

**MILLVILLE CITY CODE**  
**TITLE 13 - PUBLIC SERVICES**  
**CHAPTER 13.20 - WASTEWATER (SEWAGE) SYSTEM POLICY**

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**13.20.010: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**ACTIVE SANITARY SEWER:** Any sanitary sewer pipe that is connected to the existing collection system to a wastewater treatment works through any combination of pipes, manholes, pump stations, force mains or other system components is considered active. When any inactive sewer components are connected to the active sewer system, that portion of the sewer is then considered active.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C) expressed in milligrams per liter.

**BUILDING DRAIN:** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 m) outside the inner face of the building wall.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal, also called "house connection" or "lateral".

**CESSPOOL:** An underground reservoir for liquid waste (such as household sewage).

**CITY:** Millville City, Cache County, Utah.

**EASEMENT:** An acquired legal right for the specific use of land owned by others.

**EQUIVALENT RESIDENTIAL UNIT (ERU):** A structure, building or unit discharging effluent into the system placing no more burden or discharging no more effluent than "residential flows" or biological loading, as defined herein.

**EQUIVALENT RESIDENTIAL FLOWS:** The assumed average and/or standard flow expected from a single-family dwelling based on wintertime culinary water usage. A residential flow volume strength is two hundred fifty milligrams per liter (250 mg/l) TSS (total suspended solids, see definition of Suspended Solids) and two hundred milligrams per liter (200 mg/l) BOD (biochemical oxygen demand, see definition of Biochemical Oxygen Demand (BOD)).

**FLOATABLE OIL:** Fats, oils, and grease (FOG) in a physical state such that it will separate from wastewater, potentially separating while flowing to the wastewater treatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the floatable oil does not interfere with the collection system.

**GARBAGE:** All waste resulting from residences, commercial trades or businesses and institutions. Commercial and industrial waste shall be distinct from domestic or household sanitary systems.

**GOVERNING BODY:** The mayor and council members of Millville City.

**ILLEGAL DISCHARGE:** Any discharge into the sanitary sewer system that is in direct violation of the rules and regulations of the Clean Water Act and associated discharge permits, the entity treating the wastewater, or the entity managing the Sewer System. Illegal discharges, include in part, sump pump discharges in basements removing either storm water or groundwater, footing drains, surface or groundwater discharges or diversions into sanitary sewer manholes, and discharges violating pretreatment regulations.

**INACTIVE SEWER:** Sewer pipes that have been installed as part of a development project for future use, which are not connected to the active sewer system are considered inactive sewers. When any inactive sewer components are connected to the active sewer system, that portion of the sewer is then considered active.

**INDUSTRIAL WASTE:** The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

**MAY:** Permissive compliance. See definition of Shall.

**NATURAL OUTLET:** Any outlet, into a watercourse pond, ditch, lake or other body of surface or groundwater.

**PERSON:** Any individual, firm, company, association, society, corporation or group.

**pH:** The logarithm of the reciprocal of the hydrogen ions concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of one hundred seven (10<sup>7</sup>).

**PRETREATMENT:** Treatment of wastewater flows for removal of harmful chemicals or substances or alteration of the wastewater flow characteristics prior to entering the public wastewater facilities to prevent damage to the wastewater facilities. Regulations governing Pretreatment are provided by the Utah Division of Water Quality and the entity providing wastewater treatment. Regulations are required to protect: 1) the integrity of the treatment process and infrastructure at the wastewater treatment plant, 2) public and employee health, and 3) the integrity of the sewer system.

**PROPERLY SHREDED GARBAGE:** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ( $\frac{1}{2}$ " (1.27 cm) in any dimension.

**PUBLIC SEWER:** A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER:** A sewer designed to carry liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

**SEPTIC TANK:** A tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

**SEWAGE:** The spent water of a community. The preferred term is "wastewater", as defined herein.

**SEWER:** A pipe or conduit designed to carry wastewater.

**SHALL:** Mandatory. See definition of May.

**SLUG:** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STATE:** State of Utah.

**STORM DRAIN (Sometimes Termed STORM SEWER):** A drain for conveying water, groundwater, subsurface water or unpolluted water from any source.

**SUPERINTENDENT:** The superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of Millville City, or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS:** Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "standard methods for the examination of water and wastewater" and referred to as nonfilterable residue.

**SYSTEM:** The sewer or wastewater facilities of the city.

**UNPOLLUTED WATER:** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**WASTEWATER:** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater (that enter the system unintentionally), that may be present.

**WASTEWATER FACILITIES:** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS:** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

**WATERCOURSE:** A natural or artificial channel for the passage of water, either continuously or intermittently. (Ord. 2020-3, 2020: Ord. 2016-3, 2016)

**13.20.020: USE OF PUBLIC SEWERS**

- A. Deposits: It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human excrement, garbage or other objectionable waste.
  
- B. Discharges: It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
  
- C. Sewer Main And Lateral Maintenance: Unless provision is expressly made for the ownership of sewer mains by means of a written agreement, all sewer mains shall be deemed to be the property of the city of Millville and subject to its absolute control and supervision even though actual installation may have been performed by a developer or other property owner. The property owner shall be responsible for:
  - 1. Maintenance of all connecting lines or laterals running from the main line to the point of connection at the facility served by such connecting line.
  
  - 2. Any physical or piping failures along the connecting lines or laterals.
  
  - 3. All blockages or similar impediments of the wastewater flows for the entire length of the lateral line from the main line to the facility being served. The city of Millville accepts no liability nor responsibility for any blockage in the lateral line whether it is under public property or private property. (Ord. 2016-3, 2016)

**13.20.030: PRIVATE WASTEWATER DISPOSAL**

- A. Permitted: Where an existing active sanitary sewer is not available at the time a building is constructed, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
  
- B. Permit; Fee: Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the governmental entity with jurisdiction. The application for such permit shall be made on a form furnished by the appropriate governmental entity, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary. A permit and inspection fee shall be paid as required at the time the application is filed.

- C. Design Approval: The design of the proposed system shall be provided to the city of Millville for review prior to construction as part of the building permit process. The design shall be in compliance with the standard specifications and detail of both the Utah Division of Water Quality and the City of Millville including the provisions to connect to an active sanitary sewer as soon as it is available.
- D. Compliance; Inspection: Permission to use the system for a private wastewater disposal system shall not become authorized until the installation is completed in compliance with the approved plans applicable with all state and local codes, and this chapter. Authorized city employees, or a city designated representative, shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the city public works superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty eight (48) hours of the receipt of notice by the city public works superintendent.
- E. State Compliance: The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Utah. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- F. Maintenance: The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the city.
- G. Additional Requirements: No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Utah state department of environmental quality. (Ord. 2020-3, 2020: Ord. 2016-3, 2016)

### **13.20.040: SANITARY AND BUILDING SEWERS AND CONNECTIONS; RATES**

- A. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, including building sewers, without first obtaining a written permit from the city.
- B. Classifications; Equivalent Residential Units; Application; Fee:
  - 1. Sewer Connection Classes: There shall be two (2) classes of sewer connections to be known as "residential" and "commercial". Each connection type shall be measured by ERUs (equivalent residential units). Each residence served by the

wastewater system will be considered to be a "residential" connection and will be considered to be equal to one ERU. In cases where there is more than one dwelling unit in a residence, each will be counted as a separate ERU. Each establishment served by the city's wastewater system that is not residential in nature will be considered a "commercial" connection charged equal to the average number of ERUs of flow contributed to the system in a one year period. In the city, an ERU is equal to ten thousand (10,000) gallons per month.

2. Preliminary Study: Prior to connecting to the wastewater system, a preliminary study shall be conducted to determine the ERU value for each "commercial" connection. Flows from zero to and including ten thousand (10,000) gallons per month will be considered one ERU. Flows from ten thousand one (10,001) to twenty thousand (20,000) gallons per month are considered two (2) ERUs, and so forth. There will be no partial ERUs. One year from the date the connection occurs, actual flows shall be used to confirm the ERU value for the connection. The flow data will be updated annually.
3. Determination Without Wastewater Effluent Meter: Where a commercial connection does not have a wastewater effluent meter, the culinary water flows exclusive of irrigation use collected by the water meter will be used to determine the wastewater flow and ERUs.
4. Application: In every case, the owner or agent shall make application on a form obtained from the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city public works director and entity responsible for pretreatment. The application shall include all information required on the pretreatment application forms available from the city of Millville.
5. Fees Adopted: Fees associated with the wastewater system are adopted by resolution.
6. Impact Fee: An impact fee may be adopted by the city to cover the expenses associated with the impact by a new or enlarged structure or use. The maximum impact fee amount will be determined in accordance with state statute and the final amount will be approved by the city council.
7. Connection Fee: A connection fee will be required by the city to cover the cost of the connection from the location of use to the main line through the lateral. Costs may include administration, inspection, design, materials, construction, and other associated items with the connection of the structure or use to the wastewater system.

8. Use Fee: A use fee will be assessed according to the use amount of the wastewater system. The basic unit of the use fee is an ERU. The use fee includes a base fee to cover fixed costs such as administration and equipment costs associated with the system. The use fee will also include a conveyance fee associated to the amount of wastewater collected from the structure or use.
  9. Wastewater Strength Fee: A wastewater strength fee may be assessed if it is determined by the city or pretreatment entity that treatment of the wastewater may enhance deterioration on the wastewater facilities or provide risk to the public or employee health or the wastewater system.
  10. Pretreatment Fee: Where pretreatment is required by the city or treatment facility, a fee may be charged by the city or treatment facility.
- C. Mandatory Connection: All residential septic tanks or cesspools shall connect to the sewer system as soon as an active sewer system is installed. Each individual connection to the sewer system shall execute an application on a form provided by the city.
  - D. Installation Of Building Sewer: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
  - E. Separate And Independent Building Sewer Required; Exception: A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole system will be considered as one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection as described herein.
  - F. Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are examined and tested by the owner, including a camera inspection, and approved by the city public works superintendent and found to meet all requirements of this chapter.
  - G. Construction Code Compliance: The size, slope, alignment, materials or construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state. In the absence of these code provisions or in amplification thereof, the materials and specifications of the APWA Standards and Specifications, as

adopted by the city of Millville, in accordance with the rules and regulations of the Utah Division of Water Quality shall govern.

- H. Elevation: Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the owner shall be responsible for all installations, maintenance and operating costs for their operation.
- I. Surface Runoff Or Groundwater: No person shall make connection of roof downspouts, foundation drains, field drains, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections shall be considered an illegal connection.
- J. Connection Code Requirements: The connection of the building sewer into the active sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, and the state. In the absence of these code provisions or in amplification thereof, the materials and specifications of the APWA Standards and Specifications, as adopted by the city of Millville, in accordance with the rules and regulations of the Utah Division of Water Quality shall govern. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city before installation.
- K. Excavations; Protection: All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard in accordance with the most current edition of the Utah Manual of Uniform Traffic Control Devices (Utah MUTCD). Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- L. Responsibility For Payment: Irrespective of the occupant, user, tenant, cotenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which there is a sewer connection, the owner of the premises according to the records of the Cache County recorder shall be legally responsible for the payment of all charges, fees, assessments and any other payment or obligation or liability of a user. If any delinquent sewer connection, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property, buildings or structures, the obligation shall be deemed by the city as an obligation of the owner of the real property on which any use is made from a sewer connection. Water services to delinquent property shall be turned off by the city for failure to pay any and all sewage and wastewater fees, assessments, charges or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the city for sewer service are paid in full.

- M. Interest Charge On Delinquent Or Past Due Connection Fees: The mayor and city council may, at their discretion and in circumstances that are equitable, impose interest at the rate of twelve percent (12%) per annum on all past due accounts either for connection fees, user charges, maintenance, repair or any other charge which is provided for, imposed or authorized by this chapter. (Ord. 2020-3, 2020: Ord. 2016-3, 2016)

### **13.20.050: ANNUAL REVIEW**

- A. Required: The city shall review the total annual cost of operation and maintenance, long term debt service relating to wastewater collection and treatment, as well as each user's wastewater contribution percentage not less often than every year, and will review the user charge system as necessary to assure equity of the system established herein and to assure that sufficient funds are obtained from the city's user charge system to: 1) adequately finance wastewater collection and treatment; and 2) cover said debt service. The city will apply excess revenues collected to pay off debt service. (Ord. 2020-3, 2020: Ord. 2016-3, 2016)

### **13.20.060: USE REGULATIONS**

- A. No person shall discharge or cause the discharge of any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.
- B. Stormwater and all other unpolluted drainage, shall be discharged to such storm sewers or to natural outlets approved by the city and the Utah State Department of Environmental Quality. Unpolluted industrial cooling water or process waters shall also be discharged to a storm sewer or natural outlet.
- C. All flow contributors into the city wastewater system shall be required to meet all requirements, stipulations and policies, including pretreatment, required by the City Code of partner municipalities or the entity that treats Millville wastewater as well as all current state and federal law concerning discharge into sanitary sewers.
- D. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in any of Utah state laws, or pretreatment rules and regulations of the treating entity that treats

Millville wastewater, and which are determined to have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, sewer system, or which otherwise create a hazard to life or constitute a public nuisance, the treatment city or Millville City may:

1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge, and/or wastes not covered by existing taxes or sewer charges under the provisions of this chapter. If the pretreatment or equalization of waste flow is permitted, the design and installation of the plants and equipment shall be subject to the review and approval of Millville City as well as the city in which treatment occurs and the Utah state department of environmental quality;
  4. Require a plan of sewers of the user's property showing sewer and pretreatment facility location;
  5. Require details of wastewater pretreatment facilities;
  6. Require details of systems to prevent and control the losses of materials through spills to the municipal sewer.
  7. Require regularly scheduled laboratory testing and results, based on the specific sewage constituents, to ensure compliance with pretreatment requirements.
  8. Require a regular fee for pretreatment inspection and monitoring.
- E. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the city.
- F. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by another municipality or Millville City for treatment. (Ord. 2020-3, 2020: Ord. 2016-3, 2016)

## **13.20.070: POWERS AND AUTHORITY OF INSPECTORS**

- A. Entrance Upon Premises: Duly authorized employees of the city or representatives of the city permitted by the city or wastewater treatment works representatives, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.
  
- B. Obtain Information: Duly authorized inspectors are authorized to obtain information concerning industrial processes that have a direct bearing on the kind and source of discharge to the wastewater collection system. Industrial users may withhold information when they have established that the revelation of said information to the public might result in an advantage to competitors.
  
- C. Information To Determine Compliance: The city may require any user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
  - 1. Wastewater's discharge peak rate and volume over a specified time period.
  - 2. Chemical analysis of wastewaters.
  - 3. Information on raw materials, processes and products affecting wastewater volume and quality.
  - 4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer control.
  
- D. Safety Rules Observed: While performing the necessary work on private properties referred to herein, duly authorized inspectors shall observe all safety rules applicable to the premises established by the company.
  
- E. Premises With Easement: Duly authorized inspectors bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 2016-3, 2016)

## **13.20.080: PENALTY**

- A. Notice Of Violation: Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Misdemeanor Penalty: Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a class B misdemeanor and upon conviction thereof, shall be subject to penalty as provided in title 1, chapter 1.16 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Liability For Damages: Any person violating any of the provisions of this chapter shall become liable to the city for the expense, loss or damage occasioned the city by reason of such violation.
- D. Cessation of Utility Services: Any person, residence, agency, or business found to be violating any provision of this chapter, who continues in violation after receiving a Notice of Violation, shall be subject to having water services turned off until such time as the person, residence, agency, or business remedies such violation to the satisfaction of the city of Millville or the agency providing treatment. (Ord. 2020-3, 2020: Ord. 2016-3, 2016)