

**ORDINANCE NO. 14-16 (6-17-14)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO CHAPTER 8.02 OF THE SARATOGA SPRINGS CITY CODE; ESTABLISHING ADDITIONAL REGULATIONS PERTAINING TO SEPTIC SYSTEMS IN THE CITY OF SARATOGA SPRINGS, UTAH; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, on September 6, 2011, ordinances previously adopted by the City Council of the City of Saratoga Springs were codified pursuant to Utah Code § 10-3-707; and

**WHEREAS**, pursuant to authority granted in Utah Code Annotated § 10-3-701 *et seq.*, the City Council for the City of Saratoga Springs may adopt and amend laws, ordinances, regulations, and codes that comprise the regulatory, penal ordinances, and administrative ordinances of the City of Saratoga Springs; and

**WHEREAS**, the City Council has reviewed the City Code and finds that further amendments to the Code are necessary to accomplish the purposes in Utah Code Annotated § 10-3-701 *et seq.*; and

**WHEREAS**, the City Council has determined that it is in the best interest of the public health, safety, and welfare that the attached modifications and amendments to the City Code be adopted.

**NOW THEREFORE**, the City Council of the City of Saratoga Springs, Utah does hereby ordain as follows:

**SECTION I – ENACTMENT**

The amendments to Chapter 8.02 of the City Code attached as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 17 day of June, 2014.

Signed: [Signature]  
Jim Miller, Mayor

Attest: [Signature]  
Lori Yates, City Recorder

10-17-14  
Date

**VOTE**

Shellie Baertsch  
Rebecca Call  
Michael McOmber  
Bud Poduska  
Stephen Willden

Aye  
Aye  
Aye  
Aye  
Aye



**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.**

**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 connection 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. Each and 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 the 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.

~~3.4.~~ All existing houses, structures, buildings, lots, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, or right of way in which there is now located or may in the future shall be located a public sanitary sewer of the City are required, at the owner’s expense, ~~to~~ install suitable toilet facilities therein and to connect such facilities directly with the ~~proper~~ 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 ~~the~~ 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. 11-9; Ord. 09-16)

#### 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.
- ~~5~~.16. “Sewage” means the spent water of a community. The preferred term is “wastewater”. See definition of wastewater in this Section.
- ~~6~~.17. “Sewer” means a pipe or conduit that carries wastewater or drainage water.
- ~~7~~.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.
- ~~8~~.19. “Storm Drain” or “storm sewer” means a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
- ~~9~~.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.
- ~~10~~.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.
- ~~11~~.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.
- ~~12~~.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.
- ~~13~~.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”.

~~4.25.~~ **“Watercourse”** means a natural or artificial channel for the passage of water either continuously or intermittently.

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