other land use and development ordinances. Work shall not be resumed after the issuance of such order except on the written permission of the Building Inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer, process server, Town Official or employee.
  - 2. *Right of entry:* The Building Inspector, Director of Community Development or other deputy, shall have the power to enter into any building, structure or the premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of this Code.
  - 3. *Additional duties imposed:* The Building Inspector shall, in addition to all other duties imposed on him by this Town:
    - a. Enforce the provisions of the State Construction Code.
    - b. Inspect all buildings, structures, fences and objects to determine their safety and effect on the persons who are within this Town.
    - c. The Building Inspector shall be responsible for enforcing chapter 4 of this title and is empowered to condemn and order repaired, removed, replaced or changed any building or structure or component thereof found in any unsanitary condition or not in accordance with the State Construction Code. It shall be unlawful for any owner, agent or occupant of any building or premises to fail, neglect or refuse to repair, remove, replace or change within ten days after written notice to do so from the Building Inspector, any building, structure, or component thereof condemned by such inspector; provided, that this subsection shall not apply to any occupant not responsible for the installation or repair of the condemned building, structure, or component thereof. Failure to comply with this order within ten days of written notice is an infraction, subject to penalty as provided in section 1-4-1 of this Code.
    - d. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must: 1) be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure; 2) use construction

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materials and utility equipment that are resistant to flood damage; and 3) use construction methods and practices that will minimize flood damage.

- e. Coordinate with the Director of Community Development to ensure compliance with the zoning, subdivision or other land use and development ordinances, prior to issuance of building and occupancy (including temporary occupancy) permits.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### **9-1-2: DEFINITIONS:**

For purposes of this chapter, the following definitions shall apply:

*Building, structure, occupancy and alteration:* Shall be defined as provided in the State Construction Code.

*Director of Community Development (DCD):* An official of the Town who has duties as provided in the zoning title and shall act as deputy to the Building Inspector in administrative matters, enforcement of and ensuring compliance with zoning ordinances.

(Ord. 99-6, 4-1-1999)

### **9-1-3: STATE CONSTRUCTION CODE:**

The State Construction Code, as defined under U.C.A. title 15A, shall be followed as the construction code in the Town, as may be amended from time to time by the State of Utah.

(Ord. No. 2021-03, 3-10-21)

### **9-1-4: INTERNATIONAL BUILDING CODE:**

The Town acknowledges that the state has adopted a building code promulgated by a nationally recognized code authority pursuant to U.C.A. § 15A-2-101 and that said code is binding on all building construction, alteration, remodeling and repair occurring in the Town. The Town further acknowledges that, as of the date of passage of the ordinance codified herein, the building code adopted by the state is the International Building Code, and that the state will adopt updated successor editions of the International Building Code from time to time. Therefore, pursuant to state law, the current edition of the International Building Code, or any alterative building code later adopted by the state, shall be followed as the building code in the Town, one copy of which is contained in the office of the Town Clerk for use and examination by the public.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### **9-1-5: BUILDING PERMIT:**

- A. *Required; exceptions:* It is a class C misdemeanor for any property owner, lessee or tenant of real property, and a class B misdemeanor for any person who receives payment or anything of value to construct, reconstruct or alter any building or structure, without first securing the permit required by the International Building Code. Any person violating the provisions of this section shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this Code.
- B. *Application for permit:*
  1. A building permit application form must be secured from the Director of Community Development only after all review processes prescribed by the zoning title have been satisfied. The application form must

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be accompanied by all plans and specifications required by both the International Building Code and by the zoning title. The plans must be verified by the person who will perform or be in charge of the construction or alteration.

2. The Director of Community Development must review the application form and all accompanying documents and accept it as complete or reject it as incomplete within five working days from the date of filing. The building permit application, plans, and supporting documents must be endorsed in writing or by stamp as either accepted or rejected. If the plans are rejected, the Director of Community Development must send a brief written explanation of why the application and plans were rejected to the applicant.
- C. *Fee for permit:* The Director of Community Development must collect a fee for the application of a permit in the amount set forth by the International Building Code currently adopted.
- D. *Issuance of permit; conditions:*
  1. The accepted application and plans must be forwarded from the Director of Community Development to the Building Inspector, Town Engineer, and Planning Commission, if necessary. The Building Inspector must review the plans to determine that the proposed construction or alteration conforms to building, plumbing, electrical and related codes. The Building Inspector must have the accepted plans reviewed by the Hurricane Valley Fire Special Service District to determine whether the proposed construction or alteration conforms to the State Fire Code. The Building Inspector must have the accepted plans reviewed by the Public Works Superintendent to determine whether the Town can service the water and sewer requirements for the service for the proposed construction or alteration.
  2. Where commercial applications are involved, the Building Inspector must have the Southwest Utah Public Health Department review the accepted plans for compliance with applicable health codes and must request the department to issue a written recommendation of approval or denial of the plans.
  3. The Building Inspector, Town Engineer, Director of Community Development or Planning Commission, and all other reviewing bodies, must endorse if applications conform to the requirements of the International Building Code and other pertinent codes, federal and state statutes and town ordinances, and "disapproved" if they do not conform, within the time specified by Utah State Code 10-6-160. If the plans are disapproved, the reasons for the disapproval must be attached to the plans. The Director of Community Development, as deputy to the Building Inspector, may issue a building permit to the applicant only if all necessary approvals have been noted and the appropriate fees have been paid.

(Ord. 2017-01, 2-8-2017)

#### **9-1-6: CERTIFICATE OF OCCUPANCY:**

Certificates of occupancy shall be as required in section 10-1-5 of this Code.

(Ord. 99-6, 4-1-1999; amd. 2001 Code; Ord. No. 2021-03, 3-20-21)

#### **9-1-7: VARIATIONS OF PLAN PROHIBITED:**

No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the Building Inspector.

(Ord. 99-6, 4-1-1999)

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## **9-1-8: BUILDING PERMIT FEE SCHEDULE:**

The Director of Community Development shall collect a fee for the application of a permit in the amount set forth by the International Building Code.

(2001 Code)

## **CHAPTER 2 IMPACT FEES**

### **9-2-1: IMPACT FEES:**

- A. *Definitions adopted by reference:* The Town adopts the definitions set forth in U.C.A. § 11-36a-102 for the terms used in this section.
- B. *Service area established:* The Town hereby establishes one service area consisting of the entire geographical area of the Town.
- C. *Schedule adopted:* Based upon a reasonable plan identifying demands placed upon existing public facilities by new development activity and proposed means by which the Town will meet those demands, the Town hereby adopts the schedule of impact fees, contained in Ordinance 04-0211-01 and on file in the Town Office to account for the inflation rate of 16.59 percent since 1997.
- D. *Adjustments:*
  - 1. *Authority; conditions:* The Town Council may adjust the impact fees set forth herein upon a showing of unusual circumstances and to ensure fairness in the allocation and imposition of impact fees upon new development. Such adjustment shall be made only upon specific written request to the Town Council by persons subject to payment of such fees and after consideration of the matter by the Town Council at a regular meeting of the Town Council.
  - 2. *Specific developments:* The Town Council may adjust the amount of impact fees to be paid on any specific development based upon certified and reliable data and studies submitted by the developer evidencing that the impact fee imposed is unfair or not reasonably related to the impacts caused by such new development.

(Ord. 04-0211-01, 2-11-2004)

### **9-2-2: ENDANGERED SPECIES IMPACT FEE:**

- A. *Purpose:* An impact fee is required to finance the habitat conservation plan.
- B. *Environmental mitigation:* The fees imposed below bear a reasonable relationship to the environmental mitigation required by the habitat conservation plan.
- C. *Fee imposed:* An impact fee for environmental mitigation as set forth in more detail in the habitat conservation plan dated November 10, 1994, is hereby imposed and assessed as set forth by resolution adopted by the Town Council.
- D. *Expiration:* In accordance with the terms of the habitat conservation plan and in order to ensure that the benefits of the habitat conservation plan are received by the people and the economy of the Town, the impact fee required set forth above shall expire 20 years after the date of the ordinance codified herein, unless:

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1. It is determined by the Town Council, after review, that the impact fee is still required to finance the habitat conservation plan and must remain in effect; and
2. The Town Council affirmatively reauthorizes the impact fee.

(Ord. 12-95, 6-13-1995; amd. 2001 Code)

## **CHAPTER 3 ELECTRICAL CODE**

### **9-3-1: ELECTRICAL CODE ADOPTED:**

The Town acknowledges that the state has adopted the National Electrical Code promulgated by the National Fire Protection Association pursuant to U.C.A. § 15A-2-103, and that said code is binding on all building construction, alteration, remodeling and repair occurring in the Town. The Town further acknowledges that the state will adopt updated successor editions of said Code from time to time. Therefore, pursuant to state law, the current edition of the National Electrical Code promulgated by the National Fire Protection Association, or any alternative Electrical Code later adopted by the state, shall be followed as the Electrical Code in the Town, one copy of which is contained in the office of the Town Clerk for use and examination by the public.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### **9-3-2: ENFORCEMENT OFFICIAL:**

The Building Inspector shall perform all functions of electrical inspection and shall, among other things, inspect and supervise the construction, installation and repairs of all electric light and power wiring, fixtures, appliances or apparatus installed within the limits of the Town and shall require compliance with the provisions of the Electrical Code. The Building Inspector shall require the correction of such defects as he deems actually dangerous to life or property. Those same enforcement standards established in the International Building Code shall be followed by the Building Inspector for all electrical work.

(Ord. 99-6, 4-1-1999)

### **9-3-3: PERMIT REQUIRED:**

No alterations or additions shall be made in existing wiring, nor shall any wiring or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefor, except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in subsection 9-1-4B of this title. This section shall not apply to installations in powerhouses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installations after he has been duly notified to correct such defective work by the Building Inspector.

(Ord. 99-6, 4-1-1999)

### **9-3-4: FEES FOR PERMIT:**

The electrical permit fees applicable in the Town for use under the National Electrical Code, shall be the amount set forth in said code.

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(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### **9-3-5: ELECTRICAL INSTALLATIONS:**

- A. *Notification to Building Inspector:* It shall be unlawful for any person to do or cause to be done any electrical wiring or other electrical installation in a building or structure within the Town without first notifying the Building Inspector of the kind and nature of such electric wiring or other electrical installation and the location of the building or structure in which the same is to be installed.
- B. *Subject to supervision and inspection:* All electric wiring or other electrical installations shall be subject to supervision and inspection by the Building Inspector. It shall be unlawful for any person to do or cause to be done any electrical wiring or electrical installations without first obtaining the permit required by section 9-3-3 of this chapter.
- C. *Unlawful installation:*
  - 1. *Disconnection; seal:* If the Building Inspector shall find any part of any electrical light or power wiring, appliances, apparatus or fixtures in or upon any building in the Town to have been installed without permit, or installed not in accordance with the provisions of the National Electrical Code or to be dangerous to life or property, the Building Inspector shall have the right and power to disconnect such defective work, fixtures, appliances or apparatus and place a seal upon the same, and shall at the same time give written notice of such disconnection to the owner or occupant of the building.
  - 2. *Removal of seal:* After such disconnected wiring, fixtures, appliances or apparatus have been put in the condition required by this chapter, the seal so placed shall be removed by order of the Building Inspector.

(Ord. 99-6, 4-1-1999)

### **9-3-6: INSPECTION:**

- A. *Notification; issuance of certificate:* Upon completion of the installation of any electrical wiring, fixtures, appliances or apparatus in or on any building, it shall be the duty of the person doing the work to notify the Building Inspector, who shall cause the same to be inspected and, if approved, to issue a certificate of inspection which shall contain the date of such inspection and a statement that the installation is approved.
- B. *Unlawful to connect current without certificate:* It shall be unlawful for any person to turn on or connect the current with such installation until such certificate shall be issued, and it shall also be unlawful to make any change, alteration or extension in or to the installation of any electrical wiring, fixtures, appliances or apparatus in or on any building after inspection without notifying the Building Inspector and securing a permit to do so.
- C. *Exception:* The requirement of permits, inspection and supervision shall not apply to minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords, and wiring for appliances and devices operating at less than 25 volts.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### **9-3-7: ELECTRICAL DISTURBANCES:**

- A. *Nuisance declared:* Electrical installations for signs, equipment or other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are hereby declared to be a nuisance. The owners or operators thereof shall so

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install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors and live chokes.

B. *Abatement:* The Building Inspector shall withhold or withdraw approval of any electrical installation causing the above disturbance, and is hereby authorized to take all steps necessary for the abatement of such conditions.

(Ord. 99-6, 4-1-1999)

## CHAPTER 4 PLUMBING CODE

### 9-4-1: PLUMBING CODE ADOPTED:

The Town acknowledges that the state has adopted the International Plumbing Code issued by the International Code Council pursuant to U.C.A. § 15A-2-103, and that said Code is binding on all building construction, alteration, remodeling and repair occurring in the Town. The Town further acknowledges that, as of the date of passage of the ordinance codified herein, the plumbing code adopted by the state is the International Plumbing Code, and that the state will adopt updated successor editions of the International Plumbing Code from time to time. Therefore, pursuant to state law, the current edition of the International Plumbing Code, or any alternative plumbing code later adopted by the state, shall be followed as the plumbing code in the Town, one copy of which is contained in the office of the Town Clerk for use and examination by the public.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### 9-4-2: APPLICATION AND SCOPE:

The provisions of this chapter shall apply to, but not be limited to, all new construction, relocated buildings and to any installation, alteration, repair or reconstruction of a plumbing system within the Town, except as otherwise provided in this chapter.

(Ord. 99-6, 4-1-1999)

### 9-4-3: [RESERVED FOR FUTURE USE]

### 9-4-4: PERMITS:

A. *Required; application:* No plumbing shall be installed, nor additions or alterations made in existing plumbing, except as provided in subsection C. of this section, without first obtaining a permit. Application for such permit shall be in writing to the Department of Community Development and shall describe the nature of the work to be done and affirm that the plumbing will conform to the International Plumbing Code. No permit shall be issued to any applicant during the time that he shall fail to correct any defective plumbing installed by him after he has been notified in writing by the Building Inspector of the defective work.

B. *Homeowners permit:* Any permit required by this chapter may be issued to any person to do any plumbing or drainage work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters and that the same are occupied by or designed to be occupied by the owner; and further provided, that the owner shall furnish the Building Inspector with a complete layout drawing of the proposed work, satisfies the Building

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Inspector that he has a working knowledge of the requirements contained in this chapter, pays the necessary fees, and calls for all inspections required by this chapter.

C. *Exceptions:*

1. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit; provided, that the permits shall be procured to replace fixtures, traps, soil, waste and vent pipes, unless waived by the Building Inspector.
2. Any person regularly employed by an owner or lessee of property, or his agents, for the sole purpose of operating and maintaining such property and to make minor repairs thereof, and any owner or lessee of property, shall be exempt from the provisions of this chapter when doing work for which permits are not required.

D. *Denial:* The Building Inspector may refuse to issue permits for any plumbing work to any person who has had a permit revoked in accordance with this chapter during such time as such person fails to perform plumbing work in conformity with this chapter.

E. *Expiration:* Every permit issued by the Building Inspector shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date such permit is issued, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days or more.

F. *Revocation:* The Building Inspector may revoke any permit when the person to whom the permit is issued fails, neglects or refuses to do the work thereunder in conformity with this chapter, or when the permit is issued in error.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

#### **9-4-5: FEES FOR PERMIT:**

Before a permit shall be issued, permit fees in the amount set forth in the current edition of the International Plumbing Code shall be paid to the Town Treasurer.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

#### **9-4-6: REINSPECTION CHARGES:**

After notice that any plumbing work is ready for inspection, if the Building Inspector calls at the place designated to make such inspection and finds the work not ready for inspection, he shall charge an additional fee as set forth in the International Plumbing Code for each additional inspection required, except that the Town Council may from time to time change the inspection fee required in this section by resolution.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

#### **9-4-7: ALLOWANCE FOR EXCEPTION:**

Where structural conditions impose extreme difficulty in fully complying with the plumbing regulations of this chapter, any aggrieved party may apply in writing to the Building Inspector for special permission to deviate from the regulations. If, in the judgment of the Building Inspector, such deviation is reasonable and does not create an unsanitary or unsafe condition, he shall recommend to the Town Council that the request for deviation be approved or disapproved, or that approval is subject to such conditions as the Town Council may require. The

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Town Council, on review, may approve or disapprove the application or vary the conditions on which approval is granted.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

#### **9-4-8: [RESERVED FOR FUTURE USE]**

#### **9-4-9: INTEREST IN SALE OF EQUIPMENT PROHIBITED:**

The Building Inspector and his assistants shall not in any way engage in the sale or installation of plumbing equipment upon which they are required to make inspection hereunder.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

#### **9-4-10: [RESERVED FOR FUTURE USE]**

#### **9-4-11 PENALTY:**

- A. *Homeowner, building owner or manager:* The violation of any provision of this chapter by any homeowner, building owner or manager of any building, apartment, hotel, motel or other structure shall be an infraction, subject to penalty as provided in section 1-4-1 of this Code.
- B. *Person receiving payment:* The violation of any provision of this chapter by any person who receives payment or anything of value for performing such work shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this Code.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)

### **CHAPTER 5 MECHANICAL CODE**

#### **9-5-1: MECHANICAL CODE ADOPTED:**

The Town acknowledges that the state has adopted a mechanical code promulgated by a nationally recognized code authority pursuant to U.C.A. § 15A-2-103, and that said Code is binding on all building construction, alteration, remodeling and repair occurring in the Town. The Town further acknowledges that, as of the date of passage of the ordinance codified herein, the Mechanical Code adopted by the state is the International Mechanics Code, and that the state will adopt updated successor editions of the International Mechanics Code from time to time. Therefore, pursuant to state law, the current edition of the International Mechanics Code, or any alternative Mechanical Code later adopted by the state, shall be followed as the Mechanical Code in the Town, one copy of which is contained in the office of the Town Clerk for use and examination by the public.

(Ord. 99-3, 3-4-1999; amd. 2001 Code)

### **CHAPTER 6 ABATEMENT OF DANGEROUS BUILDINGS CODE**

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## **9-6-1: ABATEMENT OF DANGEROUS BUILDINGS CODE ADOPTED:**

The Town acknowledges that the State Uniform Building Code Commission has recommended the adoption of the Uniform Code for Abatement of Dangerous Buildings-1997, by all local jurisdictions within the state. Therefore, the Uniform Code for the Abatement of Dangerous Buildings-1997, or any alternative Code edition later recommended and/or adopted by the Utah Uniform Building Code Commission, shall be followed as the applicable code for the Abatement of Dangerous Buildings in the Town. One copy of this Code will be held in the Office of the Town Clerk for use and examination by the public.

(Ord. 2-97, 4-30-1997; amd. Ord. 99-3, 3-4-1999; 2001 Code)

## **9-6-2: APPLICATION:**

The provisions of the Abatement of Dangerous Buildings Code shall apply to all "dangerous buildings", as therein defined, which now exist or which may exist or hereafter be constructed in this Town.

(Ord. 2-97, 4-30-1997)

## **9-6-3: NUISANCE DECLARED:**

All dangerous buildings within the terms of this chapter are hereby declared to be public nuisances and shall be vacated or demolished as herein provided.

(Ord. 2-97, 4-30-1997; amd. 2001 Code)

## **9-6-4: ALTERATIONS, ADDITIONS AND REPAIRS:**

All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of the International Building Code.

(Ord. 2-97, 4-30-1997)

## **9-6-5: ABATEMENT PROCEDURE:**

All buildings or portions thereof which are determined after inspection by the Building Inspector to be "dangerous", as defined in the Abatement of Dangerous Buildings Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in Section 401 of the Abatement of Dangerous Buildings Code.

(Ord. 2-97, 4-30-1997)

## **9-6-6: BOARD OF APPEALS:**

In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an Abatement of Dangerous Building Board of Appeals, consisting of five members, who shall not be employees of the Town. The Building Official shall be an ex officio member of and shall act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the Building Official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies

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of all rules and regulations adopted by the board shall be delivered to the Building Official who shall make them accessible to the public without cost. Appointments to this board shall be made on an as-needed basis by the Mayor, with advice and consent of the Town Council.

(Ord. 2-97, 4-30-1997)

## CHAPTER 7 FIRE CODE

### 9-7-1: FIRE CODE ADOPTED:

The Town adopts the "State Fire Code", as that term is defined under U.C.A. § 53-7-102(5), which may be amended from time to time. The Hurricane Valley Fire Special Service District (the "district") is authorized to provide fire protection services in the Town in accordance with the State Fire Code.

(Ord. 2017-01, 2-8-2017)

### 9-7-2: LIMITATIONS AND STORAGE OF FLAMMABLES RESTRICTED:

Where geographic limits are referred to in the State Fire Code, including, but not limited to, any limits in which storage of flammable or combustible liquids outside aboveground tanks is to be restricted, or any limits in which the storage of explosives and blasting agents or bulk storage of liquefied petroleum gas is to be restricted, those limits must be understood to include the entire Town.

(Ord. 2017-01, 2-8-2017)

### 9-7-3: APPEALS:

A person who is aggrieved by any decision by the Hurricane Valley Fire Special Service District may, within 30 days of the written decision on the matter, appeal to the District Appeals Board.

(Ord. 2017-01, 2-8-2017)

### 9-7-4: PENALTY:

- A. *Class B misdemeanors:* The following are class B misdemeanors:
  - 1. To violate any provision of the State Fire Code;
  - 2. To violate the terms of any order issued in accordance with the State Fire Code;
  - 3. To build in violation of any detailed statement of specifications or plans submitted and approved under the State Fire Code.
- B. *Penalties:* The penalties for the class B misdemeanors described under this section are stated in section 1-4-1 of this Code. The imposition of one penalty for any violation will not excuse the violation or permit it to continue. All persons will be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained will constitute a separate offense.
- C. *Enforced removal:* The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

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(Supp. No. 16)

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(Ord. 2017-01, 2-8-2017)

## **CHAPTER 8 WASTEWATER DISPOSAL**

### **9-8-1: WASTEWATER DISPOSAL SYSTEMS:**

The Town does hereby adopt all relevant provisions of the rules and standards applicable to wastewater disposal systems contained in R317, Utah Administrative Code, as the same may be amended from time to time, or as the same may be modified by the Southwest Utah Public Health Department.

(Ord. 99-6, 4-1-1999; amd. 2001 Code)