

**REGULATION NO. 2023-02**  
**NORTH FORK SPECIAL SERVICE DISTRICT**  
**WATER SERVICE CONNECTION REGULATION**

WHEREAS, North Fork Special Service District (the “**District**”) is a Utah special service district charged with providing water, sewer, and fire suppression services to the Sundance Resort and surrounding areas in Utah County, Utah; and

WHEREAS, it is necessary, for the orderly administration of the facilities of the District to adopt rules and regulations governing water service and operations, the construction, maintenance, and extension of distribution mains, storage and treatment facilities and the transfer of water sources, facilities and appurtenant easements to the District; and

WHEREAS, a goal of the District is to enhance the viability, source capacity, concurrently, water quality, economies of scale, and reliability of water in the District’s service area; and

WHEREAS, it is necessary to continue to adopt or amend rules and regulations for District water connections that better serves its customers, service area, and responsibilities; and

WHEREAS, the Administrative Control Board (“**Board**”) has reviewed the proposed Water Connection Regulation (“**Regulation**”) attached hereto as **Exhibit A** and finds its adoption to be in the best interests of the District, its customers, and its service area.

NOW, THEREFORE, BE IT RESOLVED effective immediately:

1. All other policies, regulations, or resolutions in conflict with this Regulation are repealed in their entirety.
2. That the Regulation attached hereto as Exhibit A is adopted in its entirety.
3. In the event of any conflict between the Regulation and any prior policy or resolution of the District, the Regulation takes precedence.
4. The District staff and employees are authorized to take all appropriate actions consistent with the Regulation.
5. This Regulation will go into effect on February 1, 2023.

[Execution on following page]

## Exhibit A

### NORTH FORK SPECIAL SERVICE DISTRICT WATER CONNECTION REGULATION

#### SECTION 1.0 GENERAL PROVISIONS

- 1.1 Rate Schedules Amendments. Water Rate Schedules may be amended from time to time by the Administrative Control Board ("**Board**") as needed to provide for efficient and effective administration of the North Fork Special Service District ("**District**").
- The Rate Schedules may be revised and amended from time to time when, in the opinion of the Board, revisions are necessary to yield revenues adequate for the payment of operating expenses, capital improvements, bond indebtedness, and other obligations existing against the system together with any interest due thereon.
- All charges not specifically listed in this Regulation or another authorized decision of the Board are the responsibility of the applicant or Water User, including for example, the cost of cutting and replacing pavement and cement where necessary.
- All actual costs occasioned by a nonstandard request of a Water User shall be paid by the Water User.
- Unless the District is otherwise contractually bound, the rates shall be determined from the time the water service is rendered and shall not be determined by any estimate received from the District. There shall be no guarantee that any quoted rate, whether oral or written, will be in effect when the service is actually rendered.
- 1.2 Water Service Connections. All applicants seeking to connect to the District's water system shall pay the applicable fees, including but not limited to engineering, connection, impact, meter, inspection and permit fees. In addition to District fees, the applicant is responsible for all installation costs not specifically covered by such District fees and shall comply with all other District requirements, including applicable water dedication requirements. The District may, in its discretion or upon request, require fire hydrants to be installed as part of the construction or connection of a new facility or lateral.
- 1.3 Application of Water Service Rules. This Regulation applies to the District's water system ("**System**") and each of the additions, extensions or enlargements to the system, subject to special conditions for the extension or enlargement of the system which may be approved from time to time by the Board or to such other water systems as the District may acquire or construct.
- 1.4 Amendments to Regulation. This Regulation may be changed and amended from time to time by appropriate action of the Board. No exceptions to this Regulation may be permitted without the prior written approval of the Board.



- 1.5 Inspection. Prior to commencing service, District personnel must be allowed to inspect all water lines and related facilities within and upon the premises. If the District does not approve of the lines and facilities, the applicant shall correct each deficiency identified at the applicant's sole expense so as to meet the requirements of the District and any other governmental entity having jurisdiction.
- After water service has commenced, District personnel shall have the right to inspect all lines, and related facilities within and upon the premises with reasonable notice to the water user to ensure compliance with the District's rules and regulations. The District may require that deficiencies and/or violations be corrected at the water user's sole expense. The applicant or water user must pay all reasonably required inspection fees.
- 1.6 District to Own Distribution System. The District shall hold title to the main transmission system and shall maintain, repair and replace the system in perpetuity. Each Water User shall own and shall bear the sole responsibility for repair, upkeep and maintenance of the service line from the meter to the premises being served. The District may not accept nor bear any responsibility nor grant any reductions in charges due to sprinkler or irrigation leaks, unmetered water, or problems for household plumbing leaks nor damages caused by leakage, in the service line. Each water user is responsible for the service line from the main connection with the system line in the road to their dwelling. Each water user shall be solely responsible to maintain the service line; however, the District may, without incurring liability, make emergency repairs to service lines in order to prevent damage, prevent waste of water, and to prevent contamination of the water supply. Any such repairs shall be at the expense of the Water User and shall be billed to the Water User by District, payable within thirty (30) days. Notwithstanding anything to the contrary herein, the District may not own or hold title to any lines or facilities which are not situated in a proper easement or other real property held by the District and the water user or applicant is solely responsible for all maintenance and operation of such facilities. In the event a Water User desires to convey any facilities to the District, the Water User shall warrant the facilities against defects for a period of no less than 12 months from the date of conveyance.
- 1.7 Division of Drinking Water Jurisdiction. The water system is under the jurisdiction of the Utah State Department of Environmental Quality Division of Drinking Water ("DDW") and shall at all times comply with the rules and regulations of the DDW. Any connections to the District's water system must comply with all applicable drinking water laws, regulations, and ordinances.
- 1.8 Charges for System Expansion. Every extension, enlargement or capital improvement to the existing system, as required to service new dwelling(s) or non-residential property, shall be provided by the developer of the new dwelling(s) or non-residential property. Developer's responsibility includes all costs associated with the extension, enlargement or capital improvement to the system, including but not limited to engineering costs, permitting costs, construction of required water mains, construction of required storage



facilities and obtaining incremental water rights as required to service the incremental units.

- 1.9 Savings Clause. If any section, subsection, sentence, clause or phrase of the Regulation is for any reason held to be invalid by a court of law, such determination shall not affect the validity of the remaining portions of the Water Service Rules, which shall remain binding and enforceable against the Water Users of the District.

## **SECTION 2.0 DEFINITIONS**

The following definitions apply to this Regulation.

- 2.1 Accessory Dwelling Unit. An additional residential unit that occupies the same lot as a primary residence and includes a kitchen, bathroom(s), and living quarters that are in addition to and separate from the kitchen, bathroom(s), and living quarters found in the primary residence.
- 2.2 Applicant. A party owning real property within the area served by the water system under the jurisdiction and ownership of the District applying for water service connection to District facilities.
- 2.3 Approved Backflow Assembly. A backflow assembly approved by the Utah State Drinking Water Division, as meeting an applicable specification or as suitable for the proposed use.
- 2.4 Backflow. The reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- 2.5 Backflow Prevention Assembly. An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing Code, Chapter 6 and the Cross Connection Control Program of Utah. All backflow prevention assemblies must be approved by the DDW, prior to installation. A listing of these approved backflow prevention assemblies may be found at the Cross Connection Control Program for Utah information page of the Utah Department of Environmental Quality – Division of Drinking Water website.
- 2.6 Back-pressure. The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.
- 2.7 Back-siphonage. The flow of water or other liquids, mixtures or substances under pressure into the distribution of pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.
- 2.8 Contamination. An impairment of the drinking water quality of the potable water supply by any physical or chemical change in water or by sewage, industrial fluids or waste liquids, irrigation or other non-potable water, compounds or other materials to a degree



- which creates a violation of primary and/or secondary drinking water standards or an actual or potential hazard to the public health through poisoning or through the spread of disease.
- 2.9 Cross Connection. Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other of which contains water from a non-District source or non-potable water or storage tanks or reservoirs of questionable safety, through which, or because of which, backflow may occur into the potable water system, including any temporary connections such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes.
- 2.10 Meter. A device used to measure the water used by a Water User.
- 2.11 Service Lines/Water Laterals. The water service pipe from the District system that provides water to a Water User. The service line and Backflow Prevention Assembly is the property of the Water User. The Water User is responsible for the maintenance of the service line and Backflow Prevention Assembly. A service line is also known as a water lateral.
- 2.12 Theft of Services. Any unauthorized connection to the District's water system or where water service is obtained by deception, threat, force, or any other means knowingly designed to avoid the due payment for the services. Theft of service may be criminally prosecuted. Under Utah State Law, criminal penalties for theft of water service can range from a class B misdemeanor to a third-degree felony, depending on the amount of the theft.
- 2.13 Unmetered Water Usage. Water usage that is not measured through a meter: including but not limited to; inoperative meter, bypassed meter, fire hydrant water, irrigation connected to the water system before the meter, and/or a meter that has been tampered with or otherwise bypassed. The District reserves the right to estimate and collect for loss of revenue due to unmetered water usage whether deemed willful or not.
- 2.14 Water Service. The District owns and operates a Water System for its Water Users and will use its best efforts to operate, maintain and repair the Water System, and provide Water Service to all lots that are connected to the Water System on a continuous basis, which among other things, require payment of all fees and assessments imposed by the District.
- 2.15 Water System. The primary water storage, transmission lines, wells, pump stations and other off-site water system improvements and appurtenant facilities owned by the District to develop, transport and distribute water to individual Water Users within District boundaries.
- 2.16 Water User. The owner of an existing structure or property that is connected to the Water System for the purpose of receiving water service from the District.

### **SECTION 3.0 SERVICES**

- 3.1 Service to be Provided. The District shall provide water distribution services to residential properties which qualify for such service where the water system is available, provided the



District has or may obtain adequate system capacity and water supplies. The District will require dedication of sufficient water rights, at no cost to the District, in accordance with its policies prior to providing any commitment to serve the applicant or proposed property. The District may require dedication and/or construction of any necessary facilities, and conveyances of easements, at no cost to the District. Service shall be provided through facilities, system and property that may be acquired for this purpose through transfers of property and assets, construction, purchase, lease, contract, rental, donation, gift, or condemnation, or any combination of the foregoing, or through any other lawful means available to the District under its express or implied powers.

3.2 Service to Water Users. Each Water User shall apply to District for water service. Each Water User shall pay the water service fees and other charges imposed for water delivered to the Water User and shall comply with the Regulation as it now exists or as it may be amended in the future. The Water User's application must be in writing in a form accepted by the District and include:

3.3.1 The contact information of the Water User, including a telephone number;

3.3.2 The property address where service is requested;

3.3.3 The identification and contact information for the primary contractor or developer

3.3.4 A depiction or description of the proposed facilities, including the location of the connection to the District's system.

The District may request additional information if necessary to complete review of the application, and the applicant shall provide such information. The District shall review applications in the order they are received.

3.3 Approval of Connection.

3.3.1 Upon the District's inspection and approval of the metered connection and its receipt of all applications, agreements and required fees, the District shall begin supplying water through the Water System to the Water User. The District's approval is contingent on the District determining the connection, construction specifications, documentation, and agreements comply with the policies of the District and all other applicable laws or regulations.

3.3.2 The District will not approve a connection to the System until the Applicant has dedicated sufficient water rights to the District to supply the Applicant's proposed use in accordance with the District's dedication requirements.

3.3.3 The District's review prior to approval includes review of known easements and existing lines in the District's records to ensure no interference between existing and proposed facilities. The service line and meter connection shall be installed by the Water User at Water User's expense. No water may pass through the meter until



the District has inspected and approved the connection. A shutoff valve shall be installed on the service lateral at the connection to the service line and the property or street right-of-way line. The meter shall be installed in the road right of way in a vault located, prescribed, and specified by the District, unless otherwise specified and approved by the District in its sole discretion.

- 3.4 Emergency Situations. In times of water shortage due to drought or other natural or man-made conditions or occurrences, District shall have full authority to declare a water emergency, and to ration or otherwise regulate the distribution and use of water from the Water System. Such action by the Board may include a moratorium on new water connections until the emergency has been alleviated.
- 3.5 Maintenance Obligations. The District shall have no obligation for operation and maintenance of the service line. The Member shall be responsible for the maintenance of the service line, except for the meter. The meter shall be the responsibility of the District.
- 3.6 Sale or Transfer of Ownership. Each Water User shall report to the District the sale or transfer of any property and request the termination of water service to the property. The District, upon receipt of this written notice and request, shall read the meter, weather conditions permitting, and shall at its option close the shut off valve and terminate water service to the connection. Where it is not possible to read the meter, the District shall estimate the metered use of the Water User. The subsequent owner shall be required to make a formal application for renewed service to the property on a form provided by the District. As a condition to renewed service, the subsequent owner shall pay all fees for services and other charges imposed by the District and to comply with the Regulation. Upon compliance with the foregoing terms and conditions, water service shall be restored to the property.

#### **SECTION 4.0 METERS**

- 4.1 Future Meters. Not all Water Users currently have meters. The District intends to provide for an orderly transition to the consistent enforcement of the Water Service Rules, which shall assure the safe operation of the Water System; therefore, the requirements of rules concerning the use of Meters and / or Backflow Prevention shall not be enforced until sixty (60) days after the Water User has installed the Meter and / or Backflow Prevention System.
- 4.2 One Meter Per Lot. Each lot or unit (e.g., individual units located on a single lot) shall have a maximum of one metered connection to the Water System, provided that a separate meter shall not be required for Accessory Dwelling Units if the primary residence is metered. Anyone using water through an unmetered or meter bypassed connection, without the express prior authorization of the District, may be disconnected from the Water System with prior written notice and may be prosecuted under the theft of services statutes of the State of Utah. The District reserves the right to estimate and collect upon demand for the loss of revenue due to unmetered water usage whether deemed willful or not.



- 4.3 Meter Readers and Meter Maintenance. The District is responsible for inspecting all water meters and readouts for problems and repairing or replacing as needed. The Water User shall not obstruct in any way the access of authorized District personnel to water meters for periodic inspections, reading and maintenance. The cost of removing physical obstructions for access to the meter will be charged to the Water User.
- 4.4 Meter Error or Meter Bypass. In the event that a meter malfunctions or it is discovered that there is unmetered water use and a reliable reading is not possible to obtain, or due to weather conditions physical condition or placement of the meter, it is not possible to read the meter, charges shall be estimated by comparing the water usage through the water meter to that of adjoining or similar properties where prior water usage can be established, or, by reference to the prior water usage through the water meter during a corresponding time of year. Where such data is unavailable, estimates shall be made by comparing the prior water usage on similar or adjoining properties and averaging the same. The District reserves the right to estimate and collect for the loss of revenue due to unmetered water usage whether deemed willful or not. The District shall collect estimated fees for usage of unmetered water upon demand.
- 4.5 Meter Tampering/Meter Bypass. It is a violation of this Regulation to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate readings or for bypassing the meter so as to obtain unmetered water. Willful consumption of water through a water meter known to be damaged, bypassed or tampered with, shall constitute a theft of water service, and shall be punished in accordance with the laws of the State of Utah. The District reserves the right to estimate and collect upon demand for the loss of revenue due to unmetered water usage whether deemed willful or not.
- 4.6 Relocation/Replacement of Water Meters. It is the responsibility of a Water User having an existing connection to, in the reasonable discretion of the District, relocate/replace the water meter under any one of the following circumstances:
- (1) Where the Water User constructs alterations or improvements to property which require a building permit, as determined by Utah County, and which building permit has a construction value in excess of \$50,000;
  - (2) Where the Water User constructs alterations or improvements to property which can be expected to result in a material increase in water use, including but not limited to, the addition of a bathroom, additional kitchen, installation or expansion of a sprinkler system, or addition of water service to an outbuilding;
  - (3) Upon discovery of evidence that the water meter has been tampered with, damaged, bypassed or not installed in conformance with applicable plumbing codes, or not installed in conformance with manufacturer specifications.
  - (4) Abandonment of service line: If a service line is relocated or replaced, the original service line must be abandoned at the main line in a manner approved



by the District. If there are multiple services to the property unused services must be abandoned at the mainline.

- 4.7 Relocation at the District's Election. At its election, the District may require the relocation of an existing water meter at any time for access of health and safety reasons, or to comply with the requirements for new service installations, for reasons that may vary from those outlined above.

## **SECTION 5.0 BACKFLOW PREVENTION**

- 5.1 System Backflow Prevention and Cross Connection Control. All water connections to the system, regardless of when made, shall have installed a backflow prevention assembly in order to protect the safe drinking water quality of the system. All such assemblies shall be of a type or kind approved by the Utah Department of Environmental Health. Installation shall be subject to the inspection and approval of the District. All users shall comply with the backflow prevention and cross connection rules and regulations of the Safe Drinking Water Committee of the State of Utah.
- 5.1.1 An approved backflow prevention assembly shall be installed on each service line to a Water User's water system immediately down line of the water meter, but in all cases before the first branch line leading off the service line.
- 5.1.2 The type of backflow assembly required shall depend upon the degree of hazard which exists at the point of cross connection, i.e., whether direct or indirect, as defined in the Utah Plumbing Code.
- 5.1.3 All presently installed backflow prevention assemblies which do not meet the requirements of the Water Service Rules but were approved assemblies for the purpose described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements listed in this section, be excluded from the requirements of the Water Service Rules so long as the District believes that such assembly will satisfactorily protect the Water System. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the District finds the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by the Water User with an approved backflow prevention assembly meeting the requirements of the Water Service Rules.
- 5.1.4 No water service connection to any premises shall be installed by any user of the District's potable water system or maintained by the user unless the water supply is protected as required by Utah State laws, regulations and codes, and the provisions of the Water Service Rules. Service of water to any premises shall be discontinued if a backflow prevention assembly required for control of backflow and cross connections is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed or by-passed, or if an unprotected cross connection exists on the premises, or if water lines are added before passing



through the meter. Service shall not be resumed to or by any Water User until such conditions or defects are corrected, and the District shall not furnish potable water to the premises of any Water User known by the District to be lacking an approved backflow prevention assembly.

- 5.1.5 The Water User's system shall be open for inspection at all reasonable times to authorized representatives of the District to determine whether cross connections or other structural or sanitary hazards, including violations of the Water Service Rules, exist. When such conditions become known, the District shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the Water User has corrected the condition in conformance with State Statutes and the Water Service Rules.
- 5.1.6 It is the duty and responsibility of the Water User at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the Water User's expense. In those instances where the District deems the hazard to be great, it may require certified inspections and tests at more frequent intervals. All inspections and tests shall be performed by a certified backflow assembly technician, licensed through the State of Utah, and shall be made in accordance with the standards set forth by the DDW.
- 5.1.7 Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection provided in the Utah Plumbing Code, Chapter 6. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.
- 5.1.8 All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the Water User. DDW and the District may inspect such assemblies and if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated, or another assembly substituted without the approval of the District.
- 5.1.9 Each Water User shall cause all backflow prevention assemblies to be tested within ten (10) working days of installation.
- 5.1.10 No backflow prevention assembly shall be installed so as to create a safety hazard, i.e. installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.

## **SECTION 6.0            TEMPORARY SUSPENSION OF SERVICE**

The District hereby reserves the right at any time to shut off the water anywhere within its Water System for the purpose of making any repairs and/or extensions, or for other temporary purposes, and no claim or cause of action shall be made against the District by reason of any shutting down of any water line for repair and maintenance purposes, or by reason of the stoppage



of water or interruption of water service due to the scarcity of water, damage to any water work or facility of the District, or any other cause beyond the reasonable control of the District. The District shall use all reasonable means to notify Water Users of work which will require the system to be shut off for service. No notice will be required for work caused or required by emergency repairs.

#### **SECTION 7.0            ADDITIONAL WATER USER RESPONSIBILITIES**

The Water User must maintain a reliable pressure reducing device on the property to protect the Water User's plumbing and fixtures from pressure fluctuations and surges caused by water line breaks, construction damages, and system equipment failures. The District will not be responsible for damage to Water User property, including culinary, irrigation, and fire protection water systems, due to pressure fluctuations. The Water User is responsible to take whatever means necessary to prevent damage to their culinary, irrigation, and fire protection water systems from pressure fluctuations.

#### **SECTION 8.0            SPECIFICATIONS**

The following specifications apply to all new connections, repairs, and replacements of any facilities connected to the Water System.

Minimum lateral and meter depth of 5', properly bedded and covered with no less than 6" of sand.

Tracer wire from the lateral to the meter where applicable.

Minimum meter can diameter of 30" for meters deeper than 3'  $\frac{3}{4}$ " and 1".

Minimum meter vault 4' diameter for meters 1  $\frac{1}{2}$ " and 2".

Meter setter with lockable shutoff and a serviceable double check valve for backflow prevention.

Road grade meter lid for anything in right of way or driveway.

Minimum 5' clearance around meter to allow unimpeded access to the meter.

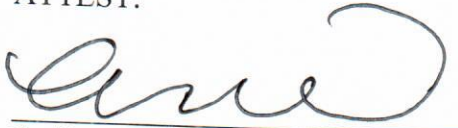


ADOPTED AND PASSED this 12<sup>th</sup> day of January, 2023.

NORTH FORK SPECIAL SERVICE DISTRICT

  
Dr. Stephen Minton, Chair

ATTEST:

  
Emily Johnson, District Clerk

VOTING

Duaine Dorton voting	Yea
Gary Liddiard voting	Absent
Scott Hart voting	Yea
Chad Linebaugh voting	Yea
Dr. Stephen Minton voting	Absent
Stewart Olsen voting	Yea
Keith Payne voting	Yea