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RANAE WILDE, Recorder
DAGGETT COUNTY
DAGGETT COUNTY

DAGGETT COUNTY ORDINANCE

05-04

ORDINANCE REQUIRING CONNECTION TO PUBLIC SEWER SYSTEM WHEN AVAILABLE IN DAGGETT COUNTY, STATE OF UTAH.

WHEREAS, the Daggett County Commission has determined that the public health, safety and welfare will be serviced by establishing public waste water disposal service wherever possible in Daggett County, state of Utah: and,

WHEREAS, arrangements are being made to extend the Manila Town wastewater treatment lines into the unincorporated area of the county to serve the county jail: and,

WHEREAS, Daggett County presently operates a wastewater treatment system in the Dutch John area: and,

WHEREAS, the public interest is served by requiring those whose property line is within three hundred (300) feet of a public wastewater disposal system to connect to that system: and,

WHEREAS, the public safety, health, and welfare will be served by adopting this ordinance to become effective immediately upon posting.

NOW THEREFORE:

THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF DAGGETT, STATE OF UTAH, ORDAINS AS FOLLOWS:

I. Uniform Plumbing Code - Applicability.

A. Requirements.

1. The requirements of the Uniform Plumbing Code as adopted by the county shall apply to the discharge of any sewage, wastewater or other polluted waters in the county except as modified by this chapter.

B. Definitions.

1. The definitions set forth in the Uniform Plumbing Code shall apply to this chapter. In addition, the following definitions shall apply:

- a. "County" means Daggett County.
- b. "District" refers to Manila Town and/or Daggett County Water & Sewer Improvement District and/or Daggett County in the Dutch John Area. When applied to a particular system the term "district" refers to the district owning or operating that system.

C. Discharge Without Suitable Treatment Unlawful.

1. It is unlawful to discharge into any natural outlet within the county, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with

subsequent provisions of this chapter.

D. Sewer Connection Facilities Required When.

1. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the county and abutting on any street alley or right-of-way in which there is or becomes located a public sanitary or combined sewer is required at owner(s)' expense to install suitable facilities therein, and to connect such facilities directly with the nearest public sewer in accordance with the provisions of this chapter, within sixty days after the date of official notice to do so; provided, that the sewer is within three hundred (300) feet of property line. Single-family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to public sewer may, when no hazard, nuisance or insanitary condition is evidenced remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fail to permit drainage to the sewer by gravity; provided, however, the district may extend the time to connect to accommodate county requirements prohibiting road cuts or to meet other such county-imposed regulations.

E. Privies Unlawful.

1. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area served by the public sewer.

F. Inspection of Sewer Connection Required.

1. Any person connecting to the public sewer system shall notify the district which operates that system and allow that district to inspect the connection prior to covering the installed facilities and connection.

G. Compliance with County Rules Required.

1. The districts and persons making connection shall comply with the county rules and ordinances regarding road cuts.

H. Private Wastewater Disposal System Used When.

1. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Utah Code and the Wastewater Disposal Regulations.

I. Public Sewer Connection Required When.

1. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section I,D,1, a direct connection shall be made to the public sewer within sixty days after notice to so connect, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be clean of sludge and filled.

J. Use of Public Sewer System.

1. The use of the public sewer system owned or operated by a district shall also be subject to the rules and regulations adopted by that district including regulations governing

fees and type of wastes that may be discharged into the system.

K. Payment of Connection Fee.

1. Any person required by this chapter to connect to a public sewer, upon proof to the district imposing the connection fee, of inability to pay the entity's connection fee when connected to the system, shall have at least three years to pay the connection fee. The person and the district shall sign an agreement designating the amount and number of monthly installments and interest rate which shall be based on the person's financial status and ability to pay for the connection.

L. Collection Methods for Sewer Connection Fees.

1. The district may make charges for sewer connection fees, sewer services and water services to be billed in a single bill to each customer and the payment of the charge for water is accepted only when the charge for sewer connections fees and the sewer services are paid at the same time. The county or board may suspend water or sewer service or both to any customer who shall become delinquent on any charges due to the district. Any unpaid and delinquent charges for sewer or water services shall be certified by the district to the treasurer or assessor of the county. The amount of delinquent charges, together with the interest and penalties, shall immediately upon certification become a lien on the delinquent premises on a parity with, and collectable at the same time and in the same manner as the general county taxes are lien on the premises and are collected. All methods of enforcement are available for the collection of the general county taxes including the sale of delinquent premises and shall be used in the collection of the delinquent sewer charges.

M. Notice of Violation.

1. Any person found to be violating any provision of this chapter shall be served by the county or district with written notice stating the nature of the violation and providing reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

N. Violation - Penalty - Liability.

1. Any person who shall continue any violation shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not to exceed fifty dollars for each violation. Each day in which any such violation shall continue may be deemed a separate offense.

2. Any person violating any of the provisions of this chapter shall become liable to the district for any expense, loss or damage occasioned the district by reason of such violation.

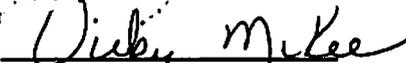
3. Any person found to be violating any provision of this chapter may also be sued civilly by the county or district to require specific performance and compliance with this chapter and the fine imposed shall be at least, but not limited to, the amount of the cost of the connection fees or cost of the service provided (if applicable), attorney fees and court costs, to enforce compliance with this chapter. The fines, penalties and judgments may be collected in any manner provided by law for the collection of judgments.

This ordinance shall take effect immediately upon adoption and posting as required by law.

Passed, adopted, and ordered posted this 18th day of April, 2005


Chairman of the Daggett County Commission




Vicky McKee, County Clerk

Votes:	<u>Aye</u>	<u>Nay</u>
Commissioner Collett	<u>X</u>	—
Commissioner Reed	<u>X</u>	—
Commissioner Leith	<u>X</u>	—

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