

**FOUNTAIN GREEN CITY ORDINANCE NO. 1994-1**

**AN ORDINANCE ADOPTING PROVISIONS FOR REGULATING THE SEWER DEPARTMENT (THE "SYSTEM"); FIXING RATES FOR CONNECTION TO AND USE OF THE SYSTEM AND PROVIDING THAT SAID RATES MAY BE AMENDED BY RESOLUTION; PROVIDING CERTAIN OPERATIONAL RULES AND PROCEDURES; REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); PROVIDING WATER CAN BE TURNED OFF FOR DELINQUENCY IN SEWER OR WATER CHARGES; DELINQUENCY IN SEWER OR WATER CHARGES; FIXING CHARGES FOR TURNING ON WATER AFTER DELINQUENCY; DECLARING UNLAWFUL AND PROVIDING PENALTIES FOR CERTAIN ACTS.**

**BE IT ORDAINED AND ENACTED by the City Council of the Fountain Green City, Sanpete County, State of Utah, as follows:**

**WHEREAS, Fountain Green City, Sanpete County, State of Utah, (the "City") is the owner of a wastewater system for the purpose of furnishing sewer and wastewater services to the residents of said City under a system of facilities (the "System") and it is necessary and advisable to adopt an Ordinance for the controlling of the System, including the setting of fees for wastewater services and amending and, where necessary, repealing wastewater ordinances and regulations heretofore adopted in conflict herewith;**

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**ARTICLE I**

**DEFINITIONS**

**Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:**

**Section 1. "Addendum" means the document appended hereto entitled "Service User Charge System". The Addendum is incorporated in this Ordinance. The Service User Charge System includes Section A through I and shall have effect as fixed and variable charges.**

Section 2. "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.

Section 3. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 4. "Building sewer" means the extension from the building drain to the Public sewer or other place of disposal, also called house connection.

Section 5. "Cesspool" means an underground reservoir for liquid waste (as household sewage).

Section 6. "City" means Fountain Green City, Sanpete County, Utah.

Section 7. "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

Section 8. "Easement" means an acquired legal right for the specific use of land owned by others.

Section 9. "Floatable oil" means oil, fat, or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Section 10. "Garbage" means all waste resulting from residences, commercial trades, or businesses and institutions. Commercial and Industrial waste shall be distinct from domestic or household sanitary wastes.

Section 11. "Governing Body" means the Mayor and Councilmembers of Fountain Green City.

Section 12. "Hearing board" means that board appointed according to provision of Article IX.

Section 13. "Industrial wastes" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 14. "May" is permissive (see "shall", Section 28).

Section 15. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 16. "Person" means any individual, firm, company, association, society, corporation, or group.

Section 17. "pH" means the logarithm of the reciprocal of the hydrogenions concentration. The concentration is the weight of hydrogenions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

Section 18. "Privy" means a small building having a bench with holes through which the user may defecate or urinate.

Section 19. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

Section 20. "Public sewer" means a common sewer controlled by a governmental agency or public utility.

Section 21. "Residential Equivalent" means a structure, building or unit discharging effluent into the System placing no more burden or discharge no more effluent than Residential Flows as defined hereinafter.

Section 22. "Residential Flows" means the assumed average and/or standard flow expected from a single family dwelling based on winter-time culinary water usage. A Residential Flow volume strength is 250 mg/l TSS (Total Suspended Solids, see "Suspended Solids") and 200 mg/l BOD<sub>5</sub> (Biochem Oxygen Demand, see "BOD"). Rates for volume and strength of Residential Flow are as set out in Addendum "A".

Section 23. "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Section 24. "Septic Tank" means a tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

Section 25. "Sewage" means the spent water of a community. The preferred term is "wastewater" (See Section 35).

Section 26. "Sewer" means a pipe or conduit that carries wastewater or drainage water.

Section 27. "Shall" is mandatory (see "may" Section 15).

Section 28. "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 29. "Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Section 30. "Superintendent" means the Superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of Fountain Green City or his authorized deputy, agent, or representative.

Section 31. "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Section 32. "System" means the sewer, wastewater or combined wastewater and storm or surface water facilities of the City.

Section 33. "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 34. "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Section 35. "Wastewater facilities" means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Section 36. "Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

Section 37. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

## ARTICLE II

### USE OF PUBLIC SEWERS REQUIRED

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within Fountain Green City, or in any area under the jurisdiction of said City, any human excrement, garbage, or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within Fountain Green City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or within 300 feet of the System is hereby required, at the owner(s) expense, to install suitable sewer facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance, within 180 days after date of official notice to do so, provided that said sewer is within 300 feet of the owner's property line.

Section 5. To evidence compliance with the requirements of this Article II, the City adopts this penalty and compensatory sanctions, the violation of which shall constitute a misdemeanor of the Second Class: Under the authority of §10-8-15, Utah Code Annotated, 1953, as amended, Fountain Green City hereby exercises a municipality's extraterritorial jurisdiction to protect its culinary water system and its source from exposure to underground percolation from any ecological injury, pollution or contamination of the watershed or exposure of the System and water-polluting underground percolations influencing the culinary waterworks source. Fountain Green City under the authority of §10-8-38, Utah Code Annotated 1953, as amended declares that all lands (whether inside or outside an incorporated municipality) within 300 feet on either side of the transmission or interceptor lines and the inlet

facilities of each and all of the collection, interception and inlet facilities or one or any combination of the same (the "System") are a part of the Fountain Green Wastewater Facilities of Fountain Green City and the System and the City hereby requires that the owner or occupant of any land upon which any structure is located and on the nearest property line of any kind within 300 feet of any lateral, interceptor or collection portion of the System shall connect to the System, the failure of which shall constitute a public offense and punishable by law as a misdemeanor of the Second Class.

### ARTICLE III

#### PRIVATE WASTEWATER DISPOSAL

Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Section 2. Before commencement of construction of a private wastewater disposal system the owner (s) shall first obtain a written permit issued by the City's water and sewer superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary. A permit and inspection fee shall be paid to the City at the time the application is filed.

Section 3. Permission to use the system for a private wastewater disposal system shall not become authorized until the installation is completed in compliance with the approved plans applicable with all State and local codes and this ordinance. Authorized City employees shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the City Recorder when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within (48) hours of the receipt of notice by the City Recorder.

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Utah. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 4, a direct connection shall be

made to the public sewer within one hundred eighty (180) days, in compliance with this ordinance, and the private disposal system shall be disconnected and made inoperable.

Section 6. When a public sewer is not available, the owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the City.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Utah State Department of Environmental Quality.

#### ARTICLE IV

#### SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS; RATES FOR USE

Section 1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Section 2. There shall be one (1) class of sewer connection to be known as "Residential" or "Residential Equivalent".

In every case, the owner(s) or agents shall make application on a form obtained from the City. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the City water and sewer Superintendent.

A fee for sewer connection permits and inspections shall be assessed and collected at the time of application to the City. The fee for a Residential Equivalent connection permit shall be \$350.00 if paid before the completion of the sewer and wastewater system. Thereafter, the fee for each Residential Equivalent connection permit shall be \$1,000.00.

Section 3: Form of Application. Each person owning, occupying or having an interest in any structure in Fountain Green City, the property line of which is within 300 feet of the sewer line shall connect to the sewer system upon an application in the form hereinafter set out.

It shall be a Class B Misdemeanor or a misdemeanor as declared by state law or county ordinance for any person to fail to connect to the sewer system who is the occupant, owner or user of any structure whose outermost property line is within 300 feet of the sewer system by a fine of not less than \$50.00 for each day of violation and each day of failure to connect shall be deemed a separate offense.

Each individual connection to the sewer system shall execute an application in the following form:

**FOUNTAIN GREEN CITY  
APPLICATION FOR SEWER CONNECTION**

**TO FOUNTAIN GREEN CITY, UTAH:**

I hereby apply to the municipality of Fountain Green City, Sanpete County, Utah (the "City") for permission to connection my premises at \_\_\_\_\_ with Fountain Green City Wastewater System and hereby agree as follows:

1. (a) The City shall make the requested connection from its sewer main to, and including the distance and up to my property line. I agree to pay the City such connection fees as may be fixed by the Governing Body by resolution or ordinance including also a deposit security charge, if so provided.

The work of extending the sewer connection from the nearest point to which the City installs its main to the place at which the sewer is to be used shall be my responsibility and shall be performed at my sole cost.

(b) The location of the service, whether on my premises or at some point near my premises, may be decided solely by the City.

(c) The connection so made by the Municipality, including the meter, shall remain the property of the Municipality at all times and the Municipality shall have access thereto at all times.

(d) The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the Municipality.

2. I understand the City reserves the right to cause the wastewater system upon my premises to be inspected by the City and if the facility should not be approved, I will cause the same to be corrected and improved at my own expense to meet the requirements of the City or of any other governmental agency having jurisdiction to regulate the water or wastewater system within the City.

3. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the City applicable to the City's wastewater system.



4. The main purpose for which the sewer connection will be used is for wastewater use.

5. The City shall have free access to the lines and services installed under this agreement and, at reasonable times, through my property, if necessary.

6. The undersigned hereby gives and grants to Fountain Green City a perpetual easement to construct, maintain and repair a sewer line or sewer connection outfall or interceptor lines or any facilities thereto associated upon the property of the undersigned within Sections \_\_, \_\_, \_\_ and \_\_, Township \_\_ South, Range \_\_ st, Salt Lake Base and Meridian, the consideration for which shall be the granting of this application.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Applicant)

\* \* \* \* \*

Section 4: Addendum "A". Attached to this Ordinance as an addenda is a document entitled "SERVICE USER CHARGE SYSTEM", Addendum "A". Addendum "A" is incorporated by reference and made a part of this Ordinance and a part of the Ordinances of Fountain Green City and its title shall be known and it may be referred to as "Addendum A, Charge System" or merely, "Addendum A" in any document, pleading, or proceeding pertaining to the sewer or wastewater system of Fountain Green City. References to "Addendum A" shall also be made when there is ambiguous declaration or statement in this or any Ordinance of Fountain Green City, Utah and any resolutions or proceeding affecting the Fountain Green City sewer and wastewater system. The rates for connecting to and use on monthly or any other basis may be fixed and amended by Resolution or Amending Ordinance.

Until otherwise provided by Resolution or an Amending Ordinance the rates shall be as follows:

(A) Residential Equivalent: a minimum of \$15.00 per month per connection, active or inactive.

(B) A surcharge of One Dollar and Sixty-five Cents (\$1.65) Cents per 1000 gallons usage will be charged for each Residential Equivalent.

The Governing Body will, to promote equity in distribution of operation and maintenance costs, and for no other purpose, establish rates based entirely upon metered winter usage, effluent

strength by or solely upon the basis as defined hereinabove or upon an equitable combination of any of those so that the costs of operation and maintenance reflected in rates will be equitably distributed among those based upon their usage of and benefit received from the System.

Section 5. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 6. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole system will be considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 7. Old building sewers may be used in connection with new buildings only when they are examined and tested by the City sewer and water superintendent and found to meet all requirements of this ordinance.

Section 8. The size, slope, alignment, materials or construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and the State of Utah. In the absence of these code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Section 9. Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the Owner shall be responsible for all installations, maintenance, and operating costs for their operation.

Section 10. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain

which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City and the Utah State Department of Environmental Quality for purposes of disposal of polluted surface drainage.

Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, and the State of Utah, or the procedures set forth in appropriate specifications of nationally-recognized publications of what are known as the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight, any deviation from the prescribed procedures and materials must be approved by the City before installation.

Section 12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 13. Irrespective of the occupant, user, tenant, co-tenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service made available, THE OWNER OF THE PREMISES ACCORDING TO THE RECORDS OF THE SANPETE COUNTY RECORDER SHALL BE LEGALLY RESPONSIBLE FOR THE PAYMENT OF ALL CHARGES, FEES, ASSESSMENTS AND ANY OTHER PAYMENT OF ALL CHARGES, FEES, ASSESSMENTS AND ANY OTHER OBLIGATION OR LIABILITY OF A USER. If any delinquent sewer connection, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property, buildings or structures, the obligation shall be deemed by Fountain Green City as an obligation of the owner of the real property on which any use is made from a sewer connection. Water service to delinquent property shall be turned off by the City for failure to pay any and all sewage and wastewater fees, assessments, charges or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the City for sewer service are paid in full.

All payments for utilities, whether "water" or "sewer" shall be credited first to sewer assessments, fees or charges.

Section 14. Interest Charge on Delinquent or Past-Due Connection Fees: The Mayor and Council of Fountain Green City may, at their discretion and in circumstances that are equitable, impose interest at the highest legal rate (but not to exceed 1½% per month) on all past-due accounts either for connection fees, user charges, maintenance, repair or any other charge which is provided for, imposed or authorized by this Ordinance.

Section 15. Notification. Each user will be notified, at

least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services (O&M) vs. debt service.

## ARTICLE V

### ANNUAL REVIEW OF OPERATIONAL COSTS; REVISION WHERE REQUIRED; DEBT SERVICE

Section 1. The City shall review the total annual cost of operation and maintenance, long-term debt service relating to the wastewater treatment works, as well as each user's wastewater contribution percentage not less often than every year, and will revise the user charge system as necessary to assure equity of the system established herein and to assure that sufficient funds are obtained from the City's user charge system to: (a) adequately operate and maintain the wastewater treatment works; and (b) cover said debt service. The City will apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and adjust this rate accordingly.

Section 2. The addendum attached hereto and entitled "Fountain Green City Service User Charge System" shall be used for calculating rates. The addendum shall be used as a formula for calculating rates, fees, and charges for connection, use and access to the system. The addendum is adopted and made a part of this Ordinance.

## ARTICLE VI

### USE OF THE PUBLIC SEWERS

Section 1. No person(s) shall discharge or cause the discharge of any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the City and Utah State Department of Environmental Quality.

Section 2. Stormwater other than that exempted under Section 1, Article VI and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to natural outlets approved by the City and the Utah State Department of Environmental Quality. Unpolluted industrial cooling water or process waters shall also be discharged, to a storm sewer, combined sewer, or natural outlet.

Section 3. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers: (a) any gasoline, benzene, naphtha, fuel oil, or

other flammable or explosive liquid, solid or gas; (b) any waters containing toxic or poisonous solids, liquids, or other wastes, to contaminate or interrupt any sewage treatment process, constitute a hazard in or have an adverse effect on the waters receiving any discharge from the works; (c) any waters or wastes having a ph lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works; and (d) solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders.

Each user which discharges any toxic pollutants which cause damage to the Fountain Green Treatment works shall be liable to the City for such damage and for all expenses incurred by the City in repairing those treatment works.

Section 4. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal system to concentrations or quantities which will not harm either the sewers, the sludge of any municipal system, the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, public property or constitute a nuisance. The City may set limitations more severe than the limitations established in the regulations below if such more severe limitations are necessary to meet the above objectives. In setting these requirements the City will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the sewers, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City are as follows:

(a) Wastewater having a temperature higher than 150 degrees fahrenheit (65 degrees Celsius).

(b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.

(c) Wastewater from industrial plants containing floatable oils, fat or grease.

(d) Any garbage that has not been properly shredded (see Article I, Section 17). Garbage grinders may be connected to

sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in commercial kitchens for the purpose of consumption on the premises.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the State of Utah for such materials.

(f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the State of Utah.

(g) Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established in compliance with applicable State or Federal regulations.

(h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(i) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 5. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which are determined by the City to have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge, and/or wastes not covered by existing taxes or sewer charges under the provisions of this article. If the City permits

the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and the Utah State Department of Environmental Quality.

(d) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(e) Details of wastewater pretreatment facilities.

(f) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 6. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.

Section 7. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

#### ARTICLE VII

Section 1. No persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances or equipment which is a part of the wastewater facilities. Any persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### ARTICLE VIII

##### POWERS AND AUTHORITY OF INSPECTORS

Section 1. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Section 2. Duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Industrial users may withhold information when they have established that the revelation of said

information to the public might result in an advantage to competitors.

Section 3. Grease, oil, and sand interceptors shall be provided when liquid wastes containing floatable grease in excessive amounts as specified in Section 4(c) of Article VI, or any flammable wastes, sand or other harmful ingredients are introduced into public sewers; except that such interceptors shall not be required for private living quarters or dwelling units, all interceptors shall be of a type and capacity approved by the Utah State Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 4. Where pretreatment or flow-equalization facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at its expense.

Section 5. When determined necessary by the City the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 6. The City may require any user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewater's discharge peak rate and volume over a specified time period.
- (2) Chemical analysis of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer control.



Section 7. While performing the necessary work on private properties referred to herein, duly, authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 8.

Section 8. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### ARTICLE IX

#### HEARING BOARD

Section 1. A hearing board shall be appointed as needed for arbitration of differences between the City and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the City. The board shall meet once every three months unless their services are determined to be necessary more often by the City engineer. One member shall be a representative of a local commercial enterprise. One member shall be a residential user selected at large for their interest in accomplishing the objectives of this ordinance. As the board deems necessary and upon concurrence by the City, a qualified Attorney may be consulted by the board to a specific case.

#### ARTICLE X

#### PENALTIES

Section 1. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article X Section 1, shall be guilty

of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$299.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the City for the expense, loss, or damage occasioned the City by reason of such violation.

#### ARTICLE XI

##### VALIDITY

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

#### ARTICLE XII

##### ORDINANCE IN FORCE

Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and posting as provided by law. This Ordinance shall be posted in the following places:

(1) Fountain Green City Hall  
84 South State  
Fountain Green, Utah

(2) \_\_\_\_\_,  
Fountain Green, Utah

(3) \_\_\_\_\_,  
Fountain Green, Utah

Section 2. Passed and adopted by the Council of Fountain Green City, State of Utah, on the 6th day of July, 1994, by the following vote:

AYES: Mark Corral  
James Hansen  
James Rasmussen  
Don Taylor  
Scott Colloid

NAYS: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

APPROVED this 6th day of July, 1994.

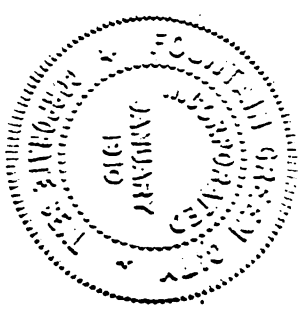
FOUNTAIN GREEN CITY,  
SANPETE COUNTY, UTAH

By Dean J. Hansen  
Mayor

ATTEST:

Laureen E. Lund  
City Recorder

(SEAL)

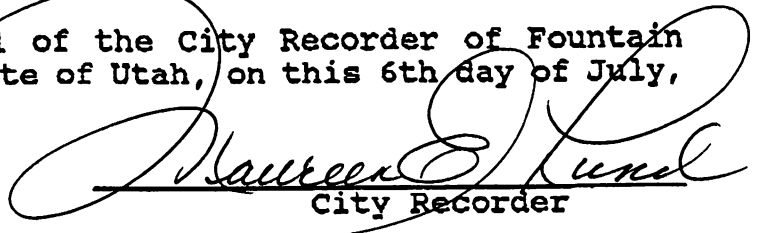


STATE OF UTAH )  
                  ) : SS.  
COUNTY OF SANPETE )

I, MAUREEN LUND, being first duly sworn upon oath, deposes and says that she is the City Recorder of Fountain Green City, Sanpete County, State of Utah; that on the 6th day of July, 1994, she posted a full, true and correct copy of the foregoing User Ordinance No. 1994-1 at the following places:

- (1) Fountain Green City Hall  
84 South State  
Fountain Green, Utah
- (2) \_\_\_\_\_  
Fountain Green, Utah
- (3) \_\_\_\_\_  
Fountain Green, Utah

WITNESS the hand and seal of the City Recorder of Fountain Green City, Sanpete County, State of Utah, on this 6th day of July, 1994.

  
\_\_\_\_\_  
City Recorder

