

**TOQUERVILLE CITY**  
**ORDINANCE 2020.07**



AN ORDINANCE AMENDING AND RESTATING TITLE 8, CHAPTER 1, SECTION 8.E. TO ELIMINATE CONTRADICTORY AND CONFUSING LANGUAGE REGARDING THE INSTALLATION OF MECHANICAL BACKFLOW PREVENTION ASSEMBLIES IN NEW CONSTRUCTION SETTINGS.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah.

WHEREAS, The City owns and operates its own waterworks system of wells, storage tanks, distribution lines and meters in which it provides culinary water services to properties within the municipal boundaries of the City (“Toquerville Culinary Water System”).

WHEREAS, Pursuant to Utah Code Ann. § 10-7-14, the City is authorized to enact ordinances, rules and regulations for the management and conduct of the Toquerville Culinary Water System.

WHEREAS, Over the last 30-40 years there have been mechanical assemblies or devices known as “Backflow Preventers” created and placed into widespread general circulation which effectively prevents the flow of water from a residence or structure back into a City or culinary water supplier’s water storage and delivery system.

WHEREAS, City has adopted ordinances in Title 8, Chapter 1 (specifically Section 8) of the Toquerville City Code which allows the City to require a property owner to install a Backflow Preventer of various types and sizes on existing water connections if the City’s Water Department deems the connection’s water usage constitutes a sufficient hazard to the City’s culinary water supply and based upon the degree of hazard.

WHEREAS, Section 8 (specifically Subsection E) also requires all new construction (residential or commercial) that utilizes culinary water for exterior irrigation or which has cross connections to the City’s Culinary Water System to have a Backflow Preventer installed as part of its private water system.

WHEREAS, Section 8.E. also contains language which appears to be contradictory and confusing regarding the installation of Backflow Preventers on all new construction, therefore the City Council has determined that it is in the best interest of the health, safety and general welfare of the City and its residents to modify and eliminate parts of Section 8.E.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:



1. AMENDMENT AND RESTATEMENT OF TITLE 8, CHAPTER 1, SECTION 8, SUBSECTION E. Toquerville City Code 8-1-8.E is hereby amended and restated in its entirety as follows:

*E. New Construction: The City will review all plans for new construction to ensure that unprotected cross connections are not an integral part of the consumer's water system. All systems that are using culinary water to irrigate or to be used where cross connections or backflow could enter the City's system, a mechanical backflow prevention assembly will be installed to IBC rules and regulations. The assembly will be installed within 6' of the City's water connection into the property and cannot be tied into before assembly. The owner shall provide the building official with verification of a certified test of all backflow prevention assemblies before a certificate of occupancy is issued.*

2. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED this 12<sup>th</sup> day of March, 2020.

John 'Chuck' Williams	Aye ✓	Nay _____
Keen Ellsworth	Aye ✓	Nay _____
Justin Sip	Aye ✓	Nay _____
Gary Chaves	Aye ✓	Nay _____
Ty Bringhurst	Aye ✓	Nay _____

CITY OF TOQUERVILLE  
a Utah Municipal Corporation

  
\_\_\_\_\_  
Lynn Chamberlain, Mayor

3/25/2020  
Date

Attest:

  
\_\_\_\_\_  
Ruth Evans, City Recorder

