

TOWN OF PAYSON

TITLE V: Public Works; CHAPTER 50: Water (selected sections)

§ 50.65 WATER WASTE AND FUGITIVE WATER.

(A) *Water waste prohibited.* No customer shall cause or permit to occur any water waste.

(B) *Fugitive water flow prohibited.* No customer shall cause or permit the occurrence of fugitive water.

(C) *Unforeseeable events.* For unforeseeable or unpreventable failure or malfunction of plumbing or irrigation hardware causing water waste or fugitive water, the town shall issue a warning notice prior to taking enforcement action.

(D) *Exemptions.* "Water waste" and "fugitive water" shall not include:

- (1) Flow from fire fighting, routine hydrant inspection or fire training activities;
- (2) Water to abate spills of flammable or hazardous materials;
- (3) Water to prevent or abate health, safety, or accident hazards;
- (4) Flow resulting from a routine inspection or maintenance of the water utility system;
- (5) Water used by the town in the installation, maintenance, repair, or replacement of public facilities and structures including, but not limited to, traffic control devices, storm and sanitary sewer structures, and road or street improvements;
- (6) Storm run-off, including snowmelt run-off;
- (7) Flow resulting from temporary town water utility system failures or malfunctions;
- (8) Flow resulting from vandalism, high winds, emergencies, and acts of God; and
- (9) The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware.

(E) *Administrative policies.* The Water Division may issue administrative policies as may be needed to clarify what is water waste and fugitive water.

(Res. 2767, passed 4-17-14; Am. Ord. 846, passed 4-17-14)

§ 50.69 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

FUGITIVE WATER. The pumping, flow, release, escape, or leakage of any potable water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade. **FUGITIVE WATER** also means, during the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface. Excluded from this definition is incidental runoff caused by vehicle washing (provided that a positive shut-off nozzle is used), the periodic draining of swimming pools and spas, and the intentional washing of hard surfaces for an explicit public health, safety, or sanitation purpose as approved by the Water Division Manager.

GREY WATER. Household wastewater other than from water closets and kitchen sinks.

NONPOTABLE WATER. Water which does not meet nationally recognized standards for human consumption.

POTABLE WATER. Water which, according to the town, meets nationally recognized standards for human consumption.

PRIVATE EATING ESTABLISHMENT. Any establishment which admits a limited or restricted portion of the public and which serves food and washes dishes.

PUBLIC EATING ESTABLISHMENT. Any establishment which admits the public generally with no limitations or restrictions and which serves food and washes dishes.

SAFE PRODUCTION CAPACITY. Ninety percent of the total available water resources, based upon distribution components, storage reserves, weather conditions and historic data.

WASTE. Any non-beneficial use of water within the town limits including that caused by the pumping of wells. **WASTE** includes, but is not limited to leaks in an indoor or outdoor plumbing system (faucets, hose bibs, showerheads, toilets, and the like) in excess of 0.25 gallons per minute. Residential water users, both single family and multi-family are excluded from the indoor plumbing portion of this definition.

WASTEWATER. The liquid and water carried waste or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions whether treated or untreated.

WATER DIVISION OR DIVISION. The Town of Payson Water Division.

(Res. 2767, passed 4-17-14; Am. Ord. 846, passed 4-17-14)

ADMINISTRATION AND ENFORCEMENT

§ 50.80 ACCESS TO PREMISES.

(A) Authorized agents of the town shall have access, at all reasonable hours, to the premises of consumers for the purposes of installing or removing town property, inspecting piping, reading or testing meters, or for any other purpose in connection with the town's service or facilities.

(B) Each consumer shall grant or convey or shall cause to be granted or conveyed to the town a permanent easement across any property owned or controlled by the consumer wherever the easement is necessary to enable the town to furnish water. Consumer shall not erect a fence around, across or on the easement or any other water system facility without the approval of the town.

(Res. 2767, passed 4-17-14; Am. Ord. 846, passed 4-17-14)

§ 50.81 VARIANCE.

(A) The Public Works Director may grant a variance from the technical requirements of this chapter so long as such variance does not violate the policy, purposes or objectives of this chapter.

(B) The decision of the Public Works Manager on a variance request shall be final.

(C) The Public Works Director shall create and the Town Manager shall approve an administrative policy detailing the process by which a variance may be requested and the parameters within which such variance may be granted.

(Res. 2767, passed 4-17-14; Am. Ord. 846, passed 4-17-14)

 **§ 50.99 PENALTY.**

(A) Any violation of this chapter for which no other penalty is designated shall constitute a misdemeanor, and shall be punishable as set forth in § [10.99](#) of this code.

(B) Any violation of any provision in §§ [50.60](#) to [50.69](#) shall be a civil violation subject to a civil sanction not less than \$50 and not to exceed \$2,500 for each day that the violation continues. The imposition of a civil sanction shall not be suspended.

(Res. 2767, passed 4-17-14; Am. Ord. 846, passed 4-17-14)