

ORDINANCE NO. 12-09-2020

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE EUREKA CITY SEWER AND WASTEWATER DEPARTMENT AND PROCEDURES ASSOCIATED THEREWITH; ALSO REPEALING ANY AND ALL PROVISIONS THAT CONFLICT WITH THIS ORDINANCE.

WHEREAS, Title 10 Chapter 3 and § 10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council finds it is in the public's interest to adopt the following rules and regulation for the City's sewer and wastewater;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA CITY, THAT THE FOLLOWING ORDINANCE BE ADOPTED AS FOLLOWS:

REPEAL.

These provisions supersede any previous or conflicting provisions formerly adopted by the City.

USE OF CITY SEWER SYSTEM

It shall be unlawful for the owner or any other person occupying or having charge of any premises within the city limits which are situated within 300 feet of a sewer main to dispose of sewage there from by any means other than by use of the city sewer system, unless the premise is part of a newly annexed area and the annexation agreement dictates when existing structures will be connected to the municipal sewer system. It shall be unlawful to construct or to continue to use any other sewage disposal system, such as a privy, vault, cesspool or septic tank on such property.

PRIVIES, CESSPOOLS, SEPTIC TANKS PROHIBITED WITHIN CITY BOUNDARIES

It shall be unlawful for any person to construct any privy, vault, cesspool or septic tank upon any lot or real estate located within the city boundaries. All existing residential structures currently serviced by a vault, privy, cesspool or septic tank that is within 300 feet of the municipal sewer system shall disconnect from the existing vault, privy, cesspool or septic tank and connect to the municipal sewer system at the owner's expense, unless the existing residential structure is part of a newly annexed area and the annexation agreement dictates when existing structures will be connected to the municipal sewer system.

PLUMBING CODE

The International Plumbing Code as adopted and amended by the State of Utah, is hereby adopted by Eureka City. The size, slope, alignment, materials of construction of all sanitary

sewers including lift stations, building sewers, and the methods to be used in excavation, placing of the pipe, joining, testing, and backfilling the trench, shall all conform to the requirements of Utah State Code R317-3, the building and plumbing code or other applicable rules and regulations of the city. Minimum pipe size shall be four inches diameter.

SEWER SUPERINTENDENT—APPOINTMENT.

The Mayor, by and with the advice of the City Council, shall employ a competent and suitable person to care for, look after and take charge of the city sewer and wastewater system. Such employee shall be known as the superintendent of the sewer system.

RESPONSIBILITIES OF SUPERINTENDENT

The sewer system shall be under the immediate control of the superintendent of sewers who shall be responsible for the proper care and operation thereof, including the responsibility for the inspection and supervision of all sewer connections within the city limits.

APPLICATION FOR SERVICES.

Before sewer service is supplied to a parcel of property, the owner, and at least one person in possession of such property if the owner is not in possession and such person has agreed with the owner that he will pay the city directly for any sewer service relating to the property, shall sign an agreement with the city wherein they shall agree:

A. To pay the Service Fees as set by the City Council, including but not limited to a Connection Fee, Maintenance Fee, Debt Service Fees, Delinquent Fees and Reconnection Fees and Sewer Rate Fees;

B. To be personally liable for and to pay all charges arising from sewer service on the property, which liability shall be joint and several among the owners and persons in possession and may be enforced by the city in a civil action at law;

C. To allow the city sewer personnel to enter upon the property and to terminate service to the same when there has been a delinquency in the payment of water and/or sewer charges for a period of sixty days.

D. That any charges for sewer service which are delinquent by more than sixty days may be certified by the city recorder to the Juab County Assessor's office, and that, upon certification, the amount of such charges, together with interest accruing at a rate of eighteen percent (18%) per annum from the date of default, shall become a lien on the property receiving such unpaid services on a parity with and collectible at same time and in the same manner as delinquent general property taxes.

E. That the remedies provided herein shall be deemed and construed as non-exclusive, so that the exercise by the city of any one remedy shall not deprive it of the exercise of any other remedy or remedies so provided.

SERVICE FEES

Any person, firm or corporation, now using, or that may hereafter use or obtain sewer from the city shall pay to the city the fees and/or rates as set forth in the City's Fee Schedule. Fees must be paid in advance, or at time they are assessed, and chargeable to the owner or owners of the property or premises upon which the said sewer is used, or the tenant as applicable.

DELINQUENT ACCOUNTS

A. Customers are to pay their bill by the 10th of each month and become delinquent if not paid by the 30th of the month.

B. Delinquent notices will be sent out to all property owners to notify them of the status of their renters when and if they become delinquent. Past Due/or Shut Off Notices will be sent out to those customers who are 60 days past due on their regular service bill. Each customer who receives a notice will be given ten days to pay the balance of the account or make payment arrangements with the City Office. If the customer takes no action to try and clear the account, service will be discontinued on the date specified in the notice. Customers having a delinquent account who wishes to set up a repayment plan must make application to the City Office.

C. Charges for sewer service which are delinquent by more than sixty days may be certified by the city recorder to the Juab County Assessor's office, and that, upon certification, the amount of such charges, together with interest accruing at a rate of eighteen percent per annum from the date of default, shall become a lien on the property receiving such unpaid services on a parity with and collectible at same time and in the same manner as delinquent general property taxes.

D. A late fee of ten percent (10%) of the current balance will be charged monthly on all delinquent accounts.

DISCONTINUANCE OF SERVICE

A. If any customer violates the conditions under which the city supplies service under the service agreement, or these service regulations, or if he/she fails upon request from the city to pay an unsecured bill for service, the city may discontinue service, upon not less than 72 hours written notice stating the cause of such discontinuance, sent to customer by mail, or delivered to the premises to which service is supplied.

B. If service to customer is discontinued, the customer will be required to pay to the city the balance of their account in full, including any accrued interest, plus a Reconnection Fee.

C. It is unlawful for any person, after the water has been turned off from his premises on account of nonpayment of charges or for violation of the rules and regulations relating to the water supply, to turn the water on again or allow the water to be used without authority.

COSTS BORNE BY OWNER

All cost and expense incidental to the installation, connection, and maintenance of the premises' connections and lines to the city's sewer shall be borne by the owners.

PERMIT REQUIRED

It shall be unlawful for any person to excavate in any public street before first obtaining a written permit from the city and posting a proper bond. Caution must be taken to prevent the destruction or disturbance of any gutter, drain, gas, water, or other pipe or conduit or the injury or destruction of property of any kind. Blue Stake Center must be called, and utilities marked, as well as city utilities. The construction, excavation and backfill requirements shall be in accordance with City standards.

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

RIGHT TO REJECT DISCHARGES

If any waters or wastes are discharged, or are proposed to be discharged, to the city sewer system, which contains substances which the Sewer Superintendent deems harmful, hazardous, or noxious, or which may have a deleterious effect upon the wastewater or sewer facilities, processes equipment or receiving waters, or which otherwise create a hazard to life or constitutes a public nuisance, either the Superintendent may:

1. Reject the 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 sewer charges.

INDUSTRIAL TREATMENT AND PRETREATMENT

Industrial waste shall not be disposed through the City's sewer system unless all local, state, and federal laws and regulations are followed, and the applicant has obtained a permit from City prior to any such discharge.

UNLAWFUL ACTS

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit;
2. Any water or waste which may contain more than twenty parts per million, by weight, of fat, oil, or grease;
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
4. Any garbage with the exception of household garbage disposals;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
6. Any waters or wastes having a PH lower than six or higher than eight and five tenths, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
7. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle or treat such materials;
9. Any noxious or malodorous gas or substances capable of creating a public nuisance

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

DISPOSAL OF POLLUTED SURFACE DRAINAGE

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City and the Utah State Department of Environmental Quality for purposes of disposal of polluted surface drainage.

RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, the Superintendent or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Superintendent by the plumbing code, provided that if such building or premises be occupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry.

PENALTY

Any person violating any of the revisions of this ordinance shall be guilty of a Class "B" misdemeanor, and upon conviction thereof, shall be punished by a fine in the sum not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. Each day constitutes a separate violation.

SEVERABILITY

If any provisions or clause of this chapter or its application thereof to any person or circumstances 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 chapter are declared to be severable.

EFFECTIVE DATE

This amendment to the ordinance shall become effective on the date first posted or published by the City Council of Eureka as required by law.

PASSED AND ADOPTED THIS 9th DAY OF December 2019.

MAYOR OF EUREKA:


NICK CASTLETON

ATTEST:


CITY RECORDER