

**Title 8. PUBLIC UTILITIES AND SERVICES.**

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**Chapter 8.01. Water Utilities Ordinance.**

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- 8.01.01. Water Treatment Department and System.**

The Water Treatment Department of the City is hereby created. It shall administer the operation

and maintenance of the Water System of the City.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.02. Superintendent.**

1. **Creation of Position.** There is hereby created the position of Superintendent of the Water Treatment Department (“Superintendent” hereinafter in this Chapter). The City Council may from time to time on a bid and evaluation basis select a qualified individual or professional firm to serve the City as a water system operator. Such individual or firm shall have the duties of the Superintendent as assigned by the City Manager.
2. **Duties and Powers.** The Superintendent of the Water System shall manage and supervise the City Water System pursuant to the provisions of this part and pursuant to resolutions, rules, and regulations adopted by the City Council from time to time prescribing the powers and duties and directing the manner and frequency with which the Superintendent shall make reports to the City Manager relating to the Water System. All of the functions and activities of the Superintendent shall be carried on under the direction of the City Manager.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.03. All New Developments to Receive Culinary Water Service from City Water System; Providing Water Rights and Facilities for Annexation and Development Applications.**

1. All property developed within the corporate limits of the City after the adoption of this ordinance shall receive its culinary water service from the City Water System.
2. All property annexed to the City and all property already within the boundaries of the City for which the owner initiates an application for development approval or subdivision or site plan approval shall provide to the City—for the City Water System—the water rights and culinary water source, necessary treatment facilities and storage capacity (“waterworks”), and culinary water and secondary water or pressurized irrigation transmission and distribution system capacity (“distribution systems”) sufficient to satisfy the existing and future uses and occupants to be supplied by the City Water System in accordance with the City of Saratoga Springs Design Standards and Public Improvement Specifications. The Design Standards and Public Improvement Specifications shall require water rights, water sources, and waterworks capacity sufficient to meet the municipal needs that will, in part, be created by the development of the property being annexed or developed in addition to the specific needs of the property being developed or to be developed.
3. Water Rights are required for all land that is developed in the City as follows:
  - a. Drinking (Culinary) Water Requirement
    - i. For residential development, 0.45 acre-feet of drinking water rights are required per single family lot or dwelling unit and shall be dedicated to or procured from the City prior to the time of recording of the plat in which the lot or unit is located. If the lot is existing, but water rights have not been dedicated to or procured from the City in sufficient quantities to meet

the requirements of this section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit.

- ii. For non-residential development, 0.45 acre-feet of culinary water shall be dedicated to or procured from the City for each equivalent residential connection (“ERC”) or portion thereof rounding up to the nearest whole number. One ERC is equivalent to 40 Water Supply Fixture Unit’s (WSFU’s) per Chapter 7.01 of the City Code. The water shall be dedicated or procured from the City at the time of building permit unless the City and property owner agree otherwise in writing
- iii. For the purposes of this Chapter, an ERC shall be defined per Chapter 7.01 of the City Code, as amended.
- iv. This subsection does not include any water that may be required pursuant to the International Fire Code for fire protection, including but not limited to storage, flow, and duration requirements.

b. Irrigation (Secondary) Water Requirement

- i. For residential development, 3.13 acre-feet of irrigation water rights per net irrigable acre (“NIA”) shall be dedicated to or procured from the City prior to the time of recording the plat in which the irrigable acreage is located. If no plat is to be recorded and water rights for the irrigable acreage have not been dedicated to or procured from the City in sufficient quantities to meet the requirements of this section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit on the lot in which the irrigable acreage is located.
- ii. For all non-residential development, 3.13 acre-feet of irrigation water per net irrigable acre (“NIA”) is required to be dedicated to or procured from the City prior to the issuance of a building permit.
- iii. For the purposes of this Section, a “net irrigable acre” is defined as the total square footage of land remaining after deleting all impervious surfaces such as pavement, buildings, and sidewalks. If the net irrigable acreage cannot be determined from landscaping or site plans, it shall be defined as follows: 35% of the area dedicated for rights-of-way, 64% of the area dedicated for residential lots, 90% of any area dedicated for irrigated open space, parks, and trail corridors, and 0% of non-irrigated open space, parks, and trail corridors. If the net irrigable acreage is determined by the City Engineer as 0%, the property owner shall be required to record a deed restriction on the property indicating that (i) such property may not be irrigated from an existing drinking or secondary water connection, and (ii) if the property owner chooses to irrigate the property in the future, the property owner shall be required to dedicate or procure from the City sufficient irrigation water as determined by the City Engineer to meet the requirements of this section.

- 4. Notwithstanding anything in this Section to the contrary, the owner shall be required to dedicate to or purchase from the City additional water rights in quantities determined by the City Engineer based on empirical data if there is substantial evidence to indicate that the proposed development will require water usage above or below that required in this Section. Substantial evidence is defined as that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.

5. The conveyance of such water rights, water sources, waterworks—including the land on which the waterworks are located—and distribution systems to the City for the City Water System, or arrangement for the future completion and conveyance to the City as accepted by the City in writing, shall be a condition precedent to annexation or development approval.
6. Where an annexation contains property which is being annexed without the consent of the owner, the City may elect to not require the conveyance of water rights, water sources, waterworks, and distribution systems at the time of annexation as long as the annexation resolution or ordinance annexing the property specifically identifies such parcels and provides that the City will require the conveyance of water rights, water sources, waterworks, and distribution systems prior to any approval for the development of those parcels.
7. Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right that it determines to be insufficient in annual quantity or rate of flow or has not been approved for change to municipal purposes within the City or has not been approved for diversion from City-owned waterworks by the State Engineer.
  - a. In determining the quantity of water available under the water right requirements, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights as determined by the State Engineer.
  - b. The City will require an approval of the change of use or change of point of diversion, as applicable, from the State Engineer in order to quantify and verify the water rights.
  - c. Prior to acceptance of water sources, water works, distribution systems, and associated property and easements, the City shall be satisfied as to the title to all associated property and easements, may require title insurance or other evidence of title, and shall inspect the water sources, waterworks, and distribution systems to assure that the same have been constructed in accordance with the Engineering Standard Technical Specifications and Drawings and are in good working order.
  - d. Such acceptance shall only be official upon writing notification from the City.
8. The City may assist in the development of water sources, waterworks, and distribution systems for the City Water System of a size and on a scale that will maximize the available water supplies and take advantage of economies of scale.
  - a. The City may use resources it has available to the City or it may use its bonding ability to help finance the same, including, where appropriate, the formation of special improvement districts or other appropriate entities; provided, however, that to the extent that the City pays for the development of water sources, waterworks, or distribution capacity, it shall not provide the same to any party without compensation for the same at least equal to the reimbursement of the costs incurred by the City.
  - b. Where property owners are required to advance the costs for development of water sources, waterworks, and distribution systems for the City Water System, the City may acquire the same from the developers by provisions for development credits to be used by the developer or sold to others or by any other appropriate means allowed by law.
  - c. The City may acquire less than all of a water source, waterworks, or distribution system, provided that the City shall have control of the same and the revenues

therefrom shall be divided proportionately to the interests of the parties.

(Ord. 17-22, Ord. 14-3, Ord. 11-9; Ord. 8-16; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-

**8.01.04. Application for Water Connection.**

Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the City Water System, shall file with the Water Treatment Department for each connection a written and signed connection application as required by the Superintendent.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.05. Application for Water Connection by Developer.**

Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.06. Application for Water Service.**

Any person who desires or is required to secure water service when such service is available from the City Water System shall file with the Water Treatment Department a written application and agreement for the service which shall be in a form required by the Superintendent.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.07. Non-Owner Applicants—Agreement of Owner.**

Applications for water service made by the tenant of an owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.08. 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 City Water System shall be fixed from time to time by resolution enacted by the City Council. The Council may from time to time promulgate rules for levying, billing, guaranteeing, and 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.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.09. Special Rates.**

The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.10. Board of Equalization, Rates, and Rebates.**

The City Council shall act as the Board of Equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. The City Council may, if it sees fit, waive or modify the water bill of any indigent person.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.11. Use Without Payment Prohibited.**

It shall be unlawful for any person by himself or through family, servants, or agents to utilize the City water or sewer system without paying as provided herein 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 shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the Water System. Such violation shall be deemed a Class B Misdemeanor punishable according to the State Fine and Bail Schedule.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.12. Delinquency—Discontinuance of Service.**

1. The City Manager or Superintendent shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month or at such other regular interval as the City Council shall direct.
2. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within thirty days of the date due, a duly authorized representative of the City shall give the customer notice in writing of intent to discontinue the service unless the customer pays the bill in full within ten days from the date of notice.
3. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the Treasurer or arrangements made for their payment in a manner satisfactory to the City.
4. In the event water is turned off for nonpayment of water charges, then before the water

service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the City Council may have established by resolution.

- a. Until such a resolution has been adopted, there shall be added an extra charge of \$25.00 for turning on the water the first time it is reconnected, \$50.00 the second time, and \$100.00 each time thereafter. In addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has been applied to the payment of delinquent bills.
- b. The City Manager is authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the City.

(Ord. 18-1; Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.13. Turning On Water 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 water supply, to turn on or allow the water to be turned on or used without authority from the Superintendent or City Manager.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.14. Separate Connections.**

It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection, or water meter unless special permission for such combination usage has been granted by the City Council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this Section 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 City for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the City to require separate pipes, connections, or meters at a subsequent time.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.15. 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. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.16. Period for Visitors.**

Individuals visiting the premises of an authorized user in a recreational vehicle, not including a mobile home, and continuing to live therein during the period of visitation may receive water



service from the service pipes or facilities of the host during the visitation period, which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and a violation of the provisions of this part relating to separate connections and unauthorized use.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.17. Pipes to be Kept in Good Repair.**

All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the Superintendent shall be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.18. Quality of Service Pipe.**

1. All service and other pipe used in conjunction with the water services of the City shall be of such material, quality, and specifications as the City Engineer may from time to time provide, and shall be installed at such distances below ground as may be specified by regulations relating to the Water Treatment Department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the Superintendent, and no connections with any water mains shall be made without first obtaining a permit therefore from the Superintendent or City Manager.
2. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the Superintendent and subject to such requirements relating to controls as may be imposed by him.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.19. Faulty Equipment.**

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; or
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.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.20. Sprinkling Vehicles.**

Vehicles for sprinkling shall be regulated and controlled by the Water Treatment Department through the Superintendent.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.21. Department to Have Free Access.**

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

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.22. No Liability for Damages.**

The City shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the Water System or its mains, or maintenance and extension operations, or from any other unavoidable cause. This Section shall not be construed to extend the liability of the City beyond that provided in the Governmental Immunity Act, and shall be construed to be consistent therewith with the Act.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.23. Water not Supplied for Motors, Siphons, Etc.**

No water shall be supplied from the pipes of the City Water System for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the City Council.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.24. Sprinklers.**

1. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will, in the opinion of the City Council, materially affect the pressure or supply of water in the City Water System or any part thereof, and the City Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
2. The City Council—through the Superintendent—shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued, and advise that such continued usage constitutes a violation of this part.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.25. Scarcity of Water.**

In time of scarcity of water, whenever it shall in the judgment of the Mayor and the City Council be necessary, the Mayor shall by proclamation limit the use of 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 pursuant to this part.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.26. Waste of Water.**

1. Users of water from the City Water System shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Superintendent or of any of the officers of the City, a user of City water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the Superintendent or any officer may refer the matter to the City Council.
2. The City Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the City Council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which led to the consideration of the termination.
3. A water user whose right to utilize City water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
4. After due hearing, the City Council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.27. Water Meters.**

1. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments, and persons using water from the City Water System must have such number of water meters connected to their Water System as are necessary in the judgment of the Superintendent to adequately measure use and determine water charges to the respective users.
2. Meters will be furnished by the City upon application for a connection, and upon payment of such connection fees and other costs as may be established by the City Council from time to time by resolution.
3. Meters shall be deemed to be and remain the property of the City. Whenever a dispute between the Superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City

Council after due notice in writing to the parties involved.

4. The City Manager shall cause meter readings to be taken regularly for the purpose of recording the necessary billings for water service.
5. Meters may be checked, inspected, or adjusted at the discretion of the City, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the City unless special permission is given by the City through its representatives to the customer to do so.
6. If a customer submits a written request to the Superintendent to test his customer's water meter, the City may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the City Council, the meter shall be deemed to accurately measure the use of water.
7. If the City'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. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the City shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
8. All damages or injury to the lines, meters, or other materials of the City on or near the customer's premises caused by any act or negligence of the customer shall in the discretion of the City 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 City through its efforts to repair the damage to the lines, meters, or to other equipment of the Water Treatment Department or collect such costs from the customer.
9. The owners of residential and commercial establishments within the City of Saratoga Springs shall have the responsibility to see that the exterior of the water meters is properly cared for and maintained; and that such water meters are not buried, covered with weeds, or hidden; and that access is maintained to the water meters for the meter readers employed by the City of Saratoga Springs. Violators of this provision shall be fined in accordance with Title 20.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.28. Permits for Installation.**

It shall be unlawful for any person to lay, repair, alter, or connect any water line to the City Water System without first having received a construction permit.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.29. Applications for Installation Permit.**

1. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the City Water System must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises, who shall describe the nature or the work to be done for which the application is made. The application shall be granted if the Superintendent determines that:
  - a. the connection, repair, alteration, or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main; and
  - b. the connection conforms to the ordinances, regulations, specifications, and standards of materials required by the City.
2. All connections, alterations, or installations shall be to the line and grade designated by the Water Superintendent.
3. Fees for permits or for inspection services shall be of such amounts as the City Council shall from time to time determine by resolution.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.30. Moving or Replacing Water Lines.**

In the event that the City in its sole discretion determines that any water line of the City must be moved or replaced, the City shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.31. Situations in Which Permits Shall not be Issued.**

Permission to connect with the City Water System shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the City.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.32. Discontinuation of Service.**

Any customer desiring to discontinue service shall notify the City 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 will be refunded upon discontinuance of service.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.33. Fire Hydrants.**

Water for fire hydrants will be furnished free of charge by the City. Installation and repairs on such hydrants shall be at the expense of the City and shall be made under the direction of the City. All customers shall grant the City, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the City concludes that hydrants shall be so installed for the protection of the residents of the City. Subdividers and developers will be required to install hydrants as provided by the Land Development Code at no cost to the City. Upon final approval of the subdivision improvements the hydrants will become the property of the City.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.34. Extension of Water Mains Within the City.**

Any person or persons, including any developer or subdivider, who desires to have the water mains extended within the City and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the City Council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the Superintendent. The City Council may grant or deny the petition in its sole discretion as it deems best for the welfare of existing water users in the City.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.35. Cost of Extensions Determined.**

Upon the receipt of such petition and map and before the petition is granted, the City Council shall obtain from the Water Superintendent a certified statement showing the whole cost or expense of making such extension.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.36. Amount of Cost to be Deposited with Treasurer.**

If the City Council grants the petition, the amount of the cost of making the extension, as certified by the Superintendent, shall be deposited with the Treasurer before any work shall be done on such extension. The deposit shall be made within thirty days, or such other time as the City Council shall indicate, after the granting thereof.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

**8.01.37. Return of any Money—Forfeiture.**

1. At the time the City Council decides whether or not to grant a petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant or his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

2. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility enterprise fund.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.38. Ownership of Extension.**

Any such extension shall be deemed the property of the City.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.01.39. Potable Water Supply.**

##### **1. Purposes:**

- a. To protect the public potable water supply of the City of Saratoga Springs from the possibility of contamination or pollution by isolation within the customer's internal distribution system(s) such contaminants or pollutants which could backflow into the public water systems;
- b. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and non-potable water systems(s), plumbing fixtures, and industrial piping system(s); and
- c. To 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.

2. **Responsibility.** The City 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 the water service connection.

3. **Unlawful connection.** It shall be unlawful for any person to connect any part of the City's pressurized irrigation system to any part of a culinary water system so as to create a potential cross-connection whereby irrigation water could be introduced into any system that provides culinary water.

- a. An exception may be made if the City determines that a particular water connection cannot connect to any part of the City's pressurized irrigation system.
- b. If in the judgment of the City an approved backflow prevention assembly 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 designated agent of the City shall give notice in writing to said customer to install such approved backflow prevention assembly(s) at specific locations(s) on his premises. The customer shall immediately install such approved assembly(s) 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(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

##### **4. Building Department.**

- a. The Building Department has the responsibility to not only review building plans

and inspect plumbing as it is installed, but, it has the explicit responsibility of preventing cross connections from being designed and built into the structures within its jurisdiction. 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 Department has the responsibility to require such cross connections be eliminated.

- b. The Building Department's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of the customer's water system. The Building Inspector should inquire about the intended use of water at a point where one is actually called for by the plans. When and if such a cross connection is discovered, the Building Inspector shall require removal of said cross connection.

#### 5. **Certified Backflow Assembly Technician.**

- a. Only certified Backflow Assembly Technicians shall do the testing, maintenance, and repair of City-approved backflow prevention assemblies. The Certified Technician must 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. The technician's license number must also be on this tag.
- b. In the case of a customer requiring a commercially-available technician, any certified technician is authorized to make the test and report the results of that test to the customer, City, and the Utah Department of Environmental Quality Division of Drinking Water. If such a commercially tested assembly is in need of repair, a licensed plumber must make the actual repair.

#### 6. **Definitions.**

- a. **"Approved Backflow Assembly"** means a backflow assembly accepted by the Utah Department of Health as meeting an applicable specification or as suitable for the proposed use.
- b. **"Auxiliary Water Supply"**:
  - i. means any water supply on or available to the premises other than the City's public water supply; and
  - ii. may include water from another municipality's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, 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 City does not have authority for sanitary control.
- c. **"Back Pressure"** means the flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of potable water supply system from any source(s) other than the intended source.
- d. **"Back-Siphonage"** means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source caused by the reduction of pressure in the potable water supply system.
- e. **"Backflow"** means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- f. **"Backflow Prevention Assembly"** means an assembly or means designed to



prevent backflow.

- i. Specifications for backflow prevention assemblies are contained within the Utah Administrative Code and the Cross Connection Control Program for Utah.
  - ii. All backflow prevention assemblies must be approved by the Utah Department of Health prior to installation.
  - iii. A listing of these approved backflow prevention assemblies is available from the Utah Department of Health.
- g. **“Designated Agent”** means the person designated to be in charge of the Water Treatment Department of the City of Saratoga Springs, is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

## 7. Requirements.

### a. Policy:

- i. No water service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by State laws, regulations, codes, and City ordinances. Service of water to any premises shall be discontinued by the City if an unapproved cross connection is found or if a City-approved backflow prevention assembly is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if any unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
  - ii. 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 will be installed before the first branch line leading off the service line, whenever the City deems the protection of the water supply to be in the best interest of the water supply customers.
  - iii. The type of prevention assembly required shall depend upon the degree of hazard which exists at the point of cross connection, whether direct or indirect, as stipulated in the International Plumbing Code.
  - iv. 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 be removed and disconnected within one year of the passing of this ordinance.
- b. It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer’s expense. In those instances where the City deems the hazard to be great, the City may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a Certified Backflow Assembly Technician. It shall be the duty of the City to see that these tests are made according to the regulations set forth by the Utah Department of Environmental Quality Division of Drinking Water.

- c. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the International Plumbing Code. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.
- d. All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed from use, relocated, or substituted without written approval of the City.
- e. All backflow prevention assemblies shall be tested within ten working days of initial installation.
- f. No backflow prevention assembly shall be installed so as to create a safety hazard, such as installation over an electrical panel, steam pipes, boilers, pits, or above ceiling level.

(Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

## **Chapter 8.02. Sewer System Regulations.**

### **Sections:**

- 8.02.01. Use of Public Sewers Required.**
- 8.02.02. Definitions.**
- 8.02.03. Excavation for Sanitary Sewers.**
- 8.02.04. Use Regulations.**
- 8.02.05. Powers and Authority of Inspectors.**
- 8.02.06. Violation; Penalties.**
- 8.02.07. Rates; Purpose.**
- 8.02.08. Annual Determination of Total Costs.**
- 8.02.09. Contribution; Determination.**
- 8.02.10. Service Charge; Penalties.**
- 8.02.11. Prohibited Discharges.**
- 8.02.12. Sewer Extension Provisions; Application; Fees.**
- 8.02.13. Regulations Pertaining to Service Laterals.**
- 8.02.14. Responsibility of City and Applicant (User or Developer).**
- 8.02.15. City Installed Sewer Stubs.**

### **Section 8.02.01. Use of Public Sewers Required.**

1. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
2. It is unlawful to discharge into any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
3. Except as provided in this article, it is unlawful to construct or maintain any privy, privy vault, septic tank or system, cesspool, private sewage treatment facility, or other structure, tank, system, or facility, which is intended or used for the disposal of wastewater.
  - a. Septic systems are permitted for new subdivisions only when the following criteria are met:
    - i. The nearest public sewer line is more than 300 feet from any property line;
    - ii. The property is zoned A, RA, Rr, or R-1;
    - iii. The property is at least one acre in size;
    - iv. Every individual lot is served by an individual septic system; shared systems are not permitted;
    - v. A percolation test is performed by a qualified and certified independent third party prior to preliminary plat approval;
    - vi. Approval from Utah County Health Department is obtained for each lot and all conditions of approval must be verified prior to plat recordation;
    - vii. A note in substantially the following form is placed on the plat: "Lots shall be subject to Health Department wastewater requirements in place at the time of building permit application; preliminary percolation subdivision

- feasibility tests are not a guarantee that lots will be eligible for a septic permit”;
- viii. No portion of the septic system is located within one hundred feet of the compromise line of Utah Lake, which is at an elevation of 4489.045 feet, United States Coast and Geodetic Survey Datum, adjusted 1929, per the 1985 Utah Lake Compromise and Flood Management Agreement; and
  - ix. Pursuant to Subsection 4 below, at such time as sewer becomes available, the owner shall connect to the City’s sewer system.
4. All existing houses, structures, buildings, lots, or properties used for human occupancy, situated within the City shall, at the owner’s expense, install suitable toilet facilities therein and to connect such facilities directly with the City’s sewer system in accordance with the provisions of this article within sixty days after date of official notice to do so; provided, that the public sewer is within 300 feet of any portion of the property line and the City has determined that the public safety and or general welfare of the citizens will be compromised by remaining on septic.

(Ord. 14-16; Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.02. Definitions.**

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

1. **“Biochemical Oxygen Demand (BOD)”** means oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/l).
2. **“Building Drain”** means that part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends thirty inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer.
3. **“Building Sewer”** means that part of the drainage system that extends from the end of the building drain and conveys the discharge to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.
4. **“Combined Sewer”** means a sewer intended to receive both wastewater and storm or surface water.
5. **“Easement”** means an acquired legal right for the specific use of land owned by others.
6. **“Floatable oil”** means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
7. **“Garbage”** means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

8. **“Industrial Wastes”** means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
9. **“Natural Outlet”** means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.
10. **“Person”** means any individual, firm, company, association, society, corporation, or group.
11. **“pH”** means the logarithm of the reciprocal of the hydrogen ions, in grams, per liter of solution. Neutral water, for example, has pH value of seven and hydrogen ion concentration of ten.
12. **“Properly Shredded Garbage”** means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
13. **“Public sewer”** means a common sewer controlled by a governmental agency or public utility.
14. **“Sanitary Sewer”** means a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
15. **“Septic System”** means a self-contained underground system for the collection, storage, treatment, neutralization, or stabilization and disposal of wastewater that occurs on the property.
16. **“Sewage”** means the spent water of a community. The preferred term is “wastewater”. See definition of wastewater in this Section.
17. **“Sewer”** means a pipe or conduit that carries wastewater or drainage water.
18. **“Slug”** means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation and shall adversely affect the collection system or performance of the wastewater treatment works.
19. **“Storm Drain”** or **“storm sewer”** means a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
20. **“Suspended solids”** means the total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquid and that is removable by laboratory filtering as prescribed in standard methods for the examination of water and wastewater, and referred to a non-filterable residue.

21. **“Unpolluted water”** means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
22. **“Wastewater”** means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.
23. **“Wastewater facilities”** means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
24. **“Wastewater Treatment Works”** means an arrangement of devices and structures for treating wastewater, industrial waste, and sludge. Sometimes used as synonymous with “waste treatment plant”, “wastewater treatment plant” or “water pollution control plant”.
25. **“Watercourse”** means a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 14-16; Ord. 11-9; Ord. 09-16 (07-14-09))

### **8.02.03. Excavation for Sanitary Sewers.**

1. **Permit Required:** No unauthorized persons shall uncover, make any connections with or opening into, or use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
2. **Classifications of Permits:** There shall be two classes of building sewer permits: (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City.
3. **Costs Borne by Owners:** All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owners. The owners shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. **Separate Building Sewer Required; Exception:** A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

5. **Use of Old Building Sewers:** Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City, to meet all requirements of this article.
6. **Code Compliance:**
  - a. The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply.
  - b. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9.
  - c. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
7. **Gravity Flow:** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. **Surface Runoff or Ground Water:** No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the City for purposes of disposal of polluted surface drainage.
9. **Notification for Inspection:** The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City or its representative.
10. **Excavations Require Barricades and Lights; Restoration:** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.04. Use Regulations.**

1. **Discharge of Unpolluted Waters:** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer; except, storm water runoff from

limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the City.

2. **Storm Sewers:** Storm water, other than that exempted under Subsection (1) of this Section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.
3. **Prohibited Water or Wastes:** No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
  - a. any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
  - b. any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or that constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;
  - c. causing damage or hazard to structures, equipment, and personnel of the wastewater works; or
  - d. solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or their interference with the proper operation of the wastewater facilities, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
4. **Limited Discharges:** The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The City may set limitations lower than the limitations established in the regulations below if more severe limitations are necessary to meet the objectives of this Section. In reviewing such exceptions, the City will give its consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City are as follows:
  - a. Wastewater having a temperature higher than 150°F;
  - b. Wastewater containing more than twenty five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;
  - c. Wastewater from industrial plants containing floatable oils, fat, or grease;
  - d. Any garbage that has not been “properly shredded”, as defined in Section 8.02.02. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;



- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the City for such materials;
- f. Any waters or wastes containing odor producing substances which may exceed limits established by the City;
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable state or federal regulations;
- h. Quantities of flow, concentrations, or both, which constitute a “slug” as defined in Section 8.02.02;
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- j. Any water or wastes that, by interaction with other waste or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes.

**5. Discharge Of Hazardous Wastes; Authority Of City:**

- a. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Section, and which, in the judgment of the City, may have a deleterious effect upon the wastewater facilities, processes equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
  - i. reject the wastes;
  - ii. require pretreatment to an acceptable condition for discharge to the public sewers;
  - iii. require control over the quantities and rates of discharge; and
  - iv. require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- b. When considering the above alternatives, the City shall give consideration to the economic impact of each alternative on the discharger. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City.

**6. Interceptors:**

- a. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Subsection (4) of this Section, or any flammable wastes, sand, or other harmful ingredients; except interceptors shall not be required for private living quarters or dwelling units.
- b. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall

maintain records of dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

7. **Maintenance of Facilities:** Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
8. **Observation, Sampling, and Measuring Facility:** When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
9. **Information Required For Monitoring Compliance:** The City may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:
  - a. wastewater discharge peak rate and volume over a specified time period;
  - b. chemical analyses of wastewater;
  - c. information on raw materials, processes, and products affecting wastewater volume and quality;
  - d. quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  - e. a plot plan of sewers on the user's property showing sewer and pretreatment facility location;
  - f. details of wastewater pretreatment facilities; and
  - g. details of systems to prevent and control the losses of materials through spills to the City sewer.
10. **Standards:** All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the latest edition of standard methods for the examination of water and wastewater, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.
11. **Special Agreements:** No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.05. Powers and Authority of Inspectors.**

1. **Entrance Authorized:** Employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.
2. **Obtain Information:** The City is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. **Safety; Liability:** While performing the necessary work on private properties referred to in Subsection (1) of this Section, the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damages asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 8.02.04.
4. **Private Property with Easement:** The employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.06. Violation; Penalties.**

1. **Disorderly Conduct:** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
2. **Notice of Violation:** Any person found to be violating any provision of this article, except Subsection (1) of this Section, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
3. **Misdemeanor:** Any person who shall continue any violation beyond the time limit provided for in Subsection (2) of this Section shall be guilty of a class B misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

4. **Liability:** Any person violating any of the provisions of this article shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.07. Rates; Purpose.**

The purpose of this Chapter shall be to generate sufficient revenue to pay all costs for the operation, maintenance, and debt service of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.08. Annual Determination of Total Costs.**

The City shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation, maintenance, and debt service shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.09. Contribution; Determination.**

The City or its City engineer shall determine each user's volume of wastewater, which has been discharged to the wastewater system.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.10. Service Charge; Penalties.**

The City shall submit a monthly statement to the user for the user's monthly wastewater service charge. The user shall pay a \$15.00 late fee if the payment is not received within 30 days. The City may add a penalty of 1.5 percent per month interest on any outstanding balances. If any user fails to pay the user wastewater service charge and penalty within one month of the due date, the City may stop the water service to the property.

(Ord. 18-10; Ord. 18-03; Ord. 11-9; Ord. 09-16 (07-14-09) Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

#### **8.02.11. Prohibited Discharges.**

1. The discharge of any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or that constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, is prohibited.
2. Section 8.02.04 of this Chapter contains additional requirements covering the use of the City's public sewers.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.12. Sewer Extension Provisions; Application; Fees.**

1. **Petition:** All persons or groups of persons desiring sewer service outside of a conventionally subdivided area for which extension of sewer mains are required may make petition to the City, attaching thereto a map indicating the property to be served and the streets, alleys, highways, or easements in which the extension line is required to be laid.
2. **Cost Advanced:** The petitioners will advance such an amount as in the opinion of the City and its engineers will defray the cost of the extensions, and the City will thereupon have constructed the sewer main extensions.
3. **Refunds:** Refunds to the petitioners for extension of sewer mains will be made according to the formal policy adopted by the City Council. This policy shall be reviewed from time to time and amended as deemed necessary.
4. **Line Size:** The design, size, and depth of sewer mains shall be determined by the City, but all costs to petitioners shall be based upon the cost of an eight-inch line as estimated by the engineers.
5. **Minimum Diameter:** No sewer main having a diameter of less than eight inches shall be installed within a public street.
6. **Right Angle:** All service lines shall be installed so as to connect with the sewer main as nearly at a right angle as possible.
7. **Subdivisions Complete:** All conventional subdivisions shall be complete with a sewer distribution system installed before the subdivisions are accepted by the City. The design and construction of the sewer distribution systems shall be approved by the City before such system is installed. The subdivider shall install the sewer distribution system at his own expense for all sewer mains.
8. **Full Width Main Line Extensions:** All main line extensions shall be extended the full width of the lot for which service is to be provided.

(Ord. 11-9; Ord. 09-16 (07-14-09))

#### **8.02.13. Regulations Pertaining to Service Laterals.**

1. The regulations of the City regarding the number of separate service laterals for residential and commercial structures is as follows:
  - a. For one- and two-family dwelling structures, a separate service lateral for each dwelling unit is required.
  - b. For multiple-family dwelling structures under one ownership, separate service laterals for each dwelling unit shall be the general rule; provided, however, that where design dictates otherwise, a common lateral (or fewer laterals than the number otherwise specified) may be permitted where the applicant provides adequate documentation and guarantees to assure adequacy of sewer and wastewater collection and responsibility for payment and maintenance. In any such case, the public works director, with the advice and recommendation of the City engineer, may, in his sole discretion, reduce the required number of service laterals accordingly.
  - c. For multiple-family dwelling structures under separate ownership, separate service laterals are required for each unit.
  - d. For commercial structures, separate service laterals shall be the general rule; provided, however, that in those cases where the design and expected flow of wastewater from the structure dictate otherwise, the structure is under one ownership, and only domestic waste will be produced and collected therefrom, common laterals may be permitted where the applicant provides adequate documentation and guarantees to assure adequacy of wastewater collection and responsibility for payment and maintenance. In any such case, the public works director, with the advice and recommendation of the City engineer, may, in his sole discretion, reduce the required number of service laterals accordingly.
2. The City Council is hereby authorized to pass one or more resolutions, or a series of resolutions, establishing policies and procedures to assist in the implementation, administration, and interpretation of the provisions of this Section.
3. The City manager is authorized to adopt written policies consistent with this Section and any resolutions authorized hereunder to assist in the implementation, administration, and interpretation thereof.

(Ord. 11-9; Ord. 09-16 (07-14-09))

**8.02.14. Responsibility of City and Applicant (User or Developer).**

1. When connecting to the City's sewer and wastewater collection system, it shall be the responsibility of the City to inspect connections to the main line, to inspect the laying of the lateral lines, and to prepare and file site plans showing the exact location of service connections and laterals.
2. It shall be the duty and responsibility of the applicant, user, or developer to perform hard surface restoration of any paved street or streets disturbed by cuts made, or to be made, for the purpose of installing sewer laterals.

3. The City Council is hereby authorized to pass one or more resolutions, or a series of resolutions, establishing policies and procedures to assist in the implementation, administration, and interpretation of the provisions of this Section.
4. The public works director is authorized to adopt written policies consistent with this Section and any resolutions authorized hereunder to assist in the implementation, administration, and interpretation thereof.

(Ord. 11-9; Ord. 09-16 (07-14-09))

**8.02.15. City Installed Sewer Stubs.**

In constructing the sewer system and extensions thereof, it may become practical for the City to install, at frequent intervals, sewer stubs from the sewer lateral to the property line, even though the owner of the adjacent (vacant) property has not applied for sewer service, nor paid a connection fee, all to the end that unnecessary tearing up of streets and inconvenience to the public will be prevented. In such case, the stub is the property of the City and no property owner shall have the right to the use thereof, unless the right of use shall be purchased and paid for. The purchase for such use is fixed as established in Section 8.02.12, which amount must be paid prior to the receipt by the applicant of an inspection permit, together with such connection fees as are otherwise fixed by the City.

(Ord. 11-9; Ord. 09-16 (07-14-09))

## **Chapter 8.03. City Utility Requirements and Exclusivity for City Residents.**

### **Sections:**

#### **8.03.01. Definitions.**

#### **8.03.02. Findings and Purpose.**

#### **8.03.03. City Residents Required to Connect to and Have Access to City Utilities.**

#### **8.03.04. City Public Utilities for the Exclusive Use of City Residents.**

#### **8.03.01. Definitions.**

In this section, the following definitions apply:

1. **“Nonresident”** refers to all people not residing and properties not located within the corporate limits of the City of Saratoga Springs, Utah.
2. **“Public Utilities”** means culinary water, secondary water, sewer, and storm drain services, as well as roads, that are provided by the City of Saratoga Springs to any person, entity, or corporation.
3. **“Residents”** refers to all people residing and properties located within the corporate limits of the City of Saratoga Springs, Utah.

(Ord. 14-26)

#### **8.03.02. Findings and Purposes.**

The City Council finds and determines as follows:

1. As a result of the City being a relatively new and rapidly developing City, there are limited existing public utilities. As a result, there is a need to maintain and preserve the limited public utilities for the use and enjoyment of current and future City residents and for the potential future growth of the City. Maintaining and preserving these limited public utilities is in the best interests of the health, safety, and welfare of City residents.
2. In order to maintain and preserve these public utilities for the use and enjoyment of existing and future City residents, as well as for their health, safety, and welfare, the City finds that it is necessary to limit the use of City utilities exclusively to those residents within the corporate limits of the City.
3. As Utah law provides that the City has no duty to provide utilities to members of the public residing outside the corporate limits of the City, the City finds that restricting public utilities to residents of the City is a reasonable, legitimate, and appropriate method of furthering the City’s goal to maintain and preserve its limited public utility resources.

(Ord. 14-26)



### **8.03.03. City Residents Required to Connect to and Have Access to City Utilities.**

1. All residents shall have access to and connect to City utilities, except as otherwise provided in City ordinances, codes, and regulations. This access shall be in accordance with and limited by all City ordinances, codes, and regulations relating to such matter. Such connection and access shall be the responsibility of the landowner.
2. All property developed within the corporate limits of the City after the adoption of this ordinance shall connect to and have access to City utilities, except as otherwise provided in City ordinances, codes, and regulations. This access shall be in accordance with and limited by all City ordinances, codes, and regulations. Such connection and access shall be the responsibility of the landowner.
3. All property annexed to the City after the adoption of this Chapter shall connect to and have access to City utilities, except as otherwise provide in City ordinances, codes, and regulations. This connection and access shall be in accordance with and limited by all ordinances, provisions, and regulations relating to such matter as found in this Code. Such connection and access shall be the responsibility of the landowner.

(Ord. 14-26)

### **8.03.04. City Public Utilities for Exclusive Use of City Residents.**

1. The City, finding a need to preserve its resources for City residents, shall not provide City public utilities to any nonresident or property developed outside of the corporate limits of the City. City utilities will be used and saved exclusively for City residents and those properties located within the corporate limits of the City of Saratoga Springs.
2. The specific utilities the City will not provide to nonresidents include all culinary and secondary water, sewer, and storm drain services. Access to roads will continue to be provided to the general public in accordance with and limited by all other road ordinances and regulations adopted by the City of Saratoga Springs. However, the City will not participate in the planning, building, or funding of roads that primarily serve nonresidents.
3. This Section 8.03.04 applies to all nonresidents including without limitation agricultural, residential, commercial, industrial, institutional, and all other types of properties.

(Ord. 14-26)

**Chapter 8.04. Reserved**

(Ord. 18-31)

## Sections:

<b>8.05.01.</b>	<b>Definitions</b>
<b>8.05.02</b>	<b>Declaration of Purpose and Intent</b>
<b>8.05.03</b>	<b>Orders, Rules, and Regulations</b>
<b>8.05.04</b>	<b>Master License Agreement Required</b>
<b>8.05.05</b>	<b>Permits Required</b>
<b>8.05.06</b>	<b>Permit Applications</b>
<b>8.05.07</b>	<b>Compensation</b>
<b>8.05.08</b>	<b>Design and Location Standards</b>
<b>8.05.09</b>	<b>Other Requirements</b>
<b>8.05.10</b>	<b>Enforcement and Remedies</b>

**8.05.01 Definitions**

1. **“Antenna”** is defined in Utah Code Section § 54-21-101(1), or its successor.
2. **“Applicant”** means a wireless provider who makes application for a permit.
3. **“Application”** is defined in Utah Code § 54-21-101(5), or its successor.
4. **“City”** means the City of Saratoga Springs, Utah.
5. **“City engineer”** means the city engineer, or authorized representative.
6. **“Collocate”** is defined in Utah Code § 54-21-101(11), or its successor.
7. **“Decorative pole”** is defined in Utah Code § 54-21-101(14), or its successor.
8. **“FCC”** means the Federal Communications Commission of the United States.
9. **“Gross revenue”** is defined in Utah Code § 10-1-402, or its successor statute, as applied to the revenue of a wireless provider.
10. **“Macro wireless facility”** means an antenna mounted on a tower or similar structure that is not a small wireless facility or a micro wireless facility. A macro wireless facility is not permitted in the public way unless required by federal law.
11. **“Master license agreement”** means an agreement between a wireless provider and the city that sets forth the general terms and conditions pursuant to which the wireless provider may install and operate wireless facilities in the public way.
12. **“Micro wireless facility”** is defined in Utah Code § 54-21-101(21), or its successor.
13. **“Permittee”** means any person who has been issued a permit and has agreed to fulfill the requirements of this chapter, on its own behalf or on behalf of a wireless provider.

14. **“Person”** means and includes any natural person, partnership, firm, association, public utility company, corporation, company, organization, or entity of any kind.
15. **“Public way”** means, for purposes of this Chapter, all public rights of way, pathways, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainageways including the surface, subsurface and above surface space, now or hereafter existing as such within the City. It does not, however, include utility easements not within public ways of the city and federal interstate highways or fixed guideways as defined in Utah Code § 59-12-102.
16. **“Small cell wireless”** is defined in Utah Code § 54-21-101(25), or its successor.
17. **“Structure”** means a utility pole or a wireless support structure.
18. **“Telecommunications”** means the transmission, between or among points specified by the user, of information of the user’s choosing (e.g. data, video, and voice) without change in the form or content of the information sent and received.
19. **“Utility pole”** means for purposes of this Section, a pole or similar structure that is in a public way and is or may be used for wireline communications, electric distribution, lighting, traffic control, signage, or the collocation of a small wireless facility. Utility pole does not include a wireless support structure, a structure that supports electric transmission lines, or electric power poles owned by the city or by an interlocal entity.
20. **“Wireless facility”** is defined in Utah Code § 54-21-101(29), or its successor.
21. **“Wireless provider”** means a person that provides wireless services to customers, and/or builds or installs wireless facilities.
22. **“Wireless service”** is defined in Utah Code § 54-21-101(32), or its successor.
23. **“Wireless support structure”** is defined in Utah Code § 54-21-101(34), or its successor.
24. **“Wireline backhaul facility”** means a facility used to transport communications by coaxial or fiber-optic cable from a wireless facility to a communications network. A wireline backhaul facility may be installed in the public way pursuant to a franchise agreement.

(Ord. 18-31)

#### **8.05.02 Declaration of Purpose and Intent**

1. **Purpose.** The purpose of this chapter is to establish requirements for the siting and use of wireless facilities in the public ways in a manner that facilitates the delivery of wireless services within the city, while minimizing associated adverse impacts. The goals of this chapter are to:
  - a. provide for the managed development and installation, maintenance, modification, and removal of wireless services infrastructure in the city to provide adequate wireless communications coverage, without unreasonably discriminating

against wireless providers of functionally equivalent services including all of those who install, maintain, and operate wireless facilities;

- b. promote and protect the public health, safety, and welfare, and specifically, protecting aesthetic values, by reducing the visibility of wireless facilities and structures to the fullest extent possible through techniques including but not limited to camouflage/concealment, design techniques, and undergrounding of wireless facilities and the equipment associated therewith, where appropriate;
- c. encourage the deployment of smaller, less intrusive wireless facilities to supplement existing telecommunications facilities;
- d. encourage owners and users of wireless facilities and structures to locate them, to the extent possible, where the adverse impact on the community is minimized;
- e. enhance the ability of wireless providers to provide such wireless services to the community quickly, effectively, and efficiently; and
- f. effectively manage wireless facilities in the public way.

**2. Scope:**

- a. This chapter shall provide the basic local scheme for providers of wireless services and systems that require the use of the public ways, including providers of both the system and service, and those providers of the system only.
- b. The requirements set forth in this chapter shall apply to all wireless facilities and structures located within the public way, and to all applications to locate or modify wireless facilities and structures within city public ways. This chapter shall apply to all future wireless providers and to all wireless providers in the city prior to the effective date hereof, whether operating with or without a license.
- c. The activities regulated by this chapter are subject to terms of the Small Wireless Facilities Deployment Act, Utah Code Title 54, Chapter 21, or its successor.

**3. Excluded activity:**

- a. This chapter shall not apply to video service systems, wireline backhaul facilities, or macro wireless facilities.

**8.05.03 Orders, Rules, and Regulations**

In addition to the requirements set forth in this chapter, the city may adopt such orders, rules and regulations which are reasonably necessary to accomplish the purposes of this chapter and are consistent herewith.

**8.05.04 Master License Agreement Required**

1. Any wireless provider desiring to install, repair, maintain, remove, and replace wireless facilities in the public way shall first enter into a master license agreement with the city, except to the extent exempted by federal or state law.
2. The city is empowered and authorized to grant nonexclusive master license agreements on a nondiscriminatory basis governing the installation, operation, use and maintenance of wireless facilities in the city's public way in accordance with the provisions of this section.

3. The city shall grant a master license agreement to a wireless provider pursuant to a City Council ordinance, non-codified, authorizing the negotiation and execution of a master license agreement. Acceptance of the master license shall occur by the wireless provider executing the authorized master license agreement within 30 days of recordation of the authorizing ordinance. Any amendment or extension thereof will also require city council approval.
4. The term of a master license agreement may be renewed if the wireless provider is in compliance with the master license agreement and all applicable laws, rules, and regulations, including this Chapter.
5. This section shall only apply to wireless facilities. If a wireless provider has telecommunications systems that may be used for multiple purposes, such as a wireline backhaul facility, cable television, telecommunication services as defined in Utah Code Chapter 10-1-401 et seq., or video services system, then such provider shall obtain a franchise agreement per Chapter 8.04 or other applicable City law for each permitted purpose.
6. Before offering or providing any wireless services pursuant to the master license agreement, a wireless provider shall obtain all other regulatory approvals, permits, authorizations, or licenses for the offering or providing of such services from the appropriate federal, state, and local authorities, if required, and, upon request of the city, shall submit to the city evidence of the same, such as a license from the FCC or certificate from the Utah Public Service Commission.
7. The grant of a master license agreement will not excuse the wireless provider from obtaining (i) any permit or other authorization required to engage in or carry on any business within the city as required by the laws, rules, and regulations of the city, (ii) any other permit, agreement or authorization required in connection with the use of property or facilities owned by third parties, or (iii) any other permit or authorization required in connection with excavating or performing other work in or along the public way.
8. Wireless providers shall comply with all applicable federal, state, and city laws, rules and regulations, including those of the FCC.
9. Except to the extent exempted by applicable law, any wireless provider acting without a master license agreement on the effective date of the ordinance codified in this Chapter shall request issuance of a master license agreement from the city within 90 days of the effective date of the ordinance codified in this chapter. If such request is made, the wireless provider may continue to provide services during the course of negotiations. If a timely request is not made, or if a master license agreement is not granted, the wireless provider shall remove its equipment from the public way within 30 days of notice from the city.
10. A master license agreement shall not convey title, equitable or legal, in the public way. A master license agreement is a license to occupy the public way on a nonexclusive basis for the limited purposes and time period stated in the agreement.

11. A master license agreement granted pursuant to this chapter shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this chapter, including, but not limited to, defining events of default, procedures for accessing the bond/security fund, and rights of termination or revocation.
12. In the event a wireless provider continues to operate all or any of its wireless facilities after the terms of the master license has expired, such wireless provider shall continue to comply with all applicable provisions of this chapter and the master license agreement, including, without limitation, all compensation provisions; provided, that any such continued operations shall in no way be construed as a renewal or other extension of the master license agreement, nor as a limitation on the remedies available to the city as a result of such continued operation after the term, including, but not limited to, damages and restitution.

(Ord. 18-31)

#### **8.05.05 Permits Required**

Except as otherwise provided by applicable law, any wireless provider desiring to install a wireless facility in the public way shall first apply for and obtain a permit for such work pursuant to Title 18, or its successor. The City will not provide a permit to a wireless provider until the wireless provider and City have first entered into a master license agreement, and, if required, a franchise agreement. If a wireless provider authorizes another person to act as the permittee to perform any activity contemplated by this Chapter, such wireless provider shall be responsible for such permittee in connection with the responsibilities of this chapter and the permit, and shall be responsible under this Chapter and pursuant to the conditions of the permit as if it were the permittee.

#### **8.05.06 Permit Applications**

1. **Application fee.** In order to offset the cost to the city to review applications, a wireless provider shall pay to city a non-refundable application fee for a permit to work in the public way for the installation or modification of a wireless facility. The cost of such application shall be the following amounts:
  - a. \$100 for each small wireless facility to collocate a small wireless facility on an existing or replacement utility pole.
  - b. \$250 for each utility pole to install, modify, or replace a utility pole associated with a small wireless facility, where permitted under Utah Code § 54-21-204, or its successor.
  - c. \$1000 for each utility pole to install, modify, or replace a utility pole associated with a small wireless facility, where such is not permitted under Utah Code § 54-21-204, or its successor.
2. **Avoiding redundant submittals.** The city engineer may allow a wireless provider to maintain on file with the engineering department any documentation that would otherwise be required for each individual application, such as basic wireless facility design documents and pole load analyses. The wireless provider must update any such information as necessary to keep it current.

(Ord. 18-31)

### **8.05.07 Compensation**

1. **Collocation rate.** A wireless provider shall pay to City an annual fee for each collocation on a City owned utility pole as set forth in Utah Code § 54-21-504, or its successor.
2. **Public Right-of-Way rate.** A wireless provider shall pay to City an annual fee to use or occupy the Public Right-of-Way with the wireless facilities, unless otherwise provided by applicable law.
  - a. In consideration for a wireless provider's right to use or occupy the public way as described herein, a wireless provider shall pay to the city an annual amount equal to the greater of (a) three and one half percent (3.5%) of such wireless provider's gross revenues related to wireless provider's use of the public way, or (b) two hundred and fifty dollars (\$250) per small wireless facility.
  - b. With the payment of each annual public way rate, a wireless provider shall include a report describing gross revenue upon which the rate is calculated and a description, of reasonable specificity, of the small wireless facilities which have generated the revenue upon which the rate is based. Such report shall include such information related to such payment as the city may reasonably request. The records of the wireless provider pertaining to the reports and payment required by this chapter, including but not limited to any records deemed necessary or useful by the city to calculate or confirm gross revenue, and all other records of the wireless provider reasonably required by city to assure compliance by the wireless provider with the terms of this Chapter shall be open to inspection by the City and its duly authorized representatives upon reasonable notice at all reasonable business hours of the wireless provider.
3. **Other fees.** A wireless provider shall pay all other applicable fees established by City, specifically including but not limited to permit fees and business license fees.

(Ord. 18-31)

### **8.05.08 Design and Location Standards**

The design and location of the wireless facility and utility pole or support structure shall comply with all standards adopted by the City, which shall include the following:

1. **Residential zones.** A wireless provider may not install a new utility pole in a public way adjacent to single family, multifamily, and residential zones and uses, or undeveloped land that is designated for residential uses by zoning or deed restrictions, if the curb to curb measurement of the street is 60 feet wide or less as depicted on the official plat records or other measurement provided with the application, unless City has given prior written consent.
2. **Screening.** Equipment located on the ground shall be screened by a decorative wrought iron fence or solid fence material and comply with all clear sight triangle requirements. Equipment screening may be permitted up to six feet high;



3. **Signage.** Other than signage that may be required by Federal or Utah statute, there shall be no identification signs located on the utility pole, structure, or screening material.
4. **Structural Load Analysis.** The application shall include an industry-standard pole load analysis indicating that the structure on which the wireless facilities will be mounted will safely support the load. If a small wireless facility cannot be safely installed on the respective structure, applicant shall either replace the structure with a compliant structure of the same type, or propose a new location.
5. **Height:**
  - a. The height of a structure with an attached wireless facility, including the wireless facility, shall be the minimum height needed for the operation of the wireless facility.
  - b. In no event shall the maximum height of a new or modified utility pole with an attached wireless facility, including the wireless facility, exceed 50 feet above the public way.
  - c. Where wireless facility equipment is permitted on the outside of a utility pole, it shall be placed higher than 8 feet above the public way, unless otherwise permitted by city.
6. **Decorative poles.** If necessary to collocate a wireless facility on a decorative pole, a wireless provider may replace a decorative pole, if the replacement pole reasonably conforms to the design aesthetics of the displaced decorative pole and meets the requirements of this section, including the design standards.
7. **Undergrounding.** The entire incorporated limits of the City of Saratoga Springs is hereby designated an “Underground District in accordance with Utah Code Section 54-21-207, as amended. Wireless facilities therefore shall be placed underground as permitted by Utah code section 54-21-207, as amended. All wireline backhaul facilities and electrical distribution lines serving Wireless Facilities shall be located underground.
8. **Historic districts and design districts.** In order to maintain the character of a historic district and/or design district, all wireless facilities and new structures in such a district must employ screening, concealment, camouflage, or other stealth techniques to minimize visual impacts, and comply with all requirements and obtain all approvals as required by the historic landmark commission as permitted by Utah code section 54-21-208, or its successor. Wireless facilities and new structures must be architecturally integrated with existing buildings, structures and landscaping, including considerations of height, color, style, placement, design, and shape.

(Ord. 18-31)

#### **8.05.09 Other Requirements**

1. **Insurance and bonding.** A wireless provider will be responsible for carrying and maintaining insurance and bonds as may be required in the master license agreement or otherwise by the city and in connection with obtaining a permit.
2. **Indemnity.** A wireless provider shall indemnify, save harmless, and defend City, its officers and employees, from and against all losses, claims, counterclaims, demands, actions, damages, costs, charges, and causes of action of every kind or character, including attorneys' fees, arising out of or in connection with such provider's wireless facilities or use of the public way, unless and to the extent caused by the city's negligence.
3. **Electrical Service.** A wireless provider will be solely responsible for establishing electrical power services for its wireless facilities and for the payment of all electrical utility charges to the applicable electric service provider based upon applicable rates. A wireless provider shall obtain a building permit for installation of such electrical service as required by the city.
4. **Inspections.** All wireless facilities and wireless provider-owned structures shall be maintained by the wireless provider in a clean and good condition, free of graffiti, and rusting, excessive dirt, and peeling paint. The city shall have the authority to conduct inspections of the wireless facilities and structures at any time to determine whether such facilities and structures comply with the requirements of this chapter.
5. **Compliance with law.** All wireless facilities must at all times comply with all applicable federal, state, and local building codes and safety codes and regulations. To the extent this chapter conflicts with other provisions of city ordinances, this chapter shall control. All wireless facilities and structures shall be constructed and installed to manufacturer's specifications. Provider shall obtain one or more FCC licenses, as required by the FCC, to operate its wireless facilities.
6. **Hazardous materials.** A wireless provider shall not possess, use, generate, release, discharge, store, dispose of, or transport any hazardous materials on, under, in, above, to, or from any public way except in compliance with all applicable environmental laws and pre-approved by city. Wireless provider shall promptly reimburse city for any fines or penalties levied against city because of wireless provider's failure to comply with environmental laws.
7. **Tree trimming.** A wireless provider may trim trees overhanging the public way to prevent the branches of such trees from coming in contact with the wireless facilities only with permission and under the direction of the city's urban forester and at the wireless provider's expense.
8. **Additional requirements.** Wireless facilities will be subject to any additional requirements set forth in the applicable master license agreement and permit.

(Ord. 18-31)

#### **8.05.10 Enforcement and Remedies**

1. **Enforcement.** The city is responsible for enforcing and administering this chapter, and the city or its designee is authorized to give any notice required by law or under any master license agreement or permit. Failure of city to require performance of any term in this chapter or the waiver by either party of breach hereof shall not prevent subsequent enforcement of that term and shall not be deemed a waiver of any subsequent breach.
2. **Removal of wireless facilities:**
  - a. In the event (a) the use of a wireless facility is discontinued for a continuous period of 12 months, (b) the term of the applicable master license agreement has expired, or (c) any wireless facility or structure has been installed in the public way without complying with the requirements of this chapter, and the respective wireless facilities have not been removed by the wireless provider within 30 days of any such event, such wireless provider shall be deemed to have abandoned such wireless facility.
  - b. If any wireless facility is deemed abandoned, the wireless provider shall remove its wireless facilities and structures within 90 days of the city's notice of such abandonment and shall repair and restore the public way to a similar or better condition than at the time of the installation. Failure to do so may result in the city's removal of the facilities and structures at the wireless provider's cost. The city shall have the right to inspect and approve the condition of the public way, wireless facilities, and structures prior to and after removal. The liability, indemnity and insurance provisions of this chapter and any security required of a wireless provider shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this section.
  - c. Notwithstanding anything to the contrary set forth in this chapter, and subject to city's approval in its discretion, a wireless provider may abandon any underground facilities in place so long as it does not materially interfere with the use of the public way or with the use thereof by any public utility, cable operator or other person.
3. **Default.** If a wireless provider defaults under any provision of this chapter and such default is not cured within 30 days following notice by city to wireless provider of its default, or such longer cure period as permitted by city, city shall maintain all its rights and remedies, at law and in equity, including the ability to charge fines, recover fees and costs, and remove the wireless facilities. Without limitation, city may:
  - a. Fine the violating party \$100 per day per violation until the violation is cured;
  - b. Terminate or suspend any franchise, permits, or licenses held by the violating party; and
  - c. Withhold issuing any new permits to the violating party.
  - d. If the violation is not cured within 180 days, or such longer cure period as may be permitted by city, city may remove and impound the wireless facilities until the violation has been cured.

(Ord. 18-31)