

**Salt Lake Valley County Health Department**

**Health Regulation**

**#12**

**SUBDIVISIONS  
REGULATION**

**Adopted by the Salt Lake Valley County Board of Health**

**Adopted:  
December 3, 1981**

**Amended:  
August 3, 2006  
XXXXX X, XXXX**

**Under Authority of Section  
Utah Code Ann. § 26A-1-114  
Utah Code Annotated, 1953, as amended**

## 1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1. The purpose of this ~~regulation~~ Regulation is to regulate water and sewage systems within subdivisions of Salt Lake County in a manner that will protect and promote the public health, safety, and welfare; prevent the spread of disease; prevent the creation of nuisances; and prevent air and water pollution.
- 1.2. This ~~regulation~~ Regulation applies to all persons involved in subdivision development.

## 2. DEFINITIONS

For the purposes of this Regulation, the following terms, phrases, and words ~~shall~~ have the meanings herein expressed:

- 2.1. "Department" ~~shall~~ means the Salt Lake ~~Valley~~ County Health Department (SLVHD).
- 2.2. "Determinant Distance" means the distance, in feet, that will dictate if a proposed subdivision ~~shall will be~~ connected to the public sewer system. The distance is calculated by multiplying the proposed number of lots in the subdivision by 300 feet.
- 2.3. "Director" ~~shall~~ means the Director of the Salt Lake ~~Valley~~ County Health Department or his or her designated representative.
- 2.4. "Drinking water supply" ~~shall~~ means water free from impurities that would be present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality ~~should~~ must conform to the requirements of the State-Utah Department of Environmental Quality, Division of Drinking Water and the Department.
- 2.5. "Owner" ~~shall~~ means any person who alone, jointly, or severally with others:
  - 2.5.1. has legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
  - 2.5.2. has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, or agent of the owner, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 2.6. "Person" ~~shall mean~~ means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law.
- 2.7. "Public Sewer System" ~~shall mean~~ means a system of common sewers directly controlled by public authority.

- 2.8. “Roadway Dedication” means an area of land set aside for use as a roadway.
- 2.9. “Sewage” shall mean means a combination of liquid or water-carried wastes from residences, businesses, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, and with such groundwater, surface water, and storm water as may be present.
- 2.10. “Sewer” shall mean means pipes, channels, or other facilities used for the collection, transmission, treatment, and/or disposal of sewage by a ~~publicly owned~~ publicly owned treatment works.
- 2.11. “Subdivision” shall mean means a lot, tract, or parcel of land that has been divided into lots, tracts, parcels, or other divisions of land for sale or development.
- 2.12. “Utility Subdivision” means a lot, tract, or parcel of land that has been divided into lots, tracts, parcels, or other divisions of land for development of utility services.

**3. GENERAL PROVISIONS**

**3.1. Jurisdiction of the Department.**

- 3.1.1. This ~~regulation~~ Regulation is promulgated by the Salt Lake ~~Valley County~~ Board of Health as authorized by Utah Code Ann. § Section 26A-1-121(1), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances, Chapter 9.04.
- 3.1.2. The Department is empowered to enforce this ~~regulation~~ Regulation ~~as authorized by Section 26A-1-114(1)(a), in all incorporated and unincorporated areas served by the Department authorized by Utah Code Ann. § 26A-1-114(1)(a), Utah Code Ann., 1953 as amended and Chapter 9.04, and~~ Salt Lake County Code of Ordinances, Chapter 9.04.
- 3.2. It ~~shall be~~ unlawful for any person not to comply with any regulation promulgated by the Department unless granted an express variance by the Salt Lake ~~Valley County~~ Board of Health.
- 3.3. Compliance with this ~~regulation~~ Regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.
- 3.4. Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.
- 3.5. Nothing in this ~~regulation~~ Regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the

Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.

3.6. Verbal or contractual obligations ~~shall do~~ not diminish or remove the owner's or other responsible person's obligation to comply with this ~~regulation~~Regulation.

3.7. **Severance.** If any section, subsection, sentence, clause, or phrase of this ~~regulation~~Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision ~~shall does~~ not affect the validity of the remaining portions of this ~~regulation~~Regulation.

#### 4. SUBSTANTIVE PROVISIONS

4.1. **Health Department Approval Required.** It is a violation of this ~~regulation~~Regulation to construct or to cause to be recorded any subdivision within Salt Lake County before obtaining written Subdivision Approval from the Department. Written Department approval of subdivisions ~~shall must~~ be demonstrated by a Department representative's signature on an approved plat.

4.2. **Requirements For for Health Department Subdivision Approval.** To obtain Subdivision Approval from the Department, the person in charge of the subdivision ~~shall~~must:

4.2.1. Cause a planning agency referral to be submitted to the Department;

4.2.2. Submit proof of adequate drinking water. Proof of adequate drinking water may be demonstrated in one of two ways:

- (i) If an existing community or non-community public drinking water system approved by the Utah State Department of Environmental Quality, Division of Drinking Water, is to furnish water for the proposed development, the person in charge of the system ~~shall must~~ furnish to the Department a letter from the relevant water district stating that the system can adequately serve the development. The Department may prescribe the form and contents of the letter as a precondition of approval; or
- (ii) If an individual drinking water system is to be used for the proposed development, the person in charge of the subdivision ~~shall must~~ submit documents to the Department demonstrating that the proposed system meets the requirements of Salt Lake ~~Valley County~~Valley County Health Department Regulation #11, Individual Water Systems;

4.2.3. Submit proof of adequate wastewater service. Proof of adequate wastewater service may be demonstrated in one of two ways:

- (i) If an existing public sewer system is to furnish sewer service for the proposed development, the person in charge of the subdivision ~~shall~~ must furnish to the Department a letter from the relevant sewer district stating that the sewer system can adequately serve the development under existing conditions and for a reasonable future time, and that the development will not hydraulically or organically overload the waste-water treatment plant; or
- (ii) If an individual wastewater disposal system is to be used for the proposed development, the person in charge of the subdivision ~~shall~~ must submit to the Department documents demonstrating that the proposed system meets the requirements of Utah Administrative Code R317-4, Onsite Wastewater Systems and ~~in~~ Salt Lake County Health Department Regulation #13, Wastewater Disposal; and

4.2.4. Submit the Subdivision Plan Review fee stated in ~~s~~Section 5.0 of this ~~regulation~~ Regulation.

4.2.5. Water and sewer availability letters must be valid for no more than 365 days or less if indicated on the availability letter.

4.3. Requirements for ~~Health Department~~ Utility Subdivision and Roadway Dedication Approval. To obtain Utility Subdivision Approval or Roadway Dedication Approval from the Department, the person in charge of the subdivision must:

4.3.1. Obtain a water availability letter when water consumption will occur at the property for any purpose. Water availability letters must meet the requirements in ~~s~~Section 4.2.2.

4.3.2. Obtain a sewer availability letter when sewer services are required. Sewer availability letters must meet the requirements in ~~s~~Section 4.2.3.

4.3.3. Record on the plat map that water, and sewer services have not been verified, when the Department determines these services are not required for the Utility Subdivision or Roadway Dedication. ~~When/if the parcel has a change in use and water and sewer services are required, the appropriate water and sewer availability letters and a new plat map must~~ shall be submitted to the Department for approval.

4.3.4. Provide to the ~~Salt Lake County Health~~ Department a Documentation of Intent and Use of the property.

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- 4.4. **Utility Subdivision and Roadway Dedication Change in Use.** When a ~~Roadway~~ ~~Dedication or~~ ~~Utility~~ ~~Subdivision~~ parcel undergoes a change in use that necessitates water and sewer service, the appropriate water and sewer availability letters must be submitted to the Department. A new plat map, ~~and~~ water availability and sewer availability letters must be submitted and approved prior to any construction or change to the parcel. The plat map ~~shall~~ **must** comply with applicable County and municipal requirements.
- 4.5. **Mandatory Sewer Connection.** A person subdividing a parcel of real property must extend the sewer to each lot when any portion of the parcel is within the calculated Determinant Distance for the subdivision and the sewer is determined to be available by the appropriate sewer district. ~~The Determinant Distance, for a subdivision, is calculated by multiplying the total number of subdivision lots by 300 feet.~~
- 4.6. **Subdivision Feasibility Plan Review Required.** A Subdivision Feasibility Plan Review must be completed as required **in Utah Admin. Code R317-4, Onsite Wastewater Systems.**

## 5. LICENSES, PERMITS, & REGULATORY FEES

- 5.1. The Department may establish and collect appropriate fees for licenses and permits as set out in this ~~regulation~~ **Regulation**. The Department may collect appropriate fees as set out in this ~~regulation~~ **Regulation** for the performance of services, including plan reviews. If information on a license or permit application changes, the applicant ~~shall~~ **must** notify the Department in writing within 20 calendar days.
- 5.2. **Subdivision Plan Review Fee.** ~~The fee for Subdivision Plan Review required in part~~ ~~Section 4.2.4 of this Regulation shall~~ **must** be paid to the Department at the time of application in the amount as provided for or as approved by the Director in the Department's ~~Fee~~ **Schedule**. ~~for Department subdivision approval. It shall be based upon the reasonable expenses incurred by the Department to review the documents submitted, and act upon the approval application. The fee for Subdivision Plan Review shall be \$28.00.~~

## 6. INSPECTIONS & INVESTIGATIONS

- 6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.
- 6.2. **Authority for Department to Enter Premises.**
- 6.2.1. **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to ~~insure~~ **ensure** compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or

municipal governing bodies, or the division of Occupational and Professional Licensing.

6.2.2. **Unregulated Commercial Premises.** The Department may enter upon the premises of unregulated commercial properties upon the consent of the owner or otherwise responsible party or upon a warrant issued by a court.

6.2.3. **Private Dwellings.** Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.

6.2.4 **Consent by License or Permit.** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection, or review as authorized by the Government Records Access and Management Act, [Utah Code Ann. §§ 63G-2-101 to -901](#), ~~§§ 63-2-101 to 63-2-1001 Utah Code Ann., 1953 as amended.~~

**7. ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this ~~Regulation~~ or the Department has other reasonable grounds to believe that there has been a violation of any part of this ~~Regulation~~ or that the property owner or otherwise responsible party is not in compliance with this ~~regulation~~ Regulation, the Department may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

7.1. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors:

7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;

- 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
  - 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the ~~d~~Department;
  - 7.1.4. The degree to which prosecution might deter future violations;
  - 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
  - 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
  - 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
  - 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.
- 7.2. **Civil Enforcement Actions.** The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.3. **Administrative Actions.**

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance ("~~N~~NOV").
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV ~~shall~~must:
  - (i) Describe the property and the persons believed to be in violation;
  - (ii) Describe the violation;
  - (iii) Describe remedial action that will comply with the provisions of this ~~R~~Regulation;



- (iv) Set a reasonable time for the performance of any required remedial action(s);
- (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

~~7.3.4. **Challenging an NOV.** As detailed in the SLVHD's Department's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within ten (10) days of the date of the NOV.~~

~~7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**~~

- ~~(i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the SLVHD's Department's Adjudicative Hearing Procedures.~~
- ~~(ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.~~

~~7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLVHD's Adjudicative Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLVHD's Department's Adjudicatory Hearing Procedures.~~

~~7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.~~

**7.4. Additional Administrative Enforcement Authority.**

- 7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.
- 7.4.2. Any variances allowed by the Department to the requirements of this ~~regulation~~ Regulation shall ~~must~~ be only by written approval of the Salt Lake County Board of Health.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The ~~order shall~~ order to exercise physical control will be effective immediately. Any person to whom the ~~order physical control order~~ is directed shall ~~must~~ comply immediately but may petition the Director for a hearing in accordance with the ~~Salt Lake Valley County Health~~ Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this ~~regulation~~ Regulation, the Director shall ~~will~~ continue the order in effect or modify or revoke it.
- 7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists, which ~~that~~ requires immediate action to protect the public health, ~~he or she~~ the Director may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he or she the Director deems necessary to meet the emergency. The order shall ~~will~~ be effective immediately. Any person to whom the order is directed shall ~~must~~ comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the ~~Salt Lake Valley County Health~~ Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this ~~regulation~~ Regulation, the Director shall ~~will~~ continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

**8. CRIMINAL, CIVIL, & ADMINISTRATIVE PENALTIES**

**8.1. Criminal Penalties.**

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this ~~regulation~~ Regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Ann. Section ~~§ 26A-1-123, Utah Code Annotated, 1953, as amended~~ (2010).

8.1.2. Each day such violation is committed or permitted to continue ~~shall constitute~~ constitutes a separate violation.

8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

## 8.2. **Civil & Administrative Penalties.**

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may also be imposed by the Hearing Officer. Penalties may be assessed according to the following factors:

- (i) The violator's history of compliance or non-compliance;
- (ii) The violator's economic benefit of non-compliance;
- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The ~~Director~~Department may multiply the penalty by the number of days the violation occurred

## 8.3. **Recovery of Investigation & Abatement Costs.**

8.3.1. The Department may recover its inspection, investigative, and abatement expenses and costs from owners or other responsible person(s).

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

## 9. **EFFECTIVE DATE.**

9.1. This Regulation ~~shall become~~ effective upon its adoption by enactment by the Salt Lake Valley County Board of Health.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, ~~2015~~2019~~2020~~.

SALT LAKE ~~VALLEY~~ COUNTY BOARD OF HEALTH

By: \_\_\_\_\_  
~~Dr. William Cosgrove~~ RUSSELL BOOTH, Chair

ATTEST:

By: \_\_\_\_\_  
GARY L. EDWARDS, M.S.  
Executive Director  
Salt Lake ~~Valley~~ County Health Department