

**APPLE VALLEY  
ORDINANCE O-2022-29**

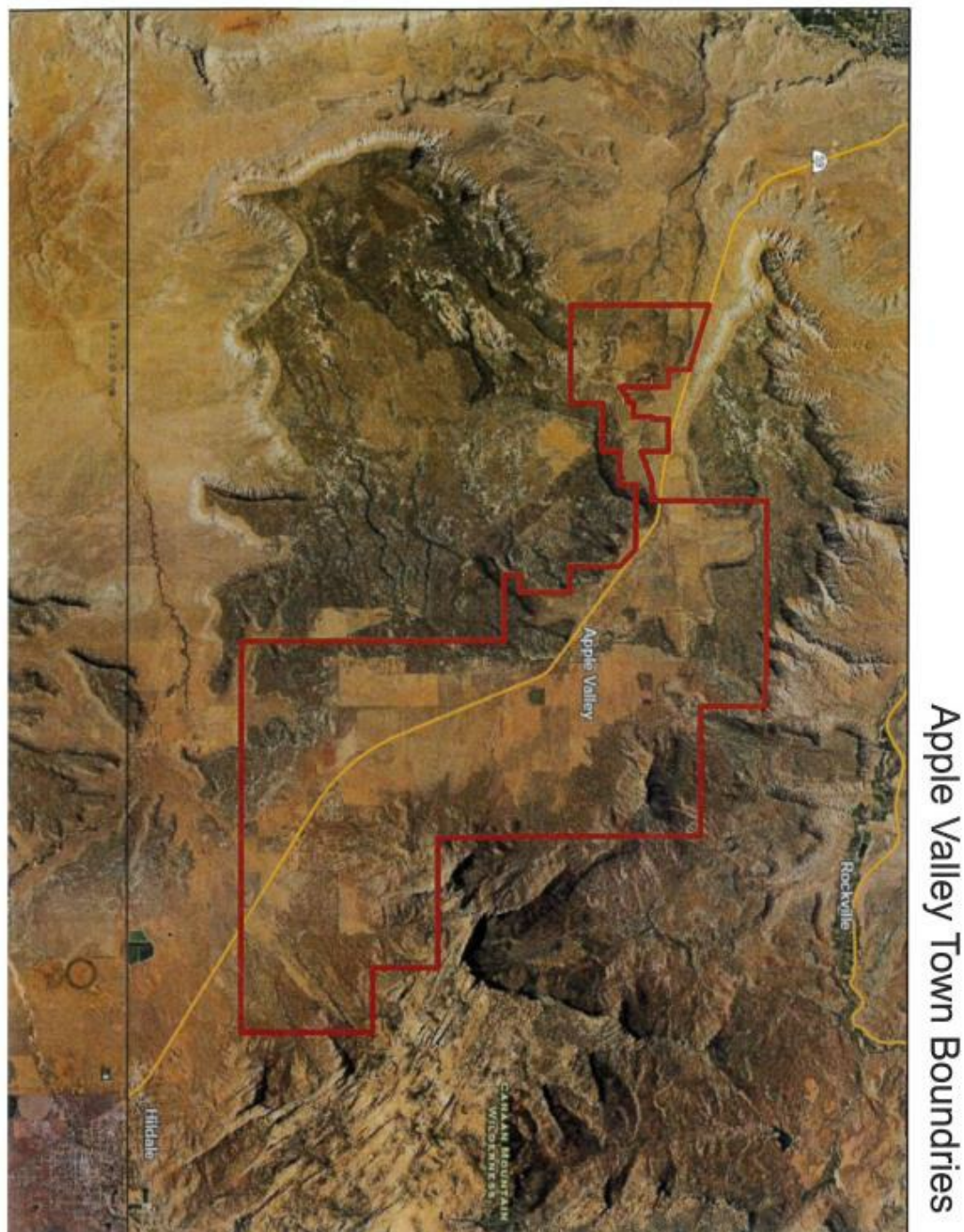
**NOW THEREFORE**, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley

1. The area located within Apple Valley, and shown on the map below, is hereby designated as a sensitive ground water resource area.
2. Authority to temporarily designate as sensitive ground water resource areas other developing areas not specifically listed herein is delegated to the Planning Commission. The Planning Commission may make such a designation when it appears in the Planning Commission's best judgment that designating an area as sensitive ground water resource area will protect ground water resources in Apple Valley. The Planning Commission may make a temporary designation at any time. The temporary designation expires after one hundred eighty (180) days unless submitted to and approved by the Apple Valley Town Council for permanent designation as a sensitive ground water resource area after recommendation by the Planning Commission.

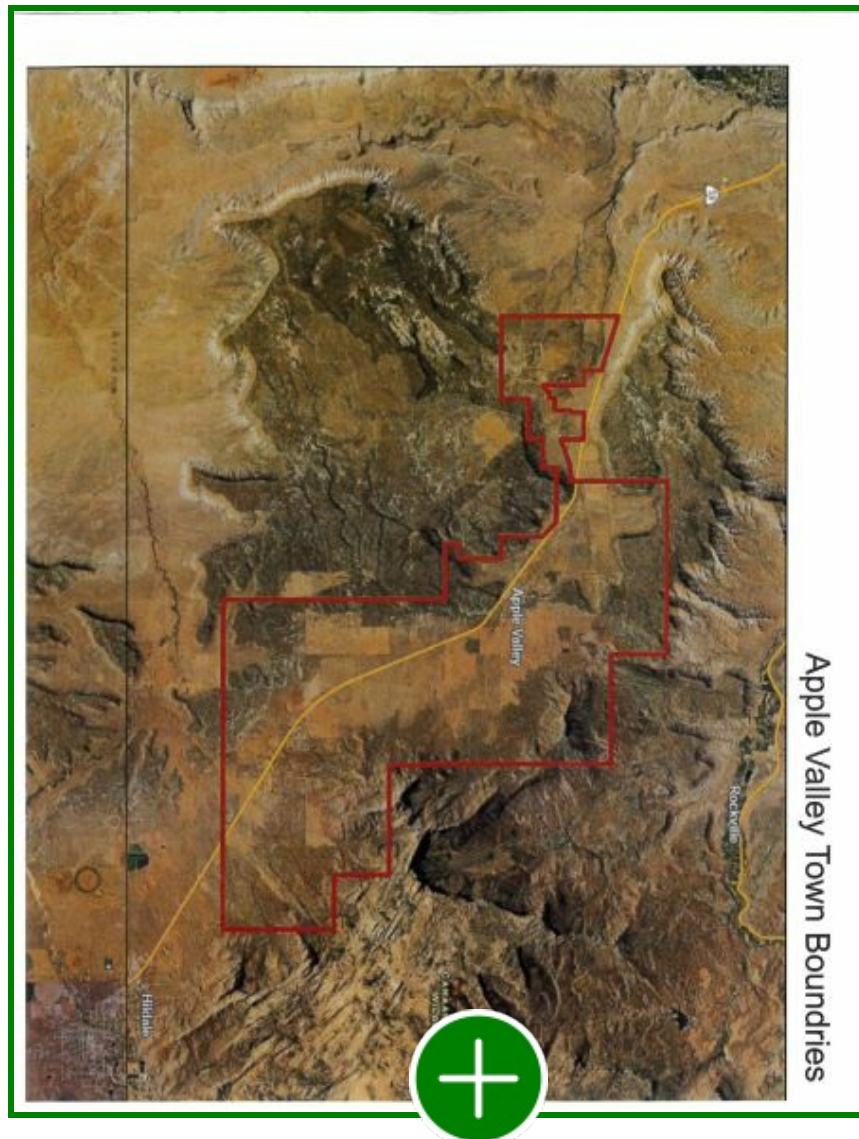


#### AFTER AMENDMENT

##### 14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley

1. The area located within Apple Valley, and shown on the map below, is hereby designated as a sensitive ground water resource area.

2. Authority to temporarily designate as sensitive ground water resource areas other developing areas not specifically listed herein is delegated to the Planning Commission. The Planning Commission may make such a designation when it appears in the Planning Commission's best judgment that designating an area as sensitive ground water resource area will protect ground water resources in Apple Valley. The Planning Commission may make a temporary designation at any time. The temporary designation expires after one hundred eighty (180) days unless submitted to and approved by the Apple Valley Town Council for permanent designation as a sensitive ground water resource area after recommendation by the Planning Commission.



**SECTION 2:**        **AMENDMENT** “14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas

- A. No septic system may be installed in a sensitive ground water resource area unless:
  - 1. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and
  - 2. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA as set forth herein. Lot sizes smaller than the minimum requirement may be approved by the Apple Valley Town Council after recommendation by the Planning Commission if the lot owner or developer permanently dedicates sufficient additional acreage in the SGRA to maintain the overall density requirement.
- B. The "maximum number of septic systems" permitted in a SGRA is determined by dividing the "total number of acres in the SGRA" by the applicable density set forth herein.
- C. The "total number of existing septic systems" located in a SGRA shall be determined by the Planning Commission and shall include: 1) lots with existing septic systems; 2) lots approved for development prior to the enactment of this Chapter whether or not a septic system has yet been installed; and 3) lots with septic systems approved for development after the enactment of this Chapter.
- D. The "total number of acres in the SGRA" is the number determined by the Planning Commission based upon the Commission's maps and calculations of the SGRAs.

**AFTER AMENDMENT**

14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas

- 1. No septic system may be installed in a sensitive ground water resource area unless:
  - A. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and
  - B. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA as set forth herein. Lot sizes smaller than the minimum requirement may be approved by the Apple Valley Town Council after recommendation by the Planning Commission if the lot owner or developer permanently dedicates sufficient additional acreage in the SGRA to maintain the overall density requirement, or installs an alternate wastewater system approved by the Southwest Utah Public Health Department and Ash Creek Special Service District.
- 2. The "maximum number of septic systems" permitted in a SGRA is determined by



dividing the "total number of acres in the SGRA" by the applicable density set forth herein.

3. The "total number of existing septic systems" located in a SGRA shall be determined by the Planning Commission and shall include: 1) lots with existing septic systems; 2) lots approved for development prior to the enactment of this Chapter whether or not a septic system has yet been installed; and 3) lots with septic systems approved for development after the enactment of this Chapter.
4. The "total number of acres in the SGRA" is the number determined by the Planning Commission based upon the Commission's maps and calculations of the SGRAs.

**SECTION 3:**        **AMENDMENT** "14.10.050 Exceptions To Density Requirements" of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 14.10.050 Exceptions To Density Requirements

The following lots are exempt from this chapter:

- A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the southwest Utah public health department before the effective date hereof.
- B. Any lot located in a proposed subdivision development whose application is on file with the Planning Commission before the effective date hereof.
- C. Any lot that is or will be developed with an alternate wastewater system approved by the southwest Utah public health department.
- D. Any lot that is subject to more stringent size requirements than this chapter requires.
- E. Any lot that is or will be served by a central sewer system.

#### AFTER AMENDMENT

##### 14.10.050 Exceptions To Density Requirements

The following lots are exempt from this chapter:

- A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the ~~s~~Southwest Utah ~~p~~Public ~~h~~Health ~~d~~Department before the effective date hereof.
- B. Any lot located in a proposed subdivision development whose application is on file with the Planning Commission before the effective date hereof.
- C. Any lot that is or will be developed with an alternate wastewater system approved by the ~~s~~Southwest Utah ~~p~~Public ~~h~~Health ~~d~~Department and Ash Creek Special Service District.
- D. Any lot that is subject to more stringent size requirements than this chapter requires.
- E. Any lot that is or will be served by a central sewer system.

**SECTION 4:**        **AMENDMENT** “14.10.060 Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

14.10.060 Fees

To defray costs to the general public with regard to the enforcement of this Chapter, the Apple Valley Town Council may from time to time establish reasonable application and inspection fees.

**AFTER AMENDMENT**

14.10.060 Fees

To defray costs to the general public with regard to the enforcement of this Chapter, the Apple Valley Town Council and/or Ash Creek Special Service District may from time to time establish reasonable application and inspection fees.

**SECTION 5:**        **AMENDMENT** “14.10.070 Enforcement” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

14.10.070 Enforcement

- A. No building permit will be issued nor subdivision approved unless the requirements of this Chapter are met. The Apple Valley Town Council shall designate officials responsible for enforcement of this Chapter. It shall be the duty of all architects, engineers, contractors, subcontractors, builders, developers, property owners, and any other persons having to do with the development of property within the boundaries of Apple Valley, before beginning any work or project, to determine that all provisions of this Chapter are met.
- B. All departments, officials and employees of Apple Valley, and other departments or officials doing work in behalf of the Apple Valley, and having authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no permit or license for purposes where the same would be in conflict with the provisions of this Chapter. Any such permit, approval or license issued shall be null and void.

**AFTER AMENDMENT**

14.10.070 Enforcement

- A. No building permit will be issued nor subdivision approved unless the requirements of this Chapter are met. The Apple Valley Town Council shall designate officials

responsible for enforcement of this Chapter. It shall be the duty of all architects, engineers, contractors, subcontractors, builders, developers, property owners, and any other persons having to do with the development of property within the boundaries of Apple Valley, before beginning any work or project, to determine that all provisions of this Chapter are met.

- B. All departments, officials and employees of The Town of Apple Valley, Ash Creek Special Sewer District, and other departments or officials doing work in behalf of ~~t~~ The Town of Apple Valley, and having authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no permit or license for purposes where the same would be in conflict with the provisions of this Chapter. Any such permit, approval or license issued shall be null and void.

**SECTION 6:            AMENDMENT** “14.10.090 Violation; Penalty” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 14.10.090 Violation; Penalty

- A. Civil Penalty: Any person who installs a septic system in violation of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500.00) per day until the septic system is removed.
- B. Notice Of Violation: Apple Valley will serve notice of violation on the owner of any property with a septic system installed in violation of this Chapter, personally or by certified mail. If the owner of property on which a septic system is installed in violation of this Chapter does not voluntarily remove the septic system within thirty (30) calendar days of the service of notice, the town, with reasonable notification, may enter the property, without the consent of the owner or the person in possession, and perform any work necessary to remove the septic system.
- C. Recover Expenses: Any expenses incurred by the town in removing the septic system shall be paid by the property owner or the person in possession, as the case may be.
- D. Misdemeanor: Any violation of this Chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided by statute in Utah Code Annotated.

#### AFTER AMENDMENT

##### 14.10.090 Violation; Penalty

- A. Civil Penalty: Any person who installs a septic system in violation of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500.00) per day until the septic system is removed.
- B. Notice Of Violation: Apple Valley will serve notice of violation on the owner of any property with a septic system installed in violation of this Chapter, personally or by certified mail. If the owner of property on which a septic system is installed in violation of this Chapter does not voluntarily remove the septic system within thirty

(30) calendar days of the service of notice, the ~~t~~Town, with reasonable notification, may enter the property, without the consent of the owner or the person in possession, and perform any work necessary to remove the septic system.

- C. Recover Expenses: Any expenses incurred by the ~~t~~Town in removing the septic system shall be paid by the property owner or the person in possession, as the case may be.
- D. Misdemeanor: Any violation of this Chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided by statute in Utah Code Annotated.

**SECTION 7: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 8: 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 9: EFFECTIVE DATE** This Ordinance shall be in full force and effect from \_\_\_\_\_ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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