

**Effective 5/9/2017**

## **Chapter 8 Sewage and Culinary Water Systems**

### **11-8-1 Contracts for joint use, operation, and ownership of sewage lines and sewage treatment and disposal systems.**

Any county, incorporated municipality, improvement district, taxing district or other political subdivision of the state of Utah which now or hereafter owns and operates sanitary sewer facilities (each of which is hereinafter referred to as a "public owner") is hereby granted authority:

- (1) To enter into long-term contracts with any other public owner or public owners pursuant to which sewage lines, sewage treatment and sewage disposal facilities, or any part thereof, of one or more public owners shall be available for collection, treatment and disposal, or any part thereof, of the sewage collected by one or more other public owners, or of sewage collected jointly, pursuant to such terms and conditions and for such consideration as may be provided in such contracts. Annual payments due by any such public owner for services received under any such contract may not be construed to be an indebtedness of such public owner within the meaning of any constitutional or statutory restriction, and no election shall be necessary for the authorization of such contract. Any public owner or owners so contracting to make available sewage collection, sewage treatment and disposal facilities, or any part thereof, may in any such contract agree to make available to such other public owner or owners a specified part of its facilities, without regard to its future need of such specified part for its own use, and may in such contract agree to increase the capacity of its facilities from time to time in the future if necessary in order to take care of its own needs and to perform its obligations to the other parties to such contract.
- (2) To construct or otherwise acquire joint interests in, and to own jointly, sewer lines, sewage treatment and disposal facilities, or any part thereof for their common use. To such end, any public owner may sell to any other public owner or owners a partial interest or interests in any of its sewer lines, sewage treatment and disposal facilities. Any public owner may issue its bonds for the purpose of acquiring such joint interest in sewer lines, sewage treatment and disposal facilities, or any part thereof, whether such joint interest is to be acquired through the construction of new facilities or the purchase of such interest in existing facilities, which bonds may be issued under the provisions and in the manner provided in any available law authorizing the issuance of bonds for the acquisition of sanitary sewer facilities by such public owner.
- (3) To operate jointly with any other public owner or owners, sewer lines, sewage treatment and disposal facilities, or any part thereof, which they may own jointly.

Amended by Chapter 378, 2010 General Session

### **11-8-2 State loans for sewage treatment facilities -- Rules of Water Quality Board.**

The Department of Environmental Quality is authorized to negotiate loans to political subdivisions and municipal authorities for the construction, reconstruction, and improvement of municipal sewage treatment facilities. All loans shall be made pursuant to rules made by the Water Quality Board and not exceed 25% of the total cost of the facility. The loans shall be authorized by the political subdivision involved pursuant to Title 11, Chapter 14, Local Government Bonding Act, or other applicable law of this state pertaining to indebtedness of political subdivisions.

Amended by Chapter 105, 2005 General Session

**11-8-3 Department of Environmental Quality to negotiate loans for sewage facilities.**

- (1) The Department of Environmental Quality may negotiate loans from the Retirement Systems Fund, State Land Principal Fund, or any state fiduciary fund which has sums available for loaning, as these funds are defined in Title 51, Chapter 5, Funds Consolidation Act, not to exceed \$1,000,000 in any fiscal year for the purposes of providing the funding for the loans provided for in Section 11-8-2.
- (2) The terms of any borrowing and repayment shall be negotiated between the borrower and the lender consistent with the legal duties of the lender.

Amended by Chapter 451, 2022 General Session

**11-8-4 Sewer lateral disclosure required.**

- (1) As used in this section:
  - (a) "Public owner" means the same as that term is defined in Section 11-8-1.
  - (b) "Public provider" means a public owner or a public retail water provider.
  - (c) "Public retail water provider" means a public entity that provides culinary water to end users.
  - (d) "Retail water line" means a pipe that connects a property to a public retail water provider's water main line.
  - (e) "Sanitary sewer service" means service provided by a public owner's sanitary sewer facilities.
  - (f) "Sewer lateral" means a pipe that connects a property to a public owner's sanitary sewer main line.
- (2)
  - (a) Twice per calendar year, a public provider shall, in accordance with Subsection (2)(b), distribute a disclosure that:
    - (i)
      - (A) for a public owner, includes the definition of a sewer lateral; or
      - (B) for a public retail water provider, includes the definition of a retail water line; and
    - (ii) states whether the record owner of the property or the public provider is responsible for repair and replacement of the sewer lateral or retail water line that serves the property.
  - (b) A public provider may distribute the disclosure described in Subsection (2)(a) by:
    - (i) twice per calendar year conspicuously placing the disclosure:
      - (A) on each bill for sanitary sewer service or culinary water service in a particular billing cycle; or
      - (B) in a newsletter that is circulated within the boundaries of the area served by the public provider;
    - (ii) conspicuously placing the disclosure on the public provider's website;
    - (iii) including the disclosure in a broad based social media campaign; or
    - (iv) any other means reasonably calculated to make the disclosure available to individuals served by the public provider.
  - (c) A public provider's failure to comply with a provision of this Subsection (2) does not result in any liability for the public provider based on the public provider's failure to comply.

Amended by Chapter 102, 2017 General Session