

## TITLE 23. SEWER, STORM WATER, AND FLOOD IRRIGATION SYSTEMS

<b>Chapter 1.</b>	<b>General Provisions</b>	
<b>Chapter 2.</b>	<b>Definitions</b>	
<b>Chapter 3.</b>	<b>Administration</b>	(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;
<b>Chapter 4.</b>	<b>Sewer System</b>	
<b>Chapter 5.</b>	<b>Fats, Oils and Grease Control</b>	
<b>Chapter 6.</b>	<b>North Davis Sewer District</b>	(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;
<b>Chapter 7.</b>	<b>Land Drain System</b>	
<b>Chapter 8.</b>	<b>Storm Water System</b>	
<b>Chapter 9.</b>	<b>Flood Damage Prevention</b>	
<b>Chapter 10.</b>	<b>Flood Irrigation Systems</b>	(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,
<b>Chapter 11.</b>	<b>Enforcement</b>	(12) To establish a viable and fair method of financing the construction, operation and maintenance of the systems.

### Chapter 1. General Provisions

23-1-1 Statement of Purpose

23-1-2 Application

**23-1-1 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, storm water and gas mains, electric, telephone and

**23-1-2 Application.** This Title shall apply to all water, wastewater, sewer, storm water, 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 2. Definitions

### 23-2-1 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 its most reasonable application.

**48 Hours:** 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.

**Alluvial Fan Flooding:** 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:** 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:** 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:** 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:** employees of Clinton City as designated by the City Manager.

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

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

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

**BMPs (Best Management Practices):** 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. BMPs 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:** receptacle with a slotted opening leading to an underground pipe or open ditch for carrying surface runoff.

**Channel:** a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

**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 UPDES Construction Permits. Such activities include but are not limited to construction, clearing and grubbing, grading, excavating, and demolition.

**Contaminant:** any physical, chemical, biological, or radiological substance or matter in water.

**Conveyance System:** any channel or pipe for collecting and directing the storm water.

**Corrective Action Inspection Report:** the first written notification that identifies violations of any provisions of this Title, and the deadline in which corrections must be completed.

**Critical Feature:** 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:** 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.

**Design storm event:** a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

**Development:** 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 storm water or

other substance from a conveyance system or storage container including any direct or indirect entry of any solid or liquid matter into the conveyance system.

**Discharging Food Service Establishments:** 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:** the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

**Easement:** an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

**Elevated Building:** 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:** 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.

**Erosion control plan:** a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

**Excavator:** any person or entity that excavates or conducts excavation activities.

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

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

**Existing Construction:** for the purpose 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:** 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:** 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:** 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".

**Field Drain:** 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 storm water system it will be piped into the system.

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

**Final Stabilization Plan:** 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:** 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:** 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):** 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):** 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:** 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:** any land area susceptible to being inundated by water from any source (see definition of flooding).

**Floodplain Management:** 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:** 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:** 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:** 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):** 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:** 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:** a permit issued under the UPDES NPDES program to cover a class or category of storm water discharges.

**General Construction Storm Water Permit:** Permit required by the Utah Department of Environmental Quality, Division of Water Quality.

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

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

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

**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, corrosive, reactive, or toxic), or appears on special EPA lists.

**Heavy Metals:** 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:** the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** 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.

**Illicit Discharge:** any direct or indirect non-storm water discharge to the storm water system, except discharges exempted in this Title.

**Illicit Connection:** any physical connection to the Clinton City collection systems allowing a discharge which has not been permitted by this Title.

**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 storm water.

**Individual Permit:** 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:** 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, storm water, or other waterway.

**Land disturbing activity:** any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-

development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

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

**Low Impact Development (LID):** Engineered systems, either structural or natural, that use or mimic natural processes to promote infiltration, evapotranspiration, and/or reuse of storm water as close to its source as possible to protect water quality and aquatic habitat

**Levee:** 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:** 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:** 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.

**Maintenance:** any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.

**Maintenance agreement:** a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

**Mean Sea Level:** 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:** 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:** 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.

**Municipal Separate Storm Sewer System (MS4):** the conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

**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.

**New Construction:** 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.

**Non-Compliance Certificate (lien):** A document that is recorded with the County against a subject property when corrections to violations are not made and enforcement fines are not paid in a timely manner. A similar type of instrument may be used when the City completes the site abatement and must recoup the associated costs.

**Notice of Violation (N.O.V.):** the second written notification identifying violations of any provisions of this Title to be corrected in not more than forty-eight (48) hours. For storm water violations, there is an enforcement fine that must be paid when issued a Notice of Violation.

**Off-site:** any areas outside of the proposed

development boundaries which may or may not be connected to the development, either hydraulically or otherwise.

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

**Operator:** 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.

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

**Peak Flow:** the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

**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.

**Pre-Existing Conditions:** conditions of the property in its native state or changed under approval by the City or a changed property that is grandfathered.

**Property Owner:** Land owner of property within the boundary of Clinton City.

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

**Recreational Vehicle:** 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:** the holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**Right of Way:** any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**Riparian:** a relatively narrow strip of land that borders a natural course of water.

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

**Run-on:** storm water 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.

**Sediment:** solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

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

**Sewer Collection System:** 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 sewer collection system does not include sewer laterals.

**Sewer Lateral Cleanout:** a point of access where a sewer lateral can be serviced.

**Sewer Main Lines:** 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:** sewer laterals are lines that connect onto the sewer collection system and connect to residential units, apartment complexes, multiple occupancy buildings, commercial buildings, commercial complexes, etc. The sewer lateral includes the connection to the sewer collection system.

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

**Soils Report:** a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

**Source Control:** a practice or structural measure to prevent pollutants from entering storm water 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.

**Start of Construction:** 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.

**Stop Work Order:** the third and final written notification identifying violations of any provisions of this Title to be corrected immediately, or all construction activity must cease. For storm water violations, there is an enforcement fine that must be paid when issued a Stop Work Order.

**Storm Drain:** an underground pipe or open ditch used to convey storm water.

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

**Storm water:** rainfall runoff, snow melt runoff, and drainage. It excludes infiltration.

**Storm Water System:** storm systems that receive runoff from public right-of-way, natural waterways and systems identified in a City easement.

**Storm Water 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 storm water, storm water conveyance systems, and/or receiving waters.

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

**Substantial Damage:** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** 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 (Storm Water Pollution Prevention Plan):** the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels during and after construction.

**Storm Water System (Municipal Separate Storm Water System, MS4):** a municipally owned and operated storm water 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 storm water 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 storm water flows into primarily drainage channels and allow some of the storm water to infiltrate into the ground surface.

**Treatment Control BMP:** a BMP that is intended to remove pollutants from storm water.

**Underground Facility:** 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.

**UPDES (Utah Pollutant Discharge Elimination System) Permit:** the authorization, or license, or equivalent control document issued by the State of Utah to implement the requirements of the UPDES program.

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

**Variance:** 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:** 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.

**Watershed:** all the land area that contributes runoff to a particular point along a waterway.

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

**Water Surface Elevation:** 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:** 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 storm water 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.

### Chapter 3. Administration

- 23-3-1 Responsibility of Administration
- 23-3-2 Office of Primary Responsibility
- 23-3-3 Supervisor of the Public Works Divisions
- 23-3-4 Duties of the Supervisor
- 23-3-5 Regulations
- 23-3-6 Policies
- 23-3-7 Land Disturbing Activity Regulations
- 23-3-8 Work Without City Approvals
- 23-3-9 Installation Permit Required
- 23-3-10 Licensed Contractor Required
- 23-3-11 Extension of Mains within City
- 23-3-12 Non-Liability for Damages
- 23-3-13 Ultimate Responsibility
- 23-3-14 Abrogation and Greater Restrictions
- 23-3-15 Interpretation
- 23-3-16 Division to Have Free Access
- 23-3-17 Sewer and Storm Water Utilities Established
- 23-3-18 Use Without Payment Prohibited
- 23-3-19 Unauthorized Users
- 23-3-20 Establishment of Fees
- 23-3-21 Billing
- 23-3-22 Appeal of Decision, Rates, Fees and Rebates
- 23-3-23 Supply of Services to Persons Outside City Limits
- 23-3-24 Ownership and Maintenance of Connecting Main Lines and Laterals
- 23-3-25 As-Built Plans
- 23-3-26 Root Poisoning
- 23-3-27 Severability

**23-3-1 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.

**23-3-2 Office of Primary Responsibility.** The Public Works Department is the Office of Primary Responsibility for review and proposing changes to this Title.

**23-3-3 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 over the City's sewer and storm water systems.

**23-3-4 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 sewer and storm water systems.

**23-3-5 Regulations.** The City Council shall have power and retains the right to adopt regulations controlling the manner and circumstances under which the sewer and storm water systems may be used, in addition to the regulatory provisions set forth expressly in this Title.

Clinton City also retains authority for final decisions on locations of such utilities within the City's rights-of-way.

**23-3-6 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 systems established in this Title.

**23-3-7 Land Disturbing Activity Regulations.** Any construction or land disturbing activities as described in Section 23-11-2 shall comply with the provisions established therein.

**23-3-8 Work Without City Approvals.** 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 appropriate City approvals from the Public Works and/or Community Development Departments.

**23-3-9 Installation Permit Required.**

(1) 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 submitted and approved prior to commencing work. All work shall be installed according to City Standards and requirements

(2) Permits to connect with the systems shall not be issued unless the structures on the property comply with the applicable building codes.

**23-3-10 Licensed Contractor Required.**

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

**23-3-11 Extension of Mains within City.**

(1) Any person or persons, including any subdivider/developer, desiring to have one or more of the systems within the City must advance the whole expense of such extension. Utilities must be extended the entire length of the property.

(2) 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.

**23-3-12 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 City's systems 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.

**23-3-13 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.

**23-3-14 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.

**23-3-15 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.

**23-3-16 Division to Have Free Access.** The Supervisor and his representatives shall at all

ordinary hours have free access to property or places supplied with one or more of the City systems, for the purpose of examining the apparatus, ascertaining flows, and the manner of use.

**23-3-17 Sewer and Storm Water Utilities Established.**

(1) Creation – The City Council hereby creates and establishes a sewer and storm water utilities. These utility divisions shall plan, design, construct, maintain, administer and operate the applicable systems.

(2) Enterprise Fund - The City Council hereby establishes sewer and storm water enterprise funds to handle all income, expenses and other financial transactions related to these utilities. All utility service charges collected for the sewer and storm water 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 sewer and storm water 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 sewer and storm water 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 sewer and storm water utilities shall be administered by the City Manager.

**23-3-18 Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, or agents to utilize the systems established in this Title without first paying for them.

**23-3-19 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.

**23-3-20 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.

**23-3-21 Billing.** Fees for the systems established in the City's consolidated fee schedule 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.

**23-3-22 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. Appeals shall be submitted to the City Manager, in writing, explaining the circumstances that justify the request.

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

**23-3-23 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.

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

(e) The owner of the utility extension shall be determined by the City during the application process.

(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.

**23-3-24 Ownership and Maintenance of Connecting Main Lines and Laterals.**

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

(2) Residential Laterals: All residential system laterals shall be maintained from, and includes, the connection at the main line to the building by the property owner. This includes laterals located under roadways.

(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. This includes laterals, connections, and private main lines located on their property and under public roadways.

**23-3-25 As-Built Plans.** All applicants are required to submit "as-built" plans for any collection systems constructed within the City when construction is completed. The plan must show changes to the approved design and what was actually constructed for all of the system's elements. The plan shall also 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 or before permits are closed.

**23-3-26 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.

**23-3-27 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 4. Sewer System

- 23-4-1 Sewer Division and System
- 23-4-2 Sewer Collection Utility Fee Imposed
- 23-4-3 Laterals to be Kept in Good Repair.
- 23-4-4 Quality of Service Lateral.
- 23-4-5 Use of City Sewer Collection System Mandatory
- 23-4-6 Installation and Location of Sewer and Lateral Cleanouts
- 23-4-7 Prohibited Activities

### **23-4-1 Sewer Division and System.**

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

(i) The sewer 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.

### **23-4-2 Sewer Collection Utility Fee Imposed.**

(1) In addition to fees established in the City's Consolidated Fee Schedule, the City Council may establish special rates and conditions for users of the sewer 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 sewer collection system within the City shall be charged a sewer 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.

### **23-4-3 Laterals to be Kept in Good Repair.**

(1) All laterals are maintained and owned by the property owner.

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

(3) 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.

(4) 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 Public Works Department. City Public Works projects are exempt from the permit requirement. Building permits are also required for laying and repairing service laterals.

### **23-4-4 Quality of Service Lateral.**

(1) All service and other lateral pipes used in conjunction with the sewer services of the City shall be of such material, quality, and specifications as established in the City's Engineering Specification Standards. All work, alterations, extensions, or connections with sewer mains shall not be made without first obtaining appropriate permits from the Public Works and Community Development Departments.

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

### **23-4-5 Use of City Sewer Collection System Mandatory.**

It shall not be allowed for the owner or any other person occupying or having charge of any premises within the City limits to dispose of sewage by any means other than by use of the City sewer 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.

**23-4-6 Installation and Location of Sewer Lateral Cleanouts.**

- (1) An excavator may enter or access an owner's property or dwelling to locate a sewer lateral with the owner's permission.
- (2) 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.
- (3) An operator or person installing a sewer lateral cleanout shall notify the City of the sewer lateral cleanout location for record keeping purposes.
- (4) An excavator shall request information pertaining to a sewer lateral cleanout location from the City a minimum of 48 hours prior to any excavation.

**23-4-7 Prohibited Activities.**

When considering the systems established in this Title the following shall be unlawful for any person to:

- (1) Destroy, injure, deface, impair, interfere with the operation of any part, pipe, or appurtenance
- (2) Cast anything into manholes or other access points into the systems.
- (3) Place, induce, empty or discharge into the system, any garbage, refuse, soil or other similar matter, or any substance or thing likely to obstruct the systems.
- (4) Place detrimental or dangerous materials such as 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 or capable of interfering with the normal operation of the systems.
- (5) Place industrial wastes from 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 Public Works Department and North Davis Sewer District, when applicable, that the introduction thereof will not damage the system or interfere with the functioning of the sewage treatment plant.
- (6) Place drainage waters and destructive materials into the system. It shall be unlawful for any person to connect with a public sanitary sewer of any of the following types of discharges:

(a) Any drain or pipe which discharges rainwater, sump pumps, ground water, surface water, spring water, flowing well, creek, ditch, other water courses, or acids, alkalis, lye, and other injurious liquids.

(b) Boiler or heating plant shall not 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 can be connected to the sewer.

(c) 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 substances.

(d) The 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 are to be of construction approved by the Public Works Department and to be at all times subject to inspection and approval.

(7) Discharge into the system any matter or substance, solid or liquid, which shall cause the contamination of the system, that may result in deleterious or harmful effects to human health or the environment.

## Chapter 5. Fats, Oils & Grease Control

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

**23-5-1 Food Service Establishment or Commercial Kitchen Permit Requirement.** All food service establishments or buildings with commercial kitchens discharging to the Clinton City sewer collection system are subject to the following requirements:

(1) Grease Interceptor Requirements: All discharging food service establishments or commercial kitchens 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 and commercial kitchens are subject to grease interceptor requirements. All such facilities must obtain approval from the Public Works Director for grease interceptor sizing during the building permit review process. All grease interceptors shall be readily and easily accessible for cleaning and inspection. Existing food service establishments or commercial kitchens with planned modification in plumbing improvements will be required to include plans to comply with the grease interceptor requirements.

**23-5-2 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 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 sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the Public Works Director.

**23-5-3 Wastewater Discharge Limitations.** No User shall allow wastewater discharge concentration from a grease interceptor, grease trap or alternative pretreatment technology to exceed 100 mg/L (milligrams per liter), as identified by EPA test method 1664 revision A and its amendments.

**23-5-4 Grease Interceptor Requirements**

(1) Grease interceptor sizing and installation shall conform to the current edition of the International 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 or commercial kitchen 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 have a regular maintenance schedule and 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 International 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 Title. In no way shall the pumpage be returned to any private or public portion of the City's sewer 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.

#### **23-5-5 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 or commercial kitchens 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.

**23-5-6 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 traps, interceptors or separators.

(1) 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.

(2) These systems should have a regular maintenance schedule and be inspected at least monthly and shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the sewer collection system.

(3) 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 or the system.

(4) 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 6. North Davis Sewer District Wastewater Control

- 23-6-1 North Davis Sewer District Rules and Regulations
- 23-6-2 Definitions
- 23-6-3 Monitoring and Enforcement
- 23-6-4 Assessment of Penalties Against Violating Industrial Users

### **23-6-1 North Davis Sewer District Rules and Regulations.**

(1) The "North Davis Sewer District Wastewater Control Ordinance Rules and Regulations," are adopted 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.

(2) The rules and regulations pertaining to the collection and treatment of sewage and the "Wastewater Control Ordinance--Rules and Regulations" are hereby adopted by reference, save and except such portions as are hereinafter deleted, modified, or amended after adoption of this Chapter.

(3) Exceptions to referenced Rules and Regulations not adopted listed below:

(a) Section 3-4-9a Interference of access to District lines caused by placement of utilities owned by cities and others.

(4) Clinton City will have ultimate decision on locations of all utilities within the City's rights-of-way.

**23-6-2 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.

**23-6-3 Monitoring and Enforcement.** The North Davis Sewer District, by and through its designated employees, is authorized to monitor and enforce compliance with this chapter and the "North Davis Sewer District Wastewater Control Ordinance--Rules and Regulations".

**23-6-4 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 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.

## Chapter 7. Land Drain System

- 23-7-1 Land Drain Division and System
- 23-7-2 Land Drain Utility Fees
- 23-7-3 Footing and Foundations Subdrains
- 23-7-4 Laterals to be Kept in Good Repair
- 23-7-5 Quality of Service Lateral
- 23-7-6 Installation and Location of Land Drain Lateral Cleanouts
- 23-7-7 Existing Land Drains
- 23-7-8 Prohibited Activities

### **23-7-1 Land Drain Division and System.**

(1) The City land drain division is created to administer the operation and maintenance of the land drain system of the City.

(a) The land drain system shall consist of property, equipment, rights, contractual or otherwise, possessed by the City to the utilization of mains and outfall lines.

### **23-7-2 Land Drain Utility Fees.**

(1) Land drain fees may be established in the City's Consolidated Fee Schedule, the City Council may establish special rates and conditions for users of the land drain system. These fees may be collected in conjunction with the storm water fees.

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

### **23-7-3 Footing and Foundation Subdrains.**

Throughout the City there are high water tables where the depth from the surface varies depending upon many factors, mainly the soil and annual weather conditions.

(1) It is the responsibility of the builder, property owner, and/or resident:

- (a) To protect their property from the hazards of high ground water;
- (b) To control and properly disperse and direct all surface and ground water on private property;
- (c) To ensure that all runoff 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 are required for all structures constructed below natural grade (i.e. basements) unless demonstrated through geotechnical exploration that the ground water level over a three year period is no closer than 5 feet to the lowest point of the proposed structure.

(4) Footing and foundation subdrains shall be installed as established in the International Residential Code and the City typical footing and foundation subdrain detail.

### **23-7-4 Laterals to be Kept in Good Repair.**

(1) All laterals are maintained and owned by the property owner.

(2) All users of the land drain system shall keep their lateral pipes and connections and other apparatus in good repair and protected at their own expense.

(3) 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.

(4) 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 Public Works Department. City Public Works projects are exempt from the permit requirement. Building permits are also required for laying and repairing service laterals.

### **23-7-5 Quality of Service Lateral.**

(1) All service and other lateral pipes used in conjunction with the land drain services of the City shall be of such material, quality, and specifications as established in the City's Engineering Specification Standards. All work, alterations, extensions, or connections with land drain mains shall not be made without first obtaining appropriate permits from the Public Works and Community Development Departments.

(2) No person shall be allowed to construct land drain pipes across lots or under future building pads to adjoining premises or buildings without first applying for and receiving approvals from the Public Works and Community Development Departments. Actions of this type will require property rights to be honored and that easements be established for construction and maintenance access.

**23-7-6 Installation and Location of Land Drain Lateral Cleanouts.**

- (1) An excavator may enter or access an owner's property or dwelling to locate a land drain lateral with the owner's permission.
- (2) An operator or person installing or replacing a land drain lateral cleanout shall install or replace the land drain lateral cleanout in a manner so that the lateral can be located, including:
  - (a) Site plans with laterals shown; or
  - (b) Electronic markers.
- (3) An operator or person installing a land drain lateral cleanout shall notify the City of the land drain lateral cleanout location for record keeping purposes.
- (1) An excavator shall request information pertaining to a land drain lateral cleanout location from the City a minimum of 48 hours prior to any excavation.

**23-7-7 Existing Land Drains.**

- (1) Agricultural field drains and open joint land drains exists in various locations throughout the City. Not all of the exact locations are mapped or verified. If a field or land drain is encountered during construction, or at any time, it must be repaired, protected in place, or re-routed. Notification to the Public Works Department shall be made within 24 hours of discovery of these pipelines.

**23-7-8 Prohibited Activities.**

When considering the systems established in this Title the following shall be unlawful for any person to:

- (1) Destroy, injure, deface, impair, interfere with the operation of any part, pipe, or appurtenance
- (2) Cast anything into manholes or other access points into the systems.
- (3) Place, induce, empty or discharge into the system, any garbage, refuse, soil or other similar matter, or any substance or thing likely to obstruct the systems.
- (4) Place detrimental or dangerous materials such as 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 or capable of interfering with the normal operation of the systems.

(5) Place any wastewater from any agricultural, industrial, commercial, or residential activities into the system.

(6) Place any drain or pipe which discharges rainwater, surface water, ditches, other water courses, or acids, alkalis, lye, and other injurious liquids.

(7) Discharge into the system any matter or substance, solid or liquid, which shall cause the contamination of the system, that may result in deleterious or harmful effects to human health or the environment.

## Chapter 8. Storm Water System

- 23-8-1 Storm Water Division and System
- 23-8-2 Land Disturbing Activities
- 23-8-3 Discharges
- 23-8-4 Storm Water Pollution Prevention Plan
- 23-8-5 Best Management Practices
- 23-8-6 Construction Activities
- 23-8-7 Post Construction
- 23-8-8 Maintenance Agreements
- 23-8-9 Low Impact Development (LID)
- 23-8-10 Storm Water Management Design Criteria
- 23-8-11 Flood Control Detention
- 23-8-12 Water Quality Retention
- 23-8-13 Controlling Runoff
- 23-8-14 Stockpile Material in Roadways
- 23-8-15 Storm Water Utility Fees
- 23-8-16 Prohibitions

### **23-8-1 Storm Water Division and System.**

- (1) The City storm water division is created to administer the operation and maintenance of the storm water system of the City.
- (2) The storm water 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 collection services of whatever character to its inhabitants.
- (3) 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 storm water utility, such as the following:
  - (a) Enable the City to comply with federal and state regulations for storm water discharges, including the issuance of the following permits:
    - (i) Construction General Permit
    - (ii) The Common Plan of Development Permit
    - (iii) Industrial Permit
    - (iv) De-watering Permit

- (b) Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;
  - (c) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
  - (d) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments;
  - (e) Issue Permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;
  - (f) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit
  - (g) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
  - (h) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.
- (4) A long term storm water maintenance agreement and plan may be required, as determined by the Public Works Department. When required the long-term plan shall be submitted for review prior to construction.

### **23-8-2 Land Disturbing Activities**

- (1) Every person will be required to obtain approvals and any applicable permits from the Public Works Department for the following land disturbance activities:
  - (a) Land disturbing activity of one (1) or more acres of land;
  - (b) Land disturbing activity of less than one (1) acre of land, if such activity is part of a larger common plan of development;
  - (c) For land disturbing activity less than an acre, and are not part of a Common Plan Development, an erosion and pollution control plan, following guidelines of the State's common plan development permit, may be required;
  - (d) Other land disturbing activities such as, but not limited to, the creation and use of borrow pits, filling or stock piling materials, processing of earthen materials such as top soil, gravel screening, asphalt milling, concrete crushing or the

construction of parking lots, an erosion and pollution control plan following the State's UPDES and storm water guidelines will be required.

(2) Building permit. Any activity requiring a building permit is subject to review and approval by Public Works to ensure compliance with this Chapter.

(3) Applicable environmental permits that pertain to the property shall be obtained from the appropriate state or federal agencies (e.g. UPDES Storm Water General Permit for Construction Activities, state dewatering permit). However, these permits do not prevent the City from imposing additional development requirements and conditions, commensurate with this Ordinance, on the development of property covered by those permits.

(4) When a Storm Water Pollution Prevention Plan (SWPPP) is required, it shall be submitted to the Public Works Department, reviewed, approved and in force until a certificate of occupancy is obtained, and notice of termination approved as required.

(5) The following land disturbance activities are exempt:

(a) Emergency activity that is immediately necessary for the protection of life, property, or natural resources. To be considered an emergency activity, the work must be completed within 30 days. If an activity is considered an emergency when begun and is not completed within 30 days, a UPDES permit must be obtained before the 30 days expire.

(b) Agricultural operations.

(c) Home gardens.

### **23-8-3 Discharges.**

(1) This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the Municipal Separate Storm Sewer System (MS4) any discharge that is not composed entirely of storm water. This prohibition shall not apply to any non-storm water discharge permitted under a federal or state storm water regulations or permit.

(3) Permitted or non-permitted connections established prior to this Title shall be considered illicit discharges, regardless of whether the connection was permissible under law or practices prevailing at the time of connection. This prohibition includes connections of sanitary sewer lines to the storm water collection system. The

continuance of any non-storm water discharge to the MS4 is prohibited.

(4) Acceptable non-storm water discharges that are allowed, include the following:

(a) Water line flushing or other potable water sources (if dechlorinated to less than 0.1 MG/L chlorine);

(b) Landscape irrigation or lawn watering with potable water;

(c) Diverted stream flows,

(d) Rising ground water;

(e) Ground water infiltration to storm water;

(f) Uncontaminated pumped ground water;

(g) Discharges from potable water sources;

(h) Foundation or footing drains (including active groundwater dewatering systems);

(i) Basement or crawl space sump pumps;

(j) Lawn watering runoff;

(k) Individual residential car washing;

(l) Air conditioning condensation;

(m) Irrigation water;

(n) Springs;

(o) Natural riparian habitat or wet-land flows;

(p) Swimming pools (if dechlorinated to less than 0.1 MG/L chlorine):

(q) Water reservoir discharges (if dechlorinated to less than 0.1 MG/L chlorine):

(r) Residential street washing;

(s) Emergency fire fighting activities;

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

(u) City public works maintenance procedures;

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

### **23-8-4 Storm Water Pollution Prevention Plan (SWPPP).**

(1) A SWPPP shall include the required information as per the General Construction or Common Plan Permits. The SWPPP will evaluate the environmental characteristics and proposed measures for managing storm water generated at the project site.

(2) For redevelopment occurring on a previously improved site, an applicant shall meet current UPDES discharge standards and permit requirements.

(3) The SWPPP must be reviewed and approved by the Public Works Department prior to commencement of any construction or land disturbing activity.

#### **23-8-5 Best Management Practices**

(1) Any person responsible for a property or premises, which may be the source of storm water runoff or illicit discharge, will be required to implement, at the person's expense, the Best Management Practices (BMP's) necessary to prevent the discharge of pollutants to the MS4. Compliance shall be maintained with any federal or state storm water permit authorizing the discharge of storm water.

(2) Clinton City has adopted a BMP manual that has a list of acceptable and allowed BMP's. Other BMP's may be considered upon presenting the specific design criteria to the Public Works Department for approval.

(3) Notification of spills. As soon as any person responsible for a facility or operation has information of any known or suspected release of illicit discharges or pollutants discharging into storm water of the MS4, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(a) In the event of a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(b) In the event of a release of non-hazardous materials, the person shall notify the Public Works Department, no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

#### **23-8-6 Construction Activities.**

(1) The property owner shall allow access to City Staff to inspect storm water control measures that discharge to the MS4. The inspection shall review the control measures in place and SWPPP compliance.

(2) Regular inspections of the SWPPP or storm water management system for the construction site shall be conducted by a certified Inspector in

compliance with the required permits identified in Section 23-11-1.

(3) All inspections are to be documented and in compliance with the issued permits. Inspections shall be presented to the Public Works Department via electronic or hard copy.

(4) Inspection reports shall be kept and maintained by the permit holder for the duration of the project and the time specified in the issued permits.

(5) The Notice of Termination (NOT) shall be filed with the State upon completion of the project. The State will notify Public Works of the NOT, upon which the City Inspector will perform a final inspection of the site. The Project is not complete until the NOT has been approved and all documentation completed with both the State and the City.

**23-8-7 Post Construction.** The following post-construction storm water management requirements for all project sites include the following:

(1) When required, the long-term storm water maintenance agreement and plan shall be approved and recorded prior to a certificate of occupancy being issued.

(2) Prior to certificate of occupancy being issued, all applicants are required to submit "as-built" plans for any storm water management practices located on-site after final construction is completed.

(3) The property owner shall allow access to City Staff to inspect storm water control measures that discharge to the MS4.

(a) Inspections shall review the control measures in place, the maintenance plan, and the need for additional measures to completely address the erosion and sediment control for the project.

#### **23-8-8 Maintenance Agreements.**

(1) All storm water 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 storm water 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 storm water systems.

(5) This agreement shall be secured and approved no later than issuance of any building permits.

(6) Recordation of the agreement shall occur prior to certificate of occupancy.

**23-8-9 Low Impact Development (LID)** All site designs shall establish storm water management practices to control the peak flow rates and total volume of storm water discharge associated with specified design storms and reduce the generation of storm water runoff. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(1) All site design shall include consideration of LID practices, as described in the LID Handbook.

(2) All storm water runoff generated from new development shall not discharge untreated storm water 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 storm water design requirements.

**23-8-10 Storm Water Management Design Criteria.**

(1) The design storm that is to be used for the design of all storm drain and detention facilities shall conform with the City's Storm Drain Master Plan. The standard design storm is a one-inch per hour storm distributed using the Farmer-Fletcher Storm Distribution Model.

(2) Storm water 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) Infiltration Rate

(f) Slopes

(g) Terrain

(h) Flow Rate

(i) Total Volume Runoff

(j) Location in relation to environmentally sensitive features, ultra-urban areas, and high priority areas identified in the Storm Water Management Plan.

(k) Vegetation, both predevelopment and post-development.

(3) All storm water conveyance systems shall be designed to convey storm water to allow for the removal of pollutants and reduction in flow velocities.

**23-8-11 Flood Control Detention.** All development with the exception of residential homes are required to provide onsite flood runoff detention and are to conform to the guidelines used in the City's Storm Water Master Plan.

(1) The maximum allowed release rate from the onsite flood runoff detention basin(s) 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) 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.

(a) Underground detention will be allowed if the storage system is completely enclosed. The underground system may be solid pipes or enclosed with impermeable membranes.

(b) 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.

(3) All detention ponds shall be landscaped pursuant to the standards established in the Zoning Ordinance. Landscaping must be done in a manner to prevent erosion.

(4) 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.

**23-8-12 Water Quality Retention**

(1) All new and redevelopment projects are required to prevent the offsite discharge of the precipitation of all rainfall events less than or equal to the 80<sup>th</sup> percentile event. This objective must be accomplished as outlined in the LID Handbook.

(a) If meeting this requirement is infeasible as defined in the LID Handbook, a rational shall be provided for the use of the alternative design criteria.

(b) The project must document and quantify the infiltration, evapotranspiration, and rain water harvesting have been used to the maximum extent feasible or that full employment of these controls are infeasible.

(c) This requirement is targeted at controlling the total amount of runoff that can occur.

(2) Due to the existing high groundwater table and soil conditions that are not conducive to infiltrating water into the ground, a geotechnical analysis with percolation tests will be required for consideration of retention facilities.

**23-8-13 Controlling Runoff**. All owners with property within the City are required to control runoff from roofs, downspouts, concrete slabs, and other impervious surfaces or excess water from landscape maintenance from flowing onto neighboring properties.

(1) 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 factors.

**23-8-14 Stockpile Material in Roadways**

Stockpiling construction, yard and landscape improvement materials or debris in the street or curb and gutter is not permitted without approval from the Public Works Department. This includes but is not limited to stockpiling of topsoil, fill material, sand, gravel, landscape rock, bark, mulch, pavers, sod or any other material stockpiled in the roadway.

(1) Any approved on-street storage shall comply with the following:

(a) All permitted stockpiled materials must be removed and cleaned up within twenty-four (24) hours of placement.

(b) Barricade requirements as established in the manual of Uniform Traffic Control Devices.

(c) Not be located as to constitute a hazard or an obstruction to an emergency vehicle or equipment.

(d) Not to be located to block any crosswalks or sidewalks.

(e) Not be located in front of or within five (5) feet of any public or private driveway.

(f) Not be located within thirty (30) feet of an intersection.

(g) Not to be located within fifteen (15) feet of a fire hydrant.

(h) Not to be located so as to block a U.S. postal box or any other type of mail box.

(2) Any non-compliant stockpiles shall be immediately removed and the street cleaned. Citations may be issued to property owners for materials not removed as directed.

**23-8-15 Storm Water Utility Fees**. Each developed parcel of real property in the City shall be charged a storm water utility fee.

(1) ESU – The fee shall be based on the number of equivalent service units (ESU's) contained in the parcel.

(2) Calculation – 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 storm water utility fee by resolution.

**23-8-16 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) Destroy, injure, deface, impair, interfere with the operation of any part, pipe, or appurtenance.

(3) Cast anything into manholes or other access points into the systems.

(4) Place, induce, empty or discharge into the system, any garbage, refuse, soil or other similar matter, or any substance or thing likely to obstruct or pollute the system.

- (5) Track mud or sediment onto public streets by any vehicles or other means.
- (a) At all construction sites, provisions shall be made to either clean the streets or clean the vehicles, or both, before vehicles leave the site.
- (6) Construct dirt or soil ramps for access across existing curb and gutter.
- (7) Washout concrete trucks at any sites other than preapproved designated areas. Dumping of excess concrete shall not be allowed anywhere within the City.
- (8) Landscape maintenance including, but not limited to lawn clippings, tree trimmings, and fertilizers shall not be left, placed or emitted onto public streets.
- (9) Tamper with, relocate, remove, block or otherwise impede from the intended function any portion of a flood irrigation system.
- (10) 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.
- (11) Fail or refuse to meet the requirements of any maintenance agreement.
- (12) Place detrimental or dangerous materials such as 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 system or capable of interfering with the normal operation of the system.
- (13) Place any wastewater from any agricultural, industrial, commercial, residential activities, or recreational vehicle into the system.
- (14) Discharge into the system any matter or substance, solid or liquid, which shall cause the contamination of the system, that may result in harmful effects to human health or the environment.

## Chapter 9. Flood Damage Prevention

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

### **23-9-1 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.

### **23-9-2 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.

### **23-9-3 Lands to Which This Chapter Applies.**

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

**23-9-4 Basis for Establishing the Areas of Special Flood Hazard.** Federal Emergency Management Agency (FEMA) and the Flood Insurance Rate Map (FIRM) shall guide the community in identifying areas of special flood hazards.

**23-9-5 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.

**23-9-6 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.

**23-9-7 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 permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334). 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.

**23-9-8 Permit Procedures.** If a project is identified to be located within a floodplain, application shall be made to the Community Development Department including but not be limited to, plans 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 the application 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 general plan for that area.

**23-9-9 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 (FEMA) upon request.

(5) 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.

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

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, 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.

**23-9-10 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;

(a) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage; with materials resistant to flood damage; 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;

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

(3) 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,

**23-9-11 Standards for Subdivision Proposals.**

(1) All subdivision proposals (including the placement of manufactured home parks) shall meet the following standards:

(2) be consistent with this Title;

(3) have adequate drainage provided to reduce exposure to flood hazards

(4) have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

## Chapter 10. Flood Irrigation Systems

- 23-10-1 Statement of Ownership
- 23-10-2 Private Irrigation Systems
- 23-10-3 Irrigation Owners and Users Affected
- 23-10-4 Reporting Irrigation Ditch Ownership, Users, Locations, and Types
- 23-10-5 Required Schedule For Furnishing The Requested Information
- 23-10-6 Responsibility to Locate System
- 23-10-7 Notification of Development
- 23-10-8 Development Standards
- 23-10-9 Use of the City Storm Water System

**23-10-1 Statement of Ownership.** There are multiple flood irrigation companies and users within the City. These irrigation systems are neither owned, operated, or under the control of the City. The irrigation companies and users obtain their water from the Davis & Weber Counties Canal Company (DWCCC). These irrigation companies operate and own the irrigation systems and are fully responsible for them, the water that flows within them, and the tail water generated from irrigation.

**23-10-2 Private Irrigation Systems.** The irrigation system consists of all pipelines, boxes, grates, head gates, ditches, canals, storage ponds, reservoirs and other facilities under the control of the owners and users of the non-pressurized infrastructure.

**23-10-3 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.

**23-10-4 Reporting Irrigation Ditch Ownership, Users, Locations, and Types.** All owners or users of irrigation ditches, canals, pipelines or other private facilities transporting water by easement or any other right 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.

### **23-10-5 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) Updated reports shall be submitted when any changes are made to the system, including changes to ditch masters or ownership..

**23-10-6 Responsibility to Locate System.** All owners and users of the irrigation systems are responsible for locating their facilities whenever requested through the “Blue Stakes” program or by other means.

### **23-10-7 Notification of Development.**

(1) Whenever the City is notified of any development that is in the immediate vicinity of a portion of a private irrigation system, the petitioner will be required to contact the owner of record and obtain approval for modifications or impacts to the private irrigation system.

### **23-10-8 Development Standards.**

(1) All improvements to private irrigation systems in the development and public right-of-ways shall meet the requirements of the Clinton City Development Standards.

(2) The improvements to private irrigation systems, may include, but not limited to, the following:

- (a) Piping of open ditches, within project area
- (b) Piping in the street right-of-way, must be reinforced concrete pipe
- (c) Diversion, junction or other boxes must be located outside of sidewalks.
- (d) Head gates must be located outside of roadways.

**23-10-9 Liability.** Each private irrigation system owner or operator shall obtain liability insurance pursuant to Utah State Code, and as may be amended.

**23-10-10 Use of the City Storm Water 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 storm water system. Wherever this occurs the waters that enter into the storm water system become the property and responsibility of the City.
- (2) There are locations within the City where users of water from the private irrigation systems take the water out of the storm water 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 storm water system, is the point where the lateral line joins the main line to include the connection. Laterals extending from the land or tailwater ditches to the storm water main are the responsibility of the owner or operator irrigating the property. Laterals and the connection extending from the storm water 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 storm water system are the responsibility of the owner or operator of the system receiving the water.

## Chapter 11. Enforcement

- 23-11-1 Inspector
- 23-11-2 Duties of Inspector
- 23-11-3 Emergency Enforcement
- 23-11-4 Enforcement
- 23-11-5 City Right to Make Repairs & Site Abatement
- 23-11-6 Penalty

### 23-11-1 Inspector.

- (1) The position of Public Works Inspector has the purpose of administering the provisions of this Title under the direction of Public Works Director.
- (2) The Inspector shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance.

### 23-11-2 Duties of Inspector.

- (1) The Inspector conducts inspections for compliance with the requirements of this Title. 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 the processes and procedures established in this Chapter.
- (2) The Inspector is hereby authorized and directed to:
  - (a) Perform all functions necessary to enforce the provisions of this code;
  - (b) Inspect all sites or places for the purpose of determining whether they are in compliance with all provisions of this Title;
  - (c) Inspect grease interceptors; grease traps; and sand, soil, and oil interceptors;
  - (d) Inspect post-construction operation and maintenance of storm water controls;
  - (e) Inspect construction activities; and,
  - (f) Inspect condition of drainage control facilities, discharges and other BMPs either publicly or privately owned.

**23-11-3 Emergency Enforcement.** In the event that any violations threaten the protection of life, property, or natural resources it shall be corrected and mitigated immediately upon verbal or written notice. Violations not corrected and mitigated

immediately will be referred directly to the Clinton City Prosecutor.

### 23-11-4 Enforcement.

The City shall have the authority to issue warnings, notices of violation, stop work orders, and impose re-inspection and penalty fees by the procedures described in this Chapter and as adopted by the City's Consolidated Fee Schedule.

(1) If the Inspector determines that any Land Disturbing Activities are in violation of City, County, State, or Federal codes on any property within the limits of Clinton 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 associated information related to the permit, if issued;
- (c) Issue a written Corrective Action Inspection Report identifying the conditions violating this Title and give notice that they must be corrected within the time determined by the Inspector.
- (d) Correction period for compliance shall be not more than fourteen (14) days. Violations involving storm water the corrective period shall not be more than seven (7) days.

The time given to remedy the violation shall begin the day after the warning is issued.

(2) Re-inspection will occur at the end of the correction period, and if the violation has not been corrected within the deadline set in the Corrective Action Inspection Report, a Notice of Violation will be issued by the Inspector. The correction must occur within forty-eight (48) hours.

(3) If after 48 hours the corrections of the violation are still not satisfied, a Stop Work Order will be issued by the Inspector. Absolutely all construction activity shall immediately cease, except the necessary corrective actions.

(4) For any storm water violations, the compliance process described above shall be followed in addition to the following measures:

(a) An Initial Storm Water Violation Fine must be paid within twenty-four (24) hours (or next business day) of the Notice of Violation being issued as listed in the City's Consolidated Fee Schedule

(b) An Uncorrected Storm Water Violation Fine must be paid within twenty-four (24) hours (or next

business day) of a Stop Work Order being issued as listed in the City's Consolidated Fee Schedule.

(c) If the Storm Water violation fines are not paid within the prescribed time, an additional Uncorrected Storm Water Violation Fine shall be issued weekly until paid in full.

(d) Should the fines not be paid in full within fourteen days, the City may pursue other legal remedies, including but not limited to a non-compliance certificate (lien) recorded against the property. The non-compliance certificate shall not be removed until County recordation fees and fines are paid in full.

#### **23-11-5 City Right to Make Repairs & Site Abatement**

(1) If a responsible party fails or refuses to fully correct the identified violations, 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.

(2) After proper written notice to the responsible party or owner(s) of the facility, the City may assess the following:

- (a) The cost of repair work;
- (b) Any penalties, as adopted by the City's Consolidated Fee Schedule; 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 costs associated with the work, it 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.

#### **23-11-6 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 (as already described in this Title).

(4) Nothing herein contained shall prevent Clinton City from taking such other lawful action as is necessary to prevent or remedy any violation. Such as, but not limited to, the following:

- (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 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.