

**MIDWAY CITY  
Municipal Code**

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**Section 10.01.010 Water Department**

There shall be a Water Department under control of the City Council and consisting of such City employees as provided for by the City Council.

**Section 10.01.020 Duties of Water Department**

The Water Department shall be responsible for the proper care and efficient operation of the water works system. It shall have charge of the City water tanks, water mains, fire hydrants, and all equipment and appurtenances of the water system. It shall direct the laying of water mains, the installation of all service lines, and the regulation of the supply of water. The Water Department or others authorized by the City shall inspect all water system plumbing installations in accordance with the International Plumbing Code, and may condemn and order removed any water system plumbing installation or fixture which violates any provision of state law or City ordinance.

### **Section 10.01.030 Water System**

The water system constructed or otherwise acquired by the City to supply culinary water is the property of the City and shall be under the sole and exclusive control and jurisdiction of the City. The Water Department may, at the direction of the City Council, make alterations and repairs to said system. The City Council may also from time to time by resolution make such rules and regulations as it deems necessary for the operation and control of said system.

### **Section 10.01.040 Water Service**

All connections to the City's Culinary Water System will comply with the following conditions for water service:

#### **A. Application for Water Service.**

1. Any person desiring, or who is required, to secure water service from the Water Department, when such service is available, shall first obtain a building permit before applying to the City Treasurer for water service. The applicant shall file an agreement with the City as approved by the City Council and Water Department, which shall be, at a minimum, require proof of identification and be in substantially the following form:

2. "The undersigned hereby applies to Midway City for water service at (address) and agrees to be governed by the rules, regulations, and ordinances applicable to the City water system. The undersigned further agrees to pay promptly, when due, the rate fixed by the City for the use of such water service, and in the event of failure to pay for water service, the applicant agrees that the water service may be discontinued by the City."

**B. Limit On Time For Connection.** If a building is not constructed and a connection made to the city water system within one year of the date of the application for water service, the application shall be invalid and the connection fee forfeited. Water rights, water shares, and paid impact fees shall not be forfeited. The City Council may grant one one-year extension on the time limit for connection to the water system upon request.

#### **C. Transferability of Water Connections.**

1. **Unused Water Connections.** Unused water connections are defined as Midway City water connections that have been purchased from the City but have never been used. Owners of these connections are required to pay standard base monthly water rates even though they are not actually using any water in order to hold capacity in lines and reservoirs for these connections when used. Current record owners of these unused connections shall be allowed to transfer them

to third-party purchasers. The purchase of the connection in the past satisfies the City's requirement of tendering water rights to the City in order to establish a connection. End users (current owners or third party purchasers) who desire to establish a connection using these unused hookups previously purchased from the City therefore are not required to tender any water rights. Furthermore, the impact fee requirement for establishing a water connection shall not apply to these connections. However, the actual end-users of these connections shall be required to pay the then-existing connection fee (the fee for actual physical connection to the City's pipes) at the time that connection is made.

2. Double Water Connections. A double water connection is defined as a Midway City water connection that is currently serving, or has previously served, property which is being serviced or had previously been serviced by another already-existing City water connection. Typically, the double connection was acquired by the property owner to use for irrigation purposes while the property owner simultaneously continued to use the property's original connection for culinary purposes. Owners of a double water connection are not allowed to transfer either of the connections to a third party for use at a different location. Owners of double water connections have the following options:

- a. Continue using both connections and continue to pay all associated fees; or
- b. Request that the City cap one of the connections and then cease using it, in which case the owner will be excused from paying any further fees associated with the capped connection; or
- c. Use the double connection for another lot or structure or unit at the same location if the applicable zoning allows for such additional lot to be subdivided or structure or unit be built.

D. Temporary Service Disconnection and New Service Reconnect.

When service is temporarily discontinued at the owner's request, or when a home or business changes owners, a service fee will be assessed when services are resumed or ownership transfers. This fee may be changed from time to time by resolution of the City Council.

E. Buried Lines. All buried water lines must be accompanied with an acceptable tracer line to be placed on top of the water line to allow identification of the line position from the surface.

F. No Temporary Water Service During Construction or at Other Times. All use of City water shall be through a City-approved water line and water meter. No person shall use City water prior to installing an approved water line and water meter and inspection of the same by City personnel. No jumpers shall be allowed. Persons found in violation of this provision shall be fined with the current fee in force per each day of violation and, in addition, shall be required to pay all costs, fees, and expenses incurred by the City in enforcing this provision and removing the unauthorized connection.

**Section 10.01.050 Rates and Fees**

The City Council shall from time to time by resolution, establish such rates and fees as it deems proper for the water service provided by the City and the uses made thereof by the users. In establishing rates, the City Council may classify the type of service provided and the uses made of the water system and provide different rates for the classifications so made. Use of water on property outside the Midway City limits is subject to this Title. All rates and fees promulgated

by the City Council shall be made of public record, filed with the City Recorder, and be available for inspection by any person during normal business hours.

### **Section 10.01.060 Board of Equalization**

The City Council is hereby constituted as the Board of Equalization of water rates and fees, to hear complaints and make correction of any assessments deemed to be illegal, unequal, or unjust. The City Council may, as it sees fit, rebate all or any part of a water bill for just cause.

### **Section 10.01.070 Billings and Discontinuance of Service**

A. The City Treasurer shall mail a written statement to each user of water service at a determined interval for the base water rate and for water used over the base allowed gallons during periods when the water meters are read. Said statement shall specify the amount to be paid for water service, the place of payment and the date due. If any person fails to pay billed water charges within ninety days after the billing date, the City Treasurer shall notify the person by registered mail or a notice attached to the premises that water service will be discontinued within three days if payment in full is not received or acceptable arrangement made to pay any charges. At the end of the three days, the City Treasurer shall notify the water department to turn off the water service to the premises involved. For the first time this happens to an account holder, the account holder will be charged a one-time fee in an amount set from time to time by the City Council, which fee must be paid, together with all past-due charges, before water service will be re-established, and in any case, must be paid within thirty days after shut-off. For a second time, and any subsequent time, this happens to an account holder, if full payment of all past due amounts is not made during the requisite three-day period after notice as set forth above, (or if the one-time fee and charges are not paid within thirty days of shut-off for a first-time violator), the water connection to the property shall be forfeited and a new reconnection fee must be paid at the then-existing reconnection fee rate in order to re-establish service. Forfeiting of an active connection in this manner does not extinguish water rights or water shares previously tendered to, or recognized by, the City. In such cases, before service to the premises shall again be provided or recognized, all delinquent water charges must have been paid to the City Treasurer, together with such reconnection fee as the City Council may by resolution from time to time authorize the City Treasurer to collect. The legal owner of rented property shall be responsible to satisfy the foregoing. The City Treasurer is hereby authorized and empowered to request the City Attorney to enforce the payment of all delinquent water service charges by an action of law in the name of the City.

B. A water customer of the City who has any reason to believe that the customer's water lines, pipes or fixtures are leaking shall contact the City offices on the business day immediately following the date on which the customer learns the reason to believe there is a leak. Reason to believe there is a leak may include, but shall not necessarily be limited to, receiving an unusually high water bill or noticing the discharge of water on or at the water service address. City staff shall inspect the property for water leaks as soon as possible after this contact by the customer. If City staff determines there is a water leak on the customer's premises, staff shall immediately deliver written notice of the leak to the customer, along with a written explanation of the requirements and policies contained in this section (as applicable). The customer shall sign a document acknowledging receipt of the written notice of leak and the applicable requirements and policies. The customer shall repair the leak, at the customer's expense, within ten (10) calendar days from the delivery of such notice. City staff shall verify that the necessary repairs

have been made. If a customer has received a water bill that the customer believes is unusually high as a result of a leak, the customer may contact the City offices to seek relief pursuant to this ordinance. If, and only if, the customer has fully complied with the above requirements, the customer may receive relief according to the following policy: City staff shall calculate the average monthly water usage for the property address (regardless of ownership) during the prior three (3) years, or the life of the service to the property address, whichever is shorter. For the period during which the leak existed, the customer shall be billed at the calculated monthly average usage rate.

(Section Amended 2012-21 eff. 12/17/12)

#### **Section 10.01.080 Use After Service Is Disconnected**

It shall be unlawful for any person, after the water has been turned off from the premises for non-payment of service fees or other violation of the rules, regulations, or ordinances pertaining to the water system, to turn on the water or allow it to be turned on or used, without authorization from the City Treasurer and the water department.

#### **Section 10.01.090 Access to Premises**

Free access to premises supplied with service from the water system shall at all reasonable times be allowed to the employees of the Water Department or other authorized person(s) to examine the apparatus, the amount of water used, the manner of use, and to perform such duties as they must provide under this Title. It shall be unlawful to obstruct in any way the ability of authorized personnel to gain access to the premise's water meter. It shall also be unlawful to place any material in the water meter barrel without the written approval of the water department.

#### **Section 10.01.100 Separation of Utilities**

It shall be unlawful for any person to place any utility within five feet of the centerline of a water system line in a public right-of-way, except for right angle crossing, without first obtaining approval from the water department. The water department shall establish the conditions and standards under which such crossings may take place and shall approve all right angle crossings of water system lines.

#### **Section 10.01.110 Water Connections**

Upon payment of the fees for a water connection in such amount as may be established from time to time by resolution of the City Council, it shall be the responsibility of the Water Department to make such connection or connections, but only on condition that all applicable City ordinances and rules and regulations have been complied with. The responsibility for providing labor or materials for water connections shall be governed by such policies and regulations as may be promulgated from time to time by the Water Department and such policies and regulation may require the person for whom the connection is made to make such connection under such supervision and standards as the Department may require or to furnish all or a portion of the labor and materials necessary to make the connection. It shall be unlawful for any person to connect any water line with the public water main unless such person has received a permit to

do so and unless such connection is inspected and approved by the Water Department or other authorized City inspector. The costs of such inspection and approval shall be paid by the applicant and shall be at the hourly rate established by Midway City.

#### **Section 10.01.120 Water Meters**

All structures, dwelling units, and establishments using water from the City culinary water system must have such number and size of water meters connected to their system as necessary to meet the requirement of the International Plumbing Code. The City will furnish meters, with meter and installation costs at the expense of the property owner. Access to meters by Water Department employees must be available at all times and it shall be unlawful for meters to be located under or in driveways, sidewalks, or fences, etc. Meter readings shall be taken at regular intervals as determined by the Water Department and shall be submitted to the City Treasurer for the purpose of making necessary billings for water service.

#### **Section 10.01.130 Service Lateral**

A separate and independent service lateral for water service shall be provided for every building used as a dwelling except in cases of undue hardship where the City Council deems it necessary to make an exception. All service laterals shall be inspected and approved by the Water Department or other City authorized inspector prior to backfilling to ensure that the service laterals meet City standards. The applicant shall be responsible to pay the hourly costs for such inspection at the rate established by Midway City. It shall be unlawful for meters and waterlines to be placed under driveways and interior sidewalks and the property owner shall be responsible for all damage to driveways and interior sidewalks as a result of improper location of meters or waterlines. The water user shall bear full responsibility for the upkeep and maintenance of all water system lines and fixtures beyond the water meter.

#### **Section 10.01.140 Multiple Connections**

Where two or more families or premises have been supplied from the same service pipe and meter since on or before August 21, 1998, the failure on the part of any of the said parties to comply with the provision of this Title shall be grounds for the City to withhold the supply of water through said service pipe and meter until a separate meter and service pipe is installed for each user under a separate application. Beginning with connections made after August 21, 1998, all dwelling units and premises shall be served by individual water meters except in cases of undue hardship and/or special circumstances as approved by the City Council.

#### **Section 10.01.150 Use of Water Only On Connected Premises**

It shall be unlawful for any water user to permit any person from other premises, or unauthorized persons, to use or obtain water regularly from such premises or water fixtures, either outside or inside said building.

#### **Section 10.01.160 Waste Prohibited**

It shall be unlawful for any water user to waste water, or allow it to be wasted, by imperfect stops, taps, valves, leaky joints or pipes, or allow tanks or water troughs to leak or overflow or to wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks, or apparatus or to use water in violation of the rules, regulations, or ordinances for controlling the City water system.

#### **Section 10.01.170 Fire Hydrants**

All public fire hydrants shall be under the control of the City and shall be kept in good repair by the Water Department. In case of fire, the fire department shall have free access to said hydrants. No other person shall open or operate any fire hydrant, or attempt to draw water there from without a permit from the Water Department superintendent.

A. The security deposit for use of a City fire hydrant shall be \$2000 or an amount as set by City Council from time to time.

B. The Public Works Crew Chief Leader will designate which fire hydrant may be used. No other fire hydrants are authorized to be used. The fire hydrant to be used will be checked by the Crew Chief leader prior to use to determine if there is any pre-existing damage. The usage charge for fire hydrant usage shall be \$10.00 per calendar day or an amount as set by City Council from time to time.

#### **Section 10.01.180 Scarcity of Water**

In times of scarcity of water, if it is judged by the Mayor and City Council to be vital, the Mayor shall by proclamation limit the use of water for other than domestic purpose to such extent as may be necessary for the public good. It shall be unlawful for any person by himself, family, servants, or agents, to violate any proclamation made by the Mayor in pursuance of this section.

#### **Section 10.01.190 Water System**

A. The water system shall be considered as made up of two parts: the utility system and the customer's system.

B. Water Purveyor's System shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer's system begins.

C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

E. The customer's system shall include those parts of the facilities beyond the termination of the water purveyor's distribution system that are utilized in conveying utility-delivered domestic water to points of use.

#### **Section 10.01.200 Tampering with Water Meters Prohibited**

It is a civil infraction for any customer or his agent or representative, other than a person employed by or representing a public water system, remove, relocate, replace, alter, damage, bypass, or otherwise tamper with any water meter or water measurement device or components thereof, including but not limited to the meter face, dials, or other water usage indicators. It is illegal for any unauthorized person to reconnect a water meter after Midway City personnel have disconnected it.

#### **Section 10.01.210 Penalty**

Any water service user violating any of the rules, regulations or ordinances controlling the water system, shall pay for all damages, forfeit all payments made and the rights to the use of said service, and service to the premises of such user shall be discontinued. In addition to the foregoing penalty, any person who shall violate any of the provisions of this Ordinance shall be guilty of a class C misdemeanor, or by imprisonment for a term not to exceed six months, or both such fine and imprisonment.



## CHAPTER 10.02 DEFINITIONS

For the purpose of this Title, the following words and phrases shall, unless defined differently in a particular section, have the meanings respectively ascribed to them:

A. **Auxiliary Water Supply.** Any water supply on or available to the premises other than the purveyor's approved 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 sanitary control.

B. **Backflow.** Undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms Backsiphonage and Backpressure.

C. **Backpressure.** Any elevation of pressure in the downstream piping system (by pump, elevation or piping or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

D. **Backsiphonage.** A form of backflow due to a reduction in system pressure which causes a sub-atmospheric pressure to exist at a site in the water system.

E. **Backflow Preventer.** An assembly or means designed to prevent backflow.

1. **Air gap.** A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case less than 1 inch (2.54 cm).

2. **Reduced Pressure Backflow-Prevention Assembly.** An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.

3. **Double Check Valve Backflow Prevention Assembly.** An assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. (See Specifications, Section 10 for additional details.) This assembly shall only be used to protect against a non-health hazard (i.e. pollutant).

F. **Contamination.** An impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

G. Cross-Connection. Any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

1. Direct Cross-Connection. A cross-connection which is subject to both backsiphonage and backpressure.

2. Indirect Cross-Connection. A cross connection which is subject to backsiphonage only.

H. Cross Connections - Controlled. A connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

I. Cross Connection Service Protection Control . The appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer's potable water system.

J. Hazard, Degree of. Either a pollution (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

K. Hazard - health. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

L. Hazard - plumbing. An internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollution or contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

M. Hazard – pollution. An actual or potential threat to the physical properties of the water system or the physical properties of the water system or the pot ability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenance.

N. Hazard - system. An actual or potential threat of severe danger to the physical properties of the public or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

O. Industrial Fluids. Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

P. Pollution. An impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use. (*compare with M*)

Q. Water - Potable. Any public potable water supply which has been investigated and approved by the Utah Division of Drinking Water and Midway City Water Department to be of sufficiently high quality so that it can be consumed or utilized without risk of immediate or long term harm. The system must be operating under a valid health permit

R. Water – Non-potable. A water supply which has not been approved for human consumption by the health agency having jurisdiction.

S. Water - Used. Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

## **CHAPTER 10.03 CROSS-CONNECTION CONTROL**

### **Section 10.03.010 Responsibility**

### **Section 10.03.020 Cross Connection Control Policy**

### **Section 10.03.030 Backflow Preventers**

### **Section 10.03.040 Backflow Preventers Testing and Maintenance**

### **Section 10.03.010 Responsibility**

The Midway City Water Department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Midway City Water Department an approved backflow prevention assembly is required at the customer's water service connection or, within the customer's private water system for the safety of the water system, the Midway City Water Department or its designated agent shall give notice in writing to said customer. The customer shall schedule an installation of said device with the City, which installation the City will perform upon payment by the customer of the applicable fee. Failure or refusal on the part of the customer to schedule and cooperate with such installation shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met

### **Section 10.03.020 Cross Connection Control Policy**

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 Midway City laws and regulations and this Cross Connection Control Policy. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this Cross Connection Control Policy is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. All water connections for new construction shall be required to have installed a thermal expansion device and a pressure reducing valve approved by the City.

C. The consumer's system should be open for inspection at all reasonable times to authorized representatives of the Midway City Water Department to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Midway City Water Department shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the Midway City ordinances and standards statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

D. 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 wherever the following conditions exist:

1. In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Midway City Water Department, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.
2. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of processed waters and waters originating from the utility system that have been subject to deterioration in quality.
3. In the case of premises having one internal cross connections that cannot be permanently corrected and controlled, or two intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

E. The type of protective assembly required in this section shall depend upon the degree of hazard that exists as follows:

1. In the case of any premises where there is an auxiliary water supply as: stated in this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly.
2. In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
3. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
4. In the case of any premises where there are unprotected cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.
5. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.

### **Section 10.03.030 Backflow Preventers**

A. Any backflow-prevention assembly required herein shall be a model and size approved by the Midway City Water Department. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:

1. AWWA C510-89 - Standard for Double Check Valve Backflow-Prevention Assembly;
2. AWWA C511-89 - Standard for Reduced-Pressure Principle Backflow-Prevention Assemblies;
3. And have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USCFCCCHR) established in: Specification of Backflow-Prevention Assemblies - Section 10 of the most current issue of the Manual of Cross-Connection Control.
4. Said AWWA and FCCHR standards and specifications have been adopted by the Midway City Water Department. Final approval shall be evidenced, by a "Certificate of Compliance" for the said AWWA standards; or "Certificate of Approval" for the said USCFCCCHR Specifications; issued by an approved testing laboratory.

B. The following testing laboratory has been qualified by the Midway City Water Department to test and certify backflow preventers:

1. Foundation for Cross-Connection Control and Hydraulic Research  
University of Southern California  
University Park  
Los Angeles, CA 90089
2. Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Midway City Water Department.

C. Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

#### **Section 10.03.040 Backflow Preventers Testing and Maintenance**

A. It shall be the duty of the consumer at any premises where backflow-prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once every five years. In those instances where the Midway City Water Department deems the hazard to be great enough, the City may require field tests at more frequent intervals. These tests shall be performed by Midway City Water Department personnel, or by a certified tester approved by the Midway City Water Department to see that these tests are made in a timely manner. The customer-user shall notify the Midway City Water Department in advance when the tests are to be undertaken so that an official representative may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the Midway City Water Department.

B. All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements in this section, be excluded from the requirements of these rules so long as the Midway City Water Department is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Midway City Water Department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

## **CHAPTER 10.04 WATER SYSTEM EXTENSIONS**

### **Section 10.04.010 Water System Extensions**

### **Section 10.04.020 Water System Extensions Reimbursement Agreement**

### **Section 10.04.010 Water System Extensions**

A. Any person desiring to extend the water system inside or outside the City limits may make application to the City Council. Such application shall be considered by the City Council on a case by case basis and the City Council shall approve such applications if:

1. The proposed extension is to be constructed consistent with the City's extension standards.
2. Adequate water rights are provided to supply said need.
3. The existing distribution system is adequate to supply the needed water to the point of the beginning of the extension.

B. The application shall contain a description of the proposed extension accompanied by a map showing the location thereof. Detailed engineering drawings showing the location and size of all lines, mains, service laterals, appurtenant facilities, anticipated water pressures and fire flows shall be included. A development agreement signed by the applicant upon final approval by which the applicant agrees to construct the facilities, both on-site and off-site.

C. Before any such application is approved, the City Council shall refer it to the City Engineer and Water Department for their review and comment. The application may also be referred to the Planning Commission for similar review and recommendation.

D. The design, location, materials and methods and standard of construction of water line extension shall be in accordance with City standards and specifications as approved by the City Council. To meet state standards for fire flow protection, the minimum pipeline size for all water line extensions shall be 8" in diameter or as specified in the current plumbing code.

E. All waterline extensions, including service laterals, shall be inspected and approved by the Midway City Water Department or other authorized City personnel prior to the backfilling of trenches. The applicant shall be responsible to pay the hourly costs of such inspections.

F. The City Council may require the construction of over-sized facilities as a condition of the approval of any application governed by this section. In the event the City requires over-sized facilities to be constructed, applicant may apply to the City to have the City pay the cost of the over sizing on an equitable basis. Such decision shall be made in the sole discretion of the City Council.

### **Section 10.04.020 Water System Extensions Reimbursement Agreement**

A. A person who intends to extend a City water line may apply to the City to obtain a written line extension reimbursement agreement to help future development contribute to the cost of the extension. Nevertheless, it is the general policy of the City that development should progress in an orderly, efficient manner and should occur primarily in areas immediately adjacent to areas



that have been previously been developed. Therefore, line extension reimbursement agreements are discouraged by the City and will be granted only when the City Council makes an affirmative finding that the requested reimbursement agreement will serve an important need of the City and the public. No applicant has a right to be granted a line extension reimbursement agreement. The decision to grant or deny a line extension reimbursement agreement rests solely in the discretion of the City Council. If granted, all such agreements shall be subject to the following conditions and such other conditions as the City Council may reasonably impose:

(2013-12 Sub-section Amended, eff. 10/9/13)

B. Only off-site improvements are eligible for reimbursement.

C. Only water lines greater than 8-inches in diameter or greater are eligible for consideration for reimbursement.

D. In calculating the capacity to determine the reimbursement formula, 1,000 gallons per minute is deducted to account for required fire flow.

E. Velocity is considered to be 7.0 feet per second (fps).

F. The number of equivalent residential units (ERUs) per 8-inch line shall therefore be considered to be 174.

G. To establish the reimbursable cost per ERU, the total off-site cost of the line shall be determined. This cost shall then be divided by 174 to arrive at a cost per ERU. This cost per ERU shall then be multiplied by the number of ERUs for which the applicant is applying to arrive at the "non-reimbursable cost." Reimbursement may be allowed by the City for all costs of the line extension excluding the non-reimbursable cost. EXAMPLE: Applicant's proposed ERUs: 25. Cost to install off-site line: \$185,000. Cost per ERU:  $\$185,000 / 174 = \$1,063.22$ . Non-reimbursable cost =  $\$1,063.22 * 25 = \$26,580.50$ . Total reimbursable cost =  $\$185,000 - \$26,580.50 = \$158,419.50$ .

H. The reimbursement allowed by the agreement shall last no longer than ten years, regardless of how much of the cost has been reimbursed.

I. No guarantee is or shall be made by the City that all or any amounts will be reimbursed to applicant.

J. The City may agree to collect a fixed amount per ERU from subsequent applicants who wish to use the line and reimburse that amount to the person or entity who paid for the installation.

K. The City shall not be liable for any amounts it neglects or fails to collect, or incorrectly collects, from future users of the extended line.

## **CHAPTER 10.05 ADDITION OF OTHER FACILITIES.**

The addition of culinary water storage facilities, pumps, water sources, or other major appurtenances shall comply with the provisions of this section.

A. Any person desiring to construct a water storage facility, pumps, water sources or other major appurtenances to the City's water system whether inside or outside City limits shall make application to the City Council. Such application shall be considered by the City Council on a case by case basis based on, but not limited to, the following criteria and other criteria contained in this Title:

1. The proposed addition is to be constructed consistent with City standards.
2. Adequate, appropriate, and acceptable water rights, of a quality similar to that contained in the existing City water system, will be provided to supply said need.
3. Adequate, appropriate, and acceptable wet water, of a quality similar to that contained in the existing City water system, will be provided to supply said need.
4. The existing distribution system is adequate to supply water to the point of the new facilities.
5. The applicant will be required, and is able, to construct facilities to physically deliver adequate, appropriate and acceptable wet water into the existing City water system.

The applicant must formally transfer to the City ownership of all water, and of all wells, tanks, delivery system lines and equipment, and/or other appurtenances at the time of obtaining final approval. The applicant shall provide to the City title insurance for said transfers.

B. The application shall contain a description of the proposed water storage facility, pumps, water sources or other major appurtenances accompanied by a map showing the location thereof. Detailed engineering drawings shall be supplied showing the location and size of water storage facility, pumps, water sources or other major appurtenances and the connection of these improvements to the existing City water facilities and area to be served.

C. Prior to approval of the application, the applicant shall sign a Major Water System agreement in a form approved by the City Council by which the applicant agrees to construct the water storage facility, pumps, water sources or other major appurtenances and any on-site or off-site connecting water lines. The agreement shall also specify the cost to be borne by the applicant and by other sources as determined by the City Council, and the time in which, and conditions under which ownership will be transferred to the City.

D. Before any such application is approved, the City Council shall refer it to the City Engineer and Water Department for review and comment. The application may also be referred to the Planning Commission for similar review and recommendation.

E. The design, location, materials and methods and standards of constructions of water storage facilities, pumps, water sources or other major appurtenances shall be in accordance with City standards and specifications as approved by the City Council. All such facilities shall be inspected and approved by the Midway City Water Department or City authorized personnel prior to connection to the Midway City water system. The applicant shall be responsible to pay the hourly costs of such inspections at the rate established by Midway City.

F. The City Council may require the construction of over-sized water storage facilities, pumps, water sources or other major appurtenances as a condition of the approval of any application governed by this section, subject to provisions contained in this and other City ordinances.

G. Upon completion of a water storage facility, pumps, water sources or other major water appurtenances, the applicant's share of the actual cost of construction shall be verified by the City Engineer from as-built drawings to be provided by the applicant.

## **CHAPTER 10.06 FOREIGN WATER**

### **Section 10.06.010 Definition**

### **Section 10.06.020 Criteria for Acceptance of Foreign Water by Midway City for Use in Development**

### **Section 10.06.030 Facilities and Appurtenances**

### **Section 10.06.040 Expenses**

### **Section 10.06.050 Foreign Water Fee**

### **Section 10.06.060 Title to Foreign Water**

### **Section 10.06.070 Use of Foreign Water**

### **Section 10.06.010 Definition**

Foreign water. Water represented by water rights, water shares, or other titled or certificated form of ownership proposed for use within the area currently served by Midway City water to satisfy the City's requirements that water be supplied to proposed development that has not historically been used within the area currently served by the Midway City water system and is divertible to the area currently served by the Midway City water system.

### **Section 10.06.020 Criteria for Acceptance of Foreign Water by Midway City for Use in Development**

- A. The City Council, upon recommendation from the Midway Water Advisory Board, shall consider requests to allow foreign water to be used in the City water system based on, but not necessarily limited to, the following requirements:
- B. The applicant must complete an application on a form approved by the City.
- C. The applicant must provide satisfactory title documentation of the ownership of the foreign water.
- D. The applicant must provide evidence to the City's satisfaction of the historical places of use and points of diversion of the foreign water.
- E. The applicant must provide evidence to the City's satisfaction that the foreign water can be used safely, efficiently and acceptably in the City's water system, based on (but not limited to) the following considerations:
  - 1. The time of year the water is available.
  - 2. The quality, mineral content and temperature of the water.
  - 3. Return flow and transportation loss requirements.
  - 4. The ability of existing facilities in use by the City to service the proposed development.
  - 5. The impact that use of the foreign water may have on the City's existing sources and delivery mechanisms.
  - 6. The elevation of the proposed source in relation to the City's current sources.
  - 7. The need for treatment of the foreign water.

F. Foreign water will not be accepted by Midway City unless that water has been approved to be used in the City's Culinary Water Source as a year round municipal water right in sufficient quantity and quality to serve the use for which the water is intended. The applicant must obtain approval from the Utah State Engineer's Office for change applications authorizing the change in point of diversion, changing the type of use to municipal use, and/or changing the quantity of use necessary for the proposed development.

#### **Section 10.06.030 Facilities and Appurtenances**

If required by Midway City upon recommendation from the Midway Water Advisory Board, the applicant must construct wells, tanks, delivery systems and/or other appurtenances at the applicant's own expense to facilitate the use of the foreign water at the site of the proposed development, under the standards set forth in this Title.

#### **Section 10.06.040 Expenses**

The applicant must pay all expenses incurred by the City in investigating, processing and deciding upon the applicant's request, including but not limited to legal, engineering, and consultant fees.

#### **Section 10.06.050 Foreign Water Fee**

If approved, the applicant must pay to the City a foreign water system development fee in addition to the City's standard water impact fee. The purpose of the Foreign Water System Development Fee is to meet the costs of offsite improvements necessary for the City to incorporate foreign water into the City's water system on an ongoing basis. The Foreign Water System Development Fee shall be set by the City Council by ordinance, and shall be paid by the applicant at the time of final approval of the development by the City.

#### **Section 10.06.060 Title to Foreign Water**

If approved, the applicant must formally transfer to the City ownership of all foreign water, and of all wells, tanks, delivery system lines and equipment, and/or other appurtenances at the time of obtaining final approval. The applicant shall provide to the City title insurance for said transfers.

#### **Section 10.06.070 Use of Foreign Water**

The City Council, upon recommendation from the Midway Water Advisory Board, shall have discretion to determine and decide how the foreign water will be used and/or accounted for in the City's water system, subject to this and other City ordinances regulating planning and development.

## **CHAPTER 10.07 DEVELOPMENT WITHIN THE CITY**

### **Section 10.07.010 Water Needs**

### **Section 10.07.020 Amount of Water Required**

### **Section 10.07.030 Additional Requirements**

### **Section 10.07.040 Existing Wells**

### **Section 10.07.050 Leasing of Water from City**

### **Section 10.07.060 Time of Conveyance**

### **Section 10.07.070 Conveyance Agreement**

### **Section 10.07.080 Secondary Water Management and Delivery Agreement**

### **Section 10.07.090 Secondary Water Infrastructure Requirements**

### **Section 10.07.010 Water Needs**

Because Midway City does not have sufficient water rights to supply the needs of projected new connections for full municipal build-out, those who apply for new connections to the City water system will be required to convey to the City water rights sufficient to accommodate the needs of the proposed new structure or development. As an exception to this requirement, any parcel of land measuring 0.8 acres in size or greater that is located within the original 21 blocks of the City of Midway plat, and that does not already have an existing culinary water connection to the Midway City water system, shall be entitled to receive a credit of culinary water rights sufficient to serve one equivalent residential unit for each full 0.8 acres of land contained within the parcel. This exception applies to water rights for indoor culinary use only and does not grant rights needed for outside irrigation.

(2016-14, Section Amended, eff. 7/27/16)

### **Section 10.07.020 Amount of Water Required**

A. All persons not excepted above who desire to connect to the City water system shall convey to the City title to water rights in the approximate quantities shown in Table I. The City Council, upon recommendation from the Midway Water Advisory Board, shall determine and decide, in its reasonable discretion, the adequacy, appropriateness, sufficiency, quality, and precise quantity of water to be provided by each applicant.

B. The City recognizes that development of a particular project may be constructed in phases. The City requires a Master Plan be approved prior to submission for Preliminary Approval. During this Master Plan approval process the City Council will review the recommendations of the Midway Water Advisory Board to determine the amount of water required for the entire project. The developer must show evidence of ownership, or control, of sufficient water which can be approved by the State Engineer to provide adequate water for the entire project. This submittal must also show how the water is protected so that it cannot be alienated from the project sponsors without City approval. Before preliminary application can be approved by the City Council for any phase, the applicant must show a completed application that has been submitted to the State Engineer to provide sufficient water rights to be dedicated to the City for use of that particular phase.

C. No phase of any project shall be granted Final Approval by the City Council until a showing has been made that the water rights proposed to be dedicated to the City for the use of that phase of the project has been first approved by the State Engineer for this purpose. The City Council shall not accept any recommendation for Final Approval of any development unless the Water Advisory Board has first given its recommendation about the water rights to the City Council.

**TABLE 1  
MIDWAY CITY  
WATER REQUIRED FOR  
BUILDING AND DEVELOPMENT**

NOTE: The following general formula will be used in determining the required number of acre feet of water. The City will utilize its own experience and Division of Drinking Water Standards in allocating specific water requirements.

Indoor Culinary Usage: 0.8 acre-feet of water per equivalent residential unit

Outdoor Irrigation Usage:

For lots measuring less than 14,520 sq. ft.: 5,000 sq. ft. will be subtracted for impervious surface that will not be calculated for outdoor water requirements.

For lots measuring 14,520 sq. ft. or more: 8,000 sq. ft. will be subtracted for impervious surface that will not be calculated for outdoor water requirements.

All irrigated areas in the subdivision (including park strips and water features) are required 3 acre feet of water.

Commercial Usage:

Water requirements will be determined by the City on a case-by-case basis using the above formulas and applying any factors unique to the application.

(2016-14, Section Amended, eff. 7/27/16, 2017-11, Section Amended, eff. 7/26/17)

**Section 10.07.030 Additional Requirements**

In addition to furnishing water rights, the applicant, subject to this section and other provisions contained in this Title and other City Titles, may be required to pay all costs required to construct the needed facilities to supply, store and distribute the water. Items of construction may include, but not be limited to, wells, and storage reservoirs, spring development, pumps, pressure regulating stations, distribution lines, etc.

**Section 10.07.040 Existing Wells**

Property owners with an existing municipal grade well within the Midway City water service area that has a recognized water right accepted by the State Engineer may transfer that right to

Midway City for use of Midway City culinary water service on an equal exchange basis. The minimum amount of water required by this Title must be transferred.

### **Section 10.07.050 Leasing of Water from City**

When Midway City has at its disposal water that is available for lease to water users or prospective water users, said water may be leased by the City on the following terms:

- A. The City Council may enter into a lease of water, from any and all sources, only after the Midway Water Advisory Board has first met with the applicant and made a recommendation to the applicant and to the City Council as to the availability of sources of water for the proposed use and the terms of the proposed lease.
- B. To qualify to lease any quantity of water, the applicant must first provide to the City an amount of water already owned by the applicant at least equal to the amount that is proposed to be leased. This matching water already owned by the applicant must meet, or be adapted to meet, all Midway City standards, policies and ordinances required for water intended to be used in development. This matching water requirement may not be waived without formal amendment of this Chapter by the City Council.
- C. The applicant must enter into a written lease agreement with the City for lease of the water.
- D. The cost of the leased water will be a fixed amount per acre foot per year, as determined from time to time by the City Council upon recommendation from the Water Advisory Board. The lease and lease payments will continue in perpetuity, but the amount of the lease payments may be adjusted during the term of the lease as necessary by the City Council upon recommendation from the Water Advisory Board based on the cost of the water sources supplying all water leased by the City. The first lease payment will be required at the time the land use is approved by the City. The required lease payments are in addition to required water impact fees.
- E. Under no circumstance is any person or applicant guaranteed that some or any quantity of water will be awarded or available for lease. Available water will be assigned for lease by the City in its sole and reasonable discretion.

### **Section 10.07.060 Time of Conveyance**

The conveyance of title to the required water rights, or execution of a lease, shall occur before the plat can be filed with Wasatch County or major construction begun on the development project (subdivision, planned unit development, etc.) or upon the granting of a building permit when not included in such a development. If the development has multiple phases, the City will only require those rights which are needed to complete the approved phase to be conveyed.

### **Section 10.07.070 Conveyance Agreement**

Prior to conveyance of title of water rights to the City, the City and the developer/owner shall enter into a written agreement that shall identify all the terms of such conveyance, and which



shall be subject to this Chapter, set forth above. Such agreement shall include, but shall not be limited to:

- A. The type of rights to be given to the City (including share numbers or water right numbers, if available).
- B. The amount of water conveyed by said rights.

### **Section 10.07.080 Secondary Water Management and Delivery Agreement**

The City may enter into an agreement with another party pursuant to which such party will manage the City's water rights or water shares held by the City for secondary (irrigation) use and deliver such water to the City's water customers through a distribution system that is not owned by the City. The terms of such a management and delivery agreement shall be as approved by the City Council. The existence of such a management and delivery agreement shall not diminish or otherwise affect the City's ownership of the water rights or water shares that are subject to management and delivery under the agreement.

(2013-03, Section Added, eff. 4/10/13)

### **Section 10.07.090 Secondary Water Infrastructure Requirements**

- A. All applicants for residential or commercial building permits and all developers of residential or commercial subdivisions or planned unit developments are required to construct and install, at their own expense, pipes and other necessary infrastructure, both on-site and off-site, to enable the subject property to connect to the secondary water irrigation system.
- B. The Midway Water Advisory Board shall make a recommendation to the Midway City Council regarding the construction of required infrastructure for secondary water for each residential or commercial subdivision or planned unit development.
- C. After recommendation by the Midway Water Advisory Board, the City Council shall determine and include the specific requirements for construction of secondary water infrastructure in the conditions of approval for each residential and commercial subdivision or planned unit development and in the project's development agreement.

(2016-17, Section Added, eff. 11/2/16)

## **CHAPTER 10.08 WATER SERVICE OUTSIDE CITY LIMITS**

City may, but need not, upon such terms and conditions as it deems advisable, agree to provide culinary water service to users outside of its municipal bounds. Such users will be subject to all City water requirements to which City residents are subject, plus such other reasonable conditions as the City Council may impose from time to time. Out-of-city users will be required to pay all impact fees and other fees in the same amounts as City users. Non-resident applicants must, prior to receiving water from the City, covenant in writing that they will sign and/or file an annexation petition to annex their property into the City when requested to do so by a third party or by the City, provided the petition complies with Midway City and Utah annexation laws and policies.

## **CHAPTER 10.09 MIDWAY WATER ADVISORY BOARD**

Midway City has entered into an agreement with Midway Irrigation Company, a private non-profit corporation registered under the laws of the State of Utah, to jointly convene the Midway Water Advisory Board. Due to the geographic location of the Midway City limits, Midway Irrigation Company currently supplies all secondary (irrigation) water to all land within the City, through a distribution system owned by Midway Irrigation Company. The Midway City Council has determined that the current public interest requires, and benefits from, this arrangement. The Midway Water Advisory Board therefore convenes as a non-public entity solely to allow the City and Midway Irrigation Company to coordinate the provision of water to property located within the City through the City's and Midway Irrigation Company's distribution systems. All recommendations of the Midway Water Advisory Board are advisory only. The Midway City Council has ultimate authority and control of the water requirements imposed by the City.