

**APPLE VALLEY
ORDINANCE O-2023-04**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “11.08.020 Waste Disposal Systems” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.08.020 Waste Disposal Systems

- A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the Big Plains Water and Sewer Special Service District (BPWSSSD), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.
- B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.
- C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and Big Plains Water and Sewer Special Service District (BPWSSSD), after being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this Code.
 - 1. A method of financing inspection and maintenance shall be established and implemented by the BPWSSSD for maintenance for the system after construction by the developer is complete.
 - 2. A Developer may be required to install a dry sewer for future connection to an out fall line.
 - 3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.
- D. If conventional on site wastewater (Septic) systems are determined by the BPWSSSD to be the most feasible in certain circumstances, such systems may be approved subject

to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.

1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
 2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by BPWSSSD, which will be implemented by the BPWSSSD upon the construction of the individual onsite waste water system in the subdivision.
 3. A dry sewer system may be required as outlined in section B above.
- E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to BPWSSSD's wastewater management plan and must comply with such requirements as deemed appropriate by the BPWSSSD.
- F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.
- G. A letter from the Sewer District confirming availability of sewer services, or that a preliminary plan has been discussed and found feasible to implement, for the property being proposed for a zone change or preliminary plat, shall be provided to the Town of Apple Valley with the application for a zone change or preliminary plat.

AFTER AMENDMENT

11.08.020 Waste Disposal Systems

- A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the ~~Big Plains Water and Sewer~~ Ash Creek Special Service District (~~BPWSSSD~~), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.
- B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.
- C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and ~~Big Plains Water and Sewer~~ Ash Creek Special Service District (~~BPWSSSD~~), after

being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this Code.

1. A method of financing inspection and maintenance shall be established and implemented by the ~~BPWSSSD~~ Ash Creek Special Service District for maintenance for the system after construction by the developer is complete.
 2. A Developer may be required to install a dry sewer for future connection to an out fall line.
 3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.
- D. If conventional on site wastewater (Septic) systems are determined by the ~~BPWSSSD~~ Ash Creek Special Service District to be the most feasible in certain circumstances, such systems may be approved subject to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.
1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
 2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by Ash Creek Special Service District ~~BPWSSSD~~, which will be implemented by the Ash Creek Special Service District ~~BPWSSSD~~ upon the construction of the individual onsite waste water system in the subdivision.
 3. A dry sewer system may be required as outlined in section B above.
- E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to ~~BPWSSSD's~~ Ash Creek Special Service District wastewater management plan and must comply with such requirements as deemed appropriate by the Ash Creek Special Service District ~~BPWSSSD~~.
- F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.
- G. A letter from the Ash Creek ~~Sewer~~ Special Service District confirming availability of sewer services, or that a preliminary plan has been discussed and found feasible to implement, for the property being proposed for a zone change or preliminary plat, shall be provided to the Town of Apple Valley with the application for a zone change or preliminary plat.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley