

## Title 13. UTILITIES

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Chapter 13.04. General Utility Regulations

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13.04.010. Definitions

For the purpose of this Title, the following terms, phrases, words, and their derivations shall have the meanings given herein:

- A. As-built(s). Drawings depicting infrastructure as actually constructed. These drawings are typically surveyed and mapped by the City. They are integrated into the overall City utility maps.
- B. City. Spanish Fork City.
- C. City Council. The governing body of Spanish Fork City.
- D. City Engineer. The City Engineer for Spanish Fork City or his/her authorized representative.
- E. Construction Standards. The Construction Standards formally adopted by Spanish Fork City.
- F. Easement. A non-possessory interest in real property acquired by a person, corporation, municipality, or other legal entity that entitles the holder the right to use of the owner's land in the manner specified in the easement documents.
- G. Person. A Person is any individual, corporation, partnership, firm, association, company, trust, estate, any other legal entity or their legal representatives, agents, or assigns, or body politic organized or existing under the laws of this or any other

state or country, including any agency of the State of Utah and the United States government. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

H. Property Owner. The owner of record of real property.

#### 13.04.020. General

The City provides the following utility services to the residents of the City:

1. Electricity;
2. Solid Waste disposal;
3. Stormwater drainage;
4. Telecommunications, including cable television, internet, and telephone, where possible;
5. Wastewater collection and treatment;
6. Water including drinking water and pressurized irrigation where possible.

The City will maintain these utilities in accordance with accepted utility practices in order to minimize outages and backups and protect Persons and property from dangerous conditions, and provide a safe working environment for its employees. The City Manager is responsible to establish policies and procedures necessary for the management, control, and proper maintenance of the City utility systems.

- A. Ownership of Utility Systems. All utility system components related to source development, distribution, or transmission shall be the property of the City.
- B. Ownership of Utility Services. Metered services up to and including the meter shall be the property of the City. Non-metered services up to the property line shall be the property of the City.
- C. Severability. If any provision of this Title is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this Title are declared to be severable.
- D. As-builts. Developers shall pay a fee to the City for the City to survey and map As-builts.
- E. Criminal Violation. Unless otherwise specifically provided in this Title, every person who violates any provision of this Title is guilty of a Class B misdemeanor. Each day that a violation of any provision of this Title continues constitutes a separate and distinct offense.

- F. Civil Penalty. In addition to any criminal penalties, offenders shall be assessed a civil fee established by the City Council in a resolution or in the budget. In addition and offender is liable for any damages caused, including attorney's fees, expert witness fees, and any other costs attributable to the violation.

#### 13.04.030. Utility Service

Every person desiring to obtain utility services from the City shall contract therefore, in writing, upon forms furnished by the City.

- A. Rates. The rates for City utility services shall be adopted by the City Council in a resolution or in the budget. The City Manager is responsible to, establish policies and procedures for levying, billing, guaranteeing, and collecting charges for utility services.
- B. Meters. Except as otherwise expressly permitted by this Title, all structures, dwelling units, and establishments using metered utilities from City systems must have such number and type of meters connected to the utility systems as are necessary, in the judgment of the City Engineer, to adequately measure use to the respective users.

Meters will be furnished by the City at the expense of the applicant, developer, or user, who shall be required to pay for the number of meters to be installed on the premises to cover the cost of the meters and their installation.

- C. Statements. The City shall provide to each customer receiving utility services a statement detailing the amount of utility service charges assessed them once each month or at such other regular interval as set forth by policy. Said statement shall separately specify the amount of the bill for the utility services used, the place of payment, and the due date.
- D. Delinquency and Loss of Utility Service. If any person fails to pay the utility charges within thirty days of the date due, the City shall have the authority to direct that some or all utility services to the premises involved be discontinued.

In addition to terminating utility service, the City is authorized and empowered to enforce the payment of all delinquent utility service charges by an action at law or by referral to a collection agency. In such event, the city shall be entitled to recover its costs and attorney fees.

- E. Reinstatement of Utility Service. Before utility service for discontinued services shall again be provided, all delinquent charges must have been paid to the City, together with such extra charge for turning the utilities on and off as the City Council may have established in the annual budget.

It is unlawful for any person, after utility service has been turned off at his/her premises for nonpayment of utility charges or other violation of the rules and regulations pertaining to the utility service, to turn on or allow the services to be turned on or used without permission from the City.

- F. Unauthorized Use. It is unlawful for any person to use or obtain utility services from the premises of another without the express permission of the other and the City.
- G. Liability. The City shall not be liable for any damage to a utility service user by reason of stoppage or interruption of his/her utility services caused by *force majeure*, scarcity of resources, accidents to the utility systems, equipment malfunction, the result of maintenance and extension operations, from actions of other parties, or from any unavoidable cause.

Nothing in this Title shall be construed to relieve or lessen the responsibility of any person owning, operating, or installing anything related to or connected to any utility system for damages to anyone injured or damaged either to person or property by any defect therein.

The City or any agent thereof shall not be held liable by reason of the inspection authorized herein or any approval resulting from inspections by any City inspector.

- H. Service Laterals. The City will maintain utility service laterals from the main line to and including the meter on metered services and from the main line to property line on unmetered services. The user shall maintain lines beyond these points. The user shall be responsible to clean sanitary sewer and storm drain service laterals to the main lines.

All users of City utility services shall keep their service lines and connections and other apparatus in good repair and protected from frost, trees, and other hazards at their own expense. No person shall be allowed to dig into a City street for the purpose of laying, removing, or repairing any utility line without first obtaining an excavation permit from the City.

- I. Building and Service Lateral Installation. Installations in and to buildings related to City utilities shall comply with all applicable codes adopted by the City and shall comply with all licensing and inspection ordinances now or hereafter adopted by the City, including the Construction Standards.

Installations in and to buildings shall be subject to the inspection and approval of a City building inspector before any building or structure shall receive service through a City utility system.

A City building inspector may require the removal of any flooring, wallboard, paneling, ceiling materials, encasement, or any and all construction materials covering or obstructing free access or view of any installation connected to a City utility system or device which has not been inspected and received inspector's approval. A City building inspector shall not approve any building utility system which has not been visually or otherwise inspected. The expenses of the removal and reinstallation of any materials undertaken pursuant to this section shall be borne by the owner or builder of said building or structure.

All costs and expense incidental to the installation and connection of a building to a City utility system 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 caused by the installation.

#### **13.04.040. Extension of Utility Systems**

All utility system wiring, piping, and appurtenances installed in conjunction with the utilities of the City shall be installed and inspected according to codes adopted by the City, the Construction Standards, and as directed by the City Engineer. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any existing public utility or appurtenance thereof without first obtaining written authorization from the City Engineer.

A City public works inspector may require the removal of any fill, concrete, landscaping, structure, or any and all construction materials covering or obstructing free access or view of any installation connected to a City utility system or device which has not been inspected, surveyed, and received inspector's approval. A City public works inspector shall not approve any utility extension which has not been visually or otherwise inspected and surveyed. The expenses of the removal and reinstallation of any materials undertaken pursuant to this section shall be borne by the owner or contractor of said installation.

- A. Fees. All costs and expense incidental to the installation and connection of a utility extension to a City utility shall be borne by the developer. The developer shall indemnify the City from any loss or damage that may directly or indirectly be caused by the installation.

The City Engineer is responsible to establish policies and procedures for levying, billing, and collecting fees for utility extensions and all other rules necessary for the management and control of the extension of utility systems.

- B. Utility Extensions in the City. Any person or persons desiring to have utility lines extended in the City, and being willing to advance the whole expense of such extension, may make application to the City Engineer. The City Engineer may grant or deny the petition to extend the existing utility lines within the City.

- C. Utility Extensions Out of the City. Extensions outside City limits must be approved by the City Council. In the event the extension is granted, the City Engineer shall designate the route to be taken. Plans and construction work shall be approved and bonded according to the City development code, Construction Standards, and City Engineer. Any such extension shall be the property of the City.

**13.04.050. Protection and Access to City Utilities**

- A. Access and Right of Entry. Employees or agents of the City shall have the right to enter upon any premises at all reasonable hours for the purpose of reading the demarc boxes and utility meters thereon. All other inspections, for whatever purpose, shall be made in accordance with Spanish Fork Municipal Code §1.08.010.

Each utility user shall keep each demarc box or meter freely accessible to employees of the City for the purpose of reading said meter and shall not obstruct access to said meter in any manner whatsoever, including but not limited to obstructions or inaccessibility caused by buildings, fences, gates, enclosures, vegetation, any structure of any kind, or by dogs or other animals.

In addition to any penalty imposed by this Chapter, the City may disconnect the utility service to any user who obstructs or makes inaccessible or who allows to be obstructed or to become inaccessible any demarc box or meter.

- B. Tree and Vegetation Trimming or Removal. Spanish Fork City has the right to go upon private property where it has easements, either formal or prescriptive, in order to trim or remove trees and other vegetation to keep them from interfering with hydrants, utility boxes, and electrical, sewers, meters and telecommunication lines. Tree and vegetation trimming does not have the purpose of being aesthetically pleasing, but will be for the purpose of maintaining safe and reliable lines.

The scope of any trimming or tree removal will be at the sole discretion of the City and will be based upon potential public safety hazard, potential for property damage, and the type of trees or vegetation involved and their propensity for rapid growth. If a tree needs to be removed, the City will advise and work with the property owners, but removal will ultimately be the responsibility of the owner. If the tree or vegetation is in the public right-of-way the City may proceed to remove trees or vegetation. The City may top a tree if a property owner fails to timely remove it.

The property owner shall be responsible to trim around lines feeding a residence from a transformer, pole, or junction box. Failure to trim will subject the property owner to damages if the growth causes an outage. The property owner shall not

be eligible to receive any reimbursement from the City, or its subcontractors or suppliers for damage to the owner's property due to their failure to trim trees or other vegetation.

- C. Willful or Malicious Acts and Damage. No person may willfully or maliciously:
1. Cut, break, or remove part of any component of a utility system without authorization from the City;
  2. Connect to any utility or intercept any transmission without applying or paying therefore;
  3. Use or obtain by any means or device any utility except through a meter or other device approved by the City Engineer;
  4. Interfere with the use of any utility system or obstruct or postpone the transmission of service systems or to procure or advise any such injury;
  5. Perform, procure, or advise the performance or procurement of any said listed acts.
  6. Open or operate any manhole, vault, hydrant, valve, or other utility appurtenance without permission from the City.

**Chapter 13.08.     Electric Utility****13.08.010     General****13.08.020     Rates****13.08.030     Net Metering****13.08.010     General**

This Chapter creates an electric utility known as Spanish Fork Electric, which shall be a division of the Public Works Department. The electric utility shall provide electricity to the City. The electric utility shall be responsible for the proper installation and maintenance of all electric facilities including but not limited to: poles, conduit, conductor, substations, switching, transformers, meters, sectionalizers, and junction boxes.

This Chapter is enacted to promote the health, safety and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound distribution of electricity.

**13.08.020     Rates**

All users of the electric system shall pay a monthly base rate, a usage rate and any applicable power cost adjuster (PCA). The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.

**13.08.030     Net Metering**

Spanish Fork City allows customer owned grid connected electric generating systems (net metering) based upon the requirements and standards of this section, provided that the total energy generated by customer owned systems pursuant to this ordinance shall not exceed five percent (5%) of the average total energy load within the City for the three preceding fiscal years. The total may be extended to 10% with City Council approval. Net metering allows for interconnected non-utility owned electric generation to be connected for parallel operation with the electrical system of Spanish Fork Electric.

Net metering will be allowed to interconnect with Spanish Fork Electric's electrical distribution system at a service level voltage only after determination by Spanish Fork Electric that such interconnection will not interfere with the operation of the distribution circuit and ensures the safety of the electric utility employees and customers.

**A. Interconnection Requirements:**

1. Customer shall comply with all the latest applicable National Electric Code (NEC) requirements [NEC Articles 690 and 705], National Electrical Safety Code (NESC) requirements, State of Utah requirements, building codes, and shall obtain building permit(s) for the equipment installation.



2. Meter and transformer or transformer pole serving the Customer-Generator shall be labeled to indicate potential electric current back feed. Spanish Fork Electric will provide and install labels when Customer-Generator's electric system is approved for interconnection.
3. Customer shall provide space for metering equipment and meter base as per Spanish Fork Electric requirements.
4. Customer's over-current device at the service panel shall be marked to indicate power source and connection to Spanish Fork Electric's distribution system.
5. The Customer shall assume the full responsibility for all maintenance of the generator and protective equipment and keeping of records for such maintenance. These records shall be available to Spanish Fork Electric for inspection at all times.
6. Customer's power production control system shall comply with NEC Articles 690 and 705; and applicable and current Institute of Electrical and Electronics Engineers (IEEE) Standards including Standard number 1547 Interconnecting Distributed Resources with Electric Power Systems for parallel operation with Spanish Fork Electric; in particular the following:
7. Power output control system shall automatically disconnect from Spanish Fork Electric's source upon loss of voltage and not reconnect until Spanish Fork Electric's voltage has been restored for at least five (5) minutes continuously.
8. Power output control system shall automatically initiate a disconnection from Spanish Fork Electric source within six (6) cycles if Customer's voltage falls below 60 Volts rms to ground (nominal 120 V rms base) on any phase.
9. Power output control system shall automatically initiate a disconnect from Spanish Fork Electric's system within two (2) seconds if the voltage rises above 132 Volts rms phase to ground or falls below 104 Volts rms phase to ground (nominal 120 V rms base) on any phase.
10. Power output control system shall automatically initiate a disconnection from Spanish Fork Electric's system within three (3) cycles for any reverse power flow condition.
11. Customer shall provide a written description of how the protection devices will achieve compliance with the requirements of this policy as part of the Building Permit Application.
12. Customer shall furnish and install on customer's side of the meter, a UL-approved safety disconnect switch which shall be capable of fully disconnecting the Customer's generating facility from Spanish Fork Electric's electric system. The disconnect switch shall be located adjacent to Spanish Fork Electric's meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to Spanish Fork Electric personnel at all times.
13. Additional Metering: For purposes of gathering research data, Spanish Fork Electric may, at its expense, install and operate additional metering and data-gathering devices.

14. Solar Photovoltaic Equipment shall be in compliance with Underwriters Laboratories (UL) 1741, Standard for Static Inverters and Charge Controllers for Use in Photovoltaic Systems; UL 1703, Standard for Safety: Flat-Plate Photovoltaic Modules and Panels; and IEEE 1262-1995, Recommended Practice for Qualification of Photovoltaic (PV) Modules; and the solar system shall be installed in compliance with IEEE Standard 929-2000, Recommended Practice for Utility Interface of Photovoltaic Systems.
  15. Wind turbines shall meet the requirements of Spanish Fork Municipal Code §15.3.24.090(H).
- A. Safety. All Safety and operating procedures for joint use equipment shall be in compliance with the Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.269, the NEC, the NESC, State of Utah rules, City standards, and equipment manufacturer's safety and operating manuals.
- B. Guidelines for System Diagrams. A system diagram or schematic must be submitted with a building permit application. The required System Diagram is one of the most important parts of the application for interconnection. The system diagram is used by Spanish Fork Electric during the review and approval process, and again during field testing and meter installation. The diagram is a permanent record copy of the system and is filed with Spanish Fork Electric for reference.

Discrepancies between the diagram and the actual installation as built are cause for rejection at the final testing and net meter installation.

The System Diagram can be anything from a One-Line, to a Schematic, to a complete Wiring Diagram that shows every wire and every connection throughout. Any of these are acceptable as long as the minimum key information is included. Spanish Fork Electric has the discretion to reject the diagram submitted and require a specified format. The diagram does not need to be overly complex, but accuracy and clarity are critical. At a minimum, the System Diagram must show how the components of the customer generator system are connected electrically. Additional information, such as equipment part numbers and physical locations, should also be included on the diagram. Some of this additional information may be contained in the application forms as well, but documenting it on the System Diagram provides a single complete reference for the project and speeds the engineering reviews and field work.

Some systems have more complex requirements for interconnection and will require much more significant design drawings for review and approval.

The System Diagram should provide the information as described below:

1. Generator (PV panels, wind turbine, hydro turbine, etc.) - Include manufacturer, part number, nameplate maximum capacity (kW), and

physical location. For modular systems (e.g. PV panels), also include: number of modules, configuration, nameplate maximum capacity of each module, and total nameplate maximum capacity.

2. Inverter - Include manufacturer, type or series, part number, serial number, nameplate maximum capacity (kW), output voltage, physical location.
3. Disconnect Switch - Include the physical location relative to the Spanish Fork Electric service meter.
4. Electrical Service Panel -Include the panel or main breaker size and the position at which the generation is connected. Show all panels (if there are multiple panels or subpanels) even if not directly connected into the generation system.
5. Spanish Fork Electric Service Meter - Include existing meter serial number, meter form, and class.
6. Other Related Equipment (battery banks, transfer or bypass switches, backup generators, etc.).

C. License Approval.

1. Each customer desiring to engage in net metering must enter into a net metering license agreement as prepared by Spanish Fork City. The license agreement will contain additional conditions to maintain the integrity and reliability of the Spanish Fork Electric system and/or conditions deemed necessary to maintain the health, safety, and welfare of the residents and employees of the City.
2. The license agreement application shall be accompanied by the design or schematic required by this section, together with a filing fee in the amount of \$500.00. Adjustments to the amount of the fee may be made by the City Council in the annual budget, or by resolution.
3. The license may be revoked for violations of any of the terms of the license agreement or for violation of any of the terms of this Chapter.

D. Temporary Connections. This section shall not apply to the temporary generation of electric energy for emergency or standby purposes, except as noted below.

1. All emergency or standby generation shall not be interconnected with Spanish Fork Electric's system at any time. A positive, physical means of transferring and separating loads between normal and alternate sources of supply must be used to prevent inadvertent interconnection.
2. All emergency or standby generation shall comply with the provisions of the latest revision of the National Electric Code and National Electrical Safety Code.

Chapter 13.12. Solid Waste Utility13.12.010 Definitions13.12.020 General13.12.030 Dumping, Littering and Sanitary Condition of Property13.12.040 Solid Waste Vehicles and Contractors13.12.050 Receptacles and Containers13.12.060 Prohibited Solid Waste13.12.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Bin Container. Shall mean any large type of Solid Waste depository normally used in the collection of Solid Waste from educational, multi-family, and commercial/industrial premises. It shall include dumpsters, front end containers, roll off containers, and compaction units. When used in reference to a Solid Waste Vehicle, container shall mean that part of such Solid Waste Vehicle into which Solid Waste is emptied for transport and disposal purposes.
- B. Curbside Can Receptacle. Shall mean a ninety (90) gallon or larger plastic, Solid Waste depository designed and manufactured for automated collection of Solid Waste.
- C. Food Waste. Shall mean every waste accumulation of animal, fruit or vegetable matter, or food, liquid or otherwise that attends the preparation, use, cooking, dealing in, or storing of edible materials.
- D. Recyclable Material. Shall mean material which may be reused in a valuable form following a remanufacturing process. Since specific items may change over time, specific items will be spelled out in contracts between the City and recyclable providers.
- E. Refuse. Shall mean waste material and rubbish of every character collected or accumulated within the City, except Food Waste, and shall include but shall not be limited to grass, leaves, sticks, bottles, tin cans, pasteboard boxes, rags, paper, sawdust, shavings, packing material and other recyclable materials, but shall not include hazardous waste (as defined by appropriate federal, state and local authorities), dangerous or corrosive chemicals, explosives, highly flammable material, dead animals, poisons, heavy metals or metal parts, ashes, or bulky waste.
- F. Solid Waste. Shall mean garbage, Recyclable Materials, Food Waste, and Refuse, both collectively and separately, and shall not include hazardous or toxic wastes of any description.

- G. Solid Waste Contractor. Shall mean any person engaged in the business of collecting, hauling or transporting through the streets of the City any Solid Waste for disposal or for any other purpose.
- H. Solid Waste Vehicle. Shall mean any vehicle specifically designed and manufactured for the purpose of collecting, transporting, or disposing of Solid Waste.

### 13.12.020 General

This Chapter creates a Solid Waste utility known as Spanish Fork Solid Waste, which shall be a division of the Public Works Department. The Solid Waste utility shall provide for the collection, removal, and disposal of Solid Waste from the City. The Solid Waste utility shall be responsible for the procurement, delivery, retrieval, and maintenance of garbage and recycling Curbside Can Receptacles.

The City of Spanish Fork is hereby charged with the responsibility of ensuring that all residential, educational, multiple dwelling, and commercial/industrial premises within the city are serviced by a Solid Waste collection, transport, and disposal system.

The City may perform the service or may require the property owner and/or tenant to provide or otherwise contract for the services. Before any entity, other than the City, operates as a Solid Waste Contractor, it shall obtain a business license from the City as set forth in this Title.

This Chapter is enacted to promote the health, safety, and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, transportation, and disposal of Solid Waste.

- A. Rates. All residents shall pay a monthly rate per garbage or recycling Curbside Can Receptacle. Residents will be required to have a minimum of one (1) garbage Curbside Can Receptacle unless in a large multi-family development with Bin Containers. Residents with recycling Curbside Can Receptacles may opt-out of the service each December. The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.
- B. Accumulation Prohibited. It shall be unlawful for any person owning and/or occupying any premise or lot in the City to permit to collect or remain upon such premise or lot any Food Waste or Refuse for a period of more than one (1) week, or any approved recyclable material for a period of more than two (2) weeks, unless written approval is granted by the City. Accumulations of leaves, grass, and other green materials used to produce mulch are excluded from the requirements of this section.

It shall also be unlawful to accumulate any of the materials specifically excluded

from the definitions of Refuse, Food Waste, or Solid Waste herein. It shall be the responsibility of the owner of the property to have all such materials removed within a reasonable time depending upon the type of the materials, but in no event shall the materials be allowed to accumulate for more than thirty (30) days.

- C. Title to Solid Waste. The title to Solid Waste transfers to the City when it is placed curbside. The generator of any Solid Waste may reclaim materials placed in a container or reciprocal at any time prior to its collection.

### **13.12.030 Dumping, Littering, and Sanitary Condition of Property**

- A. Dumping and Littering. Except as provided by the terms of this Chapter, it shall be unlawful for any person to place, deposit, bury, or dump upon any lot, street, alley, or into any water, waterway, or container not intended for his or her use, within the City limits any Solid Waste or other matter constituting a nuisance.
- B. Sanitary Condition of Property. The occupant of any premises within the City shall be primarily responsible for the sanitary condition of the premises. The owner of any unoccupied property shall be primarily responsible for the sanitary condition of the property. It shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his/her premises or property any Solid Waste, except as permitted by the terms of this Chapter.
- C. Enforcement. Authorized city representatives may, with a proper warrant or with the consent of the owner or occupant of the premises, inspect any premises or lots within the City limits from time to time in order to examine the sanitary conditions of the property and to determine whether the property is in compliance with all applicable provisions contained in this Chapter. All persons shall, within three (3) days after written notice of any violation, comply with all applicable City ordinances and regulations.

### **13.12.040 Solid Waste Vehicles and Contractors**

Solid Waste Contractors providing service in the City must have a business license. This license shall not constitute a grant of franchise nor shall it confer any vested rights but shall be a license to perform the services specified in this Chapter subject to the restrictions and limitations contained herein. The license shall be subject to the requirements of Title 5, dealing with business licenses.

All Solid Waste Contractors, prior to making application for a business license, shall cause all vehicles to be properly registered with the State of Utah, including compliance with any safety inspections, emissions testing, and such other rules and regulations as may be required. Proof of compliance shall be provided upon demand.

- A. Solid Waste Vehicles. It shall be unlawful for any person or governmental entity to operate any Solid Waste Vehicle within the City limits unless the Solid Waste Vehicle shall conform to the following minimum requirements:
1. The Solid Waste Vehicle body, container, and associated equipment must be in such condition and repair as to ensure their safe operation.
  2. The container of the Solid Waste Vehicle must be metal lined with steel or other suitable metal to the full length, width and height of the container, and must be welded at all seams so as to prevent the escape of any solid or liquid waste. The container shall be so constructed as to prevent the spillage or loss of any solid or liquid waste during the loading or transportation of the Solid Waste.
  3. The name and telephone number of the Solid Waste Vehicle owner (either the City or the Solid Waste Contractor operating the Solid Waste Vehicle) shall be displayed on both sides of the Solid Waste Vehicle in legible letters and numbers at least four (4) inches in height.
  4. Each Solid Waste Vehicle shall display an identification number and tag, on both sides of the Solid Waste Vehicle in legible numbers at least four (4) inches in height.

All Solid Waste Vehicles shall be kept in a neat and clean condition while operating within the corporate City limits.

- B. Transportation of Solid Waste. It shall be unlawful for any person to transport upon the streets within the City any waste of any kind, unless the same is completely contained in a Solid Waste Vehicle or is covered sufficiently to prevent the spillage or blowing of the waste, or the escape of noxious or offensive odors, from the transporting vehicle. If a Solid Waste Contractor causes Solid Waste to be deposited and remain on the streets of the City, the contractor shall be responsible to clean up the material. If he or she fails to do so, the City may do it and charge the Solid Waste Contractor the reasonable costs incurred.
- C. Parking of Solid Waste Vehicles. It shall be unlawful for any person to permit, suffer, allow, or cause any Solid Waste Vehicle controlled by him or her which is loaded with waste of any kind to be or remain standing on any street within the City longer than is necessary for the purpose of loading the Solid Waste Vehicle or moving the same to its destination in accordance with applicable traffic laws and regulations.
- D. Disposal Site for Solid Waste. All residential Solid Waste collected within the City shall be disposed of at a disposal site specified by the City.
- E. Operating Hours. Solid Waste pickup shall only be allowed between the hours of 7:00 a.m. and 8:00 p.m.

All Solid Waste, shall be placed in approved Curbside Can Receptacles or Bin Containers as described herein, and shall be completely contained within the receptacles or containers. It shall be the responsibility of users of all Curbside Can Receptacles or Bin Containers to see that the area around such is kept neat, clean, and sanitary at all times.

- A. Bin Containers. Institutional, commercial, industrial, and authorized multi-family premises shall be supplied with Bin Containers by the owner unless the City authorizes the premises for Curbside Can Receptacle service. All such containers shall be so constructed as to be capable of pick-up and emptying by Solid Waste Vehicles designed for that purpose and shall be so constructed as to prevent the spillage or loss of any Solid Waste during the loading or transportation of Solid Waste.

All Bin Containers shall have the name and telephone number of the authorized collector which services them printed or displayed on the container in legible, four (4) inch high letters. Such information shall be put in a location on the container so that the information is easily visible. All containers must be in such condition and repair as to ensure safe operation. They shall be kept in a neat, clean, and sanitary condition.

Bin Containers shall be emptied at least once each week. City may require bins if too many Curbside Receptacles are being used.

- B. Curbside Can Receptacles. All residential dwelling units, unless otherwise authorized by the City Engineer, shall have Curbside Can Receptacles. All Residential Curbside Can Receptacle Solid Waste removal may only be provided by the City, either itself or through a contract with a Solid Waste provider. The City will provide and own the Curbside Can Receptacles. Any damage caused by improper use, or loss of the receptacle shall be the responsibility of the person using them. It shall be unlawful for any person to willfully break, deface, or damage any receptacle or container.

Bulky waste such as stoves, refrigerators, water tanks, washing machines, furniture, large concrete, and asphalt chunks and other waste materials, with weights and volumes greater than those that can reasonably be accommodated by the collection vehicles for Curbside Can Receptacles shall not be placed in Curbside Can Receptacles.

Curbside Can Receptacles may not contain waste that is industrial according to the Federal or State definition, or is of such a volume and composition so as to indicate obvious commercial activities rather than normal residential activities.

- C. Collection of Curbside Can Receptacles. Curbside Can Receptacles containing Solid Waste shall be set out for collection at the front curb line of the premises, or



at a location indicated by the City. Receptacles shall be set out on the day of collection by 7:00 a.m. All empty receptacles must be removed from the curb as soon as practicable after being emptied and, in every case, must be removed from the curb the same day they are emptied.

All containers shall be located at appropriate places so as to be readily accessible for emptying and so as not to constitute a nuisance or hazard. No container shall be permanently placed on a City street, right-of-way, or sidewalk.

Solid Waste Vehicle operators shall not be required to pick up any Solid Waste that has been spilled, or that is laying outside the receptacle or container unless the vehicle operator is responsible for the spillage.

### **13.12.060 Prohibited Solid Waste**

It shall be unlawful for any person to place materials excluded from the definition of Food Waste or Refuse into receptacles or containers or to set such materials out for collection. Such items shall be disposed of as directed by the City and at the owner's expense.

It shall be unlawful for any person to place materials excluded from the definition of recyclable materials into receptacles or containers not identified for recyclable materials. Such items shall be disposed of as Solid Waste or as otherwise directed by the City, and at owner's expense.

It shall be unlawful for any person to place materials of any kind into a receptacle or container that is not owned, or assigned, to that person. Except as otherwise provided herein, no person shall knowingly collect or dispose of:

1. Any unmarked sealed barrel for any reason;
2. Any sealed or unsealed barrel upon suspicion of hazardous waste content;
3. Waste that is hazardous by Federal or State definition. Any hazardous waste of any description. This shall not apply to persons licensed pursuant to federal and state law to dispose of hazardous wastes.
4. Waste that poses a danger to the truck and/or operator (e.g. hot ashes, ammunition, hazardous or toxic chemicals or chemical agents, heavy or jagged metal, oversized concrete or rock material, large sumps, large accumulations of human or liquid waste (as from RV holding tanks), sod or dirt or other items that cause a fine dust/particles that is a hazard to the driver and his/her ability to breathe.
5. Waste that is of such volume, weight, and/or composition that it cannot be reasonable accommodated by the collection vehicles, including waste that is stacked/placed into the garbage receptacle in a way where the lid to the receptacle cannot be closed fully.

Chapter 13.16. Stormwater Utility

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13.16.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Best Management Practices (BMP). Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water.
- B. BMP Manual. The City SWMP, Standard Procedures, Storm Drain Design Manual, and Constructions Standards.
- C. Channel. A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- D. City Stormwater System. The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated, or disposed of.
- E. Community Water. Any and all rivers, streams, creeks, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City or which receive stormwater originating in the City.
- F. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water.
- G. Debris. Dirt, rock, sand, tree, grass clippings, or other rubbish, litter, etc.

- H. Design Storm Event. A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- I. Developed Parcel. Developed Parcel shall be all property which is altered from a natural state by grading, paving, compaction, construction of structures, impervious surfaces, or drainage works so that stormwater runoff from the properties is changed in quantity, quality, or point of discharge from that which would occur in its natural condition.
- J. Discharge. To dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the City Stormwater System.
- K. Drain Inlet. A point of entry, for stormwater, into a sump, detention/retention basin, storm drain pipe, or ditch.
- L. Equivalent Service Unit (ESU). Represents the amount of impervious surface in the average residential lot within the City as adopted by the City Council in a resolution or in the budget when setting rates.
- M. Erosion. The removal of soil particles by the action of water, wind, ice, or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
- N. Erosion and Sediment 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 or after construction activities.
- O. General Construction Stormwater Permit. A permit required by the Utah Department of Environmental Quality, Division of Water Quality prior to commencing construction of any project within the City.
- P. Hotspot or Priority Area. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- Q. Illicit Connections. May be defined as either one of the following:
1. Any drain or conveyance, whether on the surface or subsurface that allows a contaminated or illicit discharge to enter the City Stormwater System.

Examples include, but are not limited to, any conveyance which allows non-stormwater discharge such as sewage, processed wastewater, or wash water to enter the City Stormwater System, and any connections to the

- system from indoor drains or sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved; or
2. Any drain or conveyance connected to the City Stormwater System, whether or not such connection results in discharges into that system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.
- R. Illicit Discharge. Any discharge to the MS4 that is not composed entirely of stormwater, stormwater that is being discharged without an approved treatment methodology, and not specifically exempted under this Chapter. Illicit discharges include both direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the stormwater system) and indirect connections (e.g., infiltration into the stormwater system or spills collected by drain inlets).
- S. Impervious Surface. Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rate of flow than the natural surface. Common impervious surfaces include, but are not limited to, roof tops, streets, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, and other similar structures and/or surfaces.
- T. Irrigation Ditches. Gravity irrigation ditches having a right of water passageway by right-of-way, easement, prescriptive easement, or ownership. Irrigation ditches also include those facilities that function as a combined stormwater and irrigation conveyance intended at times as a water routing and disposal system.
- U. Land Disturbing Activity. Any activity on real 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.
- V. Land Disturbance Permit. Land Disturbance Permit issued by the City.
- W. Low Impact Development (LID). The control of the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP Manual to reduce the generation of post construction stormwater runoff to pre-construction levels or 100 year historical runoff flow rates. LID practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from Impervious Surfaces or semi-impervious services to the maximum extent practical to provide treatment for both water quality and quantity.
- X. Maintenance. Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall also include the

correction of any problem on the property site that may directly impair the functions of the stormwater facility.

- Y. Maintenance Agreement. A document recorded with the Utah County Recorder that acts as a property deed restriction, and which provides for long-term maintenance of a stormwater management facility or stormwater BMP.
- Z. Municipal Separate Storm Sewer System (MS4). The stormwater conveyance facilities owned or operated by the City for the collection and transportation of stormwater, including the streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.
- AA. National Pollutant Discharge Elimination System Permit (NPDES Permit). A permit issued by the Utah Division of Environmental Quality pursuant to 33 U.S.C. §1342.
- BB. Notice of Violation (NOV). Whenever the City finds that a Person is in non-compliance with this ordinance, he/she will be ordered to comply by giving written NOV to the responsible Person. Requirements in this notice are at the discretion of the City Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and/or the implementation of BMPs.
- CC. Off-site Facility. A structural BMP located outside the subject property boundary described in the permit application for land development activity, which provides an integral part of the storm drain system for a given parcel.
- DD. On-site Facility. A structural BMP located within the subject property boundary described in the permit application for land development activity.
- EE. Peak Flow. The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- FF. Pre-Existing Conditions. Conditions of property in its native state or changed under approval by the City or changed property that is grandfathered.
- GG. Priority Area. Hot Spot as herein defined.
- HH. Retention/Detention Basin. A depression, designed with an inlet and outlet that regulates water flow and allows debris to settle out, and is capable of detaining or retaining stormwater runoff.
- II. Runoff. That portion of the precipitation or other naturally or artificially occurring water on a drainage area that is discharged from the area into the MS4. Also, water produced by storms, surface drainage, snow and ice melt, and other water handled by the MS4.

- JJ. 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 or within any part of the storm drainage system.
- KK. Sedimentation. Soil particles suspended in stormwater that can or have settled in stream beds and which disrupt the natural flow of the stream or otherwise disrupt the intended storm drain system function.
- LL. Sensitive Lands. Wetlands, slopes of 30% grade or greater, and other unique features on land as designated by the City Engineer.
- MM. Soils Report. 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, licensed in the State of Utah, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees who do so.
- NN. Spanish Fork City Stormwater Management Program. Those certain manuals, drawings, documents, specifications, ordinances, practices, and policies set in place by the City to regulate, permit, manage, and otherwise oversee the discharge of stormwater within the corporate boundaries of the City. This includes both those manuals and practices which are in place at the time of the passage of this ordinance and those which will yet be put in place, adopted, or revised in future actions.
- OO. Stabilization. Providing adequate measures, vegetative and/or structural, that will prevent erosion.
- PP. Storm Drain Pipe. A closed conduit for transmitting stormwater that has been collected by inlets or other means.
- QQ. Stormwater. Stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.
- RR. Storm Drain Ditch. An open conduit for transmitting stormwater that has been collected or routed by inlets, curb and gutter, or other means.
- SS. Stormwater Management. The programs adopted to maintain the quality and quantity of stormwater runoff to pre-development levels.
- TT. Stormwater Management Plan. The 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 stormwater runoff to pre-development levels using LID and other BMPs.

UU. Stormwater Management Plan (SWMP). A Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI), if applicable, Stormwater Pollution Prevention Plan during construction and post construction, stormwater pollution prevention BMPs, spill prevention and countermeasure information, inspection records, and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.

VV. Stormwater Master Plan. The most recent version of the City Stormwater Master Plan as adopted by the City Council.

WW. Stormwater Pollution Prevention Plan (SWPPP). A set of plans showing the location of the BMPs during the different phases of construction and system management.

XX. Stormwater Runoff. Water flow on the surface of the ground, resulting from precipitation.

YY. Stormwater Utility. The stormwater utility created by ordinance to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by City.

ZZ. Structural BMPs. Devices that are constructed to control stormwater runoff.

AAA. Sump. A formalized underground structure surrounded by drain rock, which acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps generally receive stormwater runoff from paved areas such as streets, parking lots, building roofs, etc.

BBB. Surface Water. Includes waters upon the surface of the earth created naturally or artificially including, but not limited to, streams, ditches, lakes, reservoirs, ponds, sloughs, canals, or other bodies of water.

CCC. Utah Pollution Discharge Elimination System (UPDES). The Utah Pollution Discharge Elimination System.

DDD. Watercourse. A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

EEE. Watershed. All the land area that contributes runoff to a particular point along a waterway.

**13.16.020 General**

There is created a stormwater utility known as Spanish Fork Stormwater, which shall be a division of the Public Works Department. The stormwater utility shall provide and maintain stormwater drainage facilities for the City. The stormwater utility shall be responsible for the proper installation and maintenance of all stormwater facilities including but not limited to all piping, clean out, junction, retention and detention facilities, LID facilities, rivers, ditches, and wetlands to which the stormwater system drains.

This Chapter is enacted to promote the health, safety, and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, treatment, and release of stormwater and to comply with federal and state requirements.

- A. Rates. All Developed Parcels shall pay a monthly storm drain fee. All single and multi-family residential parcels shall be assessed one ESU per dwelling unit. All other developed parcels will be assessed the number of ESU's on the parcel, with a minimum of one ESU.
- B. Obstruction of Facilities. It is unlawful for any person to obstruct or contribute to the obstruction of the flow of stormwater runoff or non-stormwater runoff into any sump, retention basin, storm drain, storm drain ditch, curb and gutter, drain inlet, or other associated structural controls that convey stormwater and/or non-stormwater runoff.

It is unlawful for any person to cause any obstruction that inhibits the normal flow of stormwater and/or non-stormwater runoff in any curb and gutter, unless the obstruction is associated with a street and/or storm drainage improvements project and is authorized by the City Engineer and granted with the issuance of a permit signed by the City Engineer.

It is unlawful for any person to cover over any drain inlet for any reason or purpose.

- C. Dumping. It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, storm drain ditch or other storm drainage structure that conveys stormwater and/or non-stormwater, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.

Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the City Engineer. Failure to remove the sediment, soil, or debris shall be deemed a violation of this Chapter. The restrictions set forth in this section shall not apply to the normal runoff of non-stormwater related to domestic home uses; for example, lawn watering, washing cars, etc.



**13.16.030 Land Disturbance Permits**

No Land Disturbing Activities shall be allowed until a Land Disturbance Permit has been issued. Land Disturbance Permits are required in the following cases:

1. Land Disturbing Activity which generally disturbs one (1) or more acres;
2. Land Disturbing Activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres;
3. Land Disturbing Activity of less than one (1) acre of land, if in the discretion of the City Engineer, such activity poses a unique threat to water, public health, or safety;
4. The creation and use of borrow pits or those excavation sites used to generate fill and/or decorative material for off-site location;
5. Development of a single family home, which is not part of a subdivision project;
6. Processing of earthen materials such as top soil and gravel screening;
7. Construction of parking lots;
8. Creation of an impervious area 0.25 acres/10,890 square feet constructed with compacted gravel, asphalt, concrete, or other impervious or semi-impervious material;
9. Creation or alteration of storm drain works or systems;
10. Excavation or disturbance of more than 1,000 cubic yards of material in any non-agricultural earth moving activity; and
11. As otherwise required in this Section.

- A. Drainage Channels, Waterways, and Sensitive Areas. Property owners shall not fill, alter, or restrict natural channels, wetlands, waterways or any other Sensitive Lands without proper permits from all responsible governing agencies, including a Land Disturbance Permit from the City.

Property owners proposing to redirect runoff, surface, and/or pipe flow to properties or facilities outside Spanish Fork City boundaries must provide written approval from the applicable governing agency. Discharges or modifications to irrigation ditches or canals require written approval from the canal owners and applicable governing agencies.

Property owners are responsible for the protection of Channels located within their property in compliance with this ordinance.

- B. Building Permit. No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this Chapter.
- C. Exemptions. The following activities are exempt from the Land Disturbance Permit requirement:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources including activities required to promote public safety, repairs to water lines, and/or other City infrastructure repairs.
2. Nursery and agricultural operations conducted as permitted uses.
3. Any agricultural activity.
4. Additions or modifications to existing single family structures.
5. Landscape modifications resulting in disturbances below the limits identified in this section.
6. Excavation activities necessary for public purposes approved by City.

D. Application. Each Land Disturbance Permit application shall include the following information:

1. Name of applicant;
2. Address of applicant;
3. Name, address, and telephone number of the Property Owner;
4. Address and legal description of the subject property including the tax serial/parcel number of the subject property;
5. Name, address, and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who are responsible for the erosion and sediment control plan;
6. A statement indicating the nature, extent, and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable, and a schedule for the starting and completion dates of the land disturbing activity;
7. A sediment and erosion control plan according to requirements of this Chapter;
8. A Stormwater Management Plan providing for stormwater management during the land disturbing activity and after the activity has been completed;
9. Maintenance Agreement;
10. Recorded maintenance easements if necessary to ensure access to the site for the purpose of inspection and repair by securing all the easements needed; and
11. The payment of appropriate fees.

E. Regulatory Agencies. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. Copies of these approved permits shall be included with the Land Disturbance Permit Application. However, the inclusion of those permits in the application shall not preclude the City Engineer from imposing additional development requirements and conditions, commensurate with this Chapter, on the development of property covered by those permits. Failure of the applicant to obtain the necessary permits may be a basis for denial of issuance of a Land Disturbance Permit.

F. Review and Approval. The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this Chapter. Within 45 days after receiving an application, the City Engineer shall provide one of the following responses:

1. Approval of the permit application;
2. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure the objectives of this Chapter; or
3. Denial of the permit application, indicating the reason(s) for the denial.

If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established. However, the applicant shall be allowed to proceed with the land disturbing activity provided it conforms to conditions established by the City Engineer, and provided the revised plan is submitted within 15 days.

- G. Permit Duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within one year from the date of the preconstruction meeting.
- H. Notice of Construction. The applicant must notify the City ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City. All inspections shall be documented and written reports prepared that contain the following information:
1. The date and location of the inspection;
  2. Whether construction is in compliance with the approved stormwater management plan;
  3. Variations from the approved construction specifications;
  4. Any violations that exist.
- I. Performance Bonds. The City Engineer shall require the submittal of a performance bond in the form of an escrow bond, letter of credit, or cash. The bond must be drawn on financial institutions licensed to conduct business in the State of Utah. For single family residences, the performance bond is required in cash.
- The bond shall be provided prior to issuance of a permit in order to ensure that the stormwater pollution prevention practices are installed by the permit holder as required by the approved Stormwater Management Plan. Bonds shall be subject to the following provisions:
1. The amount of the performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for administration, enforcement, etc.
  2. The performance bond shall be forfeited for failure to timely complete work specified in the Stormwater Management Plan.

3. The applicant shall provide an itemized construction cost estimate, complete with unit prices, which shall be subject to acceptance, amendment, or rejection by the City Engineer.
4. Alternatively, the City Engineer shall have the right to calculate the cost of construction cost estimates and revise the opinion of probable costs accordingly.
5. The bond may be released in full only upon completion and City approval of all final inspection punch list items and removal of all temporary control measures.
6. The City will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this Chapter. Provisions for a partial pro-rata release of the performance bond based on the completion of various development phases may be made at the discretion of the City Engineer.

#### 13.16.040 Stormwater System Design

- A. Surface Irrigation Ditches and Facilities. Existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe to handle the irrigation need and shall be coordinated with the City Engineer and the irrigation company or ditch owner, unless otherwise approved by the City Engineer.

Piping of irrigation ditches and modification to the diversion boxes require the irrigation company to approve the construction plans. If the City Engineer deems the conditions onerous, he/she may approve less onerous conditions. All work must meet the requirements of the BMP Manual.

Developers are responsible for the protection of surface irrigation ditches and facilities from damage resulting from the development work.

- B. Discharges to Private Ditches, Land, or Facilities. Discharges to private ditches, lands, or facilities require written approval from the ditch, land, or facility owner(s).
- C. Design Standards and Regulations. All work related to the City Stormwater System and MS4 shall meet the requirements of the BMP Manual, Land Disturbance Permit, and requirements set forth in the most recent edition of the International Building Code, and the State of Utah UPDES requirements.
- D. Utah Registered Professional Engineer. Design of storm drain systems in City boundaries and discharges into the City Stormwater System requires direct supervision of a Utah Registered Professional Engineer, and shall carry his/her seal.
- E. Low Impact Development (LID). All site designs shall implement LID principles as defined in this Chapter and in the BMP Manual. Runoff rates from one lot to

another may not exceed pre-existing conditions as defined by the City, nor in such a manner that may unreasonably and unnecessarily cause more harm than formerly.

- F. Channel Protection. Specific Channel protection criteria shall be provided as prescribed in this Chapter and the BMP manual to protect stream Channels from degradation.
- G. Critical Areas with Sensitive Resources. Stormwater discharges to critical areas with sensitive resources (e.g. cold water fisheries, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- H. Hot Spots. Stormwater discharges from Hot Spots as defined in this Chapter may require the application of specific structural BMPs and pollution prevention practices.
- I. Stormwater Management Plan. All designs shall include Stormwater Management Plans as defined in this Chapter. Stormwater Management Plans require Property Owners to manage stormwater runoff and sediment which originates on their property.

This responsibility may extend to the defining of agreements, easements, and other appropriate measures to address stormwater management. The Stormwater Management Plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site.

#### **13.16.050 Maintenance Agreement**

The Property Owner to be served by an on-site stormwater management facility must execute a Maintenance Agreement for the stormwater facility. The maintenance agreement shall include the following provisions.

- A. Owner Responsibility. Assign responsibility for the maintenance and repair of the stormwater facility to the Property Owner upon whose property the facility is located.
- B. Owner Inspections. Provide for a periodic inspection by the Property Owner or qualified designee for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this Chapter. The Property Owner will arrange for this inspection to be conducted by a qualified person as defined by the Utah Division of Water Quality, who will submit a sealed report of the inspection to the City Engineer.

- C. City Inspections. Grant permission to City's employees or agents to enter the property at reasonable times to inspect the stormwater facility to ensure that it is being properly maintained.
- D. Minimum Maintenance Requirements. Provide that the minimum maintenance and repair needs for detention and retention basins, and inlets and drainage pipes and any other stormwater facilities including, but not limited to: the removal of silt, litter, and other debris, the cutting of grass, grass cuttings, and vegetation removal, and the replacement of landscape vegetation. It shall also provide that the Property Owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP Manual.
- E. Time Requirements for Maintenance. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.
- F. Reimbursement of City Executed Maintenance. Provide that if the property is not maintained or repaired within the prescribed schedule, City may perform the maintenance and repair at its expense, and bill the same to the Property Owner. The Maintenance Agreement shall also provide that unpaid City costs of performing maintenance shall be a lien against the property until paid in full.

#### **13.16.060 Sediment and Erosion Control Plans**

The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.

The plan shall be prepared by a qualified individual as defined by the State of Utah. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

- A. Project Description. Include a project description which briefly describes the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- B. Topographic Map. Include a topographic map with contour intervals of two (2) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- C. Existing Drainage Ways. Show all existing drainage ways, including intermittent and wet-weather drainage ways. Include any designated floodways or flood plains.

- D. Existing Land Cover Description. Include a general description of existing land cover. Individual trees and shrubs do not need to be identified.
- E. Landscaping Plan. A landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- F. Tree Plan. Include a tree plan that shows stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Also, include any proposed trees in the tree plan. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees.

Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

- G. Limits. Show approximate limits of proposed clearing, grading, and filling.
- H. Flows. Show approximate flow calculations for existing stormwater leaving any portion of the site. Also show the approximate flows leaving site after construction and incorporating water Run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems.

The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

- I. Soil Description. Include a general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- J. Sedimentation Control Improvements. Identify location, size, and layout of proposed stormwater and sedimentation control improvements.

- K. Proposed Drainage Network. Complete plans for all the proposed drainage of the site. Include any proposed drain tile, LID, or waterway extent and sizes. Also include all proposed sizing for storm system piping, dewatering facilities, or other waterways.
- L. Sequence of Work. Show the projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP's.
- M. Remediation Measures. Specific remediation measures to prevent erosion and sedimentation Run-off. Plans shall include detailed drawings of all control measures used; stabilization measures, including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- N. Detail Drawings. Include detail drawings for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or mitigating soil, sediment, and debris on streets and public ways to a level acceptable to the City Engineer.
- O. Proposed Structures. Show proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures, or development on the site.
- P. Future Phasing Plans. Show future phasing plans and impervious areas, if applicable.

#### 13.16.070 Post Construction

- A. Re-vegetation. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the City Engineer. The following criteria shall apply to re-vegetation efforts:
  - 1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
  - 2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.



3. Any area of re-vegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the full year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival rate for one (1) year is achieved.
- B. Inspections. Periodic inspections of Stormwater management facilities shall be performed as provided for in this Chapter by the Owner and the City.
- C. Records. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times, upon request.
- D. Violations. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this Chapter, the City Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

In the event that the stormwater management facility becomes a danger to public safety or public health, the City Engineer shall notify, in writing, the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City Engineer under this section shall be charged to the responsible party, and may act as a lien against the property until paid in full.

#### **13.16.080**     **Waivers**

Every applicant shall provide for post construction stormwater management as required by this Chapter, unless a written request to waive this requirement is filed and approved. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.

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

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Chapter.

2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Engineer.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:

1. Deterioration of existing culverts, bridges, dams, or other structures;
2. Degradation of biological functions or habitat;
3. Accelerated stream bank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life, or property.

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a Stormwater Management Plan.

#### **13.16.090 Existing Land and Developments**

Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include those methods and measures identified in the City SWMP. The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this Chapter.

1. Denuded Areas. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP Manual and on a schedule approved by the City Engineer.
  2. Cuts and Slopes. Cuts and slopes must be properly covered with appropriate vegetation and/or properly designed retaining walls constructed.
  3. Drainage Ways. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
  4. Clean-up Areas. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- A. Notice. The City Engineer shall, in writing, notify the owners of existing locations and developments of specific drainage, erosion, or sediment problems affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
- B. Inspection. The City Engineer may, to the extent authorized by state or federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this Chapter, are functioning within design limits.

These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints, or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of City's NPDES/UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

- C. Appeals. Corrective measures imposed by the City Engineer under this section are subject to appeal as outlined in §13.16.120.

#### **13.16.100 Illicit Discharges and Connections**

This Section shall apply to all water generated on developed or undeveloped land and then entering the MS4. No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater.

- A. Exceptions. The commencement, conduct, or continuance of any non-stormwater discharge to the MS4 is prohibited unless it is an uncontaminated discharge from the following sources:
1. Water line flushing or other potable water source;
  2. Landscape irrigation or lawn watering with drinking water or City pressure irrigation water;
  3. Diverted stream flows;
  4. Rising ground water;
  5. Groundwater infiltration to storm drains;
  6. Uncontaminated pumped groundwater;
  7. Water from foundation or footing drains;
  8. Water from crawl space pumps;
  9. Air conditioning condensation;
  10. Springs;
  11. Natural riparian habitat or wetland flows;
  12. Swimming pools (if de-chlorinated - typically less than one PPM chlorine);
  13. Firefighting activities;
  14. Any other uncontaminated water source;
  15. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety; or

16. Dye testing is an allowable discharge if authorized by the City Engineer.

The prohibition shall not apply to any non-stormwater discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

- B. Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. Mitigation and NPDES Permits. Any person responsible for property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- D. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the MS4, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence.

In the event of a release of non-hazardous materials, the person shall notify the City Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice. 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 three (3) years.

### 13.16.110 Enforcement

The City Engineer shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this Chapter. The City Engineer shall be permitted to enter and inspect any stormwater facility at all reasonable times and as often as necessary to determine compliance. Violations of this Chapter may result in penalties being assessed as established herein, or by other applicable laws.

- A. Notification of Violation (NOV). Whenever the City Engineer finds that any permittee or any other person discharging stormwater has violated or is violating this Chapter or a permit or order issued hereunder, the City Engineer may serve upon such person a written NOV.

Within ten (10) days of an NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV.

- B. Consent Orders. The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as orders issued pursuant to paragraphs (D) and (E) below.
- C. Show Cause Hearing. The City Engineer may order any person who violates this ordinance, permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting with the City Engineer, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- D. Compliance Order. When the City Engineer finds that any person has violated or continues to violate this Chapter or a permit or order issued thereunder, he/she may issue an order to the violator directing that, following a specific time period, adequate structures or devices, be installed or procedures implemented and properly operated to prevent future violations. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- E. Cease and Desist Orders. When the City Engineer finds that any person has violated or continues to violate this Chapter or any permit or order issued

hereunder, the City Engineer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith; or
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

F. Conflicting Standards. Whenever there is a conflict between any standard contained in this ordinance, BMP Manual, or any other applicable regulations the strictest standard shall prevail.

### **13.16.120 Violations and Penalties**

Any person who violates any provision of this Chapter, who violates the provisions of any permit issued pursuant to this Chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Engineer, shall be guilty of a Class C Misdemeanor. Each day of violation shall constitute a separate violation.

A. Penalties. In addition to any criminal penalties, each violation may also subject the violator to civil penalties of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) per day for each day of violation.

B. Measuring Civil Penalties. In assessing a civil penalty, the City Engineer may consider:

1. The harm done to the public health or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
3. The economic benefit gained by the violator;
4. The amount of effort put forth by the violator to remedy the violation;
5. Any unusual or extraordinary enforcement costs incurred by the City;
6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

C. Recovery of Damages and Costs. In addition to the civil penalty in above, City may recover:

1. All damages proximately caused by the violator to City, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this Chapter, or any other actual damages caused by the violation.
2. The costs of City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this Chapter.

- D. Legal Action. The City may bring legal action to enjoin the continuing violation of this Chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions. The City is entitled to recover its attorney's fees incurred in enforcing the conditions of this Chapter.
- E. Remedies Cumulative. The remedies set forth in this Section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.
- F. Civil Fine Pass-through Recovery. In the event that a non-domestic user discharges water into the MS4 which causes the City to violate any conditions of its state or federal stormwater discharge obligations and the City is fined by the State of Utah or EPA for such violations, then such non-domestic user shall be fully liable for the total amount of the fines and civil penalties assessed against the City, together with all administrative costs incurred, including attorney's fees.
- G. Appeals. Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this Chapter may appeal said penalty or damage assessment to the City Council. Notice of appeal must be filed with the City Recorder within 10 days of receipt of notice of the civil penalty or damage assessment. A hearing with the City Council will be scheduled within 30 days of the receipt of the notice of appeal by the City Recorder. The decision of the City Council shall be final and non-appealable.

**Chapter 13.20.      Telecommunications Utility****13.20.010      General****13.20.020      Utility Rules and Regulations****13.20.030      Damage to Property - Interruption of Service – Liability****13.20.040      Installations****13.20.050      Telecommunications Competition****13.20.010      General**

There is created a telecommunications utility known as Spanish Fork Community Network (SFCN), which shall be a division of the Information Systems Department. The telecommunications utility shall provide telecommunication services including but not limited to: internet services, cable television, telephony, data transmission, and other telecommunications related services to City residents. The telecommunications utility shall be responsible for the proper installation and maintenance of all City telecommunication facilities including but not limited to: poles, conduit, conductor, nodes, switches, junction boxes, and head end.

SFCN is hereby granted authority to construct, own, purchase, hire, lease, maintain, and operate all aspects of the telecommunications system within the City. SFCN may enter into operation, management, license, joint construction, or other agreements with cable television providers, internet service providers, local telephone exchange carriers, and/or other telecommunications companies in order to provide quality telecommunications services to its subscribers.

Residents of the City, where such services are available, may subscribe to such telecommunications services as may be offered by the City, or may elect to not subscribe for such services. Subscribers will be bound by the requirements of the subscription contract.

Fiber and/or electronic cabling and other equipment installed by or at the direction of SFCN for the distribution of telecommunications services shall be the property of the City.

This Chapter is enacted to promote the health, safety and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, affordable, and environmentally sound distribution of telecommunications.

**13.20.020      Utility Rules and Regulations**

Spanish Fork City has the right to go upon private property where it has easements, either formal or prescriptive, in order to trim trees and other vegetation to keep them from interfering with the telecommunications cabling. Tree and vegetation trimming does not have the purpose of being aesthetically pleasing, but will be for the purpose of



maintaining safe and reliable lines. The scope of any trimming will be at the sole discretion of SFCN, and will be based upon equipment and facilities present, and the type of trees or vegetation involved and their propensity for rapid growth. If a tree should need to be removed, the City will still advise and work with the property owners, but removal will ultimately be the responsibility of the owner, unless the tree or vegetation is in the public right-of-way. In such an event the City will decide and may proceed to remove a tree or vegetation. The City may top a tree if a property owner fails to timely remove it.

#### **13.20.030 Damage to Property - Interruption of Service – Liability**

All consumers of telecommunications services from SFCN shall be responsible for all damages to or loss of property belonging to the City located on such consumer's premises unless occasioned by cause beyond their control or by the negligence of the telecommunications utility. The telecommunications utility shall not be responsible for any interruption or failure to supply telecommunications services. Nothing in this Chapter shall be construed to relieve or lessen the responsibility of any person owning, operating or installing cabling, wires, fixtures, appliances, apparatus, construction, or equipment for damages to anyone injured or damaged either in person or to property by any defect therein.

#### **13.20.040 Installations**

All installations related to the telecommunications utility shall comply with all applicable codes adopted by the City and shall comply with all licensing and inspection ordinances now or hereafter adopted by the City, including the design and development standards.

#### **13.20.050 Telecommunications Competition**

The City promotes and encourages competition for voice, data, video, and video programming services that make the latest and best technology available and which keep service prices affordable for all City residents and businesses.

The City will manage access to the public easements and rights-of-way for telecommunications purposes in a nondiscriminatory, competitively neutral, and in a nonexclusive manner, and, to the extent allowed under applicable law, receive fair compensation therefore.

Telecommunications and video programming franchises and licenses will be managed to preserve the integrity of the City infrastructure, assure efficient use of City property, and ensure compliance with City ordinances, rules, and regulations. The following guidelines shall be in effect:

1. Minimal disruption of public and private property will be a priority;

2. Telecommunications and video programming franchises will be required to place their facilities underground in situations where existing utility services are underground and/or whenever existing overhead facilities go underground and/or whenever City policy so requires;
3. All construction and development standards of the City shall be followed.

Any franchise fees assessed against private businesses providing telecommunications services shall have a like cost assessed against the telecommunications utility.

Chapter 13.24. Wastewater Utility

- 13.24.010 Definitions
- 13.24.020 General
- 13.24.030 Disposal of Waste
- 13.24.040 Septic Tanks and the Private Disposal of Wastewater
- 13.24.050 Rates
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- 13.24.160 Industrial Pretreatment
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- 13.24.190 Accidental Discharge Control Plan
- 13.24.200 Pretreatment Facilities
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- 13.24.220 Public Participation
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13.24.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Act or The Act. Shall mean the Federal Water Pollution Control Act also known as the Clean Water Act, including the amendments made by the Clean Water Act of 1977, and any subsequent amendments.
- B. Approval Authority. Shall mean the director of the State of Utah Department of Water Quality.
- C. Authorized Representative. A principal executive officer of at least level of vice-president of an industrial user may be if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or proprietorship, the manager or managing member if the industrial user is a limited liability company, respectively; or a duly authorized representative of the individual

designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

- D. Biochemical Oxygen Demand (BOD). Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.
- E. Building Drain. Means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
- F. Building Sewer. Means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- G. Business Classification Code or BCC. Shall mean a classification of discharges based on the 1972 Standard Industrial Classification Manual as amended, Office of Management and Budget of the United States of America.
- H. Categorical Standards. Shall mean Federal Categorical Pretreatment Standards or Pretreatment Standard.
- I. Combined Sewer. Means a sewer intended to receive both wastewater and storm or surface water.
- J. Contamination. Shall mean an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the environment or public health through poisoning or through spread of disease, as described in Standard Methods.
- K. Cooling Water. Shall mean water discharged from any use such as air conditioning, cooler, or refrigeration unit to which the only pollutant added is heat.
- L. Direct Discharge. Shall mean the discharge of treated or untreated wastewater directly into the waters of the State of Utah.
- M. Discharger. Shall mean any person who discharges or causes the discharge of wastewater into a POTW system.
- N. Environmental Protection Agency (EPA). Shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as designation for the administrator or other duly authorized official of said Agency.

- O. Federal Categorical Pretreatment Standard or Pretreatment Standard. Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) or (c) of the Act which applies to a specific category of industrial user.
- P. Floatable Oil. Shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the treatment system.
- Q. Food Waste. Means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- R. Indirect Discharge. Shall mean the discharge or the introduction of non-domestic pollutants from any source designated under §307(b) or (c) of the Act into the POTW.
- S. Industrial Users. Shall mean a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to §402 of the Act.
- T. Industrial Waste. Shall mean the wastewater from industrial processes, trades, or businesses as distinct from domestic or sanitary waste.
- U. Industrial Waste Surcharge. A charge levied on industrial users of the sewage treatment works for the additional cost of treating waste discharges of an abnormal strength or characteristic. This charge includes capital as well as operating and maintenance costs.
- V. Industrial Wastewater Discharge Permit. A permit to deposit or discharge industrial waste into any sanitary sewer under the jurisdiction of the City.
- W. Inspection Office. An authorized inspector of the City.
- X. Interference. The inhibition or disruption of the POTW treatment processes or operations or inhibition or disruption which contributes to a violation of any requirement of the City NPDES permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with §405 of the Act or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of treatment and disposal used or employed by the POTW.
- Y. Wastewater Division Manager. The manager of the City wastewater collection system and treatment plant.

- Z. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of §307(b) of the Act or under 40 CFR 403.5.
- AA. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- BB. New Source. A building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed Pretreatment Standards under §307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section and shall include situations where:
- a. Construction is at a site where no other source is located: or the facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source: or the production or wastewater generating processes of the facility or installation are substantially independent of an existing source at the same site.
  - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a facility or installation meeting the criteria of paragraph (1) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
  - c. Construction of a new source as defined under this section has commenced if the owner or operator has: (1) begun or caused to begin, as part of a continuous on-site construction program: (a) any placement assembly or installation of facilities or equipment : or (b) significant site preparation work including clearing, excavation, or removal of existing structures which is necessary for the placement of new source facilities or equipment: or (c) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.
- CC. National Pollution Discharge Elimination System (NPDES Permit). A permit issued pursuant to §402 of the Act.
- DD. pH. Means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ions concentration of  $10^{-7}$ .
- EE. Pollution or Pollutant. The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water, including, but not limited to, any dredged soil, solid waste, incinerator residue, sewage, Food Waste, sewage

sludge, munitions, chemical waste, biological materials, radioactive materials, heat, direct or discharged equipment, rocks, sand, dirt, and industrial, municipal, and agricultural waste discharged into water.

- FF. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).
- GG. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.
- HH. Properly Shredded Food Waste. The waste from the preparation, cooking, and dispensing of food that has 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 1/4 inch in any dimension.
- II. Public Sewer. A common sewer controlled by a governmental agency or public utility.
- JJ. Publicly Owned Treatment Works or POTW. Any treatment works as defined by §212 of the Act which is owned by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, except building or lateral sewers. For purposes of this Chapter, POTW shall also include any sewers that convey wastewater to the POTW treatment plant from persons outside the City boundaries.
- KK. Wastewater Treatment Plant (WWTP). That portion of the publicly owned treatment works designated to provide treatment for wastewater.
- LL. Receiving Water Quality Requirements. Requirements for the POTW treatment plant effluent established by the City or by applicable state or federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by state or federal laws or regulatory agencies.
- MM. Sanitary Sewer. A pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage.

- NN. Sewage. Water-borne waste discharged into the sanitary sewer from buildings for residential, business, institutional, and industrial purposes. Wastewater and sewage are synonymous.
- OO. Sewer. A pipe or conduit that carries wastewater or drainage water.
- PP. Significant Industrial User. Any industrial user subject to categorical pretreatment standards; and any other user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding Sanitary, Non-contact cooling water, and Boiler blow down wastewater); or contributes a process water stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or has a reasonable potential to adversely affect or pass through the POTW's operation or for violating any pretreatment standard requirement.
- QQ. Significant Violation. A violation which remains uncorrected forty-five (45) days after notification of noncompliance or which is part of a pattern of noncompliance over a twelve-month period or involves a failure to accurately report noncompliance or which resulted in the POTW exercising its emergency authority under §14.24.230 of this Chapter.
- RR. Slug. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceed, for any one period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation of the user. Slug discharge shall be separately determined for the system of any user which discharges into a pretreatment facility owned and operated by the City.
- SS. Standard Methods. The procedures described in the latest edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.
- TT. Standard Industrial Classification. A classification pursuant to the 1972 Standard Industrial Classification Manual as amended, Office of Management and Budget of the United States of America.
- UU. Storm Sewer. A sewer that carries only storm, surface, and groundwater drainage.
- VV. Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.



- WW. Suspended Solid. The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in Standard Methods.
- XX. Toxic Pollutants. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of EPA under §307(a) of the Act or which may be listed in any schedule formulated by the Wastewater Division Manager and approved by the City Council.
- YY. Unpolluted Water. 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 benefitted by discharge to the sanitary sewer and wastewater treatment facilities provided.
- ZZ. User. Any person who contributes, causes, or permits the contribution of wastewater into the POTW.
- AAA. Wastewater. The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any infiltrating ground water, surface water, and stormwater that may be present, whether treated or untreated, which enters the POTW.
- BBB. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- CCC. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes this term is used as synonymous with waste treatment plant or wastewater treatment plant or water pollution control plant.
- DDD. Watercourse. A natural or artificial channel for the passage of water, either continuously or intermittently.

#### **13.24.020 General**

There is created a wastewater utility known as Spanish Fork Wastewater, which shall be a division of the Public Works Department. The wastewater utility shall provide wastewater collection and treatment for the City. It shall be responsible for the proper installation and maintenance of all wastewater facilities including, but not limited to: piping, manholes, siphons, lift stations, and treatment facilities.

This Chapter is enacted to promote the health, safety and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, treatment, and release of wastewater and to implement the Clean Water Act.

- A. Rates. All users of the wastewater system shall pay a monthly base rate and a usage rate. The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.
- B. Mandatory Connection to Public Sanitary Sewer. 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 sewer of the City, is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within sixty days after date of official notice to do so, provided, that said public sewer is within three hundred (300) feet of the property line.

#### 13.24.030 Disposal of Waste

- A. Excrement, Food Waste and Objectionable Wastes. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, Food Waste, or other objectionable waste.
- B. Disposal to Natural Outlets. It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

#### 13.24.040 Septic Tanks and the Private Disposal of Wastewater

Except as provided in this Chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Where a public sanitary sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter, if approved by the City Engineer.

- C. Permit. Before commencement of construction of a septic tank or any other private wastewater disposal system, the owner(s) shall first obtain a building permit, which will be approved by the City Engineer.
- D. Inspection. A permit for a septic tank or any other private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. The City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered.

- E. State Regulations. The type, capacities, location, and layout of a septic tank or any other private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Utah. A permit from the Utah County Health Department is required prior to filing an application with the City.
- F. Lot Size. No permit shall be issued for a septic tank or any other private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than five (5) acres.
- G. Outlets. Septic tanks or any other private wastewater disposal systems shall not be permitted to discharge to any natural outlet.
- H. Maintenance. The owner(s) of septic tanks or any other private wastewater disposal facilities shall operate and maintain the facilities in a sanitary manner at all times, at no expense to the City.

#### **13.24.050    Rates**

All users of the wastewater system shall pay a monthly base rate and a usage rate based, insofar as possible, upon the amount of drinking water consumed at the premises. The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.

Such adjustments may be made when excessive quantities of drinking water are metered which are consumed on the premises and which do not enter the wastewater system. The consumer shall have the burden of proving evidence of such inequities by showing that the quantity metered exceeds by twenty percent the total flow entering the wastewater system in order to merit consideration by the City.

Adjustments may also be made when the processes employed by the user create excessive discharges to the wastewater system above its usage of drinking water.

When approved by the City Engineer, metering of wastewater services will be allowed. When the user elects to install a meter to measure the user's sewage discharge, the charges for sewer service will be based upon the sewer meter reading rather than the drinking water meter reading.

#### **13.24.060    Sump Pumps**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any indoor 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.

**13.24.070 Shared Sewer Laterals**

A separate and independent building sewer lateral 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 considered as one building sewer service, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection as designated in this section.

**13.24.080 Discharging into City Wastewater System**

- A. Unpolluted Non-sanitary Sewage Water. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, subsurface drainage, or cooling water directly or indirectly to the City wastewater system. Types of these discharges not allowed include but are not limited to: roof downspouts, foundation drains, land drains, parking lot drains, and areaway drains.
- B. Polluted Non-sanitary Sewage Water. Polluted non-sanitary sewage water may only be discharged into the City wastewater system when authorized by the City Engineer.
- C. Other Prohibited Discharges. No user shall contribute, or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These prohibitions apply to all users of the POTW, whether or not the user is subject to Federal Categorical Pretreatment Standards or requirements.

A user may not contribute the following substances to the POTW:

1. Pollutants, either alone or by interaction with other substances, which create a fire or explosion hazard in the waste stream, including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.
2. Solid or viscous substances which may cause obstruction of the flow in a sanitary sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, food wastes with particles greater than one-quarter inch (1/4) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood plastics, gas, tar, asphalt residues, residues from

- refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
3. Any wastewater having a pH less than 6.0 or more than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
  4. Any wastewater containing toxic pollutants which, either singly or by interaction with other pollutants, cause injury or interference with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, contaminates the sludge of any POTW system, or exceeds the limitation set forth in a Federal Categorical Pretreatment Standard.
  5. The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other dischargers, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is prohibited.
  6. Any malodorous liquids, gases, or solids which, either singly or cumulatively, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
  7. Any substance which may cause the POTW effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
  8. Any substances which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
  9. Any wastewater with objectionable color, such as, but not limited to, dye wastes and vegetable tanning solutions.
  10. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant, or cause temperature at the headworks of the POTW treatment plant to exceed 104 degrees Fahrenheit.
  11. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge flow rate and/or pollutant concentration which will cause interference with the POTW.
  12. Any wastewater containing any radioactive wastes or isotope of such half-life or concentration as may exceed limits established by the Wastewater Division Manager in compliance with applicable state or federal regulations.

13. Any wastewater which causes a hazard to human life or creates a public nuisance.
14. Any trucked or hauled pollutants, except for haulers permitted by and discharging at points designated by the Wastewater Division Manager.

#### **13.24.090 Hauled Wastes**

Haulers of sewage wastes, whether that waste is septic or not, removed from residential customers are subject to the terms and conditions for discharge as contained in this ordinance. Only wastes from residential sewage disposal systems (i.e.: septic tank waste, cesspool waste) may be discharged into the public sewer system by waste haulers at the discharge point specified by the Wastewater Division Manager. Any wastes, including septic wastes removed by a hauler from nonresidential, industrial, or commercial customers are specifically prohibited, and may not be discharged.

#### **13.24.100 Commercial Food Waste Grinders**

Mechanically operated grinders or disposals for producing ground food waste are permitted in commercial establishments, provided all grinder installations be approved in writing by the Wastewater Division Manager prior to their use. Each such grinder and disposer shall meet the following standards:

1. It shall use a wet process pulping system, including a pulper and a dewatering press, or other devices, which discharge at least 75% of the volume of pulp or solid wastes run through it into a garbage can or other container for transport to a proper and lawful solid waste disposal site.
2. It shall utilize a closed loop or other design which provides for a minimum of 85% use of recirculated water.
3. The fluid discharged therefrom into the sewer shall flow readily through an approved trap or interceptor, drain line, or soil line in a manner which prevents clogging or stoppage of the drain line.
4. The entire installation shall comply in all particulars with the applicable provision of state and local plumbing and electrical codes.
5. The grinder or disposal will be operated with only cold water flowing into the grinder while connected to the POTW sewer.

#### **13.24.110 Notification Requirements for Hazardous Waste**

All Industrial Users shall notify the Wastewater Division Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 281. Such notification must include the name of the hazardous waste as set forth in 40 CFR 281, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall

also contain the following information to the extent such information is known and readily available to the Industrial User:

1. An identification of the hazardous constituents contained in the wastes;
2. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
3. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

All notifications must take place within 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

#### **13.24.120 Industrial Discharges - Notice, Permitting and Regulations**

- A. Notice of Intent and Discharge Industrial Wastewater Questionnaire. No person shall discharge, or cause to be discharged, any commercial or industrial wastewaters directly or indirectly, or make a connection to the sewage system or facilities owned by the City without first submitting a Notification of Intent and a Discharge Industrial Wastewater Questionnaire to the Wastewater Division Manager sixty (60) days prior to discharge. Those industries deemed significant by the Wastewater Division Manager, and so notified, shall obtain a discharge permit prior to discharging as required by ordinance. The sixty (60) day prior notice may be waived by the Wastewater Division Manager, upon request and good cause.
- B. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to 40 CFR 403.6, the Federal Standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. The Wastewater Division Manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

Where the WWTP achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. Consistent Removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the WWTP to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2). The Wastewater Division Manager may modify pollutant discharge

limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

- C. State Requirements. State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those contained therein.
- D. Local Requirements. Local requirements and limitations on discharge shall apply in any case where such requirements and limitations are more stringent than Federal or State requirements and limitations, and have been approved by the State.
- E. Accidental Discharge Notification. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Wastewater Division Manager of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and the corrective actions taken. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge.

Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In addition to the above, users are required, within five (5) days following a discharge in violation of this ordinance, Federal Categorical Pretreatment Standards, State or City regulations, to submit to the Wastewater Division Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

- F. Treatment Upset Notification. Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Wastewater Division Manager immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:
  - 1. A description of the upset, its cause(s) and impact on the discharger's compliance status.
  - 2. The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.



3. All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

A user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the City for any noncompliance with this Chapter, order, or permit issued hereunder, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

- G. Wastewater Concentration Fees. Any user whose concentration of Biological Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) exceeds an average of 200 mg/l BOD and/or 250 mg/l TSS per month shall be assessed a surcharge, in addition to the monthly sewer charge as set in the annual budget adopted by the City Council. The City shall take one sample per month for testing, the results of which test shall establish that month's surcharge billing. The user may request additional testing for fluctuating or abnormal conditions.

#### 13.24.130 Permits

- A. Conditions. Industrial Wastewater Discharge Permits shall be expressly subject to all provisions hereof and all other applicable regulations, user charges, and fees established by the City. Permits may contain, but are not limited to, the following conditions:
  1. Payment of the then current unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
  2. Effluent limits, including best management practices, based on applicable pretreatment standards;
  3. Limits on the average and maximum wastewater constituents and characteristics;
  4. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  5. Requirements for installation and maintenance of inspection and sampling facilities;
  6. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for analysis and a reporting schedule;
  7. Compliance schedules;
  8. Requirements for submission of technical reports or discharge reports;
  9. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Wastewater Division Manager, and affording the Wastewater Division Manager access thereto;
  10. Requirements for notification to the Wastewater Division Manager of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

11. Requirements for notification to the Wastewater Division Manager of slug discharges;
  12. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the user's industrial wastewater is or could cause an interference or a potential interference with the POTW, that the industrial wastewater could be separated, preventing discharge into the POTW and still allow the user's sanitary wastewater to discharge into the POTW;
  13. Requirements that each industrial user provide protection from accidental discharge of prohibited materials or other substances regulated herein. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Wastewater Division Manager for review, and shall be approved by the Wastewater Division Manager before construction of the facility. No industrial user who commences contribution to the POTW shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Wastewater Division Manager. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the Wastewater Division Manager or manager's office of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specified date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in this Chapter are modified or other just cause exists. The user shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- C. Transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Wastewater Division Manager. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

D. Modifications. Upon enactment of a Federal Categorical Pretreatment Standard, and within the time prescribed thereby, the Industrial Wastewater Discharge Permits of users subject to such standards shall be revised to require compliance therewith. Where a user, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for an Industrial Wastewater Discharge Permit, the user shall apply for an Industrial Wastewater Discharge Permit within thirty (30) days after notice of the enactment of the applicable Federal Categorical Pretreatment Standard. The user with an existing Industrial Wastewater Discharge Permit shall submit to the Wastewater Division Manager within thirty (30) days after such notice, the information required by the Wastewater Division Manager. In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the Wastewater Division Manager during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the Wastewater Division Manager.

#### **13.24.140 Special Agreements and Contracts**

Nothing in this Chapter shall be construed as prohibiting special written agreements between the City and any other person allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided said person compensates the City for any additional costs of treatment. A special agreement made pursuant to this section shall not, in any manner, waive any portion of Federal Categorical Pretreatment Standards, local limits, or prohibited discharges.

#### **13.24.150 Restricted Substances - Discharge Alternatives**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in this Chapter, and which, in the judgment of the Wastewater Division Manager, may 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 Wastewater Division Manager may:

1. Reject the waters or wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Title.

When considering the alternatives designated in this Chapter, the Wastewater Division Manager shall give consideration to the economic impact of each alternative on the discharger. If the Wastewater Division Manager 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 Wastewater Division Manager.

#### **13.24.160 Industrial Pretreatment**

- A. Flow-Equalizing Facilities. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at owner(s)' expense.
- B. Dilution. No user shall ever dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the City or State.
- C. Meters. When required by the Wastewater Division Manager, 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 Wastewater Division Manager. The structure shall be installed by the owner at owner's expense, and shall be maintained by owner so as to be safe and accessible at all times.
- D. Separate Systems. The Wastewater Division Manager may require the use of separate systems to handle sanitary and commercial or industrial wastewater for sampling purposes, or such that in the event that the user's wastewater is or could cause an interference or a potential interference with the POTW, that the discharge could be separated, preventing discharge to the POTW and still allow the user's sanitary wastewater to discharge to the POTW.
- E. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Wastewater Division Manager, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; 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 Wastewater Division Manager, 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 Wastewater Division Manager. Any removal and hauling of the collected materials not

performed by owner(s) or his/her/their personnel must be performed by currently licensed waste disposal firms.

- F. Flow Monitoring. The City shall monitor flows, collect, and analyze samples of waste flows from industrial users discharging to the system. The City may require the industrial user to install a monitoring and sampling manhole on any line that discharges to the POTW. Said manhole or manholes shall be located on public property. The industrial user shall pay for the installation of the manhole or manholes. All costs for flow monitoring, sample collection, and analyzing which the City incurs shall be chargeable to the industrial user. The City shall monitor flows and collect samples on a scheduled basis after consultation with Wastewater Division Manager. The City shall monitor and sample at random times with a minimum of twelve samples per year.

#### **13.24.170 Industrial User Compliance Assurance**

The Wastewater Division Manager may require a user of industrial sewer services to provide information needed to determine compliance with this Chapter. The required information may include:

1. Wastewater discharge peak rate and volume over a specific time period;
2. Chemical analyses 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 use control;
5. A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
6. Details of wastewater pretreatment facilities;
7. Details of systems to prevent and control the losses of materials through spills to the POTW.

Such information may be obtained by reports, site visits, questionnaires, permit applications, monitoring programs and the copying of user records.

- A. Final Compliance Report. Within ninety (90) days following the date for final compliance with applicable federal pretreatment standards, State or City requirements, or in the case of a new source, following commencement of introduction of wastewater into the POTW, any user subject to the standards and requirements of this Chapter shall submit to the Wastewater Division Manager a report indicating the nature and concentration of all pollutants, including the maximum and average flow discharged from the regulated processes which are limited by the federal pretreatment standards or requirements for the user's facility. The report shall state whether or not the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into

compliance with applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user and certified to by a qualified professional.

- B. Periodic Self-Monitoring Reports. Any user subject to the terms and conditions of this Chapter shall submit to the POTW during the months of March and September, unless required more frequently by the Discharge Permit or Wastewater Division Manager, a report indicating the nature and concentration of pollutants in the effluent limited by the Pretreatment Standards, requirements or Discharge Permit using the appropriate units of measure. In addition, this report shall include a record of the average daily flow during the reporting period. The Wastewater Division Manager may agree to alter the months during which the above report is to be submitted, upon request. All analyses shall be performed in accordance with procedures established by the Act and contained in 40 CFR p 135 and amendments thereto or with any other test procedures approved by the EPA administrator.

In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, sampling shall be performed in accordance with the techniques approved by the EPA administrator. All reports, applications, and/or submissions required by this Chapter shall be signed and certified by the permittee or an authorized representative of the user.

- C. Monitoring Facilities. The Wastewater Division Manager may require the user to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within the time set by the Wastewater Division Manager.

- D. Right of Entry. The Wastewater Division Manager or his/her designee shall inspect and sample, at least annually, the facilities of any user to ascertain whether the purposes of this Chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or

discharged shall allow authorized personnel of the City ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or the performance of their duties.

The City, Approval Authority, EPA, or their representatives shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Fees associated with analysis of samples taken for purposes of compliance monitoring shall be billed to and paid by the user.

- E. Failure to Permit Inspection. In the event a duly authorized officer or agent of the City is refused admission for any purpose, the Wastewater Division Manager may cause sewer service to the premises in question to be discontinued until the City's agents have been afforded reasonable access to the premises and sewer system to accomplish the inspection or sampling.
- F. Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Wastewater Division Manager

#### **13.24.180 Tests, Sampling, Measurements, Analyses – Standards**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with 40 CFR Part 136 or equivalent methods approved by the EPA. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the pretreatment coordinator.

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring

facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

Except as otherwise indicated the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Wastewater Manager. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory, composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Wastewater Division Manager, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits

#### **13.24.190 Accidental Discharge Control Plan**

The Wastewater Division Manager shall, at least bi-annually, review all users to determine if any user needs to develop an Accidental Discharge Control Plan. Users shall submit an Accidental Discharge Control Plan within ninety (90) days after notification by the Wastewater Division Manager. The control plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the Wastewater Division Manager of accidental discharge, including any discharge that would violate a specific prohibition, with procedures for follow-up written notification within five days.
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage area, handling, and transfer of materials, loading and unloading operations, control of plant site run-off, employee training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures for emergency response.

Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter.

#### **13.24.200 Pretreatment Facilities**

Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment



Standards within the time limitations specified herein. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Wastewater Division Manager or review, and shall be acceptable to the Wastewater Division Manager before construction of the facility. The review of such plans and operating procedures will, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Wastewater Division Manager prior to the user's initiation of the changes.

#### **13.24.210 Confidential Information**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Wastewater Division Manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by City, State, or any state agency in judicial review or enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Wastewater Division Manager as confidential, shall not be transmitted to any governmental agency or to the general public by the manager until a ten (10) day notification is given to the user.

#### **13.24.220 Public Participation**

The City shall annually publish in the local newspaper with the largest circulation a list of the users which were in significant noncompliance at any time during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. A user is in significant noncompliance (SNC) if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge.
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations which the Wastewater Division Manager determines will adversely affect the operation or implementation of the local pretreatment program.

#### 13.24.230 Violations

- A. Notification. Whenever the City finds that any commercial or industrial user has violated or is violating this Chapter, or a wastewater permit or order issued hereunder, The City may serve upon said user written notice of the violation (Notice of Violation or NOV). Within ten (10) days of the receipt date of such notice, the user shall submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required action, to the Wastewater Division Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Each day in which the violation continues shall be deemed a separate offense.
- B. Consent Order. The Wastewater Division Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to this Title.

- C. Show Cause Hearing. The Wastewater Division Manager may order any commercial or industrial user which causes or contributes to a violation of this Chapter, wastewater permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such actions, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal, executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
- D. Compliance Order. When the Wastewater Division Manager finds that a user has violated or continues to violate this Chapter, a permit, or order issued thereunder, the Wastewater Division Manager may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operating. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- E. Cease and Desist Orders. When the Wastewater Division Manager finds that a user has violated or continues to violate this Chapter, any permit, or order issued hereunder, the manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
1. Comply forthwith.
  2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- F. Administrative Fines. Notwithstanding any other section of this Chapter, any user who is found to have violated any provision of this Chapter, permits, or orders issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as he/she has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Users desiring to dispute such fines must file a request with the Wastewater Division Manager to reconsider the fine within ten (10) days of being notified of the fine. Where the Wastewater Division Manager believes a request may have merit, the manager shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

- G. Emergency Suspensions. The Wastewater Division Manager may suspend the wastewater treatment service and/or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its wastewater discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Wastewater Division Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Division Manager shall allow the user to recommence its discharge when the endangerment has passed, unless permit termination proceedings set forth in this Chapter are initiated.

A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Wastewater Division Manager prior to the date of the hearing described above.

- H. Termination of Permit. Any user who violates the following conditions, provisions of this Chapter, a Wastewater Discharge Permit, order, or any applicable federal, State, and/or City regulation is subject to permit termination:
1. Violation of permit conditions.
  2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
  3. Failure to report significant changes in operations or wastewater constituents and characteristics.
  4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling. Non-compliant users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under this Chapter.
- I. Appeal Procedure. Any user affected by any decision, action or determination made by the Wastewater Division Manager in interpreting or implementing the provisions of this Chapter, or any permit issued hereunder, may, within ten (10) days of such decision, action or determination, file with the Wastewater Division Manager a written request for reconsideration setting forth, in detail, the facts supporting the request. The request for reconsideration shall be acted upon within ten (10) days from the date of filing. The decision, action, or determination shall remain in effect during such review.

If the decision of the Wastewater Division Manager is unsatisfactory to the user appealing, he/she may file a written appeal to the City Council within ten (10)

days after receipt of the decision. The City Council must schedule a date to hear the appeal within thirty (30) days from the receipt of the notice of appeal. A decision on the appeal shall be made within 21 days of the hearing. The decision, action, or determination of the Wastewater Division Manager shall remain in effect during such appeal period. The decision of the City Council shall be binding on all entities and the user until and unless ruled otherwise by an appropriate court.

- J. Judicial Remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Chapter, any order, or permit issued hereunder, the City, may commence an action for appropriate legal and/or equitable relief in any court of competent jurisdiction within Utah County.
- K. Injunctive Relief. Whenever an industrial user has violated or continues to violate the provisions of this Chapter, permit, or order issued hereunder, the Wastewater Division Manager may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.
- L. Civil Penalties. Any industrial user who has violated or continues to violate this Chapter, any order, or permit issued hereunder, shall be liable to the City for a civil penalty of not more than \$1,000, plus actual damages incurred by the City per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The City shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

- M. Criminal Prosecution. Any person who willfully or negligently violates any provision of this Chapter or any person who orders or permits others to do so, shall be guilty of a Class B misdemeanor. Each day that such condition continues shall be a separate offense.
- N. Falsifying Information. Any user who knowingly makes false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be guilty of a Class B misdemeanor.

**13.24.240 Treatment Bypasses**

A bypass of the treatment system is prohibited unless all of the following conditions are met:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
3. The user properly notified the Wastewater Division Manager as described below.

Users must provide immediate notice to the Wastewater Division Manager upon discovery of an unanticipated bypass. If necessary, The Wastewater Division Manager may require the user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Wastewater Division Manager at least 10 days in advance. The Wastewater Division Manager may only approve the anticipated bypass if the circumstances satisfy those conditions set forth above.

Chapter 13.28. Water Utility

- 13.28.010 Definitions
- 13.28.020 General
- 13.28.030 Water Transfer
- 13.28.040 Backflow Prevention
- 13.28.050 Source Protection

13.28.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Pollution Source. Means point source discharges of contaminants to ground water or potential discharges of the liquid forms of extremely hazardous substances which are stored in containers in excess of applicable threshold planning quantities as specified in SARA Title III (SARA Title III is the Emergency Planning and Community Right-To-Know section of the Superfund Amendments and Reauthorization Act). Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:
1. Animal Feeding Operation means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
  2. Animal Unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
  3. Extremely Hazardous Substances means those substances which are identified in the SARA Title III Section 302.

- B. Potential Contamination Source. Means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also referred to as a PCS.
- C. Regulatory Agency. Means any governmental agency with jurisdiction over hazardous waste as defined herein.
- D. Sanitary Landfill. Means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- E. Septic Tank/Drain-Field Systems. Means a system which is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges do not have controls to prevent discharges to the ground water.
- F. Wellhead. Means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

#### 13.28.020 General

This Chapter creates a water utility known as Spanish Fork Water, which shall be a division of the Public Works Department. The water utility shall provide drinking water and pressurized irrigation water to the City. The water utility shall be responsible for the proper installation and maintenance of all drinking water and pressurized irrigation water facilities throughout the City, including but not limited to: pipes, valves, services up to and including the meters, reservoirs, pump houses, springs, and wells.

This Chapter is enacted to promote the health, safety, and welfare of the residents of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, treatment, and distribution of drinking water and pressurized irrigation water.

The purpose of this Chapter also is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of drinking water source protection zones surrounding the wellheads and spring collection systems for all wells and springs which are the supply source for the City drinking water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

- A. Rates. All users of the drinking water system shall pay a monthly base rate and a usage rate. All users of the pressurized irrigation system shall pay a monthly base rate and a usage rate. The City may, under normal circumstances, make adjustments to ensure equitable service charges.



- B. Mandatory Connection to Public Sanitary Sewer. At such time as the drinking water system becomes available to a property, located within the City, which is served by a private well, a direct connection shall be made to the drinking water system within sixty (60) days in compliance with this Chapter. The drinking water system shall be deemed available when the water mains are within three hundred (300) feet of a building serviced by a private well.
- C. Waste. No water user may waste water or allow water to be wasted by imperfect stops, taps, valves, leaky joints or pipes, to allow tanks or watering troughs to leak or overflow, to wastefully run water from hydrants, faucets or stops, through basins, toilets, urinals, sinks or other apparatus, sprinklers or anything related to a sprinkler system.
- D. Scarcity. In time of scarcity of water, as determined by the Mayor and the City Council, the Mayor shall, by proclamation, limit the use of water to such extent as may be necessary to protect the health and safety of the residents of the City. It is an infraction for any person by themselves, or by family members, servants or agents, to violate any proclamation made by the Mayor pursuant to this section.
- E. Heavy Outlet or Sprinkler Use. It is unlawful for any Person to use such number of outlets or sprinklers simultaneously as will, in the opinion of the City Engineer, materially affect the pressure or supply of water in the municipal drinking water or pressurized irrigation systems.
- The City Engineer shall, after a determination that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs, of such determination, in writing, and order such use discontinued and advise the user that such continued usage constitutes a violation of this Chapter which shall be punishable as set forth in this Chapter.
- F. Propulsion and Generation. No City water shall be used for the purpose of driving any motor, siphon, turbine or other wheels, or hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, unless authorized by the City Engineer.

### 13.28.030 Water Transfer

Any Person desiring a connection to the City water system shall transfer to the City, or reimburse the City for, the quantity of water rights as determined and established by the Impact Fee Assessment approved by the City Council.

Water dedicated to the City will be valued by the volume the water right supplies the City in an 80% precipitation year. The City Engineer shall determine whether a water right is acceptable for dedication.

Land being developed which has Strawberry Water attached to it just prior to development, shall have that water dedicated to the City while attached to the land before development. Excess dedicated water than that required for development may be sold to the City or transferred to other land.

#### **13.28.040 Backflow Prevention**

It shall be unlawful, at any location supplied with water from the City drinking water distribution system, to do any of the following:

1. To install or use any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with water in the City drinking water distribution system;
  2. To install any connection arrangement, or fixtures, without using a backflow prevention device or assembly designed to prevent any fluid or other substance to come in contact with water in the City drinking water distribution system. Any such device or assembly must be approved for installation by the City Engineer, with respect to each application;
  3. To install any backflow prevention device or assembly as required by the version of the International Plumbing Code in effect of the time of installation.
- A. Right of Entry. Employees of the City shall have the right to enter any place which is plumbed with water from the City drinking water distribution system to conduct a hazard survey or any other examination or test reasonably necessary for the enforcement of this section.
- B. Responsibility for Cost. Any user of drinking water installing a backflow prevention device or assembly shall pay all costs for installation and testing.
- C. Testing. Backflow prevention devices or assemblies required by this section shall be tested at least once a year by a technician certified by the Utah State Bureau of Drinking Water Committee. Test results shall be furnished to the Public Works Department of the City and the Utah State Bureau of Drinking Water and Sanitation.
- D. Violation. Drinking water service may be discontinued to any user who is found in violation of this section and who fails to take corrective action within ten days after violation notification, except that drinking water service may be discontinued immediately if a threat to the water supply exists. Any person who violates the provisions of this section shall be civilly liable to Spanish Fork City, or to third persons suffering damage, for all damages proximately caused by said violation.
- E. Pressurized Irrigation Cross Connection. Pressurized irrigation water is not treated and is not to be used for any drinking water purpose, but is for outdoor watering use only. No cross connections with the drinking water system shall be allowed without backflow prevention. In addition to any criminal penalty, such person shall also be subject to termination of drinking and pressurized irrigation water service from the City

and shall be responsible for the costs of disinfecting the City's drinking water system, together with all other costs incurred by the City as a result of the cross connection.

### 13.28.050 Source Protection

The policies and procedures for administration of any source protection zone established under this Chapter, including without limitation those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance as the same may from time to time be amended.

- A. Source Protection Zones. There is hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area; identified and described in the City's drinking water source protection plans and as follows:
1. Zone one is the area within a 100-foot radius from a wellhead.
  2. Zone two is the area within a 250-day ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
  3. Zone three (waiver criteria zone) is the area within a three year ground-water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
  4. Zone four is the area within a 15-year ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- B. Permitted Uses in Source Protection Zones. The following uses shall be permitted within drinking water source protection zones.
1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies having jurisdiction.
  2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.
- C. Unpermitted Uses in Source Protection Zones. The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a permitted use.
1. Zone one: the location of any uncontrolled PCS as defined herein.
  2. Zone two: the location of a pollution source unless its contaminated discharges have a control which prevents discharges to the ground water.
  3. Zones three and four: the location of a PCS unless it can be controlled through land management strategies including zoning and non-zoning

controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contract and agreements, and so forth.