

**TITLE 13. MUNICIPAL SERVICES.**

**CHAPTER 13A-100. WATER.**

**13A-101. Water Department and Regulations.** The Water Department of the municipality is hereby created. It shall administer the operation and maintenance of the water system of the municipality.

**13A-102. Superintendent.**

- (A) There is hereby created the position of superintendent of the Water Department.
- (B) The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Mayor relating to the water system.
- (C) All of the functions and activities of the superintendent shall be carried on under the direction of the Mayor.

**13A-103. Application for Utility Services - Owner.** Any person, other than a sub-divider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water or sewer system or establish utility services for a new owner, shall file with the City Treasurer for each such connection a written and signed connection application in substantially the following form: (Ord 04-16)

**NORTH LOGAN CITY**  
**APPLICATION AND AGREEMENT OF**  
**OWNER FOR SINGLE FAMILY RESIDENTIAL**  
**UTILITY SERVICES AND LIABILITY FOR RENTER**

I/ WE, \_\_\_\_\_, the undersigned, am/are the owner(s) of the property at \_\_\_\_\_, North Logan, Utah. I/We hereby apply to North Logan City (City, hereafter) for water, and/or sewer and solid waste services (utility services, hereafter) at said premises, and hereby agree as follows:

- 1. In the event this Application relates to new construction, permission is requested to connect said premises to the City's water / or and sewer systems. I/We agree to pay to the City such connection charges and fees as may be fixed by the governing body by resolution or ordinance, including a reservoir charge if so provided.
- 2. The work of connecting from the City main line to the property and the installation of the meter barrel and setter shall be my/our responsibility and shall

### **TITLE 13. MUNICIPAL SERVICES.**

be performed at my/our sole cost. The location of the meter, whether on said premises or at some point near said premises, may be decided solely by the city.

3. The connection so made by the City, including the meter, shall remain the property of the City. The City shall have access thereto at all times. Before making connection with the water system, I/we shall cause the plumbing upon my/our premises to be inspected by the City, and if the plumbing is not approved, I/we will cause the plumbing to be rectified at my/our own expense to meet the requirements of the City.
4. It shall be my/our responsibility to retain a licensed plumber to make all sewer connection between the building drain and the municipal sanitary sewer main trunk line, materials and labor therefor being my/our sole responsibility. Such work shall be also inspected by the City and shall be done so as to conform with all applicable codes and regulations.
5. The purpose for which the water and/or sewer connection requested will be used is residential.
6. I/We agree to be bound by the rules, regulation, resolution and/or ordinances applicable to such utility services now in effect or as the same shall be lawfully amended or changed from time to time. I/We agree to pay the charges assessed for such utility services when due and at the rates as are fixed by the City, and for late charges on any balance (including principal, interest, and prior late charges) thirty (30) days or more in arrears, at the rate of 1. 5% per month, which rate is subject to change by the City.
7. I/We agree to keep all taps, pipes, and other related devices through which water or sewer services may be obtained in proper repair. Agents and employees of the City shall at all reasonable hours have the right to enter said premises for purposes necessary and incident to this Agreement, to make excavations thereon, for the purpose of inspecting and repairing pipes or other appliances, for terminating utility services or disconnecting said premises or any part thereof for non-payment of service charges, or for violation of the terms of this Agreement.
8. I/We acknowledge the City's right to terminate utility services to said premises, in the event of my/our default in the performance of the terms hereof, pursuant to ten(10) days written notice of the municipality's intention to do so and pursuant to applicable regulations. Utility services shall not be restored until all delinquencies and any reconnection fees imposed are paid in full and/or until any failure to conform to applicable regulations, ordinances and the terms of this Agreement are eliminated.

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9. In the event I/we should lease said premises and they are occupied by a tenant, lessee or party other than the undersigned owner(s), the utilities account my be placed in the name of the tenant, lessee or other party, provided an Application and Agreement of Renter for Utility Services has been completed, a deposit of \$50. 00 paid and accepted by the City and provided the undersigned owner(s) agree (s) as follows:
  - a. I/We agree to give the City at least ten (10) days' written notice of the initial leasing of said premises and, when possible thereafter, to give notice to the City of any change of tenants or occupants at least ten (10) days prior to such change or, in any event, within ten (10) days thereafter.
  - b. I/We further agree that in consideration of the acceptance of the application for utility service submitted by any present or future tenant or occupant of said premises specified herein, I/we will be responsible for and pay the charges assessed for all city utility services furnished to such tenant or any other occupant of these premises in case any tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the City, and/or the tenant's agreement with the City.
  - c. The City shall have the right to terminate and restore utility services to the premises in the same manner and for the same resins as are set forth herein.
  - d. This agreement must be signed and returned to comply with City Ordinance Title 13, and as a condition to the City supplying utility services to said premises.
  
10. I/We agree to pay for any damage to meters of other City property and equipment excepting normal wear, and I/we also agree that the City shall have the right to institute collection and/or enforcement proceeding by all means available to it, including suit in court of proper jurisdiction. I/We agree to pay all costs so incurred, including court costs, attorney's fees, and collection fees.

**TITLE 13. MUNICIPAL SERVICES.**

DATE: \_\_\_\_\_, 20 \_\_\_\_\_. Service Address \_\_\_\_\_

Owner's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Driver's License No. \_\_\_\_\_ State \_\_\_\_ Date of Birth \_\_\_\_-\_\_\_\_-\_\_\_\_\_

Co-Owner and/or Spouse Name \_\_\_\_\_

Driver's License No. \_\_\_\_\_ State \_\_\_\_ Date of Birth \_\_\_\_-\_\_\_\_-\_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner's Employer & Address \_\_\_\_\_

Business Phone \_\_\_\_\_ How Long Employed \_\_\_\_\_

Co-owner's and/or Spouse's Employer & Address \_\_\_\_\_

Owner's Nearest Relative & Address \_\_\_\_\_

Co-owner and/or Spouse's 's Nearest Relative & Address \_\_\_\_\_

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Co- owner or Spouse's Signature

(Ord. 09-09, Ord. 91-03, Ord 04-16)

**13A-104. Application for Water Connection by Subdivider.** Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

**13A-105. Application for Utility Services - Renter.** Any person who desires or is required to secure water, sewer and/or other utility services when such service is available from the city, shall file with the City Treasurer a written application and agreement for the service which shall be in substantially the following form: (Ord 04-16)

**NORTH LOGAN CITY**  
**APPLICATION AND AGREEMENT FOR**  
**SINGLE FAMILY RESIDENTIAL RENTER**

I/ We, \_\_\_\_\_, the undersigned, am/are the renters(s) of the property at \_\_\_\_\_, North Logan, Utah. I/We hereby apply to North Logan City (City, hereafter) for water, and/or sewer and solid waste services (utility services, hereafter) at said premises, and hereby agree as follows:

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1. I (We) agree to be bound by the rules, regulations, resolutions and/or ordinances applicable to such utility services now in effect or as the same shall be lawfully amended or changed from time to time. I (We) agree to pay to the City charges assessed for such utility services when due and at the rates as are fixed by the City.
2. I/We agree to pay the renter's deposit in the amount of \$ \_\_\_\_\_ (*as set by City Council resolution and listed in the Master Fee Schedule*) and to be responsible to the City for the cost of all services provided to said premises, and for late charges on any balance (including principal, interest, and prior late charges) thirty (30) days or more in arrears, at the rate of 1. 5% per month, which rate is subject to change by the City. The renter's deposit shall not be considered as an advance payment for any services. Past due accounts shall be considered delinquent notwithstanding the existence of the deposit and the applicant or user of utility services shall not have the right to compel the municipality to apply the deposit to any account to avoid delinquency. It is agreed and understood that the municipality may, but need not, apply the deposit upon bills due for prior service. I (We) understand and agree that the right of the municipality to shut off service as herein provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of the applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the municipality at the time deposit is made.
3. I/We agree to keep all taps, pipes, and other related devices through which water or sewer services may be obtained in proper repair. Agents and employees of the City shall at all reasonable hours have the right to enter said premises for purposes necessary and incident to this Agreement, to make excavations thereon, for the purpose of inspecting and repairing pipes or other appliances, for terminating utility services or disconnecting said premises or any part thereof for non-payment of service charges, or for violation of the terms of this Agreement.
4. I/We acknowledge the City's right to terminate utility services to said premises, in the event of my (our) default in the performance of the terms hereof, pursuant to ten(10) days written notice of the municipality's intention to do so and pursuant to applicable regulations. Utility services shall not be restored until all delinquencies and any reconnection fees imposed are paid in full and/or until any failure to conform to applicable regulations, ordinances and the terms of this Agreement are eliminated.
5. In the event I (we) should sublet or terminate my (our) lease, I (we) agree to notify the City thereof within ten (10) days of such sublease or termination and to

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continue to be responsible for all utility service charges until the City is properly notified and a new application and Agreement of Renter for Utility Services has been completed and accepted by the City, or until I (we) direct such service to be discontinued and all amounts due are paid in full.

6. I (We) agree to pay for any damage to meters or other City property and equipment excepting normal wear and I (we) also agree that the City shall have the right to institute collection and/or enforcement proceedings by all means available to it, including suit in a court of proper jurisdiction. I (We) agree to pay all costs so incurred, including court cost, attorney's fees, and collection fees.

**Information about Property Owner (Manager)**

Property Owner's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

**Information about Renter**

DATE: \_\_\_\_\_, 20 \_\_\_\_\_. Service Address \_\_\_\_\_

Renter's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Driver's License No. \_\_\_\_\_ State \_\_\_\_ Date of Birth \_\_\_\_-\_\_\_\_-\_\_\_\_\_

Co-Renter and/or Spouse's Name \_\_\_\_\_

Driver's License No. \_\_\_\_\_ State \_\_\_\_ Date of Birth \_\_\_\_-\_\_\_\_-\_\_\_\_\_

Mailing Address \_\_\_\_\_

Renter's Employer & Address \_\_\_\_\_

Business Phone \_\_\_\_\_ How Long Employed \_\_\_\_\_

Co-Renter's and/or Spouse's Employer & Address \_\_\_\_\_

Renter's Nearest Relative & Address \_\_\_\_\_

Co-Renter and/or Spouse's 's Nearest Relative & Address \_\_\_\_\_

\_\_\_\_\_  
Renter's Signature

(Ord. 91-03, Ord 04-16)

\_\_\_\_\_  
Co-Renter or Spouse's Signature

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**13A-106. Applications for Utility Services for Non-Residential (Business), Multiple-Family Residential and Institutional-Residential Users.** Any business or other entity, other than a sub-divider or developer seeking multiple connections, who desires or is required to secure a connection to the municipal water system, shall file with the Water Department for each such connection a written and signed connection application in substantially the following form:

**For Owners:**

**NORTH LOGAN CITY**  
**APPLICATION AND AGREEMENT OF OWNER**  
**FOR UTILITY SERVICES**  
**AND LIABILITY FOR RENTER FOR**  
**NON-RESIDENTIAL (BUSINESS), MULTIPLE-FAMILY**  
**RESIDENTIAL AND INSTITUTIONAL-RESIDENTIAL USERS**

I/ WE, \_\_\_\_\_, the undersigned, am/are the owner(s) of the property at \_\_\_\_\_, North Logan, Utah. I/We hereby apply to North Logan City (City, hereafter) for water, and/or sewer and solid waste services (utility services, hereafter) at said premises, and hereby agree as follows:

1. In the event this Application relates to new construction, permission is requested to connect said premises to the City's water / or and sewer systems. I/We agree to pay to the City such connection charges and fees as may be fixed by the governing body by resolution or ordinance, including a reservoir charge if so provided.
2. The work of connecting from the City main line to the property and the installation of the meter barrel and setter shall be my/our responsibility and shall be performed at my/our sole cost. The location of the meter, whether on said premises or at some point near said premises, may be decided solely by the city.
3. The connection so made by the City, including the meter, shall remain the property of the City at all times and the City shall have access thereto at all times. Before making connection with the water system, I/we shall cause the plumbing upon my/our premises to be inspected by the City, and if the plumbing is not approved, I/we will case the plumbing to be rectified at my/our own expense to meet the requirements of the City.
4. It shall be my/our responsibility to retain a licensed plumber to make all sewer connection between the building drain and the municipal sanitary sewer main trunk line, materials and labor therefore being my/our sole responsibility. Such work shall be also inspected by the City and shall be done so as to conform with all applicable codes and regulations.

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5. The purpose for which the water and/or sewer connection requested will be used is: (circle one) Institutional-Residential, Commercial, or Other \_\_\_\_\_.
6. I/We agree to be bound by the rules, regulation, resolution and/or ordinances applicable to such utility services now in effect or as the same shall be lawfully amended or changed from time to time. I/We agree to pay the charges assessed for such utility services when due and at the rates as are fixed by the City, and for late charges on any balance (including principal, interest, and prior late charges) thirty (30) days or more in arrears, at the rate of 1. 5% per month, which rate is subject to change by the City.
7. I/We agree to keep all taps, pipes, and other related devices through which water or sewer services may be obtained in proper repair. Agents and employees of the City shall at all reasonable hours have the right to enter said premises for purposes necessary and incident to this Agreement, to make excavations thereon, for the purpose of inspecting and repairing pipes or other appliances, for terminating utility services or disconnecting said premises or any part thereof for non-payment of service charges, or for violation of the terms of this Agreement.
8. I/We acknowledge the City's right to terminate utility services to said premises, in the event of my/our default in the performance of the terms hereof, pursuant to ten(10) days written notice of the municipality's intention to do so and pursuant to applicable regulations. Utility services shall not be restored until all delinquencies and any reconnection fees imposed are paid in full and/or until any failure to conform to applicable regulations, ordinances and the terms of this Agreement are eliminated.
9. In the event I/we should lease said premises and they are occupied by a tenant, lessee or party other than the undersigned owner(s), the utilities account my be placed in the name of the tenant, lessee or other party, provided an Application and Agreement of Renter for Utility Services has been completed, a deposit of \$50. 00 paid and accepted by the City and provided the undersigned owner(s) agree (s) as follows:
  - a. I/We agree to give the City at least ten (10) days' written notice of the initial leasing of said premises and, when possible thereafter, to give notice to the City of any change of tenants or occupants at least ten (10) days prior to such change or, in any event, within ten (10) days thereafter.
  - b. I/We further agree that in consideration of the acceptance of the application for utility service submitted by any present or future tenant or occupant of said premises specified herein, I/we will be responsible for

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and pay the charges assessed for all city utility services furnished to such tenant or any other occupant of these premises in case any tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the City, and/or the tenant's agreement with the City.

- c. The City shall have the right to terminate and restore utility services to the premises in the same manner and for the same reasons as are set forth herein.
  - d. This agreement must be signed and returned to comply with City Ordinance Title 13, and as a condition to the City supplying utility services to said premises.
10. I/We agree to pay for any damage to meters of other City property and equipment excepting normal wear, and I/we also agree that the City shall have the right to institute collection and/or enforcement proceeding by all means available to it, including suit in court of proper jurisdiction. I/We agree to pay all costs so incurred, including court costs, attorney's fees, and collection fees.

DATE: \_\_\_\_\_, 20 \_\_\_\_\_. Please print the following information

Business Name \_\_\_\_\_

Service Address \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner's Name \_\_\_\_\_ Date of Birth \_\_\_\_-\_\_\_\_-\_\_\_\_\_

Co-owner or Manager's Name \_\_\_\_\_ Date of Birth \_\_\_\_-\_\_\_\_-\_\_\_\_\_

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Co- owner or Manager's Signature

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**For Renters:**

**NORTH LOGAN CITY**  
**APPLICATION AND AGREEMENT FOR**  
**NON-RESIDENTIAL (BUSINESS), MULTIPLE-FAMILY**  
**RESIDENTIAL AND INSTITUTIONAL-RESIDENTIAL RENTERS**

I/WE, \_\_\_\_\_, the undersigned, am/are the renters(s) of the property at \_\_\_\_\_, North Logan, Utah. I/We hereby apply to North Logan City (City, hereafter) for water, and/or sewer and solid waste services (utility services, hereafter) at said premises, and hereby agree as follows:

1. I (We) agree to be bound by the rules, regulations, resolutions and/or ordinances applicable to such utility services now in effect or as the same shall be lawfully amended or changed from time to time. I (We) agree to pay to the City charges assessed for such utility services when due and at the rates as are fixed by the City.
2. I/We agree to pay the renter's deposit in the amount of \$ \_\_\_\_\_ (*as set by City Council resolution and listed in the Master Fee Schedule*) and to be responsible to the City for the cost of all services provided to said premises, and for late charges on any balance (including principal, interest, and prior late charges) thirty (30) days or more in arrears, at the rate of 1. 5% per month, which rate is subject to change by the City. The renter's deposit shall not be considered as an advance payment for any services. Past due accounts shall be considered delinquent notwithstanding the existence of the deposit and the applicant or user of utility services shall not have the right to compel the municipality to apply the deposit to any account to avoid delinquency. It is agreed and understood that the municipality may, but need not, apply the deposit upon bills due for prior service. I (We) understand and agree that the right of the municipality to shut off service as herein provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of the applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the municipality at the time deposit is made.
3. I/We agree to keep all taps, pipes, and other related devices through which water or sewer services may be obtained in proper repair. Agents and employees of the City shall at all reasonable hours have the right to enter said premises for purposes necessary and incident to this Agreement, to make excavations thereon, for the purpose of inspecting and repairing pipes or other appliances, for terminating

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utility services of disconnecting said premises or any part thereof for non-payment of service charges, or for violation of the terms of this Agreement.

- 4. I/We acknowledge the City’s right to terminate utility services to said premises, in the event of my (our) default in the performance of the terms hereof, pursuant to ten (10) days written notice of the municipality’s intention to do so and pursuant to applicable regulations. Utility services shall not be restored until all delinquencies and any reconnection fees imposed are paid in full and/or until any failure to conform to applicable regulations, ordinances and the terms of this Agreement are eliminated.
  
- 5. In the event I (we) should sublet or terminate my (our) lease, I (we) agree to notify the City thereof within ten (10) days of such sublease or termination and to continue to be responsible for all utility service charges until the City is properly notified and a new application and Agreement of Renter for Utility Services has been completed and accepted by the City, or until I (we) direct such service to be discontinued and all amounts due are paid in full.
  
- 6. I (We) agree to pay for any damage to meters or other City property and equipment excepting normal wear and I (we) also agree that the City shall have the right to institute collection and/or enforcement proceedings by all means available to it, including suit in a court of proper jurisdiction. I (We) agree to pay all costs so incurred, including court costs, attorney’s fees, and collection fees.

DATE: \_\_\_\_\_, 20 \_\_\_\_\_. **Please print the following information**

**Information about Property Owner (Manager)**

Property Owner’s Name \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

**Information about Property Renter (Manager)**

Business Name \_\_\_\_\_

Service Address \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Renter’s (Manager’s) Name \_\_\_\_\_ Date of Birth \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Co-Renter’s or Co-Manager’s Name \_\_\_\_\_ Date of Birth \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_

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Renter's Signature

(Ord. 09-09, Ord 04-16, Ord 04-17)

Co-Renter's or Co-Manager's Signature

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### **13A-107. Rates and Connection Fees.**

- (A) The rates, penalty fee for delinquency in payment, service fee for disconnection/reconnection, reservoir fee, inspection fee and other charges incidental to connection and services from the municipal water system shall be fixed from time to time by resolution enacted by the governing body. (Ord. 08-07)
- (B) The governing body may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system.
- (C) Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

**13A-108. Special Rates.** The governing body may from time to time fix upon terms and conditions as they may deem proper, fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, or where special demands are being placed on the municipality for additional or enhanced capital facilities including but not limited to reservoirs, pumps, wells and water lines.

(Ord. 94-04)

**13A-109. Board of Equalization, Rates, and Rebates.** The governing body is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.

### **13A-110. Use Without Payment Prohibited.**

- (A) It shall be unlawful for any person by himself, family, servants, or agents to utilize the municipal water or sewer system without paying therefore, as herein provided or, without authority, to open any fire hydrant, stopcock, or valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution.
- (B) It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.

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### **13A-111. Delinquency - Discontinuance of Service.**

- (A) The Treasurer or water supervisor shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of utility service charges assessed against him once each month or at such other regular interval as the governing body shall direct.
- (B) The statement shall specify the amount of the bill for utility services and the place of payment and date due. If any person fails to pay the utility charges within 30 days of the date due, the Treasurer or water supervisor shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within ten days from the date of notice.
- (C) If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent utility charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the municipality as determined by the treasurer. In the event water is turned off for nonpayment of utility charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent utility charges, an extra service fee for disconnection/reconnection charge at a rate determined from time to time by the City Council by resolution. The service fee for disconnection/reconnection is intended to cover the cost of both disconnecting the service and reconnecting it again once the customer's account is current. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has therefore been applied to the payment of delinquent bills. The Treasurer is hereby authorized and empowered to enforce the payment of all delinquent utility charges by an action at law in the name of the municipality.
- (D) Water service may be terminated at the request of the customer if the discontinuance is at least 60 days. Temporary discontinuance of service at the request of the customer will only be allowed if the residence is to be vacant. If the water service is discontinued at the request of the customer the customer shall pay a service fee for disconnection/reconnection as determined from time to time by the City Council by resolution. The fee shall be payable at the time of the disconnection. The service fee is intended to cover the cost of both disconnecting the service and reconnecting it again when the service is reestablished.

(Ord. 91-03, Ord. 98-03, Ord. 08-07)

**13A-112. Turning on Water After Being Turned Off Prohibited.** It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or

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other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the City Administrator or Treasurer. (Ord. 98-03)

**13A-113. Separate Connections.** It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the governing body and the premises served are owned by the same owner. Exceptions are multi-unit residences, multi-unit businesses, Planned Unit Developments or mobile home parks when such exceptions and separate connections are authorized by the City Council. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the municipality for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the municipality to require separate pipes, connections, or meters at a subsequent time. (Ord. 98-03)

**13A-114. Unauthorized Users.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

**13A-115. Period for Visitors.** Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and in violation of the provisions of this part relating to separate connections and unauthorized use.

**13A-116. Pipes to be Kept in Good Repair.** All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

### **13A-117. Quality of Service Pipe.**

- (A) All service and other pipe used in conjunction with the water services of the municipality shall be of such material, quality, and specifications as the governing body may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the Water Department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefore from the City Building Official.

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- (B) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

(Ord. 91-03)

**13A-118. Faulty Equipment.** It shall be unlawful for any water user to:

- (A) Waste water.
- (B) Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
- (C) Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
- (D) Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

**13A-119. Sprinkling Vehicles.** Vehicles for sprinkling shall be regulated and controlled by permit issued through the superintendent of the Water Department. Those responsible for sprinkling vehicles shall provide necessary apparatus to prevent back siphoning as the vehicle is being filled from a culinary water source.

(Ord. 91-03)

**13A-120. Department to Have Free Access.** The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the municipal system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

**13A-121. Non-liability for Damages.** The municipality 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.

**13A-122. Water Not Supplied for Motors or Devices.** No water shall be supplied from the pipes of the municipal water system for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind

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whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the governing body.

### **13A-123. Sprinklers.**

- (A) It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the governing body materially affect the pressure or supply of water in the municipal water system or any part thereof, and the governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- (B) The governing body shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this section.

**13A-124. Scarcity of Water.** In time a scarcity of water, whenever it shall in the judgment of the Mayor and the governing body be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the Mayor in pursuance of this section.

### **13A-125. Waste of Water.**

- (A) Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the municipality, a user of municipal water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the governing body.
- (B) The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- (C) A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.

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- (D) After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

### **13A-126. Water Meters.**

- (A) Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.
- (B) Meters will be furnished by the municipality upon application for a connection, and upon payment of such connection fees and other costs as may be established by the governing body from time to time by resolution.
- (C) Meters shall be deemed to be and remain the property of the municipality. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the governing body after due notice in writing to the parties involved.
- (D) The superintendent shall cause meter readings to be taken regularly and shall advise the Treasurer thereof for the purpose of recording the necessary billings for water service. (Ord. 98-03)
- (E) Meters may be checked, inspected or adjusted at the discretion of the municipality, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the municipality unless special permission is given by the municipality through its representatives to the customer to do so.
- (F) If a customer submits a written request to the superintendent to test his water meter, the municipality may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the governing body, the meter shall be deemed to accurately measure the use of water.
- (G) If the municipality's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or

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more than 103% of accuracy, the municipality shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

- (H) All damages or injury to the lines, meters or other materials of the municipality on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the municipality through its efforts to repair the damage to the meters or to other equipment of the department or collect such costs from the customer.

**13A-127. Permits for Installation.** It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary water system without first having received a construction permit from the office of the Recorder/Clerk or from the water superintendent.

### **13A-128. Applications for Installation Permit.**

- (A) Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made.

The application shall be granted if the superintendent determines that:

- (1) The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
- (2) The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality.

All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

- (B) Fees for permits or for inspection services shall be of such amounts as the governing body shall from time to time determine by resolution.

**13A-129. Moving or Replacement of Water Lines.** In the event that the municipality in its sole discretion determines that any water line of the municipality must be moved or replaced, the municipality shall bear that portion of the cost of such move or replacement which applies to

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main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

**13A-130. When Permits Shall not be Issued.** Permission to connect with the municipal water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the municipality.

**13A-131. Discontinuance of Service.** Any customer desiring to discontinue service shall notify the municipality in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

**13A-132. Fire Hydrants.** Water for fire hydrants for fighting fires will be furnished free of charge by the municipality. Installations and repairs on such hydrants shall be at the expense of the municipality and shall be made under the direction of the municipality. All customers shall grant the municipality, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the municipality concludes that hydrants shall be so installed for the protection of the residents of the municipality.

(Ord. 91-03)

**13A-133. Extension of Water Mains Within the Municipality.** Any person or person, including any subdivider, who desires to have the watermains extended within the municipality, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the governing body by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water superintendent. The governing body may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the municipality.

**13A-134. Cost of Extensions Determined.** Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension.

**13A-135. Amount of Cost to be Deposited with Recorder.** If the governing body grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the Recorder/Clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the governing body shall indicate, after the granting thereof.

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**13A-136. Return of Any Money - Forfeiture.**

- (A) At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
- (B) In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the utility fund.

**13A-137. Ownership of Extension.** Any such extension shall be deemed the property of the municipality.

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### **13A-200. Service Outside Municipality.**

**13A-201. Supply of Water Services to Person Outside the Municipal Limits.** The municipality may furnish water service from its water system to person outside the municipality in accordance with the provisions of this chapter.

**13A-202. Petition for Service.** Any person located outside the municipal limits who desires to be supplied with water services from the municipal water system and is willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending any water main beyond its present location, may make application to the governing body by petition containing:

- (A) A description of the proposed extension.
- (B) A map showing the location thereof.
- (C) An offer to pay the whole expense incurred by the municipality in providing such extension and to advance such expense as shall be verified to by the water superintendent. The governing body and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
- (D) An acknowledgment that the municipality in granting the petition need supply only such water to the petitioner which from time to time the governing body deems beyond the requirements of water users within the property of and subject to the control of the municipality.

**13A-203. Extensions may be Master-Metered.** When an extension supplying more than one house or user outside the municipal limits is connected to municipal water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the municipal main. This installation will be at the expense of the person served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.

**13A-204. Cost of Extensions to be Determined by Water Superintendent.** Upon receipt of such petition and map and before the petition is granted, the governing body shall determine what portion, if any, of the extension of the municipal water mains to the municipal limits the municipality shall construct, and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the municipal water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.

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**13B. SEWER.**

**13B-100. Administration.**

**13B-101. Sewer Department and System.** The sewer department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the municipality's sewage collection and disposal system. The department shall administer the operation and maintenance of the municipal sewer system.

**13B-102. Superintendent of the Sewer Department.** There is hereby created the position of superintendent of the Sewer Department.

**13B-103. Application.**

- (A) Applications for a permit for a sewer connection must be made to the office of the City Engineer by the owner of the premises or his authorized licensed plumber.
- (B) Application must be made at least one (1) day before any work is done and, if required by the City Engineer, must be accompanied by a complete plan showing line size, type of pipe, location of line and any other information required.
- (C) If the plan in all things shall conform to the ordinance of the city, including effluent monitoring, and pre- treatment facilities if deemed necessary, then the application shall be granted, subject to the provisions of this chapter, to any licensed plumber hired by the owner to install the line.

**13B-104. Connection and Inspection Fee, and Other Services Provided Set by Resolution.**

- (A) The City Engineer shall charge such connection, inspection or other fees for services provided by the city as set by the Municipal Council from time to time by resolution with the approval of the Mayor.
- (B) All roads excavated for main line extensions shall be backfilled and resurfaced in accordance with North Logan City standard specifications and shall be done at the contractor's or owner's expense.
- (C) The general policy of the City of North Logan is not to extend city sewer service to locations outside the city unless there is an emergency involving the health, safety, and welfare of persons and property, or unless to deny the service would impose severe financial hardships and said service can be extended without additional costs to the city.

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**13B-105. Public Sewer and Connections-- Maintenance and Improvement Fee.**

- (A) A schedule of charges for services rendered by the municipal sewer system of North Logan City, Utah, shall be established by resolution by the City Council.

Any commercial customer required to be connected to the sewer that uses water from a private well shall have a water meter installed to measure water consumption from the well, and this consumption shall be used to compute the sewage rate.

- (B) Units not classified in the above noted resolution will have rates set consistent with the above rates and proportionate to the service rendered after recommendation by the City Engineer and fixed by the Council Member in charge.
- (C) In cases where the nature of the sewage from any commercial or industrial plant, building or premises is such that it imposes an unreasonable burden upon the system, an additional charge shall be made therefore or the City Engineer may, if it is advisable, compel such plant, building or premises to treat such sewage in such manner as shall be specified by the City Engineer before discharging such sewage into the system.

**13B-106. Revision.** That the schedule of rates and charges set out in 13B-105(A) hereof shall be subject to such revisions and changes as may be necessary to be made from time to time in order to comply with all requirements of the proceedings, resolutions and ordinances authorizing the issuance of any obligations of the city payable from the income and revenues of the municipal sewer system which may be at any time and from time to time outstanding; and the Municipal Council hereby reserves the right to establish such rates in the future which it considers fair and specifically included in Section 13B-105(A) hereof.

**13B-107. Owner Responsibility.**

- (A) Application for service from the municipal sewer system of the City of North Logan to any premises shall be made by the owner desiring such service, or his duly authorized agent.
- (B) When an application for service from the municipal sewer system of the City of North Logan shall be made by a tenant or the owner of any premises or property, as a condition of the granting of the application, the owner or his duly authorized agent shall thereby agree in consideration of the granting of such application by the City of North Logan that such owner will pay for all services furnished to such tenant or any occupant of the premises named in the application.

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- (C) In the event any such tenant or occupant shall fail to pay for such services according to the terms and provisions of this ordinance, the owner of the property shall be liable and responsible for such services.

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(D) The application/agreement to be filed with the municipality shall be in substantially the below stated form:

**APPLICATION FOR SEWER SERVICE**

\_\_\_\_\_  
(Date)

TO THE MUNICIPALITY OF \_\_\_\_\_.

The undersigned hereby applies for sewer services from the municipality for premises located at \_\_\_\_\_ and hereby agrees to pay charges for such sewer services as shall be fixed by the governing body of the municipality by resolution or ordinance until such time as I shall direct such service to be discontinued.

In the event of a failure to pay for this service within the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body relating to the use of the sewer system, the municipality shall have the right to discontinue my water service from the municipal water system until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to the sewer ordinances or regulations issued thereunder is eliminated.

Additionally, I agree that the municipality shall have the right to institute collection proceedings by all means available to it, including suit in a court of proper jurisdiction. The applicant agrees to pay all costs of collection including court costs and attorney's fees.

The undersigned agrees to be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the governing body of the municipality applicable to the municipality's sewer system.

\_\_\_\_\_  
(Signed)

**NON-OWNER APPLICANTS - AGREEMENT BY OWNER.**

In consideration of the acceptance of the application for sewer service submitted by (any present or future tenant) \_\_\_\_\_, I, or we, will pay for all sewer services furnished to such tenant, or other occupant of \_\_\_\_\_ (premises) \_\_\_\_\_ in case such tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the municipality.

\_\_\_\_\_  
(Owner)

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### **13B-108. Billing Method.**

- (A) Billing for sewer service shall be consolidated with billing submitted for water service to those persons who are liable for the payment of charges for both such services.
- (B) Bills for sewer service and such consolidated bills shall be mailed at intervals as may be determined by the City Administrator according to the rates provided for in this ordinance, or in effect from time to time. (Ord. 98-03)
- (C) Each such consolidated bill shall be paid in full as a unit and payment of one portion thereof shall not be permitted without payment of the remainder.
- (D) In the event that any such bill is not paid within thirty (30) days after the due date, such bill shall be deemed delinquent.
- (E) After ten (10) days delinquent and written notice, all water and sewer service to the premises concerned shall be immediately cut off.
- (F) If the water service is thereafter discontinued for failure to make payment of the sewer service charges, before the water service to the premises shall again be provided, all delinquent sewer charges must have been paid to the municipal treasurer or arrangements made for their payment that are satisfactory to the municipality.
- (G) In the event water is turned off for nonpayment of sewer charges, before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent charges, such extra charge for turning the water on and off as the governing body may have established by resolution or ordinance.
- (H) If any person fails to pay his sewer charges within 30 days of the due date, the Treasurer or the sewer supervisor is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction, seeking judgment for all the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees. (Ord. 98-03)

**13B-109. Board of Equalization, Rates and Rebates.** The governing body is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

**13B-110. Required Connections.** All persons owning or occupying buildings within 300 feet of an existing sewer shall be required to connect and shall be billed regardless of whether or not

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they have made a connection to the sewer system, unless other arrangements have been made with the City Council, due to extra- ordinary circumstances.

### **13B-111. Definitions.**

- (A) A "categorical pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) and (c) of Federal Water Pollution Control act (Title 33 U. S. C. , Sec. 1347) which applies to a specific category of industrial users.
- (B) A "regulated industry" shall mean an industrial user directly or indirectly discharging to the city sewer system that satisfied any of the following:
- (1) has a flow of 50,000 gallons or more per average work day;
  - (2) has a flow greater than 5% of the flow carried by North Logan's sewer system;
  - (3) has in its waste a toxic pollutant in toxic amounts as defined under Section 307 (a) of the Clean Water Act of 1977 (Federal Register dated January 31, 1978); or
  - (4) is found by the city to have a significant impact on the treatment works or the quality of effluent from the city's treatment works.

**13B-112. Duties of the Superintendent.** The superintendent of the sewer department shall manage and supervise the municipality's sewer system and inspect the sewer connections to the city system. These duties shall be under the direction of the governing body which from time to time shall by resolution or otherwise prescribe the superintendent's powers and duties and direct the manner and frequency with which he/she shall make reports to the Mayor, or designee, responsible for the sewer system. (Ord. 91-03)

**13B-113. Injuring Sewer, Discharging Oil, etc. Prohibited.** It shall be unlawful for any person to injure, break or remove any part or portion of any sewer or of any sewer appliance or appurtenance, or to discharge into a sewer any mud or dirt or any inflammable gas, gasoline, oil or grease of any kind from automobiles, or any calcium carbide or residue therefrom, or any liquid or other material or substance which will evolve an inflammable gas when in contact with water, sewage, or fire.

**13B-114. Manhole Covers.** It shall be unlawful for any person to open any sewer manhole, or in any way interfere with the same, without permission from the Superintendent of the Sewer Department.

**13B-115. Septic Tanks.**

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- (A) It shall be unlawful for the owner or other person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial, use, any part of which building is within three hundred (300) feet of any street, alley or way in which a public sewer is then in existence and used in the city, to construct or permit to be constructed or to use, or to permit to be used, any privy vault, septic tank or cesspool connected with such building.
- (B) Each owner or other person shall, within sixty (60) days after having been given notice by the city that an accepted public sewer is ready to receive connections, cause such building to be connected with said sewer (except that if such building shall not at the time such notice is given have therein any toilet or toilets, the owner or other person having charge thereof or occupying such building shall have a period of two (2) years in which to connect it with such public sewer) and shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause to permit to exist any privy vault, septic tank or cesspool to which said building is connected or which is used by the occupant thereof.
- (C) Whenever an accepted system shall cause appropriate notice to be served upon the owner, agent, or other person having charge of or occupying all property coming within scope of this section, that said public sewer is ready to receive connections therewith and then all plumbing must be connected with such sewer.
- (D) Whenever the owner, agent or other person having charge of or occupying any property coming within the scope of this section has been properly notified to make connection with an available public sewer and has not made or caused to be made such connection, or when such connection has been made but the connection charge there- fore has not been paid, any water and sewer service to such premises shall immediately be discontinued.

**13B-116. Storm and Other Water Prohibited in Sanitary Sewers.** No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

**13B-117. Discharge of Storm and other Water.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm sewer, combined sewer or natural outlet.

**13B-118. Waters and Wastes Prohibited in Public Sewers.** Except as herein provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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- (A) Any liquid or vapor having a temperature heated to a degree and in amounts which will inhibit biological activity in the publicly owned treatment works resulting in interference or which would cause the temperature of the wastewater entering the treatment works to exceed 104 F. degrees.
- (B) Any water or waste water containing solid or viscous substances in amounts which obstruct flow in sewers or interfere with the wastewater treatment system.
- (C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas or any other pollutant which might create a fire or explosion hazard in the sewer collection or treatment.
- (D) Any garbage that has not been properly shredded.
- (E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (F) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity either single or by interaction with other pollutants, to injure or interfere with any seepage treatment process, constitute a hazard to humans or animals, create any hazard in the receiving waters of the sewage treatment plant, or to exceed the limitations set forth in a categorical pre- treatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Federal Water Pollution Control Act.
- (G) Any waters or wastes containing suspended solids or other pollutants, including oxygen demanding pollutants, of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (H) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (I) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable state or federal regulations.
- (J) Any substance which will cause a violation in the city's discharge permit or receiving water quality standards.

### **13B-119. Limitations.**

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- (A) Upon the promulgation of federal categorical pre- treatment standards for a particular industrial category, developed pursuant to 40 CFR, Section 403. 6 the federal standard, if more stringent than limitations imposed herein for sources in that category, shall immediately supersede the limitations imposed herein. The City Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403. 12.
- (B) Notwithstanding the foregoing federal categorical pre- treatment standards, the city reserves the right to change local limits as circumstances may require which limits may be more stringent than the federal standards. Provided, however, that the City Engineer shall notify all affected users of any new and more stringent local standards not less than thirty (30) days prior to the effective date of the new local standards.

**13B-120. Grease Interceptors May Be Required-- Specifications.** Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

**13B-121. Maintenance of Grease Interceptors.** Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

**13B-122. Oxygen Requirement.** The admission into the public sewers of any waters or wastes having a five (5) day biochemical oxygen demand greater than three hundred (300 parts per million by weight, or having an average daily flow greater than two percent (2%) of the average daily sewage flow of the city shall be subject to the review and approval of the City Engineer.

**13B-123. Modification of Wastewater or Effluent Flow.** No discharger shall dilute the wastewater or increase the effluent flow as a means to keep BOD less than 300 parts per million nor shall a discharger use dilution as a means of compliance with any other regulation of pollutants under this chapter.

### **13B-124. Preliminary Treatment Provided by Discharger.**

- (A) Where necessary, in the opinion of the Engineer, a discharger shall provide, at his expense, such preliminary treatment as may be necessary to assure the elimination of all pollutants or other materials the discharge of which is prohibited by this title.
- (B) If necessary, a spill prevention, containment and control plan shall also be developed. Plans, specifications, and other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the City Engineer, and no

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construction of such facilities shall be commenced until said approval is obtained in writing.

### **13B-125. Compliance Schedule.**

- (A) Where additional pretreatment and/or operation and maintenance activities, will be required to comply with this ordinance, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
- (B) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pre- treatment required for the discharger to comply with the requirements of this ordinance including, but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this ordinance.
- (C) Under no circumstance shall the city permit a time increment for any single step directed toward compliance which exceed nine (9) months.
- (D) Not later than fourteen (14) days following each mile- stone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the city, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the city.

### **13B-126. Reporting Requirements for Discharger.**

- (A) Compliance date report.
  - (1) Within ninety (90) days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this ordinance or ninety (90) days following commencement of the introduction of wastewater into the sewer treatment system by a new discharger, any discharger subject to this ordinance shall submit to the city a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons.

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- (2) The report shall state whether the applicable pre- treatment 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 discharger into compliance with the applicable pretreatment standards or requirements.
- (3) This statement shall be signed by an authorized representative of the discharger.
- (B) Periodic Compliance Reports.
  - (1) Any discharger subject to a pretreatment standard set forth in this ordinance, after the compliance date of such pretreatment standard, or in the case of a new discharger, after commencement of the discharge to the city, shall submit to the city during the months of June and December, unless required more frequently by the city, a report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in Section 13B-213 hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the city may accept reports of average and maximum flows estimated by verifiable techniques. The city, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on months other than those specified above.
  - (2) Reports of discharges shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the city. The frequency of monitoring by the discharger shall be as prescribed in the applicable pretreatment standard of this ordinance. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis may be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial "Effluents for Priority Pollutants", April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U. S. EPA or by any other reasonable method approved by the city.

**13B-127. Manhole.** When required by the City Engineer, the owner or occupier of any property or building served by a sewer carrying industrial wastes which, in the opinion of the City Engineer, needs to be monitored to assure compliance with this title, shall install a suitable

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control manhole in the sewer to facilitate observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible at all times.

### **13B-128. Monitoring.**

- (A) Each discharge whose effluent, in the opinion of the City Engineer, needs to be pretreated or monitored, shall provide and operate at the discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the treatment works. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the city may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling 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 discharger. Sampling procedures shall be in accordance with guidelines provided by the city.
- (B) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specification. Construction shall be completed within 129 days of a written request by the engineer to install such facilities.
- (C) The city may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this ordinance. The discharger shall allow the city or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, or records examination. The City shall have the right to set upon the discharger's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. At the City Engineer's request, at the discharger's expense, the discharger shall do such monitoring and testing, inspection or sampling as the City Engineer deems necessary to assure compliance with this title. The results of all such activities shall be made immediately available to the city.

### **13B-129. Confidential Information.**

- (A) Information and data furnished to the city with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger 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 or proprietary information of the discharger.

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- (B) When requested by a discharger furnishing a report, the portions of a report which may 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 to this ordinance; 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 discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (C) Information accepted by the city as confidential, shall not be transmitted to any governmental agency until and unless a ten (10) day notification is given to the discharger.
- (D) All dischargers subject to this ordinance shall retain and preserve for no less than three (3) years, any record, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling and chemical analysis made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. If after monitoring, sampling and testing, etc. , the City Engineer deems it necessary that the discharger pre- treat his effluent in order to comply with this title, he shall do so at his own expense and according to the compliance schedule established for the discharger after being so instructed by the Engineer.

**13B-130. Preliminary Treatment.** Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner or discharger at his own expense.

### **13B-131. Enforcement of Industrial Pretreatment Program.**

- (A) Emergency suspension of service. The city may for good cause shown suspend the wastewater treatment service to a discharger when it appears to the city that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of person, substantial danger to the environment, interfere with the operation of the treatment plant, or violate any pretreatment limits imposed by this ordinance. Any discharger notified of the suspension of the City's wastewater treatment service, shall within a reasonable period of time, as determined by the city, cease all discharges. In the event of failure of the discharger to voluntarily comply with the suspension order within the specified time, the city shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The city shall reinstate the wastewater treatment service and terminate judicial proceedings

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pending upon proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

- (B) Revocation of Treatment Services. The city may seek to terminate the wastewater treatment services to any discharger which fails to:
- (1) factually report the wastewater constituents and characteristics of its discharge;
  - (2) report significant changes in wastewater constituents or characteristics;
  - (3) refuses reasonable access to the discharger's premises by representatives of the city for the purpose of inspection or monitoring; or
  - (4) violates the conditions of this ordinance, or any final judicial order entered with respect thereto.
- (C) Notification of Violation - Administrative Adjustment. Whenever the city finds that any discharger has engaged in conduct which justifies termination of a wastewater treatment service, the city shall serve or cause to be served upon such discharger, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the receipt of the notice, the discharger shall respond personally or in writing to the city, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.
- (D) Show Cause Hearing. Where the violation of Section 13B-219 (D) is not corrected by timely compliance by means of administrative adjustment, the city may order any discharger which causes or allows conduct prohibited by Section 13B-219 (B) hereof, to show cause before the city or its duly authorized representative, why the proposed service termination should not be taken. A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the city or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the city or its designee why the proposed enforcement action should not be taken. The notice of hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by the city which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or state law.
- (E) Judicial Proceedings. Following the entry of any order by the city with respect to the conduct of a discharger contrary to the provisions of this title, the attorney for the city

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may, following the authorization of such action by the city, commence an action for appropriate legal and/or equitable relief in the appropriate court.

- (F) **Right to Appeal.** Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the city on any matter covered by this ordinance and shall be entitled to a prompt written reply.

In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this ordinance for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request, shall all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this ordinance may be taken in accordance with local and state law.

- (G) **Falsifying Information.** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this section or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction be punished by the imposition of a penalty of not more than \$1,000. 00 per day per violation, or by imprisonment for not more than six months or by both.
- (H) Nothing stated hereinafter in this subsection shall supersede the provisions of Section 13B-134 relating to the emergency powers of the City Engineer or his delegate.

### **13B-132. Recovery of Costs.**

- (A) Any discharger violating any of the provisions of this ordinance, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the city's wastewater disposal system shall be liable to the city for any expenses, loss, or damage caused by such violation or discharge.
- (B) The city shall bill the discharger for the costs incurred by the city for any testing, analysis, cleaning, repair, or replacement work caused by the violation or discharge.
- (C) Refusal to pay the assessed costs shall constitute a violation of this ordinance enforceable under the provisions of this ordinance, or other applicable law.

**13B-133. Procedures.** The Council Member in charge may establish such procedures and assign such personnel as is necessary or reasonable for carrying out the purposes of this ordinance.

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**13B-134. Emergency Powers.** The City Engineer and his delegate shall have emergency powers to immediately halt any discharge into the city sewer system which reasonably appears to be in violation of these ordinances or which presents a danger to the health, safety and welfare of any personnel or which may be in violation of any environmental standards, or which threatens to interfere with the operation of the sewer system and its treatment plant. This power shall extend to any user of the system, whether within the city limits or not.

**13B-135. Permit Required.** It shall be unlawful for any person to connect or to 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 City Engineer or Inspector. Such permit must be on the job site during the whole time the work is in progress and must be exhibited to any city official demanding to see it.

**13B-136. Industrial Use Permits.** Any industrial user of the sewer producing industrial wastes (other than domestic household wastes) may be required to apply for a permit. Such permit must be filed with the City Engineer within thirty days. After the application is received, the City Engineer or his delegate shall issue a permit good for not more than one (1) year, which shall contain as a minimum the following information:

- (A) Applicable pretreatment standards and/or discharge limits.
- (B) A compliance deadline date or effective date of limits.
- (C) Reporting requirements as appropriate.
- (D) A statement of the effective date, the expiration date, and the authority to revoke in the event of noncompliance.
- (E) Any person discharging industrial waste into the sewer system without a permit, or in violation of the terms of the permit, shall be guilty of a Class "B" misdemeanor.

**13B-137. Drain Pipes, Description.** All connections to public sewers of North Logan City shall be not less than four (4) inches diameter of poly vinyl chloride S. D. R. 35 Sewer Pipe ASTM D 3034 or other materials approved by the Building Inspector and inspected and approved by the City Engineer before being installed. Pipe shall be laid true to line and grade and not less than one (1) percent. The building sewer shall not terminate less than two (2) feet from the front wall of the building; necessary bends shall be made with curved pipe not greater than one-eighth (1/8) bend. All connections shall be without traps, or valves, or other obstructions to prevent or retard the free passage of air from sewers to main house stack, except as stated in this chapter.

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**13B-138. Connected with "Y".** It shall be unlawful for any person to make a connection with a "Y" except it be done in the presence of the City Engineer or an inspector delegated for that purpose.

**13B-139. Trenches How Backfilled.** Contractors who excavate sewer connection trenches, or any other trench in a street in North Logan City shall comply with the standards of the duly adopted "Trench Excavation and Backfill" Ordinance.

**13B-140. Connection Before Completion of Sewer.** During the construction of any sewer extensions, abutting property owners may obtain permission to connect such property therewith by paying into the city treasury his full assessment for such sewer extension and by complying with all other requirements of this title.

**13B-141. Notice Given to City Engineer.** It shall be unlawful for any person to commence to lay sewer or drain pipe without having given to the City Engineer or inspector at least one day's notice of the time when he will commence such work. Work done without notice or without inspection shall be treated as defective work, and shall be condemned and uncovered, and if need be, reconstructed, and all at the expense of the person doing such work without giving said notice. Sewer connections may be made only at the point designated by the Engineer or Inspector. A violation of this provision shall be a misdemeanor.

**13B-142. Junction Pipes.** Unless directed in the permit all private sewers or house drains must be connected with junction pipes, slants or "Y" laid in the sewer during construction. The connection point with the sewer must first be located before opening the trench for the rest of the work. All trenches must be of sufficient width and open in such manner as to permit easy inspection and all connection with the public sewer must be made in the presence of the inspector. In all cases where connections are to be made, the opening of the sewer and the making of such connections must be in strict accordance with the permit.

### **13B-143. Independent Systems.**

- (A) The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and when available every building shall have an independent connection with a public or private sewer.
- (B) Where one building stands in the rear of another building on an interior lot, and no private sewer is available or can be constructed to the rear building through adjoining court, yard or driveway, the building drain from the front building may be extended to the rear building if lines are of acceptable size as determined by the Uniform Plumbing Code.

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**13B-144. Inside of Drain.** All drains connecting with the public sewer must be left smooth and perfectly clean on the inside, and all dead ends must be securely stopped by concrete or other watertight and imperishable materials.

**13B-145. Certificate of Inspection.** Upon the completion of any work done under a permit to make a sewer connection, the plumber or drain layer shall promptly notify the City Engineer or inspector to make examination of the whole work, and if found to comply with the provisions of this ordinance, he shall approve same and issue a certificate therefore.

**13B-146. Responsibility for Work.** It shall be the responsibility of the owner of the property served to retain a licensed plumber to make all connection between the building drain and the municipal sanitation sewer main trunk line. Materials and labor shall in no way be the responsibility of the city.

**13B-147. Responsibility for Maintenance.** It shall be the responsibility of the owner of the property served to provide maintenance between the building drain and the municipal sanitary sewer main trunk line. In the event of a stoppage or slowing of flow from the building drain to the main trunk line, it shall be the responsibility of the owner of the property served to correct the problem as not to create an unsanitary condition as defined and prohibited by the Uniform Plumbing Code.

**13B-148. Penalty.** Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor. Each day of violation shall be deemed to be a separate offense.

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### **13C-100. CABLE TELEVISION.**

**13C-101. Grant of Franchise.** The grant of franchise to provide cable television services in this municipality shall be non-exclusive and shall be granted only by resolution by the City Council. Any entity granted such franchise (referred in this section as the *franchisee*) shall be entitled to the rights outlined in this section. (Ord. 98-03)

### **13C-102. Right to Construct.**

- (A) The franchisee its successors and assigns, is hereby granted the non- exclusive right, privilege and authority to construct, erect, operate and maintain lines of television coaxial cable, including poles, wires, conduits, manholes, electric conductors, amplifiers, and fixtures where necessary in, upon, along, across, through, over and under the streets, alleys, easements, bridges, properties and public places of the City under the terms and conditions herein provided. (Ord. 98-03)
- (B) Such cables shall not be placed except upon application in writing to the telephone company and electric power company and the written approval of the Building Inspector or Electrical Inspector of the City, or either of them. (Ord. 98-03)
- (C) The application shall carry details and plans showing the location of any such cable.

### **13C-103. Pole Installation.**

- (A) The poles used for the said coaxial cable shall be those erected and maintained by the telephone company and electric power company or either of them when and where practical, providing satisfactory rental agreements can be entered into with said telephone company and electric power company. Otherwise, Franchisee shall have and is granted the right to install its own poles. (Ord. 98-03)
- (B) Provided, however, that the Franchisee shall not be permitted to install poles or string said coaxial cable above the surface of the ground in subdivisions within the limits of North Logan City wherein there presently exists any underground utilities (telephone or electricity) or the subdivision plan specified or subdivision and development plans specify underground utilities.
- (C) A right-of-way encroachment permit shall be obtained from North Logan City for all construction within public right-of-ways.
- (D) The Franchisee shall also provide North Logan City with up to date as constructed drawings of all underground utility lines.

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**13C-104. Standards.** All cables, wires, fixtures and other installations erected under the provisions hereof shall comply with and meet the minimum standards of the Building Codes of the City, as may be provided at any time and shall comply with the National Electrical Code and National Safety Code.

**13C-105. Public Ways.** The Franchisee shall be subject to all ordinances now in force or that may be hereafter passed relative to the use of highways, streets, alleys, bridges and public places of the City.

**13C-106. Hold Harmless.** The Franchisee shall hold the City safe and harmless from all damages or claims arising by reasons of negligence in the construction and maintenance of said coaxial cable.

**13C-107. Term.** The rights, privileges and franchise hereby granted are granted for the term of fifteen (15) years from the effective date of this ordinance.

**13C-108. Renewal.** All renewals of the rights, privileges and franchise hereby granted will be subject to a full public proceeding affording due process.

**13C-109. Fee.** This franchise is granted upon the condition that Franchisee, its successors and assigns, will pay to the City quarterly, commencing six (6) months after the commencement of operation of the cable system within the City, a fee of two percent (2%) per annum of the gross subscriber's revenues derived from installation of equipment and regular subscriber's service

**13C-110. Non-Assignment.** The rights, privileges, duties, and franchise herein granted may not be assigned without the consent in writing of the City.

### **13C-111. Amendment.**

- (A) This franchise will be amended from time to time to comply with applicable regulations of the Federal Communications Commission.
- (B) Any amendments so required shall be made within one year after the same are adopted by the Federal Communications Commission or at the time of renewal of this franchise, whichever comes first.

### **13C-112. Subscriber Service.**

- (A) The Franchisee shall maintain a local business office to which subscribers may telephone or visit in person during regular business hours without incurring added message or toll charges so that cable maintenance shall be promptly available.

## **TITLE 13. MUNICIPAL SERVICES.**

- (B) In the event subscribers or others have requests or complaints against Franchisee which are not resolved to the satisfaction of the requester/complainant, the requester/complainant may refer such unresolved request or complaints to the City.
- (C) The City Clerk is designated as the person to whom customers may direct their requests and complaints regarding any matter relevant to the service provided by Franchisee pursuant hereto.
- (D) Any complaints so made to the City against Franchisee shall be resolved by the following procedures, and notice of said procedure will be given to each subscriber to Franchisee's cable television system at the time of initial subscription:
  - (1) Complaints shall first be made to the manager of Franchisee at its local office in Logan, Utah, and may be made in writing or in person.
  - (2) Any complaint not resolved within seven (7) days after being made, may then be reported to the North Logan City Council through the City Clerk who shall forthwith give notice to the Franchisee requiring it to appear before a regular or special meeting of the City Council on a specified date and time to show cause why disciplinary action should not be taken against Franchisee for failure to resolve such complaint.
  - (3) The Franchisee may be subject to the following disciplinary action for failure to resolve a complaint:
    - (a) Fine not to exceed \$50. 00 for each unresolved complaint;
    - (b) Suspension, either temporary or permanent, of its rights under this ordinance;
    - (c) An order of the City Council requiring resolution of a complaint within a specific time not to exceed ten (10) days or penalty of one or the other or the sanctions provided in (A) and (B) of this Section 3.

**13C-113. Non-Preference Rates.** The Franchisee shall not as to rates, charges, service facilities, rules, regulations or in any other respect make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage, provided that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled, and provided further that connection and service charges may be waived or modified during promotional campaigns of Franchisee.

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### **13C-114. Removal and Restoration.**

- (A) Upon expiration of the franchise, if the Franchisee shall not have acquired an extension or renewal thereof and accepted the same, it may have and is hereby granted the right to enter upon the streets and public ways of the City for the purposes of removing therefrom any or all of its property and other.
- (B) In so removing said property the Franchisee shall refill, at its own expense, any excavation that shall be made by it, and shall leave said streets and public ways and places in as good condition insofar as practical as that prevailing prior to the Franchisee's removal of its property.

**13C-115. Special Amendments.** It shall be the policy of the City to amend this franchise upon application of the Franchisee when necessary to enable the Franchisee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity to more effectively, efficiently or economically service its customers.

### **13C-116. City Service Area.**

- (A) The Franchisee shall accomplish significant construction of cable television facilities and services within one (1) year after receiving a Certificate of Compliance from the Federal Communications Commission to operate under this franchise and shall thereafter reasonably make cable television service available to a substantial percentage of the City inhabitants, such percentage to be determined by the City Council.
- (B) In the event the City Council adopts a policy of construction requiring the wiring by Franchisee of less than the entire City of North Logan, such policy shall be adopted only after full public proceedings in accordance with Federal Communications Commission requirements which shall include specific notice of the consideration of such a policy.

### **13C-117. Prohibitions.**

- (A) From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install or maintain within any public street in the City, or within any privately owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.

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- (B) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically acoustically, inductively or otherwise, with any part of the franchised cable television system within this City for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program, or sound, without payment to the operator of said system.
- (C) It shall be unlawful for any person, without the consent of Franchisee, to willfully tamper with, remove or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

**13C-118. Separability.**

- (A) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.
- (B) The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.
- (C) The invalidity of any portion of this ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required of the Franchisee.

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**13D – SOLID WASTE.**

**13D-101. Definitions.**

- (A) **Garbage** means waste from the preparation, handling, storing, cooking or consumption of food and food products.
- (B) **Residential garbage** refers to garbage produced in places of private residence and dining halls not open to the public.
- (C) **Commercial garbage** refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
- (D) **Refuse** means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.
- (E) **Community waste** means lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.
- (F) **Container or regulation container** means a type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.

**13D-102. Collection and Disposal of Solid Waste.**

- (A) The city shall collect, remove, and dispose of solid waste in accordance with the provisions of this chapter.
- (B) The City Council may enter into contracts with Cache County Service Area #1 to provide for the collection, removal, and disposal of solid waste.
- (C) Nothing in this chapter shall preclude persons from removing and transporting their own solid waste from their premises.

**TITLE 13. MUNICIPAL SERVICES.**

**13D-103. Service Charges.**

- (A) The City Council shall establish service charges by resolution for the purpose of financing the establishment, maintenance, and operation of solid waste collection, removal, and disposal.
- (B) Service charges shall not be less than the charges set forth in any contract between the City and Cache County Service Area #1.
- (C) Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage, or employ the services of authorized garbage haulers.

**13D-104. Billing.**

- (A) The garbage service charges above imposed by this part shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.

(B) In the event that the obligee for the water service charges and the obligee for the garbage service charges does not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the governing body, the garbage service charges may be collected with such frequency and in such manner as the governing body shall by regulation provide. WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinances of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code includes Title 13 Municipal Service and specifically chapters 13A-103 and 13A-105 which include the forms that are applications for utility connections, and are used by applicants to contract with North Logan City for city services; and

WHEREAS, the City Council deems it necessary and appropriate to modify the applications to change the amount of the deposit for renters or other entities other than owners and allow applicants to provide their date of birth rather than their social security number on the form; and

WHEREAS, there are customers who have no water service as part of their utility bill but pay only for trash collection and the City Council has deemed it appropriate to have another utility service application for these customers, an application that will impose disincentives on non-payment of trash-only utility bills similar to those imposed on utility bills with water services.

NOW, THEREFORE, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

**TITLE 13. MUNICIPAL SERVICES.**

**AN ORDINANCE MODIFYING THE CITY ORDINANCE OF  
NORTH LOGAN CITY, UTAH FOR  
APPLICATION FORMS USED FOR SETTING UP UTILITY ACCOUNTS  
AND TO  
ESTABLISH A NEW TYPE OF ACCOUNT FOR CUSTOMERS THAT USE  
SOLID WASTE SERVICES ONLY**

BE IT ORDAINED by the City Council of the City of North Logan, Cache County, State of Utah that Title 13 of the Code of Revised Ordinance shall be revised as follows:

**SECTION I: – REVISION OF APPLICATIONS FOR UTILITY SERVICES**

The description of forms used to apply for utility services as found in Title 13 Chapters 13A-103 and 13A-105 shall be changed as follows:

1. The Application for Utility Services in Paragraph **13A-103. Application for Utility Services - Owner** shall be changed such that it requires the owner's and co-owner's/spouse's date of birth rather than their Social Security Account number.
2. The Application for Utility Services in Paragraph **13A-105 Application for Utility Services - Renter** shall be changed such that:
  - a. it requires the renters and co-renter's/spouse's date of birth rather than their Social Security Account number and
  - b. the amount of the deposit to be filled in within paragraph 2 of the agreement shall include the phrase "as set by City Council resolution and listed in the Master Fee Schedule".
3. The Application for Utility Services in Paragraph **13A-106. Applications for Utility Services for Non-Residential (Business), Multiple-Family Residential and Institutional-Residential Users –**
  - a. **For Owners form:** shall be changed such that it requires the owner's and co-owner's/manager's date of birth rather than their Social Security Account number.
  - b. **For Renters form:** shall be changed such that
    - i. it requires the renter's (manager's) and co-renter's/co-manager's date of birth rather than their Social Security Account number, and
    - ii. the amount of the deposit to be filled in within paragraph 2 of the agreement shall be changed to eliminate the reference to a specific deposit amount of fifty dollars and in its place include the phrase "as set by City Council resolution and listed in the Master Fee Schedule".

**SECTION II: ESTABLISHING AN APPLICATION FOR SOLID WASTE SERVICES ONLY:**  
Paragraph 13D-104. Billing shall be changed to read as follows:

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**13D-104. Billing.**

- (A) The garbage service charges above imposed by this part shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.
- (B) In the event that the obligee for the water service charges and the obligee for the garbage service charges does not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the governing body, the garbage service charges may be collected through establishing a “Solid Waste Services Only” utilities account. To do so the owner of the account shall file with the City Treasurer for each account a written and signed application in substantially the following form:

**NORTH LOGAN CITY**  
**APPLICATION AND AGREEMENT FOR**  
**SOLID WASTE ONLY UTILITIES SERVICES**

I/WE, \_\_\_\_\_, the undersigned, am/are the manger(s) of the property at \_\_\_\_\_, North Logan, Utah. I/We hereby apply to North Logan City (City, hereafter) for solid waste services at said premises, and hereby agree as follows:

- 1. I (We) agree to be bound by the rules, regulations, resolutions and/or ordinances applicable to such solid waste services now in effect or as the same shall be lawfully amended or changed from time to time. I (We) agree to pay to the City charges assessed for such solid waste services when due and at the rates as are fixed by the City.
- 2. I/We agree to pay a deposit in the amount of \_\_\_\_\_ (*as set by City Council resolution and listed in the Master Fee Schedule*) and to be responsible to the City for the cost of all services provided to said premises, and for late charges on any balance (including principal, interest, and prior late charges) thirty (30) days or more in arrears, at the rate of 1.5% per month, which rate is subject to change by the City plus an overdue account administration fee of \_\_\_\_\_ (*as set by City Council resolution and listed in the Master Fee Schedule*). The deposit shall not be considered as an advance payment for any services. Past due accounts shall be considered delinquent notwithstanding the existence of the deposit and the applicant or user of solid waste services shall not have the right to compel the municipality to apply the deposit to any account to avoid delinquency. It is agreed and understood that the municipality may, but

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need not, apply the deposit upon bills due for prior service. I (We) understand and agree that the right of the municipality to terminate service as herein provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of the applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the municipality at the time deposit is made.

- 4. I/We acknowledge the City's right to terminate solid waste services to said premises, in the event of my (our) default in the performance of the terms hereof, pursuant to ten (10) days written notice of the municipality's intention to do so and pursuant to applicable regulations. Solid waste services shall not be restored until all delinquencies and any reconnection fees imposed are paid in full and/or until any failure to conform to applicable regulations, ordinances and the terms of this Agreement are eliminated.
- 5. In the event I (we) should sublet or terminate my (our) lease, I (we) agree to notify the City thereof within ten (10) days of such sublease or termination and to continue to be responsible for all solid waste collection service charges until the City is properly notified and a new application and agreement for solid waste services has been completed and accepted by the City, or until I (we) direct such service to be discontinued and all amounts due are paid in full.
- 6. I (We) agree to pay for any damage to City property and equipment excepting normal wear and I (we) also agree that the City shall have the right to institute collection and/or enforcement proceedings by all means available to it, including suit in a court of proper jurisdiction. I (We) agree to pay all costs so incurred, including court costs, attorney's fees, and collection fees.

DATE: \_\_\_\_\_, 20 \_\_\_\_\_. **Please print the following information**

**Information about Property Manager**

Business Name \_\_\_\_\_

Service Address \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Manager's Name \_\_\_\_\_ Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

Co-Manager's Name \_\_\_\_\_ Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_

**TITLE 13. MUNICIPAL SERVICES.**

Manager's Signature

Co-Manager's Signature

**Information about Property Owner ( If different than Manager)**

Property Owner's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

(Ord. 09-09)

**13D-105. Prohibition.**

- (A) The owner or occupant of any premises within the city shall be responsible for the sanitary condition of those premises.
- (B) It shall be unlawful for any person to accumulate, or cause to be accumulated, any solid waste upon any street, public property, the premises of another, except as provided by this chapter, without the express permission of the city and owner of the premises.

**13D-106. Solid Waste Pickup.**

- (A) Solid waste to be collected by the city shall be placed at the curb in front of the premises or other pickup points designated by the city for the collection of solid waste in accordance with a schedule or regulations adopted by the City Council.
- (B) Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the governing body.
- (C) All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

**13D-107. Containers and Storage.**

- (A) All refuse shall be stored in containers as specified by the contractual agent responsible for solid waste disposal.
- (B) Ashes containing hot embers shall not be placed in containers for collection.

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- (C) It shall be unlawful to accumulate refuse on any premises except in containers which are approved by the city.

(Ord. 91-03)

**13D-108. Solid Waste Acceptable for Collection.** The following solid waste shall be considered to be acceptable for collection:

- (A) **Garbage:** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods.
- (B) **Ashes:** The residue from the burning of wood, coal, coke, or other combustible materials.
- (C) **Rubbish:** Non-putrescible solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals, and similar materials.
- (D) **Dead Animals:** Small, dead animals not exceeding seventy-five (75) pounds each in weight, which die in the normal course of community activity excluding condemned animals, animals from a slaughter-house, or other animals normally considered industrial refuse, may be removed by the city upon request.

**13D-109. Solid Waste Not Acceptable for Collection.** The following solid waste shall be considered to be not acceptable for collection:

- (A) Dangerous materials or substances, such as poisons, acids, caustics, infected materials and explosives.
- (B) Unusual quantities of materials resulting from the repair, excavation or construction of buildings, or structures such as earth, plaster, mortar, rocks and roofing material.
- (C) Materials which have not been prepared for collection in accordance with these regulations.
- (D) The solid wastes resulting from industrial processes.
- (E) Any other material which in the judgment of the city is dangerous to equipment or unfeasible to handle.

**13D-110. Disposal.**

## **TITLE 13. MUNICIPAL SERVICES.**

- (A) The disposal of solid waste shall be by a method or methods which comply with the requirements of State and local law and shall include maximum practicable rodent, insect, and nuisance control at the place or places of disposal.
- (B) No garbage shall be fed to hogs, unless such garbage has been heat-treated to kill any disease agents therein by boiling for thirty (30) minutes or by other equally effective means.
- (C) Animal offal and carcasses of dead animals shall be buried or cremated as directed by the city or shall be rendered at forty (40) pounds per square inch of steam pressure or higher or shall be heated by equivalent cooking.
- (D) It shall be unlawful for any person, except those authorized by the City, to regularly haul or transport solid waste upon the streets and public ways of the City.
- (E) It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk, or public place any solid waste such as stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.
- (F) It shall be unlawful for any person to burn papers, boxes, dry rubbish or similar materials unless it is burned in an incinerator approved by the city and controlled so as not to create a smoke or odor nuisance. Hours of burning will be regulated and posted by the city.
- (G) It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in open air or in any furnace or stove within the municipality.
- (H) It shall be unlawful for any owner, occupant, or tenant of any premises abutting on alleyways, to fail to keep such part of said alleyway or said premises clean and free from solid waste of all kinds.

### **13D-111. Equipment.**

- (A) All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering the body. Provision and use of tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the city.
- (B) Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at

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sufficient frequency to prevent nuisance or insect-breeding and shall be maintained in good repair.

### **13D-112. Disposal of Community Waste.**

- (A) Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the governing body as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the municipality, hazards to safety and the prevention of nuisances.
- (B) The governing body from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collecting and disposal service. In the event community waste disposal service should require a charge to be made by the municipality, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the municipality.

**13D-113. Dumping.** It shall be unlawful for any person to dump, place, or deposit or cause to be dumped, placed, or deposited any solid waste, garbage, ashes, or refuse except in places specifically designated and posted by the city. Dumping shall be subject to the rules and regulations adopted by the city.

**13D-114. Regulations.** The governing body may adopt such regulation as in its opinion are necessary to implement this part and its objectives.

### **13D-115. Enforcement.**

- (A) Whenever the City or Cache County Service Area #1 has determined that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, notice of such alleged violation shall be given to the person or persons responsible therefore, as hereinafter provided. Such notice shall:
  - (1) Be put into writing;
  - (2) Include a statement of the reasons why it is being issued;
  - (3) Allow a reasonable time for the performance of any act it requires;
  - (4) Be served upon the holder of a permit issued under this chapter or upon the owner or the occupant of any premises within the municipality; provided, that such notice shall be deemed to have been properly served when a copy thereof has been

## **TITLE 13. MUNICIPAL SERVICES.**

served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.

- (B) Such notice may:
- (1) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this part.
  - (2) State that unless conditions or practices described in such notice which violate this part are corrected within reasonable time specified in such notice, the violator may be punished in accordance with the provisions of this part, or a permit which has been issued pursuant to this part may be suspended or revoked.
- (C)
- (1) Any person who is affected by any notice issued in connection with the enforcement of any provision of this part may request, and shall be granted a hearing on the matter before the Cache County Service Area #1 or its designee; provided, that such person shall file, in the office of the Cache County Service Area #1 a written request for such hearing and within ten days after the date the notice was served.
  - (2) Upon receipt of such request, the Cache County Service Area #1 shall set a time and place for such hearing and shall give the petitioner written notice thereof.
  - (3) At such hearing, the petitioner shall be given an opportunity to be heard.
  - (4) The hearing shall be commenced not later than ten days after the day on which the request was filed, provided that, upon application of the petitioner the Cache County Service Area #1 may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (D)
- (1) After such hearing, the Cache County Service Area #1 shall sustain, modify or withdraw the notice, depending upon its findings based on such hearing as to whether or not the provisions of this part and of the regulations adopted pursuant thereto have been complied with.
  - (2) If the Cache County Service Area #1 sustains or modifies such notice, it shall be deemed to be an order.
  - (3) Any notice shall automatically become an order if a written request for a hearing has not been filed in the office of the Cache County Service Area #1 within ten days after such notice was served.

### **TITLE 13. MUNICIPAL SERVICES.**

- (4) In the case of any notice which states that a permit required by this part may be suspended or revoked , The Cache County Service Area #1 may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.
- (E) (1) The proceedings at such hearing, including the findings and decision of the Cache County Service Area #1, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Cache County Service Area #1.  
(2) Such record shall include, also, a copy of every notice or order issued in connection with the matter.
- (F) (1) If the corrective action ordered by the Cache County Service Area #1 under this part has not been taken within five days after such decision or order thereof, the Cache County Service Area #1 shall give notice that the governing body shall hear the matter.  
(2) Notice of the hearing shall be given by personal service or by leaving a copy at the residence or place of business of the person not complying, with anyone at such address who is over the age of 14 years and by mailing a copy of the notice to the last known address of the person not complying with the order.
- (G) (1) At the time set for the hearing by the Cache County Service Area #1, the governing body shall hear the matter and receive evidence and determine what corrective action is required, if any.  
(2) The decision of the governing body shall be in writing and a copy mailed to the person not complying.
- (H) (1) Any person who does not comply with the decision of the governing body shall be guilty of a misdemeanor.  
(2) The governing body may order the Cache County Service Area #1 to take the corrective action required if the person who does not comply fails to do so and a court action shall be commenced against such person for any costs incurred by the municipality.
- (I) (1) Whenever the Cache County Service Area #1 finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may without notice or hearing issue a written order reciting the existence of such an emergency and the conditions violating this part which require corrective action to remove such health hazard.

## **TITLE 13. MUNICIPAL SERVICES.**

- (2) If such corrective action is not taken, the Cache County Service Area #1 may take the action including the abatement of any nuisance as may be necessary to protect the public health. Notwithstanding other provisions of this part, such order shall be effective immediately.
- (3) Any person to whom such order is directed shall comply therewith immediately, but upon petition to the governing body shall be afforded a hearing as soon as possible, but in any case not later than three days after the petition was filed.
- (4) After such hearing, depending upon the findings of the governing body as to whether or not the provisions of this part and of the regulations adopted pursuant hereto have been complied with the governing body may continue such order in effect, modify it or revoke it.

**13D-116. Inspection.** The City shall designate an agent, who after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this ordinance and where necessary shall obtain a search warrant from a court having jurisdiction.

### **13D-117. Permits for Refuse Business.**

- A) It shall be unlawful for any person who does not possess an un-revoked permit from the Cache County Service Area #1 in addition to any business license required by the municipality to engage in the business of refuse collection or refuse disposal for compensation in the municipality.
- (B) The Cache County Service Area #1 shall issue permits for such applicants; provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this section; and that no permit shall be required of any agency acting under contract with the municipality.

**13D-118. Penalties.** Any person who shall violate any provision of this chapter shall be guilty of a Class B misdemeanor for each day that the violation occurs. The penalties for Class B misdemeanors shall be as provided in this code.

**TITLE 13. MUNICIPAL SERVICES.**

**13E-100. Telecommunication Facilities Ordinance – Purpose.** The purposes of this ordinance are:

- (A) To ensure that all telecommunications facilities comply with Federal, State, County and City regulations;
- (B) To regulate telecommunications services, antennas and support structures, and related electronic equipment and equipment enclosures;
- (C) To provide for the orderly establishment of telecommunications facilities in the City;
- (D) To minimize the number of antenna support structures and/or utility towers by encouraging the co-location of multiple antennas on a single structure, and by encouraging the location of antennas on pre-existing support structures;
- (E) To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities;
- (F) To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities;
- (G) To comply with the Telecommunications Act of 1996 by establishing regulations that:
  - (1) Do not unreasonably discriminate among providers of functionally equivalent services,
  - (2) Do not prohibit or have the effect of prohibiting the provision of telecommunications services;
  - (3) Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions; and
  - (4) Ensure that all utility facilities/structures are located, installed, buffered/screened, and maintained in a manner that will minimize the impact of such facilities/structures on nearby landowners and will not adversely affect the rural, agricultural, small town character and scenic beauty of North Logan City.

**13E-110. Definitions.** The following definitions apply to the regulations on telecommunications facilities, including utility towers used for telecommunications facilities:

## **TITLE 13. MUNICIPAL SERVICES.**

- (A) **Ancillary Support Building:** A building which is associated with and subordinate to a utility tower, necessary for the normal function of the utility tower and located on the same site as the utility tower.
- (B) **Antenna:** Any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials, and shapes including but not limited to solid or wire-mesh dish, horn, spherical or bar configurations used for wireless transmission. Types of antennas include, but are not limited to the following.
  - (1) **Wall Mounted Antenna.** Any antenna mounted directly to the fascia or outside walls of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.
  - (2) **Roof Mounted Antenna.** An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall, which is on the rooftop of a building.
  - (3) **Top-Hat Antenna.** Spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than two (2) feet in width as viewed looking directly at the structure.
- (C) **Antenna Support Structure:** A structure which may also be called a utility tower, the principal purpose of which is for location of antennas. Types of antenna support structures may include:
  - (1) **Monopole .** A standing antenna support structure placed directly on the ground to support one or more antennas.
  - (2) **Lattice Tower.** A multiple sided, open steel frame structure used to support one or more antennas.
- (D) **Co-Location:** A telecommunications facility that includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment
- (E) **Cell on Wheels (COW):** A mobile temporary telecommunications facility located in a trailer.
- (F) **Equipment Enclosure:** A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.

## **TITLE 13. MUNICIPAL SERVICES.**

- (G) **Stealth Design:** Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features, and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility such as heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the area's aesthetics. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of stealth design include, but not limited to roof mount antennas, utility pole antennas, single monopole with internal antenna (could be used as a light or flagpole), artificial rocks or trees. (Ord. 08-02)
- (H) **Telecommunications Equipment:** Equipment used in a telecommunications facility other than the Antenna, Antenna Support Structure, or Equipment Enclosures. Telecommunications equipment may include, but is not limited to electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies, and emergency generators.
- (I) **Telecommunications Facility:** An unmanned structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular" or "PCS" (Personal Communications System) communications and paging systems, whether commercially or privately operated.
- (J) **Utility Structure and Related Facilities:** May include a building/structure that is constructed so as to provide assistance, benefit, aid, directly or indirectly to a service such as electrical power, light and forms of communication; including telephone, telegraph, fiber optic signals, cellular service for other analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive.
- (K) **Telecommunications Tower:** A structure typically higher its surroundings used to support and/or hold telecommunication facilities including; telephone, telegraph, fiber optic signals, cellular services for both analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive. (Ord 04-20)

### **13E-120. Submissions Requirements for Telecommunications Facilities Allowed as a Conditional Use.**

- (A) Telecommunications Master Plan & Site Justification Study Required. For all new telecommunication facilities or structures, the applicant shall submit a

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Telecommunications Master Plan along with a completed application, and a Site Justification Study for each proposed telecommunications facility or structure. A Site Justification Study and Telecommunications Master Plan shall be submitted to the Planning Department, which will provide a review of the proposed project to ensure that the provisions of the North Logan City Code are being met. If the application is a co-location or stealth, go to Submissions Requirements for Telecommunications Facilities Allowed as a Permitted Use Chapter 13E-130 for application requirements. The Planning Commission shall perform the required Conditional Use Permit review for any application that requires a Conditional Use Permit. Any conflicts shall be submitted to the Commission. Said Planning Commission shall review, take public comment and render a decision by 1) approving the application, 2) approving the application with conditions, or 3) denying the application. The applicant shall request in written form what, if any, information submitted with application is to be kept confidential from public review.

- (B) Telecommunications Master Plan Requirements. Each company submitting an application for a Conditional Use Permit review shall complete a Telecommunications Master Plan. The Telecommunications Master Plan shall:
- (1) Show where the applicant's proposed, existing, and future telecommunication facilities are within North Logan City. The Telecommunications Master Plan may be amended as needed by the carrier for future site applications.
  - (2) Show the number of possible co-locations that can be obtained on the proposed cell tower.
  - (3) Contain a copy of the applicant's current FCC license to the North Logan City Planning Department.
  - (4) Include an initial indication of where the road or access will be located to their proposed site. Prior to approval of a building permit, the applicant shall provide City Staff with a copy of recorded road easement(s) to the proposed site.
  - (5) Include a signed agreement, stating that the applicant will:
    - (a) Encourage co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower;
    - (b) Restore site to its former condition. (See Chapter 13E-106 - Non-Maintained or Abandoned Facilities),

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- (6) Include a security program or system that addresses unauthorized access and vandalism,
  - (7) Indicate the latitude and longitude of proposed telecommunications facility including any proposed tower location.
- (C) Site Justification Study Requirements. A Site Justification Study shall be completed for each telecommunications facility site. The Study shall include the following:
- (1) Rationale
    - (a) An applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on existing buildings or structures or as a co-location on an existing antenna support structure. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations may be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.
    - (b) The Site Justification Study shall also include a description of the elevations, vegetation, and rock formations in the area, a description of the telecommunications facilities proposed to be placed on the site with technical reasons for their design and the efforts made to minimize impacts on the activities found on the land. The applicant shall provide City Staff with propagation information for the proposed site. The applicant shall demonstrate that the telecommunications facility complies with the North Logan City General Plan, as well as the required setback, and landscaping requirements of the zoning district in which they are proposed to be located.
  - (2) Co-location. The Study shall also examine the potential for co-location at existing or the proposed site. If co-location is not possible at an existing site or if the proposed new site is not available for co-location then the applicant shall include a written explanation of why co-location is not possible.
  - (3) Equipment Enclosures The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to be either:

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- (a) Located in an existing building or
  - (b) Designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures, or
- (4) Visual Analysis On all new sites, applicant shall submit a detailed twenty-four by thirty-six inch (24"x36") surveyed map, not more than one (1) inch equals one hundred (100) feet, which includes;
- (a) The topography of the area (2 ft. elevations) in which tower and/or telecommunication facilities can be located while continuing to communicate with sister tower(s).
  - (b) Delineation of where telecommunication facilities can be placed so as to minimize:
    - (i) The placement of structures from being placed on slopes of thirty percent or greater; and,
    - (ii) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road; and
  - (c) Graphical illustration of the coverage of the proposed telecommunication facility.

Once a site is located by the applicant and City Staff the applicant shall provide an illustration which can include photo simulation(s), field mock up(s) or other techniques, which illustrate all possible visual impacts of the proposed telecommunication facility. The analysis should consider views from public areas (streets, parks, etc. ) and from private residences. The applicant(s) should identify all reasonable mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility to ensure that hill cuts for roads are minimized and, the telecommunication facility can be hidden as best as possible to preserve the area's character. All costs associated with this requirement are to be borne by the applicant.

(Ord. 08-02)

**13E-130. Submissions Requirements for Telecommunications Facilities Allowed as a Permitted Use.** For telecommunications facilities allowed under a Permitted Use, the application shall comply with the requirements in this Chapter. Any request for telecommunications facilities differing from the standards as allowed in this section shall require

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a Conditional Use Permit review from the North Logan City Planning Commission, as set forth in Chapter 13E-120.

- (A) Telecommunications facilities must comply with the North Logan City General Plan, as well as the required setback, height requirements of the zoning district in which they are to be located, and are subject to all provisions as stated in Title 12. C which is the city's Zoning Ordinance.
- (B) All permitted use telecommunication facilities listed in this section must:
  - (1) Be located on an existing antenna support structure without having to replace or extend said structure, or,
  - (2) Incorporate stealth design technology or other visual screening that readily conceals the appearance of the antenna support structures, and equipment enclosures. Some examples of these may include, but not be limited to roof mounts, wall mounts, and utility, light or flag pole antennas.
- (C) Telecommunications Master Plan and Site Justification. Each company submitting an application for a Permitted Use telecommunications facility shall complete a Telecommunications Master Plan following the guidelines in Chapter 13E-120 (B) unless an existing and applicable Telecommunications Master Plan already includes the proposed facility.
  - (1) Where the applicant's proposed, existing, and future telecommunication facilities are within North Logan City, the Telecommunications Master Plan may be amended as needed by the carrier for future site applications.
  - (2) The Telecommunications Master Plan shall contain a current copy of the applicant's current FCC license to the North Logan City Planning Department.
- (D) Site Justification Study Requirements. A Site Justification Study shall be completed for each telecommunications facility site. The Study shall include the following
  - (1) Equipment Enclosures. The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to either:
    - (a) Be located in an existing building or

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- (b) Be designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures or
  - (2) Facility Placement. The study must show a delineation of where telecommunication facilities can be placed so as to minimize:
    - (a) the placement of structures from being placed on slopes of thirty percent or greater; and
    - (b) the intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road.
  - (3) Existing roads shall, whenever possible, be upgraded to the minimum amount necessary for non-public use.
- (E) Review Procedure
- (1) In proposals where either the applicant or the Planning Department determine that potential issues may arise or additional comment is needed from the community even if the facility is allowed as a permitted use, a public hearing on the application may be scheduled with the North Logan City Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation regarding an "approval", "approval with conditions" or denial of the application as based upon Chapter 13E-120.

### **13E-140. Development Standards.**

- (A) Construction Standards, Building Codes and Safety Standards. To ensure the structural integrity of telecommunications facilities, the owner of a telecommunication facility shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities, as amended from time to time.
- (B) General Requirements:

Height shall be minimized as much as reasonably possible. Height of the telecommunication facilities shall be measured from the existing grade to the top of the antenna support structure, or to the highest point of any portion of the telecommunications facility, whichever is greater. If the proposed site is a roof mount or wall mount the City may request that the study verify that the existing or proposed screening will screen telecommunications facility from view. (Ord. 08-02)

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- (C) **Setbacks.** Telecommunications towers constructed for telecommunication facilities shall have a setback from the parcel property line in accordance what the zone dictates, (See Chapter 12C-1004, paragraph Q, Modifying Regulations for Telecommunications Towers). The telecommunication facility shall be at least one hundred feet from any public trail, park, or outdoor recreation area. Guy wire anchors shall be set back at least twenty feet from any property line. Setbacks can be varied by Board of Adjustment upon review of application if the telecommunication facility can be hidden more appropriately by topography, vegetation, or existing structures, however, the affected adjacent land owner must approve of the proximity to their property line. If telecommunication facilities are located in non-residential zones or State-owned property, then they shall be allowed only in the rear yard area. (Ord. 04-20)
- (D) **Construction Standards.** Towers must meet manufacturer’s specifications and plans must be certified by an engineer licensed in the State of Utah. Towers must meet the requirements of the Standard Building Code, as may be amended and adopted from time to time, relating to wind loads, and must be engineered or guyed so that in the event a tower falls it will collapse only within the property lines on which it is located. All towers must meet the standards contained in American National Standards Institute “Antenna Supporting Structures and Antennas” (ANSI/TIA-222-G-2005).
- (E) **Signage.** Warning signs shall be limited to non-illuminated warning and equipment identification signs. Allowed signage shall be classified as “On-Site Informational Signs” and regulated as such in accordance with the City’s Sign Ordinance.
- (F) **Access Road.** Design and construction shall be approved by the North Logan City Fire Marshall.
- (G) **Intent to Use.** All applicants who apply to build only a tower shall provide at least one (1) letter of intent from a telecommunications company, which will locate on the tower.

(Ord. 08-02)

**13E-106. Non-Maintained or Abandoned Facilities.** The Planning Commission shall require each non-maintained or abandoned telecommunication facility to be removed when such a telecommunication facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within six (6) months after written notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.

## **TITLE 13. MUNICIPAL SERVICES.**

**13F-100. Cemetery Ordinance – Purpose.** The purposes of this ordinance are:

- (A) To establish a municipal cemetery with its associated policies and procedures;
- (B) To regulate the purchase, transfer, and reclaiming of burial rights within the cemetery;
- (C) To provide for the orderly record keeping, perpetual care grounds keeping, and other operational requirements of the cemetery; and
- (D) To ensure that all aspects of the cemetery are managed in a manner that will reflect positively on North Logan City.

**13F-101. Application of State Law.** All provisions of the laws regulating cemeteries of the State of Utah, not inconsistent with this chapter, are hereby also accepted as the cemetery laws and ordinances of North Logan City. This includes, but is not limited to, Title 8 of the Utah Code, Annotated, 1953 as amended.

**13F-102. Definitions.** The following definitions apply to the regulations for the municipal cemetery:

- (A) **“Burial Right”** means the rights owned by an individual to have buried, in a specified cemetery lot, a human body or the remains of same.
- (B) **“Burial Rights Owner”** means the owner of burial rights of any burial lots evidenced by the certificate of burial right for a described lot or by proved and recognized descent or devise from the original owner. State law (USC 8-5-7) states that after April 29, 1985 municipalities shall only sell the right to be buried in a cemetery.
- (C) **“Certificate of Burial Right”** may also be referred to as the “Deed” which is issued to the owner of burial rights of each gravesite.
- (D) **“Cemetery or Municipal Cemetery”** means that portion of the North Logan Memorial Park specifically designated as land for the purpose of burials. This area within the park may be enlarged from time to time, even to include the entire park area, as determined by the City Council by recording a plat with the Cache County Recorder’s Office.
- (E) **“Lot”** means and includes the lots or single graves in the municipal cemetery.
- (F) **“Lot Owner”** for the purposes of this ordinance means the same as “burial rights owner”. Even though the common term “lot owner” may be used in this and other cemetery related documents, it is meant to be the owner of the burial rights in a lot and not the ownership of the actual property.

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- (G) **“Mowing strip”** refers to the concrete foundation of a monument that extends beyond the base of the monument.
- (H) **“Null Gravesite”** signifies a grave that is not available for burial of any kind due to tree placement, family monument placement, or any other considerations that render a grave unfit for burial.
- (I) **“North Logan Memorial Park”** means the entire area owned by North Logan City located between 2300 and 2500 North and between approximately 2000 and 2150 East or as changed by the City Council through resolution. This area includes both the land platted as the cemetery land and the land established as park area.
- (J) **“Resident of North Logan City”** for the purchase of burial rights and for the opening and closing of graves, is an individual who currently resides within North Logan City limits, or has resided within North Logan City limits for a period of no less than 10 years. For purposes of this Ordinance, an individual who currently resides in North Logan is one who has a fixed, permanent home to which the individual if absent, intends to return; and in which the individual and his/her family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

(Ord. 09-02)

**13F – 103. Name.** The designated burial ground of this municipality shall be known by the name of the North Logan Memorial Park.

**13F – 104. Office of Cemetery Sexton.** There is hereby created the Office of Cemetery Sexton. The Cemetery Sexton, and any required deputy sexton(s), shall be appointed by and work under the direction of the Director of Parks and Recreation. The City Council shall ensure that adequate funds are appropriated each year to cover the salary of the Sexton as well as the perpetual care of the cemetery grounds. (Ord. 09-02)

**13F – 105. Duties and powers of the Sexton.** The Sexton, subject to the direction of the City Council, the City Administrator, and the Director of Parks and Recreation, has entire charge of the cemetery and is authorized to enforce the rules and regulations pertaining thereto. He may take such action as may be necessary, though not expressly set forth herein, in order to protect the property of grave and burial rights owners, and the cemetery, from injury, and to preserve the peace, economy and good order of the cemetery. It shall be the duty of the sexton to keep the cemetery plat and related records up to date, and to cooperate with the city treasurer in maintaining records of charges and payments made pursuant to this ordinance. The Sexton or a competent deputy shall oversee every interment in the cemetery and shall register the names and ages of all persons interred therein and the place of their interment. He shall open and close graves, maintain the cemetery and perform such other duties as may be required elsewhere in this ordinance or by the City Council. (Ord. 09-02)

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**13F – 106. Burial Regulations.** The following regulations shall govern burials within the cemetery:

- (A) Burial Permit (Request for Burial Form). No body shall be interred, or remains received, unless a Request for Burial Form is completed in full and presented to the city. The Request for Burial Form shall reflect the full name of the deceased, the date and place of birth, the date and place of death, and the name and address of the person responsible for the burial. (Ord. 11-05)
- (B) Certificate of Burial Right (Deed) required. It is unlawful for any person to bury the body of a deceased person in the cemetery without first obtaining a certificate of burial right for the lot used, or producing satisfactory evidence, through legal documentation, of a right to burial based on a properly acquired/inherited certificate of burial right. (see 13F – 114. Descent and Inheritance of Burial Rights).
- (C) Excavating and refilling graves. The Cemetery Sexton is in complete charge of every interment. No grave shall be opened, filled, refilled, or sodded except by the employees of the cemetery under the direction of the Sexton.
- (D) Disinterments / Exhumations. The scheduling of disinterments shall be at the discretion of the Sexton. It shall also be at the discretion of the Sexton to refuse to disinter any person that would endanger the health and safety of cemetery employees. Disinterments may be postponed without notice if the Sexton deems it necessary to maintain the regular operation of the cemetery.
- (E) Approval of Disinterments/Exhumations. No person shall disinter any body buried in such cemetery, unless under the direction of the Sexton, and before disinterment the Sexton shall require a permit from the board of health and a written order from the owner of the lot or the owner's legal representative, authorizing such removal, which order the Sexton shall file and preserve, and all such removals shall be recorded by the Sexton. It is unlawful to remove the body of any person who has died of a contagious disease within two years from the date of burial, except such body had been buried in a hermetically sealed coffin.
- (F) Fees for Disinterments/Exhumations. (See **13F – 112. Purchase Prices and Fees**).
- (G) Restriction on Burials. It shall be unlawful for any person to bury the body of a deceased person, within the North Logan City limits, except in an approved cemetery. It is unlawful to inter the remains of anything other than the remains of human bodies, in the cemetery.

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- (H) Burial Hours Including Sundays and Holidays Restrictions. No graveside service or interment will be allowed in the cemetery on Sunday or on any of the holidays officially observed by the City of North Logan. On any other days, graveside services or interments will normally be allowed between the hours of 10:00 a. m. and 4:00 p. m. All grave side services and interments/exhumations must be arranged through the Sexton, a minimum of seventy-two (72) hours in advance of the time set. Any exceptions to the provisions of this section shall be by the approval of the Sexton, and may result in a payment of additional fees.
- (I) Vaults Required. It is unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault of concrete or steel, substantially constructed and covered with a similar durable material. No wood shall be used as a permanent part of the construction of any part of the vault. All vaults must be buried at a minimum standard depth specified by the Sexton. Above ground vaults are not allowed in the cemetery. All vaults must be pre-approved by the Sexton.
- (J) Burials per Grave. It is normal practice to allow only one burial per space; however, certain double burials will be allowed involving a parent/child burial or cremated remains. A parent/child may be buried in the same grave space but must be in the same casket. The City reserves the right to approve every parent/child burial on an individual basis regarding size and age of deceased. The general guideline is that the child must be under 2 years of age.
- (K) Cremation. Each cremated remain must be placed in a pre-approved urn vault constructed of concrete, steel, or reinforced polyethylene material. Each urn vault shall only contain cremated remains of one individual. The interment of no more than two urn vaults in one gravesite shall be permitted.

(Ord. 09-02)

**13F – 110. Perpetual Care.** The City of North Logan hereby assumes the responsibility for perpetual care of the North Logan Memorial Park. Perpetual care shall consist of that maintenance necessitated by natural growth and ordinary wear, and it shall be provided at reasonable intervals within the budget limits of the cemetery. No burial lots in the cemetery shall be sold without perpetual care for the space to be used.

- (A) Owner Responsibility. The owners of the lots or relatives of deceased persons buried in such ground are required to erect and maintain in repair, tombstones or other suitable monuments at the head of graves with the names of the deceased plainly inscribed thereon. The Cemetery is maintained by City crews who exercise great care in keeping the grounds groomed. The City will not be

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responsible for inadvertent damage to monuments that occur from routine maintenance or burial operations. (Ord. 09-02)

**13F – 111. Monuments / Grave Markers / Structures.** Monuments shall be installed by private firms. The Sexton's office must receive a minimum of seventy-two (72) hours notice of monument installation. Installers are responsible for the removal of all excess debris and must make reasonable efforts to restore the plot to its original condition. All markers or monuments shall be set in a concrete foundation at least four inches (4") in depth. The foundations of all markers or monuments shall extend at least six inches (6"), but no more than ten inches (10"), past the edge of marker or monument and shall be flush with the ground.

- (A) Monument installation. Monuments are to be installed during regular business hours and under the direct supervision of the Cemetery staff. The cemetery staff will measure and indicate where the monuments are to be placed. Monuments not installed during City office hours and without the direct supervision of the cemetery staff, shall result in an administrative fine as dictated by city resolution, and will need to be re-installed.
- (B) Monument Base Preparation. Due to the slope of the Cemetery grounds, certain measures must be taken by the monument installer, in cooperation with cemetery staff, to ensure that the monuments will not slide or tip. Said measures shall include proper foundation preparation including compacting soils beneath the monument in compliance with standards set forth in the North Logan Design Standards and Technical Manual, along with pinning where cemetery staff deems necessary. The Cemetery staff must supervise all monument installations and ensure appropriate measures are applied.
- (C) Monument Material. All monuments/markers/headstones shall be made of granite or marble and shall be set in concrete. All text shall be etched/inscribed into the actual stone. All brass or bronze veteran markers must be approved by the cemetery sexton or deputy. (See subparagraph (M) below). Ord 13-08
- (D) Monument Dimensions. A single monument cannot exceed 3' in length. A double or triple monument cannot exceed 7' in length. No monument shall exceed 2' in width. No monument shall exceed 42" in height. Any concerns regarding the dimensions of monuments shall be addressed by the Sexton.
- (E) Grave/Monument orientation. By convention, burial spaces are laid in rows with the head of the grave at the west and the foot at the east. Individual grave tracts measure four feet wide by ten feet long. Traditional Burial custom has the wife placed to the left (north) side of the husband (south). The headstone is to be placed on the west side of the grave with the primary wording facing west. Any concerns regarding placement or orientation will be addressed by the Sexton.

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- (F) Moving of a Monument. In order to reduce the risk of damage to a monument, if a monument needs to be moved for a burial to take place, or for any other reason, when the dimensions of the monument to be moved exceed one foot (1') in height, two feet (2') in length, and eight inches (8") in depth, a monument company shall be required to move the monument, before and after the burial, so that the grave may be dug and the ground restored without impediment. Any movement of a monument shall be done under the direct supervision of the Sexton or Deputy.
- (G) Only one monument will be allowed on each gravesite.
- (H) Inappropriate or obscene items/wording on any monument is prohibited.
- (I) Mowing strip regulations. Holes/provisions for the placement of flower vases are allowed on the north and/or south mowing strips of the monument/headstone. However, holes/provisions are not allowed on the east and/or west-side of the monument within the mowing strip, or within the east and/or west-side of the monument itself (see 13F-118. (A) Plantings).
- (J) Family Monuments/Null Gravesites. Family monuments/headstones are permitted in the cemetery. Family monuments must follow the same standards and regulations as all other monuments/headstones including: notice, installation, precautions, dimensions, and orientation. In order to place a family monument within the cemetery a gravesite must be designated as null. No more than two gravesites may be designated as null per family monument. Before a gravesite can be considered for a null designation, a copy of the deed, or satisfactory evidence, through legal documentation, of a right to burial based on a properly acquired/inherited certificate of burial right (deed) must be submitted to the Sexton.
- (K) Benches and Structures. Gravesites may only be used for the burial of the deceased or the placement of approved monuments. Individual lots owners may not designate gravesites as null for the placement of benches, landscaping, or other structures. Benches, structures, or landscaping of any kind, shall only be installed by the Cemetery staff in pre-designated areas. However, certain headstones that function as benches may be approved by the Sexton if they meet the standards set forth for all monuments.
- (L) Lot Structures. No fences, foot markers, curbing, or other structures/installations, except an approved headstone or monument, will be permitted in the Cemetery.
- (M) If a veteran flag holder is desired, said flag holder(s) shall be installed on the north and/or south side of the headstone within the 6" concrete mow strip. For single name headstones, the veteran flag holder shall be installed on the right (south) side of the headstone. For double name headstones, the veteran flag holder(s) must be installed

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adjacent to the name(s) of the veteran that is being recognized (See 13F-111. Monuments / Grave Markers / Structures - (E) Grave/Monument orientation). The height of veteran flag holders must not exceed 18", and the diameter of the veteran flag holder marker must not exceed 6". The flag holder should be installed as close to the headstone as possible, and no part of the flag holder shall extend beyond the edge of the concrete mow strip. Flag holders shall not be installed on the east/west side of the headstone in any way.

(Ord. 09-02, 11-05, 13-08)

**13F – 112. Purchase Prices and Fees.** The City Council shall from time to time, by resolution, fix the size of lots, the price at which burial rights shall be sold, and the fees which shall be charged for the various cemetery services.

- (A) Payment of Fees. Payment of opening and closing fees is to be done at the same time that the "request for burial form" and the "burial information form" are filled out. All burial charges must be paid in full before a burial may take place. However, upon written agreement between a licensed mortician and the City, a mortuary may accept liability for the opening and closing fees for burial. Said fees shall then be mailed to, or deposited at, the office of the City treasurer at the time of burial. (Ord 11-05)
- (B) Duplicate Certificate. A lost certificate (deed) can be reissued for a small fee and upon the filing of an Affidavit of Lost Certificate by the applicant for the new certificate. A new certificate (deed) will be issued if a change in ownership, through will or legal documentation takes place (see 13F – 114. Descent and Inheritance of Burial Rights). In the case of change of ownership, the old certificate (deed) must be relinquished to the City.
- (C) Number of lots available for purchase. Purchase of gravesites shall be limited to 10 gravesites per household.
- (D) Fees for Disinterments/Exhumations: Fees for disinterments/exhumations will be higher than regular opening/closing fees due to the increased time and care that must occur for a grave that is dug by hand.

(Ord. 09-02)

**13F – 113. Restrictions of Resale.** The right to burial sold by this municipality for lots, shall not be further sold, transferred, conveyed or assigned to any person except the municipality or legal heirs (see 13F – 114. Descent and Inheritance of Burial Rights). The municipality agrees to buy back any cemetery burial right which it may hereafter sell. The repurchase of such burial rights shall be for the original price paid by the purchaser, or the current selling price of the lot's burial rights, whichever is less. (Ord. 09-02)

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**13F – 114. Descent and Inheritance of Burial Rights.** The following items shall govern the transfer of burial rights by way of succession.

- (A) Upon the death of a lot owner, the title to the lot shall transfer to the lot owner's heirs, devisees and assigns, as provided in a written agreement, the lot owner's Last Will and Testament, Trust Agreement/Declaration or other legally effective estate and property transfer documents, whether by probate, the terms and provision of the transfer documents and as otherwise provided by law. The heirs, devisees and transferees are entitled to the same use rights of the lot as the original owner and are bound by the same rules and regulations. If a lot owner dies without providing for the transfer of any remaining lots owned to specific heirs, devisees and assigns, the heirs at law may designate said lots to a family member or members, only, by relinquishing the lot certificate(s) and their right to the cemetery space or spaces. A document designating the new owner or owners shall be executed and notarized by all remaining legal heirs, stating, among other things, that they represent all of the remaining legal heirs to the deceased lot owner or owners, requesting the transfer to and naming the family member or members to receive the title to the remaining lot(s), and indemnifying the City against any claims or damages which may arise as a result of the City complying with the request made. Upon receipt of the signed and notarized document, the Treasurer will issue a new deed to the new lot owner or owners after payment of the fee as shown on the fee schedule held in the City Office. North Logan shall not be held responsible for a failure to otherwise determine the legal heirs, devisees and assigns of the deceased lot owner, the new owner or owners to assume full responsibility and liability for the same upon accepting the new deed.
- (B) Burial of other than lot owners. A person cannot be buried in a lot they do not own unless a signed document is presented to the City from the lot owner, or the lot owner's heirs or legal representative(s), giving permission for burial.
- (C) All lot owners are required to notify the cemetery office of any change to their address or contact information.

(Ord. 09-02)

**13F – 115. Unused Lots/Burial Rights.** The municipality shall have the right to reclaim unused burial rights through any process authorized by state law.

- (A) Gravesites that have been unused, or have no written notices of claim or interest on, for more than sixty (60) years will be reclaimed by the Cemetery. Every effort, practically and legally, will be made to find the owner or legal heirs before the gravesites, by lawful means, will be reverted. (Ord. 09-02)

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**13F – 116. Double Depth Burials.** Double depth burials shall not be permitted in the North Logan Municipal cemetery. (Ord. 09-02)

**13F – 117. Burial of Indigents.** The governing body may by resolution designate a portion of the municipal cemetery to the burial of indigents. Indigents may be buried whenever it is made to appear to the Mayor by proof submitted to him that any person who has died does not have an estate sufficient to pay the purchase price of the burial rights in the cemetery. The Mayor may grant burial space for such deceased person if the nearest relative or representative of such deceased person desires to have the body of such deceased, interred in the cemetery. (Ord. 09-02)

**13F – 118. Flowers/plantings/decorations.** The following items shall govern the placement of items surrounding the headstones/monuments of the cemetery.

- (A) Plantings. The planting of trees, shrubs, woody plants, or flowers of any kind is prohibited within the cemetery without the written permission of the Sexton. Any planting of any kind that is not approved by the Sexton will be removed by the Cemetery staff without notice.
- (B) Graveside Flowers. Containers of flowers will remain on the grave for a period of at least one week following the graveside service. Flowers may remain longer, until out of condition, as determined by cemetery personnel. If family members request flowers to be disposed of at any time, Cemetery Personnel will accommodate.
- (C) Fresh cut flowers. Fresh cut flowers will remain until they appear to be out of condition as determined by cemetery personnel. Cemetery personnel will dispose of the flowers and the container provided for them.
- (D) Plastic flowers are allowed to be placed in the Cemetery, provided they are placed on the grave markers so as to allow maintenance of cemetery grounds. Plastic flowers may be removed at anytime if they are determined to be unsightly or cause problems with regular grounds maintenance.
- (E) Glass Containers Prohibited. Any glass jars, containers, decorations, etc., of any kind are prohibited within the Cemetery.
- (F) Flower Containers/Decorations/Sheppard's hooks. Small baskets, pots, cans, vases, toys, decorations of any kind are acceptable as long as they remain within the 6" concrete base (mowing strip) on the north and/or south of the headstone/monument. Shepherds hooks, pinwheels, etc. , are permitted only within the places specifically provided for such in the headstone mowing strip. All decorations, vases, toys, etc. , are discouraged on the east and/or west mowing strip of the headstone, as these items may need to be removed. Any

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decoration deemed to pose a hazard to cemetery personnel or visitors or otherwise interrupt the operation of maintenance machinery will be removed and disposed of without notice.

(Ord. 09-02, 11-05)

**13F – 119. Memorial Day/Veterans Day.** Sprinkler irrigation is stopped two days prior to both holidays and remains off through the end of Memorial Day/Veterans Day to allow for the placement of decorations. Flower Regulations as listed above will be strictly enforced. The clean up of the Cemetery will begin seven days following Memorial Day/Veterans Day. Anyone desirous of picking up their wreaths or decoration should do so within the seven days following either holiday. Any person or persons picking up decorations that are not their property will be prosecuted to the full extent of the law. (Ord. 09-02)

**13F – 120. Boundaries, roads, (Utility) lines.** The right to enlarge, reduce, re-plat, or change the boundaries of the cemetery or a section or sections from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by the City Council. The right to install, maintain, and operate utility lines is also expressly reserved. (Ord. 09-02)

**13F – 121. Access and Conduct.** Cemetery has been dedicated for the burial of the deceased. Any irreverent behavior or conduct not in keeping with this purpose is expressly forbidden. Walking, Jogging, or bicycling through the cemetery is permitted. However, skateboarding, rollerblading, or other recreational activities are not allowed within the cemetery limits.

(A) Entrance Regulation. Access to the Cemetery is restricted to daylight hours only.

(Ord. 09-02)

**13F – 122. Miscellaneous Other Prohibited Acts.** It is unlawful for any person to injure, molest, deface or otherwise damage or remove headstones, urns, monuments, trees, shrubs, flowers, floral pieces, vases and containers, or other property in the municipal cemetery. This section shall not apply to the city Sexton or employees of the city sexton's department who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a cemetery lot. It is unlawful for any person to throw or deposit in any part of the municipal cemetery, the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, that will detract from the municipal cemetery.

(A) Animal Access. It is also unlawful for any person to take any animal into the municipal cemetery or permit any animal owned or in the custody of such person to enter the municipal cemetery, except in the case of a horse-drawn conveyance or other use of horse

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in conjunction with the funeral procession and except in the case of a trained animal assisting a handicapped person. . Those responsible for horses should confine them to the roadways and restrain them at all times so as to prevent damage to the lawns, landscaping, monuments, and other cemetery improvements.

(Ord. 09-02)

**13F – 123. Cemetery Maintenance District.** In the event that the residents of North Logan City elect to establish a cemetery maintenance district for North Logan City, or a portion thereof, as provided by law, the City Council shall establish the terms under which this cemetery shall be turned over to the established cemetery district and the council shall then modify this ordinance accordingly.

(Ord. 05-14, Ord. 09-02)

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### **13G. STORMWATER CONTROL SYSTEM ORDINANCE.** (Ord. 06-03)

**13G – 010. Purpose.** The purpose of this ordinance is to establish city regulations that will minimize new and reduce existing pollutants that enter canals and eventually rivers and lakes through stormwater runoff to comply with the Environmental Protection Agency’s “National Pollutant Discharge Elimination System” (NPDES) regulations. This ordinance seeks to meet that purpose through the following objectives:

- (A) Minimize increases in stormwater runoff from any new development in order to reduce flooding, siltation, increases in stream temperature and stream-bank erosion and maintain the integrity of stream channels;
- (B) Minimize increases in non-point source pollution caused by stormwater runoff from new development which would otherwise degrade local water quality;
- (C) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- (D) Reduce existing stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater control system management controls and to ensure that these management controls are properly maintained and pose no threat to public safety; and
- (E) Minimize damage to public and private property.

### **13G – 020. Definitions.**

- (A) The following bolded words and phrases shall be defined as follows for the purpose of this Chapter 13G: (Ord. 06-11)
  - (1) **Best Management Practices (BMPs).** A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMPs can be found in the North Logan Design Standards Technical Manual.
  - (2) **Catch Basin.** A drain inlet designed to keep out large or obstructive matter.

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- (3) **City Administrator.** The City of North Logan City Administrator or designee.
- (4) **Clean-up.** Means to restore to a condition equal to or better than its pre-construction condition.
- (5) **Construction Activity.** Activities subject to NPDES Construction Activity Permits. These include construction projects resulting in land disturbances of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (6) **Customer or Person.** Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.
- (7) **Debris.** Any dirt, rock, sand, vegetation, rubbish or litter.
- (8) **De-chlorinated Water.** Water with all traces of chlorine removed.
- (9) **Detention Basin.** A depression designed to detain stormwater runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.
- (10) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, and construction of buildings or other structures.
- (11) **Developed Parcel.** Any parcel which has been altered by grading or filling of the ground surface, or construction of any improvement or other impervious surface area thereon.
- (12) **Director, Stormwater.** The City Engineer or Public Works Director of the City of North Logan or duly appointed deputy, agent, or representative assigned to manage the stormwater program.
- (13) **Disturb.** To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.
- (14) **Drain Inlet.** A point of entry into a sump, detention basin, or storm drain system.

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- (15) **Dwelling Unit.** A building or other structure or portion thereof, in which: (a) an individual resides as a separate housekeeping unit, or (b) a collective body of persons (doing their own cooking) resides as a separate housekeeping unit in a domestic bond based upon birth, marriage, domestic employment or other family relationship, as distinguished from a boarding house, lodging house, club, fraternity, motel or hotel.
- (16) **Equivalent Residential Unit (ERU).** A configuration of development, or impervious surfaces on a parcel, contributing runoff to the city's stormwater system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. A single-family residential parcel has been determined to contain an average of four thousand seven hundred (4,700) square feet of impervious surface. One ERU is equal to four thousand seven hundred (4,700) square feet of impervious surface area.
- (17) **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.
- (18) **Illicit Connection.** Illicit connection means either of the following: 1) 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-stormwater 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 2) Any drain or conveyance connected to or discharging to the storm drain system, which has not been documented in plans, maps, or equivalent records submitted to the City, and approved in writing by the City.
- (19) **Illicit Discharge.** Any non-stormwater discharge to the stormwater control system. Illicit discharges include both direct connections (e. g. wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect connections (e. g. infiltration into the stormwater control system or spills collected by drain inlets).

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- (20) **Impervious Surface.** That hard surface area of a parcel which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that which would be present under natural conditions. Impervious surfaces may include, but are not limited to: rooftops; concrete or asphalt paving; walkways; patios; driveways; parking lots or storage areas; trafficked gravel; or other surfaces which similarly impede the natural infiltration into the ground or runoff of storm and surface water.
- (21) **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.
- (22) **Non-Stormwater Runoff.** Any runoff other than stormwater.
- (23) **On-Parcel Mitigation or Mitigation.** Stormwater control facilities designed to city standards located on the parcel, which either holds runoff for a short period of time and releases it to the stormwater system, or holds water for a considerable length of time and disperses it by evaporation or infiltration into the ground.
- (24) **Parcel.** The smallest separately segregated unit or plot of land, with a person or persons identified as owner(s); having boundaries, and surface area, which is documented and given a property number by Cache County ("county").
- (25) **Person.** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and of the United States government.
- (26) **Public Improvement Bond.** A security acceptable to the city to insure proper completion of required public improvements associated with public and private land development.
- (27) **Pollutant.** Dredged spoil, 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, fecal coliform and pathogens; dissolved and particulate metals; animal wastes;

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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.

- (28) **Pretreatment.** A structure or process that removes sediment, oils and/or floatables from stormwater.
- (29) **Redevelopment.** Alterations of a property that change the footprint of a building or the use classification of a building.
- (30) **Storm Drain.** A closed conduit for conducting collected stormwater.
- (31) **Stormwater Control 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, maintained and/or operated by the City, which is designed and used for collecting or conveying stormwater. The stormwater control system is also referred to as a “municipal separate stormwater sewer system” or “MS4”.
- (32) **Stormwater.** Any flow that occurs during or following any form of natural precipitation. Stormwater includes only the portion of such flow that is composed of precipitation.
- (33) **Stormwater Runoff.** Water that is generated by stormwater flows over land.
- (34) **Sump.** A formalized underground structure, surrounded by drain rock, that acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive stormwater runoff from paved areas such as streets, parking lots, building roofs, etc.

**13G – 030. Prohibited Activities.** The following activities are prohibited and unlawful, and shall be considered a nuisance under Chapter 10-400 of the City Code, regardless of whether or not the violator has a Construction Activity Permit:

- (A) **Covering Sidewalk.** Covering any portion of a curb, gutter or sidewalk with mud, dirt or debris and failing to remove the mud, dirt or debris before leaving the site. In no case shall the mud, dirt or debris be left overnight.
- (B) **Washing Vehicles and Equipment.** Washing any vehicle or equipment in a manner that leaves concrete, mud, dirt or debris on a public or private street or on any portion of the public right-of-way, or allows concrete, mud, dirt or debris to enter the stormwater control system.

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### **13G – 040. Prohibited Obstructions.**

- (A) Unlawful Obstructions. It is unlawful for any person to:
  - (1) Obstruct the flow of water in the stormwater control system.
  - (2) Contribute to the obstruction of the flow of water in the stormwater control system.
  - (3) Cover or obstruct any drain inlet.
- (B) Exceptions. The following obstructions are exempt from the prohibitions of this section:
  - (1) Street and/or storm sewer improvement projects authorized by the City.
  - (2) Flood control and prevention activities performed by the City.
  - (3) Obstructions approved by the City as part of a site's stormwater drainage plan.
  - (4) Obstructions occurring during clean-up periods established by the City, provided that the materials are placed according to City directions and do not obstruct drain inlets.

### **13G – 050. Prohibited Discharges.**

- (A) Illicit Discharges. It is unlawful for any person to cause or allow an illicit discharge to the stormwater control system.
- (B) Exceptions. The following discharges to the stormwater control system shall not be considered to be illicit discharges and shall be exempt from the prohibitions of this section:
  - (1) Discharges regulated under a valid NPDES storm discharge permit, provided that the discharge complies with the terms of the permit.
  - (2) Discharges from water line flushing performed by the City.
  - (3) Discharges from sprinkled landscape irrigation or sprinkled lawn watering.
  - (4) Discharges from non-commercial car washing.
  - (5) Discharges from natural riparian habitat or wetland flows.

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- (6) Discharges from natural groundwater flows directly to a piped stormwater control system.
- (7) Discharges from air conditioning condensation.
- (8) Discharges from fire fighting or emergency management activities.
- (9) Discharges of de-chlorinated water from swimming pools or hot tubs.
- (10) Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.
- (11) Discharges allowed by the City of North Logan through a Stormwater Control System Permit.

**13G – 060. 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 is likely to result in the discharge of the pollutant or hazardous material to the stormwater control system.

### **13G – 070. Mud, Dirt and Debris on City Streets.**

- (A) **Clean-up Required.** Any person or entity that tracks, spills, deposits, discharges or drops any mud, dirt, manure, or other debris on a public or private street or a public right-of-way within the City must remove the mud, dirt or other debris within four (4) hours of when it is left on the street or right-of-way or before the end of the work day whichever is less. Failure to do so shall be a violation of this ordinance and shall also be considered a nuisance that may be enforced and/or abated pursuant to Chapter 10 - 400 of the City Code. The requirement to clean mud, dirt, manure, and other debris from streets and rights-of-way applies regardless of whether or not the responsible parties are acting pursuant to a Construction Activity Permit.
- (B) **Responsible Parties.** The following people and entities shall be considered to be responsible parties for the purpose of enforcing this section:
  - (1) **Driver.** The driver of the vehicle leaving the mud, dirt, manure, or debris; and
  - (2) **General Contractor.** The general contractor or owner in charge of the job site from which the mud, dirt or debris came.

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- (C) Possible Remedies. The City may avail itself of any of the following non-exclusive remedies to enforce this section if the mud, dirt or debris is not removed as required herein:
- (1) Public Improvement Bond. The City may clean (or may hire an independent contractor to clean) the mud, dirt or debris, and may deduct the cost of the clean-up, plus an administrative charge in an amount set by resolution of the City Council, from the Public Improvement Bond posted by the contractor on the job site from which the mud, dirt or debris came. The City may make draws against the security for performance bond as specified in Section 12D-500 of the City Code.
  - (2) Nuisance Abatement. The violation may be treated as a nuisance under Chapter 10-400 of the City Code and enforced by the city's nuisance abatement officer or other city designated representative.
  - (3) Criminal Prosecution. The City may prosecute the violation as a crime pursuant to Chapter 15 of the City Code.

**13G – 080. Damage to Stormwater Control System or Irrigation Lines.** Any person who damages any portion of the stormwater control system 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 stormwater control system without permission from the Stormwater Director.

**13G – 090. 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, oil and grease, and floatables from the stormwater, and (3) the sump complies with applicable city construction standards and specifications.

**13G – 100. Manhole Covers.** It shall be unlawful for any person other than North Logan City employees to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the Stormwater Director.

**13G – 110. Drinking Water Protection.** All stormwater and non-stormwater discharges shall comply with the city's drinking water source protection ordinance.

**13G – 120. Snow Removal.** The activities normally associated with snow removal operations including ice control measures taken by the City and other persons may violate various parts of this chapter. For example, when snow is pushed to the side of a road it may block an inlet box for a time until the snow melts and sand and salt may be used on roads to control ice safety

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problems. Snow removal activities are generally exempt from the requirements of this chapter but reasonable care must be taken in snow removal activities to comply with this ordinance where feasible.

### **13G – 200. STORMWATER CONTROL SYSTEM MANAGEMENT.**

**13G – 210. Purpose.** The purpose of this section is to ensure all construction which adds to, connects to, or otherwise impacts the stormwater control system is done in accordance with the city's standards, goals and procedures and the city's NPDES permit. To do so the city has established a permitting process whereby the city can review and then approve or disapprove of the infrastructure to be put in place to properly control stormwater once the project is complete.

### **13G – 220. Stormwater Control System Management Permit.**

- (A) Permit Required. No person, company, or entity shall construct or caused to be constructed any building, facility, structure or other improvement on any parcel of land when such construction involves in any way the city's stormwater control system without first obtaining a Stormwater Control System Management Permit from the City.
- (B) Construction and Redevelopment. Without affecting the generality of subsection (A) above, any person beginning any type of construction requiring a building permit shall, with that building permit, obtain a Stormwater Control System Management Permit before commencing construction.
- (C) Exempt Construction. The following improvements are exempt from the requirement to obtain a Stormwater Control System Management Permit:
  - (1) Detached single family residence or accessory building, provided that the runoff from the residence is handled according to a plat or site plan approved by the City or where it can be shown that all runoff from the residence or accessory building stays on the property. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the stormwater control system must obtain a Stormwater Control System Management Permit.
  - (2) Connections to the stormwater control system made by the City.
- (D) Application. The applicant for a Stormwater Control System Management Permit shall submit the following to the City:
  - (1) Application Form. A completed application form. If the applicant proposes to obtain the Permit in conjunction with another development activity requiring City

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approval (e. g. building permit, subdivision plat, site plan, or conditional use permit), the application for the Stormwater Control System Management Permit will be included as part of the application form for the other development activity. If the applicant proposes to obtain the Permit independent of any other City approval, the applicant shall apply for the Permit on a separate form prepared by the City. Application forms will be available at the City Office.

- (2) **BMP Plan.** A Best Management Practices (BMP) plan.
  - a. **Requirements.** The BMP plan shall designate specific BMPs that the applicant will use to regulate, control and facilitate stormwater discharges from the site. All BMP plans shall provide for pretreatment of stormwater unless the applicant demonstrates to the satisfaction of the City that pretreatment is not necessary because of: 1) lack of pollutants in the stormwater from the site, or 2) insufficient quantity of stormwater from the site.
  - b. **Purpose of BMPs.** The BMPs shall be designed to ensure that the quality and quantity of stormwater discharged to the City's stormwater control system meets the requirements of federal, state and local laws and regulations and the City's NPDES permit, and will not exceed the designed capacity of the stormwater control system or jeopardize the integrity of the stormwater control system.
  - c. **Acceptable BMPs.** BMPs may be structural and/or non-structural, depending on the needs of the site. The applicant may propose BMPs designed specifically for a given site, or may propose BMPs that have been pre-approved by the City. The City shall establish a menu of pre-approved BMPs by administrative policy. The policy may designate specified areas of the City where certain types of BMPs may or may not be used.
  - d. **City Approval of BMP Plan.** The applicant's BMP Plan must be approved by the City. The BMP Plan will be reviewed as part of the Stormwater Control System Management Permit review process described below.
- (3) **Maintenance Plan.** A plan outlining how the applicant will maintain the stormwater system improvements listed in the application.
- (4) **Plans with Engineer's Stamp.** Plans showing permanent stormwater system improvements to be made on the site. These plans shall be submitted with an engineer's stamp.

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- (5) Fee. A fee in an amount established in the most recently adopted prevailing fee schedule.
  
- (E) Review of Application. The Stormwater Control System Management Permit application shall be reviewed by the Stormwater Director and either approved, approved with conditions, or denied.
  - (1) Factors. When deciding whether to approve, conditionally approve, or deny a Stormwater Control System Management Permit application, the Stormwater Director shall consider the following factors:
    - a. Whether the application complies with applicable City ordinances and policies.
    - b. Whether the application complies with the City of North Logan Storm Drainage Master Plan.
    - c. Whether the application includes an effective BMP plan. The BMP plan shall be considered effective if: 1) it complies with the City's menu of pre-approved BMPs, or 2) it ensures that the quality and quantity of stormwater discharged to the City's stormwater control system meets the requirements of federal, state and local laws and regulations and the City's NPDES permit, and will not exceed the designed capacity of the stormwater control system or jeopardize the integrity of the stormwater control system.
    - d. Whether the proposed development introduces pollutants into the storm drain system.
    - e. Whether the proposed development affects the integrity of the stormwater control system infrastructure.
    - f. Whether the proposed development endangers the City's drinking water.
    - g. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's on-site stormwater improvements.
    - h. Whether written permission to discharge to a canal has been secured from the local canal company with jurisdiction in cases where discharge will be made to a canal.

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- (2) Appeals. Either the permit applicant or the City may appeal the Stormwater Director's decision to the City Administrator. The appeal shall be made according to procedures established by the City Administrator.
- (F) As-Builts. Any person connecting to the stormwater control system shall provide the City's stormwater utility with "as-built" plans showing the details and the location of the connection. The plans shall be in a format that is acceptable to the City.
- (G) Failure to Comply with Permit. Failure to construct or maintain stormwater improvements in accordance with an approved Stormwater Control System Management Permit (including the BMP plan and/or the maintenance plan) shall be a violation of this ordinance.

**13G – 230. Easements.** The Stormwater Director may enter any city-owned easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the stormwater control system. All entry and subsequent work, if any, on an easement, shall be completed according to any special terms of the easement.

**13G – 240. Authority to Inspect.** Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Ordinance, an emergency or a dangerous situation, the City may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater 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.

**13G – 250. Requirements to Monitor and Analyze.** If city tests or inspections indicate that a site is causing or contributing to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the stormwater control 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 their own expense, monitoring and analyses required by the City to determine compliance with this Ordinance.

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### **13G – 300. CONSTRUCTION ACTIVITY PERMITS FOR STORMWATER CONTROL.**

**13G – 310. Purpose and Intent.** If left uncontrolled, sediment and debris from construction sites become a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year stormwater runoff carries sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from stormwater runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality. The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites during the period of construction and until the site is stabilized.

### **13G - 320. Construction Activity Permit for Stormwater Control – When Required.**

- (A) Permit Required. A Construction Activity Permit for Stormwater Control (referred to herein as Construction Activity Permit) is required before any person or entity may landscape, excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any parcel of property located in North Logan City. If five acres or more of land surface area is disturbed, a Notice of Intent (NOI) must be submitted to the State Division of Water Quality. A copy of the NOI shall be submitted to the City with the application.
- (B) Exemptions. The following activities are exempt from the permit requirements of this Chapter:
- (1) 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;
  - (2) 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;
  - (3) Construction activities disturbing less than one acre of land surface area except when the construction activity is part of a larger common plan of development disturbing more than one acre;
  - (4) Residential landscaping activities disturbing less than one acre of land surface area;
  - (5) Residential gardening;
  - (6) Bona fide agricultural and farming operations;

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- (7) City of North Logan capital improvement projects, provided that storm runoff control measures are included in the bid specifications and plans for the improvement project.

**13G - 330. Construction Activity Permit – Application.** Any person or entity desiring a Construction Activity Permit must first file an application with the City.

- (A) Application Form. The application shall be submitted on a form prepared by the City. If the applicant proposes to obtain the Permit in conjunction with another development activity requiring City approval (e. g. building permit, subdivision plat, site plan, or conditional use permit), the application for the Construction Activity Permit will be included as part of the application form for the other development activity. If the applicant proposes to obtain the Permit independent of any other City approval, the applicant shall apply for the Permit on a separate form prepared by the City. Application forms can be obtained at the City Office.
- (B) Stormwater Pollution Prevention Plan. The applicant shall submit a Stormwater Pollution Prevention Plan with the application. The Stormwater Pollution Prevention Plan (the Plan) shall contain the following information:
  - (1) Site Description - A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e. g. grubbing, excavation, grading, utilities, and infrastructure installation, etc. ), and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
  - (2) Control Description - A description of the proposed control measures that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection (1). The Plan shall also state the name, address and phone number of the person or entity responsible for implementation of each control measure.
  - (3) Control Measures - Control measures meeting the following goals and criteria:
    - a. Prevent or Minimize Discharge. The proposed control measures shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction-related pollutants from the construction site by stormwater runoff into the storm drainage system.

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- b. Prevent or Minimize Construction Debris. The proposed control measures shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way.
- c. Use of BMPs. The proposed control measures shall include Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soil retaining systems, and gabions.
- d. Stabilize Site. The proposed control measures shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geo-textiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site that has temporarily or permanently ceased, except under the following circumstances:
  - i. If the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable as determined by the City; or
  - ii. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.

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- e. Minimize Risk of Discharge of Other Materials. The proposed control measures shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to stormwater as well as spill prevention and response.
- (C) Timing for Filing Application. The applicant shall file the application on or before the following dates:
- (1) Subdivision - The date that the applicant submits the development plan if the applicant proposes to develop a subdivision.
  - (2) Site Plan - The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
  - (3) Conditional Use Permit - The date that the applicant submits a conditional use permit application if the applicant proposes to develop a conditional use.
  - (4) Building Permit - The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
  - (5) Other - At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a Construction Activity Permit pursuant to this Chapter.

If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Construction Activity Permit Application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required Construction Activity Permit is grounds for denying a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Construction Activity Permit.

- (D) Fee. The applicant for a Construction Activity Permit shall pay a fee in an amount established in the most recently adopted Master Fee Schedule of the city.
- (E) Application Approval. The Stormwater Director shall approve the application and grant the permit if the application is complete and the Stormwater Pollution Prevention Plan meets the requirements of this ordinance. The Stormwater Director shall deny the application or approve the application with conditions if the director determines that the

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measures proposed in the plan fail to meet the criteria set forth in section 13G - 330B. Conditions the Stormwater Director may impose in connection with the approval of a permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by stormwater.

- (F) Term. Unless otherwise revoked or suspended, a Stormwater Construction Activity Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
- (1) Subdivisions. For Permits associated with a subdivision plat approval:
    - a. The Permittee must complete all required subdivision improvements; and
    - b. One of the following three events must occur:
      - i. The City issues a final certificate of occupancy for each lot in the subdivision, or
      - ii. Individual Construction Activity Permits have been issued for each lot in the subdivision not having a final occupancy permit, or
      - iii. The property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state or better.
  - (2) Site Plans. For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.
  - (3) Building Permits. For Permits associated with a building permit application, the date that the City issues a final occupancy permit for the structure covered by the building permit.
  - (4) Other. For Permits issued that are not tied to other approvals from the City, the date that the Permittee has completed all work associated with the Permit and takes steps required by the Permit to prevent erosion and runoff from the site.

No Construction Activity Permit shall be considered terminated until the Permittee submits a Notice of Termination of Construction Activity Permit (“Notice”) to the City and the Notice is accepted by the City. The City shall accept the Notice if the Permittee has met the requirements

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of the Permit and this ordinance. The Permittee shall keep and maintain all Permit-required improvements on the site until the City accepts the Notice.

- (G) Amendments. In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in an original Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Plan, the Permittee shall file an amended Stormwater Pollution Prevention Plan which meets the criteria set forth in section 13G - 330B.

**13G - 340. Construction Activity Permit – Proper Operation and Maintenance.** The recipient of a Construction Activity Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Stormwater Pollution Prevention Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers' specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the City accepts the termination of the Permit pursuant to Section 13G - 330(F).

**13G - 350. Construction Activity Permit – Inspection and Entry.** The Permittee 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 to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit.

### **13G - 360. Construction Activity Permit – Revocation or Suspension.**

- (A) Revocation or Suspension. A Construction Activity Permit may be revoked or suspended by the Stormwater Director upon the occurrence of any one of the following events:
- (1) Failure of a Permittee to comply with the Plan or any condition of the Permit; or
  - (2) Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to stormwater; or
  - (3) A determination by the Stormwater Director that the erosion and sediment control measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by stormwater.
- (B) Notice. The City shall mail a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the

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noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the Stormwater Director may suspend or revoke the Permit by mailing or delivering written notice of the suspension or revocation to the Permittee. The Permittee may appeal a suspension or revocation of the Permit pursuant to the appeal procedure set forth in Section 13G - 370.

- (C) Exceptional Circumstances. For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The City may take any steps the City deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.
- (D) Stop Work Order. A stop work order may be issued upon the revocation or suspension of a Permit, upon discovery of work in violation of or not in accordance with a Permit, or upon the discovery of work being conducted without a required Permit. The stop work order shall be issued by designated inspectors of the City. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.
- (E) Reinstatement. A Construction Activity Permit may be reinstated or reissued upon compliance with all provisions of this Chapter and all Permit conditions or, in the case of a suspension for reasons provided in subsection 13G - 360, upon the filing of an amended Stormwater Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan.

### **13G – 370. Construction Activity Permit – Appeals.**

- (A) Notice of Appeal. An Applicant for a Construction Activity Permit or a Permittee of a Construction Activity Permit may appeal any decision or directive made by the City or its representatives pursuant to this Chapter. Any appeal must be filed at the City Administrator’s Office within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:
  - (1) The appellant’s name, address and daytime telephone number;

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- (2) A short statement describing the basis for the appeal; and
  - (3) The relief sought by the appellant.
- (B) Hearing. Upon receipt of the notice of appeal, the City Administrator shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted in accordance with policies established by the City Administrator. The City Administrator shall uphold the decision or directive being appealed unless the City Administrator finds that there has been an error in the interpretation or implementation of this ordinance. The City Administrator shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The City Administrator shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this Section.

## **Section 13G – 400. VIOLATIONS, .PENALTIES AND ENFORCEMENT.**

### **13G – 410. Violations, Penalties and Enforcement.**

- (A) The violation of any of the provisions of this Stormwater Ordinance shall be a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- (B) Violators of this Stormwater Ordinance 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.
- (C) In addition to any criminal fines and/or penalties which may be assessed for a violation of this Stormwater Ordinance, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Stormwater Ordinance. 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 owner shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.
- (D) Violators of this Stormwater Ordinance may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.
- (E) If, as the result of the violation of any provision of this Stormwater Ordinance, the City or any other party suffers damages and is required to make repairs and/or replace any

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materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.

**13G – 420. Notice of Violation.** Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Ordinance, the City will provide notice of any violation by means of the following series of escalating enforcement options outlining the steps to be taken and consequences for non-compliance:

- (A) **Verbal Warning.** A verbal warning is issued to inform the violator of the ordinance being violated and gives the violator a timeframe to comply. Depending on the severity of the violation and the time needed to correct the violation, this period may be from twenty-four (24) hours up to thirty (30) days.
- (B) **Stop Work Order.** If the violator does not correct the violations in accordance with the verbal warning the city may issue a “Stop Work Order” and inform the violator that he/she/it must stop work and correct the violation or further actions will be taken. Before the violator may begin work again, the city must inspect and approve the violator’s completed corrective action and rescind the “Stop Work Order”.
- (C) **Written Warning.** A written warning is issued to inform the violator of the ordinance being violated and give the violator a timeframe to comply. Depending on the severity of the violation and the time needed to correct the violation, this period may be from twenty-four (24) hours up to thirty (30) days.
- (D) **Notice of Violation and/or Citation.** A formal “Notice of Violation” (NOV) is issued when the violator refuses to comply with the previous measures. The NOV may be accompanied by a citation issued by law enforcement or it may inform the violator of a citation that will be issued if compliance is not completed within a certain time frame.
- (E) **Further Legal Action.** The City may take further criminal or civil action as allowed by law to ensure compliance as it deems appropriate.
- (F) **Additional Requirements.** Any or all of the above such notices may also require without limitation:
  - (1) The performance of monitoring, analyses, and reporting;
  - (2) The elimination of illicit connections or discharges;
  - (3) That violating discharges, practices, or operations shall cease and desist;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (5) Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
  - (6) The implementation of source control or treatment BMPs.

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(G) **Repeat Offences, Serious Risks, and Emergencies.** The City may skip any of the individual notice requirements or escalating enforcement options set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:

- (1) the violator has committed the same violation within the past 365 days, or
- (2) the violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
- (3) the City deems the violation to constitute an emergency.

(Ord 12-02)

**13G – 430. Compliance with Federal and State Law.** Nothing in this Chapter shall be interpreted to relieve any person from an obligation to comply with any applicable Federal, State or local law relating to clean water, stormwater runoff and discharges, or drinking water protection.

### **13G – 500. STORMWATER UTILITY ORDINANCE.** (Ord. 06-11)

**13G – 510. Purpose.** The purpose of this section of the stormwater ordinance is to:

(A) Provide fair, equitable and nondiscriminatory rates and charges for a stormwater system and related services which will generate sufficient revenues for operating, improving and maintaining the stormwater utility at a level commensurate with stormwater management needs. The rates and charges shall be set by considering needed revenues and the amount of impervious surface on developed parcels and the respective stormwater runoff characteristics of the parcel, and apply said rates and charges consistently for the same class of customers; and;

(B) Establish a policy whereby present and future rates and charges for this service should be fixed with consideration of the difference in cost fairly allocated to the various customers based upon such factors as: the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the utility; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction, and which will allow for management of the stormwater system in a manner that protects the public health, safety and welfare.

### **13G – 520. Method of Determining Contribution of Stormwater.**

(A) Contributions of stormwater from nonresidential properties and residential properties larger than four-plexes are determined through aerial photography and land surface evaluation and measurement of the number of square feet of impervious surface.

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- (B) Contributions of stormwater from residential parcels up to and including four-plexes have been determined through a statistically significant sample of impervious areas within these classifications.

**13G – 530. Stormwater Utility Created.** There is created and established a stormwater utility to be known as the North Logan City Stormwater Utility.

**13G – 540. Ownership of City Stormwater Facilities and Assets.** Upon establishment of the stormwater utility, all of the city's stormwater control system/stormwater sewer assets shall be transferred to the utility. The utility shall operate, maintain and improve all city stormwater facilities used for the conveyance of stormwater, through, under or over lands, watercourses, beginning at a point where stormwater first enter the stormwater system of the city and ending in each instance at a point where the stormwater exit from the system. Governmentally owned streets, and stormwater facilities operated and maintained by, or for, the state or county shall not be deemed stormwater facilities.

### **13G – 550. System of Rates and Charges for Stormwater Utility.**

- (A) Rates and Charges: There are hereby imposed stormwater service fee rates and charges on each parcel of real property within the city, except governmentally owned streets and stormwater facilities operated and maintained by, or for, the state and county. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater facilities.
- (B) Residential Service Charges: The utility's residential service charges shall be as outlined in the city's latest prevailing fee schedule.
- (C) Undeveloped Parcels: Undeveloped parcels shall have no charges assessed against such parcels.
- (D) Other Parcels: The charge for all other parcels shall be based upon the total square feet of measured impervious surface divided by four thousand seven hundred (4,700) square feet or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the established monthly nonresidential ERU charge. In all cases, the calculated nonresidential service charge shall not be less than the established residential service charge.

### **13G – 560. Billing and Collection.**

- (A) Billing: The department of the City Treasurer shall cause billings for stormwater utility services to be rendered periodically to the person who is the owner of the parcel, or the

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owner's agent, who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing utilities bill as a separate line item. A stormwater only billing will be sent to those persons who are owners of parcels within the city, but are not currently city utility customers.

### **(B) Collection.**

- (1) **Partial Payment:** In the event partial payment is made on a combined bill, the payment shall be applied to each service on a pro-rata basis.
- (2) **Delinquency:** In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the city. If this debt is not paid within thirty (30) days after billing, it shall be deemed delinquent and subject to recovery in a civil action and/or said department shall have the right to terminate water and sewer services to the premises. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person's or persons' name(s) and, upon failure to pay such bill after at least fifteen (15) days' prior written notice, water and other city services to that account and parcel may be discontinued.
- (3) **Restoration Of Service:** Water, sewer, and garbage collection services shall not be restored until all charges have been paid in full.
- (4) **Utility Enterprise Fund:** There is created the city's stormwater utility enterprise fund. All funds received from such stormwater service charges shall be placed in the enterprise fund and left separate and apart from all other city funds. The collection, accounting and expenditure of all only stormwater utility funds shall be in accordance with existing fiscal policy of the city.

### **13G - 570 Appeal of Charges.**

- (A) Any owner or person who considers the stormwater utility charge applied to their parcel to be inaccurate, or who otherwise disagrees with the utility rate determination, may apply to the city engineer for a service charge adjustment. Such a request shall be in writing and state the grounds for such an appeal. The city engineer shall review the case file and determine whether an error was made in the calculation or application of the fee and make an adjustment to the charge, if necessary, to provide for proper application of the city's rates and charges pursuant hereto. In all cases, the decision of the city engineer shall be final unless appealed.

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- (B) Any appeal under this chapter shall be filed in writing with the city engineer no later than twenty (20) days after said billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision
- (C) Appeal of decisions made by the city engineer may be brought before the city council who may reevaluate the issue raised in the appeal. Decisions of the city council shall be final and conclusive.
- (D) Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law.

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### **STREET TREES (Ord. 09-06)**

13H-100: Purpose and Intent

13H-101: Definitions

13H-102: Designation of a Street Advisory Board

13H-103: Ordinance Administration

13H-104: Street Tree Maintenance and Care by the City

13H-105: Street Tree Maintenance and Care by Citizens

13H-106: Other Plantings

13H-107: Street Trees in New Development

13H-108: Street Trees in Previously Developed Areas

13H-109: Care and Maintenance of Private Trees Affecting Public Property

13H-110: Appeals

### **13H-100: PURPOSE AND INTENT**

- (1) **Purpose.** North Logan City recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community. It is in the best interests of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the City.
- (2) **Intent.** It is the intent of the North Logan City Council that the terms of this ordinance shall be construed as to promote:
  - (a) The planning, planting, maintenance, restoration, protection and survival of desirable trees within the City; and,
  - (b) The protection of community residents from personal injury and property damage, and the protection of North Logan City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within North Logan City.

### **13H-101: DEFINITIONS**

- (1) **Other Plants or Plantings.** Other Plants or Plantings shall mean any shrubs, grass or ground cover planted within street rights-of-way or easements or in proximity thereto.
- (2) **Parks and Recreation Director.** Parks and Recreation Director shall mean the person or designee responsible for maintenance of Street Trees.
- (3) **Responsible Developer.** Responsible Developer shall mean a Developer who has chosen to install Street Trees in a residential, commercial, industrial or multi-family development.
- (4) **Street Tree.** Street Tree shall mean any tree planted within the City right-of-way on either side of all streets, lanes, trails or ways within the City.
- (5) **Park Tree.** Park Tree shall mean any trees or other woody vegetation in public parks having individual names, and all areas owned by the City, or areas to which the public has free access as a park.
- (6) **Street Tree Manual.** Street Tree Manual shall mean a manual prepared by the Street

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Tree Advisory Board and the Parks and Recreation Director, or designee, pursuant to this ordinance containing regulations and standards for the planting, maintenance, and removal of trees in and upon public areas and rights-of-way within the City.

- (7) **Top or Topping.** Top or Topping shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- (8) **Tree Trimming.** Tree Trimming shall mean the removal of plant parts to control growth and enhance performance or function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth, and hanging limbs is not considered tree trimming according to the provisions of this Chapter.

### **13H-102: DESIGNATION OF A STREET TREE ADVISORY BOARD**

- (1) **Street Tree Advisory Board.** A Street Tree Advisory Board shall be designated by the Mayor, in consultation with City Staff and the Parks and Recreation Director, or designee. The Board shall consist of members of the community interested in promoting the benefit, growth and health of the urban forest. Board members should include, but not be limited to, persons with expertise in the field of urban forestry, Parks and Recreation Board members, City Staff such as the City Planning Office, Department of Public Works and the Department of Parks and Recreation or any other appropriate City personnel.
- (2) **Assist The City.** It shall be the responsibility of the Street Tree Advisory Board to study, investigate, counsel and assist the Parks and Recreation Director, or designee with the development of a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas. The Street Tree Advisory Board shall also assist the City in the preparation and revision of its Street Tree Manual including recommendations on tree species, tree planting locations and other related matters. The Street Tree Advisory Board shall write and implement an annual community forestry work plan to qualify and be deemed a Tree City USA.
- (3) **Recommendation.** The Street Tree Advisory Board, when requested by the Parks and Recreation Director, or designee, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.
- (4) **Officers.** The Street Tree Advisory Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings.
- (5) **Service Without Pay.** All members of the Street Tree Advisory Board shall serve without pay.

### **13H-103: ORDINANCE ADMINISTRATION**

- (1) **Authority.** The Parks and Recreation Director, or designee shall be responsible for administering and enforcing the Street Tree Ordinance. He or she shall:
  - (a) Have supervision of all trees planted or growing in public rights-of-way or City-owned places within the City.
  - (b) Supervise the planting, trimming, spraying, preservation and removal of Street Trees and other plants in public streets, in City cemeteries and in City parks to

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- promote safety, protect city utilities and preserve the beauty of such public places.
- (c) Supervise the maintenance of Street Trees, Park Trees and Other Plants or Plantings consistent with the language of the Ordinance. See Section 13H-104.
  - (d) Review all development applications for proper design and planting of Street Trees, Park Trees and Other Plants or Plantings in the new development.
- (2) **Desirable Street Tree List.** The Street Tree Advisory Board under the direction of the Parks and Recreation Director, or designee, shall prepare a "Suggested Street Tree List" containing the botanical and common names of all trees approved to be planted in streets, trails, parks or easements. The Street Tree Advisory Board shall also develop an undesirable Street Tree list containing the botanic and common names of all trees not approved to be planted in streets, trails, parks or easements. These lists may be revised from time to time by the Street Tree Advisory Board, to include other suitable or undesirable trees, trees to be planted for evaluation purposes only. This list shall be included in the Street Tree Manual.
- (3) **Public Awareness.** The Parks and Recreation Director, or designee, shall make copies of the Street Tree Ordinance and the Street Tree Manual available to any interested persons, through the City Office and on the City Website. Copies shall also be available electronically and one copy of the Street Tree Manual will be available in the North Logan City Library.

### **13H-104: STREET TREE MAINTENANCE AND CARE BY THE CITY**

- (1) **Care and Maintenance.** The Street Tree Advisory Board under the direction of the Parks and Recreation Director, or designee shall initiate and administer a program to encourage the planting, maintenance, care, removal and replacement of Street Trees, consistent with resources available.
- (2) **Standards.** All trees located within City streets, parks, rights-of-way, landscape borders, or on City-maintained property shall be maintained according to standards set by the North Logan City Street Tree Manual.
- (3) **City Tree Planting and Maintenance.** The City shall have the right to plant, prune, maintain and remove Street Trees located within the public rights-of-way.
- (4) **Tree Replacement.** The City may replace Street Trees or Other Plantings which have died or been removed for any reason, or plant additional Street Trees deemed appropriate and consistent with available resources.
- (5) **Tree Topping.** It shall be unlawful as a normal practice for any person, firm, or City Department to top any street tree, park tree, or other tree on public property including but not limited to electrical, gas, telephone and cable companies. Trees damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Ordinance at the determination of the Parks and Recreation Director, or designee.
- (6) **Debris Removal.** The person working on trees on a street, highway, or public area shall remove all debris from the rights-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Parks and Recreation Director, or designee. The

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acceptable standard shall be a broom clean finish or better.

- (7) **City Authority.** The City may condemn and remove, or order to be removed any tree, tree stump, shrub, or plant upon any of the public owned property within this City where the same is dead, diseased or for any reason whatsoever deemed undesirable or unsafe by the Parks and Recreation Director, or designee.

### **13H-105: STREET TREE MAINTENANCE AND CARE BY CITIZENS**

- (1) **Planting.** Any person, firm, partnership, corporation or organization of any kind, must obtain written approval from the Parks and Recreation Director, or designee prior to planting a tree in any public right-of-way. Said approval shall specify with a drawing/plan the location and variety of trees to be planted.
- (2) **Trimming.** Any person, firm, partnership, corporation or organization of any kind, must obtain approval from the Parks and Recreation Director, or designee prior to trimming any designated street tree. Approval is not required for removing sucker growth, watersprouts, minor limbs causing obstructions, or for removal of less than ten percent (10%) of the tree canopy.
- (3) **Adjacent Property Owners to Maintain Trees on Their Property.** Trees and other plantings on adjacent property shall not inappropriately overhang or encroach upon sidewalks, streets, public rights-of-way or other designated pedestrian ways, nor obstruct the view of traffic signs or any street intersection. Trees and other plantings that project over any street or access road that may be used for emergency purposes shall be trimmed to a safe height and shape. Adjacent property owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety, at their expense; or prune to eliminate encroachment on sidewalks and streets.
- (4) **Removing Stumps.** Any tree that shall be removed from any of the public streets or places within the City, shall be removed below the surface of the ground so that the top of the stump shall not project above the level of the ground, unless permission to leave a projecting stump is granted by the Parks and Recreation Director, or designee.
- (5) **Abuse or Mutilation.** It shall be unlawful to injure Street Trees as set forth in North Logan City Code
- (6) **Approval Required.** Any person, firm, partnership, corporation or organization of any kind, must obtain approval from the Parks and Recreation Director, or designee prior to removing any tree found upon any public street or on any City-owned property within the City. The Parks and Recreation Director, or designee, shall determine whether or not such tree must be retained, in order to preserve the intent and purpose of the Street Tree Plan. In making this determination the Parks and Recreation Director, or designee, shall consider the inconvenience or hardship which retention of the tree would cause the property owner, and consider also the condition, age, desirability of tree species and location. If the Parks and Recreation Director, or designee, finds that the tree may be removed without violating the Street Tree Plan, he may schedule the removal by City personnel or by the property owner and in accordance with the Street Tree Manual.
- (7) **Considerations on Removing or Replacing a Street Tree.** In determining whether a

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tree may be removed and replaced, the Parks and Recreation Director, or designee, shall consider, among other things, the following:

- (a) Whether the tree(s) pose a potential for safety problems despite a sound maintenance program;
  - (b) Whether the roots from adjacent park strip trees are interfering with sewer lines servicing the abutting property to the extent that the property owner requires frequent repair of said sewer lines;
  - (c) Whether the tree is dead, dying or incurably diseased;
  - (d) Whether the tree is diseased and weakened by age, storm, fire or other injuries so as to pose a danger to persons, property, improvements or other trees;
  - (e) Whether the tree(s) is of an undesirable species;
  - (f) Whether the tree poses a hardship to the adjacent property owner such as, but not limited to, the cracking or raising of a garage floor or, in the case of a handicapped person, special circumstances exist which cause the location of the tree to become a hindrance for vehicle and handicapped access;
  - (g) Whether removal is necessary for construction of a street widening or other public improvement project, or necessary street or public improvement repair work.
- (8) **Exceptions.** Street Trees or other plantings which are required to be planted by a Responsible Developer, City Crews or City Contractor may be planted without approval, provided however, that such trees and plantings shall conform to such plans and specifications and shall be planted according to the Street Tree Manual.

### **13H-106: OTHER PLANTINGS**

- (1) **Considerations for Other Plantings.** The property owner is encouraged to plant in planting strips and easements various plantings such as lawn, ivy, various perennials or annuals, or shrubs not to exceed two feet (2') in height and which will not interfere with the functioning of any curb, gutter, sidewalk, water meter, fire hydrant, or other public facility, and will not interfere with or impair the growth of any approved street tree, and will not constitute a public nuisance.

### **13H-107: STREET TREES IN NEW DEVELOPMENT**

- (1) **Responsible Developers.** Where right-of-way park strip improvements require trees in accordance with an approved Development Plan/Agreement, the Responsible Developer shall install all Street Trees in accordance with approved development plans and shall bond with the City for the street tree improvements. The bond will be sufficient to cover installation, maintenance and warranty of the trees for one year after planting.
- (2) **Street Tree Manual.** All Street Trees will be planted in accordance with the Street Tree Manual. Street Tree Plantings will be inspected by the Parks and Recreation Director, or designee.
- (3) **Planting Street Trees.** Street Trees will not be planted in planter strips in front of a home until development of the home along any street in a new development is at least eighty percent (80%) complete and the home is occupied.

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- (4) **Watering Street Trees.** It will be the responsibility of the Responsible Developer to water and maintain Street Trees for the first year after planting. After that time, the property owner, or their agent, will be responsible.

### **13H-108: STREET TREES IN PREVIOUSLY DEVELOPED AREAS**

- (1) **Planting.** Planting of Street Trees in previously developed areas will be approved and supervised by the Parks and Recreation Director, or designee. Trees planted in these areas will be of suggested species where possible. Private Citizens may only plant Street Trees in these areas with the approval of the Parks and Recreation Director, or designee. Unapproved plantings may be removed by the City at the owner's expense.
- (2) **Restrictions.** Planting of Street Trees in previously developed areas will generally occur according to the Suggested Tree Selection Lists found in the Street Tree Manual. Areas with planter strips too narrow may not receive new Street Trees, even if existing trees are removed.

### **13H-109: CARE AND MAINTENANCE OF PRIVATE TREES AFFECTING PUBLIC PROPERTY**

- (1) At a minimum, adjacent property owners will be required to maintain their park strips by watering Street Trees and removing fallen leaves and branches from the adjacent gutter.
- (2) The City may remove, or suggest to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its presence is injurious to sewer, electrical power lines, natural gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.
- (3) The City shall have the authority to condemn and remove, or order to be removed any tree, tree stump, shrub, or plant upon private property when the Parks and Recreation Director, or designee, shall find such action necessary for public safety or to prevent the spread of disease or insects to public trees. Where no apparent emergency exists, the Parks and Recreation Director, or designee, shall give at least fifteen (15) days notice of the City's intent to remove any Street Tree, to adjacent property owners.

### **13H-110: APPEALS.**

The decision of the Parks and Recreation Director, or designee, may be appealed by any person. The appeal shall be in writing, signed by the applicant with a statement of reasons supporting the appeal. The appeal shall be filed with the Parks and Recreation Board, or designee no later than the fifteenth (15th) calendar day following the decision of the Parks and Recreation Director, or designee. The Parks and Recreation Board, or designee, shall hear the appeal and render an opinion within forty-five (45) days after the appeal is filed.

Any person objecting to the decision rendered by the Parks and Recreation Board, or designee, may appeal to the Council, in writing, within thirty (30) days after the date of mailing of the decision to the applicant.

(Ord. 09-06)

**TITLE 13. MUNICIPAL SERVICES.**