Title 8. PUBLIC UTILITIES AND SERVICES.

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8.01.01. Definitions.

As used in this Chapter, the follow terms shall have the following meanings:

1. **"ERC"** shall have the same meaning per Chapter 7.01 of the City Code, as amended.
2. **"Public Works Director"** shall mean the person, or authorized representative, who is appointed by the City Manager, with the advice and consent of the City Council, to serve as the Public Works Director for the City of Saratoga Springs, Utah.
3. **"Water System"** shall mean all water rights, sources, and waterworks necessary to meet all City, state, and federal requirements to provide sufficient water service to property developed within the City, which requirements are to be met by property owners within the City who develop, re-develop, use, and annex their property within the City.
4. **"Waterworks"** shall mean all the facilities required by City ordinances, resolutions, and regulations necessary to provide treatment, transmission, distribution, fireflow, and storage of physical water, water rights, and water sources within the City of Saratoga Springs.

(Ord. 19-25)

8.01.02. Public Works Department and System.

The Public Works Department of the City shall administer the operation and maintenance of the Water System of the City.

(Ord. 19-25; Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.03. Public Works Director.

The City's Public Works Director 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. The Public Works Director shall report to the City Manager regarding the Water System. All of the functions and activities of the Public Works Director shall be carried on under the direction of the City Manager.

(Ord. 19-25; Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.04. Determination of Acceptability of Water Rights, Water Sources, and Waterworks.

Prior to acceptance of water rights and sources, the City shall evaluate the rights and sources proposed for conveyance and may refuse, in the City's sole and absolute discretion, to accept any right or source that it determines to be insufficient in annual quantity or rate of flow, 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. The following are requirements, principles, and guidelines to be used in the City's acceptance of water rights and sources:

1. In determining the quantity of water available under the water right and source requirements, the City may, among other things, evaluate the priority of the water rights and sources and the historic average quantities of water available to the water rights and sources.

2. The City shall require an approval of the change of use and/or change of point of diversion, as applicable, from the State Engineer and canal companies in order to quantify and verify the water rights.
3. The City may require an increase in the proposed water right dedication to account for carrier losses, required depletion, and any other condition that may affect the City's ability to fully utilize the water to be dedicated.
4. 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 ensure that the same have been constructed in accordance with the Engineering Standard Technical Specifications and Drawings and are in good working order.
5. Such acceptance shall only be official upon written notification from the City.

(Ord. 19-25)

8.01.05 City May Develop Water Rights, Sources, and Waterworks.

1. The City in its sole and absolute discretion may assist in the development of water rights,

sources, and waterworks for the City Water System. The City may use resources it has available or it may use its bonding ability to help finance such development, 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 rights, water sources, or waterworks, it shall not provide the same to any party without at least fair market compensation and reimbursement of the costs incurred by the City.

2. Where property owners are required to advance the costs for development of water rights, water sources, and waterworks 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.

(Ord. 19-25; Ord. 17-22; Ord. 14-3, Ord. 11-9; Ord. 8-16; Ord. 08-12; Ord. 98-0813-001; Ord. 99-0112-1; Ord. 98-0625-1942)

8.01.06. All New Developments to Receive Water Service from City Water System; Requirements to Provide Water Rights and Facilities for Development.

1. **City Water Service Required**. All property developed within the corporate limits of the City shall receive drinking and secondary water service from the City Water System.
2. **Required Water Rights, Water Sources, and Waterworks**. All property 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, water sources, and waterworks sufficient to satisfy the existing and future uses and occupants of the property by the City Water System in accordance with City-adopted ordinances, resolutions, and regulations
3. **Specific Water Right Requirements for Development**. Water Rights are required for all land that is developed in the City as follows:
    a. Drinking (Culinary) Water Requirement
        i. For residential development, 0.30 acre-feet of drinking water rights and sources are required per ERC and shall be dedicated to or procured from the City—at the City's discretion—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 and sources 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, 0.30 acre-feet of drinking water rights and sources shall be dedicated to or procured from the City—at the City's discretion—for each ERC. The water rights and sources 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. This subsection does not include any water rights, water sources, or waterworks 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 and

sources per net irrigable acre shall be dedicated to or procured from the City—at the City's discretion—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 or sources 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 and sources per net irrigable acre shall 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 a 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—at the City's discretion—additional water rights and sources if the proposed development will require water usage above that required in this Section.

(Ord. 20-15, Ord. 19-25, Ord. 17-22, Ord. 14-3, Ord. 11-9; Ord. 8-16; Ord. 08-12, Ord. 98-0813-001, Ord.98-0625-1942, Ord. 99-0112-1)

8.01.07. Annexation Requirements.

1. For all annexation applications, the property owner shall be required to convey such water rights, water sources, waterworks—including the land on which the waterworks are located—to the City for the City Water System, or arrange for the future completion and conveyance to the City as accepted by the City in writing, as a condition precedent to annexation.

2. 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, and waterworks 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, and waterworks prior to any approval for the development of those parcels.

(Ord. 19-25)

8.01.08. Application for Water Service and Connection.

Any person or entity desiring or required to secure a new connection to the City Water System shall file with the Public Works Department for each connection a written and signed connection application as required by the Public Works Director. Such person or entity shall be required to pay all fees required by City regulations including but not limited to connection fees, impact fees, assessments, and service fees, and to purchase water rights from the City at current rates if any rights are available. Applications for water service must be made by the property owner. Accounts shall be in the name of the property owner.

(Ord. 22-9, Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.09. Rates and Connection Fees.

The rates, delinquency fees, connection fees, reservoir fees, inspection fees, and other fees and charges for connection and water service 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, collecting, and 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. The City Council may also adopt special rates for users using exceptionally large amounts of water. Each property connected to water service shall be liable for the payment of all charges and each property owner accepts service on the terms required by the City. Accounts for water services shall be in the name of the property owner.

(Ord. 22-9, Ord. 19-25, Ord. 12-9, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.10. Hearings Examiner, Rates, and Rebates.

A Hearings Examiner shall act as a Board of Equalization of water rates to hear complaints and make corrections of any water bills deemed to be illegal. The decision of the Public Works Director shall be appealed within 10 calendar days and may only be overturned by the Hearings Examiner if there is not substantial evidence on the record supporting the decision of the Public Works Director. Substantial evidence is defined as that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. The Hearings Examiner may, if it sees fit, waive or modify the water bill of any indigent person.

(Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.11. Use Without Payment Prohibited.

It shall be unlawful for any person by himself or through family, servants, or agents to utilize City water, sources, or waterworks without paying as provided herein. It shall be unlawful to injure, contaminate, deface, or impair any part or appurtenance of the water system. Such violation shall be deemed a Class B Misdemeanor punishable according to the Utah State Fine and Bail Schedule.

(Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.12. Delinquency—Discontinuance of Service.

1. The City 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. 19-25, Ord. 18-1, Ord. 11-9; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.13. Theft of Water Utility; Separate Connections.

It shall be unlawful for any person to commit or attempt to commit any offenses listing as Theft of Utility Services in Utah Code Section 76-6-409.3, as amended, a violation of which shall be criminally prosecuted as set forth in such statute.

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 Public Works Director 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.14. 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.15. Access to Property.

The Public Works Department shall at all times be authorized to access any place supplied with water services from the City system for the purpose of examining the apparatus, ascertaining the water service being used, and the manner of the use of water service, subject to providing reasonable notice to the property owner.

(Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.16. 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 for any reason. 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.17. Scarcity of Water; Excessive Use

1. The City Manager or designee may declare a water shortage due to water facility failure, natural disaster, drought, or other reason. A water shortage declaration will enable actions in the City's water shortage response plan to be implemented.

2. In times of water shortages, the City Council may by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person or his or her family, servants, or agents, to violate any proclamation made by the City Council pursuant to this part. The City Council may also adopt water shortage response plans that automatically trigger when a water shortage exists.

3. The Public Works Director may make recommendations to the City Council to adjust the beginning or ending of the operation of the City's pressurized irrigation system when necessary due to water shortages and in response to adjustments in the seasonal operation

of the various canals and secondary water sources the City relies on for secondary water.

4. When necessary due to water shortages, the Public Works Director may make recommendations to the City Council for the temporary suspension of new landscaping requirements for both residential and commercial developments. Such recommendations may include but not be limited to deferral or temporary suspension of the requirement to install landscaping within a certain time period under Title 19 of the City Code.

5. It shall be unlawful for any person to use an excessive number of plumbing fixtures simultaneously or to use sprinklers or combinations of sprinklers or fixtures that will, in the opinion of the Public Works Director, materially affect the pressure or create a scarcity in the supply of water in the City Water System or any part thereof, and the City Council may from time to time, by resolution, specify restrictions on the maximum flow, fixture count, sprinklers, or combinations thereof which may have such effect.

6. The Public Works Director may, after determining that such excessive 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. 22-31, Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.18. Waste of Water.

1. It shall be unlawful for any water user to waste water including, but not limited to:
    a. Allowing it to be wasted by stops, taps, valves, or leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow;
    b. Wastefully running water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks, or other apparatus; or
    c. Using water for purposes other than for those uses for which a user applied, for uses in violation of City, federal, or state rules and regulations, or for uses not specifically authorized in a City, federal, or state permit or application.

2. If a user of City water engages in practices which result in the needless waste of water and continues after reasonable notice, the City may terminate the right of the individual to use City water. Notice of the intention to terminate a water connection shall be given at least five days prior notice. A decision to terminate a water connection may be appealed to the City Manager within 10 calendar days.

(Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.19. 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 Public Works Director to adequately measure use and determine water charges to the respective users.

2. Drinking water meters and residential irrigation 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. Irrigation water meters larger than 1-inch shall be furnished by the owner in size and type meeting City Standards.

3. Meters shall be deemed to be and remain the property of the City. Whenever a dispute between the Public Works Director and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter may be appealed to the City Manager within 10 calendar days.

4. The Public Works Director 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 Public Works Director to test the customer's water meter, the City may, 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 Public Works Director, 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 City 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 ensure 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.20. Applications for Installation Permit.

1. Applications for permits to make water connections or to alter, lay, or repair water 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 Public Works Director 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 system; and
    b. the connection conforms to the ordinances, regulations, specifications, and standards of the City; and
    c. the plumbing in the house or building to be connected meets the provisions of the building, residential, fire, and plumbing codes of the City.

2. All connections, alterations, or installations shall be to the line and grade designated by the Public Works Director.

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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.21. 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.22. 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.23. 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 and engineering standards and specifications at no cost to the City. Upon final approval of the subdivision improvements the hydrants will become the property of the City.

(Ord. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.24. Cross Connections and Backflow.

This section shall be known as the "Saratoga Springs Cross Connection Ordinance", and may be so cited.

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 drinking water system so as to create a potential cross-connection whereby irrigation water could be introduced into any system that provides drinking 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 Public Works 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. 19-25, Ord. 11-9, Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 99-0112-1)

8.01.25. Required Use of Secondary Water System.

1. Water users with access to secondary water are strictly prohibited from utilizing the City's culinary water supply and resources for outdoor watering of grass, vegetation, and landscaping. Use of outdoor faucets supplied with culinary water are included in this prohibition.

2. Limited outdoor watering with drinking water may be permissible in times of secondary water shortages where access to secondary water is unavailable to preserve the viability of trees, vegetable gardens, and shrubbery. In such cases, permanent connections to the drinking water system shall not be made and cross connections shall not be established. Hand watering shall be the only acceptable use of drinking water for trees. Vegetable gardens, and shrubs. In no cases shall culinary water be used to water grass or sod.

(Ord. 22-31)

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/I).

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. 99-0112-1)

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 drinking water, secondary water, sewer, storm drain services, and 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. 19-25, Ord. 14-26)

8.03.02. Findings and Purposes.

The City Council finds and determines as follows:

1. Because City residents pay property taxes and assessments for the provision of City utilities, 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.
4. The City Manager, with the advice and consent of the City Council, may agree to provide City utilities to properties immediately adjacent to or near City boundaries if there is a benefit provided to the City and the property owner receiving service pays all costs to extend services and fees associated with the utility service.

(Ord. 19-25, 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.

4. Each property connected to City utilities shall be liable for the payment of all charges and each property owner accepts service on the terms required by the City. Accounts for utility services shall be in the name of the property owner.

(Ord. 22-9, 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 drinking 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. 19-25, Ord. 14-26)

Chapter 8.04 Private Lateral Utility Lines.

Sections:

8.04.01 Applicability.
8.04.02 Definitions.
8.04.03 Owner Maintenance Required.
8.04.04 Provisions Applicable Only to Water Lateral.
8.04.05 Modifications or Connections to Piping.
8.04.06 Testing and Notice of Defective Private Lateral.
8.04.07 Repair or Replacement Required; Standards.
8.04.08 Post-Repair and Post-Replacement Inspection and Testing Requirements.
8.04.09 Offense.

8.04.01 Applicability.

This Chapter applies to property that receives utility service from the City of Saratoga Springs, Utah. All sections apply to all types of private laterals connected to the City'

(Ord. 19-25)

8.04.02 Definitions.

In this Chapter, the following terms shall have the meanings as follows:

1. **"Public Works Director"** means the City Public Works Director, or designee, as appointed by the City Manager with the advice and consent of the City Council.
2. **"Private Lateral"** means the segment of a utility system that connects a residence or business to the City's utility system.
3. **"System"** means any utility system provided or maintained by the City of Saratoga Springs for the benefit of its residents including, but not limited to sewer, stormwater, drinking water, secondary water, and streetlights.

(Ord. 19-25)

8.04.03 Owner Maintenance Required.

The owner of property containing a private lateral shall maintain the private lateral at the owner's own expense. Maintenance and repair under this section includes but is not limited to:

5. protecting the lateral from damage and frost;
6. clearing obstructions from the private lateral;
7. repairing a defect in the private lateral that allows the introduction of extraneous flow or debris into the system;
8. repairing a defect in the private lateral that allows the discharge of water or sewage;
9. keeping all manhole covers, meterbox lids, valve covers, and clean out caps tight, in place, and in good repair;
10. keeping all fire lines in good repair including maintaining the fire line, isolation valve, and post indicator valve;
11. keeping meter boxes free from obstructions and debris; and

12. keeping the private lateral, connections, and related infrastructure in good repair and protected from damage at the own expense.

In the maintenance or repair of the private lateral, no person, except under the direction of the Public Works Department, shall be allowed to excavate into the street or public right-of-way. Operation of any valve in the maintenance or repair except by the Public Works Department personnel is prohibited.

If a meter cannot be read because of faulty maintenance or repair or because of an obstruction, the property owner will be notified and shall be required to remove the obstruction. If an obstruction is not removed within thirty (30) days of notification, service may be terminated.

(Ord. 19-25)

8.04.04 Provisions Applicable Only to Water Lateral.

In addition to all requirements applicable generally to private laterals, the owner of property into which water service is provided, shall be required to maintain, in perfect order, at their own cost and expense, said water service lateral pipe from the corporation cock or street main to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the meter box must be kept in view and the top thereof even with the sidewalk or street grade at all times and in a serviceable condition. In case such service and fixtures are not kept in repair, the water may be shut off from the premises until the requirements of this section are complied with, or the Public Works Director may arrange for the necessary repair to conform to this section and charge the cost thereof to the owner of the property at which this section is violated and collect such cost from the owner of such property and shut off the water from such property until such charges are paid.

(Ord. 19-25)

8.04.05 Modifications or Connections to Piping.

Modifications or connections to piping inside meter boxes are prohibited, including but not limited to sprinkler system connections inside the meter box or at any point on the service line between the meter and the distribution main. Any such connections shall be removed at the expense of the owner of the property being served

(Ord. 19-25)

8.04.06 Testing and Notice of Defective Private Lateral.

1. The Public Works Department may, from time-to-time, identify defects in a private lateral that allow extraneous flow or debris to enter the private lateral or the discharge of water or sewage, or a condition that may interfere with the proper operation of the private lateral.

2. The Public Works Department may periodically perform special tests to confirm the integrity of the private lateral including smoke testing, dyed water testing, air testing,

hydraulic testing, closed circuit television inspection, and other testing and inspection techniques approved by the Public Works Director.

3. The Public Works Department may enter private property to inspect or test a private lateral.

4. The Public Works Department shall give the property owner not less than 24 hours written notice before city personnel enter private property to conduct an inspection or test, unless:
    a. city personnel are conducting an investigation of a complaint or responding to a customer request to test or inspect a private lateral;
    b. sewage is exposed on the property in a manner that creates a potential public health hazard; or
    c. there is an imminent risk to public or private property or the health, safety, and welfare of the public.

5. A defect under this section may include, but is not limited to:
    a. evidence of pipe or joint deterioration;
    b. root intrusion into a pipe that separates a pipe joint or enlarges an existing crack;
    c. a misaligned pipe segment, sag, or lack of positive gradient;
    d. a lack of a necessary cleanout cap, valve cover, meterbox cover or manhole cover;
    e. a downspout, drain, or other connection that allows storm water or other extraneous water to enter the sanitary sewer system; or
    f. a flaw that allows the discharge of water or sewage or that allows the introduction of extraneous water into the lateral or the system.

6. Except as provided in Section 8.04.05, Repair or Replacement Required; Standards, if the Public Works Department identifies a defective private lateral or a condition that interferes with the proper operation of the private lateral, the Public Works Director shall send the property owner written notice of the defect or condition, including a statement that the private lateral must be replaced or repaired, or the condition corrected, not later than the 30th day after the date of the notice.

7. A property owner may appeal the notice of failure or condition by providing a written statement of appeal and video evidence to the Public Works Director within 10 calendar days after the date of the notice of the failure or condition. Within 7 calendar days after the appeal is received, the Public Works Director will view the evidence and send a notice of the decision. If the appeal is not granted, the 30-day time frame of the notice of the failure or condition will begin on the date of the Public Works Director's notice of decision. If the appeal is granted, the notice of the failure or condition will be rescinded.

(Ord. 19-25)

8.04.07 Repair or Replacement Required; Standards.

1. A property owner shall repair or replace a defective private lateral from the City Main (System) to the building. The property owner shall pay the appropriate fee and obtain a permit from the City before performing the repair or replacement of a defective private lateral.

2. If sewage or irrigation water is exposed on the property or leaking into the System in a manner that makes it a potential public health hazard, a property owner must:
    a. stop the discharge of sewage or irrigation water immediately;
    b. remediate the site not later than 24 hours after the owner has notice of the exposed sewage or irrigation water; and
    c. complete all necessary repairs or replacement of a private lateral immediately, but not later than the 30th day after the owner has notice of the exposed sewage or irrigation water.

3. A person who repairs an existing private lateral or installs a new or rehabilitated private lateral shall perform the repair or installation as prescribed by City standards, the Plumbing Code, and any other applicable codes.

(Ord. 19-25)

8.04.08 Post-Repair and Post-Replacement Inspection and Testing Requirements.

1. After a property owner has repaired or replaced a defective private lateral, the Public Works Director may:
    a. inspect the private lateral to determine that it complies with the City's standards and all other applicable Codes; and
    b. test the private lateral in a manner approved by the Public Works Director.

2. If a private lateral fails the post-repair or post- replacement inspection or test, the property owner shall perform additional repairs as required by the Public Works Director to correct the defect.

(Ord. 19-25)

8.04.09 Offense.

1. A property owner commits an offense if the owner fails to repair or replace a defective private lateral or to correct a condition interfering with the proper operation of a private lateral on or before the date specified by the Public Works Director in the Public Works Director's written notice of the defect or as required by Section 8.04.05, Repair or Replacement Required; Standards.

2. A property owner commits an offense if the owner fails to stop the discharge of water or sewage and to remediate the site not later than 24 hours after the owner receives notice from the City.

Each day or part of a day during which non-compliance occurs constitutes a separate offense.

(Ord. 19-25)
(Ord. 18-31)

Chapter 8.05 Wireless Facilities in the Public Way

Sections:

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

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.

(Ord 18-31)

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.

(Ord 18-31)

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.

(Ord 18-31)

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 it 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)

Chapter 8.06. Telecommunication Right of Way Permits.

Sections:

8.06.01. Definitions.
8.06.02. Telecommunications Right-of-Way Permits.
8.06.03. Emergency Work.
8.06.04. No Transfer or Assignment.
8.06.05. Compliance with Specifications, Standards, Traffic-Control Regulations; Site Permittee Identification.
8.06.06. Other Highway Permits.
8.06.07. Insurance Requirements.
8.06.08. Bond–When Required; Conditions; Warranty.
8.06.09. Hold Harmless Agreement; Limitations on City Liability.
8.06.10. Failure to Comply; Default in Performance.
8.06.11. Failure to Conform to Design Standards—Penalty.

8.06.01. Definitions.

2. **"Applicant"** means any person who makes application for a Telecommunications Right-of-Way Permit.

3. **"Application"** means the process by which a provider submits a request and indicates a desire to be granted a franchise to utilize the public rights of way of all, or a part, of the city. An application includes: all written documentation, verbal statements, and representations, in whatever form or forum, made by a provider to the city concerning the construction of a telecommunications system over, under, on, or through the rights of way; the telecommunications services proposed to be provided in the city by a provider; and any other matter pertaining to a proposed system or service.

4. **"Cable"** means any optical fiber, copper, or other line, wire, or cable, of any dimension: (a) encased in its own sheathing and physically installed and handled as a discrete facility; (b) used by a person for the transmission of telecommunication signals; and (c) situated wholly or partially in the city's right of way.

5. **"City"** means the City of Saratoga Springs, a municipal corporation of the State of Utah.

6. **"Public Works Director"** means the person, or authorized representative, who is appointed by the City Manager, with the advice and consent of the City Council, to serve as the Public Works Director for the City of Saratoga Springs, Utah.

7. **"Conduit"** means any pipe, pipeline, housing, structure, or similar facility: (a) the primary purpose of which is the housing of cables; and (b) is situated wholly or partially in the city's right of way. For purposes of calculating the charge assessed pursuant to this section, any conduit four inches (4") in diameter or smaller shall be deemed a single conduit, and any conduit larger than four inches (4") in diameter shall be deemed multiple conduits in increments of four inches (4"), with any increment in excess of a multiple of four (4) being deemed a separate conduit. By way of example, a conduit with

a diameter of eight inches (8") shall be deemed to be two (2) conduits, whereas a conduit with a diameter of nine inches (9") shall be deemed to be three (3) conduits.

8. **"Conduit Equivalent"** means in the case of one or more cables (a) owned by a single cable owner, (b) situated in the city's right of way, and (c) not housed within a conduit, such number of such cables as may practicably have been housed within a four inch (4") conduit, had the owner elected to install such cables within a four inch (4") conduit, as determined by the Public Works Director; provided, however, that a single conduit equivalent shall include only those cables which occupy a contiguous space within the right of way not exceeding eighteen inches (18") in width.

9. **"Emergency"** means any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or property, or which causes interruption of utility service.

10. **"Engineering Regulations"** means the latest version of the Standard Technical Specifications and Drawings Manual adopted by the City.

11. **"Existing Agreement"** means a telecommunications right of way lease, franchise, or similar contract between the city and a conduit owner or cable owner relating to the use of the city's right of way in effect on the effective date of Ord. 18- _.

12. **"Franchise"** means the rights and obligations extended by the city to a provider to own, lease, construct, maintain, use, or operate a system in the rights of way within the boundaries of the city or provide telecommunication services within the City. Any such authorization, in whatever form granted, shall not mean or include: any other permit or authorization required for the privilege of transacting and carrying on a business within the city required by the ordinances and laws of the city; any other permit, agreement, or authorization required in connection with operations in and on rights of way or public property, including, without limitation, permits and agreements for placing devices on or in poles, conduits, or other structures, whether owned by the city or a private entity, or for excavating, encroaching, or performing other work in or along the rights of way required by City ordinances, including but not limited to Title 5, Business Regulations, and Title 18, Building and Construction.

13. **"Franchise Agreement"** means a contract entered into in accordance with the provisions of this chapter between the city and a franchisee that sets forth, subject to this chapter, the terms and conditions under which a franchise will be exercised.

14. **"Gross Revenue"** means all revenues from all sales of a provider prior to any deductions for a reporting period, except as otherwise defined in Utah Code § 10-1-402, as amended.

15. **"Manual on Uniform Traffic Control Devices"** means the manual on traffic control devices for streets and highways as published by the U.S. Department of Transportation and/or the Federal Highway Administration.

16. **“Operator”** means any person who provides service over a system and directly or through one or more affiliates owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

17. **“Owner”** means the person owning a conduit or cable. Each conduit or cable shall be deemed owned by only one person. In the case of a conduit or cable owned by more than one person, "owner" shall mean the person which, from time to time, has the greater ownership interest in such conduit or cable. In the event each such person has an equal ownership interest in such conduit or cable, "owner" shall mean the person so designated to the city by the persons sharing equal ownership or, in the absence of such designation, the person designated by the city.

18. **“Permittee”** means and includes any natural person, partnership, firm, association, provider, corporation, company, organization, or entity of any kind.

19. **“Person”** means any individual, partnership, association, joint venture, limited liability company, corporation, or other legal entity

20. **“Property Owner”** means a person or persons who have legal title to property and/or an equitable interest in the property, or the ranking official or agent of a company having legal title to property and/or equitable interest in the property.

21. **“Provider”** means an operator, infrastructure provider, reseller, system lessee, or public utility company.

22. **“Public Utility Company”** means any company subject to the jurisdiction of the Utah State Public Service Commission, or any mutual corporation providing gas, electricity, water, telephone, or other utility product or services for use by the general public.

23. **“Public Way or Right of Way”** means and includes all public roads, rights-of-way, easements, and property including but not limited to public footpaths, walkways, sidewalks, park strips, streets, roads, highways, alleys, and drainage ways.

24. **“Resident”** means the person or persons currently making their home at a particular dwelling.

25. **“System”** means all conduits, manholes, poles, antennas, transceivers, amplifiers and all electronic devices, equipment, wire, and appurtenances owned, leased, or used by a provider located in the construction, ownership, operation, use, or maintenance of a telecommunications or utility system.

26. **“System Lessee”** refers to any person that leases a system or specific portion of a system to provide services.

27. **“Telecommunication Right of Way Permit”** means a contract, including a franchise agreement and encroachment permit pursuant to Title 18, between the city and any person authorizing such person to occupy an identified portion of the right of way with conduit or cable. Telecommunication right of way permits shall contain terms and conditions governing and relating to the use of the right of way and the city's

management thereof substantially similar to the terms and conditions generally included in existing agreements.

28. **"Telecommunication Signals"** means information in electromagnetic frequency, electronic, or optical form including without limitation voice, video, or data (a) whether or not the transmission medium is owned by the provider itself, (b) whether or not the transmission medium is wireline or wireless, and (b) whether or not the information is in digital or analog form.

(Ord. 19-25)

8.06.02. Telecommunications Right-of-Way Permits.

1. **Telecommunications Right-of-Way Permit Required**. No person may construct, install, maintain, situate, or permit to remain situated any conduit or cable within any portion of the right of way without a telecommunications right of way permit and franchise agreement as provided herein. Pursuant to Title 18, such person shall also be required to obtain an encroachment permit, post a bond, and meet the City's insurance requirements.

2. **Existing Agreement**. Persons currently operating under an existing agreement may continue operating under such existing agreement for the remaining term thereof, subject to payment of the charge imposed by subsection 3 of this section, if applicable.

3. **Annual Charge Imposed**. There is hereby imposed and assessed upon a) each conduit owner, b) each owner of cable which is not situated within a conduit, and c) each person authorized to use a cable under the circumstances described in subsection 8.04.08.5 as a rental payment and compensation to the city for such owner's use of a portion of the right of way, an annual charge equal to 3.5% of the Gross Revenue for such owner. The charge hereby imposed and assessed shall be effective on and after July 16, 2019, provided that the charge may not apply to certain owners, or with respect to certain conduits or cables, until a later date, as provided herein. Payments under this subsection shall be paid to the city by June 30 each year. If payment is not received by June 30, a penalty is imposed equal to ten percent (10%) of the amount due. In addition, for each calendar month that a payment is late, compound interest equal to two percent (2%) per month will accrue.

4. **Exemptions**:
    a. Excess conduit that contains cables that have never been actively used and cables that have never been actively used that are not in conduits shall not be subject to such charge until the calendar year in which such cables are first put to use. If such a cable is put into active use, the owner shall so notify the Public Works Director within thirty (30) days of activation.
    b. No charge shall be imposed under subsection 8.04.02.3 on a conduit owner with respect to any portion of a conduit if such portion of conduit is occupied by any cable, the operation of which generates gross receipts or gross revenues subject to the license tax authorized under the Utah Municipal Telecommunications License Tax Act, Title 10, Chapter 1, Part 4, Utah Code Annotated, or successor provisions, or any other gross revenue or gross receipts based tax, fee, or charge.

5. **Exception To Existing Agreements And Charges Imposed**. Any conduit owner or cableowner who is currently operating such conduit or cable under an existing agreement shall be subject to the charge imposed under subsection 3 of this section only if such existing agreement includes language recognizing the possibility that the terms and conditions of such existing agreement may be subject to change. In such event, the charge imposed under subsection 3 of this section shall be payable in lieu of, and not in addition to, the consideration or payment owed to the City under the terms of such existing agreement. Conduit owners or cable owners operating under existing agreements and not so subject to the charge imposed under subsection 3 of this section shall continue providing the consideration or payment to the city of the amounts set forth in such existing agreements until such existing agreements terminate, at which time such conduit owners or cable owners shall be subject to the charge imposed under subsection 3 of this section.

6. **Permit Requirements**. Each telecommunication right of way permit shall include a requirement that the permittee provide to the city, and update on at least a semiannual basis, an as built survey of all conduit and cables, and all equipment and improvements ancillary and appurtenant thereto, situated within the right of way, in such electronic format as shall be compatible with the city's computerized GIS system, as determined by the Public Works Director.

7. **Federal or State Limits**. To the extent that federal or state law limits the amount of charges which the city may impose on, or the compensation it may require from, a conduit owner or a cable owner, nothing in this section shall require the payment of any greater amount, unless and until the federal or state limits are raised.

8. **Severability**. To the extent any requirement of this section or of any telecommunications right of way permit is held by a court of competent jurisdiction, pursuant to a final, nonappealable ruling, to violate federal or state law, such requirement shall be deemed severed from this chapter or such telecommunications right of way permit, and the remainder of the requirements hereof or thereof shall continue in full force and effect

(Ord. 19-25)

8.06.03. Emergency Work.

Any person with a valid, unexpired telecommunications right-of-way permit who is maintaining pipes, lines, or facilities in the public way may proceed with work upon existing facilities without a permit when emergency circumstances demand the work to be done immediately, provided that all requirements of Title 18 and all requirements of agreements between the permittee and the City are met.

(Ord. 19-25)

8.06.04. No Transfer or Assignment.

Except as otherwise provided by agreement, Telecommunication Right-of-Way Permits shall not be transferable or assignable and work shall not be performed under a permit in any place other than that specified in the permit. Nothing stated herein shall prevent a permittee from

subcontracting the work to be performed under a permit; however, the holder of the permit shall be and remain responsible for the performance of the work under the permit and for all bonding, insurance, and other requirements of this Chapter.

(Ord. 19-25)

8.06.05. Compliance with Specifications, Standards, Traffic-Control Regulations; Site Permittee Identification.

1. The work performed pursuant to the Telecommunications Right-of-Way Permit shall conform to engineering regulations adopted by the City, the Manual on Uniform Traffic Control Devices, and other applicable laws, regulations, or generally recognized practices in the industry.

2. All excavations shall be conducted in a manner resulting in the minimum amount of interference or interruption of street or pedestrian traffic. Adequate and sufficient barricades or other structures will be available and used where necessary to prevent accidents.

(Ord. 19-25)

8.06.06. Other Highway Permits.

Holders of permits for work on highways owned or under the jurisdiction of other government entities, but located within the City limits, shall not be required to obtain permits from the City unless the work extends beyond the property of the other government entity. This section shall not apply to telecommunication providers who provide services to customers in the City. Such providers shall be required to obtain a telecommunications right-of-way permit.

(Ord. 19-25)

8.06.07. Insurance Requirements.

Before a telecommunications right-of-way permit is issued, the applicant shall furnish to the City evidence that the applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage endorsed with the limits per the City's insurance policies. The permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

(Ord. 19-25)

8.06.08. Bond–When Required; Conditions; Warranty.

1. Except as noted in this Chapter, each applicant, before being issued a permit, shall provide the City with an acceptable performance and warranty bond in an amount determined by the Public Works Director and the bond provisions set forth in the City's Land Development Code to guarantee faithful performance of the work authorized by a permit granted pursuant to this Chapter and guarantee the workmanship of the work for a

one year period after acceptance in writing by the City. The amount of bond may be increased or decreased at the discretion of the Public Works Director whenever it appears that the amount and cost of the work to be performed or guaranteed may vary from the amount of the bond otherwise required under this Chapter. The form of the bond and the entity issuing the bond shall be subject to the approval of the City Attorney.

2. Public utilities franchised by the City shall not be required to file a bond if such requirement is expressly waived in the franchise documents.

(Ord. 19-25)

8.06.09. Hold Harmless Agreement; Limitations on City Liability.

Each franchise agreement and telecommunications right-of-way permit shall include language wherein the permittee agrees to save the City, its officers, employees, and agents harmless from any and all costs, damages, and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit.

(Ord. 19-25)

8.06.10. Failure to Comply; Default in Performance.

2. Any franchise agreement or telecommunications right-of-way permit may be revoked or suspended and a stop order issued by the Public Works Director after notice to the permittee for any of the following reasons:
    a. violation of any condition of the franchise agreement, permit, or bond;
    b. violation of any provision of this Chapter, any other ordinance of the City, or any law relating to the work; or
    c. any action which endangers life or property.
3. Whenever the Public Works Director finds that a default has occurred in the performance of any term or condition of the franchise agreement or telecommunications right-of-way permit, the City may demand payment by the bond company or financial institution that issued the bond. At the City's discretion, the City may complete the required work and commence action against the contractor and the bonding company to recover the costs expended to complete the work.

(Ord. 19-25)

8.06.11. Failure to Conform to Design Standards—Penalty.

For failing to conform to the City's engineering regulations, the Public Works Director may:

1. suspend or revoke the permit;
2. issue a stop order;
3. order removal and replacement of faulty work;
4. require an extended performance or warranty period; or
5. negotiate a cash settlement to be applied toward future maintenance costs.

(Ord. 19-25)