

# ORDINANCE No. 14-22

## ROLL CALL

VOTING	YES	NO
MIKE MENDENHALL <i>Mayor (votes only in case of tie)</i>		
CHAD ARGYLE <i>Councilmember</i>	X	
STACY BECK <i>Councilmember</i>	X	
BRANDON B. GORDON <i>Councilmember</i>	X	
SHANE MARSHALL <i>Councilmember</i>	X	
KEVIN OYLER <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Argyle

I SECOND the foregoing motion Councilmember Gordon

## ORDINANCE No. 14-22

### AN ORDINANCE AMENDING SEPTIC TANK REGULATIONS

WHEREAS Spanish Fork City has enacted a land use ordinance as Title 15 of the Spanish Fork Municipal Code ("Code") to regulate the development of land within the City, establish zoning to protect property values, and establish administrative rules concerning land use;

WHEREAS Spanish Fork City has adopted Title 13, Utilities, to regulate the provision and use of municipal utilities, including wastewater collection and treatment;

WHEREAS amendments to the land use ordinance and other sections of the Code need to be made from time to time in order to remain compliant with state and federal law, become more efficient, and to keep standards in line with best construction and safety practices;

WHEREAS the proposed amendments help clarify requirements and improve consistency between different sections of the Code;

WHEREAS a public hearing was held before the Planning Commission on February 2, 2022, whereat public comment was received; and


WHEREAS a public hearing was held before the Spanish Fork City Council on February 15, 2022, whereat additional public comment was received;

NOW THEREFORE, be it enacted and ordained by the Spanish Fork City Council as follows:

**Section 1. Amendment of Code.** The Spanish Fork Municipal Code is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein. Only the sections of the Code set forth in the Exhibit A shall be amended. All other sections of the Code remain unchanged.

**Section 2. Effective Date.** This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,  
UTAH: February 15, 2022.

  
\_\_\_\_\_  
MIKE MENDENHALL, Mayor

Attest:

  
\_\_\_\_\_  
TARA SILVER, City Recorder





EXHIBIT A

SEPTIC TANK REGULATION AMENDMENTS

### 13.24.040 Septic Tanks And The Private Disposal Of Wastewater

Except as provided in this Chapter, 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. Where a public sanitary sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter and Section 15.4.16.060 , if approved by the City Engineer.

- A. **Permit.** Before commencement of construction of a septic tank or any other private wastewater disposal system, the owner(s) shall first obtain a building permit, which will be approved by the City Engineer.
- B. **Inspection.** A permit for a septic tank or any other private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer and the Utah County Health Department. The City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered.
- C. **State Regulations.** The type, capacities, location, and layout of a septic tank or any other private wastewater disposal system shall comply with all recommendations of the Department of Public Health and the Department of Water Quality of the State of Utah. A permit from the Utah County Health Department is required prior to filing an application with the City. A permit from the Utah Department of Water Quality may need to be obtained if required.
- ~~D. **Lot Size.** No permit shall be issued for a septic tank or any other private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than five (5) acres.~~
- D. **Outlets.** Septic tanks or any other private wastewater disposal systems shall not be permitted to discharge to any natural outlet.
- E. **Maintenance.** The owner(s) of septic tanks or any other private wastewater disposal facilities shall operate and maintain the facilities in a sanitary manner at all times, at no expense to the City.
- F. **Water Source Protection Zones.** Septic tanks or any other private wastewater disposal systems shall not be allowed within water source protection zones.
- G. **Base Rate.** Once an accessible city sanitary sewer system is within 300 feet of a lot, the owner(s) shall begin paying the sewer base rate.

#### **15.4.16.060 Sewage Facilities ~~Septic System~~; Sanitary Sewer**

- A. ~~Five (5) acre parcels or larger~~ may be approved with a septic system ~~sanitary sewer~~, at the discretion of the Council, when the provisions of section 13.24.040 and the following minimum requirements are met:
1. The owner signs a recordable instrument waiving the right to protest or otherwise object to the creation of a special ~~assessment area, public improvement district, or other mechanism improvement district~~ to be created for the purpose of providing the City sanitary sewer system.
  2. ~~A lien shall be recorded against the parcel requiring the~~ including a requirement that the City ~~The City~~ sanitary sewer system shall be connected to each the residence at the owner's expense at such time that the ~~City~~ sanitary sewer system is within ~~500-300~~ feet of the ~~parcel~~ lot line at the owner's expense. A lien requiring the connection to the sanitary sewer shall be recorded against the parcel. The lien may be released upon connection to the sanitary sewer system.
  3. The septic system sanitary sewer meets all requirements of Federal, State, County or municipal law and regulations at the time of installation.
  4. No more than one building containing a septic system sanitary sewer may be constructed on each ~~parcel~~ lot.
  5. The septic system shall be at least 25 ft from the parcel line on all sides.
  6. Parcel is no smaller than one (1) acre if created on or before January 1, 2000 or five (5) acres if created after January 1, 2000.
  7. Accessible City sanitary sewer is not within 300 feet of the parcel.