

ORDINANCE NO. 2-01-1

AN ORDINANCE ENACTING OF THE CODIFIED ORDINANCES OF THE CITY OF HILDALE, UTAH PERTAINING TO WASTEWATER UTILITIES:

WHEREAS, Hildale City owns and operates a municipal wastewater collection and treatment system, and

WHEREAS, it is necessary for the protection of the health, welfare, safety and continued operation of the City that these public utilities be operated,

NOW, THEREFORE BE IT ORDAINED by the City of Hildale, State of Utah:

Section I. That Ordinance No. 2-01-1 of the ordinances of the City of Hildale, Utah be enacted to read as follows:

Chapter 2-01-1: Sewerage

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2-01-1.01 DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them:

"B.O.D." (denoting biochemical oxygen demand) the quantity of oxygen utilized in the biochemical oxidization of organic matter under standard laboratory procedure in 5 days at 20° C, expressed in parts per million by weight.

"BUILDING DRAIN" That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

"BUILDING OFFICIAL" The City Building Official as provided for under the Ordinances of the City, or his duly authorized agent or representative.

"BUILDING SEWER" The extension from the building drain to the public sewer or other place of disposal.

"CONSUMER" or "CUSTOMER" The recipient of wastewater treatment services.

"FINANCE DIRECTOR/TREASURER" The Finance Director/Treasurer of the City as provided for under the Ordinances of the City or his duly authorized agent or representative.

"GARBAGE" Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products.

"INDUSTRIAL WASTES" Liquid wastes from industrial processes as distinct from sanitary sewage, resulting from any commercial, manufacturing, or industrial operation or process, but such term is not to be construed as meaning any solids, sludge or paunch, or any grease that congeals or becomes solidified, or any matter that emits offensive odor.

"NATURAL OUTLET" Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"OCCUPANT" Person or persons occupying a property for the purpose of residential, industrial, or other use, by permission of the owner.

"OCCUPIED" Premises containing a structure which has a physical sanitary sewer connection (tap-in) and water service.

"OWNER" The person or persons recorded on the property tax records for the deeded property.

"PERMIT" Any written authorization required pursuant to this or any other regulation of the City for the installation of any sewage works.

"PERSON" Any individual, firm, company, association, society, corporation or group.

"PH" The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. i.e., the measure of relative acidity.

"PROPERLY SHREDDED GARBAGE" The wastes from the preparation, cooking and dispensing of food that have been shredded to such degrees that all particles will be carried under the flow conditions normally prevailing in the public sewer, with no particle greater than ½ inch in any dimension.

"PUBLIC SEWER" A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"PUBLIC WORKS DIRECTOR" The Public Works Director as provided for under the Ordinances of the City, or his duly authorized agent or representative.

"RESIDENCE" A building or house erected or constructed on any lot, parcel of land or premises and used primarily for dwelling purposes with a yard adjacent thereto.

"SANITARY SEWAGE" The washes from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains and floor drains, but excluding storm, surface, groundwaters and industrial wastes.

"SANITARY SEWER" A sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted.

"SEWAGE" A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

"SEWAGE TREATMENT PLANT" or "TREATMENT PLANT" An arrangement of devices and structures used for treating sewage.

"SEWAGE WORKS" All facilities for collecting, pumping, treating and disposing of sewage.

"SEWER" A pipe or conduit for carrying sewage.

"SEWER CONNECTION" The connection to the public sewer and the extension therefrom of the sewer to the property line at the alley or the curb line of the street, whichever is applicable, depending on the location of the public sewer.

"SEWER CONNECTION FEE" The initial sewer tap-in fee and impact fee as set forth in 2-01-1.43 of this ordinance and shall apply to all sewer connections to the public sewer after the effective date of this code.

"SHALL" is mandatory; "MAY" is permissive.

"STATE AUTHORITY" Either State of Arizona or State of Utah, whichever State has jurisdiction.

"STORM SEWER" or "STORM DRAIN" A sewer or drain which carries or disposes of storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

"SUSPENDED SOLIDS" Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

"CITY" The City of Hildale, Washington County, Utah.

"TREASURER" Treasurer shall be used interchangeably with "Finance Director" as heretofore defined.

"USER CHARGE"(or sewer charge) The charge made to the recipient of sanitary sewer services by the City to defray the costs of operation, maintenance and replacement (OM&R) of the sewage collection and treatment facilities of the City.

"WASTEWATER SUPERINTENDENT" The manager of the Hildale City Wastewater Department or his duly authorized agent or representative.

"WATERCOURSE" A channel in which a flow of water occurs either continuously or intermittently.

USE OF PUBLIC SEWERS

2-01-1.02 DEPOSITING SANITARY MATTER ON PROPERTY

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City, any human or animal excrement, garbage, or other objectionable waste. Penalty see 2-01-1.99.

2-01-1.03 DISPOSAL OF WASTE INTO NATURAL OUTLET

It shall be unlawful to discharge to any natural outlet within the City or in any area under jurisdiction of the City, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. Penalty see 2-01-1.99.

2-01-1.04 MAINTAINING A PRIVY, ETC.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. Penalty see 2-01-1.99.

2-01-1.05 INSTALLATION OF TOILET FACILITIES

The occupant of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located

a public sanitary sewer of the City, is hereby required at his expense to connect all toilet facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so provided that such public sewer is within 300 feet of the structure to be served. Penalty see 2-01-1.99.

2-01-1.06 DISCHARGE OF CERTAIN WATERS INTO SANITARY SEWERS UNLAWFUL

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer. Penalty see 2-01-1.99.

2-01-1.07 STORM SEWERS/DRAINS

Storm water and all other unpolluted drainage shall be discharged to such sewers or drains as are specifically designated as such or to a natural outlet approved by the Building Official. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Building Official to a storm sewer or natural outlet.

2-01-1.08 WATERS WHICH ARE NOT TO BE DISCHARGED INTO SEWER

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (A) Any liquid or vapor having a temperature higher than 150° Fahrenheit.
- (B) Any water or waste which may contain more than 50 parts per million by weight, of fat, oil or grease.
- (C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (D) Any garbage that has not been properly shredded.
- (E) Any ashes, cinders, sand, mud, straw, shavings metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx and carbide or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (F) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

- (G) Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
 - (H) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - (I) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- Penalty see 2-01-1.99.

PRIVATE DISPOSALS

2-01-1.10 PRIVATE SEWAGE DISPOSALS SYSTEM

Where a public sanitary sewer is not available under the provisions of this chapter the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter. Penalty see 2-01-1.99.

2-01-1.11 BEFORE CONSTRUCTION PERMIT REQUIRED: APPLICATION FEE

- A) Before the commencement of construction of a private sewage disposal system, the occupant shall first obtain a written permit signed by the Building Official.
- B) The application for such a permit shall be made on a form furnished by the Building Department, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Building Official.
- (C) A permit and inspection fee according to the schedule of fees on file shall be paid at the time the application is filed. Penalty see 2-01-1.99.
- (D) At time of installation, a dry sewer shall be built to the property line nearest the future route of the public sewer in such a manner as to facilitate connection when public service is available.

2-01-1.12 INSPECTION OF WORK TO BE MADE

Use of a private sewage disposal system shall not be permitted until the installation is completed to the requirements of the Uniform Plumbing Code. The Building Official shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Building Official when the work is ready for final

inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Building Official.

2-01-1.13 PRIVATE SYSTEM MUST COMPLY WITH ALL RECOMMENDATIONS

The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the appropriate state authority. No septic tank or cesspool shall be permitted to discharge into any public sewer. No septic tank or cesspool shall be allowed unless there is in connection therewith a proper leaching bed or leaching well. Penalty see 2-01-1.99.

2-01-1.14 WHEN PRIVATE SEWAGE DISPOSAL SHALL BE ABANDONED

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and if deemed necessary by the Building Official, pumped out and filled with suitable materials at the expense of the occupant. Penalty see 2-01-1.99.

2-01-1.15 OPERATION AND MAINTENANCE AT OCCUPANT'S EXPENSE

The occupant shall operate and maintain the private sewage disposal facilities in a manner satisfying the Uniform Plumbing Code at all times at no expense to the City. Penalty see 2-01-1.99.

2-01-1.16 ADDITIONAL REQUIREMENTS IMPOSED

No Statement contained in this section shall be construed to interfere with any additional requirement that may be imposed by the Building Official in compliance with the Uniform Plumbing Code.

BUILDING SEWERS AND CONNECTIONS

2-01-1.20 TAMPERING WITH PUBLIC SEWER OR APPURTENANCE

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Wastewater Superintendent. Penalty see 2-01-1.99.

2-01-1.21 BUILDING SEWER CONNECTIONS: APPLICATIONS: FEES

- (A) There shall be two classes of building sewer permits:
 - 1. For residential and commercial service; and

2. For service to establishments producing industrial wastes.
- (B) In either case, the occupant or his agent shall make application on a special form furnished by the Wastewater Department, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Wastewater Superintendent.
- (C) A tap-in fee and impact fee according to the schedule of fees on file shall be paid at the time the application is filed. Penalty see 2-01-1.99.

2-01-1.22 COST AND EXPENSE TO BE BORNE BY OCCUPANT

All costs and expense incident to the installation and connection of the building sewer shall be borne by the occupant. The occupant shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

2-01-1.23 SEPARATE SEWER FOR EACH BUILDING: EXCEPTION

- (A) A separate and independent building sewer shall be provided for each building that is designed to be occupied by people, even if it be within the property boundaries of an existing service. These buildings include, but are not limited to: homes, schools, businesses of employment, trailers, apartments, and churches. Buildings that do not require a separate service include, but are not limited to: barns, sheds, residential shops, residential animal housings, and bunkhouses used exclusively for sleeping quarters.
- (B) Exception: Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building. Penalty see 2-01-1.99.

2-01-1.24 WHEN OLD BUILDING SEWERS MAY BE USED

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Building Official to meet all the requirements of this chapter. Penalty see 2-01-1.99.

2-01-1.25 SEWER SPECIFICATIONS JOINT SPECIFICATIONS

- (A) Sewer Specifications:
- 1: The building sewer shall be of cast iron soil pipe, ASTM specification (A74-42) or equal; vitrified clay sewer pipe, ASTM specifications (C-700 extra strength or equal); PVC, or other suitable material approved by the

Building Official and the Uniform Plumbing Code. Joints shall be tight and waterproof. Cast iron pipe with approved joints may be required by the Building Official where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the Building Official may require such particular materials and/or installation methods as may be deemed necessary. Two sewer cleanouts facing each other shall be installed on the building sewer immediately outside the structure.

2. The size and slope of the building sewer shall be subject to the approval of the Building Official, but in no event shall the diameter be less than 4 inches, nor the slope of such pipe be less than 1/8 inch per foot.
3. No building sewer shall be laid parallel to within less than 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Change in direction shall be made only with properly curve pipe and fittings.
4. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The responsibility of the installation, operation and maintenance, and all other liability involved with the operation of such device is the sole responsibility of the occupant.
5. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Building Official. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-72), except that no backfill shall be placed until the work has been inspected.
6. In the event that the building sewer is in excess of 100 feet from the building to the property line, a downstream facing clean-out wye shall be installed at least every 100 feet of pipe length.

(B) Joint Specifications:

1. All joints and connections shall be made watertight.
2. All joints in vitrified clay pipe or between such pipe and metals shall be made with watertight "O" ring compression joints or with approved adapters.
3. Other jointing materials and methods may be used only by approval of the Building Official.

(C) The standard specifications shall be the Uniform Plumbing Code as adopted by the City Council.
Penalty see 2-01-1.99.

2-01-1.26 CONNECTION OF BUILDING SEWER WITH PUBLIC SEWER

The connection of the building sewer into the public sewer shall be at the property line when such interceptor is available to the occupant's property. Connection at the property line shall be made with a clean-out wye at the occupant's expense. If no interceptor is available to the property line or if the location of the interceptor is other than that desired by the occupant, the occupant shall at his expense, install a connection to the public sewer at a location approved and as specified by the Wastewater Superintendent. Such connection shall be made by cutting a neat hole into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of approximately 45 degrees. A 45 degree ell may be used to make such connections, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the Wastewater Superintendent. Penalty see 2-01-1 .99.

2-01-1.27 NOTIFICATION FOR INSPECTION

The applicant for the building sewer connection shall notify the Building Official or the Wastewater Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Official or the Wastewater Superintendent. Penalty see 2-01-1 .99.

2-01-1.28 EXCAVATIONS TO BE ADEQUATELY GUARDED

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City as determined by the City Public Works Director. Penalty see 2-01-1.99.

TREATMENT OF WASTE IN PUBLIC SEWERS

2-01-1.30 INTERCEPTORS TO BE PROVIDED WHEN NECESSARY

Grease, oil, and sand interceptors shall be provided when, according to the Uniform Plumbing Code and the Building Official, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for

private living quarters or dwelling units. Grease traps shall be required at all public premises where food is served, such as; restaurants, cafeterias and boarding houses. All interceptors shall be of a type and capacity approved by the Building Official and shall be located to be readily accessible for cleaning. All interceptors shall be readily accessible for inspection by the Wastewater Superintendent. Penalty see 2-01-1.99.

2-01-1.31 MATERIALS USED TO CONSTRUCT INTERCEPTORS

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily movable covers which when bolted in place shall be gastight and watertight. Penalty see 2-01-1.99.

2-01-1.32 INTERCEPTORS TO BE MAINTAINED BY OCCUPANT

Where installed, all grease, oil, and sand interceptors shall be maintained by the occupant, at his expense, in continuously efficient operation at all times. The Wastewater Superintendent shall inspect interceptors annually. Penalty see 2-01-1.99.

2-01-1.33 PROCEDURE WHEN WASTE IS EMITTED INTO PUBLIC SEWER

- (A) The admission into public sewers of any wastes or waters having the following content shall be subject to the review and approval of the Wastewater Superintendent:
1. A five day biochemical oxygen demand greater than 250 parts per million by weight, or
 2. Containing more than 300 parts per million by weight of suspended solids; or
 3. Containing any quantity of substances having the characteristics described heretofore in 2-01-1.08 under paragraphs (A) to (I) inclusive; or
 4. Having an average daily flow greater than 2% of the average daily sewer flow of the City.
- (B) Where necessary in the opinion of the Wastewater Superintendent, the occupant shall provide, at his expense, such preliminary treatment as may be necessary to:
1. Reduce the biochemical oxygen demand to 250 parts per million and the suspended solids to 300 parts per million by weight; or

2. Reduce objectionable characteristics or constituents to within the maximum limits provided above in this section or
3. Control the quantities and rates of discharge of such waters and wastes.
4. Comply with Federal Pretreatment requirements as per 40 CFR Part 403.

(C) Plans, specifications and any other pertinent data relative to proposed preliminary treatment facilities shall be submitted for the approval of the Wastewater Superintendent and also to the appropriate State authority and no construction of such facilities shall be commenced until such approvals are obtained in writing. Penalty see 2-01-1.99.

2-01-1.34 PRELIMINARY TREATMENT FACILITIES MAINTAINED AT OCCUPANT'S EXPENSE

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the occupant at his expense. Penalty see 2-01-1.99.

2-01-1.35 INSTALLATION OF CONTROL MANHOLE

When required by the Wastewater Superintendent, the occupant of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Wastewater Superintendent. The manhole shall be installed by the occupant at his expense, and shall be maintained by him so as to be safe and accessible to the Wastewater Superintendent at all times. Penalty see 2-01-1.99.

2-01-1.36 TEST, ANALYSIS, ETC. OF WATER AND WASTE

All measurements, test and analysis of the characteristics of water and wastes to which reference has been made in Sections 2-01-1.33 and 2-01-1.35 shall be determined in accordance with "Standard Methods For Examination of Water and Sewage" as set forth by the State of Utah and be determined at the control manhole, provided in 2-01-1.35 or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

2-01-1.37 SPECIAL AGREEMENTS OR ARRANGEMENTS

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

AUTHORITY OF INSPECTORS

2-01-1.40 OFFICER SHALL BE PERMITTED FOR INSPECTION PURPOSES

The Wastewater Superintendent and/or other duly authorized employees of the City bearing the proper credentials and identifications shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

2-01-1.41 NOTICE OF VIOLATION

Any person found to be violating any provision of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

RATES AND PAYMENTS

2-01-1.43 TAP-IN FEES AND IMPACT FEES

- (A) At the time of application for building sewer connection there shall be collected from the applicant a sewer tap-in fee and sewer impact fee for each residence, business, or industry.
- (B) Sewer Tap-In Fees: A Tap-In Fee of One hundred Fifty dollars (\$150.00) shall be charged for each sewer connection. The tap-in-fee shall be levied for the purpose of defraying costs of reviewing, analyzing and changing if necessary, the applicant's plans and/or specifications, and inspecting and mapping the installation. Said fees shall be deposited into the City's sewer fund as defined by Section 2-01-1.46 and utilized for the purposes therein specified. Penalty see 2-01-1.99.
- (C) Sewer Impact Fees: Impact fees shall be computed on the basis of Equivalent Residential Units (E.R.U's). One ERU shall be defined as the average sewage flow capacity expected from a typical detached single family dwelling. All uses other than single family dwellings shall be expressed in fractions or multiples of one ERU. In no case shall a connection be classified as less than 1 ERU. An Impact Fee of \$1000.00 per E.R.U. shall be charged to all new connections according to the following table. Said fees shall be deposited into the City's sewer

fund as defined by Section 2-01-1.46 and utilized for the renewal and replacement of sewer collection and treatment infrastructure. Locations which have both a building permit AND sewer service available in the street serving the property prior to the enactment date of this ordinance shall be exempt from paying the impact fee.

TABLE OF ERU'S FOR TYPICAL USES

<u>USE</u>	<u>ERU'S</u>
Single Family Dwellings (one head of household)	1
Multiple Family Dwellings, per Family	1
Assembly Halls, Churches, Auditoriums, and Schools Per Set of Restrooms	1
Restaurant, other public Businesses first 30 seats each additional 30 or fraction 1	1
Factories, industrial plants Per set of Restrooms	1
Hospitals, nursing homes for each 8 beds	1
Offices, Retail Merchants, Shopping Centers per 3500 Square Feet plus per food service plus per laundry	1 1 1
Service Stations without car wash	1
Car Wash	Wastewater Superintendent
Other Uses	Wastewater Superintendent

For uses not covered in the table or for extreme quantity or quality of effluent, appropriate E.R.U. classification shall be determined by the Wastewater Superintendent, in accordance with accepted engineering criteria.

- (D) In the event where Hildale City installs new wastewater main lines, there shall be an appropriately determined construction fee assessed to each property that will be served, to cover the cost of installing wastewater main lines and

appurtenances. To serve property which is not city-owned, the developer shall be responsible for the installation of main lines and appurtenances, including the sewer laterals, up to the property line of each lot to be served. Where a developer constructs, totally at his own expense, street sewers, lateral sewers, and appurtenances thereto, all construction methods and materials used shall meet all City requirements and standards.

- (E) Payment of Sewer Tap-In and Impact Fees. No building sewer connection shall be allowed without payment arrangements of tap-in fees and impact fees.

2-01-1.44 RENTAL FOR SEWER SERVICES

It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to levy and collect service charges or sewer rentals upon all occupied premises served by, having connection with, or having access to the sanitary sewerage system and the sewage treatment plant of the City, the proceeds of such charges or rentals so derived shall be for the operation, maintenance and replacement of the sanitary sewerage system and treatment plant as hereinafter provided.

2-01-1.45 WHEN NOT SUBJECT TO CHARGE

- (A) Any water which is not polluted and does not find its way into the sanitary sewerage system shall not be subject to sewer charge.
- (B) Monthly charges may be exempted by the Wastewater Superintendent on a case by case basis if the building is under construction and there is no water going down the sewer.

The occupant or a representative must present the situation in person or in writing to the Wastewater Superintendent for approval on a case by case basis.

2-01-1.46 SEWER FUND

The funds received from the collection of sewer service rates and charges shall be deposited with the City Treasurer and kept by him in a separate and distinct fund known as the "Hildale City Wastewater Fund". This fund shall be used for the payment of the cost of the management, construction, maintenance, debt service, operation, design, improvement, and expansion of the sewerage system and sewage treatment plant.

2-01-1.47 SEWER RATES WITHIN THE CITY

There is hereby levied and assessed upon each occupied premises, having any sewer connection with or having access to the Sanitary Sewerage System of the City or otherwise discharging sewage or industrial wastes into the City Sanitary Sewerage System, a sewer service charge or rental, payable as hereinafter provided and in amount

determinable for all users of the City Sanitary Sewerage System, except as hereinafter provided. The rates shall be as follows:

Monthly minimum use charge - \$27.00 for the first 10,000 gallons of water used, and then \$0.60 for each additional 1,000 gallons, as determined by previous winter water usage, typically an average of the months of December, January, and February.

The rates and usage shall be reviewed periodically and adjusted if necessary to cover the cost of operating, maintaining and replacing the system.

2-01-1.48 INDUSTRIAL EXEMPTIONS

In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the City's sewerage system, either directly or indirectly, is an industry and it can be shown, to the satisfaction of the Wastewater Superintendent, that a portion of the water, as measured by the water meter or meters, does not and cannot enter the sewerage system, the Wastewater Superintendent may determine in such manner and by such method as he may find practicable, the percentage of metered water entering the sewerage system, and the classification used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter or meters. This industrial waste water shall also be subject to sections 2-01-1.08 and 2-01-1.30 to 36.

2-01-1.49 PAYMENT OF SEWER CHARGES

The sewer charge or rental provided in this chapter shall be payable monthly at the office of the Treasurer of Hildale, upon statements rendered in the method, manner, and form as may be provided by the City.

2-01-1.50 BEGINNING OF RENTAL

The sewer charge or rental shall be levied upon the first date that sanitary sewer service is connected to the occupied property except as exempted in Section 2-01-1.45.

2-01-1.51 PENALTY FOR NON-PAYMENT OF SEWER CHARGES

The non-payment of each charge or rental levied by or pursuant to this Code is subject to a penalty of water disconnection as defined in the Uniform Billing Code adopted by the City, except that there shall be no monetary penalty charged on sewer services. For locations outside the City, or for locations which do not have City water service, the non-payment of sewer charges shall result in disconnection of sewer services, or court action, or both. The customer shall be liable for all costs associated with the collection of sewer charges, including court costs.

2-01-1.52 COLLECTION OF RENTALS BY TREASURER

The sewer charges or rentals charged pursuant to this chapter shall be collected by the Treasurer, and the Wastewater Superintendent shall enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management and protection of the City's sewer system, pumping stations, and sewage treatment works, and connections to the sewer system, and for the regulation, collection, rebating and refunding of such charges and rentals and such bylaws and regulations shall have the effect of ordinances.

2-01-1.53 INDUSTRIES WHICH MUST ENTER INTO SPECIAL AGREEMENTS

- (A) An exception to the rates set forth in 2-01-1.47 shall be taken in special cases where industrial customers discharge an effluent of such character and strength into the City sanitary sewers which causes special problems and increased cost in sewage treatment. Included in this class, but not limited to, are: cattle, swine and poultry processing, acid plants, canning plants and other processing plants, plating, anodizing, cool processing and manufacturing plants, and the like.
- (B) Such industrial customers and the City shall negotiate and enter into an agreement as to the rate to be charged such industrial customers for the treatment of their wastes. In the event that no agreement can be reached as to the rate, upon written notice from the City, such industries shall be required to provide their own waste treatment facilities in accordance with requirements of the appropriate state authority. Plans shall be approved prior to construction by the appropriate state authority.
- (C) All industries and entities subject to the Federal Industrial Cost Recovery Act shall enter into an agreement with the City in accordance with U.S.E.P.A. regulations.

2-01-1.54 CONTRACTS WITH OTHERS OUTSIDE CITY LIMITS

The City may enter into agreements to be ratified and confirmed by the City Council, with cities, towns, corporations, and individuals whose premises are located without the corporate limits of the City who desire to discharge sewage, industrial wastes, water or other liquids into the City's sewerage system; which agreement shall fix the rates, terms, and conditions under which such sewage, industrial wastes, water or other liquids may be discharged into such sewerage system and shall be in conformity with the other sections of this chapter.

2-01-1.55 TAMPERING WITH EQUIPMENT PROHIBITED

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Penalty see 2-01-1.99.

2-01-1.56 RECORDS TO BE KEPT BY CITY

The City shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner and occupant of the property, his agent or representative.

2-01-1.57 CITY RESPONSIBILITIES AND LIABILITIES

- A. The City shall not be responsible for the installation, maintenance or inspection of the consumer's service line piping apparatus or for any defects therein.
- B. The City shall have the right to refuse service unless the consumer's lines or piping are installed in such manner as to prevent cross connections or backflow.
- C. Under normal conditions, the consumer shall be notified of any anticipated interruption of service.
- D. The City shall not be responsible for the negligence of third persons or forces beyond the control of the City resulting in any interruption of services or damage to the property of the consumer.
- E. The City may refuse service to any prospective consumer when the capacity of the sewer system will not permit additional loads being placed thereon.
- F. The sewer department may discontinue its service without notice for the following reasons:
 - 1. To prevent fraud or abuse.
 - 2. The consumer's willful disregard of or refusal to comply with this ordinance or other rules as may be adopted by the City.

2-01-1.58 OWNERSHIP

The City shall have exclusive control of connections to the main sewer lines, and upon completion, the main lines shall become and be the property of the City. Except as otherwise herein provided, all provisions of the City code and ordinances or amendments thereto applicable to sewer services including all charges therefore shall apply to services in the proposed area.

2-01-1.59 CONSUMER'S RESPONSIBILITIES

- A. The consumer's house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, including maintenance of the sewer lateral from the property line to the sewer main line in the street, at the consumer's expense, in a safe and efficient manner and in accordance with the City's rules and regulations and in full compliance with the regulations of the applicable State authority.

- B. The consumer shall safeguard the City's property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the City.
- C. In the event that any loss or damage to the property of the sewer department or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of necessary repairs or replacements shall be paid by the consumer to the sewer department and any liability otherwise resulting shall be assumed by the consumer. The amount of such loss or damage or the cost of repairs may be added to the consumer's bill and if not paid, service may be discontinued by the sewer department.
- D. When service to a consumer shall require the laying of any City sewer lines or the installation of any other City property on, under, across or over the consumer's property, the consumer will grant to the City an easement, right of way, or license for such installation.
- E. It is unlawful for any person who, having a permit, to dig up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City and fail or neglect to place the street or alley in its original condition under the supervision of the City and, as required by it.
- F. Within fifteen (15) days from the date of transfer of occupancy, the Customer shall deliver written notification to the City of Hildale, Utah, of any such change in occupancy of the real property.

2-01-1.60 IMPLIED SERVICE AGREEMENT

In the absence of a signed service agreement, the rental for wastewater service by the City and the acceptance thereof by the Customer shall be deemed to constitute an agreement by and between the City and the Customer for rental and acceptance of wastewater service under the terms and conditions contained in these wastewater service regulations and the applicable rate schedule.

2-01-1.99 PENALTY

- (A) Whoever violates any provision of this chapter, for which no other penalty is already provided, beyond the time limit provided in required notice shall be fined not more than \$50.00 for each violation or imprisonment in the City jail for not more than five (5) days or both. Each day's violation shall constitute a separate offense.
- (B) Whoever violates any provision of this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Section II. SAVING CLAUSE, CONFLICTS

The decision by a Court of competent jurisdiction that any part of this chapter is invalid shall not invalidate or impair the force or effect of any other part hereof, except that such other part is wholly dependent for its operation upon the part declared invalid.

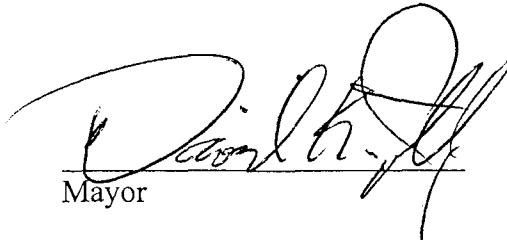
Ordinance No. 9-16-79, 1-97-1, and all Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

Section III. EFFECT

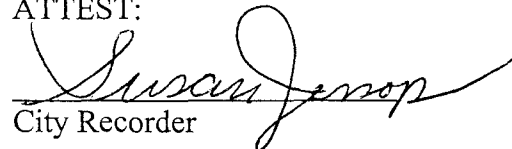
This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

ADOPTED:

2-13-01
Date


Mayor

ATTEST:


City Recorder