

**RICHMOND CITY CORPORATION  
ORDINANCE 2015-5**

WHEREAS, the *Code of Revised Ordinances of Richmond (1975, adopted 1976)* is the legal basis for the daily functioning of the City; and

WHEREAS, the City Council of Richmond desires to periodically review and maintain said code up to date; and

WHEREAS, a segmental approach is the most practical and economical means of said review and up-dating at this time;

NOW THEREFORE the City Council of Richmond City, County of Cache, State of Utah, hereby adopts, passes, and publishes the following:

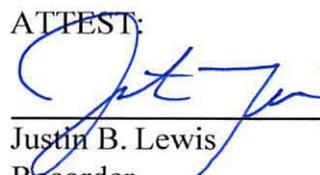
AN ORDINANCE ESTABLISHING A NEW TITLE 14-000 ENTITLED  
*UTILITIES IN THE CODE OF REVISED ORDINANCES OF RICHMOND  
(1975, ADOPTED 1976)* AND RENDERING HISTORIC ALL PREVIOUS  
VERSIONS OF TITLE 14-000 AND THEIR RESPECTIVE ENABLING  
ORDINANCES".

- A. By separate text a new Title 14-000 is herewith established and incorporated into the *Code of Revised Ordinance of Richmond (1975, adopted 1976)*.
- B. The previous text comprising Title 14-000 is hereby declared historic and no longer valid.
- C. Any and all agreements put into effect under the previous Title 14-000 shall remain legal and binding until superseded, retired, or fulfilled through due process.

ADOPTED AND PASSED by the Richmond City Council this 17th day of November, 2015.

  
Michael E.  
Hall Mayor

ATTEST:

  
Justin B. Lewis  
Recorder



Posting Date: November 17, 2015

CERTIFICATE OF DUE POSTING

I, JUSTIN B. LEWIS, City Recorder of Richmond, Cache County, Utah, do hereby certify that on the 17th day of November, 2015, in the City of Richmond, County of Cache, State of Utah, was posted the foregoing Ordinance 2015-5 in a likely manner, a copy of which is hereunto attached, in each of the three most public places in the said City of Richmond, to wit:

1. Richmond City Office
2. Richmond Public Library
3. Richmond City Post Office

WITNESS my hand this 17<sup>th</sup> day of November, 2015.



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Justin B. Lewis  
Richmond City Recorder

**TITLE 14-000. UTILITIES.**

**CHAPTER 14-100. WATER.**

**PART 14-110. Water Department and System.** The water department for Richmond City is hereby created. It shall be the sole administrative entity for the operation and maintenance of the culinary water system for Richmond City, County of Cache, State of Utah.

**14-111. Superintendent of Water.** The Richmond City Council is hereby authorized to create and fill the position of Superintendent of the water department at their discretion.

**14-112. Duties of the Superintendent.** The Superintendent of the water system shall manage and supervise the municipal culinary water system pursuant to the regulations established by the United States Environmental Protection Agency, the State of Utah Division of Drinking Water, and all resolutions, regulations, and rules adopted by the Richmond City Council from time to time. The Superintendent shall be responsible for the proper operation of the culinary water system and shall be responsible for the proper submission of required reports in a timely manner, and shall carry out all duties under the direction of the Mayor and City Council of Richmond City.

**14-113. Application for Connection to the Culinary Water System.** Any person seeking to connect to the Culinary Water system of Richmond, Utah, must complete, sign, and file with the City an Utilities Agreement.

A. Said Utilities Agreement will follow the below format:

**RICHMOND CITY CORPORATION**  
**6 West Main P.O. Box 9**  
**Richmond, UT 84333-0009**

**LOCAL UTILITIES SERVICE AGREEMENT**

NAME: \_\_\_\_\_  
(Please Print)      LAST                              FIRST                              INITIAL

SERVICE ADDRESS: \_\_\_\_\_

MAILING ADDRESS (If Different): \_\_\_\_\_

TELEPHONE: (    ) \_\_\_\_\_ ABLE TO ACCEPT TEXT MSG \_\_\_\_\_

ALTERNATE TELEPHONE: (    ) \_\_\_\_\_

EMAIL: \_\_\_\_\_

I request that Richmond City Corporation provide my residence/business with culinary water, wastewater (sewer), garbage, recycling, and Central Dispatch (CD) services effective \_\_\_\_\_ 20\_\_.

**Exemption (Initial only if Applicable)**

Water \_\_\_\_\_ I have a private spring or well    Sewer \_\_\_\_\_ I am utilizing an **authorized** septic tank.

1. By my signature below I hereby agree to assume full responsibility for the payment of the above services at the service address.
2. Failure to make full payment by the 20<sup>th</sup> day of each month will result in an automatic late fee of \$3.00 being added to the amount due shown on the bill as "PE".
3. Services will be terminated when the City is notified of a returned check.
4. Returned checks are sent directly to the contracted collection agency, are not handled further by Richmond City, and responsibility for resolution becomes an issue between the party listed above and the collection agency.
5. I further agree that I will be responsible for any and all charges associated with collection attempts for past-due services or other authorized billings.
6. Service shut-off will occur per conditions listed in the current ordinance.

\_\_\_\_\_  
Owners Name (Please Print)

\_\_\_\_\_  
Owners Signature

Date: \_\_\_\_\_, 20\_\_

**OVER**



**14-114. Application by Non-resident Owners of Property to the Culinary Water System.** Persons seeking Richmond City utility services will have the property owner complete and sign the form above plus completing the portion headed “Renter Agreement.”

**14-115. Request for Connection to the Culinary Water System by Developers or Sub-Dividers.** Developers and/or Sub-dividers seeking to connect to the Richmond City culinary water system must follow the requirements of the current zoning, sub-division, and building standards ordinance(s).

A. Once approval has been granted following the proscribed procedures of the referred ordinances, each individual residence or business must submit the appropriate Request for Connection outlined in 14-113 and 14-114 above as applicable.

**14-116. Rates, Connection, and Impact Fees.** The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the culinary water system in a safe manner shall be in keeping with the provisions of Title 14-000, Chapter 14-500 following.

**14-117. Appeals.** The Richmond City Council is hereby designated the Water Authority for the City of Richmond. As such, the Council will hear all complaints or appeals relative to culinary water rates and fees. Should any assessments be deemed illegal, unequal, or unjust, the Council may, if they see fit, rebate or otherwise adjust all or any part of such a water bill.

**14-118. Use Without Payment Prohibited.** It shall be unlawful for any person by himself or herself, family, servant, or agent to utilize the Richmond City culinary water system without pay therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixture(s) attached to the culinary water system unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the culinary water system, or to cast anything into any reservoir or tank belonging to said culinary water system.

**14-119. Delinquent Accounts and Termination of Culinary Water Service.** At the direction of the City Council, the City Treasurer will monitor delinquent accounts and when such an account has reached a rate of non-payment equal to the amount determined to be appropriate by the Richmond City Council in formal session, shall direct culinary water service to the said account to be terminated. Further action shall be taken in accordance with the provisions of Title 14-000, Chapter 14-500 following.

**14-120. Separate Connections Required.** It shall be unlawful for two or more

service users to be supplied from the same service pipe, connection or water meter. The sole exception to this provision shall be in the case of authorized multiple unit dwellings being serviced by a single meter and service line of sufficient diameter to provide sufficient water at a pressure of no less than forty pounds per square inch (40 psi) to each unit.

**14-121. Unauthorized Users.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside of his premises.

**14-122. Period for Visitors.** Individuals visiting the premises of an authorized culinary water user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the facilities of the host during the visitation period which shall not exceed thirty (30) days per calendar year. The servicing of said visiting vehicle must include a double-check backflow device at the hose bib to ensure that a cross-connection potentially allowing contaminated substances into the culinary system cannot occur. Continued servicing of a visiting vehicle beyond the thirty (30) day period shall be deemed unauthorized use and in violation of this part relating to separate connections and unauthorized use.

**14-123. Maintenance of Water Service Pipes.** The user is responsible for maintenance and repair of the culinary water system from the meter. The City will maintain and repair pipes leading up to and including the meter from the culinary service main. All pipes used must conform to the Design and Construction Standards for Richmond City as enacted by ordinance.

**14-124. Water Meters.** All water meters used within the Richmond City culinary water system must be authorized, and inspected by, Richmond City. Normally the meters will be purchased by Richmond City, exceptions must be in writing, and in all instances they must be inspected by authorized representatives of Richmond City. All water meters associated with the culinary water system and located at the point of entry to the user are the sole property of Richmond City. New connections must be installed to conform to the Design and Construction Standards for Richmond City.

A. Under no circumstances are installed water meters to be tampered with in any manner whatsoever. Only personnel authorized by Richmond City are to install, turn on or turn off culinary water meters.

B. Richmond City is to have free access to all culinary water meters at all times. This includes access to private property should the meter have been placed in such a location, and the responsibility of the service receiver to keep the area around and above the meter cleared of vehicles, debris, earth and rocks, or any other materials that would prevent free and complete access to the meter lid and meter.

C. Meter readings will normally be taken during the last week of each month unless the Richmond City Council shall deem an alternate schedule appropriate. Non-radio equipped meters may not be read during times when the meter lid is covered by snowfall; however, the standard monthly fee will be charged and then adjusted after the meter lid is accessible.

D. Meters may be checked, inspected, or adjusted at the discretion of Richmond City, and shall not be adjusted or tampered with in any manner whatsoever by the customer. Meter boxes shall not be opened by any party other than an authorized representative of Richmond City.

E. Meters will be replaced by the City on a scheduled basis, such schedule to be determined by a joint discussion and agreement between representative(s) of the water department and the City Council. The designed purpose of such replacement is to ensure accurate meter readings and accountability of water usage due to the deterioration of meter accuracy through usage.

F. All damages or injury to the lines, meter(s) or other material(s) of Richmond City culinary water system on or near the customer's premises caused by any act or neglect on the part of the customer shall at the discretion of Richmond City be repaired by and at the expense of the customer, with such repairs being inspected by authorized representatives of Richmond City, and paid for by the customer including any costs associated with the inspection process, including a reasonable attorney fee, which may arise or accrue to Richmond City through its efforts to repair the damage to the lines, meter(s) or to other equipment of the culinary water system or the water department or collect such costs from the customer.

**14-125. Non-liability for Damages.** Richmond City shall not be liable for any damage to a water service user by reason of stoppage or interruption of his/her water supply service caused by fires, scarcity of water, accidents to the culinary water system or its mains, or which occurs as the result of maintenance and/or extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the municipality beyond that provided in the Governmental Immunity Act.

**14-126. Water Not Supplied for Motors, Syphons, Etc.** No water shall be supplied from the pipes of the Richmond City culinary water system for the purpose of driving motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose.

**14-130. Cross-Connection Control and Back-Flow Prevention.**

**14-131. Definitions.**

A. *Approved* - accepted by the authority responsible as meeting an applicable specification stated or cited in this Chapter or as suitable for the proposed use.

B. *Auxiliary Water Supply* - any water supply on or available to the premises other than the culinary water supply provided by Richmond City. These auxiliary waters may include, but are not limited to, water from another purveyor's public culinary water supply or natural source(s), such as a well, spring, river, stream and so-forth; used waters or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which Richmond City does not have any sanitary control. Refer also to *Secondary Water System* or *Water - non-culinary*.

C. *Back-flow* - is the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

D. *Back-flow Preventer* - an assembly or means designed to prevent back-flow. The three back-flow prevention devices commonly referred to are:

1. *Air-gap* - the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, but never less than one inch (1").

2. *Reduced-pressure back-flow-prevention assembly* - the approved reduced-pressure principle back-flow prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cock(s).

3. *Double check valve assembly* - the approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cock(s). This assembly shall only be used to protect against a non-health hazard, i.e., a pollutant.

E. *Back-Pressure* - the flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.

F. *Back-Siphonage* - the flow of water or other liquids or substances into the distribution pipes of a potable water supply from any source other than the

intended source caused by the reduction of pressure in the potable water supply system.

G. *Contamination* - an impairment of a culinary water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

H. *Cross-Connection* - means any connection which may allow non-potable water or other fluids or material of questionable quality to come into contact with potable water inside of a distribution system, including any temporary connections, swing connections, removable connections, four-way plug valves, swivel change-over devices, or other similar plumbing arrangements.

I. *Flow Prevention Assembly* - any assembly or other means designed to prevent back-flow. See Appendix J, Chapter 10, Utah Plumbing Code as adopted for specifications of such assemblies.

J. *Industrial Fluids System* - any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply system. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public culinary water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, irrigation canals or systems, and so forth; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

K. *Pollution* - the presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

L. *Secondary Water System* - refer to "Water - non-culinary."

M. *Service Connection* - the terminal end of a culinary water system, that is, where Richmond City loses jurisdiction and sanitary control over the water at its point of deliver to the customer's water system. Currently the downstream connection begins at the dial of the water meter installed by Richmond City. There should be no unprotected takeoffs from the service line ahead of any meter or back-flow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service

connections from the public culinary water system.

N. *Water - culinary* - water which has been investigated and approved by certified health agency(ies) and operating under a valid permit.

O. *Water - non-culinary* - water which has not been approved for human consumption. "Secondary water system" is considered, and will be treated as, a synonymous term.

P. *Water - used* - is any water supplied by Richmond City or a private source to a consumer's system after it has passed through the point of delivery and is no longer under the sanitary control of Richmond City.

**14-132. Purpose.**

A. To protect the culinary water supply of Richmond City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could back-flow into the public water system.

B. To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant culinary water system(s) and non-culinary water system(s), plumbing fixtures, and industrial piping systems.

C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all culinary water systems.

**14-133. Cross-Connection Control and Back-Flow Prevention - Implementation.**

A. General. Richmond City will install one back-flow device at each meter. It shall be the responsibility of the water consumer to purchase, install, test and maintain additional back-flow prevention devices where necessary and to control cross connections in all instances. The consumer shall have certified inspections and operational tests at least once a year upon request by Richmond City. All such tests shall be made according to the standard set forth by the Utah Department of Health.

B. New Construction. The Building Official for Richmond City, or contracted designee, will review all plans for new construction and insure that unprotected cross connections are not an integral part of the consumers water system. If a cross connection cannot be eliminated, protection will be required by installation of an air gap or other approved back-flow prevention device in accordance with current Utah Plumbing Code. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical back-flow prevention assembly

as required by the Utah Plumbing Code.

C. Installation Required. Whenever designated authority for Richmond City deems that a service connection's water usage contributes a sufficient hazard to the water supply, installation of an approved back-flow prevention assembly shall be required on the lateral service line of the consumer's water system at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral water line. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross connection. The City may test all back-flow prevention assemblies after the initial installation in order to determine their adequacy.

D. Existing Back-Flow/Cross-Connection Equipment. Existing equipment shall be checked by the consumer to ensure that it meets the requirements of this Title, Chapter and Part. In case of any short-fall in capability, the sub-standard equipment must be immediately replaced by the consumer and the City notified. Failure to maintain equipment will be considered a violation of this Chapter, a hazard to the public health, and subject to established penalties.

E. Repair and Maintenance of Equipment. The repair, maintenance, and annual checking (unless required more frequently by the City) shall be the responsibility of the consumer. Failure to maintain all minimum standards shall be considered a violation. All installations and repairs of such equipment must be effected by a Certified Back-flow Technician.

F. Access for Inspection. A consumers system must be open for inspection at all reasonable times by an authorized representative of Richmond City in order to determine if cross-connections or other hazards exist. Consumer's shall be responsible to provide access across their property for inspection purposes free from litter, overgrowth, threat of vicious animals, or other hindrance that may be detrimental to ease of access.

G. Certified Back-Flow Technician. All tests of mechanical devices shall be conducted by a Certified Back-flow Technician. Such technician shall be responsible for the following:

1. Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of back-flow prevention assemblies.
2. Make reports of such testing and/or repair to the consumer and the City.
3. Include in all reports a list of any materials or replacement parts used.
4. Assure that replacement parts are equal in quality to original parts, and that any testing, repair or replacement does not change the design or operational

characteristics of the assembly.

5. Maintain license in current condition and testing equipment in proper operating order.

6. Be competent to use all necessary equipment to properly test and maintain back-flow prevention assemblies.

7. Tag each double-check valve and pressure vacuum breaker; reduce pressure back-flow assembly and high hazard air gap; show the serial number, date tested, and by whom, including the technician's license number.

H. Records. Richmond City shall keep reasonable records of cross connection hazards and the condition of back-flow assemblies, including those records required by Federal and State law(s)/regulation(s).

I. Public Notification. Although failure of a consumer to be aware of this Title, Chapter, and Part shall be no defense to violation, Richmond City shall use reasonable means to notify its customers of hazards of cross-connections and the need for annual inspection of back-flow assemblies.

**14-134. Cross-Connection Control and Back-Flow Prevention - Responsibilities of Richmond City.**

A. Training. Richmond City will ensure that all members of the City maintenance section who deal with the culinary water system are trained on the principles of cross connections and back-flow devices. The City, at the option of the City Council, may either have a Certified Back-Flow Technician on staff, or may contract out this position as needed. This does not remove the responsibility of the consumer dealing with a Certified Back-Flow Technician.

B. Education of Citizens. Richmond City will periodically, in whatever form is deemed most efficient for existing conditions, seek to educate the citizens of Richmond on the meaning of cross connections with resultant dangers to the health and safety of the citizens. Likewise, the citizens will be informed relative to the various back-flow devices available and the need for them to be installed in the proper manner when applicable.

C. Consultation with Commercial Enterprises. Richmond City will consult with commercial enterprises on a regular basis to ensure a clear understanding of cross connection and back-flow issues. The initial application for a commercial business that will be extensively using the culinary water system will be the first such consultation.

**14-135. Cross-Connection Control and Back-Flow Prevention - Specific Examples of Prohibited Connections/Opportunities.**

A. While the principles of cross-connection and back-flow remain constant, technology is constantly changing. It is therefore recommended that prior to the installation of any back-flow device, or the designing of any known potential for cross-connection, that the latest edition of plumbing regulations be consulted and adhered to in the planning and construction of any water service or use.

B. The following examples are provided to illustrate prohibited connections or back-flow opportunities that could lead to the contamination or pollution of the Richmond City culinary water system. These examples are not all-inclusive, nor is the omission of a specific example meant to allow that or any other form of cross-connection or back-flow opportunity.

1. Joint Culinary and Secondary Water Sprinkler System. Under no circumstances may any type of sprinkler or other watering system be installed using jointly both culinary and secondary water without pressure vacuum breakers being installed. This type of breaker must be installed on both the culinary and on the secondary lines prior to the point in which secondary water may be introduced into the system. Only a "swing" type connection will be allowed. "Swing" is defined as a flexible hose or pipe permanently attached to the sprinkler system lone on one end, with the other end being temporarily attached to either the culinary feed line or the secondary feed line.

2. Watering Troughs for Animals. Any pipe or hose filling a watering trough must be so arranged as to provide a minimum six inch (6") air gap between the bottom of the filling hose or pipe and the overflow edge of the trough. Introduction of a hose or pipe into the trough proper is strictly forbidden, whether a temporary or a permanent arrangement.

3. Filling from the Fire Hydrant System. Anyone holding a permit from Richmond City to fill any type of container from the fire hydrants, no matter what size, must arrange the filling means to ensure a constant minimum air gap of twelve inches (12") between the bottom of the filling device (hose, pipe, etc.) and the top of the tank or container being filled.

4. Filling of Insecticide, Pesticide, or Herbicide Tanks. Any filling of any container in which insecticides, pesticides, herbicides, or other toxic or harmful substances are being mixed prior to application must have a rigid support to prevent even the accidental entrance of the filling hose or pipe into the container. In the case of a garden-type hose, a positive air gap between the container the bottom of the hose must have a minimum of six inches (6"). Any filling pipe, hose, or tube in excess of one inch (1") diameter must have a minimum air gap of twelve inches (12").

5. Industrial/Commercial Filling or Cooling. When culinary water from the Richmond City culinary system is used in any commercial enterprise for the filling of any type of container, or for the cooling of any product or process, a pressure vacuum breaker must be installed on the lateral after the meter and before any diversion from the main in-flow takes place. Additionally, air gaps should be standard at any location where water is being introduced into any type of container involved in the commercial process.

6. Landscape Sprinkling Systems. Because of the increasing use of herbicides, all sprinkling system with heads mounted at ground level or below ground level, even those of the “pop-up” variety, must have an appropriate back flow device or pressure vacuum breaker mounted according to current plumbing and health code(s) between the sprinkler system and the main in-flow line of culinary water. These devices must be used even if there is an existing back-flow prevention device of any type after the water meter on the main service line.

**14-136. Cross-Connection Control and Back-Flow Prevention - Enforcement.**

A. Under normal conditions, suspected violators will be accorded due process as outlined below. However, if conditions observed pose an immediate and direct hazard to public health, competent City authority, e.g., the Mayor, Council member(s) responsible for the culinary water system, or other authorized designee, may terminate culinary water service to the offending consumer immediately, with such termination remaining in effect until safe conditions are restored.

B. Suspected Violations.

1. If back-flow prevention assembly required for control of cross-connections is not installed, tested, and/or maintained.

2. If it is found that the back-flow prevention assembly has been removed or has been by-passed.

3. If an unprotected cross-connection exists on the premises or property.

4. If required periodic system inspection with subsequent report to Richmond City has not been conducted.

5. Failure to maintain a positive air gap to prevent the possible siphoning of contaminants or pollutants into the culinary water system.

6. Any other situation that may pose the possible contamination of the culinary water supply by a water consumer.

### C. Sequence of Action.

1. The consumer will be immediately cautioned or notified, either in person or by telephone or other communications device, by authorized City authority.

2. If the situation is not rectified by 1. Above, the City will send a notification in writing stating the suspected/known violation, the date(s) observed, and the remedial action necessary to remove the violation and requiring positive action to be taken by the consumer within thirty (30) calendar days or less, depending upon the severity of the violation. A second reminder notice will be sent seven (7) days before the established deadline. This notification will be sent by a certified means which provides a signature for the receipt of the notice.

3. If the situation is not rectified within the required time limit, culinary water service will be terminated to the customer until such time as all remedial requirements are met. The standard shut-off and re-connect fees will apply.

4. A written summation of action, with supporting documentation, will be entered into the records of Richmond City and maintained for a minimum of five (5) years.

#### **14-140. Water Conservation.**

**14-141. Scarcity of Water.** In time of scarcity of water, whenever it shall in the judgement of the Mayor and the Richmond City Council be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his/her family, servants, or agents, to violate any proclamation made by the Mayor in pursuance of the part.

#### **14-142. Water Conservation - General.**

A. Users of water from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water Superintendent or of any of the officers of Richmond City, a user of culinary water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the Superintendent or any officer of Richmond City may refer the matter to the Richmond City Council as a whole.

B. The Richmond City Council may thereupon consider terminating the right of the individual to use culinary water from the Richmond City system. If the Council elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his/her water connection at least five days prior to the meeting of the Richmond City Council at which such termination of

water service is to be considered. The notice shall inform the water user of the time and place of the meeting, and of the charges which led to the consideration of the termination.

C. A water user whose right to utilize the Richmond City culinary water system is being reviewed shall have opportunity to appear with or without counsel and present his/her reasons why his/her culinary water service should not be discontinued.

D. After due hearing, the Richmond City Council may arrive at a determination. If the determination is to discontinue the wasteful water user's culinary water service connection, the Council shall notify him/her of the decision and of the period during which the service will remain discontinued.

#### **14-143. Water Conservation Plan.**

A. A document entitled *Water Conservation Plan for the City of Richmond, County of Cache, State of Utah* shall be generated in accordance with the applicable laws of the State of Utah.

1. Said plan shall, at minimum, incorporate the following:

a. A general description of culinary water resources available to the City of Richmond without violating provisions of the current National Security Act or subsequent revisions thereto insofar as identifying in detail locations and sources of culinary water supplies or storage.

b. An accounting of water used according to the most recent Water Use Data Report submitted to the State of Utah, Division of Water Rights.

c. A projection of anticipated culinary water usage to a period of twenty years hence.

d. A listing of current and projected water rates including the base rate and rate(s) for excessive consumption.

e. An evaluation of challenges and goals.

f. a description of current conservation procedures.

2. This document shall be reviewed on an annual basis, at minimum, following the submission of the previous years Water Use Data Report.

3. A revised and up-dated Water Conservation Plan shall be submitted every fifth (5<sup>th</sup>) year to the State of Utah, Department of Natural Resources,

Division of Water Resources.

B. Conservation procedures and processes shall be incorporated into the Water Conservation Plan, and said procedures and processes will be encouraged and enforced by the City of Richmond relative to Richmond City culinary water system users.

C. At an absolute minimum, Richmond City shall address the following:

1. An education plan to inform and encourage the resident of Richmond City concerning the most effective use and conservation of water both within and without their household.

2. A sequence describing additional actions to be taken to conserve water in the event of either drought or other water shortage, whether natural or man-made.

3. Distribution of the essence of the Water Conservation Plan, whether in full text or in extracts thereof, to the water consumers of the Richmond culinary water system. Such distribution may be through public notice, letter, incorporation with a newsletter or other such mailing.

D. Violations will be handled per Title 14-000, Chapter 14-100, Part 14-142 of the *Code of Revised Ordinances of Richmond (1975, Adopted 1976)*.

**14-150. Installation of Culinary Water Service Lines.**

A. No culinary water lines shall be established on the City side of a water service meter unless previously authorized and permitted by Richmond City.

B. Developers will be required to install culinary water mains in compliance with the Design and Construction Standards of Richmond City and in keeping with current State and Federal codes and rules.

C. Fire hydrants will be installed in accordance with the provisions of B. above plus any and all restrictions, requirements and rules established by the State Fire Marshal or other senior fire office.

D. The moving or replacement of existing culinary water lines will comply with A. through C. above.

E. All costs associated with the establishment or extension of culinary water lines will be borne at the cost of the developer or customer unless negotiated otherwise with the Water Authority of Richmond City.

F. In keeping with the provisions of the Design and Construction Standards, all culinary lines, valves, hydrants or other associated elements must be inspected by an authorized representative of Richmond City prior to being covered. Standard disinfection procedures will be followed with verified results being provided to the City by the Bear River Health Department.

G. All infrastructure dealing with the culinary water supply prior to reaching users meters will become the property of Richmond City once inspected and accepted in writing by the City.

**14-160. Service Outside of Richmond City.** Under normal conditions culinary water will not be provided to users living outside of the legal city limits of Richmond City. Under extraordinary circumstances, and following public discussion, debate, and vote in an open public meeting by the Richmond City Council acting in its capacity as the Water Authority, exceptions may be granted; however, the granting of one exception shall not be construed as precedent for further exception. This part does not affect pre-existing agreements between Richmond City and current users outside of the city limits.

## **CHAPTER 14-200. SEWER.**

**PART 14-210. Sewer Department and System.** The sewer department for Richmond City is hereby created. It shall be the sole administrative entity for the operation and maintenance of the sewer system for Richmond City, County of Cache, State of Utah.

**14-211. Superintendent of Sewer.** The Richmond City Council is hereby authorized to create and fill the position of Superintendent of the sewer department at their discretion.

**14-212. Duties of the Superintendent.** The Superintendent of the sewer system shall manage and supervise the municipal sewer system pursuant to the regulations established by the United States Environmental Protection Agency, the State of Utah Division of Water Quality, and all resolutions, regulations, and rules adopted by the Richmond City Council from time to time. The Superintendent shall be responsible for the proper operation of the sewer system and shall be responsible for the proper submission of required reports in a timely manner, and shall carry out all duties under the direction of the Mayor and City Council of Richmond City.

**14-213. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in Chapter 14-200 shall be as follows:

A. *Addendum* - any document appended hereto.

B. *Biochemical Oxygen Demand (BOD)* - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter (mg/L).

C. *Building Drain* - that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

D. *Building Sewer* - the extension from the building drain to the sewer main or other place of disposal, also called house connection.

E. *Cesspool* - an underground reservoir for liquid waste (as household sewage).

F. *Class* - a classification of volume of use as described hereinafter.

G. *Combined Sewer* - a sewer intended to receive both wastewater and storm or surface water.

H. *Domestic* - of the home or household, house or family. For purpose of this Title, see *Residential flows*.

I. *Easement* - an acquired legal right for the specific use of land owned by others.

J. *Floatable Oil aka FOG* - oil, fat, or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of FOG if it is properly pre-treated and the wastewater does not interfere with the collection system.

K. *Governing Body* - the Mayor and Council members of Richmond City.

L. *Garbage* - all waste resulting from residence, commercial trades, or businesses and institutions. Commercial and Industrial waste shall be distinct from domestic or household sanitary waste.

M. *Hearing Board* - the Richmond City Council in its capacity as the Sewer Authority.

N. *Heavy & Light Commercial, and Industrial Users* - any Industrial or Commercial user who discharges waste into the system with a higher than normal biochemical oxygen demand, or greater than normal total suspended solids load.

O. *Industrial Wastes* - the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

P. *May* - is permission (see *shall*, sub-part EE).

Q. *Natural Outlet* - any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface or groundwater.

R. *Person* - any individual, firm, company, association, society, corporation, or group.

S. *pH* - 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-ion concentration of  $10^{-7}$ .

T. *Pollutant* - any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and non-domestic wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, BOD, turbidity, color, toxicity, odor).

U. *Pretreatment* - the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the public sewer. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or any other means, except as prohibited by 40 CFR 403.6(d).

V. *Privy* - a small building having a bench with holes through which the user may defecate or urinate.

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

X. *Public Sewer* - a common sewer controlled by a government agency or public utility.

Y. *Residential Flows* - the assumed average and/or standard flow expected from a single family dwelling based on winter-time culinary water usage. A Residential Flow volume is normally 15,000 gallons per month and its strength is 250 mg/L TSS (Total Suspended Solids, see "Suspended Solids") and 200 mg/L BOD 5 (Biochemical Oxygen Demand, see "BOD"). Rates for volume and strength of Residential Flow are as set out in Part 14-540.

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

AA. *Septic Tank* - a tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

BB. *Sewage* - the spent water of a community. A preferred term is *wastewater*.

CC. *Sewer* - a pipe or conduit that carries wastewater or drainage water.

DD. *Sewer Lateral* - the extension from the building drain to the public sewer or other place of disposal.

EE. *Sewer Lagoon(s)* - the lagoon facilities of Richmond City used to treat wastewater from within the City as an element of the entire *system*.

FF. *Shall* - mandatory (see *may* sub-part O).

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

HH. *Storm Drain* (sometimes termed *storm sewer*) - a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

II. *Superintendent* - the Public Works Supervisor or other individual designated by the Richmond City Council and who is responsible for wastewater facilities, and/or wastewater treatment works, and/or of water pollution control in Richmond City or his/her authorized deputy, agent, or representative.

JJ. *System* - the sewer, wastewater or combined wastewater and storm or surface water facilities of the City.

KK. *Total Kjeldahl Nitrogen aka TKN* - standard means of measuring nitrite and nitrate contained in the wastewater as designated by the Division of Water Resources.

LL. *Total Phosphorus* - standard means of measuring total phosphorus contained in the wastewater as designated by the Division of Water Resources.

MM. *Total Suspended Solids (TSS)* - total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as filterable residue.

NN. *City* - Richmond City, Cache County, Utah.

OO. *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 sewers and waste water treatment facilities provided.

PP. *Watercourse* - a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

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

RR. *Wastewater Facilities* - the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

SS. *Wastewater Treatment Works* - an arrangement of devices and structures for treating wastewater, industrial waste, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

#### **14-214. Use of Public Sewers Required.**

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

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

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

D. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or within 300 feet of the sewer system is hereby required, at the owner(s) expense, to install suitable sewer facilities therein, and to connect such facilities directly with the public sewer. Should the habitable structure be in excess of 101 feet from the property line nearest the system, and be in existence prior to January 1, 1973, and not be located on top of or within the boundaries established by a well and/or spring protection ordinance, and be in excess of one-half (½) acre in size, the owner or occupant may seek a connection waiver from the Richmond City Council. Should such a waiver be granted, it will become null and void upon the application to construct any habitable structure upon said land so waived, whether or not owned by the original owner/occupant.

**14-215. Private Wastewater Disposal.**

A. Where a public sanitary or combined sewer is not available under the provisions of Part 14-214, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter.

B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit issued by the City of Richmond, following review and approval by the Richmond City Council. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary. A permit and inspection fee in the amount established by separate ordinance shall be paid to the City at the time the application is filed.

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

D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the United States Environmental Protection Agency Utah State Department of Environmental Quality and the Bear

River Health Department. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Part 14-214.D, a direct connection shall be made to the public sewer within twelve (12) months, in compliance with this Chapter, and the private disposal system shall be disconnected and made inoperable.

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

G. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the United States Environmental Protection Agency, the Utah State Department of Environmental Quality, Utah Division of Water Quality, or the Bear River Public Health Department.

#### **14-216. Sanitary Sewers, Building Sewers and Connections; Rates for Use**

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

B. Usage fees shall be established by the provisions of Title 14-000, Chapter 14-500 of the *Code of Revised Ordinances of Richmond (1975, Adopted 1976)*.

C. Sewer Connections.

1. In every case, the owner(s) or agents shall make application for a sewer connection on a form obtained from the City. The permit application shall be supplemented by any plans, specification, or other information considered pertinent by Richmond City or duly designated representatives of Richmond City.

2. The usage fees, penalty fee for delinquency in payment, connection or hookup fees and other charges related to sewer services from the municipal sewer system shall be in keeping with the provisions of Title 14-000, Chapter 14-500 of the *Code of Ordinances of Richmond City, Utah (2007), revised*.

D. Form of Application. Each person owning, occupying or having an interest in any structure in Richmond City, the property line of which is within 300 feet of the sewer line shall connect to the sewer system upon an application in the form

hereinafter set out by Title 14-000, Chapter 14-200, Part 14-217 unless waived under the provisions of Part 14-214.D.

E. Unless covered under the provisions of Part 14-214.D, it shall be a Class B misdemeanor or a misdemeanor as declared by State law or County ordinance for any person to fail to connect to the sewer system who is the occupant, owner or user of any structure whose outermost property line is within 300 feet of the sewer system by a fine as currently defined for a Class B misdemeanor for each day of violation and each day of failure to connect shall be deemed a separate offense or as otherwise determined through legal process in the Richmond City Justice Court or other appropriate Court within the First District Court jurisdiction.

1. Each individual connection to the sewer system shall execute an application as established by Title 14-000, Chapter 14-200, Part 14-217.

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

G. A separate and independent building sewer shall be provided for every building.

H. Old building sewers may be used in connection with new buildings only when they are examined and tested by competent authorized authority recognized and approved by Richmond City and found to meet all requirements of the Richmond City Design and Construction Standards.

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

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

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

L. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, and the State of Utah, or the procedures set forth in appropriate specification of nationally-recognized publications of what are known as the A. S. T. M. and the W. P. C. F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight, any deviation from the prescribed procedures and materials must be approved by the City before installation. It shall be unlawful for any person to directly or indirectly engage in laying, repairing, altering or connecting any drain or sewer pipe connected with or part of the municipal sewer system without first having received a permit from the City at the City Office.

1. When Permits Shall Not be Issued. Permits to connect to the municipal sewer system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the municipality.

2. Revocation of Permits All construction permits for sewer connections or installation shall be issued to the plumber/contractor who is to do the work or the owner of the property, subject to the supervision and inspection by authorized Richmond City personnel. The City may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

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

N. It shall be unlawful for any person to connect any drain or sewer pipe with the municipal sewer system unless the person is a duly licensed plumber or unless, in the absence of a duly license plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to Richmond City for review and approval. After such approval, the installation of work done shall be subject to inspection by authorized Richmond City personnel.

O. All users of the system shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense. No

person, except under the direction of authorized Richmond City personnel, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.

1. In order to determine the feasibility of connecting a basement or proposed basement to the system, the owner or plumber may make application for a trail sewer survey, the cost of which shall be as established from time to time by resolution of the Richmond City Council. The result of a trail sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.

P. Irrespective of the occupant, user, tenant, co-tenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service made available, the owner of the premises according to the records of the Cache County Recorder shall be legally responsible for the payment of all charges, fees, assessments and any other payment of all charges, fees, assessments and any other obligation or liability of a user. If any delinquent sewer connection, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property buildings or structures, the obligation shall be deemed by Richmond City as a lien upon all of the real property on which any use is made from a sewer connection. Water service to delinquent property shall be turned off by the City for failure to pay any and all sewage and wastewater fees, assessments, charges or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the City for sewer service are paid in full.

Q. Notification. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to waste water treatment services (M & O) vs. debt service.

**14-217. Application for Connection to the Sewer System.** Any person seeking to connect to the Culinary Water system of Richmond, Utah, must complete, sign, and file with the City an Utilities Agreement.

A. Refer to 14-113.

**14-218. Application by Non-resident Owners of Property to the Sewer System.** Refer to 14-114.

**14-219. Request for Connection to the Sewer System by Developers or Sub-Dividers.** Developers and/or Sub-dividers seeking to connect to the Richmond City sewer system must follow the requirements of the current zoning, sub-division, and building standards ordinance(s).

A. Once approval has been granted following the proscribed procedures of the referred ordinances, each individual residence or business must submit the appropriate Request for Connection outlined in 14-113 above as applicable.

**14-220. Rates, Connection, and Impact Fees.** The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the sewer system in a safe manner shall in keeping with the provisions of Title 14-000, Chapter 14-500 following.

**14-221. Appeals.** The Richmond City Council is hereby designated the Sewer Authority for the City of Richmond. As such, the Council will hear all complaints or appeals relative to sewer rates and fees. Should any assessments be deemed illegal, unequal, or unjust, the Council may, if they see fit, rebate or otherwise adjust all or any part of such a water bill.

**14-222. Use Without Payment Prohibited.** It shall be unlawful for any person by himself or herself, family, servant, or agent to utilize the Richmond City sewer system without pay therefor, as herein provided.

**14-223. Delinquent Accounts and Termination of Sewer Service.** At the direction of the City Council, the City Treasurer will monitor delinquent accounts and when such an account has reached a rate of non-payment equal to the amount determined to be appropriate by the Richmond City Council in formal session, shall direct culinary water service to the said account to be terminated. This action is taken on the premise that the terminating of culinary water will contribute greatly, if not altogether, the usage of the sewer system. Further action shall be taken in accordance with the provisions of Title 14-000, Chapter 14-500 following.

**14-224. Separate Connections Required.** It shall be unlawful for two or more users to be serviced from the same sewer lateral. The sole exception to this provision shall be in the case of authorized multiple unit dwellings being serviced by a single lateral of sufficient diameter to provide sufficient flow of sewage to the sewer main without danger of back-up into any individual unit within the said multiple unit dwelling.

**14-225. Dumping of Recreational Vehicles Sewage (Black or Grey Water).** It is unlawful to discharge from any holding tank associated with any type of recreational vehicle into the Richmond City sewer system. Chemicals commonly used in such vehicles have an extremely detrimental effect upon the biological sewage breakdown and cannot be tolerated within the Richmond City system.

**14-226. Visitors Utilizing the Sewer System.** Visitors utilizing trailers or other types of recreational vehicles may temporarily connect to the culinary water

system per Title 14-000, Chapter 14-100, Part 14-122 but are prohibited from connecting to the sewer system per Chapter 14-200, Part 14-221 above.

**14-230. Sewage Service to Non-Resident Locations.**

1. Richmond City *may* furnish sewer service from its sewer system to persons or businesses outside its corporate limits in accordance with the provision of the following:

a. Any person located outside the City limits desiring to be supplied with sewer services from the City sewer system and being willing to pay in advance the whole expense of extending the sewer main from its present location to the City limits, may make application to the City Council by petition containing (1) a description of the proposed extension, (2) accompanied by a map showing the location thereof, (3) an offer to pay the whole expense incurred by the City in providing such extension and to advance such expense as said expense shall be certified to by the Public Work Supervisor. The City Council and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which a portion, if any, of the costs of installing such extension may be refunded. An acknowledgment that the City in granting said petition engages to supply only such sewer service to petitioner which from time to time the City Council deems is available for sale by reason of the surplus capacity of the sewer system and which is not required by users within the City limits, and acknowledgment that such extension shall be the property of and subject to the control of Richmond City, and an agreement to be bound by and comply with all ordinances and resolutions of the City then in force of thereafter adopted to pay for the sewer service provided at a rate to be fixed and from time to time adjusted by the City Council.

**14-240. Maintenance of Sewer Service Pipes.**

A. The sewage transporting pipe, hereafter referred to as the lateral, is the means by which raw sewage is brought to the main sewer pipe, hereafter referred to as the main.

1. The entire distance of the lateral from user facility to the attachment with the main shall be the sole responsibility of the user insofar as installation, maintenance, and upkeep.

2. The user will be responsible for any repairs or cleaning required on, or within, the lateral.

3. The user is required to make contact with, and obtain permission from,

Richmond City before installing, excavating or otherwise opening access to the lateral.

4. Richmond City will be responsible for providing technical assistance to the user, or parties contracted by the user, to ensure that standards established by Richmond City, or higher authority, are observed and maintained.

5. Developers will be responsible to comply with the Design and Construction Standards of Richmond City when installing new mains or laterals, and remain so liable until the infrastructure is formally accepted through written documentation by Richmond City.

6. Once accepted all mains will become the property of Richmond City, and Richmond City will then become the responsible party for maintenance and upkeep of the sewer mains from the outer limits of the system to the treatment facility.

B. Systems existing prior to the effective date of this Title 14-000 will be subject to all provisions contained herein.

**14-241. Allowable Discharges into the Sewer System.**

A. No person(s) shall discharge or cause the discharge of any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. The sole exception will be storm water runoff from *designated* limited areas, which storm water may be polluted at times, only by permission of the City and Utah State Department of Environmental Quality.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlets approved by the City and the Utah State Department of Environmental Quality. Unpolluted industrial cooling water or process waters shall also be discharged to a storm sewer or natural outlet. Under no circumstance will these waters be introduced into the sewer system that contributes to the Richmond City sewer lagoon system.

C. No person(s) shall discharge or cause to be discharged any of the following described pollutants, water, or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas;

2. Any waters containing toxic or poisonous solids, liquids, or other wastes, to contaminate or interrupt any sewage treatment process, constitute a

hazard in or have an adverse effect on the waters receiving any discharge from the works;

3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works, and

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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

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

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

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

3. Wastewater from industrial plants containing floatable oils, fat or grease.

4. Any garbage that has not been properly shredded. Garbage grinders may

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

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

6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the State.

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

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

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

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

11. Wastewater that exceeds an average BOD of 228 mg/L, TSS 200 mg/L, TKN 35 mg/L and/or TP 8 mg/L per month.

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

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 wastes not covered by existing taxes or sewer charges under the provisions of this Chapter. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and the Utah State Department of Environmental Quality.

4. Require submission of a plot plan of sewers of the user's property showing sewer and pretreatment facility location.

5. Require submission of details of wastewater pretreatment facilities.

6. Require details of systems to prevent and control the losses of materials through spills to the municipal sewer.

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

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

#### **14-242. Non-residential Wastewater Discharge Permit Application.**

A. When requested by Richmond City, non-domestic users must submit information on the nature and characteristics of their wastewater by completing a questionnaire. Failure to complete this application questionnaire shall be reasonable grounds for terminating service to the non-domestic user and shall be considered a violation of the Chapter. Richmond City shall utilize the questionnaire format found in Section 4, Part 4.2 of the Richmond City *Wastewater Pre-Treatment Policy and Procedures Manual*, latest edition. Incomplete or inaccurate applications will not be processed and shall be returned to the non-residential user for revision. Should any of the information requested or supplied be considered by the non-residential user to be of a confidential nature, the non-residential user should request confidential status in accordance with Part 14-248.

B. Richmond City will evaluate the data furnished by the non-domestic user and may require additional information. Within Thirty (30) days of receipt of a complete wastewater discharge permit application, Richmond City will determine whether or not to issue a wastewater discharge permit. Richmond City may deny for cause any application for a wastewater discharge permit. The basis for denial shall be provided to the non-domestic user.

**14-243. Non-residential Wastewater Discharge Permit.**

A. It shall be unlawful for any significant non-residential user to discharge wastewater into the Richmond City's public sewer without first obtaining a wastewater discharge permit from Richmond City. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in Parts 14-243.H, 14-250 and 14-251. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with any other requirements of Federal, State or local law. Permits issued will be in compliance with the format outlined in Section 5, Part 5.3 of the Richmond City *Wastewater Pre-Treatment Policy and Procedures Manual*, latest edition.

B. Any existing non-residential user which discharges into the sewer system prior to the first day of January, 1973, and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to Richmond City for a wastewater discharge permit in accordance with Part 14-242, and the user shall not cause or allow discharges to the public sewer system to continue after 180 days of said date of January 1, 1973, except in accordance with a wastewater discharge permit issued by Richmond City.

C. Any new non-residential user proposing to begin or recommence discharging non-domestic wastes into the public sewer must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin. Richmond City has the right to place conditions on new or increased contributions from existing users.

D. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by Richmond City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant effluent, protect worker health and safety, protect ambient air quality, and protect against damage to the public sewer.

E. Richmond City may modify the wastewater discharge permit at any time for good cause, to include but not limited to, the changing of regulations by senior authority, e.g., United States Environmental Protection Agency, Utah Division of

Environmental Quality, Utah Division of Water Quality, etc.

F. Wastewater discharge permits shall be good for not more than one year, unless modified and allowed by senior authority, and will contain as a minimum the following information:

1. Applicable pretreatment standards and/or discharge limits.
2. A compliance deadline date or effective date of limits.
3. A statement of the effective date, the expiration date, and the authority to revoke in the event of non-compliance.
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards and State and local law.

G. Any person, including the non-residential user, may petition Richmond City to reconsider the terms of a wastewater discharge permit within sixty (60) days of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. Richmond City must act within forty-five (45) days after receipt of a petition to reconsider with a written reply to the applicant.

H. Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify Richmond City of significant changes to the wastewater prior to the changed discharge.
2. Failure to provide prior notification to Richmond City of changed conditions.

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.
5. Tampering with monitoring equipment.
6. Refusing to allow Richmond City timely access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay fines.
9. Failure to pay sewer charges.
10. Failure to meet compliance schedules.
11. Failure to complete a wastewater survey or the wastewater discharge permit application.
12. Failure to provide advance notice of the transfer of a permitted facility.

Wastewater discharge permits shall be voidable upon non-operation of permitted facility, cessation of operations, or transfer of business ownership.

**14-244. Reporting Requirements.**

- A. Each non-domestic user is required to notify Richmond City of any planned changes to the non-domestic user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.
- B. Slug discharge reports are required:
  1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the public sewer (including a violation of the prohibited discharge standards in Part 14-241 of this Chapter), it is the responsibility of the non-residential user to immediately telephone and notify Richmond City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the non-domestic user.

2. Within five (5) working days following such discharge, the non-domestic user shall, unless waived by Richmond City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the non-domestic user to prevent similar future occurrences. Such notification shall not relieve the non-domestic user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the public sewer, natural resources, or any other damage to person or property; nor shall such notification relieve the non-domestic user of any fines, civil penalties, or other liability which may be imposed by this Chapter.

3. Failure to notify Richmond City of potential problem discharges shall be deemed a separate violation of this Chapter.

4. A notice shall be permanently posted on the non-domestic user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in sub-part 1, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

C. All non-residential users not required to obtain a wastewater discharge permit shall provide appropriate reports to Richmond City as the City may require.

D. Non-residential users shall retain, and make available for inspection and copying, all records and information required to be retained under this Chapter. 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 enforcement action concerning compliance with this Chapter, or where the non-residential user has been specifically notified of a longer retention period by Richmond City.

#### **14-245. Pretreatment.**

A. In accordance with requirements set forth by the United States Environmental Protection Agency and the Utah Division of Environmental Quality, Richmond City shall, by separate document, establish a Pretreatment Policy and Procedures Manual.

B. Any non-residential wastewater user of the Richmond City sewer system must be evaluated in accordance with the Pretreatment Policy and Procedures Manual. The evaluation check list shall be retained by Richmond City for a minimum of three (3) years.

1. Non-residential users will be required to be re-evaluated at the end of each two (2) years of service, change of ownership, or when there is reasonable

cause to believe that the composition or volume of discharge has changed or increased.

2. Non-residential users found to be within the parameters requiring pretreatment of wastewater prior to its entering into the Richmond City sewer system must adhere to all provisions of the Pretreatment Policy and Procedures Manual applicable to their situation.

3. Non-residential users requiring pretreatment of their wastewater will be responsible for the installation, operation, and satisfactory maintenance of all pretreatment facilities for their business.

4. Richmond City reserves the right to full access of said pretreatment facility per Part 14-247 of this Chapter.

C. Should conflict occur between the provisions of this Chapter and Part, and the provisions of the Pretreatment Policy and Procedures Manual, this Chapter and Part shall prevail unless it is proven that higher authority (USEPA or Utah DEQ) has implemented requirements different from those within this Chapter and Part.

**14-246. Illegality of Tampering or Unauthorized Access.**

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

B. It shall be unlawful for any person to open a sewer man-hole without permission from authorized representative of Richmond City.

**14-247. Power and Authority of Inspectors.**

A. Duly authorized employees and/or representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater collection system in accordance with the provisions of this Chapter.

B. Duly authorized City employees and/or representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Industrial users may withhold information when they have established that the revelation of said information to the public might result in an advantage to competitors; however, they must advise the inspectors of the existence of such proprietary information.

The City reserves the right to follow appropriate legal channels to obtain, while maintaining a strictly confidential and restricted on a need-to-know basis, any proprietary information that the City has reason to believe would effect the impact of a discharge into the wastewater system in a negative manner. Refer to 14-248.

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

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

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

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

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

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

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

**14-248. Confidential Information.**

A. Information and data on a non-domestic user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Richmond City inspection and sampling activities, shall be available to the public without restriction unless the non-domestic user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the non-domestic user furnishing a report that such information should be held confidential, 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 immediately be made available, upon request, to governmental agencies for uses related to state permit or pretreatment programs, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. The City will provide a secure facility to maintain documentation considered confidential.

**14-249. Hearing Board.**

A. A hearing board of five (5) members shall be appointed as needed for arbitration of differences between the City and sewer users on matters concerning

interpretation and execution of the provisions of this Chapter by the City. The board shall meet as needed unless their services are determined to be necessary more often by the Richmond City Council. One member shall be a representative of a local commercial enterprise. One member shall be a residential user selected at large for their interest in accomplishing the objectives of this Chapter. As the board deems necessary and upon concurrence by the City, a qualified Attorney may be consulted by the board on a specific case.

#### **14-250. Administrative Enforcement Remedies.**

A. Whenever Richmond City finds that any non-domestic user has violated or is violating this Chapter, a wastewater discharge permit or order issued hereunder, the City may serve upon said user a written Notice of Violation. Such written notice shall be served in person or by certified mail where a receipt is obtained. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. 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. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Richmond City is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to sub-section D and E below and shall be judicially enforceable.

C. Richmond City may order any user which causes or contributes to violation(s) of this Chapter, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or requirement, to appear before the City and 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 action, and a request that the user show cause why this proposed enforcement action should not be taken. Such written notice shall be served in person or by certified mail where a receipt is obtained. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the user.

D. When Richmond City finds that a user has violated or continues to violate the Chapter, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service may be discontinued. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

E. When Richmond City finds that a user is violating this Chapter, the user's wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

#### **14-251. Penalties.**

A. Notwithstanding any other Part of this Chapter, any user found to have violated any provision of this Chapter, its wastewater discharge permit, and orders issued hereunder, or any other Pretreatment Standard or requirement may be fined in an amount not to exceed \$1,000 per day per violation unless established at a higher rate by senior authority or as otherwise determined through legal process in the Richmond City Justice Court or other appropriate Court within the First District Court jurisdiction. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Richmond City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

B. Users whose sewage discharge exceeds the allowed BOD., TSS, TKN, TP,

and/or FOG may be required to pay the surcharge rate outlined in Chapter 14-500, Part 540.

C. Assessments may be added to the user's next scheduled sewer service charge and Richmond City shall have such other collection remedies as may be available for other service charges and fees.

D. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance and interest shall accrue thereafter at a rate of 1.8% per month.

E. Users desiring to dispute such fines must file a written request for Richmond City to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the City shall convene a hearing on the matter within fourteen (14) days of receiving the request from the non-domestic user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the non-residential user.

F. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

## **CHAPTER 14-300. STORMWATER AND SURFACE WATER RUNOFF.**

**PART 14-310. Purpose.** The purpose of this chapter is to protect the health, safety and welfare of residents of Richmond City by maintaining and improving the City's stormwater system; managing and controlling stormwater runoff; protecting public and private property from damage caused by uncontrolled stormwater runoff or by pollutants conveyed by stormwater runoff; and preventing polluted water from entering the City's stormwater system and other receiving waters to the maximum extent practicable as required by Federal and State law. The principle objectives are:

- A. To regulate the discharge of pollutants into the municipal stormwater system;
- B. To prohibit illicit connections and discharges to the system;
- C. To guide, regulate, and control the design, construction, use, and maintenance of any development or other activity that results in the movement of soil within the City;
- D. To minimize increases in nonpoint source pollution caused by stormwater runoff from construction sites, which would otherwise degrade local water quality;

E. To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, whenever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;

F. To establish a viable and fair method of financing the construction, operation, and maintenance of the stormwater system;

G. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Chapter; and

H. To clarify permitting processes and identify responsibility to obtain certain permits required by the United States Environmental Protection Agency (USEPA), the State Department of Environmental Quality (DEQ), and Richmond City.

**14-311. Definitions.** For the purposes of this Chapter, the following shall mean:

**A. Best Management Practices (BMP).** Includes schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the Waters of the State or Waters of the United States. BMP's also include treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**B. Building Permit.** Permits for alteration or construction (except for fences and detached accessory buildings as excepted by City code) issued pursuant to the provisions of current Richmond City code.

**C. Conveyance System.** Any channel or pipe for collecting or directing the flow of stormwater.

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

**E. Degradation.** 1. Biological or chemical: The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. 2. Geological: Wearing down by erosion. 3. Water: The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

**F. Department of Environmental Quality (DEQ).** The State of Utah Department of Environmental Quality.

**G. Discharge.** The release of stormwater or other substances from a conveyance system or storage container.

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

**I. Equivalent Service Unit (ESU).** The approximate size of impervious surface area on an average residential lot.

**J. Erosion.** The wearing away of land surface by wind or water. Erosion occurs naturally from weather or runoff but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber cutting.

**K. Excavation Permit.** Permit issued authorizing excavation within Richmond City pursuant to the provisions and regulations currently in place.

**L. Field Drain.** Refers to an underground drainage system installed to drain agricultural fields and typically ends in an irrigation tail water ditch.

**M. Fill.** A deposit of earth material placed by artificial means.

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

**O. Illegal Discharge.** Any direct or indirect non-stormwater discharge to the stormwater system, except discharges from fire fighting activities and other discharges exempted by City ordinance.

**P. Illicit Connection.** Any physical connection to the Richmond City stormwater system allowing discharge of non-stormwater, which has not been otherwise permitted by Richmond City.

**Q. Impervious Surface.** A surface which prevents or retards the penetration of water into the ground including, but not limited to, roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

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

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

T. **Inlet.** An entrance into a ditch, culvert, or other conveyance structure.

U. **Land Drain.** Refers to an underground drainage system installed during the development of a subdivision that is installed within the public right-of-way and designed to meet City standards and is approved by the City Engineer to reduce or limit ground water travel in the vicinity of the drains.

V. **Mulch.** A natural or artificial layer of plant residue or other materials covering the land surface with conserves moisture, holds soil in place, aids in establishing plant over, and minimizes temperature fluctuations.

W. **National Pollutant Discharge Elimination System (NPDES).** USEPA's program to control the discharge of pollutants to Waters of the United States.

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

Y. **Nonpoint Source.** Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban runoff.

Z. **Notice of Intent (NOI).** Permit issued by the State DEQ for storm water discharges associated with construction activities under the NPDES General Permit.

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

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

CC. **Outfall.** The point, location, or structure where wastewater or drainage discharges from a stormwater pipe, ditch, or other conveyance to a receiving body of water.

DD. **Plat.** A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

EE. **Point Source.** Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel from which pollutants are or may be discharged.

FF. **Pollutant.** Generally any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not

limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues resulting from the construction of a building or structure; and noxious or offensive matter of any kind.

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

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

**II. Runoff.** That part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water with the potential to carry pollutants from the air and land into the receiving waters.

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

**KK. Source Control.** A practice or structural measure to prevent pollutants from entering stormwater runoff or other environmental media.

**LL. Stabilization.** The proper placing, grading and/or covering of soil, rock, or earth to ensure its resistance to erosion, sliding, or other movement.

**MM. Storm Drain.** An opening leading to an underground pipe or open ditch for carrying surface runoff.

**NN. Stormwater.** Rainfall runoff, snowmelt runoff, and drainage. It excludes infiltration.

**OO. Stormwater Management Concept Plan.** A document which describes the Best Management Practices and activities to be implemented by a person, business, or developer to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.

**PP. Stormwater System (Municipal Separate Stormwater System).** A municipally owned and operated stormwater collection system consisting of the following: curb and gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, land drain systems, field drain systems, or any other system used to convey stormwater that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by the municipality.

**QQ. Swale.** An elongated depression on the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primary drainage channels and allow some of the stormwater to infiltrate into the ground surface.

**RR. Waters of the United States.** Surface watercourses and water bodies as defined in 40 CFR Section 122.2., including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

**SS. Waters of the State.** Surface and ground water within the boundaries of the State of Utah and subject to its jurisdiction.

**14-320. Application.** This Chapter shall apply to all water entering the Richmond City municipal stormwater system.

**14-321. Responsibility of Administration.** The Richmond City Council is responsible for the administration of this Chapter; however, said Council may, at its discretion, delegate day-to-day administration to the City Manager, the City Maintenance employees, and/or the City Engineer. Said administration will include, but not be limited to, administration, implementation, and enforcement of the provisions contained within this Chapter. Any powers granted or duties imposed upon Richmond City may be delegated in writing by the City Council or authorized designee, to persons or entities acting in the beneficial interest of or in the employ of Richmond City.

**14-322. Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be not contamination, pollution, nor illegal discharge of pollutants.

**14-323. Policies.** The Richmond City Council may adopt policies consistent with this Chapter to assist in the application, administration, and interpretation of the Chapter and any ordinances or resolutions related to the stormwater utility.

**14-330. Stormwater Utility Fee.**

**A. Fee Imposed.** Each developed parcel of real property, whether residential, commercial, manufacturing, churches or schools within Richmond City shall be charged a stormwater utility fee.

**B. ESU.** The fee shall be based upon the number of ESU's contained in the parcel. Richmond City has concluded that the ESU is the most equitable and

practical measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the stormwater utility. Richmond City establishes that an ESU equals up to three thousand five hundred (3,500) square feet of impervious surface area.

**C. Basis.** Richmond City has determined that each single-family residential parcel generates approximately the same amount of stormwater runoff; therefore, each developed single-family residential parcel shall pay a base rate of one (1) ESU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ESU's, according to the number of residential units located on the parcel. For all commercial and/or manufacturing the Public Works personnel shall, under the direction of the City Council, measure all impervious surface area of the lot and determine the percentage of impervious surface area it has in relationship to one (1) ESU. The Richmond City Council may adopt separate rates for planned residential developments, condominiums, and other uses that do not typically conform to the ESU standard.

**D. Charge per ESU.** Charges shall be determined in accordance with the provisions of Chapter 14-500, Part 14-550.

**E. Exemptions and Credits.** The Richmond City Council may establish exemptions and credits to the stormwater utility fee by appropriate legislation.

**F. Appeals.** Any person or entity that believes that this Chapter, or any stormwater utility rate ordinance established by the Richmond City Council and in keeping with the provisions of Chapter 14-500, Part 14-550 and subsequent, was interpreted or applied erroneously may appeal to the City Council. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) working days of the assessment. The appeal shall be submitted to the City Manager or other designated party, who shall in turn coordinate either a separate hearing with the Richmond City Council or shall place the appeal on the agenda for a regularly scheduled City Council meeting. The City Council's decision shall be final and binding on all parties.

**14-331. Billing.** Richmond City's stormwater system, culinary water system, and sanitary sewer system are part of an integrated unified plan to provide for the health, safety, and welfare of Richmond City and its residents in an environmentally responsible manner. Therefore, the stormwater utility fee will be included in the monthly utility bill for any given property. If there is no regular utility bill for the property, the stormwater utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to Richmond City by the person or entity paying for the Richmond City utility services provided to the property. All developed properties shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the stormwater utility service.

Failure to pay any portion of the utility bill will result in the termination of culinary water service.

**14-340. Prohibitions.** It is unlawful for any person to:

A. Track mud or sediment onto public streets by construction or delivery vehicles. Provisions shall be made by the property owner, at all construction sites, to clean the vehicles before leaving the site or otherwise prevent the tracking of site soils onto Richmond City streets.

B. Wash or rinse concrete trucks within the City right-of-way or where concrete or rinse water could enter the municipal stormwater system. Dumping of excess concrete shall not be allowed anywhere with the City right-of-way or on public property.

C. Use soil or rock ramps in the gutter to provide access to lots fronted by curb and gutter.

D. Stockpile construction materials or debris in the street or in the gutter in such a manner that the material may be considered a source of pollution in the stormwater system.

**14-341. Illegal Discharges and Exemptions.**

A. No person shall discharge or cause to be discharged into the municipal stormwater system or watercourses any water or materials containing any pollutants that cause or contribute to a violation of applicable water quality standards.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether said connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the system.

C. The following activities or occurrences are generally exempt from the requirements of this Chapter:

1. The flushing of waterlines or other potable water conveyances or sources with a chlorine content within the limits defined under the State of Utah General Permit for Dewatering/Hydrostatic Testing.

2. Landscape irrigation water.

3. Rising groundwater or infiltration of groundwater into the stormwater system.

4. Uncontaminated pumped groundwater.

5. Foundation or footing drains (not including active groundwater dewatering systems).

6. Crawlspace sump pumps.

7. Springs.

8. Noncommercial washing of vehicles.

9. Natural riparian habitat or wetland flows.

10. Swimming pools (if de-chlorinated - typically less than one part per million of chlorine).

11. Runoff from firefighting activities.

12. Other discharges specified in writing by authority of the Richmond City Council as being necessary to protect public health and safety.

D. Dye testing is an allowable discharge but requires a written approval of the City Council or designee within the public works department prior to the time of the test.

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

**14-342. Notice of Intent (NOI) - Exemptions.**

A. No person shall be granted a building or excavation permit for land-disturbing activity without a Notice of Intent (NOI) from the State of Utah unless such activity is specifically exempted by state law. No building or excavation permit application will be considered complete until accompanied by proof of the NOI. The website for information pertaining to NOI from the State of Utah is:

[www.waterquality.utah.gov/updes/stormwater.htm](http://www.waterquality.utah.gov/updes/stormwater.htm)

B. A NOI is generally not required for the following activities; however, it is the responsibility of the person to confirm any and all exemptions:

1. Emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

3. Home gardens for family food production and/or pleasure.

4. Disturbances less than one (1) acre that are not part of a larger development project.

**14-343. Stormwater Management Concept Plan.**

A. In addition to and independent of the NOI required herein, a Stormwater Management Concept Plan shall be required with the preliminary plat for all platted subdivisions, site plans for all multifamily housing projects, single family home construction involving soil disturbing activities of one (1) acre or more, mobile home parks, churches, commercial buildings and sites, and industrial buildings and sites and will include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from the development. This plan is not a Storm Water Pollution Prevention Plan required for the NOI.

B. For development or redevelopment, when disturbing one (1) acre or more, occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of the Chapter to the maximum extent practicable.

**14-344. Landscaping Plans Required.** Landscaping shall conform to the intent of the stormwater management concept plan. At minimum, the landscaping plan shall detail vegetation and grading and shall include any non-standard maintenance requirements that may be associated with the landscaping. The extent of the landscaping plan shall incorporate at a minimum all stormwater facilities and shall be submitted with the final plat submittal per current Richmond City ordinance

requirements.

**14-350. Municipal Stormwater Maintenance.** Unless otherwise established in writing and agreed to by the Richmond City Council the following stormwater system maintenance arrangements shall be implemented:

A. Landscape maintenance and preservation of land use systems such as detention, retention, and swale features for stormwater management are to be maintained by property owners, home owner associations, or development groups. Maintenance in this section is defined as landscaped with cobble and a weed barrier or grass, mowed, watered, and weed free, or a plan approved by both the Richmond Planning and Zoning Commission and the Richmond City Council. Stormwater structures such as pipes, catch basins, and sumps will be maintained by the City. Easements to access and inspect the stormwater system and to perform maintenance of the system shall be established on the plat or recorded with the property title in perpetuity.

B. If a responsible party fails or refuses to meet the maintenance requirements of this Chapter, whether it be the normal or immediate correction time period, after reasonable notice, the City Council may order the Public Works Department to abate or procure the abatement of the violation. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have ten (10) calendar days to effect maintenance and repair of the facility in an approved manner. After proper notice, Richmond City may assess the owner(s) of the facility for the cost of repair work and any penalties plus appropriate administrative charges; and the cost of the work shall be charged to said owners with full collection costs being assigned to said owners.

**14-351. Inspection.**

A. To verify compliance with the NOI, the City Manager, Public Works personnel, City Engineer, or other designee of the Richmond City Council may conduct field inspections.

B. The City Manager, Public Works personnel, City Engineer or other designee of the Richmond City Council shall at all ordinary hours have free access to construction sites permitted under this Chapter or other Chapters of the *Code of Revised Ordinances of Richmond City* for the purpose of inspecting or evaluating the construction, maintenance, and performance of stormwater features.

**14-352. Post-Construction.** Applicant shall comply with the post-construction provisions of the NOI and provisions of this Chapter.

**14-360. Enforcement.** In the event that any person holding an excavation permit, building permit, or platted subdivision approval violates the terms of the permit or the ordinances of Richmond City or conducts site development in such a manner as to adversely affect the health, welfare, or safety of persons residing or working the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvement in the neighborhood, any of the designated inspectors in Part 14-351.A may suspend or revoke the building permit or place a stop order on all work.

**14-361. Stormwater Inspector(s).** The position of Stormwater Inspector(s) is hereby created for the purpose of administering the provisions of the Chapter and the powers delegated to it by laws and statutes relating to the stormwater system of Richmond City.

A. Duties of Inspector(s). The Stormwater Inspector(s) is/are hereby authorized and directed to:

1. Perform all functions necessary to enforce the provisions of this code;
2. Inspect or cause to be inspected, as often as needed, all sites or places for the purpose of determining whether they are in compliance with all provisions of this code as outlined in this Chapter.

B. If the Stormwater Inspector(s) determine that any of the conditions listed in this Chapter exist on any property within the City limits of Richmond City, or if the impact of any conditions listed in this Chapter exist outside of this City due to operations within the City, the Stormwater Inspector(s) shall:

1. Ascertain the names of the owners and occupants of the property where the conditions exist, together with a description of the property;
2. Ascertain the names of the persons conducting operations on the property in violation of this Chapter and associated code(s) and associated information related to the permit, if issued;
3. Issue a written notice to the owner, occupant, or persons conducting operations on the property identifying the conditions violating this Chapter and give notice that they must be corrected within the next ten (10) calendar days;
4. If the situation warrants, issue a stop work order to the owner, occupant, or persons conducting operations on the property identifying the conditions violating the Chapter and give notice that all operations must stop immediately, with the confines of public safety.

5. All stop work orders shall also state that failure to comply with this request shall result in the City taking action to remedy the problem by any means available, including legal action.

6. The stop work order shall:

a. Require the person to whom it is sent to correct the violation within the time period the Stormwater Inspector(s) shall designate, which shall be not less than ten (10) days, nor greater than twenty (20) days and shall be known as the correction period. The time given to remedy the violation shall begin to accumulate the day following the day on which the citation is issued.

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

c. Inform the person to whom the notice is issued that, if compliance is accomplished within the correction period and is fully remedied, the notice will be signed by the Stormwater Inspector and filed with the building permit allowing construction activity to proceed.

d. Inform the person that in the event a criminal prosecution is pursued, the prosecution shall be for a Class B misdemeanor.

**14-362. Compliance and Reinspection.** In the event the person complies with the notice of the Stormwater Inspector(s) within the correction period, the person shall notify the Stormwater Inspector(s) a minimum of forty-eight (48) hours (not including weekends or holidays) prior to the end of the correction period. A date and time for inspection prior to the appearance date shall be assigned and the Stormwater Inspector(s) shall again inspect the property.

A. If the property is in compliance with this Chapter, the Stormwater Inspector shall sign off compliance on the cited person's copy of the notice.

B. In the event the person in violation has not received a reinspection indicating compliance with the Chapter prior to the end of the correction period, legal prosecution of the matter shall proceed.

C. In the event that the violation is an immediate threat to the public health, safety, or welfare, the Stormwater Inspector(s) may require immediate correction with a period of forty-eight (48) hours. If this violation is not corrected and reinspection requested within the required time, the citation will be referred directly to the Richmond City attorney for prosecution.

D. In the event that the violation listed on the citation is not corrected within the

appropriate time period, whether it be the normal or immediate correction time period, the Inspector(s) may order the Public Works Department to abate or procure the abatement of the violation. Should Richmond City abate the violation, the cited person shall still face legal prosecution. The actual expenses and the appointed administrative fee for Richmond City abating the violation shall be collected for the person, firm, or corporation in violation of this Chapter and be added to any fine and penalties set by the court.

**14-363. Violation and Penalties.**

A. Whenever a Stormwater Inspector finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Inspector may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMP's.

B. Any person violating any of the provisions of this Chapter, who fails to take corrective measures as required by notice issued pursuant to this Chapter, shall be deemed guilty of a Class B misdemeanor and each day during with any violation of any of the provisions of this Chapter is committed, continued, or permitted, shall constitute a separate offense.

**CHAPTER 14-400. RESERVED.**

**CHAPTER 14-500. FINANCES, FEES, AND CHARGES.**

**PART 14-510. Establishment of Enterprise Funds.**

A. The Richmond City Council shall cause to be established a separate enterprise fund for each utility service provided by the City.

B. Each enterprise fund shall be treated as a separate fiscal account complying

with current State of Utah laws, rules, and regulations. Best management practices in accounting shall be adhered to at all times.

**14-520. Authorization to Establish Culinary Water Rates, Fees, and Charges.**

A. The Richmond City Council is the sole authority with the power to establish culinary water rates, fees, and charges.

B. The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the culinary water system in a safe manner shall be established by separate ordinance(s) enacted by the Richmond City Council.

C. No ordinance establishing any rate or fee, with the exception of impact fee, shall have a lifetime in excess of five fiscal years. At the end of that time such ordinance(s) shall automatically be deemed historical and void of legal power to collect monies.

D. The Richmond City Council may not extend any rate or fee ordinance, but may pass a new and separate ordinance relative to rate and fee(s) following prescribed procedures.

E. All monies gained through any and all rate and fee ordinance(s) relative the culinary water system shall be directed only into the Water Enterprise Fund.

**14-521. Shut-Off and Turn-On Fees and Actions.**

A. Under the provisions of Part 14-119, Title 14-000, Chapter 14-100 the following shall apply:

1. A charge of \$25.00 shall be added to the delinquent account to cover the cost of shutting off the water.

2. Upon payment of the delinquent amount and shut-off fee, culinary water service will be restored at the direction of the City Treasurer.

3. A charge of \$25.00 will be added to said account to cover the cost of the turning on of the water to said account.

B. The unauthorized turning on of a culinary water connection shall constitute an unlawful act in keeping with Part 14-118 above, and shall be treated as a Class B misdemeanor plus the charge of the water used during the time of the unauthorized restoration of service.

C. The removal for locks of any type, applied by Richmond City to the meter, shall constitute theft of property and service, and will be prosecuted as such.

**14-530. Authorization to Establish Sewer Rates, Fees, and Charges.**

A. The Richmond City Council is the sole authority with the power to establish sewer rates, fees, and charges.

B. The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the sewer system in a safe manner shall be established by separate ordinance(s) enacted by the Richmond City Council.

C. No ordinance establishing any rate or fee, with the exception of impact fee, shall have a lifetime in excess of five fiscal years. At the end of that time such ordinance(s) shall automatically be deemed historical and void of legal power to collect monies.

D. The Richmond City Council may not extend any rate or fee ordinance, but may pass a new and separate ordinance relative to rate and fee(s) following prescribed procedures.

E. All monies gained through any and all rate and fee ordinance(s) relative the culinary water system shall be directed only into the Sewer Enterprise Fund.

**14-531. Shut-Off and Turn-On Fees and Actions.**

A. Failure of a sewer user to maintain the sewer account current will result in the same action as applied to a delinquent culinary water account per Part 14-521.

B. If the sewer user should not be connected to the Richmond City culinary water system, appropriate legal recourse will be initiated.

**14-532. School or Other Large Institution Charges.**

A. Schools and other large public institutions shall be treated the same as a large business insofar as this Chapter is concerned.

B. Sewer rates will be established by separate ordinance per Part 14-530.

**14-540. Excessive Sewer Use Charge System.**

A. The current basic sewer rate per ordinance passed by the Richmond City Council shall apply to all sewer connections and will be based upon the assumption of 15,000 gallons of wastewater per connection per month.

B. Hook-ups that consume more than 20,000 gallons of culinary water per month will be assumed to be discharging more than 15,000 gallons of wastewater into the sewer system and will be subject to a surcharge.

C. Residential or non-residential hook-ups challenging the 20,000 gallon to 15,000 gallon ratio may qualify for a lesser sewer charge by installing a sonic flow meter.

1. The sonic flow meter must be installed at a point not less than ten feet nor more than 100 feet from the lateral entrance into the sewer main.

2. The sonic flow meter must meet the standards of Richmond City.

3. The sonic flow meter must provide a continual, printable record of the average daily flow of wastewater past the sonic meter point.

4. The sonic flow meter must be calibrated at least once per twelve (12) calendar months.

5. The user must provide Richmond City a copy of the sonic flow meter records no later than the twentieth (20<sup>th</sup>) day of each month, and must provide a certified copy of the calibration record once per calendar year.

6. The user is responsible for all costs and charges relating to the installation and maintenance of the sonic flow meter.

7. Richmond City will calculate excessive usage, if any, based upon the monthly flow record of the sonic meter and charge the user accordingly.

**14-541. Agricultural Adjustment Permit.**

A. If a user claims that excessive amounts of culinary water metered to that account are used for agriculture-related purposes but excessive amounts are not put into the Richmond City sewer system, the user may apply to the Richmond City Council for an Agricultural Adjustment Permit.

B. The burden of proof will remain with the user.

1. The user must provide verifiable documentation to the Richmond City Council that metered culinary water does not enter into the Richmond City sewer system in amounts greater than 15,000 gallons per calendar month.

2. The user must provide proof that the excess culinary water is used for agricultural related purposes, such as, but not limited to, dairy operation, cleaning of animal housing, etc.

C. If the Richmond City Council issues an Agricultural Adjustment Permit, said permit shall be valid for no more than three years from date of approval.

1. The user may re-apply to the City Council for another Agricultural Adjustment Permit not more than three months prior to the expiration of a current Agricultural Adjustment Permit.

2. The burden of proof remains with the user for all subsequent renewal efforts.

**14-542. Calculation of User Fees - Sewer Use Charge System.**

A. By separate ordinance the Richmond City Council shall publish the current calculation of user fees and sewer use charge system in keeping with Chapter 14-500, Part 14-530.

**14-550. Stormwater Runoff Fees and Charges.**

A. The Richmond City Council is the sole authority with the power to establish stormwater rates, fees, and charges.

B. The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the stormwater system in a safe manner shall be established by separate ordinance(s) enacted by the Richmond City Council.

C. No ordinance establishing any rate or fee, with the exception of impact fee, shall have a lifetime in excess of five fiscal years. At the end of that time such ordinance(s) shall automatically be deemed historical and void of legal power to collect monies.

D. The Richmond City Council may not extend any rate or fee ordinance, but may pass a new and separate ordinance relative to rate and fee(s) following prescribed procedures.

E. All monies gained through any and all rate and fee ordinance(s) relative the culinary water system shall be directed only into the Stormwater Enterprise Fund.

**14-560. Annual Review of Operational Costs; Revision Where Required; Debt Service.** The City shall on an annual basis, prior to the formulation of the next Fiscal Year budget, review all operational costs for culinary water, sewer service, and stormwater runoff service. The City shall ensure that sufficient funds are being generated to cover all operation costs including debt service for outstanding bonds or other obligations. Necessary adjustments shall be made

through the respective provisions of Title 14-000, Chapter 14-500, Parts 14-520, 14-530, and 14-550.