

## TITLE 23. SEWERAGE, STORMWATER, AND FLOOD IRRIGATION SYSTEMS

<b>Chapter 1.</b>	<b>Repealed</b>
<b>Chapter 2.</b>	<b>Repealed</b>
<b>Chapter 3.</b>	<b>Repealed</b>
<b>Chapter 4.</b>	<b>Repealed</b>
<b>Chapter 5.</b>	<b>General Provisions</b>
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<b>Chapter 7.</b>	<b>Administration</b>
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<b>Chapter 9.</b>	<b>Fats, Oils and Grease Control</b>
<b>Chapter 10.</b>	<b>North Davis Sewer District Wastewater Control</b>
<b>Chapter 11.</b>	<b>Stormwater System</b>
<b>Chapter 12.</b>	<b>Flood Damage Prevention</b>
<b>Chapter 13.</b>	<b>Flood Irrigation Systems</b>
<b>Chapter 14.</b>	<b>Enforcement-Prohibited Actions- Penalties</b>

### Chapter 5. General Provisions

23-5-1	Statement of Purpose
23-5-2	Application

**23-5-1 Statement of Purpose.** The purpose of this Title is to protect the health, safety and welfare of the Clinton City residents by establishing, and controlling the systems outlined in this Title as well as setting up procedures related to management, and outside influences upon the systems. The objectives of this Title are:

- (1) Protect human life and health;
- (2) To prohibit illicit connections and discharges to the systems;
- (3) To manage and control flows and the introduction of inappropriate materials into the systems;
- (4) To protect the environment;
- (5) Minimize expenditure of public money for costly public works and infrastructure projects;
- (6) Minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;
- (7) Minimize prolonged business interruptions;
- (8) Minimize damage to public facilities and utilities such as water, sewer, stormwater and gas mains, electric, telephone and cable lines, streets and bridges located in and servicing the City;
- (9) Help maintain a stable tax base by providing for the sound use and development of areas in such a manner as to provide adequate infrastructure and minimize blight areas;

(10) To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of earth on land within the City;

(11) Insure that potential buyers are notified of probability of incompatibility of land features that may make that property inappropriate for an intended use. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Title; and,

(12) To establish a viable and fair method of financing the construction, operation and maintenance of the systems.

**23-5-2 Application.** This Title shall apply to all water, waste water, sewerage, effluent, and other materials entering the systems established in this Title generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

## Chapter 6. Definitions

### 23-6-1 Definitions

**23-6-1 Definitions.** Unless specifically defined below, words or phrases used in this Title shall be interpreted to give them the meaning they have in common usage and to give this Title it's most reasonable application.

**"48 Hours"** means a 48-hour period occurring during business days which includes any day except Saturday, Sunday, legal holidays, or other days where general notice is given, more than 48-hours in advance, that the City Offices will be closed.

*History: 08/09*

**"Alluvial Fan Flooding"** means a flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows: active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**"Apex"** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**"Area of Shallow Flooding"** means a designated AO, AH, or VO zone (flood hazard zones) on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood Hazard"** means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Authorized Enforcement Agency"** means employees of Clinton City as designated by the City Manager.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor sub grade (below ground level) on all sides.

**"Berm"** means an earthen mound used to direct the flow of runoff around or through a structure.

**"BMP's (Best Management Practices)"** means schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMP's also include

treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**"Catch Basin"** means receptacle with a slotted opening leading to an underground pipe or open ditch for carrying surface runoff.

**"Clean Water Act"** means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**"Construction Activity"** means activities subject to UPDES Construction Permits. These include construction projects resulting in land disturbances greater than 1 acre. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**"Conveyance System"** means any channel or pipe for collecting and directing the stormwater.

**"Critical Feature"** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**"Culvert"** means a covered channel or large diameter pipe that directs water flow below the ground surface.

**"Degradation"** (Biological or chemical) means the breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutants.

**"Development"** means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**"Dike"** means an embankment to confine or control water, often built along the banks of a river to prevent overflow of lowlands.

**"Discharge"** means the release of stormwater or other substance from a conveyance system or storage container.

**"Discharging Food Service Establishments"** means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public such as restaurant, delicatessen, bakery, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution. These establishments use one or more of the following preparation activities: cooking by frying (all

methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

**“Drainage”** means the collection, conveyance, containment, and/or discharge of surface and stormwater runoff.

**“Drain, Field”** means an underground drainage system installed to drain farmers fields and typically ends in a irrigation tail water ditch, however where tail water ditches have been incorporated into the stormwater system it will be piped into the system.

**“Drain, Land”** means an underground drainage system installed during the development of a subdivision, installed within the public right-of-way and designed to meet City standards.

**“Elevated Building”** means a non-basement building to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood; "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**“Erosion”** means the wearing away of land surface by wind or water. Erosion occurs naturally from weather or runoff but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber cutting.

**“Excavator”** means any person or entity that excavates or conducts excavation activities.

*History: 08/09*

**“Excavate or Excavation”** means an operation in which earth, rock, or other material on or below the ground is moved or displaced by tools, equipment, or explosives.

*History: 08/09*

**“ESU (Equivalent Service Units)”** means equivalent service units are used to determine the amount that each parcel contributes to, benefits from, or otherwise uses the stormwater utility.

**“Existing Construction”** means the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs

effective before that date. "Existing construction" may also be referred to as "existing structures."

**“Existing Subdivision”** means a subdivision for which the construction of facilities for servicing the lots on which the homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading) is completed before the effective date of the floodplain management regulations adopted by a community.

**“Expansion to an Existing Subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**“Fats, Oils, and Greases”** means organic polar compounds derived from animal and/ or plant sources that contain multiple carbon chain triglyceride molecules. All are sometimes referred to herein as “grease” or “greases”.

**“Fill”** means a deposit of earth material placed by artificial means.

**“Final Stabilization Plan”** means the final stabilization plan shall show how the site will be stabilized when construction is completed. The plan may include landscaping, armoring, and other erosion stabilizing measures.

**“First Flush”** means the delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants.

**“Flood or Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source; or,
- (3) ground water.

**“Flood Hazard Boundary Map (FHBM)”** means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E (flood hazard zones).

**“Flood Insurance Rate Map (FIRM)”** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**“Flood Insurance Study”** means the official report provided by the Federal Emergency Management

Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**“Floodplain or Flood-Prone Area”** means any land area susceptible to being inundated by water from any source (see definition of flooding).

**“Floodplain Management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**“Floodplain Management Regulations”** means zoning and land use ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**“Flood Protection System”** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**“Flood Proofing”** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**“Floodway (Regulatory Floodway)”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**“Functionally Dependent Use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**“General Permit”** means a permit issued under the UPDES NPDES program to cover a class or category of stormwater discharges.

**“Grading”** means the cutting and/or filling of the land surface to a desired slope or elevation.

**“Grease Trap”** means a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sewerage collection system. Such traps are typically compact under-the-sink units that are near food preparation areas.

**“Grease Interceptor”** means a structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sewerage collection system. These devices are often below-ground units in outside areas and are built as two or three chamber baffled tanks.

**“Hazardous Waste”** means by-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four characteristics (flammable, corrosive, reactive, or toxic), or appears on special EPA lists.

**“Heavy Metals”** means metals of high specific gravity, present in municipal and industrial wastes that pose long-term environmental hazards. Such metals include cadmium, chromium, cobalt, copper, lead, mercury, nickel, and zinc.

**“Highest Adjacent Grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historic Structure”** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or,
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either;

(a) By an approved state program as determined by the Secretary of the Interior; or,

(b) Directly by the Secretary of the Interior in states without approved programs.

**“Illegal Discharge”** means any direct or indirect non-stormwater discharge to the stormwater system, except discharges exempted in this Title.

**“Illicit Connection”** means any physical connection to the Clinton City stormwater system allowing discharge of non-stormwater, which has not been permitted by this Title.

**“Impervious Surface”** means a surface which prevents or retards the penetration of water into the ground including, but not limited to roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

**“Individual Permit”** means a permit issued under the UPDES program for a specific facility, whereby the unique characteristics of that facility may be addressed through the imposition of special conditions or requirements.

**“Infiltration”** means the downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

**“Ingress/Egress”** means the points of access to and from a property.

**“Inlet”** means an entrance into a ditch, stormwater, or other waterway.

**“Levee”** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**“Levee System”** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**“Lowest Floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**“Manufactured Home”** means a structure transportable in one or more sections, which is built

on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**“Manufactured Home Park or Subdivision”** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**“Mean Sea Level”** means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**“Minimum Design Capability”** means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the sanitary sewer.

**“Mulch”** means a natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

**“Nonpoint Source”** means pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban runoff.

**“NPDES (National Pollutant Discharge Elimination System)”** means EPA's program to control the discharge of pollutants to waters of the United States.

**“NPDES Permit”** means an authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.

**“New Construction”** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**“New Manufactured Home Park or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of

floodplain management regulations adopted by a community.

**“Off-site”** means any areas outside of the proposed development boundaries which may or may not be connected to the development, either hydraulically or otherwise.

**“On-site”** means the entire property that includes the proposed development.

**“Operator”** means a person who owns, operates, or maintains an underground facility to include facilities below grade that would be underground if piped. This does not include an owner of real property where underground facilities are:

the owner’s property; or,

a public street adjacent to the owner’s property, a right-of-way adjacent to the owner’s property, or a public utility easement adjacent to the owner’s property;

(a) used exclusively to furnish services to the owner’s property; and

(b) maintained under the operation and control of that owner.

*History: 08/09*

**“Outfall”** means the point, location, or structure where wastewater or drainage discharges from a stormwater pipe, ditch, or other conveyance to a receiving body of water.

**“Point Source”** means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

**“Plat”** means a map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

**“Pollutant”** means generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**“Receiving Waters”** means bodies of water or surface water systems receiving water from upstream constructed (or natural) systems.

**“Recreational Vehicle”** means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light duty truck; and,

(4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“Retention”** means the holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**“Riparian”** means a relatively narrow strip of land that borders a natural course of water.

**“Riprap”** means a combination of large stone, cobbles and boulders used to line channels, stabilize banks, reduce runoff velocities, or filter out sediment.

**“Run-on”** means stormwater surface flow or other surface flow, which enters property other than that where it originated.

**“Runoff”** means that part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.

**“Sedimentation”** means the process of depositing soil particles, clays, sands, or other sediments that were picked up by runoff.

**“Sewerage Collection System”** means consists of main lines, manholes, and pumping stations, where applicable, that are owned by the City and contained in dedicated rights-of-way, easements, or City owned property. The sewerage collection system does not include sewer laterals.

**“Sewer Lateral Cleanout”** means a point of access where a sewer lateral can be serviced.

*History: 08/09*

**“Sewer Main Lines”** means main lines are located in the public right-of-way or easements and are used for the conveyance of sewer from multiple laterals.

**“Sewer Laterals”** means sewer laterals are lines that connect onto the sewerage collection system and connect to residential units, apartment complexes, multiple occupancy buildings, commercial buildings, commercial complexes, etc.

The sewer lateral ends at the connection to the sewerage collection system.

**“Sheet Flow”** means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

**“Source Control”** A practice or structural measure to prevent pollutants from entering stormwater runoff or other environmental media.

**“Stabilization”** means the proper placing, grading and/or covering of soil, rock, or earth to ensure its resistance to erosion, sliding, or other movement.

**“Start of Construction”** means the date the building permit is issued, including substantial improvement, (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land prep aeration, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“Structure”** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**“Storm Drain”** means an underground pipe or open ditch used to convey stormwater.

**“Storm Drain Inlet”** means a slotted opening leading to or open pipe entering the underground pipe system.

**“Stormwater”** means rainfall runoff, snow melt runoff, and drainage. It excludes infiltration.

**“Stormwater Management Program”** means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to

eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.

**“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial Improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions; or,

(2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**“SWPPP (Stormwater Pollution Prevention Plan)”** means a plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will minimize the potential for pollutants to leave the site.

**“Stormwater System (Municipal Separate Stormwater System, MS4)”** means a municipally owned and operated stormwater collection system consisting of the following: curb & gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, land drain system, field drain systems or any other system used to convey stormwater that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by that municipality.

**“Swale”** means an elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primarily drainage channels and allow some of the stormwater to infiltrate into the ground surface.

**“Treatment Control BMP”** means a BMP that is intended to remove pollutants from stormwater.

**“Underground Facility”** means personal property that is buried or placed below ground level or below grade and that would be buried if piped for use in the storage or conveyance of any of the following:

(1) water;

- (2) Sewage, including sewer laterals;
- (3) Communications, including electronic, photonic, telephonic, or telegraphic communications;
- (4) Television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
- (5) Electric power;
- (6) Oil, gas, or other fluid and gaseous substances;
- (7) Steam;
- (8) Slurry; or,
- (9) Dangerous materials or products.

*History: 08/09*

**“UPDES (Utah Pollutant Discharge Elimination System)”** means permit granted under the NPDES to the State of Utah.

**“UPDES Permit”** means the authorization, or license, or equivalent control document issued by the State of Utah to implement the requirements of the UPDES program.

**“User”** means any person, including those located outside the jurisdictional limits of Clinton City, who contributes causes or permits the contribution or discharge of stormwater, wastewater, irrigation water into any of the City systems within the City’s boundaries, including persons who contribute such from mobile sources.

**“Variance”** means a grant of relief to a person from the requirement of this Title when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Title. (For full requirements dealing with flood zones see Section 60.6 of the National Flood Insurance Program regulations.)

**“Violation”** means the failure of a structure or other development to be fully compliant with this Title. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Title is presumed to be in violation until such time as that documentation is provided.

**“Waters of the State”** means surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction.

**“Water Surface Elevation”** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**“Waters of the United States”** means surface watercourses and water bodies as defined in 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

**“Wetlands”** means an area that is regularly saturated by surface or ground water and subsequently characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include: swamps, bogs, marshes, and estuaries

**Chapter 7. Administration**

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- 23-7-29 Severability

**23-7-1 Responsibility of Administration.** The City Manager shall administer, implement, and enforce the provisions of this Title. Any powers granted or duties imposed upon the City may be delegated, in writing, by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**23-7-2 Office of Primary Responsibility.** The Public Works Department is the Office of Primary Responsibility for review and proposing changes to this Title. The Public Works Director may call on the Community Development Department and City Engineer for assistance in reviewing this Title.

**23-7-3 Supervisor of the Public Works Divisions.** The Public Works Director, with the advice and consent of the City Manager, shall appoint a competent person to act as the supervisor of the systems outlined in this Title (Supervisor).

**23-7-4 Duties of the Supervisor.** The Public Works Director shall prescribe the Supervisor's duties, and direct the manner and frequency of

reporting on the City's systems outlined in this Title.

**23-7-5 Regulations.** The City Council shall have power and retains the right to adopt regulations controlling the manner and circumstances under which the systems established by this Title may be used, in addition to the regulatory provisions set forth expressly in this Title. Such regulations may include, but are not limited to, the manner in which excavations shall be made, connections or repairs, service lines which may necessitate excavations on or near and under sidewalks and the public ways, the manner in which excavations shall be backfilled and the type of materials that may be used for the purpose.

**23-7-6 Excavator Access.** An excavator may enter or access an owner's property or dwelling to locate a sewer lateral with the owner's permission.

*History: 08/09*

**23-7-7 Installation and Location of Sewer Lateral Cleanouts.**

(1) An operator or person installing or replacing a sewer lateral cleanout shall install or replace the sewer lateral cleanout in a manner so that the lateral can be located, including:

- (a) House sheets; or
- (b) Electronic markers.

(2) An operator or person installing a sewer lateral cleanout shall notify the City of the sewer lateral cleanout location for record keeping purposes.

(3) An excavator shall request information pertaining to a sewer lateral cleanout location from the City a minimum of 48 hours prior to any excavation.

*History: 08/09;*

**23-7-8 Policies.** The Public Works and Community Development Directors may adopt policies, consistent with this Title and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this Title and systems established in this Title.

**23-7-9 Establishment of Land Use Permit.**

(1) A Land Use Permit shall be required to ensure conformance with the provisions of this Title.

(2) Land Use Permits are to be reviewed and approved in accordance with Title 26 of the Clinton City Code.

**23-7-10 Application Review Fees.** The fee for review of any Land Use Development application shall be paid to the City prior to the issuance of any development activity on the property or issuance of

any building permit. The fee structure shall be established from time to time by the City Council and published in the Consolidated Fee Schedule.

**23-7-11 Applications for Installation Permit.**

Applications for a permit or for connections to any connecting systems established in this Title or other alteration, laying or repairing of lines connected directly or indirectly thereto must be made in writing by a licensed contractor, his authorized representatives, or by the owner of the premises. Application shall describe the manner and circumstances surrounding such installation or alteration. If, in the judgment of the supervisor, the carrying out of such connection, repair, or installation, will cause no injury to the street in which the system sought to be connected with is located, or that such installation, improvement or repair will not be prejudicial to the interest of the persons whose property has been or may thereafter be connected with the system and that the connection in all things shall conform to the code and standards of the City, then the application to connect with the systems shall be granted subject to the provisions of this Title. All the connections or installations shall be to line and grades designated by the project engineer and approved by the supervisor.

**23-7-12 When Permits Shall not be Issued.**

(1) Permits to connect with the systems established in this Title shall not be issued unless the structures on the property comply with the applicable building codes.

(2) No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Title and other applicable regulations.

**23-7-13 Application for Service.**

(1) The owner of the property (or an authorized agent) shall be required to submit a written application provided by Clinton City, signed by the owner or an authorized agent, agreeing to pay for all services established in this Title provided to the property whether occupied by the owner or by a tenant or other occupant, as per Utah Code Annotated 10-7-10.5.

(2) If the owner desires to allow a tenant or other occupant to apply for services in a name other than the owner or authorized agent, the owner shall sign an agreement with Clinton City granting a tenant ability to apply for municipal utility services and shall agree to pay for those services in case the tenant or occupant fails to pay for the services according to the rules and regulations enacted by the Clinton City.

(3) As a further condition precedent to securing services, it is required that a deposit be paid as set forth in Clinton City Ordinance 27-5-2.

**23-7-14 Extension of Mains within the City.**

(1) Any person or persons, including any subdivider/developer, desiring to have one or more of the systems established in this Title extended within the City must advance the whole expense of such extension. Developers may request to enter into a payback agreement with the City during the development approval process as outlined Title 26.

(2) It shall be unlawful for any person to install, construct, maintain, or connect onto a system established in this Title, in an existing or future public right-of-way or easement, unless they are a licensed contractor in the state of Utah. Licensed contractors shall be required to construct, install, or repair all laterals within the public right-of-way or easements.

**23-7-15 Ownership of Extension.** After final acceptance, any extension of mains shall be deemed the property of the City, unless a private system has been approved by the City.

**23-7-16 Non-Liability for Damages.** The City shall not be liable for any damage to a service user by reason of stoppage or interruption of one or more of the systems established in this Title caused by fires, scarcity of water, accidents to the system(s), or their mains, or as the result of maintenance and extension operations, or from any other unavoidable cause.

**23-7-17 Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this Title are minimum standards; therefore this Title does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants nor does it insure compliance with all county, state, or federal requirements. It is the responsibility of the Land Use Permit holder to insure the intent of this Title is complied with.

**23-7-18 Abrogation and Greater Restrictions.** This Title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Title and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**23-7-19 Interpretation.** In the interpretation and application of this Title, all provisions shall be;

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

**23-7-20 Division to Have Free Access.** The supervisor and his representatives shall at all ordinary hours have free access to places supplied with one or more of the systems established by this Title for the purpose of examining the apparatus, ascertaining flows, and the manner of use.

**23-7-21 Utility-Creation and Setup.**

(1) Creation – The City Council hereby creates and establishes a sewerage collection utility and stormwater utility as part of the City’s overall utilities. These utilities shall plan, design, construct, maintain, administer and operate the applicable system.

(2) Enterprise Fund - The City Council hereby establishes a sewerage collection utility and stormwater utility enterprise fund to handle all income, expenses and other financial transactions related to these utilities. All utility service charges collected for the sewerage collection and stormwater utilities shall be deposited in the appropriate enterprise fund. Money in the appropriate utility enterprise fund shall not be commingled with or transferred to other City funds. However, these utilities may pay other City funds for services and expenses directly attributable to the appropriate utility. The enterprise funds shall be operated according to State law and City policy.

(3) Facilities and Assets - The sewerage collection and stormwater systems shall operate independently of City operations funded by the general fund. These utilities shall have the same relationship to the City as other City utilities, such as the water utility. Upon creation of the utility, all of the City’s sewerage collection and stormwater facilities and assets (other than streets and other facilities and assets designated by the City Manager) shall be transferred to the applicable utility in consideration for the utility’s agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City’s utility’s system.

(4) Administration – The sewerage collection and stormwater utilities shall be administered by the City Manager.

**23-7-22 Establishment of Fees.** The City Council, from time to time, may establish enact rules and rates, by resolution, for services associated with the systems established in this Title to include but not be limited to inspections, billing, guaranteeing, and collecting charges.

**23-7-23 Billing.** Fees for the systems established in this Title shall be included on the City’s regular monthly utility bill for any given property. If there

is no regular utility bill for the property the appropriate utility fee(s) shall be charged to the owner of the property. The fee(s) shall be deemed a civil debt owed to the City by the person or entity paying for the City utility services provided to the property. All properties contributing to or utilizing the utility(ies) shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the utility service. Failure to pay any utility fee may result in termination of water service.

**23-7-24 Appeal of Decision, Rates, Fees and Rebates.**

(1) Any person or entity that believes that this Title was interpreted or applied erroneously by a requirement of the City staff may appeal to the City Manager.

(2) The City Manager may hear complaints and make corrections of any assessments, established in this Title, deemed to be illegal, unequal, or unjust.

(3) The City Manager may temporarily, if he sees fit, adjust, assess, or rebate all or any part of a fee established in this Title, related to the systems established in this Title, of any indigent person.

(4) Appeals shall be submitted to the City Manager, in writing, explaining the circumstances that justify the request along with any fees established as set in § **Error! Reference source not found.**

(5) The City Manager will respond to the appellant within 30 days of receiving an appeal.

**23-7-25 Supply of Services to Persons Outside City Limits.**

(1) The City may furnish service from its systems to persons outside its corporate limits.

(2) Applications for service outside the corporate limits shall be submitted, in writing, to the Community Development Department, reviewed by the Community Development Director, the City Engineer and Public Works Director and acted upon by the City Council based upon the recommendations from this review.

(3) Any person located outside the City limits desiring to be supplied with services from the City collection systems and being willing to contract with a Utah licensed contractor, approved by the City, to extend the systems to his property, including extending the systems from their present location to the City limits, may make application to the City, the application must contain the following;

(a) A description of the proposed extension;

(b) A map showing the location thereof and a set of engineered drawings meeting the City standards;

(c) Fees sufficient to compensate the City for reviewing the plans, whether or not the plans are approved, fee amounts are to be set by the City Council, from time to time, and published in the Consolidated Fee Schedule.

(d) An escrow agreement as described in the Subdivision Ordinance to guarantee the improvements.

(e) An acknowledgment that the City is granting the petition to supply only such services to petitioner which, from time to time, the City Council deems beyond the requirements of system users within the City limits; and,

(f) An acknowledgment that such extension shall be the property of and subject to the control of the City.

(4) The City Council and the person or persons seeking such extension may enter into an agreement providing, in detail, the terms under which others may utilize the extension in the future and the terms under which all or any portion of the cost of installing such extension may be paid back by future users.

#### **23-7-26 Ownership and Maintenance of Connecting Main Lines and Laterals.**

(1) Unless designated in writing by the City, all system main lines in the public right-of-way or established easements shall be owned and maintained by the City.

(2) Residential Laterals: All residential system laterals shall be maintained from the connection at the main line to the building by the property owner.

(3) Commercial Complexes and Commercial Building Laterals: All laterals to commercial buildings and/or inside commercial building complexes shall be owned and maintained by the property owners.

**23-7-27 As Built Plans.** All applicants are required to submit actual "as built" plans for any collection systems constructed within the City when construction is completed. The plan must show the final design specifications for all of the system's elements and must be certified by a professional engineer. The plan is to indicate the location of all laterals being connected to the systems. A final inspection by the Public Works Department is required before the release of any performance securities can occur.

**23-7-28 Root Poisoning.** During the course of maintenance of its systems, the City may employ the use of poisons, gases and chemicals without liability for the death or damage of any trees or shrubs during the course of its normal work or maintenance of its systems, provided the same was

done with ordinary care.

*History: 3/82, 9/84*

**23-7-29 Severability.** The provisions of this Title are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Title or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Title.

**Chapter 8. Sewerage System**

- 23-8-1 Sewer Division and System
- 23-8-2 Sewerage Collection Utility Fee Imposed
- 23-8-3 Pipes to be kept in Good Repair.
- 23-8-4 Quality of Service Pipe.
- 23-8-5 Use of City Sewerage Collection System Mandatory

**23-8-1 Sewer Division and System.**

(1) The City sewer division is hereby created to administer the operation and maintenance of the sewerage collection system of the City.

(i) The sewerage collection system shall consist of property, equipment, rights, contractual or otherwise, possessed by the City to the utilization of mains, outfall lines, treatment plants of other governmental agencies by means of which the City is empowered to provide sewer services of whatever character to its inhabitants.

**23-8-2 Sewerage Collection Utility Fee Imposed.**

(1) In addition to fees established in § 23-7-20 above, the City Council may establish special rates and conditions for users of the sewerage collection system:

- (a) At amounts resulting in lesser or greater discharges or of unusual characteristics; or,
- (b) Making use thereof under exceptional circumstances upon such terms and conditions that they may deem proper; or,
- (c) Connecting into the system from outside the City; and,
- (d) The City Council may take into consideration the requirements and rates of other needs and demands of other Districts or utilities in arriving at special rates.

(2) Each developed parcel connected to the sewerage collection system within the City shall be charged a sewerage collection utility fee.

(3) Fees shall be established based upon water usage and fees assessed by the North Davis Sewer District.

(4) All fees will be set from time to time by the Council and established by resolution in the Consolidated Fee Schedule.

**23-8-3 Pipes to be Kept in Good Repair.**

(1) All users of the sewerage collection system shall keep their lateral pipes and connections and other apparatus in good repair and protected from frost at their own expense.

(2) All users shall maintain the clean-out located on the exterior of the house so that it is above grade, readily accessible, and has an approved cap to prevent infiltration from the surrounding area.

(3) No person shall be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe without first applying for and receiving a permit from the Community Development Department. City Public Works projects are exempt from the permit requirement.

**23-8-4 Quality of Service Pipe.**

(1) All service and other pipes used in conjunction with the sewer services of the City shall be of such material, quality, and specifications as the City Council may, from time to time by resolution, provide, and shall be installed at such distances below ground as may be specified by regulations relating to the sewer division. All work, alterations, or extensions affecting sewer pipes shall be subject to the acceptance of the supervisor. Connections with sewer mains shall not be made without first obtaining a permit from the Community Development Department.

(2) No person shall be allowed to conduct sewer pipes across lots or under future building pads to adjoining premises or building without first applying for and receiving a permit from the Community Development Department. Actions of this type will require property rights to be honored and that easements be established for construction and maintenance access.

**23-8-5 Use of City Sewerage Collection System Mandatory.** It shall be unlawful for the owner or any other person occupying or having charge of any premises within the City limits which are situated within 300 feet of a sewer main to dispose of sewage by any means other than by use of the City sewerage collection system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool or septic tank on such property.

## Chapter 9. Fats, Oils & Grease Control

23-9-1	Food Service Establishment Permit Requirement
23-9-2	Variance from Grease Interceptor Requirements
23-9-3	Wastewater Discharge Limitations
23-9-4	Grease Interceptor Requirements
23-9-5	Grease Trap Requirements
23-9-6	Sand, Soil, and Oil Interceptors

### **23-9-1 Food Service Establishment Permit Requirement.**

All discharging food service establishments discharging fats, oil or grease to the Clinton City sewerage collection system are subject to the following requirements:

(1) Grease Interceptor Requirements: All discharging food service establishments are required to install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Title. All grease interceptors must meet the requirements of the International Plumbing Code.

(2) Implementation:

(a) All new food service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain prior approval from the Public Works Director for grease interceptor sizing prior to submitting plans for a building permit. All grease interceptors shall be readily and easily accessible for cleaning and inspection. Existing food service establishments with planned modification in plumbing improvements will be required to include plans to comply with the grease interceptor requirements. These facilities must obtain approval from the Public Works Director for grease interceptor sizing prior to submitting plans for a building permit.

(b) All existing food service establishments will be notified of their obligation to install a grease interceptor within the specified period set forth in the notification letter by the Public Works Director.

### **23-9-2 Variance from Grease Interceptor Requirements:**

(1) Grease interceptors required under this Title shall be installed unless the Public Works Director authorizes the installation of an indoor grease trap or other alternative pretreatment technology and determines that the installation of a grease interceptor would not be feasible due to space constraints or other considerations. The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible.

(2) If an establishment believes the installation of a grease interceptor is infeasible, because of documented space constraints, the request for an alternate grease removal device shall contain the following information:

(a) Location of sewer main and easement in relation to available exterior space outside building.

(b) Existing plumbing at or in a site that uses common plumbing for all services at that site.

(c) Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sewerage collection system. All alternative pretreatment technology must be appropriately sized and approved by the Public Works Director.

**23-9-3 Wastewater Discharge Limitations.** No User shall allow wastewater discharge concentration from a grease interceptor, grease trap or alternative pretreatment technology to exceed 100 MgPL (milligrams per liter), as identified by EPA test method 1664 revision A and its amendments as may be amended from time to time.

### **23-9-4 Grease Interceptor Requirements.**

(1) Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code.

(2) Grease interceptors shall be constructed in accordance with design approved by the Public Works Director and shall have a minimum of two compartments with fittings designed for grease retention.

(3) A grease interceptor shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. Location of the grease interceptor must meet the approval of the Public Works Director.

(4) The food service establishment shall ensure that all such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume. These devices should be inspected at least monthly. Users who are required to maintain a grease interceptor shall:

(a) Provide for a minimum hydraulic retention time in accordance with the Uniform Plumbing Code.

(b) Remove any accumulated grease cap and sludge pocket as required. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket

and thereby reduce the effective volume of the device.

(5) All waste removed from each grease interceptor must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the City's sewerage collection system.

(6) The User shall maintain a written record of inspection and maintenance for five years. All such records will be made available for on-site inspections by representatives of the City during all operating hours.

(7) Sanitary wastes are not allowed to be connected to sewer laterals intended for grease interceptor service.

(8) Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

#### **23-9-5 Grease Trap Requirements.**

(1) Upon approval by the Public Works Director, a grease trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage systems.

(2) The sizing and installation of grease traps shall conform to the International Plumbing Code.

(3) No grease trap shall be installed which has a stated rate flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except when specially approved by the Public Works Director.

(4) Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No collected grease shall be introduced into any drainage piping, or public or private sewer.

(5) Food waste disposal units or dishwashers shall be connected to and discharge into a grease interceptor or grease trap.

(6) Wastewater in excess of one hundred-forty (140) F/ (60 C) shall not be discharged into a grease trap.

**23-9-6 Sand, Soil, and Oil Interceptors.** All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops and other facilities as determined

by the Public Works Director that have sources of sand, soil and oil shall install effective sand, soil and oil traps, interceptors and/or oil/water separators. These systems shall be sized to effectively remove sand, soil and oil at the expected flow rates and temperatures not in excess of one hundred-forty (140) F. These systems shall be at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the sewerage collection system. Users whose systems are deemed to be ineffective by the Public Works Director shall be asked to change the cleaning frequency or to increase the size of the system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the Public Works Director.

## Chapter 10. North Davis Sewer District Wastewater Control

- 23-10-1 Adoption of Code by Reference--Rules and Regulations
- 23-10-2 Definitions
- 23-10-3 Monitoring and Enforcement
- 23-10-4 Assessment of Penalties Against Violating Industrial Users

Agency or any other state or federal agency, the violating industrial user shall be responsible for payment of such penalty or fine to the City and/or the North Davis Sewer District in the same amount of such fine or penalty levied against the City or the North Davis Sewer District.

**23-10-1 Adoption of Code by Reference--Rules and Regulations.** The "North Davis Sewer District Wastewater Control Ordinance Rules and Regulations," are adopted, as updated, for the purpose of prescribing requirements, standards, and criteria for pretreatment of industrial wastewaters and industrial sewage and all other waters requiring pretreatment prior to being inducted into the sewage collection facilities of the City and the sewage collection facilities and treatment plant of the North Davis Sewer District. The rules and regulations pertaining to the collection and treatment of sewage and the "Wastewater Control Ordinance--Rules and Regulations" are hereby adopted, save and except such portions as are hereinafter deleted, modified, or amended, of which code a copy has been and now is filed in the office of the recorder, and the same is hereby adopted and incorporated as fully as if set out at length herein.

**23-10-2 Definitions.** Wherever the words "City," "district," "manager," or similar terms referring to the North Davis Sewer District or its personnel shall be used, and the context of such usage would so indicate, such terminology shall refer to the City and/or its comparable personnel functioning within City government.

**23-10-3 Monitoring and Enforcement.** The North Davis Sewer District, by and through its authorized and designated officers, agents, servants and employees, is authorized and designated to monitor and enforce compliance with this chapter and the "North Davis Sewer District Wastewater Control Ordinance--Rules and Regulations," adopted by this chapter and is authorized to inspect premises, books, records of users, and do all other things necessary which it deems legal and proper, unless otherwise directed by the City, in accordance with law and the terms and provisions of the North Davis Sewer District "Wastewater Control Ordinance--Rules and Regulations".

**23-10-4 Assessment of Penalties Against Violating Industrial Users.** In the event any industrial user violates any of the terms and provisions of the "North Davis Sewer District Wastewater Control Ordinance--Rules and Regulations," resulting in a fine or penalty being assessed against the City and/or the North Davis Sewer District by the Environmental Protection

**Chapter 11. Stormwater System**

- 23-11-1 Stormwater Division and System
- 23-11-2 Discharges
- 23-11-3 Construction Sites
- 23-11-4 Waivers for Providing Stormwater Management
- 23-11-5 Stormwater Pollution Prevention Plan
- 23-11-6 As Built Plans
- 23-11-7 Post Construction
- 23-11-8 Basic Stormwater Management Design Criteria
- 23-11-9 Conveyance Issues
- 23-11-10 Footing and Foundation Subdrains – Land Drain
- 23-11-11 Landscaping Plans Required
- 23-11-12 Maintenance Agreement
- 23-11-13 Stormwater Utility Fee Imposed
- 23-11-14 Storm Water Detention

**23-11-1 Stormwater Division and System.**

- (1) The City stormwater division is hereby created to administer the operation and maintenance of the stormwater system of the City.
- (2) The stormwater system shall consist of property, equipment, rights, contractual or otherwise, possessed by the City to the utilization of mains, outfall lines, treatment plants of other governmental agencies by means of which the City is empowered to provide sewer services of whatever character to its inhabitants.

**23-11-2 Discharges.**

- (1) The following discharges are allowed to flow into the stormwater system:
  - (a) Water line flushing or other potable water sources (if dechlorinated to less than two PPM chlorine);
  - (b) Landscape irrigation or lawn watering;
  - (c) Rising ground water;
  - (d) Ground water infiltration to stormwater;
  - (e) Uncontaminated pumped ground water;
  - (f) Foundation or footing drains (including active groundwater dewatering systems);
  - (g) Basement or crawl space sump pumps;
  - (h) Springs;
  - (i) Non-commercial washing of vehicles;
  - (j) Natural riparian habitat or wet-land flows;
  - (k) Swimming pools (if dechlorinated – typically to less than two PPM chlorine);
  - (l) Fire fighting activities;

(m) Discharges specified in writing by the Public Works Director as being necessary to protect public health and safety;

(n) City public works maintenance procedures; and,

(o) Irrigation runoff water as approved by the Public Works Director.

(2) Dye testing is an allowable discharge, but requires a verbal notification to the Public Works Department prior to the time of the test.

(3) Connections established prior to this Title not listed above shall be considered illicit connections, without limitation, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the stormwater collection system.

**23-11-3 Construction Sites.**

(1) No person shall be granted a Land Use Permit for land-disturbing activity without an approved SWPPP and submitting proof to the Public Works Department that the applicable UPDES permits have been acquired.

(2) No Land Use Permit is required for the following activities.

(a) Emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Home garden for family food production and/or pleasure.

(3) Each application shall bear the name and address of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

(4) The applicant will be required to establish an escrow to cover all costs of improvements, landscaping, erosion & sediment control measures, SWPPP, maintenance of improvements for such period as specified by the City, and engineering and inspections costs to cover the cost of failure or repair of improvements installed on the site. Escrow shall be established as outlined in the Subdivision Ordinance in a format acceptable to the City.

**23-11-4 Waivers for Providing Stormwater Management.**

Every applicant shall provide for stormwater management as required by this Title, unless the State of Utah gives a waiver through the UPDES program.

**23-11-5 Stormwater Pollution Prevention Plan (SWPPP).**

(1) A SWPPP shall be required with all Land Use Permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development on the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site.

(2) The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and to ensure adequate planning for management of stormwater runoff from future development. The Stormwater Pollution Prevention Plan shall be prepared in accordance with the guidelines set forth by the EPA, the Utah Division of Environmental Quality, and Clinton City's Ordinances.

(3) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Title to the maximum extent practicable.

**23-11-6 As Built Plans.** All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the Public Works Department is required before the release of any performance securities can occur.

**23-11-7 Post Construction.** Unless judged by the City to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

(1) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(2) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of

the proposal on wetland functional values shall be assessed using a method acceptable to the City. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or the Department of Environmental Quality (DEQ) responsible for natural resources.

(3) Prior to design, applicants are required to consult with the City to determine if they are subject to additional stormwater design requirements.

**23-11-8 Basic Stormwater Management Design Criteria.**

(1) Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (a) Topography
- (b) Maximum Drainage Area
- (c) Depth to Water Table
- (d) Soils
- (e) Slopes
- (f) Terrain
- (g) Flow Rate
- (h) Location in relation to environmentally sensitive features or ultra-urban areas.
- (i) Vegetation, both predevelopment and post-development.

**23-11-9 Conveyance Issues.** All stormwater management practices shall be designed to convey stormwater to allow for the removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- (1) Maximizing of flow paths from inflow points to outflow points;
- (2) Protection of inlet and outfall structures;
- (3) Elimination of erosive flow velocities;
- (4) Providing of underdrain systems, where applicable.

**23-11-10 Footing and Foundation Subdrains – Land Drain.** Throughout the City there are high water tables where the depth from the surface varies depending upon many factors, significantly the soil and annual weather conditions.

- (1) It is the responsibility of the builder, property owner, and/or resident:
  - (a) To protect their property form the hazards of high ground water;
  - (b) To control and properly disperse/direct all surface and ground water on private property;

(c) To insure that all surface water is directed into established public utility and drainage easements.

(2) Surface drains, landscape drains, rain gutters, and other drains containing solid or liquid materials, other than ground water, shall not be connected to the Land Drain without specific written permission of the City.

(3) Footing and foundation subdrains shall be installed as established in the International Residential Code and the City typical footing and foundation subdrain detail available at the Community Development Department.

(4) It is each land owner's responsibility to insure that public utility and drainage easements are maintained for proper flow and not blocked by changes in grade, landscape features, concrete pads, accessory buildings or other factor.

#### **23-11-11 Landscaping Plans Required.**

(1) All Land Use Permits will be evaluated to determine if the storm water management plans have a final stabilization plan.

(2) All owners with property within the City are required to control run-off from roofs, downspouts, concrete slabs, and other impervious surfaces or excess water from landscape maintenance from flowing onto neighboring properties.

#### **23-11-12 Maintenance Agreements.**

(1) All stormwater systems and management practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.

(2) The agreement will include any and all maintenance easements required to access and inspect the system, best management practices for the system, and required maintenance, as necessary, to ensure proper functioning of the stormwater systems.

(3) The agreement shall include provisions allowing for access and inspections on a reasonable basis, by the City.

(4) The agreement shall establish a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater systems.

(5) This agreement shall be secured prior to issuance of any Land Use Permits.

#### **23-11-13 Stormwater Utility Fee**

**Imposed.** Each developed parcel of real property in the City shall be charged a stormwater utility fee.

(1) ESU - The fee shall be based on the number of equivalent service units (ESU's) contained in the parcel. The City Council finds that the ESU is the most equitable and practical measurement for

determining the amount that each parcel contributes to, benefits from, and otherwise uses the stormwater utility. The Clinton City Council, based upon a study completed by an independent engineer may by resolution amend the impervious surface area that equals one ESU.

(2) Calculation – The City Council finds that each single-family residential parcel contributes approximately the same amount of stormwater runoff; therefore, each developed single-family residential parcel shall pay a base rate of one (1) ESU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ESU's, according to the measured impervious area on the parcel. The City Council may adopt separate rates for planned residential developments, condominiums and other uses that are not easily handled under the standard rate schedule.

(3) Charge per ESU – The amount charged for each ESU shall be established from time to time by resolution of the City Council and published in the Consolidated Fee Schedule.

(4) Exemptions and Credits – The City Council may establish exemptions and credits to the stormwater utility fee by resolution.

(5) Policies – The Public Works Director may adopt policies, consistent with this Title and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this Title and any resolutions related to the stormwater utility.

**23-11-14 Storm Water Detention.** All development with the exception of residential homes are required to provide onsite detention and are to conform to the guidelines used in the City's storm drain master plan.

(1) The allowed release rate from the onsite detention basins is 0.2 cfs/acre. The area is to be determined from the plat and/or site plan. Flows in excess of the allowed release rate are to be detained.

(2) The storm that is to be used for detention pond design shall be as defined in the Storm Drain Master Plan.

(3) All detention ponds are to be designed with an emergency overflow that will direct water back into the streets or adjacent waterway and will not cause flooding to adjacent property owners.

(4) Due to the existing high groundwater table and soil conditions that are not conducive to infiltrating water into the ground, retention basins are not allowed without written approval from the Public Works Director. A geotechnical analysis with percolation tests will be required for consideration of a retention basin.

(5) Underground detention will be allowed if the storage system is completely enclosed and can be shown that water will not infiltrate from the detention system into the ground. The underground system must be solid pipes. No membranes, fabrics, half pipe systems, perforated pipe systems, etc. will be allowed. These non-solid pipe systems fall under the provisions for a retention basin.

Recommendations and guidelines for maintenance and cleaning of the underground detention system must also be included in the design and incorporated into the maintenance agreement.

(6) All detention ponds shall be landscaped and the landscaping is to be approved by the Planning Commission. Landscaping must be done in a manner to prevent erosion.

(7) The bottom of the detention ponds are to be dry when not in use. This requires that nuisance water from sprinkler, groundwater, etc. be carried through the pond by the means of concrete channels, low flow pipes, etc.

## Chapter 12. Flood Damage Prevention

- 23-12-1 Findings of Fact
- 23-12-2 Methods of Reducing Flood Losses
- 23-12-3 Lands to which this Chapter Applies
- 23-12-4 Basis for Establishing the Areas of Special Flood Hazard
- 23-12-5 Disclaimer of Liability
- 23-12-6 Designation of the Flood Plan Administrator
- 23-12-7 Duties and Responsibilities of the Flood Plan Administrator
- 23-12-8 Permit Procedures
- 23-12-9 Variance Procedures
- 23-12-10 General Standards
- 23-12-11 Standards for Subdivision Proposals

### 23-12-1 Findings of Fact.

(1) The flood hazard areas of Utah are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

### 23-12-2 Methods of Reducing Flood Losses.

(1) In order to accomplish its purposes, this Title uses the following methods to reduce flood losses:

- (a) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging and other development, which may increase flood damage;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

### 23-12-3 Lands to Which This Chapter Applies.

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Clinton City.

### 23-12-4 Basis for Establishing the Areas of Special Flood Hazard.

Since areas of special flood hazard have not been identified, water surface elevations have not been provided, nor has sufficient data identifying the floodway or coastal high hazard area been provided by the Federal Emergency Management Agency (FEMA), the community shall obtain, review, and reasonably utilize data available from other Federal, State or other sources.

**23-12-5 Disclaimer of Liability.** The degree of protection required by this Title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Title shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Title or any administrative decision lawfully made there under.

### 23-12-6 Designation of the Floodplain Administrator.

The Community Development Director, or his designated representative, is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Title and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

### 23-12-7 Duties & Responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Title.
- (2) Reviews permit application to determine whether proposed construction or other development, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for Land Use Permits required by adoption of this Title.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to

be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

**23-12-8 Permit Procedures.** Application for a Land Use Permit shall be presented to the Floodplain Administrator on forms furnished by him and may include, but not be limited to, plans (multiple copies) drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of structures, and the location of the foregoing in relation to areas of special flood hazard.

(1) Additionally, the following information is required:

- (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
- (c) A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria;
- (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and,
- (e) Maintain a record of all such information.

(2) Approval or denial of a Land Use Permit by the Floodplain Administrator shall be based on all of the provisions of this Title and the following relevant factors:

- (a) The danger to life and property due to flooding or erosion damage;
- (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (c) The danger that materials may be swept onto other lands to the injury of others;
- (d) The compatibility of the proposed use with existing and anticipated development;
- (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and

the effects of wave action, if applicable, expected at the site;

(h) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and,

(i) The relationship of the proposed use to the comprehensive plan for that area.

**23-12-9 Variance Procedures.**

(1) The Clinton City Planning Commission will act as the Appeal Board and shall hear and render judgment on requests for variances from the requirements of this Title.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Title.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision to District Court. All appeals actions are to be heard in Farmington Second District Court.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Title.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this Title, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Title.

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the

variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (b) Variances shall only be issued upon:
  - (i) showing a good and sufficient cause;
  - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (d) Variances may be issued by the City community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (i) the criteria outlined this Title are met; and,
  - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**23-12-10      General Standards.** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**23-12-11      Standards for Subdivision Proposals.**

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this Title.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Land Use Permit requirements.
- (3) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

## Chapter 13. Flood Irrigation Systems

- 23-13-1 Statement of Ownership
- 23-13-2 Definition
- 23-13-3 Irrigation Owners And Users Affected
- 23-13-4 Reporting Irrigation Ditch Ownership, Users, Locations, and Types
- 23-13-5 Required Schedule For Furnishing The Requested Information
- 23-13-6 Responsibility to Locate System
- 23-13-7 Notification of Development
- 23-13-8 Development Standards
- 23-13-9 Fees
- 23-13-10 Liability
- 23-13-11 Rules for Distribution and use of Water
- 23-13-12 Use of the City Stormwater System

**23-13-1 Statement of Ownership.** This chapter deals with the flood irrigation systems (hereafter referred to as System) located within Clinton City. These Systems are neither owned nor operated by the City and are not under the control of the City. There are multiple System companies and multiple users associated with the irrigation companies within the City. All of the irrigation companies and users gain their water from the Davis & Weber Counties Canal Company. These irrigation companies operate and own the Systems and are fully responsible for them and the water that flows within them. The users own and operate their own branches from the company owned delivery System(s) and are fully responsible for them and the water that flows within them.

**23-13-2 Definition.** Irrigation System (System): The irrigation system consists of all pipelines, boxes, grates, head gates, grates, ditches, canals, storage ponds, reservoirs and other facilities under the control of the owners and users of the non-pressurized infrastructure.

**23-13-3 Irrigation Owners And Users Affected.** All owners and users of non-pressurized irrigation ditches, canals, pipelines, storage ponds, or reservoirs are governed by this Chapter.

**23-13-4 Reporting Irrigation Ditch Ownership, Users, Locations, and Types.** All owners and/or users of irrigation ditches, canals, or pipelines and any other and all persons having rights to transport water by easement or by any other rights as conferred by law shall furnish the City the following information:

- (1) Location map of the ditch, canal, or pipeline showing the point of beginning, the route it traverses through the City and the point of termination.
- (2) Indicate the locations where the ditch, canal, or pipeline is on an easement for that purpose; on land

owned by deed or title by the irrigation company; on lands where no recorded right-of-way exists.

(3) Indicate the name (if any) of the ditch, canal, or pipeline.

(4) Indicate the owners of the ditch, canal, or pipeline and the responsible party or parties for maintaining and/or operating the ditch, canal, or pipeline.

(5) Indicate the source or turn in point of the water for the ditch, canal, or pipeline by name of the supplying ditch, canal, pipeline, or stream.

(6) Indicate the locations where water is turned out to other ditches, canals, or pipelines along with the name of the owners or users of same and the quantity of water that may be turned out.

(7) Indicate the purpose of the ditch, canal, or pipeline indicating whether the ditch, canal, or pipeline is a primary supply, lateral ditch, waste ditch, return ditch, or any and all other purposes not specifically mentioned herein.

(8) Indicate any section of the ditch, canal, or pipeline that is being maintained by a party different from the owner or responsible party as listed above.

(9) The map that is submitted shall be drawn to scale at a scale not to exceed one inch equals five hundred feet (1" = 500').

### **23-13-5 Required Schedule For Furnishing The Requested Information.**

- (1) The initial deadline for submitting the required information will be 30 days from the date of notice.
- (2) Reports shall be submitted on an annual basis indicating any changes in the information on file.

**23-13-6 Responsibility to Locate System.** All owners and users of the System are responsible for locating their System whenever requested through the Blue Stakes program or by other means.

### **23-13-7 Notification of Development.**

(1) Whenever the City is notified of any development that is in the immediate vicinity of a portion of a System that has been reported as set forth in § 23-9-4 it will notify the petitioner of the contact information on record and attempt to notify the owners of the System or the responsible party or parties for maintaining and/or operating the System as reported in § 23-9-4(4).

(2) Whenever the owners of the System or the responsible party or parties for maintaining and/or operating the System desire to work within the right-of-way of any street within the City they shall comply with the requirements of a Land Use Permit and obtain a road cut permit if needed.

**23-13-8 Development Standards.**

(1) Any time a development is proposed within the City, the City will require that the developer pipe the System if it is required to remain within the development to meet the requirements of the owner or operator of the System.

(2) The minimum standard for all improvements to a System being accomplished by a developer shall be the requirements of the Clinton City Development Standards.

(3) Whenever an owner or operator of a System plans on making improvements to the System that is located within the public right-of-way the improvements shall meet the requirements of the Clinton City Development Standards.

**23-13-9 Fees.** The City Council may establish fees associated with permits and inspections that apply to System operators. Fees will be adopted by resolution from time to time and published in the Clinton City Consolidated Fee Schedule.

**23-13-10 Liability.** Each System owner or operator shall obtain liability insurance as established in Utah State Code § 17B-1-113, and as may be amended.

**23-13-11 Rules for Distribution and use of Water.** Each System owner, operator, or board shall establish equitable rules for the distribution and use of water among the owners and users of land within the System.

**23-13-12 Use of the City Stormwater System.**

(1) Through agreements with the City and by establishment of implied easement there are locations within the City where tail water from the System enters into the City stormwater system. Wherever this occurs the waters that enter into the stormwater system become the property and responsibility of the City.

(2) There are locations within the City where users of water from the System take the water out of the stormwater system. These are historical rights held by the users agreed upon between the users and City. The users are responsible to maintain their turn out and tail water pick-up systems. The right of use shall remain as long as the systems are needed and maintained.

(3) The point of entry and exit, of irrigation water entering and leaving the stormwater system, is the point where the lateral line joins the main line too include the connection. Laterals extending from the land or tailwater ditches to the stormwater main are the responsibility of the owner or operator irrigating the property. Laterals and the connection extending from the stormwater main to the land or ditch being

serviced by the irrigation water are the responsibility of the owner or operator irrigating the property.

(4) Headgates used to divert water from the stormwater system are the responsibility of the owner or operator of the system receiving the water.

## Chapter 14. Enforcement-Prohibited Actions-Penalties

23-14-1	Inspector
23-14-2	Duties of Inspector
23-14-3	Compliance and Reinspection
23-14-4	Life Threatening
23-14-5	Work Without a Permit
23-14-6	Use Without Payment Prohibited
23-14-7	Destruction-Obstructive Materials-Contamination-Illicit Discharges
23-14-8	Prohibitions
23-14-9	Removal of Prohibited Items
23-14-10	Unauthorized Users
23-14-11	Stop Work Order or Revocation of Permits
23-14-12	City Right to Make Repairs
23-14-13	Penalty

### 23-14-1 Inspector.

(1) The position of Authorized City Inspector (Inspector) is hereby created for the purpose of administering the provisions of this Title and the powers delegated to it by laws and statutes relating to the sewer and stormwater systems in the City, subject to such control, assignment and review as the City Manager may from time to time direct.

(2) The City Manager may appoint an Authorized City Inspector and Assistant Inspectors as needed. The powers and duties of the assistants shall be the same as those of the Authorized City Inspector unless otherwise specified by the City Manager.

### 23-14-2 Duties of Inspector.

(1) The Inspector conducts inspections for compliance with the requirements of this Title.

(2) Whenever the Inspector finds that a person has violated a prohibition or failed to meet a requirement of this Title, the Inspector may order compliance, by written notice of violation, to the responsible person. Such notice may require, without limitation:

(a) The performance of monitoring, analyses, and reporting;

(i) The elimination of illicit connections or discharges;

(ii) That violating discharges, practices, or operations shall cease and desist;

(iii) The abatement or remediation of pollution or contamination hazards and the restoration of any affected property;

(iv) Payment of a fine to cover administrative and remediation costs; and,

(v) The implementation of source control or treatment BMP's.

(3) The Inspector is hereby authorized and directed to:

(a) Perform all functions necessary to enforce the provisions of this code;

(b) Inspect or cause to be inspected, as often as needed, all sites or places for the purpose of determining whether they are in compliance with all provisions of this code as outlined in this chapter.

(c) Inspect grease interceptors; grease traps; and sand, soil, and oil interceptors at least quarterly and keep a record of all inspections for a minimum of five years.

(4) If the Inspector determines that any of the Land Use Permits are in violation of City, county, state, or federal codes on any property within the limits of Clinton City or if the impact of any conditions listed in this chapter exist outside of this City due to operations within the City the Inspector shall:

(a) Ascertain the names of the owner, the owner's representative or occupant of the property where the conditions exist, together with a description of the property;

(b) Ascertain the names of the persons conducting operations on the property, in violation of this code and/or the Land Use Permit, and associated information related to the permit, if issued;

(c) Issue a citation to the owner, owner's representative, occupant, or persons conducting operations on the property identifying the conditions violating this chapter and/or the Land Use Permit and give notice that they must be corrected within the time determined by the inspector; and,

(5) The citation shall:

(a) Require the person to whom it is issued to correct the violation within the time period indicated on the citation, the correction period, and that corrective action begin immediately;

(b) Contain a statement of the nature of the violation;

(c) Citations shall state that failure to comply with this request shall result in the citation being forwarded to the Clinton Justice Court;

(d) Inform the person to whom it is issued to appear in the Justice Court of Clinton, no earlier than five (5) days or later than fourteen (14) days following the end of the correction period, (defined in § 23-14-3(2)(a)). This shall be known as the appearance date.

(e) Inform the person to whom the citation is issued of the Compliance and Reinspection procedures and that if compliance is accomplished within the correction period, and is fully remedied as outlined

in § 23-14-3(1), the citation will be signed off by the Inspector and must be returned by the cited person to the Justice Court of Clinton by or before the appearance date.

(f) Inform the person that in the event a criminal prosecution is pursued, the prosecution shall be for a Class C Misdemeanor and that each day can be classified a reoccurrence of the offence.

**23-14-3 Compliance and Reinspection.** In the event the person complies with the notice of the Inspector within the correction period, the person shall notify the Inspector a minimum of 48 hours (not including weekends or holidays) prior to the end of the correction period. A date and time for reinspection prior to the appearance date shall be assigned and the Inspector shall again inspect the property.

(1) If the property is in compliance with this chapter, the Inspector shall sign off compliance on the cited person's copy of the citation. The person receiving the citation must take the signed citation to the Clinton Justice Court on or before the appearance date indicated on the citation, in order to have the charges dismissed. Failure to perform this step will result in prosecution by the Court.

(2) In the event the person in violation has not received a reinspection indicating compliance with this chapter prior to the end of the correction period, the citation will be referred directly to the Clinton City Prosecutor.

(a) Unless life threatening, as set in § 23-14-4, required compliance shall not be less than ten (10) days nor greater than twenty (20) days and shall be known as the correction period. The time given to remedy the violation shall begin to run on the day following the day on which the citation is issued.

(3) In the event that the violation listed on the citation is not corrected within the appropriate time period, whether it is the normal or immediate correction time period, the City Manager may order the Public Works Director to abate or procure the abatement of the violation. Should the City abate the violation, the cited person shall still face criminal prosecution and shall be required to appear before the Justice Court of Clinton on or before the designated appearance date. The actual expenses and reasonable administrative fees for the City abating the violation shall be collected from the person, firm or corporation in violation of this chapter, by the Justice Court of Clinton and be added to any fine and penalties set by that court.

**23-14-4 Life Threatening.** In the event that the violation is an immediate threat to the public health, environment, safety or welfare, the Inspector may require immediate corrective action. If the violation is not corrected and reinspection requested within

the time set by the inspector, the citation will be referred directly to the Clinton City Prosecutor.

**23-14-5 Work without a Permit.** It shall be unlawful for any person to engage in the laying, repairing, altering or connecting to any services established in this Title directly or indirectly without first having received a Land Use Permit from the Community Development Department.

**23-14-6 Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the systems established in this Title without first paying for them unless it is done pursuant to proper application or resolution.

**23-14-7 Destruction-Obstructive Materials-Contamination-Illicit Discharges.** When considering the systems established in this Title it shall be unlawful:

(1) For any person to destroy, injure, deface, impair or interfere with the operation of any part, pipe, fixtures, appliances, or appurtenance or to cast anything into any reservoir, tank, inlets, manholes or other accesses into the systems.

(2) For any person to place, induce, empty or discharge into the systems or any source of water supplying the systems, any garbage, refuse, soil or other similar matter, or any substance or thing likely to obstruct the systems.

(3) For any person to place, induce, empty or discharge into the systems, or any source of water supplying the systems, any matter or substance, solid or liquid, which shall cause the contamination of the water of the City's systems or which may result in deleterious or harmful effects to human health other than the waste products for which the systems are provided.

(4) For any person to fail to maintain any control structure or lack thereof, that provides access into one of the systems established in this Title, on their property, that results in a stoppage. The owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the City including any fines incurred due to any overflow, from a system established in this Title, due directly to the stoppage or damage occurred because of the stoppage.

(5) Detrimental or dangerous materials. Ashes, cinders or rags; flammable, poisonous or explosive liquids or gases; oil, grease or any other insoluble material capable of obstructing, damaging or overloading any part of the systems established in this Title, or capable of interfering with the normal operation of the systems, shall not be deposited, by any means, into such systems.

(6) Industrial wastes. Waste products from manufacturing or industrial operations shall not be

introduced into the systems established in this Title until it has been determined by the supervisor and North Davis Sewer District, when applicable, that the introduction thereof will not damage the system(s) or interfere with the functioning of the sewage treatment plant.

(7) Drainage Waters and Destructive Materials. It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rainwater, cellar or surface water, acids, alkalis, lye or other injurious liquids, or the contents of any spring, flowing well, creek, ditch, or other water courses. No boiler or heating plant shall be directly connected to the sanitary sewer. The overflow from boilers or heating plants, when cooled to a temperature not to exceed 120 degrees Fahrenheit, will be allowed to run into a sump, the sump to be connected to the sewer. The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substance, buildings for the stabling or keeping of horses, cows and other animals, and all similar establishments shall not be made into or connected with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented, the tanks to be of a construction approved by the supervisor and to be at all times subject to his inspection and approval or condemnation. Upon condemnation by the supervisor, the sewage from the tanks shall not be allowed to flow into sewer until satisfactory alterations have been made and the construction approved by the supervisor.

(8) Control of Runoff from Property. All owners with property within the corporate limits of the City are required to control run-off from roofs, downspouts, concrete slabs, and other impervious surfaces or excess water from landscape maintenance from flowing onto neighboring properties.

*History: 6/96*

**23-14-8 Prohibitions.** It is unlawful for any person to:

- (1) Connect onto or modify any of the City's systems established in this Title without written permission from the City.
- (2) Track mud or sediment onto public streets by any vehicles or other means. Provisions shall be made at all construction sites to either clean the streets or clean the vehicles or both before vehicles leave the site.
- (3) Washout concrete trucks at any sites other than preapproved designated areas. Dumping of excess concrete shall not be allowed anywhere within the City.

(4) Stockpile construction or yard improvement materials or debris in the street or in the gutter unless being stored on a pallet or in a self contained storage unit that has been preapproved by the Public Works Department with the advice and consent of the Clinton Police Department. This includes but is not limited to ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the stormwater system.

(5) Any approved on street storage shall comply with:

- (a) Barricade requirements as established in the manual of Uniform Traffic Control Devices.
  - (b) Not be located in front of or within five (5) feet of any public or private driveway.
  - (c) Not be located within thirty (30) feet of an intersection.
  - (d) Not be located as to constitute a fire hazard or an obstruction to a fire fighting vehicle or equipment.
  - (e) Not to be located to block any crosswalks or sidewalks.
  - (f) Not to be located within fifteen (15) feet of a fire hydrant.
  - (g) Not to be located so as to block a U.S. postal box or any other type of mail box.
- (6) Tamper with, relocate, remove, block or otherwise impede from the intended function any portion of a flood irrigation system as defined in Chapter 8.
- (7) Clean out any portion of a flood irrigation system and leave the cleanings on any public right-of-way or property not belonging to the owner or operator of the flood irrigation system without the written permission of the property owner.
- (8) Fail or refuse to meet the requirements of any maintenance agreement, whether it is the normal or immediate time period, after reasonable notice.

**23-14-9 Removal of Prohibited Items.** Items located within a street per this section shall be removed within twenty (24) hours upon direction of the Public Works Inspector or other authorized agent.

**23-14-10 Unauthorized Users.** It shall be unlawful for any user, connected to a service established in this Title, to permit any person from other premises or any unauthorized persons to use or obtain services regularly from his premises facilities, either outside or inside his premises.

**23-14-11      Stop Work Order or  
Revocation of Permits.**

- (1) If the situation warrants the inspector may issue a Stop Work Order to the owner, owner's representative, occupant, or persons conducting operations on the property. The stop work order shall identifying the conditions violating this chapter and/or the Land Use Permit and give notice that all operations on the site must stop immediately, and not continue until the offence is resolved. The inspector may require that work be continued to alleviate public safety concerns.
- (2) In the event that any person holding a Land Use Permit violates the terms of the permit or implements site development in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or at the development site so as to be detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Authorized City Inspector may suspend or revoke the site development permit and start corrective action as established in this Title.
- (3) A Land Use Permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.
- (4) For the purpose of this section the evidence of continued work shall be the documentation of inspections by the inspector and the 180 day period for proof of work being accomplished shall start over the date of the documented inspection.

**23-14-12      City Right to Make Repairs.**

- (1) If a responsible party fails or refuses to meet the requirements of the Land Use Permit or inspector, whether it is the normal or immediate correction time period, after reasonable notice, the City Manager may order the Public Works Director to abate or procure the abatement of the violation.
- (2) After proper notice, the City may assess the owner(s) of the facility for:
- (a) The cost of repair work;
  - (b) Any penalties; and,
  - (c) Appropriate administrative charges.
- (3) Owners of the property shall be invoiced for the work. If the owner(s) do not reimburse the City the cost(s) associated with the work shall be recouped through a lien on the property and may be placed on the tax bill and collected as ordinary taxes by the county.
- (4) Repairs may be as extensive as removing all improvements and returning the land to as near the

state that existed prior to commencement of work as possible.

**23-14-13      Penalty.**

- (1) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Title and other applicable regulations.
- (2) Any person, firm or corporation who violates any of the provisions of this Title, or fails to comply with any of its requirements or who shall violate or fail to comply with any order made hereunder, (including violations of conditions and safeguards established in connection with conditions) shall be deemed guilty of a class C misdemeanor for each and every such violation or noncompliance, respectively and subject to punishment therefore as provided by law upon conviction. Each day during which any violation of any of the provisions of this Title is committed, continued, or permitted, shall constitute a separate offense.
- (3) The charging of a criminal offense, conviction and imposition of sentence shall not in any way preclude the City from pursuing civil remedies.
- (4) Nothing herein contained shall prevent Clinton City from taking such other lawful action as is necessary to prevent or remedy any violation.