

ORDINANCE NO. 1167

AN ORDINANCE OF DRAPER CITY AMENDING TITLE 7 CHAPTER 2 OF THE DRAPER CITY MUNICIPAL CODE RELATING TO SEWAGE DISPOSAL

WHEREAS, the City Council of Draper City has determined that the ordinance for sewage disposal is in need of updating to reflect changes to current utility operations and local limits of existing sewage treatment plants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Title 7 Chapter 2 of the Draper City Municipal Code are hereby amended to read in their entirety as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This ordinance shall become effective immediately upon publication or posting or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 10th DAY OF NOVEMBER, 2015.

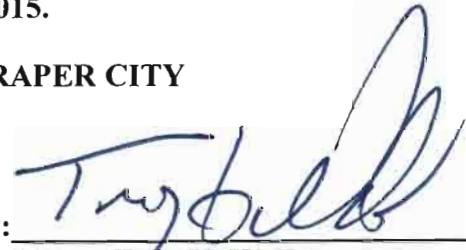
ATTEST:



Rachelle Conner, City Recorder

DRAPER CITY

By:



Mayor Troy K. Walker



Appendix A

Chapter 7-2 SEWAGE DISPOSAL

Sections:

7-2-010 Purposes.

7-2-020 Definitions.

7-2-030 Regulating Authority.

7-2-040 Connections-Private Systems.

7-2-050 Subdivisions and Other Developments.

7-2-060 Discharge Requirements and Prohibitions.

7-2-070 Interference with Sewer System and Operations.

7-2-080 Discharge Prohibitions.

7-2-090 Reporting.

7-2-100 Prevention of Prohibited Discharges.

7-2-110 Effect of Amendment.

7-2-120 Penalties.

Appendix A – Prohibited Substances

Appendix B – Map SVSD Service Area 3

Appendix C – TSSD Local Limits

7-2-010 Purposes. Sewer facilities and services to all of the residents of the City are provided by South Valley Sewer District. The SVSD provides sewage treatment through the Jordan Basin Water Reclamation Facility (JBWRF), the South Valley Water Reclamation Facility (SVWRF), and the Timpanogos Special Service District by contract. To preserve and promote the health, safety and welfare of its residents, and in cooperation with the SVSD, the City has determined that regulation of sewage disposal within and by the City is necessary and desirable. It is also in the public interest that the City participates in achieving a degree of uniformity in the areas served by the treatment facilities and enables those facilities to comply with applicable state and federal law.

7-2-020 Definitions. As used in this chapter and unless the context specifically requires otherwise:

- (a) "Building permit" mean any building permit issued pursuant to Title 9 or 10 of this Code.
- (b) "Cesspool" means a pit or hole in the ground used for final sewage disposal.
- (c) "City" means Draper City, a municipal corporation of the State of Utah.
- (d) "Discharge" means to cause a substance to enter the sewer system by any means, whether directly or indirectly.
- (e) "Final sewage disposal" means the depositing of sewage in the earth, water or elsewhere, under circumstances which, in time, cause oxidation together with dissipation or absorption of the sewage.

- (f) "Industrial user" means any user of the sewer system who discharges wastewater from commercial or industrial processes.
- (g) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, operations, or sludge processes, use or disposal; and therefore, causes the POTW to violate its permit.
- (h) "JBWRF" means Jordan Basin Water Reclamation Facility.
- (i) "Occupant" means any person in possession of the property mentioned, either by claim or of right or with the consent or acquiescence of the owner of such property.
- (j) "Ordinary domestic sewage" means sewage of the type and contents commonly discharged from homes, as distinguished from businesses or industries.
- (k) "Outhouse" means a building or other structure located over a cesspool.
- (l) "Owner" means any person holding or claiming title, legal or equitable, to the property mentioned, whether alone or in conjunction with others.
- (m) "Pass through" means a discharge which exits the POTW into Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's permit, including an increase in magnitude or duration of a violation.
- (n) "Person" includes any natural person and any corporation, partnership or other separate legal entity, as well as the employer of any other person acting within the scope of his or her employment, the principal of any person who is an agent with respect to sewer matters, or the contractor of any person entering into a contract with respect to sewer matters.
- (o) "POTW" means a Publicly Owned Treatment Works.
- (p) "Privy vault" means a structure for containing sewage prior to final sewage disposal, unless such structure is located in a vehicle.
- (q) "Prohibited substance" means any substance listed, described, or referred to as prohibited in the chapter or Appendix A.
- (r) "Septic tank" means any means of final sewage disposal which is located principally underground, but does not include the public sewer system.
- (s) "Service Area 3" describes that portion of the SVSD sewer system located in Utah County, and where sewage flows to and is treated by, the TSSD. A map of Service Area 3 is provided in Appendix B.

- (t) "Sewage" means liquid or waterborne waste.
- (u) "Sewer System" means the facilities owned or used by the SVSD for collecting, transmitting treating, and disposing of sewage, whether located in or out of the City.
- (v) "Sludge" means the accumulated solid slurry separated from liquids such as water or wastewater during processing, deposits on bottoms of streams or other bodies of water, or the precipitate resulting from chemical treatment, coagulation, or sedimentation of waste or wastewater.
- (w) "SVSD" means the South Valley Sewer District, an improvement district organized and existing pursuant to Utah Code Annotated Title 17B, Chapter 2a, Part 4, as amended, its employees, agents and assigns.
- (x) "SVWRF" means South Valley Water Reclamation Facility.
- (y) "Substance" means any physical matter, including any solid, liquid or gas whatsoever.
- (z) "Surface water" means any water running, standing or found on or within five inches of the surface of the ground.
- (aa) "Treatment" means the processes employed by the SVSD whereby sewage is rendered less harmful, objectionable, or less of a health hazard.
- (bb) "Treatment plant" means the JBWRF, SVWRF, or TSSD Water Reclamation Facility.
- (cc) "TSSD" means the Timpanogos Special Service District.

7-2-030 Regulating Authority. Nothing in this chapter is intended to restrict or limit the extent or exercise of any power conferred on the SVSD by the laws of Utah. In delegating certain regulatory authority to the SVSD, the City does not affect any authority the SVSD may have independent of the City to regulate the same or similar matters except as may be agreed by the City and the SVSD in a written Interlocal Cooperation Agreement.

7-2-040 Connections - Private Systems.

- (a) Mandatory Connection within 300 feet. The Owner or occupant of real property on which a building has been or is being construction shall connect such building to the sewer system within 60 days after receiving written notice from the SVSD or City that facilities of the sewer system are available for connection to the building, if any part of such facilities is situated within 300 feet of any point of any property line of such property.
- (b) Subsequent Use of Private Systems. If connection to the sewer system is required pursuant to subsection (a), the owner or occupant required to connect shall immediately plug any septic tank or privy vault, remove any outhouse, fill with earth any cesspool located on the property, and make no

further use of those or any other privately-owned facilities for final sewage disposal. Any cesspool, outhouse, or unplugged septic tank or privy vault on property required to be connected to the sewer system is hereby declared to be a public nuisance.

(c) Construction of Private System. No person shall construct or cause to be constructed a septic tank or other privately-owned means of final sewage disposal on property required to be connected to the sewer system.

(d) Occupancy. No occupancy permit shall be issued for a newly constructed building required to be connected to the sewer system if such building is not connected to the sewer system.

(e) No Obligation on SVSD or City to Connect or Retain. Nothing in this chapter shall be construed as creating any obligation of the part of the SVSD or the City to connect any property to the sewer system or retain any connection to the sewer system.

(f) Conditions. The SVSD may impose reasonable conditions and requirements for sewer connections without affecting the obligation of a private person to either connect to the sewer system, discontinue use of a private system or otherwise comply with the section.

7-2-050 Subdivisions and Other Developments. No subdivision, industrial park, or commercial development shall be approved or recommended by the City planning commission, nor shall a building permit or certificate of occupancy be issued for any lot or part thereof, unless the City shall have first received a signed document from the SVSD approving the sewer aspects of the proposed development.

7-2-060 Pretreatment and Permits.

(a) Pretreatment. Persons required to pretreat wastewater pursuant to Federal pretreatment standards, the SVSD's Pretreatment Rules and Regulations, or any permits issued thereunder shall provide, operate, and maintain the necessary pretreatment facilities in accordance with the SVSD's Pretreatment Rules and Regulations.

(b) Industrial Discharge Permits. Industrial users requiring a discharge permit pursuant to the SVSD's Pretreatment Rules and Regulations shall obtain such permit prior to discharging into the sewer system. Application shall be in the form prescribed by the SVSD.

7-2-070 Interference with Sewer System and Operations.

(a) Damage. No person shall intentionally or negligently cause any damage to the sewer system.

(b) Manholes. No person shall open a manhole of the sewer system without first receiving authorization to do so from the SVSD.

(c) Runoff. No owner or occupant shall permit a condition to exist on his property whereby surface water, storm drainage, or ground water is discharged into the sewer system, nor shall any person install or create such a condition.

7-2-080 Discharge Prohibitions.

(a) Generally. No person shall discharge into the sewer system any substance which, under ordinary circumstances, either is harmful or detrimental to or interferes with either the sewer system, the functioning of the sewer system, the environment, or the public health, or which causes sewage to pass through the sewer system without treatment, thereby creating a significant health hazard or diminishing the quality of the environment.

(b) Violation Pretreatment Rules and Regulations. No person shall discharge into the sewer system any substance which violates the wastewater discharge prohibitions and limitations contained with Chapter 2, Section 2.2 of the SVSD's Pretreatment Rules and Regulations, as amended, which are incorporated by this reference as a part hereof as though fully set forth herein, together with any schedules or appendices which are a part of Chapter 2, Section 2.2 of the SVSD's Pretreatment Rules and Regulations.

(c) Discharge of Prohibited Substances Listed in Appendix A. No person shall discharge into the sewer system any substance prohibited in Appendix A. Appendix A is hereby adopted as part of this Code. The SVSD may amend or modify Appendix A to the extent necessary to safeguard from substantial detriment to the sewer system, the environment, and the health, safety and welfare of the residents of the City. This delegation is revocable and does not prevent further legislation in this respect by the City; however, such legislation by the City shall not be deemed a revocation of this delegation unless the intent to revoke is clearly expressed in written form and approved by the City Council. In the event of any inconsistency between enactments of the City and enactments of the SVSD, the enactments of the City shall control. Should an amendment to Appendix A by the SVSD be held invalid for any reason, the text of Appendix A as most recently adopted or amended by the City shall not be repealed or affected by the attempted amendment of the SVSD. Discharge of a substance prohibited by one section of Appendix A shall be a separate violation in addition to discharge of the same or similar substance prohibited by another section of Appendix A.

(d) Discharge of Substances in excess of TSSD Local Limits Listed in Appendix C. No person shall discharge into the sewer system in Service Area 3 any substance listed in Appendix C in excess of the quantities or concentrations listed therein. Appendix C is hereby adopted as part of this Code. Discharge of a substance prohibited by one section of Appendix C shall be a separate violation in addition to discharge of the same or similar substance prohibited by another section of Appendix C.

7-2-090 Reporting.

(a) Immediate Notification of Prohibited Discharge. Any person who discharges a prohibited substance or discovers that a prohibited substance has been discharged shall immediately notify the SVSD by the most rapid available means, if such person knows or reasonably should have known that the substance was discharged and the discharge of the substance was prohibited. Notification pursuant to this subsection does not relieve the person notifying of any liability, except liability for violation of this subsection.

(b) Report. Within five days after the discharge of a prohibited substance, the person who discharged such substance shall file with the SVSD a written report describing the nature and content of the discharge, the cause of the discharge, and remedial measures to be taken by the discharger to prevent similar discharges in the future. The SVSD may inspect the site of the discharge and interview any person involved to ascertain or confirm what happened and assure that remedial measures adequate to prevent future accidents are carried out as represented.

7-2-100 Prevention of Prohibited Discharges.

(a) Generally. Every person conducting an activity which creates a substantial risk that a prohibited substance will be discharged into the sewer system shall provide adequate protection against accidental discharge of such a prohibited substance by either implementing procedures or practices which tend to reduce the likelihood of such a discharge or installing facilities designed to prevent such accidental discharge. The SVSD may identify person required to provide such protection and direct them to comply with this subsection.

(b) Particular Procedures and Facilities. The SVSD may specify particular procedures, practices, and facilities which shall be implemented by any person if the SVSD finds there is substantial risk of a prohibited discharge if preventive measures are not undertaken, that such procedures, practices and facilities substantially reduce the risk of discharge prohibited by this section, and that the cost of implementing such procedures, practices, and installing such facilities is reasonable in light of both the potential damage to the sewer system or the environment if an accidental discharge occurs and the effectiveness of the equipment in preventing such an accidental discharge.

(c) Plans. In every case where facilities are required to be installed pursuant to this section, the SVSD may require submission of detailed plans for the required facilities and their operation before construction of the facilities is begun.

(d) SVSD May Require Changes. If a person has discharged a prohibited substance and it is likely that the same person will again discharge a similar prohibited substance if preventive measures are not undertaken, the SVSD may require the person who discharged the prohibited substance to make changes in equipment, facilities, procedures, or practices, which changes have the effect of substantially reducing the risk of a similar discharge in the future and are found by the SVSD to be

reasonable in cost in light of the potential damage to the system and environment arising out of a similar prohibited discharge in the future. Nothing in this subsection relieves any person of any liability, except liability for violation of this subsection.

(e) Self-Monitoring and Reporting. The SVSD may require that persons that generate and/or discharge wastewater into the sewer system, other than persons generating and discharging only ordinary domestic sewage, monitor and report their sewage discharges in a manner and to the extent necessary to provide adequate compliance with and enforcement of the SVSD's Pretreatment Rules and Regulations, assess the source of the components of the sewage transmitted, treated, and disposed of by the SVSD, and charge reasonable fees and surcharges to dischargers based on actual damages or reasonable classifications of discharges. The SVSD may also require that such monitoring and reporting be performed at the expense of the person discharging. Every person required to monitor and report shall do so as required by the SVSD's Pretreatment Rules and Regulations and in conformity with this section.

(f) Compliance Monitoring. The SVSD may sample and analyze the sewage of, and inspect the facilities of person discharging into the sewer system to determine or verify compliance with this section. The SVSD may also require the installation of reasonable facilities, such as manholes, to enable such sampling. However, nothing in this subsection limits any power that the SVSD may have to investigate or enforce compliance with other sections of this Code or though means not specified in this subsection.

7-2-110 Effect of Amendment. Any amendment or repeal effected by adoption of this chapter or any section thereof shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the section amended or repealed, nor shall any repeal of any section have the effect of reviving any section heretofore repealed or superseded.

7-2-120 Penalties.

(a) Criminal Penalties.

(1) Pursuant to Title 19 Chapter 5 of the Utah Code Annotated 1953, as amended and the SVSD's Pretreatment Rules and Regulations, a fine not exceeding \$25,000 per day shall be assessed against any person who willfully or with gross negligence:

- (i) discharges pollutants in violation of any condition or limitation included in a wastewater discharge permit or contract issued pursuant to any applicable law;
- (ii) discharges pollutants in violation of Utah Code Ann. 19-5-107(1) as amended;
- (iii) violates Utah Code Ann. 19-5-108 as amended or any requirements adopted pursuant thereto;
- (iv) violates Utah Code Ann. 19-5-113 as amended; or

- (v) violates a pretreatment standard or toxic effluent standard adopted by the SVSD or City

(2) Any person twice convicted under this section or Utah Code Ann. 19-5-115(2)(b) as amended shall be punished by a fine not exceeding \$50,000 per day.

(3) Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under Chapter 5 of Title 19 of the Utah Code Annotated, or by any permit, rule, or order issued pursuant thereto including but not limited to any rule, regulation, order or permit adopted or issued by the SVSD, who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under Chapter 5 Title 19 of the Utah Code Annotated shall be punished by a fine not exceeding \$10,000 or by imprisonment for not more than six months, or by both.

(4) In addition to all other penalties, a violation of any provision of this chapter other than subsections (a)(1), (2) and (3) constitutes a class B misdemeanor carrying with it the maximum punishment permitted under the laws of Utah. Each day in which the violation continues shall be a separate offense.

(b) Civil Penalties.

(1) Any person who violates Title 19 Chapter 5 of the Utah Code Annotated, 1953, as amended, or any permit, rule, or order adopted under it, or any person who violates the Pretreatment Rules and Regulations adopted by the SVSD, upon a showing that the violation occurred, is subject in a civil proceeding to a civil penalty not to exceed \$10,000 per day of violation.

(2) In addition to all other remedies available, the SVSD may authorize the commencement of a civil action for any appropriate relief, including a permanent or temporary injunction, for any violation or threatened violation of its Pretreatment Rules and Regulations or any of the provisions contained within Chapter 5 Title 19 of the Utah Code Annotated, 1953, as amended, which are by this reference deemed implemented as a part hereof by the City pursuant to Section 19-5-115(7) of the Utah Code Annotated, 1953, as amended.

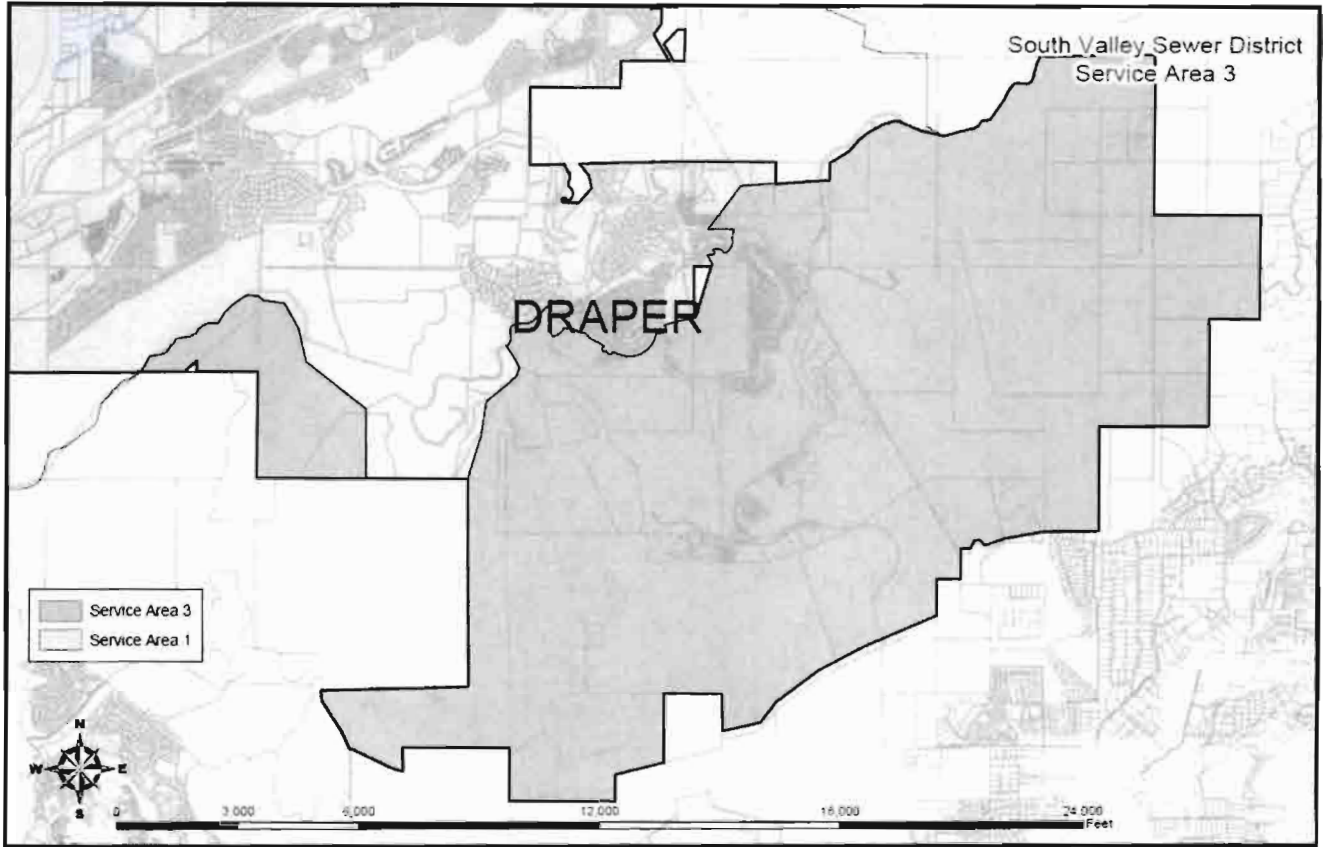
(c) **Strict Liability.** Any person who violates any provision of this chapter shall be guilty without regard to fault, knowledge, intent, or the state of mind of the person committing the violation.

(d) **Nuisance.** Any condition or situation which causes a violation of this chapter is hereby declared to be public nuisance and may be abated as provided by law.

APPENDIX A
PROHIBITED SUBSTANCES

1. Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, waste streams with a closed-cup flash point of less than 140° F (60° C), using the test method specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or greater than 11.0.
3. Solid or viscous pollutants in amounts that cause obstruction of the flow in the POTW resulting in Interference.
4. Any pollutants, including oxygen-demanding pollutants (BOD, TSS, etc.), released in a discharge at a flow rate and/or concentration which may cause Interference with the POTW.
5. Wastewater having a temperature greater than 60° C (140° F), which inhibits biological activity in the sewage treatment facility resulting in Interference but in no case in such quantities that cause the temperature at the treatment facility's headworks to exceed 40° C (104° F).
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that cause Interference or Pass Through.
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin exceeding 100 mg/l.
8. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantities that may cause acute worker health and/or safety problems.
9. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the SVSD.
10. Pollutants in violation of the National Categorical Treatment Standards established by EPA in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.
11. Wastewater exceeding Local Limits or other prohibitions established and/or enforced by the SVSD as described in its Wastewater Pretreatment Program, Section 4.

APPENDIX B
SVSD SERVICE AREA 3



APPENDIX C
TIMPANOGOS SPECIAL SERVICE DISTRICT
LOCAL LIMITS
(Effective February 5, 2015)

Units in mg/L unless otherwise stated

Pollutant/Pollutant Property	Local Limit	Type of Limit
Aluminum	809.87	Daily Limit
Arsenic	1.40	30 Day Average
Cadmium	1.00	Daily Limit
Total Chromium	3.56	Daily Limit
Copper	6.76	Daily Limit
Lead	7.22	30 Day Average
Mercury	0.31	30 Day Average
Molybdenum	5.30	30 Day Average
Nickel	24.92	Daily Limit
Selenium	2.57	Daily Limit
Silver	5.41	Daily Limit
Zinc	33.33	30 Day Average
Cyanide	35.49	Daily Limit
pH	5.0-11.5	Daily Limit
Grease/Oil (Fats, Oil, Grease)	500	Daily Limit
BOD	Mass Limit at 5% Treatment Capacity Lbs/Day	
TSS	Mass Limit at 5% Treatment Capacity Lbs/Day	
Ammonia	Mass Limit at 5% Treatment Capacity Lbs/Day	

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1167** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 10th day of November, 2015**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: November 17, 2015, through December 7, 2015

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah