ORDINANCE NO. 2016-01

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING REQUIREMENTS FOR CONNECTION TO PUBLIC SEWER

WHEREAS in 2012, the Ivins City Council amending Section 10.03.204 regarding when connection to the public sewer is required; and

WHEREAS in an effort to defray the cost of constructing a sewer system, Section 10-8-38(2)(a) allows cities to require connection to the public sewer system if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy and to make a reasonable charge for the use of the sewer system; and

WHEREAS the existing connection requirement may hinder, disincentivize, or delay the extension of the sewer across the Kayenta Wash;

WHEREAS the Ivins City Council desires to add an additional exception to the requirement to connect to a public sewer system if it is within 300 feet of a property used for human occupancy:

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Section 10.03.204 of the Ivins City Code is hereby amended read as follows:

CHAPTER 3
SEWER SYSTEM

* * *

10.03.204 CONNECTION TO PUBLIC SEWER REQUIRED:

(1) The owner of real property on which will be constructed a house or other building to be used for human occupancy, situated within the city, shall be required to connect to the public sewer system prior to occupancy, provided a public sewer system is within three hundred feet (300') of the owner's property line.

(2) The owner of real property located within the city on which is already constructed a house or other building used for human occupancy that is presently connected to a private septic system, shall be required to connect to the public sewer system, at the owner's expense, within two (2) years of the city giving notice to do so, provided that a public sewer system is within three hundred feet (300') of the owner's sewer connection point of the building unless the sewer main is not adjacent to the owner's property.

(a) Unless mandated by state or federal law, an exception to the requirement for existing homes to connect to the public sewer shall be allowed for single-family residential real property if all of the following conditions are found to exist:

(i) The public sewer was not installed low enough to allow the existing home to gravity feed;

(ii) The existing septic system is currently operating and has no history of problems;

(iii) The septic drainfield soil is a type that would allow for the continued effective use of the existing septic system;

(iv) The existing septic system poses a low risk to groundwater and/or surface water resources;

(v) There are geological or other exigent circumstances that make the cost of connecting to the public sewer unreasonably high when compared to average connection costs; and

(vi) The existing home is not part of a special assessment area for public sewer.

(b) An additional exception to the requirement for buildings used for human occupancy that have an existing and functioning septic system to connect to the public sewer if it is within 300 feet of the property line shall be for single-family residential real property that meets all of the following conditions:

(i) Connection has not been mandated by state or federal law;

(ii) The local public health department has not determined the existing septic system to be unsafe or otherwise not functioning properly;

(iii) The public sewer system that is within 300' of the single-family residential real property was installed or otherwise completely paid for by a developer and dedicated to the City as a public sewer system at no cost to the City.

(3) Connection to the public sewer system must be in a manner consistent with the city's sewer master plan.

(4) In the event the owner of real property claims inability to connect to the sewer system within the required time due to severe economic hardship, the owner may file a petition for relief with the city's land use appeal authority based upon one or more of the following grounds:

(a) The owner or spouse is currently on active military duty status out of the area;

(b) The owner is currently receiving federal or state public assistance, such as temporary assistance for needy families (TANF), supplemental security income (SSI), food stamps, or state general public assistance;

(c) The property owner's current monthly income is less than one hundred fifty percent (150%) of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services; or

(d) Other exigent circumstances, such as extraordinary medical expenses or loss of employment.

(5) In the event the appeal authority makes a finding that the property owner is unable to connect to the sewer system due to severe economic hardship as defined in this section, then the appeal authority shall grant a onetime extension of time of an additional two (2) years for the property owner to connect to the sewer system as required by this section. (Ord. 2016-01, 2016)

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF JANUARY, 2016 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez
City Recorder