

TITLE 23. SEWAGE DISPOSAL AND STORMWATER SYSTEM

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Chapter I. Sewage Disposal

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23-1-1. Sewer Department and System. (1) The city sewer department is hereby created to administer the operation and maintenance of the sewer systems of the city.

(2) The sewer 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.

History: 9/65, 9/84

23-1-2. Superintendent. The city manager, with the advice and consent of the City Council, shall appoint a competent person to the position of superintendent of the sewer department, who shall serve in office at the pleasure of the City Council.

History: 9/65, 9/84

23-1-3. Duties of the Superintendent. The City Council shall by resolution prescribe the superintendent's powers, duties, and direct the manner and frequency with which he shall make reports to the city recorder relating to the sewer systems.

History: 9/65, 9/84

23-1-4. Application for Sewer Service. (1) Any person desiring or who is required to secure sewer service shall apply therefore to the city recorder.

(2) Non-owner applicants.

(a) Applicants for sewer services who are not the owners of the premises to which sewer service is being supplied shall deposit to the sewer department, as a guarantee payment of all sewer rates, a deposit in a sum to be fixed by resolution of the City Council. In the event the user shall fail to pay his sewer charges, said deposit may be applied to the payment of any delinquent charges. Upon termination of services, said deposit or any unconsumed portion thereof shall be returned to the depositor, provided all such charges have been paid.

(b) Such deposit shall not be considered an advance payment of any service charges, and unpaid accounts may be considered delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the city to apply such deposit to any account to avoid delinquency.

(c) Where applicants are not the actual owners but are merely buying served premises under contract or bond for deed, or where the applicants are building contractors applying for new sewer service, claiming

to be owners of the property, the above deposit provisions shall apply.

History: 9/65, 9/84

23-1-5. Rates and Connection fees. The rates, penalty fee for delinquency in payment, and connection fees for sewer service from the city systems shall be fixed from time to time by resolution enacted by the City Council. The City Council may, from time to time, enact rules for levying, billing, guaranteeing, and collecting charges for sewer services, and all other rules necessary for the management and control of the sewer systems.

History: 9/65, 9/84

23-1-6. Special Rates. The City Council may from time to time fix by agreement or resolution, special rates and conditions for users using exceptionally large amounts of sewer service, discharging wastes of unusual characteristics, or making use thereof under exceptional circumstances upon such terms and conditions that they may deem proper. The City Council may, in arriving at such special rates, take into consideration the requirements and rates of the North Davis County Sewer District.

History: 9/65, 9/84

23-1-7. Board of Equalization, Rates and Rebates. The City Council is hereby constituted a board of equalization of rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the sewer bill of any indigent person.

History: 9/65, 9/84

23-1-8. Use Without Payment Prohibited. It shall be unlawful for any person by himself, family, servants, or agents to utilize the city sewer system without first paying therefor, as herein provided, unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to in anywise injure, deface, or impair any part or appurtenance of the sewer system (or to cast anything into any reservoir or tank belonging to said system).

History: 9/65, 9/84

23-1-9. Unauthorized Users. It shall be unlawful for any sewer service user to permit any person from other premises or any unauthorized persons to use or obtain sewer services regularly from his premises sewer facilities, either outside or inside his premises.

History: 9/65, 9/84

23-1-10. Pipes to be Kept in Good Repair. All users of sewer services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. Except under the direction of the superintendent, no person shall be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe.

History: 9/65, 9/84

23-1-11. 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 department. All work, alterations, or extensions affecting sewer pipes shall be subject to the acceptance of the superintendent, nor shall any connections with sewer mains be made without first obtaining a permit therefore from the city recorder.

(2) No consumer shall be permitted to conduct sewer pipes across lots or buildings to adjoining premises without permission from the superintendent and subject to such requirements relating to controls as may be imposed by him.

History: 9/65, 9/84

23-1-12. Department to Have Free Access. The superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the city system for the purpose of examining the apparatus, ascertaining the amount of sewer service being used, and the manner of its use.

History: 9/65, 9/84

23-1-13. Non-Liability for Damages. The city shall not be liable for any damage to a sewer service user by reason of stoppage or interruption of his sewer service caused by fires, scarcity of water, accidents to the sewer systems, or their mains, or as the result of maintenance and extension operations, or from any other unavoidable cause.

History: 9/65, 9/84

23-1-14. Use of City Sewer 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 therefor by any

means other than by use of the city sewer 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 except by express approval of the City Council in cases of undue hardship.

History: 9/65

23-1-15. Qualified Plumbing Necessary. It shall be unlawful for any person to connect any drain or sewer pipe with the public sewer unless such person is a duly licensed plumber or unless in the absence of a duly licensed plumber any proposed connection or alteration or change of a connection to the sewer system shall be first submitted to the superintendent for review and approval, and after such approval the installation or work done shall be subject to inspection by the superintendent or his agent.

History: 9/65, 9/84

23-1-16. Permits for Installations. It shall be unlawful for any person to engage in the laying, repairing, altering or connecting of any private drain or sewer pipe directly or indirectly with the city sewer system without first having received a construction permit from the office of the superintendent.

History: 9/65, 9/84

23-1-17. Applications for Installation Permit. (1) Applications for permit for sewer connections or other alteration, laying or repairing of lines connected directly or indirectly thereto must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises, which shall describe the manner and circumstances surrounding such installation or alteration. If in the judgment of the superintendent the carrying out of such connection, repair, or installation, will cause no injury to the street in which the sewer mains sought to be connected with is laid, 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 said sewer mains and that said connection in all things shall conform to the code of the city, then the application to connect with the sewer mains shall be granted subject to the provisions of this title. All said connections or installations shall be to line and grades designated by the superintendent.

(2) Fees for permits or for inspection services shall be at such amounts as the City Council shall from time to time determine by resolution.

History: 9/65, 9/84

23-1-18. When Permits Shall not be Issued.

Permits to connect with the sewer system of the city shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the city.

History: 9/65, 9/84

23-1-19. Revocation of Permits. All construction permits for sewer connections or installations shall be issued to the plumber who is to do the work, or to the owner of the property, subject to supervision and inspection by the superintendent or his agents; but the city recorder or superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

History: 9/65, 9/84

23-1-20. Extension of Sewer Mains Within the City. Any person or persons, including any subdivider, desiring to have the sewer mains extended within the city, and being willing to advance the whole expense of such extension, and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the City Council by petition containing a description of such proposed extension, accompanied by a map showing the location thereof, which petition shall also contain an offer to advance the whole expense of making the same as said expense shall be certified by the superintendent. The City Council may grant or deny said petition as in its discretion seems best for the welfare of existing users in the city.

History: 9/65, 9/84

23-1-21. Costs of Extensions Determined. Upon receipt of such petition and map, and before the petition is granted, the City Council shall obtain from the superintendent a certified statement showing the whole cost and expense of making such extension.

History: 9/65, 9/84

23-1-22. Amount of Cost to be Deposited with City Recorder. If the City Council shall grant said petition, before any work shall be done on such extension, and within 30 days, or such other time as the City Council shall indicate, after the granting thereof, the amount of the cost and expense of making such extension as certified by the superintendent shall be deposited with the city recorder.

History: 9/65, 9/84

23-1-23. Return of any Money. At the time that the City Council determines whether or not to grant said petition for an extension, it shall also determine whether or not any of said deposited costs of extension shall be ultimately refunded to the applicant, the amount to be so refunded, if any, and the manner and circumstances under which said refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

History: 9/65

23-1-24. Ownership of Extension. Any such extension shall be deemed the property of the city.

History: 9/65

23-1-25. Supply of Sewer Services to Persons Outside City Limits. (1) The city may furnish sewer service from its sewer system to persons outside its corporate limits in accordance with the provisions of the following sections.

(2) Any person located outside the city limits desiring to be supplied with sewer services from the city sewer system and being willing to pay in advance the whole expense of extending the sewer system to his property, including the cost of extending the sewer main from its present location to the city limits, may make application to the City Council by petition containing the following:

- (a) A description of the proposed extension;
- (b) Accompanied by a map showing the location thereof;
- (c) An offer to pay the whole expense incurred by the city in providing such extension and to advance such expense as said expense shall be certified to by the superintendent. 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 refunded.
- (d) An acknowledgment that the city in granting said petition engages to supply only such sewer service to petitioner which, from time to time, the City Council deems beyond the requirements of sewer users within the city limits; and

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

History: 9/65, 9/84

23-1-26. Cost of Extensions to be Determined by Superintendent. Upon receipt of such petition and map and before the petition is granted, the City Council shall determine what portion, if any, of the extension of the city sewer mains to the city limits the city shall construct, and shall obtain from the superintendent a certified statement showing the whole cost and expense of making such extensions. Such costs and expenses shall include administrative and supervisory expenditures of the city sewer department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor.

History: 9/65, 9/84

23-1-27. Inflammables. It shall be unlawful for any person to injure, break or remove any part or portion of any sewer or of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, or any calcium carbide or residue therefore, or any liquid or other materials or substance which will evolve an inflammable gas when in contact with water, sewage or fire. Oil separators, installed in any building where volatile fluids are used, must not be connected directly or indirectly with a sewer.

History: 9/65

23-1-28. Obstructive Material. It shall be unlawful for any person to empty or discharge into public sanitary sewer any garbage, refuse, soil or other similar matter, or any substance or thing likely to obstruct the sewer, or any substance, solid or liquid, other than the waste products for which said sewer is provided.

History: 9/65, 9/84

23-1-29. 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, alkalies, 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, said 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, said tanks to be of a construction approved by the superintendent and to be at all times subject to his inspection and approval or condemnation. Upon condemnation by the superintendent, the sewage from said tanks shall not be allowed to flow into sewer until satisfactory alterations have been made and the construction approved by the superintendent.

History: 9/65, 9/84

23-1-30. Regulations. The City Council shall have power and retains the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used, in addition to the regulatory provisions set forth expressly in this title. Such regulatory provisions shall require consistency to this title and other regulations established from time to time by the City Council including, but not limited to, regulations relating to the manner in which excavations shall be made for purposes of making the connections or repairs to the sewer service lines which may necessitate excavations on or near and under sidewalks and the public ways and regulations relating to the manner in which excavations shall be backfilled and the type of materials that may be used for said purpose.

History: 9/65, 9/84

23-1-31. Ownership of Connecting Lines. Unless provision is expressly made for ownership by mains or lines by the owner of adjacent property, by means of written agreement, all pipe lines and mains connecting the municipal sewer systems to a landowner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the city and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises. Repair and maintenance of said sewer lines shall be done by the landowner at his cost, or if done by the city, the cost thereof shall be paid by the landowner.

History: 9/65, 9/84

23-1-32. Destruction--Contaminating Materials. It shall be unlawful for any person to destroy, deface,

injure, or interfere with the operation of any part, pipe, fixtures, appliance, or appurtenance of the city sewer systems. No person shall cause to be placed or induced into the sewer system or any source of water supplying said system, any matter or substance which shall cause the contamination of the water of the city's system or which may result in deleterious or harmful effects to human health.

History: 9/65, 9/84

23-1-33. Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a class C misdemeanor.

History: 9/65, 9/84, 05/99

Chapter 2. Stormwater System

- 23-2-1. Purpose
- 23-2-2. Definitions
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- 23-2-10. Review and Approval
- 23-2-10.1. Stormwater Management Concept Plan
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- 23-2-13.1. Basic Stormwater Management Design Criteria
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- 23-2-15. Landscaping Plans Required
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- 23-2-17. Stormwater Utility
- 23-2-18. Stormwater Utility Fee
- 23-2-19. Billing
- 23-2-20. Enforcement
- 23-2-21. Inspector
- 23-2-22. Duties of Inspector
- 23-2-23. Compliance and Reinspection
- 23-2-24. Violation and Penalties

23-2-1. Purpose. The purpose of this ordinance is to protect the health, safety and welfare of the Clinton City residents by improving the City's stormwater system, managing and controlling stormwater runoff, protecting property, preventing polluted water from entering the City's stormwater system and other receiving waters to the maximum extent practicable

as required by federal and state law. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate stormwater system by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the system;
- (3) 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;
- (4) To minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- (5) To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
- (6) To establish a viable and fair method of financing the construction, operation and maintenance of the stormwater system; and,
- (7) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

23-2-2. Definitions. For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: Employees of Clinton City as designated by the City Manager.

Berm: An earthen mound used to direct the flow of runoff around or through a structure
BMP's (Best Management Practices): Includes 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.
Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbances. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Conveyance System: Any channel or pipe for collecting and directing the stormwater.

Culvert: A covered channel or large diameter pipe that directs water flow below the ground surface.

Degradation: (Biological or chemical) 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 pollutant(s).

Dike: An embankment to confine or control water, often built along the banks of a river to prevent overflow of lowlands; a levee.

Discharge: The release of stormwater or other substance from a conveyance system or storage container.

Drainage: Refers to the collection, conveyance, containment, and/or discharge of surface and stormwater runoff.

Drain, Field: Refers to 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: Refers to an underground drainage system installed during the development of a subdivision, installed within the public right-of-way and designed to meet city standards and approved by the City Engineer.

Erosion: 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.

Fill: A deposit of earth material placed by artificial means.

First Flush: The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants.

General Permit: A permit issued under the NPDES program to cover a class or category of stormwater discharges.

Grading: The cutting and/or filling of the land surface to a desired slope or elevation.

Hazardous Waste: 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, corrosivity, reactivity, or toxicity), or appears on special EPA lists.

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

Illegal Discharge: Any direct or indirect non-stormwater discharge to the stormwater system, except discharges from fire fighting activities and other discharges exempted in this ordinance.

Illicit Connection: Any physical connection to the Clinton City stormwater system allowing discharge of non-stormwater, which has not been permitted by this ordinance.

Impervious Surface: 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: A permit issued under the NPDES program for a specific facility, whereby the unique characteristics of that facility may be addressed through the imposition of special conditions or requirements.

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

Ingress/Egress: The points of access to and from a property.

Inlet: An entrance into a ditch, stormwater, or other waterway.

Mulch: 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: 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): EPA's program to control the discharge of pollutants to waters of the United States.

NPDES Permit: An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.

Off-site: Any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

On-site: The entire property that includes the proposed development.

Outfall: 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: 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: 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: 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: Bodies of water or surface water systems receiving water from upstream constructed (or natural) systems.

Retention: The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

Riparian: A relatively narrow strip of land that borders a stream or river.

Riprap: A combination of large stone, cobbles and boulders used to line channels, stabilize banks, reduce runoff velocities, or filter out sediment.

Run-on: Stormwater surface flow or other surface flow, which enters property other than that where it originated.

Runoff: 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: The process of depositing soil particles, clays, sands, or other sediments that were picked up by runoff.

Sheet Flow: 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: The proper placing, grading and/or covering of soil, rock, or earth to ensure its resistance to erosion, sliding, or other movement.

Storm Drain: A slotted opening leading to an underground pipe or open ditch for carrying surface runoff.

Stormwater: Rainfall runoff, snow melt runoff, and drainage. It excludes infiltration.

Stormwater Management Program: 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.

Stormwater System (Municipal Separate Stormwater System, MS4): 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: 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: A BMP that is intended to remove pollutants from stormwater.

Waters of the State: Surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction.

Waters of the United States: 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: 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.

History: 07/03, 10/03

23-2-3. Applicability. This ordinance shall apply to all water entering the stormwater system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

23-2-4. Responsibility of Administration. The City Manager shall administer, implement, and enforce the provisions of this ordinance. 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.

23-2-5. Severability. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance 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 Ordinance.

23-2-6. Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

23-2-7. Prohibitions. It is unlawful for any person to:

(1) Track mud or sediment onto public streets by construction or delivery vehicles. Provisions shall be made at all construction sites to either clean the streets or clean the vehicles or both before vehicles leave the site.

(2) To washout concrete trucks at all sites other than preapproved designated areas. Dumping of excess concrete shall not be allowed.

(3) To 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. 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.

23-2-8. Illicit Discharges. No person shall discharge or cause to be discharged into the municipal stormwater system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(1) The commencement, conduct or continuance of any illegal discharge to the stormwater system is prohibited, except as described as follows:

(a) water line flushing or other potable water sources;

(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 (not including active groundwater dewatering systems);

(g) 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 less than one PPM chlorine);

(l) fire fighting activities; and,

(m) discharges specified in writing by the City Manager as being necessary to protect public health and safety.

(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) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater system.

(4) This prohibition expressly includes, without limitation, illicit connections made in the past, 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 system.

23-2-9. Construction Sites. Permits for Construction Sites.

(a) No person shall be granted a site development permit for land-disturbing activity without the approval of an Erosion and Sediment Control Plan by the City.

(b) No site development permit is required for the following activities:

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

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

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

(c) 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.

(d) The applicant will be required to establish an escrow to cover all costs of improvements, landscaping, 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.

(2) Application Review Fees.

(a) The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and shall be made prior to the issuance of any building permit for the development. The fee structure shall be established from time to time by the City Council and published in the Consolidated Fee Schedule.

23-2-10. Waivers for Providing Stormwater Management. Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the Community Development Department for approval, prior to any disturbance to the soil.

(1) The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

(b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Community Development Department and an escrow has been established as outlined above

(c) Non-structural practices will be used on the site that reduce:

(i) the generation of stormwater from the site;

(ii) the size and cost of stormwater storage; and

(iii) the pollutants generated at the site. The amount of credit available for using such non-structural practices shall be determined during the review process.

(2) In instances where one of the conditions above applies, a waiver from strict compliance with these stormwater management provisions may be granted during the review process, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Community Development Director that the variance will not result in the following impacts to downstream waterways:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation; and,

(d) Increased threat of flood damage to public health, life, and property.

(3) Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected during the review process. Mitigation measures may include, but are not limited to, the following:

(a) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat; and,

(b) The creation of a stormwater management facility or other drainage improvements on previously

developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this ordinance.

23-2-11. Review and Approval. The City Manager or his designee will review each application to determine its conformance with the provisions of this regulation. After receiving an application, the reviewer shall do one of the following, in writing:

- (a) Approve the permit application;
- (b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- (c) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

23-2-12. Stormwater Management Concept Plan.

A stormwater management concept plan shall be required with all 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 of 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. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. The Stormwater Management Concept Plan shall be prepared in accordance with the checklist provided by the City.

(1) 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 Ordinance to the maximum extent practicable.

23-2-13. Inspection. The Public Works Department shall conduct Field inspections or other designated agent as outlined in the inspection checklist provided by the Public Works Department.

23-2-14. 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.

23-2-15. 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.

23-2-16. Basic Stormwater Management Design Criteria. Site Design Feasibility

(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.

History: 08/03, 10/03

23-2-17. Conveyance Issues. All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- (1) Maximizing of flowpaths 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;

23-2-18. Landscaping Plans Required. All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect.

23-2-19. Maintenance Agreements. All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.

- (1) This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. The agreement shall include provisions allowing for access and inspections on a reasonable basis. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.
- (2) If a responsible party fails or refuses to meet the requirements of the maintenance covenant, whether it be 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. In the event that the stormwater management facility becomes a danger to public safety or public health, the City Manager shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 10 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City may assess the owner(s) of the facility for the cost of repair work and any penalties plus appropriate administrative charges; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

23-2-20. Stormwater Utility. Creation and Setup
(1) Creation – The City Council hereby creates and establishes a stormwater utility as part of the City’s overall stormwater system. The stormwater utility shall plan, design, construct, maintain, administer and operate the City’s stormwater system.

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

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

(4) Administration – The stormwater utility shall be administered by the City’s Manager.

23-2-21. 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. Based on a study completed by an independent engineer, the City Council finds and establishes that one ESU equals 2,700 square feet of impervious surface area.

(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 development's, condominiums and other uses that are not easily handled under the standard rate schedule. 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.

(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 ordinance and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this ordinance and any resolutions related to the stormwater utility.

(6) Appeals – Any person or entity that believes that this ordinance, or any stormwater utility rate resolution, was interpreted or applied erroneously may appeal to the Community Development Director. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within 10 days of the assessment. The Director's response shall be made within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the

Director's decision, a further appeal may be made to the City Manager (or his or her designee). The appeal to the City Manager shall follow the same procedure as the appeal to the Director. The City Manager's decision shall be final and binding on all parties.

History: 8/03, 10/03

23-2-22. Billing. The City Council finds that the City's stormwater system, sanitary sewer system, culinary water system, and solid waste collection system are interrelated services that are part of a unified City plan to provide for the health, safety and welfare of the City and its residents in an environmentally responsible manner. Therefore, the stormwater utility fee 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 stormwater utility fee shall be charged to the owner of the property. The fee 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 shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the stormwater utility service. Failure to pay any portion of the utility bill may result in termination of water service.

23-2-23. Enforcement. Stop-Work Order; Revocation of Permit.

(a) In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implants site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially 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.

23-2-24. Inspector. The position of Authorized City 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 stormwater system in the City, subject to such control, assignment and review as the City Manager may from time to time direct.

(1) 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.

23-2-25. Duties of Inspector. The Authorized City 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.
- (2) If the Authorized City Inspector determines that any of the conditions listed in this chapter exist 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 Authorized City Inspector shall:
- (a) Ascertain the names of the owners and occupants 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 associated information related to the permit, if issued;
 - (c) Issue a citation to the owner, occupant, or persons conducting operations on the property identifying the conditions violating this chapter and give notice that they must be corrected within the next ten (10) calendar days;
 - (d) If the situation warrants issue a Stop Work Order to the owner, occupant, or persons conducting operations on the property identifying the conditions violating this chapter and give notice that all operations must stop immediately, within the confines of public safety;
 - (e) All notices shall also state that failure to comply with this request shall result in the citation being forwarded to the Clinton Justice Court;
 - (f) The citation shall:
 - (i) Require the person to whom it is sent to correct the violation within the time period the Authorized City Inspector shall designate, which shall be not less than ten (10) days, nor greater than twenty (20) days and shall be known as the correction period, except as noted in Subsection 23-2-26(3) of this code. The time

given to remedy the violation shall begin to run on the day following the day on which the citation is issued.

(ii) Inform the person to whom it is sent to appear in Justice Court of Clinton, normally within five (5) days following the end of the correction period. This shall be known as the appearance date.

(iii) Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.

(iv) Inform the person to whom the citation is issued that if compliance is accomplished within the correction period and is fully remedied as outlined in Section 23-2-26, the citation will be signed off by the Authorized City Inspector and must be returned by the cited person to the Justice Court of Clinton by or before the appearance date.

(v) Inform the person that in the event a criminal prosecution is pursued, the prosecution shall be for a Class C Misdemeanor.

23-2-26. Compliance and Reinspection. In the event the person complies with the notice of the Authorized City Inspector within the correction period, the person shall notify the Authorized City Inspector a minimum of 48 hours (not including weekends or holidays) prior to the end of the correction period. A date and time for inspection prior to the appearance date shall be assigned and the Authorized City Inspector shall again inspect the property.

(1) If the property is in compliance with this chapter, the Authorized City 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, criminal prosecution of the matter shall proceed.

(3) In the event that the violation is an immediate threat to the public health, safety or welfare, the Authorized City Inspector may require immediate correction for up to a period of 48 hours. If this violation is not corrected and reinspection requested within the required time, the citation will be referred directly to the Clinton City Prosecutor.

(4) In the event that the violation listed on the citation is not corrected within the appropriate time period, whether it be 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 the designated appearance date. The actual expenses and the appointed administrative fee 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.

23-2-27. Violation and Penalties. Whenever the Authorized City Inspector finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Authorized City 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;
 - (b) The elimination of illicit connections or discharges;
 - (c) That violating discharges, practices, or operations shall cease and desist;
 - (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (e) Payment of a fine to cover administrative and remediation costs; and,
 - (f) The implementation of source control or treatment BMP's.
- (2) Any person violating any of the provisions of this ordinance shall be deemed guilty of a Class "C" misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense.

History: 07/03

Chapter 3. Wastewater Control

- 23-3-1. Adoption of Code by Reference--Rules
- 23-3-2. Definitions.
- 23-3-3. Penalties.

- 23-3-4. Monitoring and Enforcement.
- 23-3-5. Assessment of Penalties Against Violating Industrial Users.

23-3-1. Adoption of Code by Reference--Rules and Regulations. There is hereby adopted by reference that certain code known as the "North Davis County Sewer District Wastewater Control Ordinance Rules and Regulations," dated June 9, 1983, 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 County Sewer District. The rules and regulations pertaining to the collection and treatment of sewage and the whole thereof of said "Wastewater Control Ordinance--Rules and Regulations" is hereby adopted, save and except such portions as are hereinafter deleted, modified, or amended, of which code not less than three copies have been and now are filed in the office of the recorder, and the same are hereby adopted and incorporated as fully as if set out at length herein.

History: 1/84, 9/84, 3/89

23-3-2. Definitions. Wherever the words "city," "district," "manager," or similar terms referring to the North Davis County 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.

History: 1/84, 9/84

23-3-3. Penalties. (1) Any person who shall violate any of the provisions of the "Wastewater Control Ordinance--Rules and Regulations," hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally for each and every such violation or noncompliance, respectively, be guilty of a class C misdemeanor.

(2) The charging of a criminal offense, conviction and imposition of sentence shall not in any way preclude the city from pursuing civil remedies.

History: 1/84, 9/84, 05/99

23-3-4. Monitoring and Enforcement. The North Davis County Sewer District, by and through its authorized and designated officers, agents, servants and employees, is hereby authorized and designated

to monitor and enforce compliance with this chapter and the "North Davis County Sewer District Wastewater Control Ordinance--Rules and Regulations," adopted by this chapter and for such purpose 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 said North Davis County Sewer District "Wastewater Control Ordinance--Rules and Regulations" in connection with the monitoring and enforcement of the terms and provisions thereof.

History: 1/84, 9/84

23-3-5. Assessment of Penalties Against Violating Industrial Users. In the event any industrial user should violate any of the terms and provisions of the "North Davis County Sewer District Wastewater Control Ordinance--Rules and Regulations," thereby resulting in a fine or penalty being assessed against the city and/or the North Davis County Sewer District by the Environmental Protection Agency or any other state or federal agency, such violating industrial user shall be responsible for payment of such penalty or fine to the city and/or the North Davis County Sewer District in the same amount of such fine or penalty levied against the city or the North Davis County Sewer District.

History: 1/84, 9/84