

CHAPTER 10. HEALTH

Article 10-1. In General (Reserved)

Article 10-2. Health Department

Article 10-3. Right of Entry / Unlawful Acts - Criminal and Civil Liability

Article 10-4. Food Service

Article 10-5. Vehicle Emission Inspection/Maintenance

Article 10-6. Diesel and Gasoline Vehicle Emission Inspection/Maintenance

Article 10-7. Remote Sensing Program

Article 10-8. Utah County Drinking Water Source Protection Provisions

Article 10-1. In General (Reserved)

Article 10-2. Health Department

10-2-1. Creation.

10-2-2. Organization.

10-2-3. Board of Health.

10-2-4. Local health officer.

10-2-5. Powers and duties of the Utah County Health Department - Duties regarding private and public Schools

10-2-6. Abatement of nuisances.

10-2-7. Jurisdiction.

10-2-8. Rules and regulations.

10-2-9. Financing.

10-2-1. Creation.

(a) There is hereby created a County Health Department in Utah County as provided by Title 26A, Utah Code Annotated, 1953, as amended, which shall be known as the Utah County Health Department.

10-2-2. Organization.

The Utah County Health Department shall consist of a Board of Health, a local health officer and departmental personnel.

10-2-3. Board of Health.

The Board of Health members shall be appointed by the County Commission. The Board of Health shall determine the general public health policies to be followed in the administration of the Utah County Health Department and may adopt and enforce public health rules, regulations, and standards necessary to implement the board's public health policies. The Board of Health shall appoint the local health officer subject to ratification by the County Commission. He shall be the executive officer for the council. The health officer may be removed by the health council

Utah County Code

for cause after due hearing. (R.O. 1956, Section 3-1-2) The local health officer shall serve as secretary to the Board of Health.

(a) The Board of Health shall be nonpartisan whose membership shall meet all the requirements as set forth in Title 26A, Utah Code Annotated, 1953 as amended. The number of Board members shall be set by Board bylaws, but shall be a minimum of three members. Board member terms shall be for three years.

(b) A majority of the members may not:

(i) be primarily engaged in providing health care to individuals or in the administration of facilities or institutions in which health care is provided;

(ii) hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care;

(iii) receive either directly or through a spouse more than 1/10 of the member's gross income from any entity or activity relating to health care; and

(iv) be members of one type of business or profession.

(c) Board members may be removed by the Utah County Commission for cause prior to the expiration of the member's term. Any board member removed pursuant to this Section may request and receive a hearing before the Utah County Commission prior to the effective date of the removal.

(d) All members of the board shall reside within the boundaries of the area served by the Utah County Health Department.

(e) The Board may adopt and amend bylaws for the transaction of its business. A majority of the board members constitute a quorum.

(f) Standards and regulations may be adopted by the Board as provided in Title 26A, Utah Code Annotated, 1953 as amended, and administrative and judicial review of the Board's actions is available as provided in Title 26A, Utah Code Annotated, 1953 as amended.

10-2-4. Local health officer.

(a) The local health officer shall be the administrative and executive officer of the Department and shall devote full time to the duties of the office and is responsible to the Board of Health. The local health officer shall meet the qualifications for that office as prescribed by the Utah Department of Health and the Utah County personnel system. The local health officer shall be the administrative and executive officer for the Board of Health. The health officer may be removed by the Board of Health or the County Commission for cause after due hearing as provided in Title 26A, Utah Code Annotated, 1953, as amended.

(b) The local health officer shall appoint other personnel by the Utah County merit system of personnel administration, provided they have the qualifications of training and experience for their positions equivalent to those approved for comparable positions by the Utah State Department of Health and Environmental Quality. Health Department staff may include:

- (1) Public health nurses.
- (2) Environmental health scientists.
- (3) Health Educators
- (4) Public Health Nutritionists
- (5) Mosquito Abatement Director

Utah County Code

(6) Necessary administrative staff, clerical assistants and such other personnel as may be necessary for the proper and efficient functioning of the Utah County Health Department. (Ord. No. 2011-38, 10-11-11)

10-2-5. Powers and duties of the Utah County Health Department - Duties regarding private and public schools

(a) The Utah County Health Department may:

(1) subject to the provisions in Section 26A-1-108 , enforce state laws, local ordinances, department rules, and local health department standards and regulations relating to public health and sanitation, including the plumbing code adopted by the Division of Occupational and Professional Licensing under Section 58-56-4 and under Title 26, Chapter 15a, Food Safety Manager Certification Act, in all incorporated and unincorporated areas served by the Utah County Health Department;

(2) establish, maintain, and enforce isolation and quarantine, and exercise physical control over property and over individuals as the Utah County Health Department finds necessary for the protection of the public health;

(3) establish and maintain medical, environmental, occupational, and other laboratory services considered necessary or proper for the protection of the public health;

(4) establish and operate reasonable health programs or measures not in conflict with state law that:

(A) are necessary or desirable for the promotion or protection of the public health and the control of disease; or

(B) may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability in the state;

(5) close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health;

(6) abate nuisances or eliminate sources of filth and infectious and communicable diseases affecting the public health and bill the owner or other person in charge of the premises upon which this nuisance occurs for the cost of abatement;

(7) make necessary sanitary and health investigations and inspections on its own initiative or in cooperation with the Utah Department of Health or Environmental Quality, or both, as to any matters affecting the public health;

(8) pursuant to county ordinance:

(A) establish and collect appropriate fees for the performance of services and operation of authorized or required programs and duties. Fees shall be approved and adopted by the Board of Health in its regularly scheduled meetings;

(B) accept, use, and administer all federal, state, or private donations or grants of funds, property, services, or materials for public health purposes; and

(C) make agreements not in conflict with state law that are conditional to receiving a donation or grant subject to approval or ratification by the Utah County Commission;

(9) prepare, publish, and disseminate information necessary to inform and advise the public concerning:

(A) the health and wellness of the population, specific hazards, and risk factors that may adversely affect the health and wellness of the population; and

Utah County Code

(B) specific activities individuals and institutions can engage in to promote and protect the health and wellness of the population;

(10) investigate the causes of morbidity and mortality;

(11) issue notices and orders necessary to carry out these powers and duties;

(12) conduct studies to identify injury problems, establish injury control systems, develop standards for the correction and prevention of future occurrences, and provide public information and instruction to special high risk groups;

(13) cooperate with boards created under Section 19-1-106 to enforce laws and rules within the jurisdiction of the boards; and

(14) cooperate with the Utah Department of Health, the Department of Corrections, the Administrative Office of the Courts, the Division of Youth Corrections, and the Crime Victims Reparations Board to conduct testing for HIV infection of convicted sexual offenders and any victims of a sexual offense.

(b) The Utah County Health Department shall:

(1) establish programs or measures to promote and protect the health and general wellness of the people within the boundaries of the Utah County Health Department;

(2) investigate infectious and other diseases of public health importance and implement measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health which may include involuntary testing of convicted sexual offenders for the HIV infection pursuant to Section 76-5-502 of the Utah State Code and voluntary testing of victims of sexual offenses for HIV infection pursuant to Section 76-5-503 of the Utah State Code;

(3) cooperate with the Utah Department of Health in matters pertaining to the public health and in the administration of state health laws; and

(4) coordinate implementation of environmental programs to maximize efficient use of resources by developing with the Utah Department of Environmental Quality a Comprehensive Environmental Service Delivery Plan that:

(A) recognizes that the Utah Department of Environmental Quality and the Utah County Health Department are the foundation for providing environmental health programs in Utah County;

(B) delineates the responsibilities of the Utah Department of Environmental Quality and each the Utah County Health Department for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;

(C) provides for the delegation of authority and pass through of funding to the Utah County Health Department for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the Utah County Health Department; and

(D) is reviewed and updated annually.

(c) The Utah County Health Department has the following duties regarding public and private schools within its boundaries:

(1) enforce all ordinances, standards, and regulations pertaining to the public health of persons attending public and private schools;

(2) exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, whether acute or chronic, if the person is likely to convey the disease to those in attendance;

Utah County Code

(3) make regular inspections of the health-related condition of all school buildings and premises, and:

(A) report the inspections on forms furnished by the Utah Department of Health to those responsible for the condition and provide instructions for correction of any conditions that impair or endanger the health or life of those attending the schools; and

(B) provide a copy of the report to the Utah Department of Health at the time the report is made.

(d) If those responsible for the health-related condition of the school buildings and premises do not carry out any instructions for corrections provided in a report in Subsection (3)(c), the Utah County Board of Health shall cause the conditions to be corrected at the expense of the persons responsible.

(e) The Utah County Health Department may exercise incidental authority as necessary to carry out the provisions and purposes of this section.

10-2-6. Abatement of nuisances.

The Utah County Health Department shall cause every nuisance dangerous to public health and human life, within its jurisdiction, to be abated. When complaint of such nuisance is made to it, the Utah County Health Department shall forthwith cause the matter to be investigated and shall determine whether or not the alleged nuisance is detrimental to the public health or the cause of any disease or mortality. Whenever the Utah County Health Department shall determine that a nuisance detrimental to health exists, it shall in writing, notify the owner or occupant of the premises where said nuisance may be found and shall order the abatement or removal of such nuisance. If such nuisance is not abated or removed pursuant to such order, the Utah County Health Department shall request pursuant to Title 26A, Utah Code Annotated, as amended, that the County Attorney, or a city attorney as appropriate, bring an action for the abatement of such nuisance.

10-2-7. Jurisdiction.

The Utah County Health Department shall have jurisdiction in all unincorporated and incorporated areas of Utah County and shall enforce state health laws, Utah Department of Health, Utah Department of Environmental Quality, and Utah County Health Department rules, regulations, and standards within Utah County.

10-2-8. Rules and regulations.

It shall be the duty of the Utah County Health Department to place a certified copy of its rules and regulations, pertaining to the health and sanitation of Utah County and/or its incorporated cities on file with the Utah County Clerk.

10-2-9. Financing.

The cost of establishing and maintaining the Utah County Health Department shall be financed as provided in Section 26A-1-117, Utah Code Annotated, 1953, as amended.

Article 10-3. Right of Entry/Unlawful Acts - Criminal and Civil Liability

10-3-1. Right of entry to regulated premises by representatives for inspection.

Utah County Code

10-3-2. Unlawful acts - Criminal and civil liability.

10-3-1. Right of entry to regulated premises by representatives for inspection.

(a) Upon presenting proper identification, authorized representatives of the Utah County Health Department may enter upon the premises of properties regulated by the Utah County Health Department to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances as adopted by the Utah Departments of Health and Environmental Quality, the Utah County Board of Health, the Utah County Commission, all city councils or governing bodies in Utah County, or the Division of Occupational and Professional Licensing under Section 58-56-4 of the Utah Code Annotated, 1953, as amended.

(b) Section 58-56-4 does not apply to health inspectors acting under this section.

(c) This section does not authorize local health departments to inspect private dwellings.

10-3-2. Unlawful acts - Criminal and civil liability

(a) It is unlawful for any person, association, or corporation, and the officers of the association or corporation to:

(1) violate state laws or any lawful notice, order, standard, rule, or regulation issued under state laws or local ordinances regarding public health or sanitation;

(2) violate, disobey, or disregard any notice or order issued by the Utah County Health Department pursuant to any state or federal law, federal regulation, local ordinance, rule, standard, or regulation relating to public health or sanitation;

(3) fail to make or file reports required by law relating to the existence of disease or other facts and statistics relating to the public health;

(4) willfully and falsely make or alter any certificate or certified copy issued under public health laws;

(5) fail to remove or abate from private property under the control of the person, association, or corporation at their own expense, within a reasonable time not to exceed 30 days after issuance of an order to remove or abate, any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation within the boundaries of the local health department whether the person, association, or corporation is the owner, tenant, or occupant of the private property; or

(6) pay, give, present, or otherwise convey to the local health officer or employee of a Utah County Health Department or any member of a Utah County Board of Health any gift, remuneration, or other consideration, directly or indirectly, which the officer or employee is prohibited from receiving by state law.

(b) Removal or abatement under Subsection (2)(e) shall be ordered by the Utah County Health Department and accomplished within a reasonable time determined by the Utah County Health Department, but not exceeding 30 days after issuance of an order to remove or abate.

(c) It is unlawful for any local health officer or employee of any local health department or member of any local board of health to accept any gift, remuneration, or other consideration, directly or indirectly, for the performance of the duties imposed upon the officer, employee, or member by or on behalf of the health department or by this part.

(d) It is unlawful for any local health officer or employee of a local health department, during the hours of the officer's or employee's regular employment by the local health department, to

Utah County Code

perform any work, labor, or services other than duties assigned to the officer or employee by or on behalf of the local health department.

(e) (1) Any person, association, corporation, or the officers of the association or corporation who violates any provision of this section is:

(A) on the first violation guilty of a class B misdemeanor; and

(B) on a subsequent similar violation within two years, guilty of a class A misdemeanor.

(2) In addition any person, association, corporation, or the officers of the association or corporation, are liable for any expense incurred in removing or abating any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation.

(f) Conviction under this section or any other public health law does not relieve the person convicted from civil liability for any act that was also a violation of the public health laws.

(g) Each day of violation of this section is a separate violation.

Article 10-4. Food Service

10-4-1. Food inspection.

10-4-2. Enforcement.

10-4-3. Examination, condemnation of food, drink.

10-4-1. Food inspection.

The local health officer or an authorized employee may inspect meat and food products manufactured, produced, stored, kept, sold or offered for sale within the County. Such products suspected of being impure, unhealthful, adulterated or counterfeit may be sampled, embargoed, and/or destroyed.

10-4-2. Enforcement.

The local health officer shall enforce proper sanitary regulations in the management and surroundings involving the production, manufacture, storage, keeping and sale of any article of food or drink prepared for human consumption. For the purpose of effectuating this ordinance, the local health officer or an authorized employee, shall have the following powers:

(a) Right of access, ingress and egress to and from all places of business, factories, farm buildings, carriages, trucks, trailers and cars used in the manufacture, transportation or sale of any article of food or drink and also into restaurants, dining halls, cafes, hotels and all rooms thereof, and all other places where food is prepared, stored or served to patrons;

10-4-3. Examination, condemnation of food, drink.

Samples of drink, meat or meat food products, rabbits, poultry, fish or seafood or other food may be taken and examined as often as deemed necessary for the detection of unwholesomeness or adulteration. The local health officer or an authorized employee may condemn and forbid the sale, or cause to be removed or destroyed, any food product or drink which is deemed by the local health office or an authorized employee to be unwholesome or adulterated.

Utah County Code

Article 10-5. Vehicle Emission Inspection/Maintenance.

10-5-1. Adoption of Rules and Regulations.

10-5-2. Copies of Rules and Regulations.

10-5-3. Penalties.

10-5-1. Adoption of Rules and Regulations

Pursuant to Section 41-6-163.6, Utah Code Annotated, 1953, as amended, the Vehicle Emission Inspection/ Maintenance Program Rules and Regulations are hereby adopted in book form and by this reference made a part of this Chapter to the same extent and effect as though said Rules and Regulations were copied herein in full. The Rules and Regulations shall be in effect and enforced only if the County Commission is unable to implement alternative emission reduction strategies that result in the required emission reduction credits as provided for in the State Implementation Plan for Carbon Monoxide for Utah County (reference Section X Part D of the Utah State Implementation Plan). (Ord. No. 1995-02, 1-25-95)

10-5-2. Copies of Rules and Regulations.

Three (3) copies of the Vehicle Emission Inspection/ Maintenance Program Rules and Regulations are ordered to be filed in the office of the County Clerk for the use and examination by the public. (Ord. No. 1995-02, 1-25-95)

10-5-3. Penalties.

Any violation of the Rules and Regulations adopted pursuant to Section 10-5-1 shall be punished in accordance with Section 16.0 of said Rules and Regulations. (Ord. No. 1995-02, 1-25-95)

Article 10-6. Diesel and Gasoline Vehicle Emission Inspection/Maintenance (Repealed by Ord. 2005-29, 11-1-05)

10-6-1. Adoption of Rules and Regulations.

10-6-2. Copies of Rules and Regulations.

10-6-3. Penalties.

10-6-1. Adoption of Rules and Regulations.

Pursuant to Section 41-6-163.6, Utah Code Annotated, 1953, as amended, the Diesel Vehicle Emissions Inspection/Maintenance Program Rules and Regulations are hereby adopted in book form and by this reference made a part of this Chapter to the same extent and effect as though said Rules and Regulations were copied herein in full. Pursuant to Section 41-6-163.6, Utah Code Annotated, 1953, as amended, the Vehicle Emissions Inspection/Maintenance Program Rules and Regulations are hereby adopted in book form and by this reference made a part of this Chapter to the same extent and effect as though said Rules and Regulations were copied herein in full. (Ord. No. 1998-27; 12-29-98) (Repealed by Ord. 2005-29, 11-1-05)

Utah County Code

10-6-2. Copies of Rules and Regulations.

Three (3) copies of the Diesel Vehicle Emissions Inspection/Maintenance Program Rules and Regulations, and three (3) copies of the Vehicle Emissions Inspection/Maintenance Program Rules and Regulations, are ordered to be filed in the office of the County Clerk for the use and examination by the public. (Ord. No. 1998-27; 12-29-98) (Repealed by Ord. 2005-29, 11-1-05)

10-6-3. Penalties.

Any violation of the Diesel Vehicle Emissions Inspection/Maintenance Rules and Regulations adopted pursuant to Section 10-6-1 shall be punished in accordance with Section 17.0 of said Rules and Regulations. Any violation of the Vehicle Emissions Inspection/Maintenance Rules and Regulations adopted pursuant to Section 10-6-1 shall be punished in accordance with Section 15.0 of said Rules and Regulations. (Ord. No. 1998-27; 12-29-98) (Repealed by Ord. 2005-29, 11-1-05)

Article 10-7. Remote Sensing Program

10-7-1. Adoption of Rules and Regulations.

10-7-2. Copies of Rules and Regulations.

10-7-3. Penalties.

(Repealed by Ord. 2005-30, 11-1-05)

10-7-1. Adoption of Rules and Regulations.

Pursuant to Section 41-6-163.6, Utah Code Annotated, 1953, as amended, the Remote Sensing Program Rules and Regulations are hereby adopted in book form and by this reference made a part of this Chapter to the same extent and effect as though the Rules and Regulations were copied herein in full. (Repealed by Ord. 2005-30, 11-1-05)

10-7-2. Copies of Rules and Regulations.

Three (3) copies of the Remote Sensing Program Rules and Regulations are ordered to be filed in the office of the County Clerk for the use and examination by the public. (Repealed by Ord. 2005-30, 11-1-05)

10-7-3. Penalties.

Any violation of the Remote Sensing Program Rules and Regulations adopted pursuant to Section 10-7-1 shall be punished in accordance with Section 9.0 of said Rules and Regulations. (Repealed by Ord. 2005-30, 11-1-05)

Article 10-8. Utah County Drinking Water Source Protection Provisions

A. Short Title and Purpose

1. This Chapter shall be known as the “Utah County Drinking Water Source Protection Ordinance.”

2. The purpose of this Chapter is to ensure the provision of a safe and sanitary drinking water supply to the residents of Utah County (hereinafter “County”), by the establishment of drinking

Utah County Code

water source protection zones surrounding the wells and springs used by public water systems in the County and by the designation and regulation of property uses and conditions that may be maintained within such zones. Included under this Chapter are all source protection zones or portions thereof falling within the County, including incorporated and unincorporated areas, unless superseded by a municipal ordinance in accordance with State law. (Ord. 2010-11, 6-1-10) (Ord. 2019-8, 2-26-19)

B. Definitions

When used in this Chapter the following words and phrases shall have the following meanings:

1. "Allowed Use" means a use, activity or practice allowed by this Chapter which does not create a risk of pollution or contamination in the specified protection zone of such significance so as to require the implementation of regulatory requirements, best management practices or engineered controls.

2. "Alternative Onsite Wastewater System" means an onsite wastewater system that is not a conventional onsite wastewater system as defined in Utah Administrative Code R317-4, and includes at-grade systems, mound systems, packed bed media systems, and sand lined trench systems.

3. "Best Management Practices" means a practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source (including technological, economic, and institutional considerations).

4. "Collection Area" means the area surrounding a ground-water source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground-water collection devices.

5. "Contaminant" means any harmful physical, chemical, biological or radiological substance or matter in water, including, for purposes of this Chapter, nitrates.

6. "Controlled" means that a physical, regulatory, negligible quantity, or best management/practice control, as defined in Utah UAC R309-600, exists to prevent the discharge of contaminated or hazardous substances from a pollution source or potential contamination source. If no such control exists, the pollution source or potential contamination source is ipso facto uncontrolled.

7. "Conventional Onsite Wastewater System" means an onsite wastewater system typically consisting of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches, or seepage pits.

8. "Design Standard" means established State or National Standards for the design, construction, placement, or maintenance from a potential contamination source to prevent discharges to the ground water. An example of a Design Standard is "Secondary Containment."

9. "Division of Drinking Water" means the Utah Department of Environmental Quality, Division of Drinking Water.

10. "Drinking Water Source Protection Zone" means the specified surface and subsurface area surrounding a ground-water source of drinking water supplying a Public Water Supply, through which contaminants are reasonably likely to move toward and reach such ground-water source.

Utah County Code

11. "Groundwater Source" means any well, spring, tunnel, adit, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

12. "Hazardous Waste" means a waste with properties that make it dangerous or potentially harmful to human health or the environment.

13. "Onsite wastewater system" means an underground wastewater dispersal system that is designed for a capacity of 5,000 gallons per day or less, and is not designed to serve multiple dwelling units that are owned by separate owners except condominiums. It usually consists of a building sewer, a septic tank and an absorption system.

14. "Pollution Source" means a point source discharge of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following definitions clarify the definition of "Pollution Source":

a. "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

b. "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

c. "Extremely hazardous substances" means those substances that are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS -Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).

15. "Potential Contamination Source" means any facility, use or site that employs an activity or procedure which may potentially contaminate ground water, whether it currently does or not. A pollution source is also a potential contamination source.

16. "Prohibited Use" means a use, activity or practice described in Section F of this Article. A Prohibited Use is not permitted.

17. "Public Water System" means a system, either publicly or privately owned, providing water for human consumption and other domestic uses, which has at least 15 service connections, or serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.

Utah County Code

18. “Recharge Area” means an area in which water reaches the zone of saturation by surface infiltration.

19. “SARA Title III” means the Superfund Amendment and Reauthorization Act Article found in 40 CFR 300-302, pertaining to emergency response and right-to-know.

20. “Secondary Containment” means a type of system or design standard that is used to provide release detection and prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding a potential contaminant. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

21. “Septic Tank/Drain-Field Systems” means a wastewater system, which is comprised of a septic tank and a drain-field, which accepts wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

22. “Source Protection Zone” means the specified surface and subsurface area surrounding a ground-water source of drinking water supplying a Public Water Supply, through which contaminants are reasonably likely to move toward and reach such ground-water source. These zones shall have the approval of the State of Utah, Division of Drinking Water as described in R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources and as stated herein.

23. “Time of Travel Distance” means the distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer. Time of Travel is determined from Hydrological Quality, Division of Drinking Water.

24. “Wellhead” means the upper terminal of a well, including adapters, ports, seals, valves and other attachments. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

C. Establishment of Drinking Water Source Protection Zones

There are hereby established use districts to be known as zones one, two, three, and four, and management area of the drinking water source protection area. These zones shall have the approval of the State of Utah, Division of Drinking Water as described in R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources and are identified and described as follows:

1. “Zone One” is the area within a 100-foot radius from the wellhead or margin of the collection area.

2. “Zone Two” is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the groundwater divide, whichever is closer.

3. “Zone Three” is the area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the groundwater divide, whichever is closer.

4. “Zone Four” is the area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the groundwater divide, whichever is closer.

5. “Management Area” is the area outside of zone one and within a two-mile radius where the optional Two-mile Radius Delineation Procedure has been used to identify a

Utah County Code

protection area, as described in the Utah, Division of Drinking Water R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources. This area shall be treated as for Zone 2.

In some cases, such as bedrock areas, Zones 2, 3, and 4 are overlapping due to the inability to determine time of travel. These are sensitive areas. In these cases, the zone shall be protected as for Zone 2. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

D. Identification of Public Water Systems and Drinking Water Source Protection Zones

1. Utah Administrative Code R309-600 requires public water systems to submit a drinking water source protection plan to the Utah State Division of Drinking Water, for each of its groundwater sources of drinking water.

2. Pursuant to Section 10-8-15, Utah Code Annotated, 1953 as amended, municipalities have extra-territorial jurisdiction to prevent the pollution or contamination of domestic and culinary water, including groundwater sources. Each municipality claiming extra-territorial jurisdiction, pursuant to Section 10-8-15, shall notify the Utah County Health Department, Division of Environmental Health, and specifically identify each of the areas over which it claims jurisdiction in the unincorporated area of Utah County. Municipalities adopting a source protection ordinance in compliance with Section 19-4-113, Utah Code Annotated, 1953 as amended, shall notify the Utah County Health Department, Division of Environmental Health, and specifically identify each of the areas over which it claims jurisdiction in Utah County. If changes to areas over which a municipality claim extra-territorial jurisdiction are made, the municipality shall notify the Utah County Health Department, Division of Environmental Health within 45 days. All notifications shall come in written form and geographic information system (GIS) data.

3. Drinking Water Source Protection Map.

As necessary, the Utah County Health Department, Division of Environmental Health, shall utilize and incorporate the source protection information maintained, updated, and provided by the Utah State Division of Drinking Water.

4. Overlapping Protection Zones.

a. Public water systems with overlapping protection zones shall cooperate in resolving conflicts in the land management strategies contained in the applicable source protection plans. If necessary, the Utah State Division of Drinking Water shall assist with the resolution of any conflicts between source protection plans approved for the public water systems.

b. No permits or land use approvals, including, but not limited to, a subdivision approval, conditional or permitted use approval, business license or building permit shall be issued pending the resolution of any challenges to the boundaries or conflict between overlapping protection zones. In the event the challenge or conflict in overlapping protection zones cannot be resolved in 180 days, the most restrictive provision shall apply. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

E. Allowed Uses

The following land uses shall be allowed within drinking water source protection zones:

1. In Zones One, Two, Three, and Four, each use legally established before the effective date of this Chapter, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent

Utah County Code

jurisdiction to be a nuisance under the provisions of federal, state, and/or local laws or regulations.

2. All new land uses, changes of land use, or expansions of land use, shall comply with the requirements of this Chapter. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

F. Prohibited Uses

Subject to the allowed uses, as described above, the following uses are prohibited within the following drinking water source protection zones, as shown on the Utah County Drinking Water Source Protection Zone Map:

1. Zone One.

All uses that fall within the definition in this Chapter of “pollution source” or “potential contamination source.”

2. Zone Two.

All uses that fall within the definition in this Chapter of “pollution source” or “potential contamination source, “unless permitted in accordance with Section H.2 of this Chapter.

3. Zone Three.

All uses that fall within the definition in this Chapter of “pollution source” or “potential contamination source, “unless permitted in accordance with Section H.2 of this Chapter.

4. Zone Four.

All uses that fall within the definition in this Chapter of “pollution source” or “potential contamination source, “unless permitted in accordance with Section H.2 of this Chapter. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

G. Drinking Water Source Protection Requirements

Following the effective date of this Chapter, no building permit or other form of approval from the County to develop or use real property within the County shall be issued until the applicant establishes that the applicant’s proposed development or use of real property complies with the requirements of this Chapter. Each such applicant shall provide to the Utah County Community Development Department a letter from the Utah County Health Department, Division of Environmental Health, certifying that the proposed use complies with the requirements of this Chapter. In addition, following the effective date of this Chapter, no building permit or other form of approval shall be issued by any municipality to develop or use real property within the boundaries of Utah County until the applicant establishes to the issuing municipality that its proposed development or use of real property complies with the requirements of this Chapter. Each such applicant shall provide to the issuing municipality a letter from the Utah County Health Department, Division of Environmental Health, certifying that the proposed use complies with the requirements of this Chapter. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

H. Alleged Overly Protective Zones

1. If an applicant for a permit or approval to develop or use property disagrees with the boundaries of a drinking water source protection zone, such boundaries may be disputed according to the following procedure:

Utah County Code

a. The applicant shall submit written comments to the public drinking water system stating the reasons that the protection zone boundaries are being disputed and request that the public drinking water system authorize a new hydrogeologic study.

b. The public drinking water system may authorize a new hydrogeologic study at the expense of the applicant or elect to conduct a new hydrogeologic study at its own expense.

c. If the public drinking water system declines to authorize a new hydrogeologic study, the applicant may appeal this determination to the Utah County Board of Health. In the event that the Board of Health authorizes a new study, the study shall be conducted at the expense of the applicant.

d. Upon completion, the new hydrogeologic study shall be submitted to the Utah Division of Drinking Water for review.

e. If the Division of Drinking Water adopts the new hydrogeologic study and modifies the boundaries of the applicable drinking water source protection zones, the application shall be processed in accordance with the modified source protection zones. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)

2. Applicants for a permit or approval to install, relocate, or expand a wastewater system may be exempt from Zone Two through Four prohibited use restrictions on wastewater systems for a parcel platted prior to June 1, 2010 if:

a. The public watersystem within which the applicant proposes to be connected receives concurrence or verification from the Utah State Division of Drinking Water indicating that the proposed wastewater system(s) does not represent a significant contamination risk to the public water system, which concurrence or verification shall be submitted to the Utah County Health Department, Division of Environmental Health in writing

i. For Zone Two, except in instances where a septic system density study, performed by a geotechnical or hydrogeologic professional licensed in the State of Utah, clearly indicates that the installation of the proposed number of a conventional onsite wastewater systems will not increase the maximum contamination level (MCL) of nitrate concentration within the affected groundwater source above the United States Environmental Protection Agency's currently stated MCL goal, in which case a conventional onsite wastewater system may be used, the proposed and installed wastewater system is a contaminant reducing alternative onsite wastewater system approved by the Utah County Health Department.

Or

b. The applicant has received written permission for the proposed onsite wastewater system from the public water system(s) who has delineated the drinking water source protection zones(s); and

i. For Zone Two, except in instances where a septic system density study, performed by a geotechnical or hydrogeologic professional licensed in the State of Utah, clearly indicates that the installation of the proposed number of a conventional onsite wastewater systems will not increase the maximum contamination level (MCL) of nitrate concentration within the affected groundwater source above the United States Environmental Protection Agency's currently stated MCL goal, in which case a conventional onsite wastewater system may be used, the proposed and installed wastewater system is a contaminant reducing alternative onsite wastewater system approved by the Utah County Health Department.

Utah County Code

I. Administration

This Chapter shall be administered by the Utah County Health Department, provided that, in addition to any other remedies, a public water system, retail water supplier, or wholesale water supplier may seek enforcement of this Chapter in a district court located in Utah County if the County (i) notifies the public water system, retail water supplier or wholesale water supplier within 10 days of receiving notice of a violation of this Chapter that the County will not seek enforcement of this Chapter; or (ii) does not seek enforcement within two days of a notice of violation of this Chapter when the violation may cause irreparable harm to the groundwater source. (Ord. 2010-11, 6-1-10; Ord. 2019-8, 2-26-19)