

ORDINANCE NO. 2021-08-44

AN ORDINANCE AMENDING SECTION 17.5.131 OF THE AMERICAN FORK MUNICIPAL CODE, WATER AND SEWER CONNECTION STANDARDS.

Whereas, municipalities are authorized to provide water, sewer, storm drain, and garbage (solid waste) collection services to its inhabitants and businesses, and to enact ordinances, resolutions, rules and regulations for the cost, control, maintenance, conduct, and operations of the systems providing such services and the enforcement of such ordinances, resolutions, rules and regulations; and

Whereas, the City council finds and determines that it is in the best interest of the City, to amend the code relating to water and sewer connection standards, allowing buildings with individually owned units to be serviced by a single water line and single sewer connection so long as the individual units are not utilizing such utility services.

NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UAH:

SECTION 1: Amendment of Section 17.5.131 of the Code of American Fork City, Utah:

Section 17.5.31 of the Code of American Fork City, Utah, is hereby amended to read as follows:

Sec 17.5.131 Water And Sewer Connection Standards

A. Residential uses.

1. Culinary water and pressurized irrigation. Each dwelling unit shall be served by the city's culinary water and pressurized irrigation system. Each dwelling unit shall be served by an individual service lateral and meter with the following exceptions:
 - a. In the instance of multi-story multi-unit structures on a single lot, the city, at their sole discretion, may authorize the use of oversize connections and a master meter.
 - b. In the instance of a multi-story multi-unit building where the property boundaries of each unit are confined to the extents of the structures and there are no exterior landscaping areas located within the unit's property boundaries, an individual pressurized irrigation service later is not required.
2. Sewer. Each dwelling unit shall be served by the city's sewer collection system. Each dwelling unit shall be connected to the sewer collection system by an individual lateral, except that in the instance of multi-story multi-unit structures on a single lot, the city, at their sole discretion, may authorize the use of a common lateral.

B. Commercial, industrial, mixed uses, and institutional uses. Minimum standards for culinary water, pressurized irrigation and sewer connections for commercial, industrial, mixed uses, and institutional uses are as follows:

1. Buildings. At a minimum, each building shall be served by a separate water and sewer connection which is connected directly to city water and sewer laterals having sufficient capacity to accommodate the anticipated demand from the proposed use.
2. Lots. Each lot shall be served by an individual service lateral and meter connected to the city's pressurized irrigation system.
3. Multi-tenant. Each multi-tenant building shall conform to the following standards, as applicable:
 - a. In the instance of a single story building where the units in the building are designed to be divided into separate units and intended to be owned by separate owners, each unit shall be served by individual water and sewer service laterals connected directly to a city water and sewer line having sufficient capacity to accommodate the anticipated demand from the proposed use.
 - b. In the instance of a single story building where all of the units within the building are to remain in single ownership, the city may authorize the use of a single water and/or sewer connection for the entire building subject to: (1) the providing of adequate assurances of continued unified ownership, (2) submittal of a document, acceptable to the city, indemnifying the city against damages that may occur to tenants within the building as a result of a malfunction of the common utility system and agreeing to retro-fit the utility system to provide individual water and sewer laterals to each unit in the event of a sale of any of the units within the building to a separate owner.
 - c. In the instance of a multi-unit building intended to be divided into separately owned units (condominium project), except as otherwise stated herein, each unit utilizing culinary water and/or sewer shall be served by an individual water service lateral and meter which are connected directly to a city water line and each unit shall be served by an individual sewer service lateral which is connected to a city or private sewer line having sufficient capacity to accommodate the anticipated demand from the proposed use.
 - i. The City may permit only a single water line and single sewer service lateral to the entire building upon the following findings by the City Engineer: (1) the building is subject to a valid condominium ownership association, (2) use of water and sewer is limited only to common areas of the building, (3) an indemnification agreement indemnifying the city against damage that may occur to units within the building as a result of a malfunction of the common utility system has been received, and (4) an agreement to retro-fit the utility system to provide individual water and sewer laterals to each unit in the event

of dissolution or termination of the condominium ownership association has been received.

- d. In the instance of a multi-story, multi-unit, mixed use building where all units within the structure are to remain in single ownership, the city may authorize the use of a single water and/or sewer connection for each land use type within the structure subject to: (1) the providing of adequate assurances of continued unified ownership, (2) submittal of a document, acceptable to the city, indemnifying the city against damages that may occur to tenants within the building as a result of a malfunction of a common utility system and agreeing to retro-fit the utility system to provide individual water and sewer laterals to each unit in the event of a sale of any of the units within the building to a separate owner.

Section 2: Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION 3. Effective Date. This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

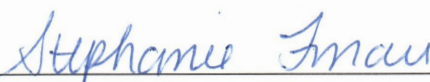
PASSED AND ADOPTED BY THE AMERICAN FORK CITY COUNCIL, STATE OF UTAH, ON THIS 24TH DAY OF AUGUST 2021.

AMERICAN FORK CITY:



MAYOR BRADLEY J. FROST

ATTEST:



STEPHANIE FINAU, DEPUTY RECORDER

