

LINDON CITY CODE

TITLE 13

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Chapter 13.04

GENERAL PROVISIONS

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13.04.010 Injury to system.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, any structure, appurtenance, or equipment, which is a part of the city water or sewer system, without prior authorization from the superintendent of the water and sewer department. (Ord. no. 121 §51, 1985.)

13.04.020 Fire hydrants.

All public fire hydrants shall be under the control and shall be kept in repair by the water and sewer department, and in case of fire the fire department shall have free access to such hydrants. No other person shall open or operate any fire hydrant or attempt to draw water therefrom without special permission of the superintendent of the water and sewer department. (Ord. 121 §52, 1985.)

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13.04.030 Water scarcity.

In time of scarcity of water, whenever it shall in the judgment of the mayor or the city council be necessary, the mayor or the city council shall by proclamation limit the use of water for other than domestic purposes to such extent as may be necessary for the public good. It is unlawful for any person, or his family, servants, or agents, to violate any proclamation made pursuant to this section. (Ord. no. 121 §51, 1985.)

13.04.040 Sewer manholes.

It is unlawful for any person to open any sewer manhole without written permission from the superintendent. (Ord. no. 121 §54, 1985.)

13.04.050 Pipe Repairs.

All users of city water and sewer services 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 the water and sewer superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any water or sewer service pipe or main. (Ord. no. 121 §55, 1985.)

13.04.060 Waste of water.

It is unlawful for any water user to waste water, or to allow it to be wasted, by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or water troughs to leak or overflow or to wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks, or other apparatus or to use water in violation of the rules, regulations, or ordinances controlling the city water system. (Ord. 121 §25, 1985.)

13.04.070 Non-liability for damages.

The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains or which occurs as the result of maintenance and 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. (Ord. 121 §56, 1985.)

13.04.080 Violation--Penalty.

It is unlawful for any person or entity to violate any of the provisions of this Title and any violation of this Title or failure to comply with any of the provisions of this Title shall be punishable as a Class B misdemeanor. Each day a violation of this Title shall constitute a separate offense. (Ord. 121 §57, 1985.)

Chapter 13.08

WATER AND SEWER DEPARTMENT

Sections:

- 13.08.010 Creation.
- 13.08.020 Superintendent--Appointment.
- 13.08.030 Superintendent--Duties.
- 13.08.010 Creation.

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There is created a water and sewer department which shall consist of a superintendent and such other employees as shall be provided for by the city council. (Ord. no. 121 §1, 1985.)

13.08.020 Superintendent--Appointment. The mayor may appoint by and with the approval of the city council a competent person to the position of superintendent of the water and sewer department who shall hold office during the pleasure of the city council. (Ord. no. 121 §2, 1985.)

13.08.030 Superintendent--Duties.

The superintendent of the water and sewer department shall be responsible for the proper care and the efficient operation of the water works and sewer system; He shall have charge of the city reservoirs, water tanks, water mains, sewer lines, fire hydrants, and all equipment and appurtenances of the water works and sewer system. He shall direct the laying of the water and sewer mains, the installation of all service lines, and the regulation of the supply of water. He shall inspect all plumbing installations, or provide for such inspection by other city personnel and may condemn and order removed any plumbing installation or fixture which violates any provision of state law or city ordinance. (Ord. no. 121 §3, 1985.)

Chapter 13.12

ADMINISTRATION OF WATER AND SEWER SERVICE

Sections:

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13.12.025	Rental Utility Agreement
13.12.030	Application for services by non-owner.
13.12.040	Mailing of billing statement.
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13.12.070	Termination without notice.
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13.12.110	Water meters.
13.12.120	Use of sewer required.
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13.12.010 Collection of charges.

The city council provides that in order to enforce the collection of any charge relative to the cost of construction, reconstruction, maintenance, control of, or operation of any water system or sewer system, one charge shall be made for the combined use of water and sewer system and the services of the sewer system operated by the city. However, the charges for each shall be separately stated on the bill. (Ord. no. 121 §4, 1985.)

13.12.020 Application for services.

Any person desiring, or who is required to secure, water or sewer service, or both, from the water and sewer department, when such service is available, shall apply therefore to the city recorder and file an agreement with the city which shall be a form approved by the City. (Ord. no. 178, amended 8-15-90, effective date 8-20-90; ord. no. 121 § 5, 1985.)

13.12.025 Rental Utility Agreement

When utility services are set up for a rental residential unit, the owner shall sign a "Lindon City Utility Agreement."

1. The "Utility Agreement is adopted with this ordinance and is attached hereto. This agreement, however, is subject to change from time to time as approved by resolution of the City Council.
2. The owner of any rental units that are occupied by renters will be responsible for utility charges at the rates established in the Lindon City Fee Schedule and pursuant to the signed "Lindon City Utility Agreement."
3. Pursuant to Chapter 13.16 of the Lindon City Code and any other applicable sections for rental units, the city shall apply the fees as adopted and amended from time to time by City Council resolution.
4. If a multiple unit dwelling, including accessory apartments, is serviced by only one water meter, the utility bill will include a water base rate, a sewer base rate and a storm water utility fee for each unit. In addition, each unit shall be billed for a garbage can at the "first garbage can" rate. Discounts for additional garbage cans will only be allowed if an individual dwelling unit needs more than one garbage can.
5. Upon notice in advance by an owner, the city may waive the additional fees for multiple unit dwellings when a unit is vacant for an extended amount of time (one month minimum). The waiver may be issued for the length of the vacancy, prorated for partial months from the date of vacancy, if the owner provides sufficient documentation that the unit was vacant.

13.12.030 Application for services by non- owner.

Applications for water and sewer service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in a form approved by the City. (Ord. no. 121 § 9 (part), 1985.)

13.12.040 Mailing of billing statement.

The city treasurer shall mail a written statement to each user of the water or sewer service once each month, or at such other interval as is established by the city council. Said statement shall separately specify the amount of the bill for the water and sewer service used and the place of payment and date due. If any person fails to pay his water or sewer charges within fifteen days of the due date, or within such other time as established by the city council, the city treasurer shall so notify the water and sewer

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department and the city treasurer shall have authority to direct said department to shut off all water service to the premises involved after compliance with the procedure set out in Sections 13.12.050.

13.12.050 Termination--Notice.

At least ten calendar days prior to a proposed termination of water or sewer service, the city treasurer shall give written notice of proposed termination for nonpayment to the account holder. The ten-day time period shall be computed from the date such notice is deposited in the mail. The notice shall be given by first-class mail or delivery to the premises and shall contain a summary of the following information:

1. The date of proposed termination.
2. The amount of the delinquency.
3. A description of the account holder's appeal rights.

(Ord. no. 121 § 9(1), 1985.)

13.12.060 Termination--Appeal.

Any person whose water or sewer service is to be terminated may appeal to the city council by filing a written appeal in the office of the city manager within ten days of the receipt of the notice of proposed termination. Any appeal shall be solely for the purpose of reviewing the interpretation given the terms of this chapter by the city treasurer and not to vary the terms in any way. Such appeal shall be considered by the city council within thirty days of receipt of notice. Upon filing of the appeal, the city treasurer shall take no further action with regard to the termination until the city council makes a final decision on the appeal. If the city council affirms the decision of the city treasurer, the water may be shut off immediately. (Ord. no.121 § 10, 1985.)

13.12.070 Termination without notice.

Notwithstanding any provision or agreement to the contrary the city may terminate water and sewer service without notice where, in the city's judgment a clear emergency or serious health or safety hazard exists for so long as such conditions exist or where there is unauthorized use of or connection to the city water or sewer service or tampering with pipes or meters, or other water or sewer equipment. (Ord. no.121 §10, 1985.)

13.12.080 Use after disconnection.

It is unlawful for any person, after the water has been turned off from his premises on account of nonpayment of service fees or other violation of the rules, regulations or ordinances pertaining to the water or sewer systems, to turn on or allow the water to be turned on or used, without authorization from the city treasurer and the superintendent of the water and sewer department. (Ord. no. 121 §11, 1985.)

13.12.090 Access to premises.

Free access shall at all reasonable times be allowed to the superintendent of the water and sewer department or other authorized person to all places supplied with service from the water or sewer system to examine the apparatus, the amount of water used, the manner of use of either service, and to perform such duties as they may have under this title. (Ord. no. 121 §12, 1985.)

13.12.100 Plumbing permit.

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It is unlawful for any person to make any extension of any pipe or connect any fixture to the water or sewer system for any purpose whatever without first obtaining a permit therefore from the sewer and water department and paying the permit fee which may be required. All persons must, within

twenty-four hours after the completion of any plumbing work connected to the water or sewer system, report the same to the water and sewer department. All plumbing shall be done in compliance with all applicable city ordinances. No connection shall be made or permitted until the plumbing work has been inspected and approved by the water and sewer department or other authorized city inspector. (Ord. no. 21 §13, 1985.)

13.12.110 Water meters.

All structures, dwellings, units, and establishments using water from the city water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent of the water and sewer department to adequately measure the water used by the respective water users. Meters will be furnished by the city at the expense of the property holder, at rates established from time to time by resolution of the city council. Meter readings shall be taken at regular intervals as determined by the superintendent of the department and shall be submitted to the city treasurer for the purpose of making necessary billings for water service. (Ord. no. 121 §14, 1985.)

13.12.120 Use of sewer required.

It is unlawful for the owner or any other person occupying or having charge of any premises used for human occupancy, employment or recreation, or other purposes within the city limits, which premises are situated within three hundred feet of a sewer and/or culinary water main to fail to install suitable toilet facilities therein, to fail to connect such facilities to the city sewer system as provided herein, to fail to connect to the city culinary water system as provided herein, or to dispose of sewage therefrom by any means other than by use of the city sewer system. Connection to the culinary water system shall not be required for existing buildings and structures serviced by wells in existence at the time culinary water lines are extended to within 300 feet of subject property. This provision shall not prohibit connection to neighboring municipalities water systems. It is unlawful to construct or continue the use of any other sewage disposal system, such as a privy, vault, cesspool or septic tank, on such property except by express approval of the city council in cases of undue hardship, and only when such alternate method of sewage disposal is approved by the appropriate health department and complies with all additional city and state requirements. Each such owner or other person shall within ninety days after having been given notice by the city that a public sewer main is ready to receive connections therewith, cause such premises to be connected with said sewer in accordance with the provisions of this title and other city ordinances. (Ord. no.121 §15, 1985.)

13.12.130 Service lateral.

A separate and independent service lateral shall be provided for every building, for both water and sewer service, except in cases of undue hardship where the city council deems it necessary to make an exception. (Ord. no. 121 §16, 1985.)

13.12.140 Multiple connections.

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Where two or more families or premises are supplied from the same service pipe, the failure on the part of either of such parties to comply with this title and all other applicable ordinances shall be grounds for the city to withhold the supply of water through said service pipe until a separate service pipe is installed for each user of the water under a separate application. (Ord. 121§17, 1985)

13.12.150 Water use only on connected premises.

It is unlawful for any water user to permit any person from other premises or authorized person, to use or obtain water regularly from his premises or water fixtures, either outside or inside his building. (Ord. no, 121 §18, 1985.)

13.12.160 sanitary sewer specifications and requirements.

The size, slope, alignment, and materials of 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. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. (Ord. no. 121 §19, 1985.)

13.12.170 Connections--Conformance to building codes.

The connection of the building sewer into the public sewer shall conform to the requirements of the building code, plumbing code and other applicable rules and regulations of the city and the state, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation or connection is made. (Ord. no. 121 §20, 1985.)

13.12.180 Inspection of installations.

The inspection of sewer connections between the main sewer and three feet outside of the building line shall be made by or under the direction of the superintendent. He shall be notified at least four hours in advance by the plumber that the connection is complete and ready for inspection. The entire length of the sewer connection including a Y at the main sewer shall be fully exposed. No backfilling shall be done until the inspection is made and the work accepted. If any portion of the work is not done in accordance with this title, all other applicable city ordinances and the instruction of the superintendent, or his inspectors, it shall be rectified promptly. No permit shall be issued to any licensed plumber during the time that he shall fail to remedy any defective work, after he has been notified that he has been held responsible therefore under these regulations. (Ord. no. 121 §21, 1985.)

13.12.190 Connections.

A Licensed plumber is required. It is unlawful for any person to connect any drain or sewer pipe with the public sewer, unless such person is a duly licensed plumber. (Ord. 121 522, 1985.)

13.12.200 Extension--Petition.

All persons or groups of persons desiring water or sewer service outside of a conventionally subdivided area for which an extension of the water or sewer mains is required may make petition to the city,

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attaching thereto a map indicating the property to be served and the streets, alleys, highways, or easements in which the extension line is to be laid. (Ord. no. 121§23(a), 1985.)

13.12.210 Extension--Advance payment of costs.

The petitioners will advance such an amount as in the opinion of the city and its engineers will defray the cost of the extensions and the city may thereupon cause to be constructed the water or sewer main extensions (Ord. no. 121 §23 (b), 1985.)

13.12.220 Extension--Refunds.

Refunds or reimbursement to the petitioners for extension of water and sewer mains will be made according to the formal policy adopted by the city council. This policy shall be reviewed from time to time and shall be amended as deemed necessary by the city council. (Ord. no.121 §23©), 1985.)

13.12.230 Extension--Design and specifications.

The design and specifications of the water and sewer extension shall be determined by the city engineer. (Ord. no. 121 §23 (d), 1985.)

13.12.240 Extension--Subdivision approval.

All conventional subdivisions shall be complete with water and sewer distribution systems installed before the subdivisions are accepted by the city. The design and specifications for such water and sewer distribution systems shall be subject to the approval of the city engineer. (Ord. no. 121 §23(e), 1985.)

13.12.250 Extension--Full lot width extension.

All main line extensions shall be extended the full width of the lot to which service is to be provided. (Ord. no. 121 §23(f), 1985.)

13.12.260 Owner to bear costs.

All costs and expenses incident to the installation and connection of the building water and sewer systems shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building water and sewer systems. (Ord. no. 121 §24, 1985.)

CHAPTER 13.13

PUBLIC SEWAGE TREATMENT SYSTEM

Sections:

- 13.13.100. General Provisions
- 13.13.200. Use of Public Sewers
- 13.13.300. Sanitary Sewer, Building Sewers and Connections
- 13.13.400. Powers and Authority of Inspectors
- 13.13.500. Construction, Connection and Repair Permits
- 13.13.600. Industrial Wastewater Permits
- 13.13.700. Fees and Charges

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- 13.13.800. Administrative Enforcement Remedies
- 13.13.900. Judicial Enforcement Remedies

Section 13.13.100 - GENERAL PROVISIONS

- 13.13.101. Purpose.
- 13.13.102. Definitions.
- 13.13.103. Abbreviations.

13.13.101. Purpose.

It is necessary for the health, safety and welfare of the residents of the City of Lindon to regulate the collection and treatment of wastewater and to provide for maximum public benefit. The provisions of this Chapter set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Publicly Owned Treatment Works (POTW), and enable the POTW to comply with all applicable local, state and federal laws.

The objectives of this Chapter are:

- A. To prevent the introduction into the POTW wastewater system of pollutants which will interfere with the operation of the system or contaminate the resulting biosolids?
- B. To prevent the introduction into the POTW wastewater system of pollutants which will pass through the system, inadequately treated, into receiving waters or the atmosphere or which would be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim waste waters and biosolids from the system; D. To provide for equitable distribution among users of the cost of the POTW wastewater system; and
- E. To provide for and promote the general health, safety and welfare of the citizens residing within the POTW service area.

The provisions herein provide for the regulation of direct and indirect contributors to the POTW wastewater system through the issuance of permits and through enforcement of general requirements for all users. They authorize monitoring and enforcement activities, require user reporting, assume that existing users' capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. The provisions herein shall apply to the POTW, users of the POTW, and any person or entity otherwise regulated by this Chapter.

13.13.102. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

Act or 'The Act'. The Federal Water Pollution Control Act, also known as The Clean Water Act, 33 U.S.C. §1251 et seq., as amended.

Administrative Fine. A fine assessed by the Director against a User for violating one or more of the provisions of this Chapter.

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Approval authority. The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program. A.S.T.M. The American Society for Testing and Materials.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees centigrade (20/C), usually expressed in terms of weight and concentration (milligrams per liter (mg/L). Laboratory determinations shall be made in accordance with procedures set forth in standard methods.

Biosolid. A primarily organic solid product, produced by wastewater treatment processes that can be beneficially recycled. (Previously referred to as “sludge”.)

Building or Lateral Sewer. A sewer conveying the wastewater of a user from a resident building or other structure to a POTW sewer line, including direct connections to a POTW sewer where permitted by the POTW. A lateral sewer is a building sewer line. The lateral sewer extends from the outside wall of a building to a POTW line.

Business Classification Code (BCC). A classification of dischargers based on the 1972 Standards Industrial Classification Manual, Bureau of the Budget of the United States of America.

Categorical Pretreatment Standards or Categorical Standards. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 b. and c. of the Act (33 U.S.C. §1317) as amended, which apply to a specific category of user and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 . National Categorical Pretreatment Standards or Pretreatment Standards.

Categorical User. Any User subject to Categorical Pretreatment Standards or Categorical Standards.

Chemical Oxygen Demand (COD). The oxygen equivalent of that portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant.

City. The City of Lindon, Utah. “In the City” shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

City Manager. The City Manager of the City of Lindon, or his or her designee.

Chlorine Demand. The amount of chlorine required to produce a free chlorine residual of 0.1 mg/L after a contact time of 15 minutes as measured by the DPD (N,N, Diethylp- Phenylene-Diamine) Method on a sample at a temperature of 20 degrees centigrade in conformance with standard methods.

Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the Publicly Owned Treatment Work’s NPDES permit, where

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the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by its NPDES permit.

Construction standards. The general construction requirements adopted by the POTW for installation of wastewater facilities.

Contamination. An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the environmental and/or public health through poisoning or through the spread of disease, as described in Standard Methods.

Control authority. The term “control authority” shall refer to the “Approval Authority”, defined herein above; or the Director, if the POTW has an approved Pretreatment Program under provisions of 40 CFR, 403.11.

Cooling water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

Council. The City Council of the City of Lindon, Utah.

Direct Discharge. The discharge of treated or untreated wastewater directly into the waters of the State of Utah.

Director. The Director of Public Works of the City of Lindon or his duly appointed deputy, agent or representative.

Discharger. Any person who discharges or causes the discharge of wastewater into a POTW sewer system.

Easement. An acquired legal right for the specific use of land owned by others.

Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

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

Garbage. Every waste accumulation of animal, fruit or vegetable matter, or food, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fruit, vegetables or edible materials.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank sewage. Any wastewater from holding tanks such as vessels, chemical toilets, campers,

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trailers, septic tanks, sealed vaults, and vacuum-pump tank trucks.

Incompatible pollutant. All pollutants other than compatible pollutants as defined under compatible pollutant.

Indirect discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), ©), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank sewage discharged into the system). Industrial user. Any user that discharges wastewater from commercial and/or industrial processes.

Industrial waste permit. A permit to deposit or discharge industrial waste into any sanitary sewer under jurisdiction of the City.

Industrial waste surcharge. A charge, as outlined in Article 7, levied on industrial users of the wastewater treatment works for the additional cost of treating waste discharges of abnormal strength wastewater. This charge includes capital, as well as operating and maintenance costs.

Industrial wastes. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

Inspector. An authorized inspector of the City.

Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the POTW NPDES Permit. The term includes prevention of sewage biosolid use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State biosolid management plan prepared pursuant to Title IV of SWDA) applicable to the method of treatment and disposal or use employed by the POTW.

Main sewer. A sewer that receives wastewater from the collecting sewer.

Manager. The POTW Manager or his designated representative.

Maximum Cap. The maximum cap designates when the user will be considered in violation of their permit.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and ©) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial User.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

Natural outlet. Any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface or groundwater.

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New source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 ©) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a sight at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

National Pollution Discharge: Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

Pass through: A discharge which exits the POTW into the waters of the United States in quantities which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Person: Any individual, partnership, co- partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

pH: A measure of the acidity or alkalinity of a solution, numerically equal to 7 for neutral solutions, increasing with increasing alkalinity and decreasing with increasing acidity. The pH scale commonly in use ranges from 0 to 14.

Pollution or pollutant: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water, including, but not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.

Potential Heavy Metal Contributor: ("PHMC"). Any User that may, through normal business operations, discharge heavy metals into the POTW. Examples of PHMC Users include, but are not limited to:

- Automotive repair shops, including auto body and transmission businesses
- Bus Depots
- Radiator repair shops
- Tire centers

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- Battery Outlets
- Car and Truck washes
- Machine shops
- Equipment rental centers
- Small engine repair shops
- Recreational rental and/or repair centers
- Any industry that has process flow with detectable metal concentrations.
- Schools that teach mechanics or engine repair

Pretreatment or treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction of alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.

Process Wastewater. Any wastewater discharge which during manufacturing or processing comes into direct contact with, or results from the production or use of, any raw material, intermediate product, finished product, byproduct, or waste product.

Process Wastewater Pollutants. Pollutants present in Process Wastewater. 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 ½ inch (1.27 centimeters) in any dimension.

Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1291) which the city owns or has contractual rights to use, having statutory authority to collect and treat wastewater. This definition includes the wastewater treatment plant, all lift stations, all equipment, machinery and appurtenances to the plant and the lift stations, and any wastewater lines and appurtenances used in the conveyance of wastewater to the treatment plant, except building or lateral sewer lines. For the purposes of this Chapter, POTW shall also include any wastewater lines that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actual users of the POTW.

POTW Governing Authority. The term “POTW Governing Authority” shall refer to the City Council for those portions of the POTW owned by Lindon City, and to the Orem City Council for those portions of the POTW owned by Orem City.

POTW Treatment Plant. That portion of the Publicly Owned Treatment Works designed to provide treatment for wastewater.

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Receiving Water Quality Requirements. Requirements for the POTW's treatment plant effluent established by the POTW or by applicable State or Federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

Residential user. A user under 25,000 gallons per month which is free from industrial waste, and of such character as to permit satisfactory disposal without special treatment into the public wastewater system. Disposal flow of a residential user is based on the winter-time culinary water usage.

Sanitary sewer. The pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of wastewater. This definition shall also include the terms "public sewer", "sewer system", "POTW sewer" and "sewer".

Sewer. A pipe or conduit that carries wastewater or drainage water.

Significant Industrial User. (1) Any industrial users subject to categorical pretreatment standards; or (2) any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plan, or has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement (see 40 CFR 403.3(t)); or (3) an industrial user that has in its wastes, toxic pollutants as defined pursuant to Section 307 of the Act or Utah Statutes and rules, or (4) an industrial user that is found by the POTW, Utah State Water Pollution Committee, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of biosolids, the system's effluent quality, or air emissions generation by the system.

Sludge. Settleable solids separated from liquids during natural or manmade processes.

Slug. A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge (see 40 CFR 403.8(f)(2)(v)).

Standard methods. Procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or such other procedures as may be adopted by the POTW, State of Utah.

Standard industrial classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972. Storm sewer. A sewer that carries only storm, surface and ground water drainage.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Surcharge mode. Surcharge mode designates when the user will begin being subject to surcharges.

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Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in Standard Methods.

Toxic pollutants. Any pollutant or combination of pollutants listed in Schedule I as toxic or in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a) of the Act.

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 wastewater treatment facilities provided.

User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.

Viscosity. The property of a fluid that resists internal flow by releasing counteracting forces.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions, recreational vehicles and other human occupied premises. The term shall include the substance commonly referred to as sewage or sewerage.

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

Wastewater strength. The quality of wastewater discharged as measured by its elements, constituents and characteristics.

Wastewater treatment works. An arrangement of devices and structures for treating wastewater, industrial wastes, and biosolids. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

13.13.103. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR.....	Code of Federal Regulations
cp.....	Centipoise = 0.01 poise = c.g.s. unit of absolute viscosity gm sec x cm.

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COD.....	Chemical Oxygen Demand
CWA.....	Clean Water Act
EPA.....	United States Environmental Protection Agency or its successor
IU.....	Industrial User
L	Liter
mg	milligrams
mg/L.....	milligrams per liter (parts per million)
ng/L.....	nanograms per liter (parts per trillion)
NPDES...	National Pollutant Discharge Elimination System
O&G.....	Oil and Grease
O & M....	Operation and Maintenance Costs
POTW....	Publicly Owned Treatment Works
PPM.....	Parts Per Million
SIC.....	Standard Industrial Classification
SIU.....	Significant Industrial User
SWDA....	Solid Waste Disposal Act, 42 USC 6901, et seq.
TSS.....	Total Suspended Solids
ug/L.....	micrograms per liter (parts per billion)
USC.....	United States Code
WRF.....	Water Reclamation Facility

Section 13.13.200 - Use of Public Sewers

- 13.13.201. Use of public sewer required.
- 13.13.202. Prohibited discharge.
- 13.13.203. Federal Categorical Pretreatment Standards.
- 13.13.204. Modification of Federal Categorical Pretreatment Standards.
- 13.13.205. Specific pollutant limitations.
- 13.13.206. State requirements.
- 13.13.207. POTW's right of revision.
- 13.13.208. Dilution prohibited.
- 13.13.209. Damaging sewer prohibited.
- 13.13.210. Special agreements and contracts.
- 13.13.211. Grease, oil and sand interceptors.
- 13.13.212. Prohibited connections.
- 13.13.213. Private sewage disposal.

- 13.13.201. Use of public sewer required.
 - A. Discharge into POTW System. 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 the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or

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- similar objectionable waste.
 - B. Discharge of wastewater. It shall be unlawful to discharge into any natural outlet within the City, or in any area serviced by the POTW, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
 - C. Private disposal. 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. Discharge from recreational vehicles. Wastewater shall be discharged into the POTW from recreational vehicles only at locations designated by the Director.
 - E. Connection required. Any owner or resident of a house, building, or property 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, is hereby required at his own expense to install suitable toilet facilities on the property, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days from the time such resident or property owner is notified by registered mail, provided that the public sewer is reasonably available and is within three hundred (300) feet of the property line.
 - F. Enforcement. In the event any resident or property owner should fail to connect to the public sewer after receiving notice of the availability thereof, or should fail to comply with the requirements of this Chapter, or should fail to pay for any fees or charges required by this Chapter, the City may cause the water to be shut off from such premises and shall not be required to turn it on again until the resident or property owner has connected to the public sewer at his own expense and all arrears for service furnished have been paid in full.
- 13.13.202. Prohibited Discharge.
- A. Storm sewer. No person shall discharge or cause to be discharged any waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which stormwater may be polluted at times and may be discharged to the sanitary sewer by permission of the Director and Board of Health. Stormwater other than that exempted above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, storm sewers or storm sumps or to a natural outlet approved by the Director and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.
 - B. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW, whether or not the users are subject to categorical pretreatment

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standards or any other Federal, State, or local pretreatment standards or requirements.

- C. Prohibited discharges – specific categories. No user shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or requirements. A user may not contribute the following substances to the POTW:

1. **Explosives.** Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Also, any pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 6 degrees Centigrade using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit [LEL] of the meter.
2. **Solids.** Except as authorized in Schedule 1, Controlled Limited Pollutants, solid or viscous substances which may cause obstruction of the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-quarter inch (1/4") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, petroleum oil, non- biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
3. **Corrosive.** Any wastewater having a pH less than 5.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
4. **Toxic.** Any wastewater containing toxic pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may impair worker health or cause safety problems. Controlled limited pollutants, which either singly or by interaction with other pollutants, cause injury or interference with any wastewater treatment process, or hazard to humans or animals, or a toxic effect in the receiving waters of the POTW, or contaminate the biosolids of any POTW systems. Not to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 40 CFR 403, APP.B.
5. **Noxious.** Any malodorous liquids, gases, or solids which either singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
6. **Untreatable.** Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged into the POTW cause the POTW to be in non- compliance with biosolid use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act or any criteria, guidelines, or regulations affecting biosolid use or disposal developed pursuant to the Solid Waste

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Disposal Act, the Clear Air Act, the Toxic Substances Control Act, or State criteria applicable to the biosolid management method being used.

7. **NPDES permit violation.** Any substances which will cause the POTW to violate its NPDES or State Disposal System Permit or the receiving water quality standards.

8. **Objectionable color.** Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

9. **Temperature.** Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, or which will cause temperature at the headworks of the POTW treatment plant to exceed 40 degrees Centigrade or 104 degrees Fahrenheit.

10. **Slug loads.** Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge (see 40 CFR 403.8(f)(2)(v)).

11. **Radioactive.** Any wastewater containing any radioactive wastes or isotope or such half-life or concentration as may exceed limits established by the POTW Manager in compliance with applicable State or Federal regulations.

12. **Hazard.** Any wastewater which causes a hazard to human life or creates a public nuisance.

13. **Holding tank sewage.** Holding tank sewage, or trucked or hauled pollutants, except at discharge points designated by the POTW Manager. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. Commercial garbage grinders. Mechanically operated grinders or disposers for producing ground garbage are permitted in commercial establishments. Every such grinder or disposer shall be so designed and installed:

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

13.13.203. Federal Categorical Pretreatment Standards.

Upon the promulgation of any Federal Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to 40 CFR, Sec. 403.6, the Federal Standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. The POTW manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Sec.12.

13.13.204. Modification of Federal Categorical Pretreatment Standards.

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Where the POTW's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the POTW may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7©) (2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The POTW may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements obtained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

13.13.205. Specific pollutant limitations.

No person shall discharge wastewater containing pollutants in excess of the limitations set forth in Controlled Limited and Controlled Admissible Pollutants, Schedules 1 and 2, and as established by other EPA regulations and the POTW.

Maximum Discharge per User

No User of the POTW shall discharge wastewater containing concentrations exceeding the following limits (in the case of pH, the discharge shall be within the designated parameters):

BOD	200 mg/L	COD	400 mg/L	TSS	250 mg/L
Oil and Grease	100 mg/L	pH	5.0 to 9.0		

Surcharge Mode

Any User (other than Significant Industrial Users or Categorical Users) discharging more than the above listed concentrations of BOD, COD, TSS, and/or oil and grease in its wastewater shall be deemed to be in surcharge mode and shall pay a surcharge to the POTW. The amount of the surcharge shall be established by the POTW governing authority. Surcharge mode is an intermediate penalty for exceeding designated discharge limitations.

Maximum Cap

A User shall be in surcharge mode if the discharge exceeds the designated limit, but does not exceed the maximum cap set forth below. Any User exceeding the maximum cap shall be subject to surcharges, plus the administrative enforcement remedies set forth in Section 13.13.800. et. al.

SURCHARGE RANGE

	<u>LOWER</u>	<u>UPPER</u>
BOD	200 mg/I.	10,000mg/L
COD	400 mg/I.	20,000 mg/L
TSS	250 mg/I.	1,500mg/L
Oil and Grease	100 mg/I.	1,200mg/L

*In no case shall any load be accepted which will cause interference in the collection system or Reclamation Plant. (40 CFR 403.5)

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Local Limits on Metals/Chemical Pollutants

In addition to any limitations established by the CWA, the CFRs, the EPA, or the State of Utah, no Categorical User, Significant Industrial User, or PHMC shall discharge wastewater containing concentrations exceeding the following local limits:

Aluminum	83.1 mg/L	Arsenic	0.11 mg/L	Cadmium
	0.007 mg/L	Copper	0.89 mg/L	Lead
	0.36 mg/L	Mercury	0.00015 mg/L	Nickel
	2.18 mg/L	Selenium	0.090 mg/L	Silver
	1.10 mg/L	Zinc	5.52 mg/L	Cyanide
	0.09 mg/L			

Categorical Users, Significant Industrial Users, and or PHMC shall be subject to the administrative enforcement remedies for exceeding the above limits. The above limits were established based on the assumption that the total discharge from Categorical Users and Significant Industrial Users will not exceed one million gallons per day. If the total discharge from Categorical Users and Significant Industrial Users exceeds one million gallons per day, the above limits will be adjusted.

Categorical Users and Significant Industrial Users will also be subject to the following wastewater discharge limitations:

BOD	225 mg/L	TSS	479 mg/L
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Categorical Users and Significant Industrial Users exceeding these limitations shall not be eligible to pay surcharges, but shall be subject to the administrative enforcement remedies.

13.13.206. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained herein.

13.13.207. POTW's right of revision.

The POTW reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives present in Section 204-1 hereof.

13.13.208. Dilution prohibited.

No user shall ever increase the amount of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the POTW or State.

13.13.209. Damaging sewer prohibited.

It shall be unlawful for any person to damage, break, deface, uncover or remove any part or portion of the POTW or any sewer lines connecting onto the POTW.

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13.13.210. Special agreements and contracts.

- A. Special user agreement. No statement contained in this section shall be construed as prohibiting special written agreements between the POTW and any other person allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided said person compensates the POTW for any additional costs of treatment. Such agreement, however, may not violate any of the specific prohibitions provided herein.
- B. Contracts with other POTW's. whenever the existing sewage treatment capacity is adequate therefore, the POTW may contract with any other organized and established POTW or with any other governmental agency, for the discharge into the POTW from any part or parts of such POTWS, or person or persons living outside the boundaries of the POTW, upon such terms and conditions and for such periods of time as may be deemed reasonable.

13.13.211. Grease, oil and sand interceptors.

- A. Requirements. Grease, oil, and sand interceptors, as described by the International Plumbing Code, shall be required of any user when, in the opinion of the POTW Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the POTW Manager according to plans on file in the POTW's office and shall be located as to be readily accessible for cleaning by the user and inspection by POTW employees.
- B. Construction. All grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of a substantial construction, water tight, and equipped with easily removable covers which, when bolted in place shall be gas and watertight. The smallest grease trap or interceptor in any application will be no smaller than 20 gallons - 40 pound capacity. All outside grease traps shall be at least 750 gallon capacity. The required size and location of grease traps and interceptors shall be based on minimum and maximum flows and established as set forth in a policy adopted by the POTW. All outside grease traps will be constructed of water tight concrete and will have at least a four inch (4") inlet and a four inch (4") riser formed in the baffle. All outside traps must have POTW Manager approval prior to installation. It shall be unlawful to install any self cleaning grease trap or interceptor in any building or at any location.

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- C. Maintenance. Where installed, all grease, oil, and sand interceptors shall be cleaned and maintained in continuous efficient operation at all times by and at the sole expense of the user. It shall be unlawful to use any kind of emulsifier in any grease trap, interceptor, or drain in any building or at any location, unless approved in writing by the POTW.

13.13.212. Prohibited connections.

No person, either in person or through an agent, employee, or contractor, shall make, allow or cause to be made any sewer connection to the POTW for service, or for the purpose of servicing property outside the boundaries of the POTW, except upon recommendation of the POTW Manager and the express approval of the POTW's governing board. Such connection to the POTW shall be made by a person who is either a bonded, state-licensed sewer contractor or a plumber who has obtained the necessary permits.

13.13.213. Private sewage disposal.

A. Provision. Where a public sanitary or combined sewer is not available under the provisions of Sec. 13.13.201 the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

B. Construction. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the County Health Department of Utah County. The applications for such permit shall be made on a form furnished by the County Health Department, which the applicant shall supplement with any plans, specifications, and other information as are deemed necessary by the County Health Department.

C. Design. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Utah Department of Health. It shall be unlawful for any person to discharge the waste material collected and gathered in cleaning cesspools or septic tanks at any place in the City except at a specified location in the City sewer system so designated by the Director. The Director shall have the authority to change the site of such dumping from time to time as in his judgment shall not overload the City sewer system at any one time. It shall be unlawful for any person to discharge the waste material collected from any source except where such persons have a permit from the City for the discharging of such material into the City sewer system.

E. Mandatory connection. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Sec. 13.13.201(E), a direct connection shall be made to the public sewer within ninety (90) days from notification of the availability of the public sewer, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of biosolids and filled with suitable material.

F. Maintenance. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

G. Other requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the County Health Department of Utah County.

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Section 13.13.300 - Sanitary Sewer, Building Sewers and Connections

- 13.13.301. Permit required.
- 13.13.302. Permit classifications.
- 13.13.303. Cost of connection.
- 13.13.304. Maintenance.
- 13.13.305. Separate connections required.
- 13.13.306. Old building sewers.
- 13.13.307. Design and construction.
- 13.13.308. Connection to POTW system.
- 13.13.309. Inspection.
- 13.13.310. Separation from other utilities.
- 13.13.311. Connection on unlike pipe.
- 13.13.314. Sewer specifications.
- 13.13.315. Earth cover required.

13.13.301. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, or any portion of the POTW, without first obtaining a written permit from the Department of Public Works. The permit must be at the job site during the whole time the work is in progress, and must be exhibited to any City Inspector demanding to see it.

13.13.302. Permit classifications.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspection office.

13.13.303. Cost of connection.

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner of the property to be served. The owner and the contractor taking out the permit shall indemnify and hold the City harmless from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

13.13.304. Maintenance.

The duty and cost of maintenance and keeping open of the building sewer line from the private property owner's premises to the point where the sewer line is connected onto the POTW sewer line shall be borne by the property owner.

13.13.305. Separate connections required.

A separate and independent building sewer shall be provided for every building and for every dwelling unit in buildings having more than one dwelling unit, except that multiple family buildings may perform a fixture count analysis to justify multiple dwelling connections on a single lateral. The analysis will be approved by the Director before the lateral is installed. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building

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through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

13.13.306. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by an inspector, to meet all the requirements of this Chapter.

13.13.307. Design and construction.

The size, slope, alignment, materials of 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. Once a building sewer lateral leaves a building, the sewer lateral cannot reenter a building again.

13.13.308. Connection to POTW system.

The connection of the building sewer into the POTW sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by an inspector before installation. No lateral shall connect to the POTW sewer in a manhole without the Director's approval.

13.13.309. Inspection.

The applicant for the building sewer permit shall notify the Department of Development Services when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of an inspector.

13.13.310. Separation from other utilities.

All utility lines or conduits shall be separated from the building sewer as required by State law.

13.13.311. Connection on unlike pipe.

Any connection of pipes of unlike materials shall comply with the International Plumbing Code and the POTW Construction Standards.

13.13.312. Sewer specifications.

The size of building sewers, type of pipe allowed, bed and grade of pipe, changes in direction of pipe clean outs and construction details shall conform to the current specifications of the City.

13.13.313. Earth cover required.

No sewer line shall have less than three (3) feet of earth cover at finished grade.

Section 13.13.400 - Powers and Authority of Inspectors

13.13.401. Access.

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13.13.402. Information.

13.13.403. Liability--personnel.

13.13.404. Easements.

13.13.401. Access.

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge into the POTW system in accordance with the provisions of this Chapter.

13.13.402. Information.

The Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may not withhold information from the POTW concerning industrial processes which have direct bearing on the discharge to the POTW. If the user is able to demonstrate to the satisfaction of the Director that the release of this information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law, the information shall be kept confidential. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing the report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES permit or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and other "effluent data" will not be recognized as confidential information and will be available (GRAMA).

13.13.403. Liability--personnel.

While performing the necessary work on private properties referred to in Sec. 13.13.401. above, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for the personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Sec. 13.13.611.

13.13.404. Easements

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of inspection, observation, measurement, sampling, repair, maintenance of any portion of the wastewater facilities lying within the easement, or the performance of any other duties pertinent to the operation of the POTW. All entry and subsequent work, if any, on an easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Section 13.13.500 - Construction, Connection and Repair Permits

13.13.501. Permit required.

13.13.502. Application for permit.

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- 13.13.503. Denial of permit.
- 13.13.504. Inspection fees.
- 13.13.505. Permits must be procured before starting work.
- 13.13.506. Sewer engineering.
- 13.13.507. Failure to remedy defective work.
- 13.13.508. Permit not transferable.
- 13.13.509. Work must be completed within thirty days.
- 13.13.510. Revocation of permit.
- 13.13.511. Inspection required.
- 13.13.512. Re-inspection - additional fee.
- 13.13.513. Permit not to be issued until special sewer assessment is paid.
- 13.13.501. Permit required.

No person shall commence or carry on the work of laying, repairing, altering, or connecting any building sewer, directly or indirectly, to the POTW sewer, without first having received a permit from the Department of Public Works as required herein.

13.13.502. Application for permit.

Application for permits for sewer connections must be made in writing by a contractor licensed to do work on sewer systems, on an application blank furnished by the City. Any permit issued shall be subject to the rules and regulations of the City.

13.13.503. Denial of permit.

The City may deny a permit to perform work on any portion of the POTW in cases where the applicant has a history of violations of the regulations or specifications of the City with respect to the type of work for which the permit application is made.

13.13.504. Inspection fees.

The installation, repair or replacement of any sewer line shall be tested and inspected in accordance with standards set by the City. A fee in an amount established by resolution of the City Council shall be collected by the City for each inspection.

13.13.505. Permits must be procured before starting work.

It shall be unlawful to commence any work requiring a permit without first obtaining a permit therefore. In the event that any person begins work without a permit, the POTW may immediately issue a stop work order until the proper permits are obtained, and an offender shall be required to pay an additional fee in an amount established by resolution of the City Council.

13.13.506. Sewer engineering.

Any engineering necessary to determine the feasibility of connecting to the POTW sewer shall be the responsibility of the building or property owner.

13.13.507. Failure to remedy defective work.

No further permit shall be issued to any licensed sewer contractor who has failed to remedy defective work to the satisfaction of the Public Works Director after he has been notified in writing.

13.13.508. Permit not transferable.

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No sewer contractor shall use or allow his license to be used in any way for the purpose of procuring a permit for any person other than himself, or his duly authorized representative. The duly licensed sewer contractor shall be responsible for any and all work done pursuant to the issuance of any permit specified hereunder, regardless of whether the work is actually done by the contractor or his duly authorized representative.

13.13.509. Work must be completed within thirty days.

The work authorized by a permit shall be done with all possible speed and in accordance with POTW rules and regulations. If the work is not completed within thirty (30) days (unless a special extension is granted in writing by the POTW) the permit shall be void. No refund shall be made for a voided permit, and a new permit must be obtained to finish the work.

13.13.510. Revocation of permit.

The POTW Manager may, at any time, revoke a permit because of defective work which has not been corrected after written notice and within the time specified in the notice by the POTW Manager.

13.13.511. Inspection required.

The inspection of sewer lines between the POTW sewer main and a building foundation shall be under the direction of the Director or by his duly authorized inspectors. The City shall be notified on a regular working day at least four (4) hours in advance of the time the permittee wants the inspection done. The entire length of the sewer lateral, including the junction at the POTW sewer shall be fully exposed. Any portion of the work not done in accordance with these requirements, the instructions of the POTW or its inspectors and the specifications of the City, shall be corrected promptly. There shall be no backfilling until the inspection is made and the work accepted. Work covered prior to inspection shall be uncovered to permit inspection.

13.13.512. Re-inspection - Additional fee.

In the event that the inspector finds the installation not to be in conformity with the City's specifications or if changes are necessary, a second inspection shall be made with no additional charge. After two inspections, a fee in an amount established by resolution of the City Council and payable in advance shall be charged for each additional inspection required.

13.13.513. Permit not to be issued until special sewer assessment is paid.

No permit for a sewer connection shall be issued until the POTW has been paid all fees, charges and assessments required pursuant to Section 13.13.701.

Section 13.13.600 - Industrial Wastewater Permits

13.13.601. Authorization to discharge.

13.13.602. Restrictions.

13.13.603. Permit application.

13.13.604. Permit modifications.

13.13.605. Permit Conditions.

13.13.606. Permit duration.

13.13.607. Approval.

13.13.608. Compliance date report.

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- 13.13.609. Periodic compliance reports.
- 13.13.610. Monitoring facilities.
- 13.13.611. Accidental discharge of prohibited materials.
- 13.13.612. Inspection.
- 13.13.613. Failure to permit inspection.
- 13.13.614. Sampling.
- 13.13.615. Pretreatment.
- 13.13.616. Confidential information.
- 13.13.617. Pretreatment administrative option.
- 13.13.618. Amendments.
- 13.13.619. Industrial Wastewater Pre-treatment Program.

13.13.601. Authorization to discharge

No categorical or significant industrial user shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly into the POTW without first obtaining a permit for industrial wastewater discharge.

13.13.602. Restrictions.

- A. **The Permit for Industrial Wastewater**
Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers, relocation of points of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharges and such other conditions as may be required to effectuate the purpose of these regulations.
- B. **No City Permit for Industrial Wastewater Discharge is transferable without the prior written consent of the Director.**
- C. **No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by his Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with his industrial wastewater permit must apply to the Director for an amended permit. Such amended permit shall be granted, provided its terms comply with these regulations.**
- D. **It is the purpose of this Article to achieve the following: (1) protect the POTW, its operation, and its personnel, (2) to prevent inadequately treated pollutants from passing through the POTW, and (3) to insure the City's compliance with its NPDES Permit.**

13.13.603. Permit application.

Users required to obtain a Permit for Industrial Wastewater Discharge shall complete and file with the POTW an application in the form prescribed by the POTW and accompanied by a fee in an amount established by resolution of the City Council. Application shall be made at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address, and location of discharge (if different from the business address or the business license address).
- B. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

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- C. Wastewater quantity and quality. Quality characteristics include, but are not limited to, those mentioned in Section 13.13.202. as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 204(h) of the Act and contained in 40 CFR, Part 135, as amended.
- D. Time(s) and duration of discharge.
- E. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation. If deemed necessary by the POTW, such plans shall provide for separate systems for handling sanitary and industrial wastewater.
- G. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- H. Where known, the quantity and specific nature of any pollutants in the discharge which are limited by any POTW, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O & M and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards.
- I. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment requirements.

The following conditions shall apply to this schedule:

- 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment requirements.
 - 2. No increment referred to in paragraph (1) shall exceed nine (9) months.
 - 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the POTW Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- J. Any other information as required by the POTW to evaluate the permit application.

After evaluation and acceptance of the data furnished, the POTW may issue a wastewater discharge permit.

13.13.604. Permit modifications.

Upon enactment of a National Categorical Pretreatment Standard and within the time scribed thereby, the wastewater discharge permit of users subject to such standards shall be revised to require compliance therewith. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within thirty (30) days after notice of the enactment of the applicable National

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Categorical Pretreatment Standard. The user with an existing wastewater discharge permit shall submit to the POTW Manager within thirty (30) days after such notice, the information required by paragraphs (H) and (I) of Section 13.13.603. In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the POTW during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the POTW Manager.

13.13.605. Permit Conditions.

Wastewater discharge permits shall be expressly subject to all provisions hereof and all other applicable regulations, user charges and fees established by the City. Permits may contain, but are not limited to, the following information:

- A. The current unit charge or schedule of user charges and fees for the wastewater to be discharged to a POTW sewer.
- B. Limits on the average surcharge mode and maximum cap constituents and characteristics. The limits for surcharge mode and maximum cap shall be as set forth in Section.

13.13.205. of this Chapter.

- C. Limits on any other parameter which may apply according to City, State or E.P.A. regulations, including but not limited to the local limits on metals/chemical pollutants set forth in Section 13.13.205. of this Chapter.
- D. Limits on the average surcharge and maximum cap rate and time of discharge or requirements for flow regulations and equalization.
- E. Requirements for installation and maintenance of inspection and sampling facilities.
- F. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- G. Compliance schedules.
- H. Requirements for submission of technical reports or discharge reports.
- I. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the POTW, and affording the POTW access thereto.
- J. Requirements for notification of the POTW of any new introduction of wastewater components or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- K. Requirements for notification of the POTW of slug discharges.
- L. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the users industrial wastewater is or could cause an interference or a potential interference with the POTW, that the industrial wastewater could be severed, preventing discharge into the POTW and still allowing the users sanitary wastewater to discharge into the POTW.
- M. Requirements that each industrial user provide protection from accidental discharge of prohibited materials or other substances regulated herein.

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N. Other conditions as deemed appropriate by the POTW.

13.13.606. Permit duration.

A Permit for Industrial Wastewater

Discharge shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specified date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the users existing permit. Any permit may be cancelled or terminated for failure to comply with the requirements of this Article.

13.13.607. Approval.

Upon receipt of all required information, the application shall be processed. When properly executed by the City, the application form shall constitute a valid Permit for Industrial Wastewater Discharge. The application shall be approved if the applicant has complied with all applicable requirements of these Regulations.

13.13.608. Compliance date report.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the POTW Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average, minimum, and maximum daily flow and times for these process units in the user's facility which are limited by the pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer.

13.13.609. Periodic compliance reports.

A. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the POTW Manager a report indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards. This report shall be submitted during the months of April and October for the respective preceding six month period, unless required more frequently in the pretreatment standard or by the POTW Manager. In addition, the report shall include a record of all daily flows during the reporting period. At the discretion of the POTW Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the POTW Manager may alter the months during which the above reports are to be submitted.

B. The POTW Manager may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the impositions of mass limitations are appropriate. In such cases, the report required by subparagraph (A) of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the POTW Manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of

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monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304 (h) of the Act and contained in 40 CFR. Part 136 and amendments thereto, or with any other test procedures approved by techniques approved by the EPA Administrator.

13.13.610. Monitoring facilities.

The user shall provide and operate, at its expense, monitoring equipment and facilities approved by the POTW Manager, sufficient to allow inspection, sampling, and flow measurement of the building sewer systems. The monitoring equipment and facilities shall be situated on the user's premises or such other location as allowed by the POTW. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be provided in accordance with the POTW's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the user by the POTW.

13.13.611. Accidental discharge of prohibited materials.

- A. **Facilities.** Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. A description of stored chemicals along with detailed plans showing facilities and operating procedures, including non-routine batch discharge to provide this protection shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. No industrial user who commences contribution to the POTW after the effective date hereof shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the POTW. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements hereof. In the case of an accidental discharge; it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, the type of waste, the concentration and volume, and corrective actions.
- B. **Written notice.** Within five (5) days following an accidental discharge, the industrial user shall submit to the POTW Manager a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines civil penalties, or other liability which may be imposed by this Chapter or any other applicable law.
- C. **Notice to employees.** A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.

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13.13.612. Inspection.

All users shall allow employees or representatives of the City ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or for the performance of any of its duties. The POTW, Approval Authority, State and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the POTW will be permitted to enter, without unreasonable delay, for the purpose of performing their specific responsibilities.

13.13.613. Failure to permit inspection.

In the event a duly authorized officer or agent of the POTW is refused admission for any reason, the POTW Manager may cause sewer service to the premises in question to be discontinued until the POTW agents have been afforded reasonable access to the premises and sewer system to accomplish the inspection and/or sampling.

13.13.614. Sampling.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with standard methods. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream manhole in the POTW sewer nearest to the point at which the building sewer discharges into the POTW. Any industrial user who is sampled from a downstream manhole and found to be in violation of any local limits more than two (2) consecutive times will be required to install a sampling point in their own line, on their own property, at the user's expense. The sampling point shall be constructed according to POTW specifications.

13.13.615. Pretreatment.

Users shall provide all necessary wastewater pretreatment as required to comply herewith. Any monitoring equipment and facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, operated, and maintained at the user's expense. Such facilities required by the POTW may include the requirement for separate systems to handle sanitary and industrial wastewater so that both can be discharged into the POTW collection system independently of each other. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, and shall be approved in writing by the POTW Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions hereof. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the POTW prior to the user's initiation of the changes. The POTW shall annually publish in a newspaper of general circulation within the boundaries of the POTW, a list of the users in significant non-compliance (SNC) during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user during the same twelve (12) months. All records relating to compliance with pretreatment shall be made available to officials of the EPA or Approval Authority upon request.

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13.13.616. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or to governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the user furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related thereto. Information accepted by the POTW as confidential shall not be transmitted to any governmental agency by the POTW without first providing ten (10) days written notice to the user by certified mail or personal service.

13.13.617. Pretreatment administrative option.

The POTW has the option to contract with any governmental or private entity to provide such administrative services as deemed necessary. Such governmental entity could provide the following services, but would not be limited to the following except by contract with each entity:

- A. Permit processing
- B. Monitoring facilities
- C. Inspection and sampling
- D. Pretreatment processing
- E. Enforcement action
- F. Laboratory analysis

13.13.618. Amendments.

As EPA adds or amends specific pretreatment and effluent requirements, or as the City deems necessary, the restrictions or conditions of a Permit for Industrial Wastewater Discharge may require amendment. The City shall require an industrial discharger to establish an abatement time schedule to comply with any changes in the permit.

13.13.619. Industrial Wastewater Pretreatment Program. All industrial users of the POTW shall comply with the Industrial Wastewater Pretreatment Program adopted by the POTW.

Section 13.13.700 - Fees and Charges

13.13.701. Fees and charges.

A. Purpose. It is the purpose of this Chapter to provide for payment by the users of all the POTW capital costs, debt service, and the costs of maintenance and operation. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The charges will be based upon the quality and quantity of the users' wastewater, and also upon the POTW's capital and operating costs to intercept, treat, and dispose of wastewater. The applicable charges shall be set forth in a schedule of rates for the POTW adopted by resolution of the City Council. The City Council shall review the user charge system on an annual basis and will revise the system as necessary to assure the equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the

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wastewater treatment works. Users of the system shall be notified at least annually, in conjunction with a regular bill, of the rates and that portion of the user charges which are attributable to wastewater treatment services.

B. Classification of users. The users of the POTW may be divided into various classifications, including but not limited to: single dwelling units, duplexes, multiple dwelling units and non-residential. Further, classifications may be established by the City Council for each non-residential user class.

C. Surcharges. Users may be subject to a surcharge for exceeding any City pretreatment limitation, exceeding any pretreatment permit, exceeding the surcharge mode for any BOD, suspended solids, COD, oil and grease, pH, toxic pollutants or other parameters, and for service outside the POTW boundaries as provided for in the resolution establishing the schedule of rates and charges.

D. Fees. The following fees shall be charged as established by resolution of the City Council:

1. Fees for all POTW costs, including debt service, maintenance and operation.
2. Fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program.
3. Fees for monitoring, inspections and surveillance procedures, to include but not be limited to laboratory analysis.
4. Fees for reviewing accidental discharge procedures and construction.
5. Fees for permit applications.
6. Fees for filing appeals.
7. Fees for consistent removal (by the POTW) of the pollutants otherwise subject to Federal Pretreatment Standards.
8. Fees for connection.
9. Fees for repairs and disconnection.
10. Fees for inspections and surveys.
11. Fees for development and expansion.
12. Other fees as the POTW may deem necessary to carry out the requirements contained herein.

E. Charges for discontinuing or restoring services. In the event POTW service to any building or premises in the POTW is shut off, a fee to be set by resolution of the City Council shall be charged for restoring sewer service.

F. Damage to facilities. When a user's discharge causes an obstruction or damage, or because of the nature of the discharge, toxic pollutants increase the costs for managing the effluent or the biosolids of the POTW, the user shall pay for the damages or the increased cost.

Section 13.13.800 - Administrative Enforcement Remedies

- 13.13.801. Enforcement authority.
- 13.13.802. Notification of violation.
- 13.13.803. Methods of notification.
- 13.13.804. Consent Orders.
- 13.13.805. Compliance Orders.
- 13.13.806. Cease and Desist Orders.
- 13.13.807. Administrative Fines.
- 13.13.808. Emergency Suspensions.

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- 13.13.809. Termination of Discharge.
- 13.13.810. Permit Revocation.
- 13.13.811. Civil liability for expenses.
- 13.13.812. Civil fine pass through.
- 13.13.813. Show Cause Hearing.
- 13.13.814. Appeal procedure.

13.13.801. Enforcement authority.

The POTW may adopt procedures and rules for the implementation and administration of this Chapter and to provide for the enforcement of the provisions contained herein.

13.13.802. Notification of violation.

Whenever the POTW finds that any user has (1) exceeded the maximum cap parameter as outlined in 13.13.205, or (2) violated or is violating its wastewater discharge permit, or any prohibition, limitation or requirement contained therein, or (3) violated any provision of this Chapter. The POTW shall serve upon such user a written notice stating the nature of the violation, which may include a cease and desist order. Also, within the time specified in the notice, a plan for the satisfactory correction of the violation shall be submitted to the POTW by the user. An industrial user is in significant noncompliance (SNC) if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty- three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment

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program.

13.13.803. Methods of notification.

Any notification required herein shall be served either personally or by registered or certified mail.

13.13.804. Consent Orders.

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.13.805. and 13.13.806. of this ordinance and shall be judicially enforceable.

13.13.805. Compliance Orders.

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user comes into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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 pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.13.806. Cease and Desist Orders.

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the users past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. 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 bar against, or a prerequisite for, taking any other action against the user.

13.13.807. Administrative Fines.

A. When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed One Thousand Dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other

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long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.13.808. Emergency suspensions. The Director may immediately suspend a users discharge, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a users discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. If time and circumstances permit, the Director shall attempt to give the user notice of the suspension and an opportunity to be heard before the suspension takes effect.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a users failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 13.13.810. of this ordinance are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 13.13.813. or 13.13.810. of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.13.809. Termination of Discharge.

In addition to other provisions set forth in this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the users premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.13.813. of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

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13.13.810. Permit Revocation.

Any user who violates the following conditions, or other applicable state and federal regulations, is subject to having his permit revoked:

- A. Failure of a user to factually report the wastewater constituents and characteristics of its discharge.
- B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- D. Violation of any condition of a permit. E. Failure to pay any fees or charges.

13.13.811. Civil liability for expenses.

Any person violating the provisions herein shall be liable for any expense, loss, or damage caused the POTW by reason of such violation, including the increased costs, if any, for managing effluent or biosolids, when such increases are the result of the user's discharge of toxic pollutants. The POTW Manager shall add such charge to the discharger's treatment charge.

13.13.812. Civil fine pass through.

In the event that a user discharges such pollutants which cause the POTW to violate any condition of its NPDES Permit and the POTW is fined by EPA or the State for such violation, then such user shall be fully liable for the total amount of the fine assessed against the POTW by EPA or by the State.

13.13.813. Show Cause Hearing.

The POTW Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the 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 the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

13.13.814. Appeal procedure.

Any permit applicant, permit holder, or other user affected by any administrative order, decision, action, or determination, including cease and desist orders, made by the POTW in interpreting or implementing the provisions herein, or any permit issued hereunder, may file with the Lindon City Manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the request. The Lindon City Manager may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Lindon City Manager within ten (10) days from the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during the period of review by the Lindon City Manager.

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Section 13.13.900 - Judicial Enforcement Remedies

- 13.13.901. Injunctive Relief.
- 13.13.902. Civil Penalties.
- 13.13.903. Criminal Prosecution.
- 13.13.904. Referral to State.
- 13.13.905. City standards.
- 13.13.906. Remedies Nonexclusive.

13.13.901. Injunctive Relief.

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the appropriate Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against a user.

13.13.902. Civil Penalties.

A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of Ten Thousand Dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the users violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking. Any other action against a user.

13.13.903. Criminal Prosecution.

- 1) User who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class B Misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) per violation, per day, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each day a violation

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continues shall be deemed separate offense.

- 2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class B Misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- 3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a Class B Misdemeanor.

13.13.904. Referral to State.

The POTW may refer violations of pretreatment standards, Federal law, State law, and this Chapter to the State of Utah to supplement or take the place of enforcement by the POTW.

13.13.905. City standards.

In compliance with Public Laws 84-660 and 92- 500 of the Water Pollution Control Act and amendments hereto, these regulations adopt and use as a guide the national pretreatment standards and the Environmental Protection Agency's (EPA) pretreatment guidelines. The City recognizes that in some cases these pretreatment standards may not be sufficient to protect the operation of its treatment works, or to allow it to comply with the terms of its NPDES Permit. In such cases, the City reserves the right to impose more stringent standards than those specified in the EPA regulations.

13.13.906. Remedies Nonexclusive.

The remedies provided for in this Chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any non-compliant user. (Ordinance 2006-12, adopted 11/16, 2006)

Chapter 13.16

RATES AND FEES

Sections:

13.16.010	Authority.
13.16.020	Purpose.
13.16.030	Waste discharge surcharge.
13.16.040	User class determination.
13.16.050	Rate review.
13.16.060	Rate notification.
13.16.070	Board of equalization.

13.16.010 Authority.

The city council shall from time to time by resolution, establish such rates, deposits,

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procedures and fees as it deems proper for the water and sewer service provided by the city and the uses made thereof by the users. All rates and fees promulgated by the city council shall be made a matter of public record, shall be filed with the city recorder, and shall be available for inspection by any person during normal business hours. All rates shall be established in compliance with the procedures set out in Sections 13.16.020 through 13.16.060. (Ord. no. 121 §7 (part), 1985.)

13.16.020 Purpose.

User rates shall be set in an amount sufficient to generate revenue to pay all costs for the operation and maintenance of the city water and sewer system and to pay all costs required by the contract entered into by the city for the use of the Orem City wastewater treatment system. The costs shall be distributed to each user class in proportion to each user class' contribution to the total loading of the wastewater treatment system. Factors such as strength (biochemical oxygen demand, BOD and total suspended solids, TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user class' contribution to ensure a proportional distribution of operation and maintenance costs to each user class. (Ord. no. 121 §7(2), 1985.)

13.16.030 Waste discharge surcharge.

The city, or its city engineer, shall assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. (Ord. no. 121 §7(2), 1985.)

13.16.040 User class determination. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD. (Ord. no. 121 §7(3), 1985.)

13.16.050 Rate review.

The city shall review the user rates not less often than every two years and shall revise the system as necessary to assure equity of the service charge established herein and to assure that sufficient funds are obtained to adequately operate and maintain the city water and sewer system and to pay the wastewater treatment contract obligation. (Ord. no. 121 §7(4), 1985.)

13.16.060 Rate notification.

Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. no. 121 §7(5), 1985.)

13.16.070 Board of equalization.

The city council is designated a board of equalization of water and sewer rates and fees to hear

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complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. (Ord. no. 121 §8, 1985.)

Chapter 13.18

PRESSURIZED IRRIGATION

Sections:

13.18.010	Pressurized Irrigation Water Department and System.
13.18.020	Superintendent.
13.18.030	Powers and Duties.
13.18.040	Initial Rates and Connection Fees.
13.18.050	Special Rates.
13.18.060	Board of Equalization, Rates and Rebates.
13.18.070	Use Without Payment Prohibited.
13.18.080	Connections and Extensions.
13.18.090	Connections to be Kept in Good Repair.
13.18.100	Waste of Water Prohibited.
13.18.110	City to Have Unrestricted Access.
13.18.120	City not Liable for Damage.
13.18.130	Water not for Motors.
13.18.140	Water Shortage.
13.18.150	Connection Required.
13.18.160	Taker Only to Use Water.
13.18.170	Turning on Pressurized Irrigation Without Authority.
13.18.180	Destruction of or Interference with System.
13.18.190	Introducing Substances.
13.18.200	Cross-Connections.
13.18.210	Flood-Irrigating from Pressurized System.
13.18.220	Wasting Water—Termination.
13.18.230	Users Outside City Limits.
13.18.240	Mailing of Billing Statement.
13.18.250	Failure to Pay for Service—Termination.
13.18.260	Termination—Notice.
13.18.270	Termination—Appeal.
13.18.280	Termination Without Appeal.
13.18.290	Application for Pressurized Irrigation System Connection and Service.
13.18.300	Nonowner Applicants—Agreement of Owner.
13.18.310	Separate Connections.
13.18.320	Shut-off Valves.
13.18.330	Water Meters.
13.18.340	Extension of Pressurized Irrigation Water Mains Within the City.
13.18.350	Schedule of Use.
13.18.360	Use of Culinary Water.
13.18.370	Penalties.

Section 13.18.010 Pressurized Irrigation Water Department and System.

The Pressurized Irrigation Department of Lindon City is hereby created. It shall administer the operation and maintenance of the Lindon City Pressurized Irrigation System.

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Section 13.18.020 Superintendent

The Lindon City Pressurized Irrigation System shall be under the supervision of the City Public Works Superintendent.

Section 13.18.030 Powers and Duties.

It shall be the duty of the City Public Works Superintendent to supervise, manage, operate and maintain the City's Pressurized Irrigation System in accordance with the provision of the City ordinances and the rules and regulations adopted by the City Council. It shall be his duty to authorize all connections to the City's Pressurized Irrigation System, to keep suitable maps and records of the system and of all connections, repairs, and extensions made to the system. He shall supervise the maintenance of the Pressurized Irrigation System and any and all extension or repairs thereof, inspect all connections made to the system, and shall make periodic inspections of the system and keep a record showing when each part of the system was inspected. He shall, upon request, report to the City Council the condition of the Pressurized Irrigation System and shall furnish such information regarding the same as the Mayor and City Council may from time to time require.

Section 13.18.040 Initial Rates and connection Fees.

The rates, penalty fees for delinquency in payment, connection fees, inspection fees and other charges incidental to connection and services from the Pressurized Irrigation System shall be fixed from time to time by resolution enacted by the City Council. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collection charges for Pressurized Irrigation System services and all other rules necessary for the management and control of the Pressurized Irrigation System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

Section 13.18.050 Special Rates.

The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amount of water service or making use of the secondary water system under exceptional circumstances, upon such terms and conditions as the City Council may deem proper.

Section 13.18.060 Board of Equalization, Rates and Rebates.

The City Council is constituted as a Board of Equalization of Pressurized Irrigation rates to hear complaints and make corrections of any Assessments deemed to be illegal, unequal or unjust.

Section 13.18.070 Use without Payment Prohibited.

It is unlawful for any person to utilize the Pressurized Irrigation System without paying therefore, as herein provided, or, without authority, to open any stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution.

Section 13.18.080 Connections and Extensions.

No connection shall be made to the City's Pressurized Irrigation System and no extension shall be made to any installation served by the Pressurized Irrigation System until a permit has been issued by the City Public Works Superintendent. The City Public Works

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Superintendent shall not issue a permit until the required water shares have been conveyed to the City and all required fees have been paid.

Section 13.18.090 Connection to be kept in Good Repair.

All Pressurized Irrigation System users shall keep their service pipe connections and other Apparatus in good repair and protected from frost at their own expense, but no person, except Under the direction of the City Public Works Superintendent, shall dig into the street, parking strip, sidewalk, or other public property or right-Of-way for the purpose of laying, removing, or repairing any service pipe.

Section 13.18.100 Waste of Water Prohibited.

It shall be unlawful for any Pressurized Irrigation System user, person, or entity to use water from the Pressurized Irrigation System to create, fill, or provide water to any natural or artificial pond or reservoir, or to waste water, or to allow it to be wasted by imperfect stop-taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to continually flow, leak or overflow, or wastefully to run water from faucets or stops or through basins, or other apparatus, or to use the water in such a manner as to cause it to overflow into the neighboring yards, property, streets or sidewalks, or to use water in such quantities as to cause the water to pool, flood, or accumulate on the property so that standing water remains on the ground for a period of more than 30 minutes after the water has been turned off or otherwise diverted from the area, or in violation of the rules and regulations set forth by resolution for controlling the Pressurized Irrigation System service. Any use of water in violation of Section 13.18.360 of this Chapter shall constitute a waste of water. (Ord 97-2, Amended, 04/29/1997; Ord 3-94, Amended, 09/20/1994; Ord. 1-92, Add, 01/15/1992)

Section 13.18.110 City to Have Unrestricted Access.

The City, by its agents, shall at all reasonable hours have unrestricted access to places supplied With water from the Pressurized Irrigation System for the purpose of examining the apparatus to ascertain the amount of water used and the manner of its use.

Section 13.18.120 City Not Liable for Damage.

The City shall not be liable for any damage to a Pressurized Irrigation System user by reason of stoppage or interruption of the pressurized irrigation supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other cause. This section shall not be construed to extend the liability of the City beyond that provided under the Utah Governmental Immunity Act.

Section 13.18.130 Water Not for Motors.

No water shall be supplied from the pipes of the City's Pressurized Irrigation System for the purposes of driving any motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or from driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the City Council.

Section 13.18.140 Water Shortage

In time of shortage of water, the Mayor, with concurrence of the Council, shall by proclamation, limit the use of Pressurized Irrigation water to such extent as may be necessary. The Mayor shall have this authority without concurrence of the Council

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in the case of an emergency. In this event, the proclamation shall be reviewed at the next available regular meeting of the Council. It is unlawful for any person to violate any proclamation made by the Mayor pursuant to this section.

Section 13.18.150 Connection Required.

All record owners and occupants of (i) all residential properties or lots located within the corporate boundaries of Lindon City, and (ii) all institutional properties, school properties, religious institution properties, commercial properties, lots or sites located within the corporate boundaries of Lindon City, whose properties lie within three hundred (300) feet of a Pressurized Irrigation System main line shall connect their properties to the Lindon City Pressurized Irrigation System and pay the applicable fees and charges. This section shall not apply to a record owner or occupant of a residential property who both (i) as of the effective date of the Ordinance enacting this Chapter, has connected the residential property to the Lindon City culinary water system and (ii), prior to the first day of June, 1992, has elected to not connect to the Pressurized Irrigation System. (Ord. 1-96, Amended, 04/22/1996; Ord 13-94, Amended, 09/20/1994; Ord. 1-92, Add, 01/15/1992)

Section 13.18.160 Taker Only to Use Water.

It shall be unlawful to use water from the Pressurized Irrigation System on any portion of the user's property, or any other property, which has not been authorized for such use by Lindon City as evidenced by the map or legal description attached, upon approval, by Lindon City to the user's permit application. Use of Pressurized Irrigation System water on unauthorized portions of a user's parcel or on any other property is grounds for termination of pressurized irrigation water service. A copy of the description of the property approved for pressurized irrigation water service shall be given to the user, either in person or by first-class mail to the address of the property authorized for water use, upon approval of the application. (Ord 97-2, Amended, 04/29/1997; Ord. 1-92, Add, 01/15/1992)

Section 13.18.170 Turning on Pressurized Irrigation Without Authority.

It shall be unlawful for any person, after the Pressurized Irrigation has been turned off by the City, to turn on or allow the water to be turned on or used without authorization from the Lindon Public Works Superintendent. (Ord 13-94, Amended, 09/20/1994; Ord. 1-92, Add, 01/15/1992)

Section 13.18.180 Destruction of or Interference with System.

It shall be unlawful for any person to destroy, deface, damage, injure, or interfere with the operation of any part, pipe, fixture, appliance, or appurtenance of the Lindon Pressurized Irrigation System.

Section 13.18.190 Introducing Substances.

It shall be unlawful for any person to place, cause to be placed, or to introduce into the Lindon Pressurized Irrigation System or any source of water supplying said system any matter, substance, chemical, or compound without authorization from the Lindon Public Works Superintendent.

Section 13.18.200 Cross-Connections.

It shall be unlawful for any person to connect any part of the Pressurized Irrigation System to any part of any culinary water system so as to create a potential cross-

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connection whereby irrigation water could be introduced into any system that provides culinary water.

Section 13.18.210 Flood-Irrigating from Pressurized System.

1. It shall be unlawful for any person to use substantial quantities of water from the Pressurized Irrigation System for the purpose of flood irrigation any property.
2. Flood irrigation for purposes of this section is defined as use of water in such quantities as to cause the water to pool, flood, or accumulate on the property to an average depth of one-half inch or more, or so that standing water remains on the ground for a period of more than thirty minutes after the water has been turned off or otherwise diverted from the area.
3. Except for incidental watering of shrubs, flowers, and other limited use applications, water from the Pressurized Irrigation System used for irrigation of lawns, gardens, and other irrigation applications shall be applied through either a sprinkler or drip irrigation system, including sprinklers attached to garden hoses. (Ord 97-2, Amended, 04/29/1997; Ord. 1-92, Add, 01/15/1992)

Section 13.18.220 Wasting of Water, Flooding, or Use of Water on Unauthorized Property—Termination Notice and Appeal.

1. In the case of violations of provisions of this Chapter regarding the wasting of water, flooding, or the use of pressurized irrigation water on unauthorized property, the City Administrator shall give written notice of the termination for violations of provisions of this Chapter to the user. The notice shall be given by first class mail or delivery to the premises and shall contain a summary of the following information:
 - a. The date of the termination;
 - b. The alleged violation and the date or dates of the alleged violation;
 - c. A description of the account holder's Appeal rights.
2. In the case of violation of provisions of this Chapter regarding the wasting of water, flooding or use of water on unauthorized property, the user must appeal directly to the City Administrator within 48 hours of the receipt of the notice of termination. The Administrator may waive termination upon receipt of a signed written agreement of compliance from the user. The agreement shall be provided by the City and shall include language to insure future compliance by the user. If the user's appeal is denied by the Administrator, the Administrator shall issue a written denial along with the reason for the denial to the user within 24 hours of the appeal.
3. If the user fails to appeal to the City Administrator within 48 hours of receipt of the notice of termination, the user forfeits the right of appeal to the Administrator, is subject to immediate termination of pressurized irrigation water service, and must appeal to the City Council by filing an appeal with the City Administrator as provided in Section 13.18.270.
4. If the user has made a timely appeal to the City Administrator or the City Council, the user's pressurized water service will not be terminated while the user's appeal is pending under appeals procedures provided in this Chapter. (Rod 97-2, Amended, 04/29/1997; Ord. 1-92, Add, 01/15/1992)

Section 13.18.230 Users Outside City Limits.

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The City may sell Pressurized Irrigation water to users outside the City limits only if approved by A resolution of the City Council and at such rates And under such terms and conditions as the City Council may determine by resolution.

Section 13.18.240 Mailing of Billing Statement.

The City Treasurer shall mail a written statement to each user of the Pressurized Irrigation System once each month, or at such other interval as is established by the City Council. The statement shall be a single statement for all sewer, culinary water and pressurized irrigation water service and shall separately specify the amount of the bill for the Pressurized Irrigation System. Payment of the charges for sewer service and culinary water service shall be accepted only when the charge for pressurized irrigation water service is paid at the same time, to the extent allowed by Utah law.

Section 13.18.250 Failure to Pay for Service–Termination.

In case the owner of any of the premises mentioned in Section 13.18.150, or the tenant or Occupant of such premises, shall fail to pay the required fees and charges applicable to the Pressurized Irrigation System, the City, pursuant to the procedure as set forth in this Chapter, may cause the pressurized irrigation water service to be shut off from such premises and the City shall not be required to turn the same on again until all arrears, reconnection fees, and other fees shall be paid in full, to the extent allowed by law. (Rod 97-2, Amended, 04/29/1997; Ord. 1- 92, Add, 01/15/1992)

Section 13.18.260 Termination for Non Payment–Notice.

At least ten calendar days prior to a proposed termination for non payment of pressurized Irrigation water service, the City Treasurer shall give written notice of proposed termination for nonpayment to the account holder. The ten-day period shall be computed from the date such notice is deposited in the mail or the date of actual delivery, whichever occurs first. The notice shall be given by first-class mail or delivery to the premises and shall contain a summary of the following information:

- a. The date of the proposed termination;
- b. The amount of the delinquency;
- c. A description of the account holder's appeal rights.

(Ord 97-2, Amended, 04/29/1997; Ord. 1-92, Add, 01/15/1992)

Section 13.18.270 Termination for Non Payment, Wasting of Water, Flooding, or Use of Water on Unauthorized Property–Appeal to City Council.

Any person whose water, sewer, or pressurized irrigation water service is to be terminated for non payment, may appeal to the City Council by filing a written appeal in the office of the City Administrator within ten days of the effective date of the notice of proposed termination. Any person whose pressurized irrigation water service has been terminated due to violations of provisions of this Chapter regarding wasting of water, flooding, or use of pressurized irrigation service on unauthorized property, and whose appeal either has been denied b the City Administrator or who has failed to make a timely appeal to the City Administrator, may appeal to the City Council by filing a written appeal in the office of the City Administrator within ten days of the effective date of the termination, or the date of denial of the appeal by the City administrator, whichever is later. Any appeal shall be solely for the purpose of reviewing the interpretation given the terms of this chapter

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by the City Administrator and not to vary the terms in any way. Such appeal shall be considered by the City Council within thirty days of receipt of notice.

The person filing the appeal shall be provided with not less than five calendar days prior notice of the date, time and location of the hearing before the City Council. Notice of the hearing shall be given by first-class mail or by delivery to the premises. Upon the filing of the appeal, the City Treasurer in the case of non payment, or the City Administrator in the case of all other violations of this Chapter, shall take no further action with regard to the termination until the City Council makes a final decision on the appeal. If the City Council affirms the decision of the City Administrator regarding the water of water, flooding, or use pressurized irrigation water service on unauthorized property, the pressurized irrigation water service shall remain shut off until the City Council deems that appropriate measures have been taken by the user to insure future compliance with the provisions of this Chapter and all applicable fees have been paid. (Ord 97-2, Amended, 04/29/1997; Ord. 1-92, Add, 01/15/1992)

Section 13.18.280 Termination Without Notice.

Notwithstanding any provision or agreement to the contrary, the City may terminate water, Sewer, and/or pressurized irrigation services without notice where, in the City's judgment, a clear emergency or serious health or safety hazard exists, for so long as such conditions exist, or where there is unauthorized use of or connection to the City water, sewer, or pressurized irrigation system.

Section 13.18.290 Application for Pressurized Irrigation System Connection and Service.

Any person who desires or is required to connect to the Pressurized Irrigation system shall transfer the required water shares to the City, pay the Required connection and other fees and file with the water department for each such connection a written and signed application as provided by the City.

Section 13.18.300 Nonowner Applicants—Agreement of Owner.

Applications for Pressurized Irrigation System service made by persons other than the owner of the property to which service is to be provided must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in the form provided by the City.

Section 13.18.310 Separate Connections.

It is unlawful for separately described parcels (pursuant to the records of the Utah County Recorder) to be supplied from the same city-maintained service valve unless special permission for such combination usage has been granted by the City Council and the premises served are all owned by the same owner.

Section 13.18.320 Shut-off Valves.

Persons connecting to the Pressurized Irrigation System shall be required to provide and install a valve independent of the City's shut-off valve with which they may control the Pressurized Irrigation service to their premises. At no time will a person be allowed to tamper with or operate the City's shut-off valve unless acting under the directions of the Public Works Superintendent.

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Section 13.18.330 Water Meters.

Water meters shall not be installed at each Pressurized Irrigation water connection; provided, however, that the Council may determine that it is necessary to monitor water use through any Pressurized Irrigation water connection or combination of Pressurized Irrigation water connections.

Section 13.18.340 Extension of Pressurized Irrigation Water Mains Within the City.

Any person or persons, including any subdivider who is required to have the Pressurized Irrigation water mains extended within the City, shall do so at their own expense in accordance with the Lindon City development standards. Any such extension shall be deemed the property of the City.

Section 13.18.350 Schedule of Use.

The Public Works Superintendent may schedule the use of the Pressurized Irrigation water, in the event it is determined that the use needs to be scheduled in order to meet the demands of the system.

Section 13.18.360 Unlawful to Use Water on Other Property.

It shall be unlawful for any person to use, apply, or allow to be used or applied any water from the Pressurized Irrigations System on any property for which (i) application has been made to the City for Pressurized Irrigation service, (ii) all related fees have been paid, and (iii) connection and service for the specific parcel and area of property have been authorized by the City. (Ord 13-94, Amended, 09/20/1994; Ord. 1-92, Add, 01/15/1992)

Section 13.18.370 Building Permit.

As to each property which is required to be connected to the Pressurized Irrigation System pursuant to Section 13.18.150 of this Chapter, no building permit shall be issued for construction on said property, unless and until the building permit applicant shall first connect the property to the Pressurized Irrigations System, and provide adequate assurances of connection, in a form acceptable to the City, including the payment of all applicable fees and costs.

Section 13.18.380 Penalties.

- A. Any firm, corporation, person or persons, or any action on behalf of any person, persons, firms or corporation, violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor.
- B. Each person, persons, firms or corporation found guilty of a violation of any provision of this Chapter shall be deemed guilty of a separate offense for every day during which any violation of any provision of this chapter is committed, continued, or permitted by such person, persons, firm or corporation, and shall be punishable as provided in this Chapter.(Ord. 1-92, Add, 01/15/1992)

Chapter 13.19

CITY PRESSURIZED IRRIGATION SYSTEM

Sections:

- | | |
|-----------|-----------------------|
| 13.19.010 | Connection fee. |
| 13.19.020 | User fees. |
| 13.19.030 | Size of service line. |

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13.19.040 Relief provisions.

13.19.010 Connection fee.

The Connection Fee is satisfied by submitting and transferring ownership of the appropriate type and amount of water shares to Lindon City, as listed in the Lindon City Fee Schedule. (Ord 2007-8, amended 06/19/2007, Ord 6-94, Amended, 07/19/1994; Ord. 10-93, Add 05/06/1993)

13.19.020 User fees.

The monthly user fee for the Lindon City Pressurized Irrigation System shall be established by the City Council and is found within the Lindon City Fee Schedule. (Ord 2007-8, amended 6/19/2007, Ord. no. 10-93, enacted 5-93, effective date, 5-6-93.)

13.19.030 Size of service line.

The maximum size of the service line for the Pressurized Irrigation System shall be determined by the City Public Works Director. (Ord 2007-8, amended 06/19/2007, Ord. no. 10-93, enacted 5-93, effective date, 5-6-93.)

13.19.040 Relief provisions.

1. Relief Petition. Any applicant for connection to the Lindon City Pressurized Irrigation System (the "applicant"), may file a Relief Petition with the City Recorder seeking relief from all or part of the City Pressurized Irrigation System connection requirements as contained in this ordinance on the basis that the requirements, as applied to the applicant or to the specific property for which the connection is requested is inequitable, or for any other reason should be modified.
2. Time for filing notice of petition and petition no later than ten (10) calendars days from final action by the City on any connection application, the applicant shall file a Notice of Petition in writing with the City Recorder. Within thirty (30) days of filing of a Notice of Petition, the applicant shall file a Relief Petition with the City Recorder.
3. Information to be submitted with relief petition.
 - a. The Relief Petition must be submitted on a form acceptable to the City, shall be signed by the applicant and verified, and must be accompanied at a minimum by the following information:
 - i. Name of the applicant;
 - ii. Name and business address of the current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture, limited liability company, or other, and if owned by a corporation, partnership, joint venture, or limited liability company, the name and address of all principal shareholders, members, or partners.
 - iii. Price paid and other terms of purchase of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the applicant and the party from whom the property was acquired;
 - iv. Nature of the interest owned by the applicant in the subject property;
 - v. A complete description of all water rights and water shares owned by the applicant;

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- vi. A complete description of all water rights and water shares which have been utilized on the subject property during the ten (10) years prior to the date of the application;
 - vii. A description of all water rights and water shares transferred to the City by the applicant, related to the subject property;
 - viii. A description of all water rights and water shares transferred to the City by any prior owner of the property during the ten (10) years prior to the date of the application, related to the subject property;
 - ix. A complete description of the disposition or sale of all water rights and water shares related to the subject property during the ten (10) year period prior to the date of the application;
 - x. All studies and reports commissioned by the applicant, agents of the applicant, or prior owners of the subject property within the previous ten (10) years concerning water usage, and/or availability, related to the subject property;
 - xi. Information from a title report showing all recorded liens, encumbrances, and ownership interests related to all water rights and water shares related to the subject property as of the date of the petition;
 - xii. Copies of all documents evidencing the existence of decreed water rights and water shares related to the subject property;
 - xiii. The complete detailed factual basis for the applicant's assertion that the connection requirements for the City Pressurized Irrigation System are inequitable or should be modified as to the applicant, related to the subject property for which connection is sought;
 - xiv. A specific description of the modification from the connection requirements for the City Pressurized Irrigation System which the applicant asserts are necessary, to the minimum extent necessary to prevent the requirements from being inequitable, together with the factual basis for said assertion.
- b. The Planning Commission or the City Council may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning the Relief Petition.
4. Failure to submit information. In the event that any of the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.
 5. Hearing by the Planning Commission. No later than (30) days after the filing of a complete Relief Petition, together with all required and requested supporting information and documentation required by the City Council or the Planning Commission, the Planning Commission shall schedule a hearing. The hearing shall be held no later than 30 days after the date of filing, unless a reasonable extension of time is agreed to by both the Planning Commission and the applicant. At the hearing, the applicant may testify, call and examine witnesses, and present facts and evidence. All witnesses shall be sworn and testify under oath.
 6. Burden of proof. The applicant shall have the burden of proving that the

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strict application of the City Pressurized Irrigation Water System Connection requirements are inequitable or should be modified, in whole or in part, as applied to the specific applicant or property for which a connection is sought.

7. Findings of the Planning Commission. The Planning Commission shall, on the basis of the evidence and testimony presented, make specific findings as part of its report and recommendations to the City Council, which may include the following:
 - a. Whether the applicant has complied with the requirements for presenting the information to be submitted with a Relief Petition;
 - b. A determination as to all water rights and water shares which have been previously transferred to the City with regard to the subject property;
 - c. Whether, in the opinion of the Planning Commission, the imposition of the connection requirements, are inequitable or should be modified, as applied to the applicant or to the subject property.
8. Report and recommendations of the Planning Commission.
 - a. The Planning Commission, based upon the evidence and findings, shall make a report and recommendation to the City Council concerning the Relief Petition.
 - b. If the Planning Commission recommends to the City Council approval of the Relief Petition, in whole or in part, then the report of the Planning Commission shall discuss the type and extent of modifications necessary, in the opinion of the Planning Commission, to prevent the water connection requirements from having an inequitable effect.
 - c. The report and recommendation shall be submitted to the City Council and mailed to the applicant no later than 30 days after the hearing.
9. City Council review and consideration. 60 days after receipt of the Planning Commission's report, the City Council shall hold a hearing to review the report and recommendations of the Planning Commission. At the hearing, the applicant may testify, and examine witnesses, and present facts and evidence. All witnesses shall be sworn and testify under oath. At the hearing the City Council may limit the testimony and evidence to new testimony and evidence. The City Council shall approve, in whole or in part, or disapprove the Relief Petition. The City Council may modify or waive the Pressurized Irrigation System connection requirements to the extent reasonably necessary to prevent the Pressurized Irrigation System connection requirements from being inequitable as to the applicant or as to the subject property and may condition such modification or waiver upon approval of specific development plans. The City Council may take such action without the necessity of re-submission of the petition to the Planning Commission.
10. Findings of the City Council. The City Council shall, on the basis of the Report and Recommendation of the Planning Commission and the evidence and testimony presented, make specific findings as part of its decision. The findings may adopt, change, or modify the findings of the Planning Commission.
11. Decision of the City Council. The decision of the City Council shall be mailed to the Applicant no later than 30 days after the hearing.
12. Decision final. The decision of the City Council shall be final. (Ord. No. 2002-1, Amended 1/15/02; Ord 10-93, Add, 05/05/1993)

Chapter 13.20

WASTEWATER DISCHARGES

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Sections:

13.20.010	Purpose.
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13.20.030	Permit--Nontransferable.
13.20.040	Permit--Limitations-Amendment.
13.20.050	Prohibited discharges--Storm water.
13.20.060	Prohibited discharges--Specific categories.
13.20.070	Commercial garbage grinders.
13.20.080	Federal categorical pretreatment standards--Supercession of chapter limitations.
13.20.090	Federal categorical pretreatment standards--modification.
13.20.100	Specific pollutant limitations.
13.20.110	Application of state requirements.
13.20.120	POTW right of revision.
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13.20.160	Permit--Application.
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13.20.230	Monitoring facilities.
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13.20.260	Sampling.
13.20.270	Pretreatment.
13.20.280	Confidential.
13.20.290	Option to contract for administrative services.
13.20.300	Amendments to guidelines.

13.20.020 Purpose.

It is the explicit purpose of this chapter to achieve the following:

1. Protect the operation of the city sewer system and the Orem City Publicly Owned Treatment Works, POTW;
2. To prevent inadequately treated pollutants from passing through such works; and
3. To ensure the city of Orem's compliance with its NPDES permit. (Ord. no. 121 §34(a), 1985.)

13.20.020 Permit--Contents.

The permit for industrial wastewater discharge may require pretreatment of industrial waste waters before discharge, restriction of peak flow discharges, discharge of certain waste waters only to specified sewers, relocation of points of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day payment of additional charges to defray increased costs of the city created by the wastewater discharges and such other conditions as may be required to effectuate No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater roof runoff, Subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which storm water may be polluted at times and may be discharged to the sanitary sewer by permission of the superintendent. Storm water other than that exempted above

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and all other unpolluted drainage shall be discharged to such sewers or storm sewers or to natural outlets approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet. (Ord. no.121 526(a), 1985.)

13.20.030 Permit--Nontransferable.

No city permit for industrial wastewater discharge is transferable without the prior written consent of the superintendent. (Ord. no.121 §34 (b), 1985.)

13.20.040 Permit--Limitations- Amendment.

No person shall discharge industrial waste waters in excess of the quantity or quality limitations set by his permit for industrial wastewater discharge. Any person desiring to discharge waste waters or use facilities which are not in conformance with its industrial wastewater permit must apply to the superintendent for an amended permit. Such amended permit shall be granted, provided its terms shall comply with this chapter. (Ord. no. 121 §34©), 1985.)

13.20.050 Prohibited discharges--Storm water.

It is the explicit purpose of this chapter to achieve the following:

1. Protect the operation the city sewer system and the Orem City Publicly Owned Treatment Works, POTW;
2. To prevent inadequately treated pollutants from passing through such works; and
3. To ensure the city of Orem's compliance with its NPDES permit. (Ord. no. 121 §34(a), 1985.)

13.20.060 Prohibited discharges--Specific categories.

No user shall contribute or cause to be contributed directly or indirectly, any pollutant

Or wastewater which will interfere with the operation or performance of the Orem City Publicly Operated Treatment Works, herein referred to as POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical Pretreatment Standards or requirements. A user may not contribute the following substances to the city sewer system:

1. Explosives. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent (ten percent of the lower explosive limit (LULL)) of the meter.
2. Solids. Except as authorized in Schedule 1 of the Orem City Wastewater Control Ordinance Controlled Limited Pollutants, solid or viscous substances which may cause obstruction of the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited: grease, garbage with particles greater than one-quarter inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar or asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing

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wastes.

3. Corrosives. Any wastewater having a PH less than 6.5 or more than 8.5, or wastewater having any other corrosive equipment, and/or personnel of the POTW.
4. Toxic. Any wastewater containing toxic pollutants, except as authorized in said Schedule 1, Controlled Limited Pollutants, which either singly or by interaction with other pollutants, cause injury or interference with any wastewater treatment process or constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, contaminates the sludge of any POTW systems, or exceeds the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(1) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251/ et seq., herein referred to as "the Act."
5. Noxious. Any malodorous liquids, gases, or solids which either singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
6. Untreatable. Any substance which may cause the POTW's effluent or any other Product of the POTW, such as residues, sludge, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
7. NPDES permit violation. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
8. Objectionable Color. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions,
9. Temperature. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference or cause the temperature at the headworks of the POTW treatment plant to exceed one hundred four degrees Fahrenheit.
10. Slug Loads. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four hour concentration, quantities, or flow during normal operation
11. Radioactive. Any wastewater containing any radioactive wastes or isotope of such half-life or concentration as may exceed limits established by the POTW manager in compliance with applicable state or federal regulations.
12. Hazard. Any wastewater which causes a hazard to human life or creates a public nuisance. (Ord. no. 121 §26(b), 1985.)

13.20.070 Commercial garbage grinders. Mechanically operated grinder or disposers for

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producing ground garbage are permitted in commercial establishments. Every such grinder or disposer shall be so designed and installed:

1. That it shall use a wet process pulping system, including a pulper and a de-watering press, or other devices, which discharge at least seventy-five percent of the volume of pulp or solid wastes run through it into a garbage can or other container for transport to a proper and lawful garbage or waste disposal site approved by the Utah State Department of Health;
2. That it shall utilize a closed loop or other design which provides for a minimum for eighty-five percent use of circulated water;
3. That the fluid discharged therefrom into the sewer shall flow readily through an approved trap or interceptor drain line or soil line in a manner which prevents clogging or stoppage of the drain line;
4. That the entire installation shall comply in all particulars with the applicable provisions of state and local plumbing and electrical codes;
5. That said grinders will be operated with only cold water flowing into the grinder while connected to the city sewer. The final decision regarding sufficiency of grinder installation for the foregoing requirements rest solely with the POTW manager. (Ord. no. 121 §26©), 1985.)

13.20.080 Federal categorical pretreatment standards-- Supercession of chapter limitations.

Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to 400 CFR, Section 403.6, the federal standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. The POTW manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. no. 121 §27, 1985.)

13.20.090 Federal categorical pretreatment standards-- modification.

Where the POTW's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the POTW may apply to the director in an NPDES state with an approved State Pretreatment Program, and the Administrator of the EPA in a non-NPDES state or NPOES state without an approved State Pretreatment Program, herein referred to as the "approval authority," for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in Section 403.7©(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The POTW may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained. (Ord. no. 121 §28, 1985.)

13.20.100 Specific pollutant limitations.

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No person shall discharge wastewater containing in excess of the controlled discharge wastewater containing in excess of the Controlled Limited and Controlled Admissible Pollutants, as established by the POTW from time to time and as set forth in Schedules 1 and 2 of the Orem City Wastewater Control Ordinance. (Ord. no. 121 §29, 1985.)

13.20.110 Application of state requirements.
State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained herein. (Ord. no. 121 §30, 1985.)

13.20.120 POTW right of revision.
The POTW shall have the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 27-69 of the Orem City Wastewater Control Ordinance. (Ord. no. 121 §31, 1985.)

13.20.130 Discharge dilution prohibited.
No user shall ever dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the POTW or state. (Ord. no. 121 §32, 1985.)

13.20.140 Permit--Authority to discharge. No person shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly into sewage facilities owned by the city without first obtaining a permit for industrial wastewater discharge from the superintendent. (Ord. no. 121 §33, 1985.)

13.20.150 Permit--Required.
All industrial users now connected or proposing to connect to the city sewer system shall obtain a wastewater discharge permit before connecting to and/or discharging to the city sewer system (Ord. no. 121 §35, 1985.)

13.20.160 Permit--Application.
Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city and accompanied by a fee as set forth in the schedule of fees for the city sewer system. All existing industrial users shall apply for a wastewater discharge permit prior to December 31, 1985, and proposed new industrial users shall apply at least ninety days prior to connecting to or contributing to the city sewer system. In support of the application, the user shall submit, in units and terms appropriate for evaluation the following information:

1. Name, address, and location of discharge (if different from the address);
2. SEC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater quantity and quality. Quality characteristics include, but are not limited to, those mentioned in Sections 13.20.050 through 13.20.070 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures established by the EPA pursuant to Section 204(h) of the Act and contained in 40 CFR, Part 135, as amended;

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4. Time(s) and duration of discharges;
5. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation. If deemed necessary by the city, such plans shall provide for separate systems for handling sanitary and industrial wastewater;
7. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
8. Where known, the quantity and specific nature of any pollutants in the discharge which are limited by the city, state or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operations and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
9. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment requirements.
10. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment requirements,
 - b. No increment referred to in subdivision 1 of this subsection shall exceed nine months,
 - c. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established;
 - d. Any other information as required by the city to evaluate the permit application. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit. (Ord. no. 121 §36, 1985.)

13.20.170 Permit--Modification.

Upon enactment of a National Categorical Pretreatment Standard and within the time prescribed thereby, the wastewater discharge permit of users subject to such standards shall be revised to require compliance therewith. Where a user subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within thirty days after notice of the enactment of the applicable National Categorical Pretreatment Standard. The user with an existing wastewater discharge permit shall submit to the city within thirty days after such notice, the information required by Subsections H and I of Section 13.20.160. In addition to the foregoing, the terms and

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conditions of the permit shall be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the city. (Ord. no. 121 §37, 1985.)

13.20.180 Permit--Conditions.

Wastewater discharge permits shall be expressly subject to all provisions hereof and all other applicable regulations, user charges and fees established by the city. Permits may contain, but are not limited to, the following information:

1. Payment of the then current unit charge or schedule of user charges and fees for the wastewater to be discharged to the city sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city, and affording city access thereto;
9. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of the city of slug discharges;
11. Requirements for separate systems to handle sanitary and industrial wastewater or such that in the event that the user's industrial wastewater is or could cause an interference or a potential interference with the city sewer system, that the industrial wastewater could be severed, preventing discharge into the city sewer system and still allow the user's sanitary wastewater to discharge into the city sewer system;
12. Requirements that each industrial user provide protection from accidental discharge of prohibited materials or other substances regulated herein. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing industrial users shall complete such a plan by December 31, 1985. No industrial user who commences contribution to the city sewer system after the effective date hereof shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the city

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and the Orem City POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions:

- a. Written Notice. Within fifteen days following an accidental discharge, the industrial user shall submit to the city and the Orem City POTW manager a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred by the city as a result of damage to the city sewer system, to the Orem City POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
- b. Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure;
- c. Other conditions as deemed appropriate by the city. (Ord. no. 121 §38, 1985.)

13.20.190 Permit--Duration.

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specified date. The user shall apply for permit re-issuance a minimum of one hundred eighty days prior to the expiration of the user's existing permit. Any permit may be canceled or terminated for failure to comply with the requirements hereof. (Ord. no. 121 §39, 1985.)

13.20.200 Permit--Approval.

Upon receipt of all required information; the application shall be processed. When properly executed by the city, the application form shall constitute a valid permit for industrial wastewater discharge. The application shall be approved if the applicant has complied with all applicable requirements of this chapter. (Ord. no. 121 §40, 1985.)

13.20.210 Compliance date report.

Within ninety days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, follows commencement of the introduction of wastewater into the city sewer system any user subject to pretreatment standards and requirements shall submit to the city and to the Orem City POTW manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average minimum, and maximum daily flow and times for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional engineer. (Ord. no. 121 §41, 1985.)

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13.20.220 Periodic compliance reports.

1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the city sewer system, shall submit to the city and to the Orem City POTW manager during the months of April and October, for the respective preceding six-month period, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows during the reporting period. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles' etc., the city may alter the months during which the above reports are to be submitted.
2. The city may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection 1 of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304(h) of the Act and contained in 40 CER, Part 136 and amendments thereto, or with any other test procedures approved by techniques approved by the EPA Administrator. (Ord. no. 121 §42, 1985.)

13.20.230 Monitoring facilities.

1. The user shall provide and operate, at its expense, monitoring equipment and facilities approved by the city, sufficient to allow inspection, sampling, and flow measurement of the building sewer systems. The monitoring equipment and facilities shall be situated on the user's premises or such other location as allowed by the city.
2. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
3. Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following written notification to the user by the city. (Ord. no. 121 §43, 1985.)

13.20.240 Inspection--Access.

All users shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of its duties. The city, approval authority, state and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and

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clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without unreasonable delay, for the purposes of performing their specific responsibilities. (Ord. no. 121 §44, 1985.)

13.20.250 Inspection--Failure to permit.

In the event a duly authorized officer or agent of the city is refused admission for any purpose, the city may cause sewer service to the premises in question to be discontinued until the city's agents have been afforded reasonable access to the premises and sewer system to accomplish the inspection and/or sampling. (Ord. no. 121 §45, 1985.)

13.20.260 Sampling.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with standard methods. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream manhole in the city sewer nearest to the point at which the building sewer is connected to the public sewer. (Ord. no. 121 §46, 1985.)

13.20.270 Pretreatment.

1. Users shall provide all necessary wastewater pretreatment as required to comply herewith. Any monitoring equipment and facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated/ and maintained at the user's expense. Such facilities required by the city may include the requirement for separate systems to handle sanitary and industrial wastewater so that both can be discharged into the city collection system independently of each other, detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be approved in writing by the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user for the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions hereof. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
2. The city shall annually publish in a newspaper of general circulation within the boundaries of the city, a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or Approval Authority upon request. (Ord. no. 121 §47, 1985.)

13.20.280 Confidential.

1. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the 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 of the user.
2. When requested by the user furnishing a report, the portions of a report which

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might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related thereto, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the pretreatment requirements; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the user furnishing the report.

3. Information accepted by the city as confidential shall not be transmitted to any governmental agency by the city until and unless a ten-day written notification is given to the user by certified mail or personal service. (Ord. no. 121 §48, 1985.)

13.20.290 Option to contract for administrative services.

The city has the option to contract with any governmental or private entity to provide such administrative services as deemed necessary. Such governmental entity could provide the following services, but would not be limited to the following except by contract with each entity:

1. Permit processing;
2. Monitoring facilities;
3. Inspection and sampling;
4. Pretreatment processing;
5. Enforcement action;
6. Laboratory analysis. (Ord. no. 121 §49, 1985.)

13.20.300 Amendments to guidelines.

As EPA adds or amends specific pretreatment and effluent guidelines, or as the city deems necessary, the restrictions or conditions of a permit for industrial wastewater discharge may require amendment, as circumstances dictate. The city shall require an industrial discharger to establish an abatement time schedule to comply with any changes in the industrial wastewater permit. (Ord. no. 121 §50, 1985.)

Chapter 13.22

STORM WATER UTILITY

Sections:

13.22.010	Purpose
13.22.020	Definitions
13.22.030	Storm water utility
13.22.040	Storm water utility fee
13.22.050	Billing

13.22.010 Purpose

The purpose of this ordinance is to protect the health, safety and welfare of the city and its inhabitants by improving the city's storm water system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the city's water supply and other receiving waters, and establishing a viable and fair method of financing the construction, operation and maintenance of

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the storm water system.

(Ord. 97-14, Repeal and Replace, 09/16/1997; Ord. 11-95, Add, 07/18/1995)

13.22.020 Definitions

The following bolded words and phrases shall be defined as follows:

1. **Developed parcel.** Any parcel that has been altered from its natural condition by grading, filling, compacting the soil, hardening the surface of the property, constructing improvements on the property, or installing any other impervious surfaces on the property.
2. **Equivalent Service Unit ("ESU").** The average amount of impervious surface, expressed in square feet, on developed single family residential parcels in Lindon City.
3. **Impervious surface.** Any hard surface, other than the natural condition of the surface of the soil that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at greater rates of flow than the natural condition of the surface of the soil otherwise would. (Ord. 97-14, Add, 08/23/2000)

13.22.030 Storm water utility

1. **Creation.** The city council hereby creates and establishes a storm water utility as part of the city's overall sewer system. The storm water utility shall plan, design, construct, maintain, administer and operate the city's storm water system.
2. **Enterprise fund.** The city council may establish a storm water utility enterprise fund. Once established, all fees collected shall be deposited in the fund and the fund shall only be used to pay expenses related to the construction, maintenance and operation of the storm water utility. After establishment, any storm water fees collected shall not be commingled with or transferred to other city funds. However, the storm water utility may pay other city funds for services and expenses directly attributable to the storm water utility. The enterprise fund shall be operated according to State law and city policy.
3. **Facilities and assets.** Once established as an enterprise fund, the storm water utility shall operate independently of city operations funded by the general fund. The storm water utility shall have the same relationship to the city as other city utilities, such as the water utility and the sanitary sewer (waste water) utility. Upon creation of the utility, all of the city's storm water facilities and assets shall be transferred to the storm water utility in consideration for the storm water utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the city's storm water system.
4. **Administration.** The storm water utility shall be administered by the city's public works director. (Ord. 97-14, Add, 08/23/2000)

13.22.040 Storm water utility fee

1. **Imposed.** Each developed parcel of real property in the city shall be charged a storm water utility fee.
2. **Equivalent service unit.** The fee shall be based on the number of equivalent service units (ESUs) contained in the parcel. The city council finds that the ESU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm water utility. Based on engineering studies completed in the Utah County

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area, the city council finds and establishes that one ESU equals two thousand eight hundred twenty (2,820) square feet of impervious surface area.

3. Calculation. Based on engineering data, the city council finds that each single family residential unit contributes approximately the same amount of storm water runoff rate, one ESU. All multi-family residential parcels shall pay a multiple of this base rate, expressed in ESUs, according to the measured impervious area on the parcel. The city council may adopt separate rates for Performance Developments, condominiums and other uses that are not easily handled under the standard rate schedule.
4. Charge per ESU. The amount charged for each ESU shall be established from time to time by public hearing and by resolution of the city council.
5. Exemptions and credit. The city council may establish exemptions and credits to the storm water utility fee by resolution.
6. Policies. The public works director may adopt policies, consistent with this ordinance and any resolutions passed by the city council, to assist in the application, administration and interpretation of this ordinance and any resolutions related to the storm water utilities.
7. Appeals. Any person or entity that believes that this ordinance, or any storm water utility rate resolution, was interpreted or applied erroneously may appeal to the city administrator. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The city administrator may elect to hold a hearing on the appeal. The city administrator shall respond to the appeal in writing within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the city administrator's decision, a further appeal may be made to the city council. The appeal to the city council shall follow the same procedures as the appeal to the city administrator. The city council's decision shall be final and binding on all parties.
8. Storm water utility fee waiver.
Eligibility Requirements.
 - a. Eligible persons. Any low income person who meets the income requirements is eligible to apply for a waiver of the municipal storm water utility fee on that person's owner occupied primary residence or on a residence where the person is a tenant.
 - b. Application process. The fee waiver application must be filed at the time of initiation of service, or on or before the first day of the month preceding the effective date of the waiver with the city.
 - c. Required information. The application must set forth adequate facts to support the Person's eligibility for waiver to include:
 - i. A statement certifying that the applicant's household income does not exceed the maximum allowable yearly income as promulgated by the State of Utah to qualify for property and income tax abatements. Household income means all taxable or non-taxable income from all sources including, but not limited to, gross income, net rents, interest, alimony, support payments, disability payments, public assistance payments, retirement income, and social security benefits. Household income does not include relief in kind supplied by a public agency.
 - ii. The city may require proof of residency for at least ten (10) months of the year;
 - iii. Signatures of both husband and wife are required if the waiver they seek is on a residence

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owned in joint tenancy.

d. Claim limits. A person may request a waiver on only one primary residence.

e. Approval of application. The City

Treasurer may approve the application if the appropriate documentation as set forth above is provided by the applicant

or the applicant can provide adequate proof that they have qualified for and been granted an abatement or "circuit breaker" allowance from Utah County or the State of Utah on their property taxes or income taxes.

f. Renewal. A citizen receiving this fee waiver must re-apply annually. (Ord. 98-5, Amended, 10/03/2000; Ord. 97-14, Add, 08/23/2000)

13.22.050 Billing

The city council finds that the city's storm water system, sanitary sewer system, culinary water system, secondary water system, and solid waste collection system are interrelated services that are part of a unified city plan to provide for the health, safety and welfare of the city and its residents and the environment. The fees charged for each of the services listed above shall be contained in a unified billing statement and billed monthly by the city. If there is no regular utility bill for the property, the storm water utility fee shall be charged directly to the owner of the property. The fee shall be deemed a civil debt owed to the city by the person or entity contracting for the city utility services provided to the property, or if there is no such contracting person or entity, then it is a civil debt owed by the record property owner. All properties shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the storm water utility service. Failure to pay any portion of the utility bill may result in the termination of any and all services provided by the city, including culinary or secondary water service. (Ord. 97-14, Add, 08/23/2000)

Chapter 13.23

STORM DRAINAGE

Sections:

- 13.23.010 Findings
- 13.23.020 Definitions
- 13.23.030 Purpose
- 13.23.040 Prohibited Obstructions, Exceptions
- 13.23.050 Reduction of Storm Flow
- 13.23.060 Prohibited Discharge
- 13.23.070 Prohibited Storage and Littering
- 13.23.080 Requirements for Sumps
- 13.23.090 Storm Water Connections, Record Drawings
- 13.23.100 Authority to Inspect
- 13.23.110 Requirement to Monitor and Analyze
- 13.23.120 Notice of Violation
- 13.23.130 Damage to Storm Water System or Irrigation Lines
- 13.23.140 Manhole Covers
- 13.23.150 Drinking Water Protection
- 13.23.160 Piping of Existing Drainage and Irrigation Facilities
- 13.23.170 Storm Water Pollution Prevention Plan
- 13.23.180 Inspection and Entry
- 13.23.190 Alleviation of Dangerous Conditions and Stop Work Order
- 13.23.200 Long Term Storm Water Pollution Prevention and

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13.23.210	Maintenance Plan
13.23.220	Prohibited Activities
13.23.230	Requirements for Proposed Developments
13.23.230	Requirements for Construction Activities (Excluding Construction of a Single Family Residence which disturbs less than one acre of land and is not part of a larger common plan of development or sale that disturbs one acre or more of land.)
13.23.240	Requirements for Construction of a Single Family Residence which disturbs less than one acre of land and is not part of a larger common plan of development or sale that disturbs one acre or more of land.
13.23.250	Requirements for Existing Developments
13.23.260	Violations and Enforcement
13.23.270	Compliance with Federal and State Law
13.23.280	Lindon Storm Water Management Program

13.23.010 Findings

The city council:

1. Has found it necessary and determined that the public interest, convenience, health, welfare and safety requires that all water generated from individual construction, commercial, industrial, and public use developments and subdivisions be confined and disposed of in a flood control storm drain system; and
2. Has adopted as part of the city's general plan a storm drainage master plan prepared by the city engineer relating to the disposition of surface waters in a storm drainage system; and
3. Has found that each area which is proposed to be subdivided, developed or built upon does in fact generate additional runoff water which needs to be disposed of in a safe manner, avoiding damage and hazards to the inhabitants of the city; and
4. Has found it is necessary that certain improvements be constructed upon or in close proximity to residential, commercial, industrial and public use developments in order to carry the surface runoff water to appropriate storage, disposition areas and other facilities identified in the storm drainage master plan; and
5. Has found that the costs of construction of the improvements must be borne by the developer or builder of the proposed project.

13.23.020 Definitions

The following words and phrases shall be defined as follows for the purpose of this Chapter:

1. Best Management Practices (BMP's): A wide range of management procedures, schedules or activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMP's also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. A list of BMP's can be found in the Lindon Storm Water Management Program (LSWMP).

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2. Catch Basin: A drain inlet designed to keep out large or obstructive matter.
3. City Manager: The Lindon City Manager, or designee.
4. Debris: Any dirt, rock, sand, vegetation, rubbish or litter.
5. De-chlorinated Water: Water with all traces of chlorine removed.
6. Detention Basin: A depression designed to detain storm water runoff so downstream storm water resources are not over-taxed. A detention basin contains an inlet and an outlet, allows, debris to settle out, and regulates water flow.
7. Development: Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, and construction, alteration or remodeling of buildings or other structures, and any activities on a construction site, as determined by the Public Works Director, the Community Development Representative, or City Engineer, that create conditions that may generate erosion, sediments, hazardous materials, or pollutants that can impact or affect the storm drain system or the waters collected thereby.
8. Director: The Public Works Director of Lindon City or his duly appointed deputy, agent, or representative.
9. Disturb: To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, paving, excavation, and construction of buildings or other structures.
10. Drain Inlet: A point of entry into a sump, detention basin, or storm drain system.
11. Emergency Condition: Any condition in which time is of the essence in stopping, limiting, repairing, or alleviating any condition that poses at threat to public health, welfare or safety, creates a serious risk to person, property or environment, or which creates a substantial risk of damage to the City's storm water system.
12. Hazardous Material: Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to any hazardous substance designated under 40 CFR part 116 pursuant to section 311 of the Clean Water Act.
13. Illicit Connection: Illicit connection means either of the following;
 - a. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
 - b. Any drain or conveyance connected to or discharging to the storm drain

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- system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.
14. **Illicit Discharge:** Any non-storm water discharge to the storm water system. Illicit discharges include both direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the storm water system) and indirect connections (e.g. infiltration into the storm water system or spills collected by drain inlets), except discharges allowed pursuant to a UPDES Permit(other than the UPDES Permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
 15. **Land Development:** Any development of a parcel, lot, subdivision plat or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development.
 16. **Non-Storm Water Runoff .** Any runoff other than storm water.
 17. **NPDES: National Pollutant Discharge Elimination System.** As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.
 18. **Person:** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.
 19. **Pollutant:** Dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, 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, articles, and accumulations, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, sanitary sewer overflows, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.
 20. **Pretreatment:** A structure or process that entirely or partially removes pollutants from storm water.
 21. **Redevelopment:** Alterations of a property that change the footprint of a site or building.
 22. **Runoff:** That part of precipitation, snow melt, or irrigation water that runs off the land. It can carry pollutants from the air and land into the receiving waters.
 23. **Storm Drain:** A closed conduit for conducting collected storm water.
 24. **Storm Water System:** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, storm drains, and ground water owned and operated by the City, which is designed and used for collecting or conveying storm water. The storm water system is also referred to as a “municipal separate storm sewer system” or “MS4.”

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25. Storm Water: Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.
26. Sump: A formalized underground structure, generally surrounded by drain rock, that releases water into the surrounding sub-soil.
27. UPDES: Utah Pollutant Discharge Elimination System. A state permit program designed to regulate and control discharges into surface waters of the State. A UPDES permit is typically required prior to discharging any waste water to surface water, including storm drainage discharges, well drilling activities, industrial processing, etc.(Ord. 2006-9, Ord. amended 06/20/2007, ord 97-14, add 08/23/2000) amended Ord. 2011-10 12/6/11)

13.23.030 Purpose

The purposes of this Chapter are as follows:

1. To minimize the introduction of pollutants into the Storm Water System.
2. To comply with State and Federal laws and regulations.
3. To provide a means to monitor and control discharges in to the Storm Water System.

13.23.040 Prohibited Obstructions, Exceptions.

1. Prohibited Obstructions. It is unlawful for any person to;
 - a. Obstruct the flow of water in the storm water system.
 - b. Contribute to the obstruction of the flow of water in the storm water system.
 - c. Cover or obstruct any storm drain inlet.
2. Exception. The following obstructions are exempt from the prohibitions of this Section:
 - a. Street or improvement projects authorized by the City.
 - b. Flood control and prevention activities performed by the City.
 - c. Obstructions approved by the City as part of a site's construction or post construction storm water pollution prevention plan.
 - d. Obstructions occurring during clean-up periods established by the City, provided that the materials are placed according to City directions and do not obstruct storm drain inlets.

13.23.050 Reduction of Storm Flow

A developer must provide for a controlled rate of release of storm water exiting the project not to exceed 0.20 cubic feet of water per second per acre. The amount of storm water exiting the project cannot exceed the amount calculated above, but may be further restricted by the capacity of existing storm drains or drainage facilities as determined by the city engineer. Restrictions to the controlled the rate of release will require that detention storage be provided.

13.23.060 Prohibited Discharges.

1. Illicit Discharges. It is unlawful for any person to cause or allow an illicit discharge or to allow pollutants to enter the storm water system.

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2. Exceptions. The following discharges to the storm water system shall not be considered to be illicit discharges and shall be exempt from the prohibitions of this Section:

- a. Discharges regulated under a valid National Pollutant Discharge Elimination System (NPDES) storm discharge permit, provided that the discharges comply with the terms of the permit.
- b. Discharges from water line flushing performed by the City.
- c. Discharges from sprinkled landscaped irrigation or sprinkled lawn watering.
- d. Discharges from non-commercial car washing.
- e. Discharges from natural riparian habitat or wetland flows.
- f. Discharges from natural groundwater flows directly to a piped storm water system.
- g. Discharges from air conditioning condensation.
- h. Discharges from fire fighting or emergency management activities.
- i. Discharges of de-chlorinated water from swimming pools.
- j. Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.
- k. Discharges resulting from actions by a public utility, the City, or any other governmental entity to remove or alleviate an emergency condition, including the restoration of utility service or the reopening of a public thoroughfare to traffic.
- l. Discharges resulting from actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition.
- m. Discharges from bona fide agricultural and farming operations, provided that the agricultural and farming operations constitute the principal use of the parcel, provided that such use of the parcel does not conflict with the City's zoning ordinance, and that the discharges are deemed by the City to have a negligible or minimal impact on the Storm Water System as to both amount of discharge and level of pollutants in the discharges.

13.23.070 Prohibited Storage and Littering

It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that, in the opinion of Lindon City, is likely to result in the discharge of the pollutant or hazardous material to the storm water system.

13.23.080 Requirements for Sumps

It is unlawful for any person to construct a sump in the City unless (1) the sump has been approved by the City, (2) the sump is designed to separate sediments, oils and grease and floatables from the storm water, and (3) the sump complies with applicable Lindon City Construction Standards and Specifications.

13.23.090 Storm Water Connections, Record Drawings

Any person connecting to the storm water system shall provide the Lindon City Public Works Department with record drawings showing the details and the location of the connection. The plans shall be in a format that is acceptable to Lindon City. In addition, the City may request proof that an applicant has secured, or is in the process of securing, any discharge permits that the intended development or land

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use may be required to obtain from state, or federal entities. The City, in its discretion, may condition connection to the storm water system upon the issuance of such permits, or upon applicant meeting certain steps, which the City may identify in writing, in securing such a permit. Nothing herein shall be construed as authorizing the City to impose any conditions or requirements in addition to state or federal requirements for such a permit, nor shall anything herein be construed as requiring the City to monitor, implement, or assume responsibility for enforcement of any discharge permit issued by state or federal entities.

13.23.100 Authority to Inspect

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever Lindon City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, the City may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. The City shall not be required to seek assistance from any court to enter private property and inspect, if such actions are necessary to alleviate, abate, or resolve an emergency condition.

13.23.110 Requirement to Monitor and Analyze

1. Inspection During Construction or Development Activities: If Lindon City testing or inspections indicate that a site is discharging storm water at a rate greater than the maximum allowed rate, is causing or contributing to storm water pollution, illegal discharges, or non-storm water discharges to the storm water system or waters of the United States, and if the violations continue after notice from the City, the City may require any person engaged in the illicit activity and/or the owner or operator of the site to provide, at his own expense, monitoring and analyses required by the City to determine compliance with this Chapter.
2. Post Construction Maintenance and Inspection. All development in which private storm water system improvements are made, except for the construction of a single family home with its associated on-site improvements, which disturbs less than one acre land and is not part of a larger common plan of development or sale that disturbs one acre or more of land, must enter into a storm water maintenance plan as required by this Chapter, shall inspect the improvements at least once on an annual basis, and shall provide the City with a written report of the findings of such inspection, including any damages, defects, or deficiencies related to the improvement. In addition to the rights to inspect as provided in this Chapter, the City shall inspect the improvements at least once every five years, but may inspect the improvements more frequently as it determines in its sole discretion.

13.23.120 Notice of Violation.

Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, the City will order compliance by written notice of violation to the responsible person. Such notice may require without limitation;

- a. The performance of monitoring, analyses, and reporting;

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- b. The elimination of illicit connections or discharges;
 - c. The violating discharges, practices, or operations shall cease and desist.
 - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
 - e. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
 - f. The implementation of detention, source control, or treatment BMPs.
2. The City is not required to provide the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:
- a. the violator has committed the same violation in the past;
 - b. the violation, in the opinion of the City, creates a serious risk to person, the environment or property; or
 - c. the City deems the violation to constitute an emergency.

13.23.130 Damage to Storm Water System or Irrigation Lines

Any person who damages any portion of the storm water system, a City-owned irrigation line, or a City-maintained irrigation line shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with the City's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm water system without permission from the Director

13.23.140 Manhole Covers

It shall be unlawful to open any storm water manhole or other storm water fixture (such as grates, lids or inlets) without permission from the Director.

13.23.150 Drinking Water Protection

All storm water and non-storm water discharges shall comply with the City's drinking water source protection ordinance.

13.23.160 Piping of Existing Drainage and Irrigation Facilities

Any open irrigation or drainage ditches which are located within or along the borders of any proposed development must be piped or otherwise covered, or remain open, as a condition of development approval, at the discretion of the Planning Commission. The developer shall be responsible for the design and construction of the required improvements. If the ditch has been identified in the storm drainage master plan as needing increased capacity, the City Council may elect to have the city participate in the costs of the increased capacity required when piping such a ditch.

13.23.170 Stormwater Pollution Prevention Plan

A Stormwater Pollution Prevention Plan as outlined in the Lindon Storm Water Management Program and which complies with all requirements contained therein, shall be submitted with all site plan or improvement plan applications.

13.23.180 Inspection and Entry

The applicant for development, including any site plan or improvement plan shall allow any authorized employees and representatives of the City, representatives of the State of Utah Division of Water Quality, and representatives of the EPA, to enter the site at any

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time and to inspect the erosion and sediment control measures maintained by the applicant. The applicant shall also allow inspection of any records pertaining to the erosion and sediment control measures maintained by the applicant.

13.23.190 Alleviation of Dangerous Conditions and Stop Work Order

The City, in its sole discretion, may take any steps the City deems necessary to alleviate any situations which involve a risk of injury to person, damage to storm drain facilities, damage to other property or the environment, or any other exceptional circumstances, and may bill the owner, developer, or contractor responsible for creating the circumstances for the cost of alleviating said circumstances. A stop work order may be issued upon discovery of work in violation of or not in compliance with the Stormwater Pollution Prevention Plan.

13.23.200 Long Term Storm Water Pollution Prevention and Maintenance Plan.

1) A Long term Storm Water Pollution Prevention and Maintenance Plan as outlined in the Lindon Storm Water Management Program and which complies with all requirements contained therein and with the UPDES Storm Water General Permit for Construction activities, is to be submitted with the site plans or improvement plans.

13.23.220 Requirements for Proposed Developments

All proposed development shall, in addition to the other requirements of this title, comply with the UPDES Storm Water General Permit for Construction Activities, which include, but are not limited to following:

1. All development that includes the construction of private storm water improvements, except for the construction of a single family home with its associated on-site improvements which disturbs less than one acre land and are not part of a larger common plan of development or sale that disturbs one acre or more of land, must enter into a Storm Water Maintenance Agreement with Lindon City. The Storm Water Maintenance Agreement may be entered into on behalf of the City by the Public Works Director, but the agreement must be in a form that has been approved by the City Council. The agreement, among other requirements must include a provision requiring the property owner to perform inspections of the improvements and provide a written report to the City at least once annually, and that Lindon City shall inspect the improvements at least once every five years.
2. Each proposed development shall incorporate best management practices (BMPs) into development design to limit the flow rate of runoff and protect water quality, reduce discharge of pollutants, and control waste as such, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, and other discharges prohibited by this chapter that may cause adverse impacts to water quality.
 - (1) Storm Water Best Management Practices (BMPs) must be considered throughout the development process. Lindon City requires some BMPs on all development and may generally encourage and recommend others on any particular development, as listed in Part 6 of the Lindon City Storm Water Management Plan.
 - (2) Upon the recommendation of the City Engineer, Lindon City may also require the use of BMPs other than those listed in Part 6 of the Lindon Storm Water Management Plan, which may be necessary for a particular development, based upon engineering judgment and the particular conditions of a given project.

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3. A Storm Water Pollution Prevention Plan, as required in this chapter, shall at a minimum meet the requirements for a Storm Water Pollution Prevention Plan as set forth in the UPDES Storm Water General Permit for Construction activities, and shall be submitted with the development plans for approval. This requirement applies to all development, other than construction of single family homes and associated on-site improvements, which disturbs less than one acre of land, and which is not part of a larger common plan of development or sale that disturbs one acre or more of land.
4. Financial guarantee of Site Storm Water Pollution Prevention Plan.
 - a) Financial guarantees that improvements contained in the Storm Water Pollution Prevention Plan will be installed and maintained must be posted with Lindon City prior to beginning construction. In the case of a subdivision of land, this will be included in the bond that is required for the cost of the subdivision improvements.
 - b) The City, at its discretion, may elect to require non-monetary methods of enforcement already in place in Lindon City (business licenses, utility services, building and occupancy permits) rather than a financial guarantee to ensure compliance with the improvements contained in the approved Storm Water Pollution Prevention Plan.
 - c) At the time of development, the developer shall provide an estimate of the cost of the required improvements. The City will review the estimate and establish the dollar amount of the financial guarantee.
5. A Long-Term Storm Water Pollution Prevention Plan, as required by this chapter, must be prepared and submitted with the development plans for approval, including a signed Storm Water Maintenance Agreement as required by this Chapter. This requirement applies to all development in which private improvements are constructed, except for the construction of a single family home with its associated on-site improvements which disturbs less than one acre land and is not part of a larger common plan of development or sale that disturbs one acre or more of land.
6. Utah Pollutant Discharge Elimination System (UPDES).
 - a) Development having a disturbed area of one acre or more, or which are part of a larger common plan of development or sale that disturbs one acre or more of land, require a UPDES Storm Water General Permit for construction activities from the Division of Water Quality of the Department of Environmental Quality of the State of Utah.
 - b) Obtaining the permit requires preparation and submission Storm Water Pollution Prevention Plan, and a Notice of Intent to the State. The developer must submit a copy of the Notice of Intent to the City before the site plan will be considered finalized.
 - c) When an overall development of over one acre in size is phased, the permit is required for each phase, even if each phase is less than one acre in size. Development of fewer than one acre in size, and which is not part of a larger common plan of development or sale that disturbs

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one acre or more of land, are covered under Lindon City's UPDES General Permit. (Ord 2007-5, amended 02/20/07)

2) Land Disturbance Permit.

- a) Any person commencing or performing any land disturbance, grading, relocation of earth, or any other land disturbance activity in Lindon City shall be required to first obtain a land disturbance permit if the proposed activity disturbs land areas in the follows amounts:
 - i) R1-12 zone: Less than one acre but more than 12, 000 square feet.
 - ii) All zones other than R1-12: Less than one acre but more than 20,000 square feet.
 - iii) All zones: Any land disturbance that is observed by Lindon City which creates significant potential storm water pollution.
 - (a) In the event a Land Disturbance Permit is required based solely on the observation of a potential storm water pollution, Lindon City shall provide written notice to the land owner and/or tenant of the need for the permit, and shall allow a reasonable time to secure such permit.
 - (b) The City shall be authorized to require the immediate cessation of any potential pollution activity during the pendency of the Land Disturbance Permit.
- b) An application for a Land Disturbance Permit shall be submitted in accordance with the Land Development Policies Standard Specifications and Drawings.
- c) A land disturbance permit shall not be issued if:
 - i) The City determines that the work proposed by the applicant is hazardous, or is likely to endanger any private property, result in the deposit of debris on any public way, or interfere with any existing drainage course.
 - ii) The proposed land disturbance activity would not comply with the requirements of an approved site plan, subdivision plat, or any provisions of law, including the provisions of the Chapter.
- d) In granting any land disturbance permit pursuant to the provisions of this Chapter, the City may attach such conditions as may be reasonably necessary to protect public health and safety and to mitigate potential harm to person, property or environment.
- e) Exemptions: The following activities do not require a Land Disturbance Permit. Although these activities do not require a land disturbance permit, they are still subject to, and shall be performed in accordance with the City Standards and Specifications and all other applicable ordinances, rules, regulations of the City, State and Federal governments.
 - i. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - ii. Actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition.
 - iii. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - iv. Bona fide agricultural and farming operations, provided that the agricultural and farming operations constitute the principal use of the parcel and provided that such use of the parcel does not conflict with the City's zoning ordinance: and
 - v. Mowing, brush clearing, tree cutting or similar activities which do not grade, dig, excavate or otherwise remove or kill the surface growth and root system of the ground cover.

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- vi. Any development or use that has received an approved Storm Water Pollution Prevention Plan or a UPDES Permit

(Ord 2007-5, amended 02/20/07 amended Ord. 2011-10, 12/6/11)

13.23.230 Requirements for Construction Activities (Excluding Construction of a Single Family Residence)

- a. Prior to beginning work, developers and contractors must provide appropriate instruction to on-site construction supervisors and operators, regarding the requirements of the Construction Site Storm Water Management Plan. A copy of the plan must be present at the construction site.
- b. The improvements shown in the approved Construction Site Storm Water Management Plan must be constructed as indicated in the plan. The appropriate activities outlined in the Construction Site Storm Water Management Plan must be constructed as Management Plan must be performed prior to any other construction activities on the site. Lindon City encourages modifications to the plan when needed to improve storm water management in light of site condition, but any variation from the approved plan that reduces or eliminates any element of the plan must first be approved by the Lindon City Public Works Representative or City Engineer.
- c. After initial implementation of the improvements outlined in the approved Construction Site Storm Water Management Plan, precipitation activity will provide opportunity to observe the effectiveness of the storm water management improvements. Those responsible for construction activities must monitor the in-place storm water management improvements to assess their effectiveness; they must then make adjustments to the improvements as needed to accomplish effective storm water management. The City shall be entitled to monitor the effectiveness of the Construction Site Storm Water Management Plan and to require modifications to the plan as is necessary to achieve the purposes of this chapter.
- d. Verification that improvements were constructed as approved.
 - 1. Following implementation of the improvements contained in the Construction Site Storm Water Management Plan, the preparer of the plan shall provide Lindon City with a statement as to the condition of the improvement contained in the plan. The statement shall be made on a copy of the Construction Site Storm Water Management Plan document, and shall be signed.
 - 2. If the improvements were constructed as approved, the statement shall include language verifying such. If the improvements were not constructed as approved, it shall state the differences, the reason for the differences, the reason for the differences, and provide an opinion as to the adequacy of the constructed improvements. This statement must be provided to Lindon City prior to final acceptance of improvements (in the case of public improvements) or issuance of an occupancy permit (in the case of private site improvements).

13.23.240 Requirements for Construction of One Single Family Residence

All projects for the construction of one single family house shall, in addition to the other requirements of this title, comply with the following requirements:

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- a. A public Works Representative or City Engineer may waive the requirement that a Construction Site Storm Water Management Plan be submitted on individual residential lots.
- b. The BMP fact sheet for Sediment Control on Small Construction Sites (SCSCS) is to be included as part of the building permit application. This BMP applies to construction and landscaping activities associated with individual residential structures, and shall be followed.
- c. Owner and/or contractor shall make adjustments to their construction practices as needed to prevent storm water pollution.
 1. Where storm water pollution prevention measures are inadequate, or are not being properly followed, may be deemed a violation of this chapter. In addition to any other penalty for violating this chapter, the Public Works Representative, Community Development Representative, or City Engineer may refuse to perform inspections and/or shut down work on the project.
 2. Sediment that is left in the street or on adjacent lots shall be presumptive evidence of inadequate sediment control. It is the burden of the owner and/or contractor to rebut this presumption

13.23.250 Requirements for Existing Developments

- a. The owners of existing developments are responsible to maintain improvements and observe practices that were part of an approved Post Construction Storm Water Management Plan. Failure to adhere to the plan shall be considered a violation of this chapter. In addition to the penalties established in this chapter, the City may refuse to renew business licenses or other permits while such violations continue.
- b. While Lindon City encourages adjustments to the approved post construction storm water management plan that enhance effective storm water management, any significant reduction of practices contained in the plan may only be made through formal modification of the plan, which requires re-submission of the Post Construction Storm Water Management Plan to the City's Development Review Committee for approval.

13.23.260 Violations and Enforcement

- a. The violation of any of the provisions of this Chapter shall be a Class C Misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- b. Both the owners(s) of the property on which a violation occurs and the contractor(s) who's work results in a violation of this chapter may be prosecuted separately and may individually face the additional penalties listed herein.
- c. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.
- d. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measure on any site which is required to have such measures in the event that construction

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activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The City at its discretion may assess said charges against any bond posted by the contractor and/or property owner and may place a lien upon the real estate for the charges.

- e. Violators of this chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United State EPA.

13.23.270 Compliance with Federal and State Law

Nothing contained in this Chapter is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff.

13.23.280 Lindon Storm Water Management Program

The Lindon Storm Water Management Program, as amended from time to time, is hereby incorporated by reference. (Ordinance 2006- 9, this section repealed and replaced in its entirety, adopted 06/20/2006)

Chapter 13.24

CONNECTIONS TO MOBILE HOMES OR TRAILERS

Sections:

- | | |
|-----------|----------------------------------|
| 13.24.010 | Sewer system hookup mandatory. |
| 13.24.020 | Fee. |
| 13.24.030 | Application of other ordinances. |

13.24.010 Sewer system hookup mandatory.

The owner or other person having charge or occupying any mobile home or trailer within the city shall cause the same to be connected to the city sewer system in compliance with applicable city ordinances, rules and regulations. (Ord. no. 42 §1, 1978.)

13.24.020 Fee.

The owner or other person having charge of or occupying any mobile home or trailer in the city shall pay a connection fee as follows:

1. The initial connection for the first unit in a mobile home park shall be five hundred dollars;
2. There shall be a connection fee of one hundred dollars for each additional unit connected to the city sewer system. (Ord. no. 42 §2, 1978.)

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13.24.030 Application of other ordinances. The owner or other person having charge of or occupying any mobile home or trailer in the city shall be subject to all other city ordinances and regulations relating to the city sewer system.
(Ord. no. 42 §3, 1978.)

Chapter 13.26

CITY CULINARY WATER SYSTEM, SEWER SYSTEM, AND PRESSURIZED IRRIGATION SYSTEM--USER FEES

Sections:

13.26.010 User Fees.
13.26.010 User Fees.

In determining the User Fee to be established by the City Code pursuant to Resolution, in accordance with Chapter 13.16, Chapter 13.19, and other provisions of the Lindon City Code, the City shall, in addition to other requirements, utilize the following procedure:

1. The City shall assess a surcharge for different classes of users of the City Culinary Water System, City Sewer System, and the City Pressurized Irrigation System.
2. The City Council shall establish the defining boundaries of each class of user.
3. The surcharge shall be established in an amount sufficient to cover the increased cost of providing culinary water service, sewer service, and/or pressurized irrigation service for each such user class, as determined by the City.
4. The City shall utilize the criteria determined to be appropriate by the City for the determination of each user class. A classification may be based upon geographical area, elevation of the property connected to the utility service, source of supply for culinary water service and/or pressurized irrigation water service, pumping costs for culinary water service, sewer service, and/or pressurized irrigation water service, or other factors as determined reasonable by the City Council.
5. The City shall review the surcharge rate not less often than every two (2) years and shall revise the surcharge rate as necessary to assure equity of the surcharge amount.
6. The City Council is designated a board of equalization of culinary water service, sewer service, and pressurized irrigation water service surcharge fees, to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust.
7. The surcharge shall distribute, to the extent determined by the City to be feasible and reasonable, the costs attributable to each user class in proportion to each user class's contribution to the special costs associated with providing City culinary water service City sewer service, and/or City pressurized irrigation service to each such user class. (Ord. no. 19-93, enacted 12-1-98, effective date 12-2-98.)

Chapter 13.28

REQUIREMENTS FOR THE CONTROL OF BACK FLOW AND CROSS-

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CONNECTIONS

Sections:

13.28.010	Purpose of Chapter.
13.28.020	Responsibility.
13.28.030	Consumer's Responsibility.
13.28.040	Plumbing Official Authority:
13.28.050	Certified back flow assembly technicians, surveyors or repair person's responsibilities.
13.28.060	Definitions.
13.28.070	Policy.
13.28.075	Cross Sections
13.28.080	Termination-- Notice.
13.28.090	Termination-- Hearing and appeal.
13.28.100	Termination without notice.
13.28.110	Penalty for Violation.

13.28.010 Purpose of Chapter.

1. To protect the safe drinking water supply of Lindon city from the possibility of contamination or pollution; and,
2. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, to assure water system safety; and,
3. To provide for the administration of a continuing program of back flow prevention which will systematically and effectively prevent the contamination or pollution of the water system.

13.28.020 Responsibility.

1. Drinking water system surveys/inspections of the consumer's water distribution system(s) may be conducted or caused to be conducted by individuals deemed qualified by and representing Lindon City, as determined to be necessary by Lindon City. All survey records will be maintained by Lindon City.
2. Lindon City may, at such time as determined by Lindon City, notify in writing all consumers of the need for the periodic water system survey/inspection to insure compliance with existing applicable minimum health and safety standards.
3. Selection of an approved back flow prevention assembly for containment control required at the service entrance shall be determined by Lindon City.

13.28.030 Consumer's Responsibility.

1. To comply with this Chapter as a term and condition of supply of water. Consumer's acceptance of service is admittance of his/her water awareness and agreement to comply with the provisions of this Chapter.
2. It shall be the responsibility of the consumer to purchase, install, test and maintain any back flow prevention device/assembly required to comply with this Chapter.

13.28.040 Plumbing Official Authority:

1. The plumbing official's authority to enforce the applicable sections of the Utah Plumbing Code begins at the point of service (downstream or consumer side of the meter) and continues

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- Throughout the developed length of the consumer's water system.
2. The plumbing official will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved back flow prevention device/assembly, in accordance with the Utah Plumbing Code.
 3. Water vacating the drinking water supply must do so via approved air gap or approved mechanical back flow prevention assembly, properly installed and in accordance with the Utah Plumbing Code.
- 13.28.050 Certified back flow assembly technicians, surveyors or repair person's responsibilities.
1. Whether employed by the consumer or a utility to survey, test, repair, or maintain back flow prevention assemblies the Certified Back Flow Technicians, Surveyors or Repair Persons will have the following responsibilities:
 - a. Insuring acceptable testing equipment and procedures are used for testing, repairing or overhauling back flow prevention assemblies.
 - b. Making reports of such testing and/or repair to water purveyor and the Bureau of Drinking Water/Sanitation on forms approved for such use by the Bureau of Drinking Water/ Sanitation, and within the time frames prescribed by the Bureau of Drinking Water /Sanitation. The reports shall include the list of materials or replacement parts used.
 - c. Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
 - d. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
 - e. All testing of the mechanical devices/assemblies shall be performed by a Certified Technician, who shall be responsible for the competence and accuracy of all tests and reports.
 - f. Insuring his/her license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition.
 - g. Be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain back flow prevention assemblies.
 2. The Certified Technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure back flow assembly and high hazard air gap, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.

13.28.060 Definitions.

1. "Water Purveyor" is the person designated to be in charge of the Water Department of Lindon City, which person is invested with the authority for enforcement of the provisions of this Chapter.
2. "Approved Back Flow Assembly" means a back flow assembly device accepted by the Utah Department of Health, Bureau of Drinking Water/ Sanitation, as meeting an applicable specification or as suitable for the proposed use.

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3. "Auxiliary Water Supply" means any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "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 the water purveyor does not have authority for sanitary control.
4. "Back Flow" means the reversal of the normal flow of water caused by either back- pressure or back siphonage.
5. "Back-Pressure" means 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(s) other than the intended source.
6. "Rack-Siphonage" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.
7. "Back Flow Prevention Assembly" means an assembly or means designated to prevent back flow. Specifications for back flow prevention assemblies are contained within the Utah Plumbing Code, Chapter 10, (Appendix J), and the Cross-Connection Control Program for Utah.
8. "Contamination" means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.
9. "Cross-Connection" means any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-part tubes or other plumbing arrangements.
10. "Cross-Connection Controlled" means a connection between a potable water system and a non-potable water system with an approved back-flow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
11. "Cross-Connection - Containment" means the installation of an approved back flow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the consumer's water system; it shall mean the installation of an approved back flow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

13.28.070 Policy.

1. No water service connection to any premises shall be installed or maintained by the Public Water Purveyor unless the water supply is protected as required by applicable State laws, regulations, codes, and this Chapter. Service of water to a consumer found to be in violation of this Chapter may be discontinued by the water purveyor as set forth herein. Service will not be restored until such

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- conditions or defects are corrected.
2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violations of this Chapter, exist.
 3. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved back flow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
 4. The type of protective assembly required shall depend upon the degree of hazard which exists at the point of cross-connection (whether direct or indirect), applicable to local and state requirements or resulting from the survey.
 5. All presently installed back flow prevention assemblies which do not meet the requirements of this section but which were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under this Chapter, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, requires a more than minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved back flow prevention assembly meeting the local and state requirements.
 6. It shall be the responsibility of the consumer at any premises where back flow prevention assemblies are installed to have certified surveys/inspections, and operational tests made upon the request of the Public Water Purveyor, at the consumer's expense.
 7. All back flow prevention assemblies shall be tested within ten (10) working days of initial installation.
 8. No back flow prevention assembly shall be installed so as to create a safety hazard. Example: installed over an electrical panel, steam pipes, boilers, or pits.
 9. If violations of this Chapter exist or if there has not been any corrective action taken by the consumer within 10 days of the written notification of deficiencies, or within such additional time as provided in the written notice, then the public water purveyor may deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City requirements relating to plumbing, safe drinking water supplies and this Chapter.

13.28.075 Cross Sections.

The control or elimination of cross connections and the criteria for determining degree of hazard and prescribing appropriate levels of protections shall be in accordance with the UPC and the UPDWR. Water service to any premise shall be contingent upon the customer providing appropriate cross connection control if determined necessary. Determination and enforcement shall be responsibility of the Lindon City Public Works Department. Water service may be refused or terminated to any premises where an unprotected cross connection may allow contamination or pollutants to backflow into the public drinking water system.

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Authorized employees of Lindon City with proper identification; shall have free access at reasonable hours of the day, to all areas of a premise or building to which drinking water is supplied for the purpose of conducting hazard assessment surveys. Water service may be refused or terminated, or maximum backflow protection may be required, to the premise where access to perform surveys is denied, where unprotected cross connections are located, or in the event that installed assemblies are not tested and maintained as required by State and local regulations.

Before any water service is terminated, a “due process” of notifying the customer and providing a reasonable time for compliance to be achieved will be observed according to the operating procedures of Lindon City. However, in the event of an actual backflow incident which endangers the public health, water service may be terminated immediately and not be restored until the cross connection is either eliminated or adequately protected.(Ord. 2011-4, addition, 6/8/11).

13.28.080 Termination-- Notice.

Except as provided in Section 13.28.100, at least ten (10) calendar days prior to a proposed termination of water or sewer service, the city shall give written notice of proposed termination. The ten-day time period shall be computed from the date such notice is deposited in the mail. The notice shall be given by first-class mail or delivery to the premises and shall contain a summary of the following information:

1. The date of proposed termination;
2. The reason for the proposed termination;
3. A description of the consumer's hearing and appeal rights.

13.28.090 Termination-- Hearing and appeal.

Any person whose water or sewer service is to be terminated, may appeal to the city council by filing a written appeal in the office of the city manager within ten days of the receipt of the notice of proposed termination. Any appeal shall be solely for the purpose of reviewing the interpretation given the terms of this chapter, and not to vary the terms in any way. Such appeal shall be considered by the city council, at a hearing where the consumer will be allowed to present evidence and testimony, within thirty days of receipt of notice. Except as provided in Section 13.28.100, upon filing of the appeal, the City shall take no further action with regard to the termination until the city council makes a final decision on the appeal. If the City council affirms the decision of termination, the water may be shut off immediately.

13.28.100 Termination without notice. Notwithstanding any provision or agreement to the contrary, the city may terminate water and sewer service without notice where, in the city's judgment, a clear emergency or serious health or safety hazard exists for so long as such condition exists, or where there is unauthorized use of or connection to the city water or sewer service or tampering with pipes, meters, or other water or sewer equipment.

13.28.110 Penalty for Violation.

Any violation of the terms and provision of this Chapter shall constitute a Class "B" Misdemeanor. Each day's violation shall be considered a separate offense.

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Chapter 13.30

DRINKING WATER SOURCE PROTECTION

Sections:

13.30.010	Short Title and Purpose.
13.30.020	Definitions.
13.30.030	Establishment of drinking water source protection zones.
13.30.040	Permitted uses.
13.30.050	Prohibited uses.
13.30.060	Administration.

13.30.010 Short Title and Purpose.

1. This ordinance shall be known as the “Drinking Water Source Protection Ordinance.”
2. The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for Lindon City by the establishment of drinking water source protection zones surrounding the wellheads for all wells and the Spring Management Area for the springs and spring water collection facilities which are the supply sources for Lindon City’s water system and by the designation and regulation of property uses and Conditions which may be maintained within such zones.

13.30.020 Definitions.

When used in this ordinance the following words and phrases shall have the meanings given in the section.

1. Design Standard - means a control which is implemented by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.
2. Land management strategies - means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.
1. Pollution Source - means point source discharges of contaminants to ground water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal unites. The following shall help clarify the definition of pollution source:
 - a. Animal feeding operation - means a lot or facility where the following conditions are met: animals have been are will be stables or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if

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they use a common system for the disposal of wastes.

- b. Animal Unit - means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the numbers of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- c. Extremely hazardous substances - means those substances which are identified in Sec. 302 (EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).
4. Potential Contamination Source - means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.
5. Regulatory agency - means any governmental agency with jurisdiction over hazardous waste as defined herein.
6. Sanitary landfill - means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
7. Septic tank/drain field systems - means systems which are comprises of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.
8. Wellhead - means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.
9. Spring water collection facilities - means all collection lines and collection boxes associated with the Spring Management Area.

13.30.030 Establishment of drinking water source protection zones.

There is hereby established use districts to be known as zone one, two, three, and four of the drinking water source protection area, identified and described as follows:

1. Zone one is the area within a 100-foot radius from the wellhead or spring water collection facility.
2. Zone two is the area within a 250-day ground water time of travel to the wellhead or spring water collection facility, the boundary of the aquifer(s) which supplied water to the ground water source, or the ground water divide, whichever is closer.
3. Zone three (waiver criteria zone) is the area within a 3-year ground water time of travel to the wellhead or spring water collection facility or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.
4. Zone four is the area within a 15-year ground water time of travel to the wellhead or spring water collection facility, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

13.30.040 Permitted uses.

The following uses shall be permitted within drinking water source protection zones:

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1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

13.30.050 Prohibited uses.

The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 13.30.040 of this ordinance.

1. Zone one - The location of any pollution source as defined herein.
2. Zone two - The location of a pollution source unless its contaminated discharges can be controlled with design standards.
3. Zone three and four - The location of a potential contamination source unless it can be controlled through land management strategies.

13.30.060 Administration.

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

(Ord. no. 2002-4, added 1/15/02)

Chapter 13.32

Water Conservation Plan Ordinance

Sections:

13.30.010	Short Title and Purpose
13.30.020	Establishment of Conservation Measures and Goals.
13.30.030	Water Conservation Plan Adoption

13.30.010 Short Title and Purpose

1. This ordinance shall be known as the "Water Conservation Plan Ordinance."
2. The purpose of this ordinance is to create a plan for water conservation in Lindon City by the establishment of water conservation measures and goals.

13.30.020 Establishment of Conservation Measures and Goals.

There is hereby established a set of conservation measures and goals for Lindon City as detailed in the Water Conservation Plan.

13.30.030 Water Conservation Plan Adoption

The Water Conservation Plan is hereby adopted on January 4, 2005. The plan will be amended no less than every five years and will continue to play a vital role in the future development of Lindon City, Utah. (Ord. No. 2005-1, Adopted, 01/04/2005)