

MANTUA TOWN

ORDINANCE No. 2020-12-03A

**AN ORDINANCE REPEALING THE EXISTING SEWER USE
ORDINANCE AND ADOPTING THE MANTUA SEWER TREATMENT
ORDINANCE.**

WHEREAS, the Town Council of the Town of Mantua, Box Elder County, State of Utah, passed and posted a Sewer System Ordinance on January 8, 1980, Ordinance No. _____ (the "Sewer Use Ordinance"), which is currently effective; and

WHEREAS, Brigham City and the Town of Mantua ("Mantua" or the "Town") have entered into an agreement under which Brigham City's wastewater treatment system would serve future industrial users in Mantua (the "Agreement");

WHEREAS, the Agreement requires Mantua to adopt a sewer use ordinance which is no less stringent and is as broad in scope as Brigham City's sewer use ordinance; and

WHEREAS, the Town Council has determined that it is in the best interest and in the furthering of the general welfare of the residents of Mantua to repeal the Sewer Use Ordinance and replace it with the provisions of this Ordinance to be known as the Mantua Sewer Treatment Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MANTUA, BOX ELDER COUNTY, STATE OF UTAH AS FOLLOWS:

1. The Mantua Sewer Use Ordinance, including any amendments or addendums thereto, is hereby repealed.
2. The provisions of the Mantua Sewer Treatment Ordinance attached hereto are hereby adopted and passed.
3. To the extent of any conflict between this ordinance and any other ordinance(s) or regulation(s) of Mantua Town, the provisions of this Ordinance shall be controlling.
4. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.
5. This Ordinance shall take effect upon its first posting as required by law.

ADOPTED AND PASSED by the Town Council of Mantua Town, Box Elder County,
State of Utah, this _____ day of _____, 2020.



MANTUA TOWN

Mike Johnson
Mayor

ATTEST:

Ann Palmer
Town Clerk/Recorder

Dec 4 2020
Posting Date

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Mantua Town
Ordinance No. _____

MANTUA SEWER TREATMENT ORDINANCE

SECTION 1: MANAGER

The entire waste treatment system of the Town shall be under the immediate care, supervision and control of the Wastewater Treatment Manager, and the Wastewater Treatment Manager is hereby charged with the duty of enforcing this Ordinance. The Wastewater Treatment Manger shall be appointed by the Mayor with the advice and consent of the Town Council.

SECTION 2: INJURING SEWER APPLIANCE OR APPURTENANCE

It shall be unlawful for any person to willfully injure, break or remove any part or portion of any sewer appliance or appurtenance of the waste treatment system.

SECTION 3: OPENING MANHOLE

It shall be unlawful for any person to open any sewer manhole without the permission of the Wastewater Treatment Manager.

SECTION 4: PERMIT FOR SEWER CONNECTION REQUIRED. TO BE KEPT ON PREMISES.

It shall be unlawful for any person to commence or carry on the work of laying, repairing, altering or connecting any sewer pipe with the public sewer without first having a permit to do so from the Waste Water Treatment Manager. Such permit must be on the premises during the whole time the work is in progress and must be exhibited, upon a request, to the Wastewater Treatment Manager or his authorized agent. It shall be unlawful for any person to connect or attach any private drain or house connection directly or indirectly with the public sewer without having first received the regular permit from the Wastewater Treatment Manager.

SECTION 5: APPLICATION FOR PERMIT FOR SEWER CONNECTION.

The application for a permit for a sewer connection must be made in writing by the owner of the premises or his authorized agent and must be accompanied by plans showing the cause of the connection, its size and the size and location of all branches to be connected. The application and plans together with the connection fee as hereinafter provided for, shall be deposited with the Town Clerk and when approved by the Wastewater Treatment Manager shall be granted, subject to the provisions of this Ordinance.

SECTION 6: DESIGNATION OF GRADE OF SEWER CONNECTION.

All sewer connections shall be put into line on grades designated by the Wastewater Treatment Manager who shall prepare a plat of each connection and file such plat in the office of the Wastewater Treatment Manager.

SECTION 7: INSPECTION OF CONNECTIONS.

The Wastewater Treatment Manager may inspect all sewer connections in accordance with the Town Code.

SECTION 8: ADOPTION OF INDUSTRIAL PRETREATMENT STANDARDS AND PERMITTING.

There is hereby adopted by the Town Council that certain manual entitled "Section 2 of the Industrial Pretreatment Standards and Permitting Manual" to prevent the introduction of pollutants into the Town's waste treatment system or the Publicly Owned Treatment Works (POTW) which will interfere with the operation of the system or contaminate the resulting bio solids, prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the POTW, protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public, promote reuse and recycling of wastewater and sludge from the POTW and provide for the equitable distribution of the costs of operation, maintenance and improvement of the POTW, not less than three (3) copies of which have been and are now filed with the Town Clerk. Any amendments, modifications, supplements or later editions of said manual shall constitute the manual then in effect under this ordinance. Provided however; that before any later editions shall take effect, the Town Council by resolution shall certify that the later editions are available and three copies of all amendments, modifications, supplements or later editions shall be filed for examination and use by the public with the Town Clerk.

SECTION 9: CONNECTION TO INTERCEPTING SEWER WHEN FIXTURES LOWER THAN SEWER ELEVATION.

No permit shall be issued for, nor shall any connection be made with, what is known as the intercepting sewer where the fixtures in the house or the property so to be connected to such sewer are lower than the present elevation of the sewer in which the connection is to be made.

SECTION 10: TO WHOM PERMIT FOR SEWER CONNECTION ISSUED.

All permits for sewer connections shall be issued to the state-licensed contractor who is qualified under state license law to do the work.

SECTION 11: REVOCATION OF PERMIT FOR SEWER CONNECTION.

The Wastewater Treatment Manager may at any time revoke a permit for a sewer connection on account of defective work or material.

SECTION 12: PLUMBING IN HOUSE OR BUILDING FOR WHICH SEWER CONNECTION PERMIT SOUGHT.

Permits to connect with the waste treatment system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of all ordinances of the Town relating thereto.

SECTION 13: DISCHARGING INTO SANITARY SEWER.

It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rain water, ground water, cellar or surface water or the contents of any spring, flowing well, creek, ditch or other watercourse or any steam exhaust or blow-off. The overflow from blow-off boilers or heating plants shall not be permitted to enter a sewer at a temperature above one hundred- and twenty-degrees Fahrenheit.

SECTION 14: SETTLING TANKS.

The discharge of contents of waste pipes from water filters, gas engines, soda water fountains, air compressors, vacuum or dry cleaners, garages, stores or warehouses containing inflammable oils, car barns, carriage houses, laundries, buildings for the stabling and keeping of horses, cows or other animals, and all similar establishments shall not be made into or connected with a public sanitary sewer, unless such contents are discharged into a settling tank properly trapped and vented. Such tanks shall be of construction approved by the Wastewater Treatment Manager and shall be at all times subject to his inspection and condemnation.

SECTION 15: VARIATION FROM PROVISIONS OF ORDINANCE.

Any variation from the provisions of this Ordinance shall be made after consultation with the Wastewater Treatment Manager.

SECTION 16: JOINT SEWER CONNECTIONS.

Each separate building or premises shall have a separate connection to the main line sewer, except only in cases where it is impracticable, and then only on special permission granted by the Town Council upon the recommendation of the Waste Water Treatment Manager. No special permission shall be granted by the Town Council unless and until the owner of each building or premises to be thus connected shall grant to and receive from every other owner perpetual easements and rights of way which shall be properly recorded across and upon each of the premises involved for the purpose of constructing and maintaining each separate connection, and shall covenant and agree as a part of such right of way or easement, so that the same shall be a covenant appurtenant to and running with the land, that each owner will bear and pay his proportionate share for the maintenance and repair of the connection whether the expenditure, maintenance or repair becomes necessary upon his own premises or the premises with which he is connected.

SECTION 17: CONSTRUCTION OF DRAIN UNDER COUNCIL REGULATIONS.

It shall be unlawful for any person to construct any private drain connection of any length with the public sewer except under such regulations and restrictions as may be prescribed by the Town Council in each instance.

SECTION 18: WORK DONE WITHOUT INSPECTION.

Work done without notice to inspect or without inspection shall be treated as defective work and shall be condemned and uncovered and re-laid, if necessary, to the grade given by the Waste Water Treatment Manager and inspected by the proper officer and upon the proper permits being taken out by a duly licensed plumber, the expense for the same to be borne by the property owner. The license of the plumber or drain layer of such defective work shall be revoked.

SECTION 19: FAILURE TO REMEDY DEFECTIVE WORK.

No permit shall be issued to any licensed plumber or contractor 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 this Ordinance.

SECTION 20: USE OF LICENSED PLUMBER'S NAME.

No licensed plumber shall allow his name to be used by any person or party, directly or indirectly, either for the purpose of obtaining a permit or to do any work under his license.

SECTION 21: REQUIREMENTS FOR SANITARY SEWER CONNECTION.

In order to defray the cost of constructing, reconstructing, maintaining or operating a sanitary sewer collection system or waste water treatment plant, the Town may require a property owner with a building used for human occupancy located on a parcel of property within Town limits to connect to the sanitary sewer system if the sewer is available and within 300 feet of the property line or building. The property owner shall pay all current impact, connection and user rate fees. If a property owner fails to connect to the sanitary sewer system within a ninety (90) day period commencing from the date of written notification or fails to pay for the sewer service required by the Town ordinances, the Town may cause the culinary water service to the property or building to be shut off until the person has connected up to the sewer at the person's own expense and paid in full for all sewer service. However, a property owner may be allowed to continue the use of an existing septic tank or cesspool until the system fails to handle the waste or becomes a public health threat; in such case, the property owner shall connect to the sanitary sewer system and pay all required fees. Any user rate fees collected by the Town prior to a sewer being connected shall be credited back against the connection(s) fees.

SECTION 22: RATES

Rates for sewer shall be fixed by the Town Council by resolution as the Town Council shall from time to time deem appropriate. Subject to any limitations imposed by State law, all

structures that can be served by the sewer when the same is completed and ready for use shall be charged per month whether or not such structures are connected to the sewer and water service shall be discontinued for nonpayment as hereinafter provided.

SECTION 23: CONNECTION FEE. DISCONTINUANCE OF WATER SERVICE.

A. The charges for the connection of any property to the municipal sewer system shall be set by resolution as approved by the Town Council.

B. In addition to the service connection fee, the contractor or property owner shall pay all the actual expenses of installing the service line from the property to the main sewer line, connecting to the Town sewer line subject to the Town's inspection and approval, and all other costs including the repairing and restoring of the street in a manner satisfactory to the Town.

C. Where property on existing Town streets is not served by a sewer line in front of or adjacent to such property and the owner desires a sewer service connection, the property owner, in addition to paying the service connection fee, will be required to run the line at his own expense to the main sewer line, to make the connection at his own expense, subject to the Town's inspection and approval, and to restore and repair the street in a manner satisfactory to the Town.

D. Subject to any limitations imposed by State law, if any abutting improved property on which is located a residence or business is not connected to the Town sewer lines after the effective date of this Ordinance, provided the sewage facilities are available in sewage lines passing in front of or adjacent to such property, the Town is to discontinue service of water to such property, and shall not serve such property with water until the connection is made and the connection charge paid, or arranged for, and further in the event any owner of improved property fails or refuses to make such connection prior to such date, such failure or refusal is hereby declared to be a misdemeanor and each day that such failure or refusal continues is hereby declared to be a separate offense and punishable as such.

SECTION 24: SEWER BILLS.

All bills shall be rendered monthly at established rates on the same bill with the garbage and water bill. Each bill shall show separately the amount of the sewer service charges but the total thereof shall be considered one charge for the combined use of water, garbage and the services of the sewer system. The portion of the bill rendered for water service cannot be paid separately from the other portions. All charges for sewer service furnished by the Town shall be billed to the user on any day of the month following a one month period of service to the user and payment shall be due and payable twenty three days after such date of billing.

A. For purposes of determining the occupancy of residences and/or apartment, it shall be prima facie proof that a residence or apartment is occupied whenever electricity is furnished to the unit of occupancy.

B. The charges for sewer service shall be billed to the person or entity to whom owns the property unless a utility user agreement is signed another person or entity.

SECTION 25: PENALTIES

A. Any person violating any provision of this Ordinance shall be guilty of a Class B Misdemeanor unless otherwise stated in this Ordinance.

B. Any person violating any provision of this Ordinance shall be liable to the Town for any expense, loss, or damage incurred by the Town by reason of such violation, including reasonable attorney fees incurred by the Town in enforcing the provisions of this Ordinance or in collecting any amounts due and owing hereunder.