

## **CHAPTER 9A-03.        SECONDARY WATER SYSTEMS**

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### **9A-03-010.       Findings.**

The City Council of Fruit Heights City hereby finds and determines that the health, safety, welfare and convenience of the citizens of Fruit Heights City, will be promoted by the operation of secondary water systems within the City at economical rates for the purpose of providing outside watering and irrigation for properties located within the boundaries of Fruit Heights City. The demand for culinary water to serve the growing population and business demands within Fruit Heights City is steadily increasing and current sources of culinary water may not be able to meet the requirements from such growth over time, resulting in increased expenses and costs for water for the general population. As water treatment costs increase and water sources become increasingly scarce, the cost of culinary water will increase. As the City expands, current culinary water sources will become more stressed and limited during peak periods of use. The City will continue to acquire, operate and maintain a culinary water distribution system throughout the City and the ability of the City to accomplish this may be negatively impacted if savings cannot be obtained through use of secondary water for outside watering instead of treated water. Usage of secondary water will, over time, enable the culinary water distribution system of the City to meet expected demands for extended periods of time and before system replacement will be necessary. The City Council further finds that utilizing treated culinary water for outside watering and irrigation purposes is not economical. Piped, pressurized secondary water systems will inure to the benefit of the citizens of Fruit Heights City by reducing water loss through seepage, reducing disturbance to property by reason of loss through seepage, reducing disturbance to property by reason of flooding, promoting the welfare and safety of the residents of the City, including children, by eventually eliminating open irrigation ditches which will also conserve water resources and enhance the beauty of the City. At the present time, the Fruit Heights area pressurized irrigation district, Weber Basin water conservancy-district, Hights Creek Irrigation and Benchland Water District each own and operate their respective secondary water systems within the City. The City reserves the right to hereafter acquire and/or operate a secondary water system within the City. The City Council further finds that it is reasonable and desirable that developers of new subdivisions and owners of residential and nonresidential building sites developed in Fruit Heights City be required to install secondary water system facilities within the boundaries of the subdivision or building site in order to ensure that future secondary water service will be available to such properties and subdivisions and to purchase and/or contract for water, shares or full allotments as necessary to provide secondary water to the local system.

### **9A-03-020.       Definitions.**

**BUILDING SITE:** Any lot or parcel of real property located in the City on which any building is or will be built.

**CITY:** Fruit Heights City.

COMPANY: Hights Creek Irrigation Benchland Water District and/or Weber Basin Conservation District

MASTER PLAN: The master plan of any secondary water systems operating within Fruit Heights City for the purpose of providing secondary water service to all or a portion of the building sites located within the City.

SECONDARY WATER: Water which is suitable for irrigation and other nonculinary purposes not in violation of any applicable statutes, ordinances or other law rules and regulations.

SECONDARY WATER SYSTEM: Includes the pipes, meters, valves, reservoirs, tanks, wells, springs, sources, shares of irrigation water, and all other property, facilities and equipment owned by a company providing a source of water and through which such water flows for the purpose of providing secondary water for irrigation and other nonculinary purposes throughout the City.

SUBDIVISION: A tract of land divided into any lots or tracts or real property on which any building is or will be built.

USER: Any person or entity who utilizes secondary water for any purpose within the City.

**9A-03-030. Master Plans.**

The master plans and related maps and specifications for each secondary water system operating with the City shall be filed with the City engineer by the company operating that system, and shall be updated not less than annually to outline each company's secondary water distribution system located within the City.

**9A-03-040. New Development.**

All new subdivisions and building sites which have not received preliminary plat approval prior to the effective date hereof shall install piping and related facilities within the subdivision or building site(s) required to provide a secondary water local system for the subdivision or building site(s) and shall purchase and/or contract for water, shares or full allotments as necessary to provide secondary water to the local system.

**9A-03-050. Approval.**

No subdivision or building site shall be approved or considered for final approval and no building permits shall be issued and no other approval or permit shall be issued by the City for any subdivision, building site or development unless the subdivision, building site or development includes a satisfactory local system of secondary water and the related facilities required within the subdivision, building site or development to deliver secondary water to each lot or parcel. The developer or owner shall be required to connect to a company's secondary water system when the system is available within one thousand feet (1,000') of the property and to purchase and/or contract for water, shares or full allotments as necessary to provide secondary water to the local system.

**9A-03-055. Exceptions to Secondary Water Requirement**

The City Council reserves the right to modify the requirement for a secondary water requirement when there are circumstances that prevent the installation of a secondary water system. This includes zones in the sensitive lands overlay zone. When circumstances exist where local private water companies are unable to provide secondary water, those proposed subdivisions will be subject to limitations on the amount of turf allowed to be watered by culinary sources.

**9A-03-060.      Operation.**

The City shall have no obligation to operate and maintain any secondary water facilities located upon private parcels of real property or within subdivisions within the City unless the City assumes such obligation by ordinance. Any secondary water systems operated within the City by a company or others shall be operated in such a manner so as to provide secondary water to the users at economical rates and in a reasonable manner.

**9A-03-070.      Existing Subdivisions Without Secondary Water.**

In cases where a local system has not been installed within an existing subdivision or building site, a majority of the property owners within such subdivision or building site may request a company to install a local system within the subdivision on terms and conditions mutually agreeable to the property owners and that company.

**9A-03-080.      Maintenance.**

Any secondary water distribution system within the City shall be maintained by the owner of that system in a safe and efficient manner. The lot or parcel owner shall maintain all secondary water facilities located on the owner's lot or parcel. Any fees charged for secondary water shall be reasonable. The City shall have no obligation to maintain any secondary water systems or facilities.

**9A-03-090.      Unauthorized Connections.**

It shall be unlawful for any person or entity to directly or indirectly connect to or alter a company's secondary water system or any part thereof without the prior authorization being first obtained from the company owning the secondary water system.

**9A-03-100.      Tampering With Secondary Water Systems.**

It shall be unlawful for any person to tamper with, modify or alter any secondary water distribution system located within the City without the prior consent of the owner thereof. Violations of this section shall be a class B misdemeanor, punishable by fine, imprisonment or both as prescribed by the applicable statutes of the state of Utah.

**9A-03-110.      Appeal.**

Any person or entity purporting to be unfairly dealt with, suffering any hardship, or otherwise aggrieved by the provisions of this chapter, shall be entitled to appeal to the Fruit Heights City Council, which shall have the power to resolve any hardships or grievances under any of the provisions hereof.