

**Enterprise Municipal Code
Title 13 –Public Services
Chapters 13-04 to 13-24**

**Title 13
PUBLIC SERVICES**

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**Chapter 13-04
WATER SERVICE SYSTEM**

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13-04-010 WATER DEPARTMENT--ESTABLISHED.

The water department is established. It shall comprise all of the property and equipment and personnel necessary for the maintenance and the operation of the City water supply and distribution system. (Ord. 1981 §1, 1981)

13-04-020 WATER DEPARTMENT--SUPERINTENDENT.

The Mayor shall appoint by and with the approval of the City Council, a competent person for the position of superintendent of the water department who shall hold office during the pleasure of the Mayor and City Council. (Ord. 1981 §2, 1981)

13-04-030 WATER DEPARTMENT--SUPERINTENDENT--DUTIES.

The superintendent of the waterworks system shall, under the direction of the Mayor and City Council, have charge of all water and water sources, water tanks, water mains, fire hydrants and all of the equipment and appurtenances pertaining to the waterworks system in Enterprise City. He shall have the direction of the laying of water mains and laterals and the regulation of the supply of water and shall perform such other duties as may be required by law or ordinances or by his contract of employment. (Ord. 1981 §3, 1981; Ord. 2004-08, 2004)

13-04-040 WATER DEPARTMENT--SUPERINTENDENT--RIGHT OF ENTRY.

Access shall, at all ordinary hours, be allowed to the superintendent or other authorized person to all places supplied with services from the water system to examine the apparatus, the amount of water used, the manner of use of the service with permission of owner or occupant or with the issuance of a search warrant. Any water service user violating the rules or regulations controlling the water system shall forfeit all payments made and the rights to the use of such services. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §14, 1981)

13-04-050 WATER SERVICE--APPLICATION.

No utility services shall be furnished for use in any house, apartment, building, place, premises or lot, whether such utilities are provided for the use of the owner of the premises or the tenant thereof, unless there shall first be submitted to the City Recorder an application for such services, made in writing, signed by such owner or his duly authorized agent and the tenant of the premises, in which application both the owner and tenant agree that they will pay for and be responsible for payment of all utility services furnished to the premises. (Ord. 88-7-1981 (part), 1988: Ord. 1988 §5, 1981)

13-04-060 PAYMENT REQUIRED FOR INITIATION OF SERVICE.

Before water will be turned on to any premises, all charges against the premises or the owner thereof that are due and payable to the City for water or sewer, or any service, material or supplies pertaining thereto must have been paid. (Ord. 14-201-83 §2 (part), 1983)

13-04-070 FURNISHING WATER OUTSIDE CORPORATE LIMITS--NOT REQUIRED.

It is expressly provided that nothing in this chapter shall be construed to require Enterprise City to furnish water or water facilities for the benefit of any property, buildings, structures, or any installation outside of the corporate limits of Enterprise City. The Mayor and City Council of Enterprise City may provide by resolution or order such requirements for the connection of property outside the corporate limits to the water system as in their discretion may be deemed improper. (Ord. 88-7-1981 (part), 1988: Ord. 1981 S6, 1981)

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13-04-080 PERMIT REQUIRED FOR CONNECTION OR EXTENSION.

It is unlawful for any person to make extension of any pipe or connect any fixture to the water system for any purpose whatsoever without first obtaining a permit from the superintendent. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §8, 1981)

13-04-090 CERTAIN FIXTURES AND FITTINGS--REQUIRED.

It is unlawful for any person to use any kind of fitting, stopcock, or other equipment in connection with the water system, except the kind prescribed by the water department. Water meter boxes and lids shall be of such type that they may be locked or secured in order to preserve the integrity of the water system, and all such boxes and lids must be secured at all times. Meter boxes and lids which cannot be locked or secured shall be replaced by the water user or owner of property upon written notice by the Enterprise water department. In the event the water user or owner fails to replace said meter box or lid, the Enterprise water department shall do so at the expense of the property owner. (Ord. 13.04.095 §1, 1992: Ord. 88-7-1981 (part), 1988: Ord. 1981 §9, 1981)

13-04-100 FEES AND SERVICE CHARGES--TO BE FIXED BY RESOLUTION.

The Mayor and City Council shall, from time to time, enact by resolution the regulations prescribing connection charges and rates to be charged for the use of water, inspection and permit fees and procedures and rules for levying, billing, guaranteeing and collecting charges for water services, rules governing the manner of making connection to the water systems and the materials to be used, and all other rules and regulations necessary for the management and control of the water department of Enterprise, Utah. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §4, 1981)

13-04-110 WATER METERS--FURNISHED BY CITY--READINGS.

All structures, dwelling units, and establishments using water from the water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective water users. Meters will be furnished by the City at the expense of the property holder, at rates established from time to time by resolution, and shall be under the control of the superintendent. In the event of a dispute between the superintendent and the property owner as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City Council after notice to all parties involved. The superintendent shall cause meter readings to be taken regularly and shall advise the City Recorder thereof for the purpose of recording the necessary billings for water services. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §15, 1981; Ord. 2004-08, 2008)

13-04-112 WATER METERS--STANDARDS FOR INSTALLATION.

Installation and maintenance of meters, boxes, covers, stopcock, and backflow preventer valves shall meet the following engineering specifications and shall be inspected by the public works department:

- A. Must be set to grade;
- B. Must meet specifications of drawing attached to the ordinance codified in this section.
- C. Backfill around the ring and cover and the grade must be level with the top of the cover;
- D. Must install cover into ring and lock securely into place. (Ord. W 2.56.020 §1, 1995)

13-04-115 WATER METER REPAIR AND REPLACEMENT POLICY.

- A. The City water department shall implement the following program for the repair and replacement of faulty, defective, damaged, or otherwise inadequate water meters throughout the City water system.

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This program and policy shall be to improve the system function and to reduce and/or eliminate any present or potential hazards to the system or the public.

1. Immediate replacement. Emergency meter damage or malfunction of meter. Damaged or missing lid.
 2. Priority replacement. Damaged box and/or lid that could be hazardous or harmful to the public or persons.
 3. Scheduled replacement. Substandard boxes and/or lids that do not have locks. Requests for change in meter size or location.
- B. The water department shall schedule repairs and/or replacement so that all defective or substandard meters, boxes, and lids are repaired or replaced as soon as reasonably possible. A schedule for a minimum of ten replacements or repairs per month shall be ongoing until such time that all meters, boxes and lids are acceptable.
- C. Installation requirements. The following shall be the required standard for meter installation or replacement:
1. Meter box. The meter yoke and approved check valve backflow prevention assembly shall be enclosed in a meter box. The meter box shall be constructed of concrete, corrugated metal or corrugated polyethylene with a smooth interior. Meter boxes shall have cut outs for the pipe to enter and exit through. The meter box shall have an eighteen-inch inside diameter. The meter box shall have a cast iron ring and cover, with a removable lid, with a bronze pentagon locking bolt. The meter box shall be placed at the same elevation as the surrounding ground or curb or sidewalk, whichever is closest and has been approved by the City.
- D. A user shall prevent any damage to the water meter used by such user and shall pay the cost of repairing or replacing any meter, meter boxes or lids due to damage other than normal wear and tear. Any amounts due by reason of this replacement or repair may be added to a user's bill for water service, and any amount received from such user thereafter shall be applied first against the amount due pursuant to this section and thereafter to any other amount(s) due from such user for other purposes.
- E. The violation of this policy shall be a Class B misdemeanor, punishable by fine, imprisonment, or both, as prescribed by applicable statute of the state of Utah. (Res. 13.04.092, 1995)

13-04-120 USE WITHOUT PAYMENT--PROHIBITED.

It is unlawful for any person for himself, family or agents to utilize the water system without first paying therefore as provided in this chapter, or without authority to open any stopcock, valve or other fixture attached to the system of water supply, or in any way to injure, deface or impair any part of the appurtenances of the water system, or to cast anything into any reservoir or water tank running into the system. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §10, 1981)

13-04-130 DELINQUENT PAYMENT--LATE CHARGES.

In the event utility charges are not paid within ten days after the billing date, the same shall be considered delinquent, and the City shall thereafter have the right to file legal action against the owner or tenant, or both of them, who have signed the application for such services in order to collect all sums due for such utility services. Late charges for delinquency in payment for the utility services shall be fixed from time to time by resolution of the City Council. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §7, 1981)

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13-04-140 WASTING WATER PROHIBITED.

It is unlawful for any water user to waste water, or to allow to be wasted by imperfect stops, taps, valves or leaky joints or pipes or allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus, or to use the water for purposes other than those for which he has paid, or to use water in violation of the rules and regulations for controlling water supply. (Ord. 88-7-1981 (part), 1988; Ord. 1981 §16, 1981; Ord. 2004-08, 2004)

13-04-150 SCARCITY OF WATER--MAYORAL POWERS AND DUTIES.

At any time of scarcity of water, whenever it shall be in the judgment of the Mayor and City Council, the Mayor by proclamation shall limit the use of water for other than domestic purposes to such extent as may be necessary for the public good. It is unlawful for any person for himself, family, or agents to violate any proclamation made by the Mayor and pursuant to this section. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §13, 1981; Ord. 2004-08, 2004)

13-04-160 SALE AND RENTAL PROVISIONS OF SURPLUS WATER.

Where there is a surplus of water, the City may at its discretion, sell such surplus to users outside of the City limits, or, may rent out water rights or other options that are in accordance with Utah State Statute and rules established by the Utah State Engineer. These options will be exercised upon such terms as may be recommended by the City Administrator and Water Supervisor and approved by the City Council. (Ord. 14-201-83 §3, 1983)(Ord. 2000-04, dated 4/12/00)

13-04-170 TURNING ON WATER SERVICE--PROHIBITED WHEN.

It is unlawful for any person after water has been turned off from his premises, on account of nonpayment of rates, or other violation of rules and regulations pertaining to the supplying of water, to turn on or allow water to be turned on or used, or allow water to be used without authority. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §11, 1981)

13-04-180 BOARD OF EQUALIZATION RATES AND REBATES--DESIGNATED.

The City Council designates its members as a board of equalization of water, of water rates and fees, and to hear complaints and make corrections to any assessments deemed to be illegal, unequal, or unjust. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §12, 1981)

13-04-190 VIOLATION--PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a Class B misdemeanor and may be punished by a fine in an amount less than one thousand dollars or imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 88-7-1981 (part), 1988: Ord. 1981 §17, 1981)

13-04-200 DRINKING WATER SOURCE PROTECTION.

A. Short Title and Purpose.

1. This section shall be known as the "drinking water source protection ordinance."
2. The purpose of this section is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of groundwater protection zones surrounding the wellheads for all wells and springs which are the supply sources for the City water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

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- B. Definitions. When used in this section, the following words and phrases shall have the meanings given in this subsection.
- "Hazardous waste or material"** means any waste or a material which is determined presently or in the future by the Environmental Protection Agency, the state of Utah or Enterprise City, because of its quantity, concentration or physical, chemical, or infectious characteristics may:
- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- "Sanitary landfill"** means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- "Spring box"** means the spring collection box and/or area where water is being captured for culinary use.
- "Wellhead"** means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
- "Groundwater"** means water source appurtenant to or directly used as culinary water.
- C. Establishment of Groundwater Protection Zones. There is established a district which is divided into three zones. These zones are determined by the water time of travel through geographical stratum indigenous to the area of the water source to be protected and must be established by a qualified geologist. These zones are as follows:
1. Zone one: one hundred foot radius from well-head, spring box, or collection area of culinary water.
 2. Zone two: two hundred fifty day groundwater time of travel to wellhead or spring box.
 3. Zone three: fifteen year groundwater time of travel to wellhead or spring box.
- D. Permitted Uses. The following uses shall be permitted within groundwater protection zones:
1. Any use permitted within existing agricultural or single-family residential districts, except that the minimum residential lot size for a lot any portion of which lies within the groundwater protection zone shall not be less than one acre; and
 2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.
- E. Prohibited Uses. The following uses or conditions shall be and are prohibited within groundwater protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under subsection D of this section. Prohibited use for each zone defined separately:
1. Zone one and two:
 - a. Septic tanks or drain field appurtenant thereto;
 - b. Sanitary sewer lines within one hundred fifty feet of wellhead or collection box;
 - c. Underground storage tanks;
 - d. Storm water infiltration basins;
 - e. Impervious surfaces other than roofs of buildings and streets, driveways and walks serving buildings permitted under subsection D of this section.
 2. Zone three:
 - a. Surface use or storage of material defined as hazardous (see subsection (B) (1) of this section), expressly including commercial use of agricultural pesticides;
 - b. Sanitary landfills;
 - c. Hazardous waste disposal sites.

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- F. Administration. The policies and procedures for administration of any groundwater protection zone established under this section, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the City of Enterprise, as the same is presently enacted or may from time to time be amended. (Ord. 97-05-03 §§1-6)

**Chapter 13-08
SEWER SERVICE SYSTEM**

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ARTICLE I. GENERAL PROVISIONS

13-08-010 UNLAWFUL ACTS--DEPOSITING WASTE ON PUBLIC OR PRIVATE PROPERTY.

It is unlawful for any person to place, deposit, or permits to be deposited in any unsanitary manner on public or private property within the City of Enterprise or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 2 §1, 10/12/83)

13-08-020 UNLAWFUL ACTS--DISCHARGING TO NATURAL OUTLET.

It is unlawful to discharge to any natural outlet within the City of Enterprise 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 chapter. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 2 §2, 10/12/83)

13-08-030 UNLAWFUL ACTS--CONSTRUCTING OR MAINTAINING DISPOSAL FACILITY.

Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Ord. 88-8-14-201-83 (part) 1988: Ord. 14-201-83 Art. 2 §3, 10/12/83)

13-08-040 USE OF PUBLIC SEWERS--REQUIRED--VARIANCES--MANDATORY HOOKUP.

- A. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may be in the future located a public sanitary sewer of the City are required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of these rules, within sixty days after the date that sewer service is available; provided, that the public sewer is within three hundred feet of the premises. Variances to the above may be granted in cases of undue hardship by the planning commission.
- B. Except for variances granted by the City of Enterprise planning commission because of undue hardship, as specified in subsection A of this section, it shall be mandatory for all persons to purchase a connection and thereafter hook up to the City's sewer system where the sewer system is available and within three hundred feet of any property line with any building used for human occupancy. In order to enforce mandatory hookup and in case any person shall fail to hook up to the sewer where available, or in case any user shall fail to pay for the service furnished according to the rules and regulations prescribed by the ordinances of the City of Enterprise, then the City may cause the water to be shut off from such premises and shall not be required to turn the same on until the person has hooked up to the sewer at his own expense or until all arrears for services furnished shall be paid in full. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 2 §4, Art. 10 §4, 10/12/83)

13-08-041 ANNUAL REVIEW.

The City shall review the total annual cost of operation and maintenance, long-term debt service relating to the wastewater treatment works, as well as each user's wastewater contribution percentage not less often than every year, and will revise the user charge system as necessary to assure equity of the system established herein and to assure that sufficient funds are obtained from the City's user charge system to: (a) adequately operate and maintain the wastewater treatment works; and (b) cover said debt service. The City will apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and adjust this rate accordingly. (Ord. 13.08.071 §2(part), 1995)

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13-08-042 ANNUAL NOTIFICATION. NOTIFICATION.

Users will be notified at least annually of the rate and the portion of the user charges attributable to wastewater treatment services (O&M) vs. debt service. (Ord. 13.08.071 §2(part), 1995)

13-08-050 UNLAWFUL ACTS--TAMPERING WITH FACILITIES.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 6 §1, 10/12/83)

13-08-055 UNLAWFUL ACTS -- IMPROPER DUMPING.

Only City employees and authorized agents of the City shall remove or cause to be removed any manhole cover, cleanout plug or cap, or in any manner create a direct connection to the municipal sewer service system for the purpose of dumping any wastewater, septic tank waste, or other material, except that a residential or commercial customer with an approved connection may empty the holding tank of a private camper or recreational vehicle belonging either to that customer or his/her bona fide guest. All such material collected by waste haulers shall be dumped at the sewer lagoons in the manner prescribed by legally adopted policies and procedures. (Ord. 2005-01, 2005)

13-08-060 DEFINITIONS.

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

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"City" means the City of Enterprise.

"Combined sewer" means a sewer intended to receive both wastewater and storm water or surface water.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Float able oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of float able fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

"Industrial wastes" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

"May" is permissive. (See "shall.")

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

"Person" means any individual, firm, company, association, society, corporation, or group.

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“pH” means the logarithm of the reciprocal of the hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen ion concentrate of 10⁻⁷.

“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.

“Public sewer” means a common sewer controlled by a governmental agency or public utility.

“Residential equivalent” means a structure, building, or unit discharging effluent into the system placing undue additional burden or discharging no more effluent than “residential flows” as defined in this section.

“Residential flows” means the assumed average and/or standard flow and strength of wastewater expected from a single-family dwelling based on winter-time culinary water usage. A residential flow volume is normally twelve thousand gallons per month, and its strength is two hundred fifty mg/l TSS (total suspended solids, see “suspended solids”) and two hundred mg/l BODS (biochemical oxygen demand, see “BOD”)

“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 waters, storm waters and surface waters that are not admitted intentionally.

“Sewage” means the spent water of a community. The preferred term is “wastewater.”

“Sewer” means a pipe or conduit that carries waste-water or drainage water.

“Shall” is mandatory. (See “may.”)

“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 and/or performance of the wastewater treatment works.

“Storm drain (sometimes termed 'storm sewer')” means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

“Superintendent” means the superintendent of waste-water facilities of the City of Enterprise, agent, or representative.

“Suspended solids” means total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids 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.

“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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

“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 groundwater, surface water, and storm water that may be present.

“Wastewater facilities” means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

“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” or “wastewater treatment plant” or “water pollution control plant.”

“Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 13.08.071 §1, 1995; Ord. 88-8-14-201-83 (part), 1988; Ord. 14-201-83 Art. 1, 10/12/83)

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13-08-070 AMENDMENT.

The rules of operation codified in this chapter, including any part of the ordinance codified in this chapter, shall be subject to amendment from time to time as may be deemed advisable by the City Council of the City of Enterprise. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 12 §1, 10/12/83)

ARTICLE II. ADMINISTRATION

13-08-080 OFFICE OF SEWERS AND WATERWORKS.

There is created and established within and for the City of Enterprise, the office of sewer and waterworks. Such office shall be managed by the City clerk or such other person or persons as may from time to time be appointed and designated by the City Council. (Ord. 14-201-83 §1, 10/10/83)

13-08-090 SUPERINTENDENT.

The provisions of this chapter shall be administered and enforced by a superintendent under the guidance and direction of the City Council of Enterprise. The superintendent shall be appointed by a majority of the then members of the Enterprise City Council and shall serve in such capacity for such length of time and at such rate of compensation as may be determined by the Enterprise City Council. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 7 §1, 10/12/83)

13-08-100 RIGHT OF ENTRY.

- A. The superintendent and other duly authorized employees of the City of Enterprise 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 chapter with owner/occupant permission or by possession of a search warrant.
- B. The superintendent and other duly authorized 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 purpose 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. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 7 §§2, 5, 10/12/83)

13-08-110 SAFETY RULES--LIABILITY.

While performing the necessary work on private properties referred to in Section 13.08.090 of this article, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by 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 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 13.08.400. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 7 §4, 10/12/83)

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13-08-120 CITY AUTHORIZED TO OBTAIN INFORMATION--EXCEPTIONS.

The superintendent or other duly authorized employees are 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. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 7 §3, 10/12/83)

13-08-130 SUPERINTENDENT--ADDITIONAL POWERS.

The superintendent shall have such other powers not enumerated in this chapter as may be necessary for enforcement and administration of this chapter. (Ord. 88-8-14-201-83 (part) 1988: Ord. 14-201-83 Art. 7 §6, 10/12/83)

ARTICLE III. CONNECTION AND EXTENSION

13-08-140 PERMIT--REQUIRED.

No unauthorized persons shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the planning commission. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §1, 10/12/83)

13-08-150 PERMIT--APPLICATION.

- A. There shall be two classes of building sewer permits:
 - 1. For residential and commercial service; and
 - 2. For service to establishments producing industrial wastes.
- B. In either case, the owner or his agent desiring to uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof, 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 planning commission. (Ord. 88-8-14-201-83 (part) , 1988: Ord. 14-201-83 Art. 4 §2, 10/12/83)

13-08-160 COSTS--OWNER LIABILITY.

All costs and expenses 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. (Ord. 88-8-14-201-83 (part), 1988: Ord.14-201-83 Art. 4 §3, 10/12/83)

13-08-170 SEPARATE SEWER FOR EACH BUILDING ON A LOT TO BE PROVIDED.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or 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. Additional connections may be added to the same building and/or lot for the cost of installation. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §4, 10/12/83)

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13-08-180 NEW BUILDINGS--USE OF OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the building inspector, to meet all requirements of this chapter. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §5, 10/12/83)

13-08-190 CONSTRUCTION STANDARDS.

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 back-filling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, including the construction standards for the City of Enterprise, a copy of which is attached to the ordinance codified in this chapter and by this reference incorporated in this chapter. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §6, 10/12/83)

13-08-200 ELEVATION REQUIREMENTS.

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. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §7, 10/12/83)

13-08-210 PROHIBITED CONNECTIONS.

No persons(s) shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater 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 planning commission for purposes of disposal or polluted surface drainage. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §8, 10/12/83)

13-08-220 CONNECTION SPECIFICATIONS.

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, including the construction standards for the City of Enterprise sewer department, a copy of which is attached to the ordinance codified in this chapter and by this reference incorporated in this chapter, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the planning commission before installation. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §9, 10/12/83)

13-08-230 INSPECTION--TESTING--FEE.

The applicant for the building sewer permit shall notify the planning commission 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 planning commission or his representative; provided, that no building sewer shall be connected to the public sanitary sewer until the applicant has first paid the connection fee required by this chapter. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 4 §10, 10/12/83)

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13-08-240 EXCAVATIONS--PERFORMANCE BOND.

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. Performance bond must be posted. (Ord. 88-8-14-201-83 (part), 1988; Ord. 14-201-83 Art. 4 §11, 10/12/83)

13-08-245 BOND—DEFINITION.

“Bond” “Bond of Indemnity” or “Performance Bond” shall mean:

- a. A cash deposit with the City in an interest bearing account,
- b. A letter of credit, in a form approved by the City Attorney, issued by an approved financial institution registered and licensed to do business in the State of Utah, or
- c. A performance/payment bond issued by a surety company, registered and authorized to transact business as a surety in the State of Utah and having an agent designated for service in the state. Said surety company shall possess least an “A” policy holder’s rating and at least a “V” financial rating as determined by the most current edition of the “Best’s Ratings” for Surety & Insurance Companies or a reasonable equivalent thereto.
- d. A cashier’s check or a bank issued check paid to the order of the City of Enterprise, to be held in trust without interest, when the duration of the project is not expected to exceed thirty (30) days and when the project cost estimate does not exceed twenty thousand dollars (\$20,000.00).

All bonds shall be in an amount no less than the cost of the improvements or repairs being performed plus twenty five percent (25%) as determined by:

- a. An estimate of costs prepared by an engineer registered and licensed to practice in the State of Utah, paid for by the requesting party and approved by the City’s Engineer, or
- b. An estimate or contract for construction of said improvements or repairs prepared by a contractor licensed in the State of Utah containing a fixed contract price for a period of at least six (6) months, which is reviewed and approved by the City’s Engineer or designated official of the City.

Except for item “d.” above, the duration of said bonds shall be a period of two (2) years from the date of issuance with fifteen percent (15%) remaining in effect for an additional period of one year after the improvements or repairs are deemed completed by the City Engineer or a designated official of the City as a “warranty bond” against defective workmanship and materials. When option “d.” above is exercised, the City may retain fifteen percent (15%) as a “warranty bond” for a period of one year after completion of the improvements or repairs at its sole discretion according to the nature and complexity of the project. The City may release parts of the bond posted, at its sole discretion, upon request from the party posting the bond, only after the portion requested for release is reviewed by the City Engineer or a designated official of the City and determined to be a reasonable reflection of the percentage of the cost of work already completed. In the event the party required to post the bond fails to install or complete the improvements or repairs necessitating the bond, the City may declare the bond to be in default and request that it be forfeited and paid to the City who in turn shall pay all liens relating to the improvements or repairs and may utilize the remainder of the bond proceeds to complete the improvements or repairs. (Ord. 2006-03, 2006)

13-08-250 SUBDIVISIONS.

- A. Any person or entity, including any subdivider, desiring to establish a subdivision within the boundaries of the City of Enterprise shall be required, at the sole expense of the subdivider, to

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install and construct all sewer lines required for the collection and transportation of sewage from the subdivision to the existing sewer lines of the City.

- B. Installation and construction of all sewer lines so installed and constructed under subsection A of this section shall be subject to prior review and approval by the planning commission and shall be subject to all rules and regulations provided for in these rules, including the construction standards for the City of Enterprise, or which may be established after the effective date of the ordinance codified in this chapter.
- C. Upon completion of the installation and construction of any sewer lines pursuant to this section, all interest, right, and title of the subdivision in and to the sewer lines shall immediately vest in the City of Enterprise. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 9 §§1--3, 10/12/83)

ARTICLE IV. PRIVATE DISPOSAL SYSTEM

13-08-260 CONNECTION PERMITTED WHEN.

Where a public sanitary or combined sewer is not available under the provisions of Section 13.08.040, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 3 §1, 10/12/83)

13-08-270 PERMIT.

Before commencement of construction of a private wastewater disposal system, the owners shall first obtain a written permit signed by the planning commission. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the planning commission. A permit and inspection fee of twenty-five dollars shall be paid to the City at the time the application is filed. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 3 §2, 10/12/83)

13-08-280 INSPECTION.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the planning commission. The planning commission shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the planning commission, when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four hours of the receipt of notice by the building inspector. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 3 §3, 10/12/83)

13-08-290 SPECIFICATIONS.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Health of the state of Utah. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty-five thousand square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 3 §4, 10/12/83)

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13-08-300 CONNECTION TO PUBLIC SEWER--REQUIRED WHEN.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 13.08.290, a direct connection shall be made to the public sewer within sixty days in compliance with these rules, and any septic tank, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 3 §5, 10/12/83)

13-08-310 OPERATION AND MAINTENANCE.

The owners shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City. Sludge shall be removed by a licensed operator and disposed of as required by the Utah State Division of Health or other local ordinances. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 3 §6, 10/12/83)

13-08-320 CONFLICTING PROVISIONS.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83, Art. 3 §7, 10/12/83)

ARTICLE V. DISCHARGE CONTROL

13-08-330 STORM WATER DISCHARGE PROHIBITED--EXCEPTION.

No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except that 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 planning commission. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §1, 10/12/83)

13-08-340 STORM SEWERS.

Storm water other than that exempted under Section 13.08.330 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 planning commission, or his agent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the planning commission, to a storm sewer or natural outlet. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §2, 10/12/83)

13-08-350 PROHIBITED DISCHARGES.

No person(s) 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 contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or

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animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.

- C. Any water or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or the interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §3, 10/12/83)

13-08-360 CHARACTER OF DISCHARGES--LIMITATIONS.

The following described substances, materials, waters of waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, and public property or constitute a nuisance. The planning commission may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the planning commission will give his 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 waste-water treatment plant, and other pertinent factors. The limitations or restrictions on materials of characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the planning commission are as follows:

- A. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Centigrade);
- B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oils, fat or grease;
- D. Any garbage that has not been properly shredded (see subsection 14 of Section 13-08-060). 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 the 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 materials received in the composite wastewater at the wastewater treatment works exceeds the limits established by the planning commission for such materials;
- F. Any waters or wastes containing odor-producing substances which may exceed limits established by the planning commission;
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the planning commission in compliance with the applicable state or federal regulations;

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- H. Quantities of flow, concentrations or both which constitute a N5--gN as defined in this chapter;
- 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 which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes. (Ord. 88-8-14-201-83 (part) , 1988: Ord. 14-201-83 Art. 5 §4, 10/12/83)

13-08-370 DISCHARGE OF POTENTIALLY DELETERIOUS SUBSTANCES--PLANNING COMMISSION POWERS.

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contains the substances or possesses the characteristics enumerated in Section 13-08-360, and which in the judgment of the planning commission, 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 planning commission may:
 - 1. Reject the wastes;
 - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - 3. Require control over the quantities and rates of discharge; and/or
 - 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 13-08-420.
- B. When considering the alternatives set out in subsection A of this section, the planning commission shall give consideration to the economic impact of each alternative on the discharger. If the planning commission 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 planning commission. (Ord. 88-8-14-201-83 (part) , 1988: Ord. 14-201-83 Art. 5 §5, 10/12/83)

13-08-380 INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 13-08-360(C), or any flammable wastes, sand or other harmful ingredients; except interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §6, 10/12/83)

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13-08-390 OWNER RESPONSIBILITIES--PRETREATMENT OR FLOW-EQUALIZING 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(s) at his expense. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §7, 10/12/83)

13-08-400 OWNER RESPONSIBILITIES--STRUCTURE FOR OBSERVATION, SAMPLING, AND TREATMENT.

When required by the superintendent, the owner(s) 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 structures when required shall be accessibly and safely located and shall be constructed in accordance with plans approved by the planning commission. 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. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §8, 10/12/83)

13-08-410 USER RESPONSIBILITIES--PROVIDING CERTAIN INFORMATION.

The superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. Such information may include:

- A. Wastewaters discharge peak rate and volume over a specified time period;
- B. Chemical analysis of wastewaters;
- 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 of the user's property showing any pretreatment facility location;
- F. Details of wastewater pretreatment facilities;
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §9, 10/12/83)

13-08-420 TEST--SPECIFICATIONS.

All measurements, tests and analysis of the characteristics of water and wastes to which reference is made in this chapter 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 superintendent. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §10, 10/12/83)

13-08-430 INTERPRETATION OF ARTICLE.

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. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 5 §11, 10/12/83)

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ARTICLE VI. RATES AND CHARGES

13-08-440 ANNUAL COST OF OPERATION.

The City of Enterprise 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 designated and constructed. The total annual cost of operation and maintenance shall include but need not be limited to labor, repairs, equipment replacement, maintenance, necessary modification, power, sampling, laboratory test and a reasonable contingency fund. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 8 §1, 10/12/83)

13-08-450 VOLUME AND CHARACTER OF WASTES.

The City of Enterprise shall determine each user's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall include infiltration and inflow (I/I). The City shall determine each user's average daily poundage of five-day twenty-degree centigrade biochemical oxygen demand discharged to the wastewater system to determine each user's biochemical oxygen demand contribution percentage. (Ord. 13.08.071 §2(part), 1995; Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 8 §2, 10/12/83)

13-08-460 SUSPENDED SOLIDS.

The City shall determine each user's average suspended solids poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system, to determine the user's suspended solids contribution percentage. Each user's volume contribution percentage, biochemical oxygen demand contribution percentage and suspended solids contributions percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total five-day, twenty-degree centigrade biochemical oxygen demand and of the total suspended solids, respectively. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 8 §3, 10/12/83)

13-08-470 SURCHARGE FOR ABOVE NORMAL STRENGTH WASTE DISCHARGES.

The City of Enterprise or its engineer shall determine the average suspended solids (TSS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The City of Enterprise or its engineer shall assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge, sufficient to cover the costs of treating such users above normal strength wastes. Normal strength wastes are considered to be two hundred mg/l BOD and two hundred fifty mg/l TSS. The surcharge rate structure for such above normal strength waste dischargers is attached as Addendum A, attached to the ordinance codified in this chapter, on file in the City clerk's office and by this reference incorporated in this chapter. (Ord. 13.08.071 §2(part), 1995; Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 8 §4, 10/12/83)

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13-08-480 ANNUAL WASTEWATER SERVICE CHARGE.

Each nonresidential user's wastewater treatment cost contributions as determined in Sections 13-08-460 and 13-08-470 shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and equitable service charge may be determined for each such user based upon an estimate of the total wastewater contribution of this class of user. The superintendent may classify industrial, commercial, and other nonresidential establishments as a residential user; provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids and five-day, twenty-degree centigrade BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with rate Schedule II, attached to the ordinance codified in this chapter, on file in the City clerk's office and incorporated in this chapter by reference. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 8 §5, 10/12/83)

13-08-490 CONNECTION FEE.

- A. For all connections purchased prior to December 31, 1983, there is imposed a connection fee as follows:

Residential \$ 500.00
Commercial 500.00
Multi-used 500.00 plus \$100.00 for each additional unit
Industrial 2,000.00

- B. For all connections purchased after January 1, 1984, there is imposed the following connection fee:

1. for single-family residential dwellings, one thousand dollars per unit;
2. Multifamily dwellings:
 - a. For the first unit of multiple-family dwelling type construction, including condominiums, planned unit developments, apartments, motels, hotels, etc., one thousand dollars per unit,
 - b. For each additional unit of all multiple-family dwelling type construction, including condominiums, planned unit developments, apartments, motels, hotels, etc., two hundred fifty dollars per unit for all such units where payment is made in advance; otherwise the fee shall be one thousand dollars per unit. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 10 §§1, 2, 10/12/83)

13-08-500 CONNECTION FEE--PURCHASED WHEN SERVICE IS UNAVAILABLE.

In the event that any individual purchases a connection for a parcel of property not served by the system or where service is unavailable, the individual shall have the option of:

- A. Receiving a refund of the connection fee;
- B. Connecting to the system at such time that service becomes available for the amount of the connection fee previously paid. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 10 §3, 10/12/83)

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13-08-510 HOOKUP FEE.

- A. The assessment for hooking up to sewer service at City-owned stub-out on property line. This fee does not include any labor, materials, or construction of any part of the required sewer connection on private property. Costs for sewer line from City-owned stub-out to building will be the sole expense and responsibility of the property owners. All sewer connections must be inspected before covering and the connection approved. Materials and workmanship must be in accordance with code.
- B. It shall be the property owners' responsibility to notify the City or contractors as to location of sewer stub. Property owners are requested to mark desired location of stub-out with securely placed orange stake.
- C. The City Council shall approve by resolution any fee schedule(s) used by the City.
 - 1. The amount of sewer hookup fees imposed by the provisions of this chapter shall be deemed a debt to the City of Enterprise in any court of competent jurisdiction for the amount of any delinquent fees, penalties, attorney fees, and other reasonable costs in collecting the debt.
 - 2. All remedies prescribed under this chapter shall be cumulative.
 - 3. Willful failure to comply with any provisions of this ordinance and/or related resolutions is a Class B misdemeanor and is punishable as such to the full extent allowed by law. (Ord. 2006-06, 2006)

13-08-520 USER RESPONSIBILITIES--HOOKUP.

All responsibility and cost for extending individual sewer lines to the mainline of the City and for hookup to the mainline of the City shall be borne by the person or entity desiring or required to hook into the sewer system of the City. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 10 §5, 10/12/83)

13-08-530 PURCHASING CONNECTION AND HOOKUP--TIME LIMIT.

All persons or entities required to purchase a connection and hook up into the system of the City shall do so within thirty (30) days of the date that sewer service is available from the mainline of the City sewer system. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 10 §6, 10/12/83)

13-08-540 BILLING PROCEDURES.

All billings for and collections of sewer service charges, and any procedures related thereto, shall be accomplished by the City of Enterprise in accordance with the following guidelines and the terms of the agreement.

- A. All connection fees and inspection fees shall be paid prior to the time that a person or entity hooks up to the sewer system.
- B. Monthly service charges for all persons or entities required by these rules to purchase a connection and hook up to the City sewer system shall begin to accrue as of the date that sewer service is made available to the premises by virtue of the establishment of the City's sewer line, regardless of whether the connection fee has been paid or whether the system has been used.
- C. The Mayor and City Council, shall, from time to time, enact by resolution the regulations prescribing connection charges and rates to be charged for the use of sewer, inspection and permit fees and

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procedures and rules for levying, billing, dormant fees, guaranteeing and collecting charges for sewer services, rules governing the manner of making connection to the sewer systems and the materials to be used, and all other rules and regulations necessary for the management and control of the sewer department of Enterprise, Utah. (Ord.88-8-13-2-1-83(part), 1988: Ord. 14-2-1-83 Art. 10 §7, 10/12/83)

- D. Monthly sewer service charges not paid within fifteen (15) days of the date of billing shall be deemed delinquent, and if said charges shall remain unpaid for a period of fifteen (15) days after notice in writing of the intent to discontinue the service of water to the premises unless the delinquency is paid within fifteen days of the date of the notice, water and sewer service may be terminated until all such delinquent fees of other charges, including any reconnect fee, shall have been paid in full.
- E. Notwithstanding any other remedy allowed by law, all delinquent fees and charges for sewer service supplied by the City shall, if not paid when due, be certified to the treasurer and assessor of Washington County, Utah, and the fees and charges, together with penalties and applicable interest shall, immediately upon the certification, become a lien on the delinquent premises on parity with and collected at the same time and in the same manner as general County taxes that are a lien on the premises. (Ord. 99-01, 1999: Ord. 88-8-14-201-83, 1988: Ord. 14-201-83 Art. 10 §7, 1983)

13-08-550 NOTICE.

Any person found to be violating any provision of this chapter, except Sections 13-08-050, 13-08-490, 13-08-500, 13-08-520, 13-08-530 and 13-08-540, shall be served by the City with a 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. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 11 §1, 10/12/83)

ARTICLE VII. PENALTY FOR VIOLATION

13-08-560 VIOLATION OF NOTICE--PENALTY.

Any person who shall continue in violation beyond the time limit provided for in Section 13-08-550, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars for each violation. Each day in which such violation shall continue shall be deemed a separate offense. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 11 §2, 10/12/83)

13-08-570 LIABILITY.

Any person violating any of the rules of operation codified in this title shall- become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 11 §3, 10/12/83)

13-08-580 PENALTIES ARE SUPPLEMENTAL.

The penalties described in this title are supplemental to any other remedies afforded by this chapter or by law. (Ord. 88-8-14-201-83 (part), 1988: Ord. 14-201-83 Art. 11 §4, 10/12/83)

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**Chapter 13-12
BACKFLOW AND CROSS-CONNECTION CONTROL**

Sections:

- 13-12-010 Purpose.
- 13-12-020 Water purveyor.
- 13-12-030 Plumbing official.
- 13-12-040 Certified backflow assembly technician.
- 13-12-050 Definitions.
- 13-12-060 Installation requirements.
- 13-12-070 Inspection and testing requirements.

13-12-010 PURPOSE.

The purpose of this chapter is:

To protect the public potable water supply of the City of Enterprise from the possibility of contamination or pollution by isolating within the customer's internal distribution system or the consumer's private water system such contaminates or pollutants which could backflow into the public water system; and to promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system, and non-potable water systems, plumbing fixtures and industrial piping systems; and 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. (Ord. 15.12.035 §1.1, 1990)

13-12-020 WATER PURVEYOR.

The water purveyor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminates or pollutants through the water service connection. If, in the judgment of the water purveyor an approved backflow prevention assembly(s) 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 water purveyor or his designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specific location(s) on his premises. The consumer shall immediately install such approved assembly(s) at the consumer's own expense; and, failure, refusal or inability on the part of the consumer 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. (Ord. 15.12.035 §1.2, 1990)

13-12-030 PLUMBING OFFICIAL.

- A. The plumbing inspection division of the building department of the City of Enterprise 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

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potential for a cross-connection being made an integral part of the plumbing system, the plumbing official has the responsibility to require such cross-connections be either eliminated, or provided with an approved backflow prevention assembly in accordance with the plumbing code.

- B. The plumbing official's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of customer's water system. The plumbing inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such a cross-connection is discovered, it will be mandatory that a suitable, approved backflow prevention assembly be required by the plans and be properly installed, in accordance with the Utah Plumbing Code. (Ord. 15.12.035 §1.3, 1990)

13-12-040 CERTIFIED BACKFLOW ASSEMBLY TECHNICIAN.

- A. When employed by the consumer or a water purveyor to test, repair, overhaul and/or maintain backflow prevention assemblies, a backflow assembly technician will have the following responsibilities:
1. Be responsible for insuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
 2. Make reports of such testing and/or repair to the consumer, water purveyor, and the Bureau of Public Water Supplies on forms approved for such use by the Bureau of Public Water Supplies.
 3. The report shall include the list of materials or replacement parts used.
 4. It is the technician's responsibility to insure replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
 5. It will be the technician's responsibility not to change the design, material, or operational characteristics of the assembly during repair or maintenance.
 6. A certified technician shall perform the work and be responsible for the competence and accuracy of all tests and reports.
 7. It will be the technician's responsibility to ensure his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
 8. Failure to report a failing assembly to the Bureau of Public Water Supplies and the water purveyor within five working days may be grounds for revocation of the technician's certification.
 9. He shall be equipped with, and be competent to use, all necessary tools, gages, and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies.
 10. The certified technician must tag each double-check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.
- B. In the case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the Bureau of Public Water Supplies. If such a commercially tested assembly is in need of repair, the Plumbers Law of Utah, Section 58A-2-5-(3), requires a licensed plumber make the actual repair. (Ord. 15.12.035 §1.4, 1990)

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13-12-050 DEFINITIONS.

"Approved backflow assembly" means accepted by the Utah Department of Health, Bureau of General Sanitation, as meeting an applicable specification or as suitable for the proposed use.

"Auxiliary water supply". Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor'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 water purveyor does not have authority for sanitary control.

"Backflow" means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

"Backflow prevention assembly" means an assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing Code, Chapter 10, (Appendix j), and the Cross-Connection Control Program for Utah. All backflow prevention assemblies must be approved by the Utah Department of Health, Bureau of General Sanitation, prior to installation. A listing of these approved backflow prevention assemblies may be found in the Cross-Connection Control Program for Utah.

"Back-pressure" means the flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source(s) other than the intended source.

"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.

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

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

"Cross connection containment" means the installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

"Cross-Connection Controlled" "Controlled cross-connection" means a connection between a potable water system and a non-potable water system with an approved backflow prevention

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assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

“Water purveyor” means the person designated to be in charge of the water department of the City of Enterprise, 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 chapter. (Ord. 15.12.035 §2, 1990)

13-12-060 INSTALLATION REQUIREMENTS.

- A. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws, regulations, codes, and this chapter. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this chapter for control of backflow and cross-connections is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross-connections or other structural or sanitary hazards including violation of this chapter, exist. When such a condition becomes known, the water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and City statutes relating to plumbing, water supplies and the regulations adopted pursuant thereto.
- C. 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; but, in all cases, before the first branch line leading off the service line, whenever the water purveyor deems the protection of the water supply to be in the best interest of the water supply customers.
- D. The type of protective assembly required under subsection B of this section, shall depend upon the degree of hazard which exists at the point of cross-connection (whether direct or indirect), as stipulated in the Utah Plumbing Code, Chapter 10 (Appendix J).
- E. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Section 13-12-070(A), be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the water purveyor finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this chapter. (Ord. 15.12.035 §3.1, 1990)

13-12-070 INSPECTION AND TESTING REQUIREMENTS.

- A. It shall be the duty and responsibility of the customer/user at any premises where backflow prevention assemblies are installed to have certified inspections, and operational tests made at least

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once per year at the customer user's expense. In those instances where the water purveyor deems the hazard to be great, he may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician, licensed through the State Department of Health. It shall be the duty of the water purveyor to see that these tests are made according to the standards set forth by the State Department of Health, Bureau of Public Water Supplies.

- B. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the Utah Plumbing Code, Chapter 10 (Appendix J). All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.
- C. 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. The State Department of Health, Bureau of Public Water Supplies and the water purveyor having jurisdiction, may inspect such assemblies and, if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated, or another assembly substituted, without the approval of the water purveyor.
- D. All backflow prevention assemblies shall be tested within ten working days of installation.
- E. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over on electrical panel, steam pipes, boilers, pits, or above ceiling level. (Ord. 15.12.035 §3.2, 1990)

**Chapter 13-16
ELECTRIC SYSTEM**

Sections:

- 13-16-010 Connection fees and power rates.
- 13-16-020 Location of service entrance.
- 13-16-030 Ownership and maintenance responsibility.
- 13-16-040 Criteria.
- 13-16-050 City electrician.
- 13-16-060 Duties of electrician.
- 13-16-070 Application for service.
- 13-16-080 Meter deposits.
- 13-16-090 Meters.
- 13-16-095 Net Metering and Rate Tariff.
- 13-16-100 Service rates.
- 13-16-110 Right of entry.
- 13-16-120 Damage to property--Interruption of service.
- 13-16-130 Willful or malicious damage--Misdemeanor.
- 13-16-140 Installation.
- 13-16-150 Explanation of terms regarding utility policies.
- 13-16-160 Trees.
- 13-16-170 Violation--Penalty.

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13-16-010 CONNECTION FEES AND POWER RATES.

1. The City Council shall approve by resolution any fee schedule(s) used by the City.
2. The amount for power connection fees and power rates imposed by the provisions of this chapter shall be deemed a debt to the City of Enterprise in any court of competent jurisdiction for the amount of any delinquent fees, penalties, attorney fees, and other reasonable costs in collecting the debt.
3. All remedies prescribed under this chapter shall be cumulative.
4. Willful failure to comply with any provisions of this ordinance and/or related resolutions is a Class B misdemeanor and is punishable as such to the full extent allowed by law. (Ord. 2006-06, 2006)

13-16-020 LOCATION OF SERVICE ENTRANCE.

The point of attachment for the City's service wires or facilities shall be near the corner of the structure closest to the City's available and most practical source of power, as determined by the City. If a customer elects to locate the service entrance equipment and point of attachment at a location other than that specified by the City, the City will extend its facilities to provide service to the requested point upon payment by the customer of the written cost estimate of the additional facilities required. The customer must also obtain any necessary easements or right-of-way, and dedicate the easements and rights-of-way to the City.

(Ord. 2.60.000 §2, 1994)

13-16-030 OWNERSHIP AND MAINTENANCE RESPONSIBILITY.

All poles, conductors, down guys and anchors, electrical devices, conduit, boxes, etc., on the load side of the point of attachment where the City's service drop conductors connect to the customer's service entrance, conductors or service drop conductors, (except City-owned line extension materials and equipment) shall be installed and maintained by the customer. The City provides the service drop conductors to overhead entrances only. The customer must supply all underground conduit and cable and lay it with enough length at the pole end to extend up the pole and be connected to the City's devices for all secondary connections. The City shall assist in the planning of the underground service, provide approved general construction recommendations, and inspect installation for compliance. The City will not be held liable for damages incurred due to faulty underground secondary service wires.

(Ord. 2.60.000 §3, 1994)

13-16-040 CRITERIA.

The current edition of the National Electrical Code has been adopted and is made to govern premises serviced by the Enterprise City power system. All premises serviced by the Enterprise City electric department are required to have proper protective devices according to that code and the City refuses any liability for damages from electricity to the premises inasmuch as the required protective equipment will prevent damages except acts of nature. The customer's facilities must be so installed as to allow minimum clearances, as specified in the above referenced regulations when connected to drop conductors from a thirty-foot pole. The customer's service entrance must have a main disconnect

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mounted outside of the structure and readily accessible to the City personnel. Connections and compounds as specified must be used in the service entrance. (Ord. 2.60.000 §4, 1994)

13-16-050 CITY ELECTRICIAN.

The City electrician shall be recommended by the public works director, appointed by the Mayor with the approval of the City Council and shall have charge of the distribution system and all apparatus belonging to it. (Ord. 2.60.000 §5, 1994)

13-16-060 DUTIES OF ELECTRICIAN.

The electrician shall perform such duties as are or may hereafter be imposed upon him by ordinance, order, or resolution of the City Council. He shall attend to the enforcement of this chapter and inspect and supervise the construction, installation, and repairs of said electrical system and require proof in writing from City's appointed building inspector of conformance with the provisions of the electrical code adopted by the City. (Ord. 2.60.000 §6, 1994)

13-16-070 APPLICATION FOR SERVICE.

Every person desiring to obtain electric service from the City shall make application therefore in writing upon blank forms furnished by the department stating therein the location of the house or building by street number desired to be given such service, and stating whether or not it is a residence or place of business. The applicant shall sign an agreement that he will be governed by the terms of this chapter as it is now or may hereafter be amended and by all rules and regulations that are now or may hereafter be adopted by the City Council. Once installed, a hook-up cannot be moved or transferred to another point, unless there are special problems, conditions, or situations which can be determined and recommended by the power department and acted on by the Mayor and City Council. (Ord. 2.60.000 §7, 1994)

13-16-080 METER DEPOSITS.

All applicants for electrical service shall be required to make a meter deposit with their application in such amount as may be required by resolution of the City Council. If a purchaser becomes in default of payment for services within thirty days after due, the department at once may discontinue service by removing the electric meter of said purchases and apply so much of the deposit as is necessary to the payment of the purchaser's account plus a charge for disconnecting said service of such amount as the City Council may establish by resolution. The remainder of such deposit, if any, shall be paid over to said purchaser, without interest, after service is discontinued permanently. Tampering with the meter base cover while the service has been disconnected, shall result in criminal prosecution as in Section 13.16.130. (Ord. 2.60.000 §8, 1994)

13-16-090 METERS.

The department of electric service shall cause to be installed and maintained one meter for each service user. Each service connection shall be billed independently of all others. Extra meters for the consumer's convenience shall be supplied at the customer's expense. Each dwelling place in a multiple-housing unit designed for two or more dwellings shall be provided with an independent service unless

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meters are grouped in a cabinet or closet opening into a public hallway so as to be readily accessible at all times. Where a legitimate residential service is also being used to serve one family business, and does not exceed 220v/200amp service, this meter will be classified as residential, unless the power used exceeds twenty Kw. All conductors entering buildings from overhead lines shall be enclosed in an approved service head and all wires of the same circuit shall be placed in the same conduit. All meter bases that are used for new service that are used with current or voltage transformers must be the type specified by the City. (Ord. 2.60.000 §9, 1994)

13-16-095 NET METERING AND RATE TARIFF.

- A. City desires to encourage the use of Renewable Resources by supplying a meter to provide the necessary accounting to allow a customer to displace electric energy otherwise purchased from the City or to provide electric energy to the City (“Net Meter”) The Net Meter will be available to any electric customer connected to City’s electric distribution system provided that the customer installs a solar, wind, or other City approved renewable generation resource (“Renewable Resource”) on the customer’s side of the meter, subject to the Application Provisions listed in 13-16-095(B).
- B. A customer must make an application to City and receive approval from City before installing an interconnected Renewable Resource on their property. City may withhold approval if for any reason the requested interconnection would result in a negative monetary or physical impact on the City electrical system. By accepting a Net Meter, the customer hereby agrees to the following provisions:
 - 1. The monthly electrical output of the Renewable Resource shall not be greater than 120% of the historical maximum monthly energy consumption of the customer.
 - 2. A Renewable Resource shall be manufactured and installed to interconnection standards that meet or exceed the Institute of Electrical and Electronics Engineers, Inc. (“IEEE”) standard 1547 for Interconnecting Distributed Resource with Electric Power Systems and Underwriters Laboratories Inc. (“UL”) standard 1741, Inverters, Converters, and Controllers for use in Independent Power Systems
 - 3. City shall have the right to inspect a customer’s generator facility during reasonable hours and with reasonable prior notice to the customer. If City finds that the customer’s generator facility is not in compliance with the requirements of City’s interconnection rules and the standards set forth in this Tariff, and non-compliance adversely affects the safety or reliability of City’s facilities or other customers’ facilities, City may require the customer to disconnect the facility until compliance is achieved.
 - 4. If City disconnects the Renewable Resource, the customer shall receive in a timely manner, a written explanation of the disconnection. The customer shall have the right to correct the situation and petition City to reestablish an interconnection.
 - 5. City shall install and maintain a new revenue meter for the customer, at City’s expense. Any subsequent revenue meter change necessitated by the customer, whether because of a decision to stop Net-Metering or for any other reason, shall be pursuant City policy.
 - 6. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs) or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.
 - 7. The customer will comply with all City service and billing requirements.

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8. The customer will comply with all installation, building, and electric codes of City.
 9. City shall make Net-Metering available to eligible customers on a first-come, first-served basis up to 10 percent of City' most recently measured annual peak load.
 10. A customer facility used for Net-Metering shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate. For customer facilities less than 10 kilowatts (kW) in rated capacity, this shall be accomplished through the use of a single, bi-directional electric revenue meter that has only a single register for billing purposes.
 11. Customer shall be solely responsible for all work, and costs incurred, for installation and maintenance of the Renewable Resource.
- C. Upon approval and installation of a Renewable Resource but before interconnection to the Net Meter, City shall inspect the Renewable Resource, installation, and interconnection and approve or disapprove the interconnection. City may disapprove any final interconnection for any reason.
- D. The customer shall be subject to the following provisions for service under this Tariff:
1. For all kWh delivered by City the customer shall pay the normal City tariff for customer service as if the customer had not installed a Renewable Resource.
 2. City shall credit customer's bill for kilowatt hours (kWh) that exceed the customer's on site consumption of kWh in the billing period following the billing period of excess production at 4 cents per kWh.
 3. 3. City reserves the right to modify or amend this Tariff, City's avoided cost rate, the displacement ratio or the monthly service charge upon reasonable advance notice to the customer.
- E. Neither City nor the customer shall be subject to any liability or damages due to the inability of City to serve the customer's load due to lack of energy from either City or the Renewable Resource.
(Ord. 2008-07, 2008)

13-16-100 SERVICE RATES.

All users of electrical service from the electric system of this City shall pay current published rate as shall be set by resolution of City Council. (Ord. 2.60.000 §10, 1994)

13-16-110 RIGHT OF ENTRY.

The City electrician and other personnel of the department shall have the right to enter upon any premises at all reasonable hours for the purpose of reading the meter therein or inspecting the same. City personnel shall attempt to contact electrical customers before forcing entry. (Ord. 2.60.000 §11, 1994)

13-16-120 DAMAGE TO PROPERTY--INTERRUPTION OF SERVICE.

All consumers of electricity connected to said electric system shall be responsible for all damages to or loss of property belonging to the City located on such consumer's premises unless occasioned by cause beyond their control or by the negligence of the department. The department shall not be responsible for any interruption or failure to supply electricity if such failure or interruption is without fault or neglect on the part of said department of electrical power. (Ord. 2.60.000 §12, 1994)

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13-16-130 WILLFUL OR MALICIOUS DAMAGE--MISDEMEANOR.

It is unlawful for any person to willfully or maliciously:

- A. Cut, break, or throw down any of the poles used in the Enterprise City electric system;
- B. Cut, break or remove from its insulator any wire in use in said system;
- C. Willfully destroy the insulation of said system or any part thereof by the attachment of a ground wire or other contrivance;
- D. Intercept the transmission of electric current through wire of the system;
- E. Injure, molest or destroy any property or materials appertaining to said system or to procure or advise any such injury;
- F. Interfere with the use of said system or obstruct or postpone the transmission of electric current through the wire of said system or to procure or advise any such injury;
- G. To, by any means or device, use or obtain any electric current except through a meter regularly installed and approved by the City electrician.
- H. Any person performing, procuring, or advising the performance of any said listed acts shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as herein provided. (Ord. 2.60.000 §13, 1994)

13-16-140 INSTALLATION.

All persons causing any electrical work to be done within the City system shall comply with the electrical code adopted by the City and shall conform to the licensing and inspection ordinances now and hereafter adopted by the City. Electrical installation to meter base shall be subject to the inspection and approval of the City electrician before any building or structure in which said electrical wiring is installed shall receive service through the Enterprise City electrical department. (Ord. 2.60.000 §14, 1994)

13-16-150 EXPLANATION OF TERMS REGARDING UTILITY POLICIES.

Refer to resolution no. 2.60.170.CR. (Ord. 2.60.000 §15, 1994)

13-16-160 TREES.

It will be the policy of the City that clearances of six feet minimum must be maintained around or near any primary overhead conductors. There will be no trees allowed to overhang primary overhead conductors. The power department will where it deems needful, with the permission of the tree's owner, completely remove to ground level, excluding stumps, any tree that is a nuisance to overhead power conductors. (Ord. 2.60.000 §17, 1994)

13-16-170 VIOLATION--PENALTY.

Any person who shall fail to comply with the provisions of this chapter or who shall violate any of its provisions shall be deemed guilty of a misdemeanor which is a fine of two hundred ninety-nine dollars and/or six months in jail. (Ord. 2.60.000 §16, 1994)

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**Chapter 13-20
ELECTRIC LINE EXTENSION POLICY**

Sections:

- 13-20-010 Policy.
- 13-20-020 Definitions.
- 13-20-030 Extension for permanent service.
- 13-20-040 Extension for indeterminate service.
- 13-20-050 Extension for temporary service.
- 13-20-060 Extension for underground power lines.
- 13-20-070 Large industrial loads.
- 13-20-080 Idle services.
- 13-20-090 Real estate subdivisions.
- 13-20-100 Conversion of overhead to underground.

13-20-010 POLICY.

Extensions of electric distribution lines 'of standard voltages necessary to supply bona fide applicants for electric service of a permanent and established character, will normally be made in accordance with the following rules:

- A. The City will construct, own, operate, and maintain lines only along public streets, roads, and highways which the City has the legal right to occupy. When private individuals or businesses seek rights-of-way across private property or public lands, they must be obtained without cost to the City.
- B. The length of line required for an extension will be considered as the distance from the nearest distribution pole and along shortest practical route (to be determined by the City) to the point where connection is made to the City's service wires. Where it is necessary to convert an existing line from single phase to three phases in order to furnish three phase service, these provisions will also apply. (Res. E1-96 (part), 1996)

13-20-020 DEFINITIONS.

"Indeterminate service" means and includes but is not limited to service to mines, quarries, oil wells, industrial, manufacturing, and large commercial enterprises of speculative nature, real estate subdivisions, mobile homes and recreational vehicles, property being developed for sale, enterprises where there is little or no immediate demand for service by any other consumer, seasonal, and other service (except that defined hereinafter as "temporary") where the amount and permanence of use cannot reasonably be assured.

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"Permanent service" means and includes service to residential, irrigation, general service, and commercial when the use of service, both as to amount and permanence, can be assured.

"Temporary service" means and includes but is not limited to service to circuses, bazaars, fairs, concessions and similar enterprises, construction work, etc., of a temporary nature, and ventures of such uncertain speculative nature that their permanence is questionable; such as mining or oil and gas production operations, etc., which, during the preliminary or development period of same, may at the City's option, be classified in this category of service.

Construction advances will be calculated to reflect the estimated construction costs as determined by the City. (Res. EI-96 (part), 1996)

13-20-030 EXTENSION FOR PERMANENT SERVICE.

- A. The applicant will be required to make a construction advance for the entire construction investment.
- B. If a consumer desires a line extension from a line on which a construction advance has been made, the new consumer shall pay a pro rata share of the original construction advance if this occurs within sixty months after the construction of the line. The pro rata share will be based on a twenty percent reduction in the cost factor for the actual line extension costs for each of the five years. The City will reimburse the pro rata share to the original payer. (Res. EI-96 (part), 1996)

13-20-040 EXTENSION FOR INDETERMINATE SERVICE.

- A. The applicant will be required to make a construction advance for the entire construction investment.
- B. Platted developments being subdivided for future potential residential home sites will require a construction advance to be made to cover the costs of the basic backbone primary system being installed. A standard two hundred amp service will be allowed for indeterminate services, both overhead and underground. (Res. EI-96 (part), 1996)

13-20-050 EXTENSION FOR TEMPORARY SERVICE.

- A. For service classified as "temporary," the City shall require applicant to pay the City in advance of construction an amount equivalent to the City's estimate of the total cost of construction and removal of the extension. The salvage value will be refunded, if any exists at the time the extension is removed.
- B. Service provided to a temporary extension shall be billed in accordance with the rate schedules applicable.
- C. The City may refuse to connect additional consumers to temporary extensions.
- D. Service over a temporary extension will not be continued for a period longer than eighteen months; and if consumer desires service thereafter, said continued service shall be furnished under the terms of either the "permanent" or "indeterminate" plan, if the City's estimate of the future use of service justifies the continued operation and maintenance of the line. (Res. EI-96 (part), 1996)

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13-20-060 EXTENSION FOR UNDERGROUND POWER LINES.

- A. Primary and/or secondary underground power lines will be supplied upon request when feasible. The consumer will pay a construction advance of one hundred percent of the actual costs of construction for the primary and/or secondary power lines and related power equipment.
- B. Meter loops and secondary extensions from the point of service to the City's transformers or secondary pedestals shall be the responsibility of the consumer, but must meet the inspection standards of the City.
- C. The City will install, own, and maintain all underground facilities to the point of delivery. The customer may, at the City's discretion, be required to provide the excavation, bedding material as required, back fill of trenches, and ground restoration. (Res. EI-96 (part), 1996)

13-20-070 LARGE INDUSTRIAL LOADS.

Large industrial loads involving special construction or circumstances will be individually analyzed and the provisions of the extension policy applied as agreed upon. (Res. EI-96 (part), 1996)

13-20-080 IDLE SERVICES.

Services may be determined to be idle if unused for a period of not less than two years. For services determined to be idle, the City may exercise its option to remove said service and use the materials elsewhere. Should the consumer require service at that location at some future date, he will be given service according to the provisions of this policy under the applicable classification as determined by the City. (Res. EI-96 (part), 1996)

13-20-090 REAL ESTATE SUBDIVISIONS.

- A. Electric line extensions to real estate subdivisions or within real estate subdivisions will be constructed, owned and maintained by the City under special contract in advance of application for service only when the entire cost of such lines and associated equipment is advanced to the City.
- B. Each line extension built to serve such real estate subdivisions shall serve a defined number of lots. (Res. EI-96 (part), 1996)

13-20-100 CONVERSION OF OVERHEAD TO UNDERGROUND.

Existing overhead lines may be removed and underground facilities installed to replace them where mutually agreed by an applicant and the City, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the total installed cost of the new underground facilities, including new easements; less accrued depreciation, on the City's books, of the existing overhead facilities to be removed; and salvage value of the overhead facilities reduced by the removal costs and new construction. (Res. EI-96 (part), 1996)

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**Chapter 13-24
IMPACT FEES ON DEVELOPMENT ACTIVITIES**

Sections:

- 13-24-010 Definitions
- 13-24-020 Establishment of Service Area
- 13-24-030 Findings and Purpose
- 13-24-040 Calculation of the Maximum Allowable Impact Fees
- 13-24-045 Actual Assessment of Impact Fees.
- 13-24-050 Time of Collection
- 13-24-060 Use of Fees
- 13-24-070 Adjustments
- 13-24-080 Accounting, Expenditure, and Refund
- 13-24-085 Impact Fee Credits
- 13-24-090 Impact Fee Challenges and Appeals

13-24-010 DEFINITIONS

- A. **“City”** means City of Enterprise, a Utah municipal corporation.
- B. **“Culinary Water Development Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of additional water delivery systems and transfer of water rights and points of diversion and the planning, design, engineering, acquisition, financing and construction of physical sources to realize those water rights.
- C. **“Development Activity”** means any construction or expansion of a building, structure, or use, and change in use of a building or structure, or any changes in the use of land that creates additional demand and need for Public Facilities.
- D. **“Development Approval”** means any written authorization from the City that authorizes commencement of development activity.
- E. **“Electrical Power Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the development activity on the need for the planning, design, engineering, acquisition, financing, and construction of additional electrical generation, transmission, and distribution facilities.
- F. **“Impact Fee”** means a payment of money imposed upon Development Activity as a condition of Development Approval. For purposes of this ordinance, the Culinary Water Development Impact Fee, Electrical Power Impact Fee, Parks and Recreation Impact Fee, Public Safety Impact Fee, Roads and Streets Impact Fee, Storm Water Drainage Impact Fee, and the Wastewater Development Impact Fee shall collectively at times be referred to as the “Impact Fees”.
- G. **“Parks & Recreation Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the Development Activity on the

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need for the planning, design, engineering, financing and construction for improvements to the parks and recreation system.

- H. **“Project Improvements”** – site improvements and facilities that are planned and designed to provide service for development resulting from Development Activity and necessary for the use and convenience of the occupants or users of the development resulting from a Development Activity.
- I. **“Proportionate share”** means the cost of Public Facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any Development Activity.
- J. **“Public Facilities”** – means only the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of a local political subdivision or private entity: (a) water rights and water supply, treatment, and distribution facilities; (b) wastewater collection and treatment facilities; (c) storm water, drainage, and flood control facilities; (d) municipal power facilities; (e) roadway facilities; (f) parks, recreation facilities, open space, and trails; and (g) public safety facilities.
- K. **“Public Safety Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, financing, and construction for future Public Safety resources.
- L. **“Roads and Streets Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, financing and construction and improvement of roads and streets due to the need for improvements and expansions necessary for future growth.
- M. **“Service Area”** means the geographic area designated by the City which a defined set of Public Facilities provides service within the area.
- N. **“Storm Water Drainage Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing, and construction of additional storm water drainage facilities.
- O. **“System Improvements”** – the existing public facilities that are designed to provide services to Service Areas with the community at large, and future Public Facilities identified in a capital facilities plan that are intended to provide services to Service Areas with the community at large. System Improvements do not mean and/or include Project Improvements.
- P. **“Wastewater Development Impact Fee”** - the impact fee imposed as a condition precedent to issuance of a building permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing, and construction of additional sewer collection facilities. (Ord. 2007-04;Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-020 ESTABLISHMENT OF SERVICE AREA

The corporate boundaries of the City of Enterprise, as presently defined and as they may, from time to time, be modified, are hereby established as the boundaries of the service area within which the City shall calculate and impose the impact fees set forth in Section 16-36-050 of this Chapter. (Ord. 2007-04; Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

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13-24-030 FINDINGS AND PURPOSE

The City Council hereby finds and determines:

- A. There is a need for Public Facilities for new development which have not been constructed and are required to be consistent with the City’s General Plan and to protect the public’s health, safety and welfare.
- B. The rapid and continuing growth of the City of Enterprise necessitates the imposition and collection of impact fees pursuant to law that requires development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public health, safety and welfare.
- C. The City Council hereby adopts the report from Sunrise Engineering dated September 2006, entitled “Wastewater Master Plan”; and the report from Sunrise Engineering dated September 2006, entitled “Culinary Water Master Plan”; and the report from Sunrise Engineering dated September 2006, entitled Storm Water Master Plan”; and the report from Sunrise Engineering dated September 2006, entitled “Roads & Streets Master Plan & Impact Fee Analysis”; and the report from Sunrise Engineering dated September 2006, entitled “Parks & Recreation Plan & Impact Fee Analysis”; and the report from Sunrise Engineering dated September 2006, entitled “Public Safety Impact Fee Analysis,”; and the report from Intermountain Consumer Professional Engineers, Inc. dated May 2007, entitled “Enterprise City Impact Fee Study,” including the related Impact Fee backup detail which establishes the costs for providing public facilities occasioned by Development Activity within the City.
- D. The Impact Fees established by this ordinance are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new Development Activity within the City.
- E. The Impact Fees established by this ordinance do not exceed the reasonable cost of providing public facilities occasioned by new Development Activity within the City. ((Ord. 2007-04;Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-040 CALCULATION OF THE MAXIMUM ALLOWABLE IMPACT FEES

A. Electrical Power Impact Fee:

Pursuant to the Act, the following are the maximum allowable Electrical Power Impact Fee that could be assessed pursuant to the 2007 Impact Fee Study performed by the City set forth in Section 16-36-030(C), above, is as follows:

The maximum impact fee for Enterprise City is based on \$2,529.00 per kVA of load added to the system.

The estimated kW loads for residential customers shown below are adjusted for Power Factor, which is assumed to be 85% (uncompensated). The impact fees for residential customers have been calculated in the following table. These calculations are based upon historical usage as tabulated in the 2007 Impact Fee Study.

Residential:

<u>Rate Schedule</u>	<u>Est. kW Impact</u>	<u>Power Factor</u>	<u>Est. kVA Impact</u>	<u>Impact Fee</u>
Residential (100 Amp*)	1.84	85.00%	2.17	\$ 5,482.00
Residential (200 Amp*)	2.25	85.00%	2.65	\$ 6,694.00
Residential (400 Amp*)	8.79	85.00%	10.34	\$26,153.00

***NOTE:** Calculations are based on typical usage, rather than on electrical panel size.

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Commercial:

Commercial customers are assessed an impact fee amount that is based on their estimated load on the system. The fee for commercial customers is calculated by multiplying the panel rating (in amps), times the line-to-line voltage, times the square root of three, times the utilization factor (0.5), times the system diversity factor (0.4), times the commercial rate per kVA.

<u>Rate Schedule</u>	<u>Demand</u>	<u>Adjusted Demand</u>	<u>Impact Fee</u>	
Commercial (100 Amp Panel/120/208Y Volts)	36	7.2	\$18,222.00	
Commercial (200 Amp Panel/120/208Y Volts)	72	14.4	\$36,444.00	
Commercial (400 Amp) (400 Amp Panel/120/208Y Volts)	144	28.8	\$72,888.00	(Ord. 2008-06, 2008)

B. Wastewater Development Impact Fee:

Pursuant to the Act, the following are the maximum allowable Storm Drainage Impact Fee that could be assessed pursuant to the Storm Water Master Plan adopted pursuant to Section 16-36-030(C), above and the impact fee analysis performed by the City set forth in Section 16-36-030(C), above, is as follows:

Per equivalent residential unit (ERU) at building permit issuance: \$4,215.00. (Ord. 2007-16, 2007)

C. Culinary Water Development Impact Fee:

At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Culinary Water Development Impact Fee in a phased manner wherein 100% the maximum allowable Culinary Water Development Impact Fee will be assessed upon the beginning the third year following the adoption of this ordinance.

1st Year Assessment. On May 1, 2007, the following Impact Fees will be assessed in connection with all new Development Activity

Culinary Water Development Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$2,891.50

2nd Year Assessment. Upon the 1st anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Culinary Water Development Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$4,337.25

3rd Year Assessment. Upon the 2nd anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Culinary Water Development Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$5,783.00

(Ord. 2007-04, 2007)

D. Storm Drainage Impact Fee:

Pursuant to the Act, the following are the maximum allowable Storm Drainage Impact Fee that could be assessed pursuant to the Storm Water Master Plan adopted pursuant to Section 16-36-030(C), above and the impact fee analysis performed by the City set forth in Section 16-36-030(C), above, is as follows:

Per equivalent residential unit (ERU) at building permit issuance: \$1,600.00 (Ord. 2007-09, 2007)

E. Roads and Streets Impact Fee:

None

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F. Parks and Recreational Impact Fee:

At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Parks and Recreation Impact Fee in a phased manner wherein 100% the maximum allowable Parks and Recreational Impact Fee will be assessed in the sixth year following the adoption of this ordinance.

1st Year Assessment. On September 1, 2008, the following Impact Fees will be assessed in connection with all new Development Activity

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,000.00

2nd Year Assessment. On May 1, 2009, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,500.00

3rd Year Assessment. On May 1, 2010, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$2,000.00

4th Year Assessment. On May 1, 2011, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$2,500.00

5th Year Assessment. On May 1, 2012, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$3,000.00

6th Year Assessment. On May 1, 2013, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$3,400.00 (Ord. 2008-05,2008)

G. At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Public Safety Impact Fee in a phased manner wherein 100% the maximum allowable Public Safety Impact Fee will be assessed upon the beginning the third year following the adoption of this ordinance.

1st Year Assessment. On May 1, 2007, the following Impact Fees will be assessed in connection with all new Development Activity

Public Safety Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$850.00

2nd Year Assessment. Upon the 1st anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Public Safety Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,275.00

3rd Year Assessment. Upon the 2nd anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

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Public Safety Impact Fee:
Per equivalent residential unit (ERU) at building permit issuance: \$1,700.00

13-24-045 ACTUAL ASSESSMENT OF IMPACT FEES

A. Electrical Power Impact Fee:

At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Electrical Power Impact Fee wherein the following Electrical Power Impact Fee will be as follows. On September 1, 2008, the following Impact Fees will be assessed in connection with all new Development Activity.

The impact fee for Enterprise City is based on \$2,075.00 per kVA of load added to the system. The estimated kW loads for residential customers shown below are adjusted for Power Factor, which is assumed to be 85% (uncompensated). The impact fees for residential customers have been calculated in the following table. These calculations are based upon historical usage as tabulated in the 2007 Impact Fee Study.

Residential:

<u>Rate Schedule</u>	<u>Est. kW Impact</u>	<u>Power Factor</u>	<u>Est. kVA Impact</u>	<u>Impact Fee</u>
Residential (100 Amp*)	1.84	85.00%	2.17	\$ 4,500.00
Residential (200 Amp*)	2.25	85.00%	2.65	\$ 5,500.00
Residential (400 Amp*)	8.79	85.00%	10.34	\$21,455.00

*NOTE: Calculations are based on typical usage, rather than on electrical panel size.

Commercial:

Commercial customers are assessed an impact fee amount that is based on their estimated load on the system. The fee for commercial customers is calculated by multiplying the panel rating (in amps), times the line-to-line voltage, times the square root of three, times the utilization factor (0.5), times the system diversity factor (0.4), times the commercial rate per kVA.

<u>Rate Schedule</u>	<u>Demand</u>	<u>Adjusted Demand</u>	<u>Impact Fee</u>
Commercial (100 Amp Panel/120/208Y Volts)	36	7.2	\$14,940.00
Commercial (200 Amp Panel/120/208Y Volts)	72	14.4	\$29,880.00
Commercial (400 Amp) (400 Amp Panel/120/208Y Volts)	144	28.8	\$59,760.00

(Ord. 2008-06, 2008)

B. Wastewater Development Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$4,215.00 (Ord. 2007-16, 2007)

C. Culinary Water Development Impact Fee:

At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Culinary Water Development Impact Fee in a phased manner wherein 100% the maximum allowable Culinary Water Development Impact Fee will be assessed upon the beginning the third year following the adoption of this ordinance.

1st Year Assessment. On May 1, 2007, the following Impact Fees will be assessed in connection with all new Development Activity

Culinary Water Development Impact Fee:
Per equivalent residential unit (ERU) at building permit issuance: \$2,891.50

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2nd Year Assessment. Upon the 1st anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Culinary Water Development Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$4,337.25

3rd Year Assessment. Upon the 2nd anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Culinary Water Development Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$5,783.00

(Ord. 2007-04, 2007)

D. Storm Drainage Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,600.00 (Ord. 2007-09, 2007)

E. Roads and Streets Impact Fee:

None

F. Parks and Recreational Impact Fee:

At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Parks and Recreation Impact Fee in a phased manner wherein 100% the maximum allowable Parks and Recreational Impact Fee will be assessed in the sixth year following the adoption of this ordinance.

1st Year Assessment. On September 1, 2008, the following Impact Fees will be assessed in connection with all new Development Activity

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,000.00

2nd Year Assessment. On May 1, 2009, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,500.00

3rd Year Assessment. On May 1, 2010, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$2,000.00

4th Year Assessment. On May 1, 2011, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$2,500.00

5th Year Assessment. On May 1, 2012, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$3,000.00

6th Year Assessment. On May 1, 2013, the following impact fees will be assessed in connection with all new Development Activity:

Parks and Recreation Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$3,400.00 (Ord. 2008-

05,2008)

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- G. At the discretion of the City Council of the City, as allowed by the Act, the City will assess the Public Safety Impact Fee in a phased manner wherein 100% the maximum allowable Public Safety Impact Fee will be assessed upon the beginning the third year following the adoption of this ordinance.

1st Year Assessment. On May 1, 2007, the following Impact Fees will be assessed in connection with all new Development Activity

Public Safety Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$850.00

2nd Year Assessment. Upon the 1st anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Public Safety Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,275.00

3rd Year Assessment. Upon the 2nd anniversary after the adoption of this ordinance, the following impact fees will be assessed in connection with all new Development Activity:

Public Safety Impact Fee:

Per equivalent residential unit (ERU) at building permit issuance: \$1,700.00 (Ord.2007-07, 2007)

13-24-050 TIME OF COLLECTION

Unless otherwise provided by the City Council, Impact Fees shall be payable immediately prior to issuance of a building permit by the City. (Ord. 2007-04; Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-060 USE OF FEES

The Impact Fees shall be used solely to:

- A. Pay for the described Public Facilities to be constructed by the City;
- B. For reimbursing the City for new development's Proportional Share of those Capital Facilities already constructed by the City; or
- C. To reimburse developers who have constructed Public Facilities where those Public Facilities were beyond that needed to mitigate the impacts of the developers project(s). (Ord. 2007-04; Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-070 ADJUSTMENTS

The City may, upon a proper showing, adjust the standard Impact Fee at the time the fee is charged to:

- A. Respond to unusual circumstances in specific cases; and
- B. Insure that the Impact Fees are imposed fairly; and
- C. Adjust the amount of the Impact Fee based upon studies and data submitted by the developer which are approved by the City and the City's Engineer after review of the same; and
- D. Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the City's capital facility's plan and are required by the City as a condition of approving the Development Activity. No credit shall be given for Project Improvements, only System Improvements. (Ord. 2007-04; Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-080 ACCOUNTING, EXPENDITURE, AND REFUND

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The City shall account for, expend, and refund Impact Fees in accordance with the provisions of the Act. (Ord. 2007-04; Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-085 IMPACT FEE CREDITS

The City, at its discretion, may give a credit against the amount of an Impact Fee due from a proposed Development Activity for the dedication of land and/or the provision of Capital Facilities that are System Improvements by an Applicant prior to the date an Impact Fee would normally be assessed for that category of Impact Fee so long as the following factors are met:

- A. The costs of such land and/or Capital Facilities have been included in the City’s capital facilities plan for the applicable category of Capital Facilities, or
- B. The land dedicated or Capital Facilities provided is determined by the City to be a reasonable substitute for the Capital Facilities identified in the City’s capital facility plan for the applicable category of Capital Facilities.
- C. Applications for credit shall be made to the City Council of the City and shall be submitted at or before the time of building permit application. The application for a credit shall be accompanied by relevant documentary evidence indicating the eligibility of the applicant for the credit. When an application for a credit accompanies an application for a building permit, City Staff shall calculate the applicable impact fee without any credit. Any credit determined appropriate by the City Council of the City shall be applied against the Impact Fee due and owing for that category of Impact Fee. Credits may not be transferable among different categories of Impact Fees.
- D. Credits for dedication of real property shall be determined by considering the fair market value of the property at the time of dedication. (Ord. 2007-04;Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)

13-24-090 IMPACT FEE CHALLENGES AND APPEALS

- A. Any person or entity residing in or owning property within the City and any organization, association, or corporation representing the interests of persons or entities owning property within the City, may file a declaratory judgment action challenging the validity of the Impact Fee being assessed pursuant to this ordinance.
- B. Any person or entity required to pay an Impact Fee imposed by the City who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by law.
- C. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with a copy of the capital facilities plan and impact fee analysis required by the Act and with any other relevant information relating to the Impact Fee.
- D. Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
 - 1. File a written appeal with the City Council of the City by delivering a copy of such appeal to the City’s City Administrator setting forth in detail all grounds for and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council of the City shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this section may not file or join an action challenging the validity of any impact fee.

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2. Within ninety (90) days of decision upholding an impact fee by the City or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the Fifth Judicial District Court in and for Washington County for review of the decision. (Ord. 2007-04;Ord. 2007-07; Ord. 2007-09; Ord. 2007-16; Ord. 2008-05; Ord. 2008-06)