



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, March 23, 2023 – 6:30 p.m.

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at www.nibleycity.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

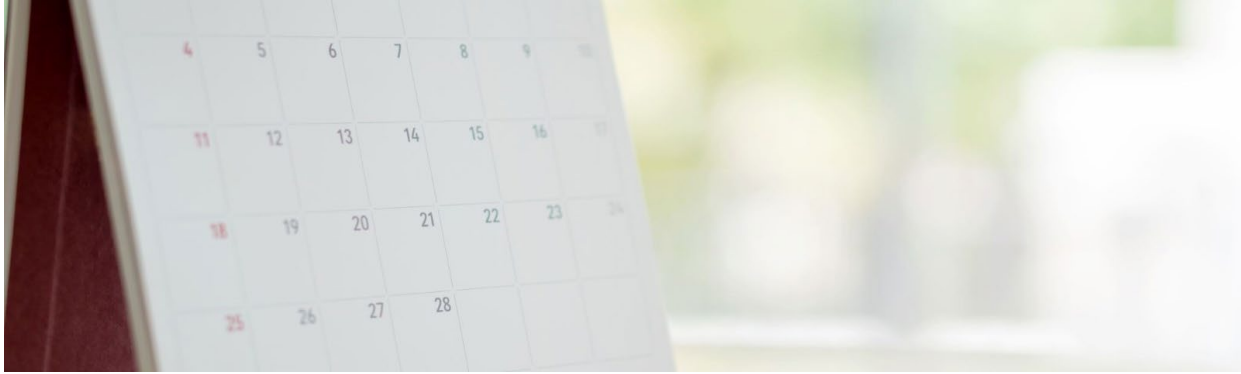
1. Opening Ceremonies (Councilmember Mann)
2. Call to Order and Roll Call (Chair)
3. Approval of the March 9, 2023, City Council Meeting Minutes and the Current Agenda (Chair)
4. Planning Commission Report
5. Public Comment Period¹ (Chair)
6. Presentation: CAPSA
7. **Public Hearing:** Resolution 23-05 — Nibley City Engineering Design Standards and Specifications for Water Systems, Sewer Systems, Street Signs, and Cold Weather Paving Standard
8. **Discussion & Consideration:** Resolution 23-05 — Nibley City Engineering Design Standards and Specifications for Water Systems, Sewer Systems, Street Signs, and Cold Weather Paving Standard (Second Reading)
9. **Discussion and Consideration:** Ordinance 23-12 — Amending NCC 21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in Relation to Required Subdivision Improvements and Completion Assurance, and Form and Method of Guarantee of Improvements (First Reading)
10. **Discussion and Consideration:** Ordinance 23-09 — Amending 21.12.060: Blocks, Connectivity And Trail Standards (First Reading)
11. **Discussion & Consideration:** Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations (First Reading)
12. **Discussion & Consideration:** Ordinance 23-14 — Amending NCC 1.08, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement (First Reading)
13. **Discussion & Consideration:** Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations (First Reading)
14. **Discussion & Consideration:** Ordinance 23-16 — Deleting NCC 15.04.030.H Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer (First Reading)
15. **Discussion & Consideration:** Resolution 23-06 — Review and Acceptance of the 2022 Municipal Wastewater Planning Program (First Reading)
16. **Presentation:** Sewer Line Rapid Assessment Tool Results
17. **Approval of Contract:** Review and approval of contract with Daines and Jenkins for Nibley City Prosecution services
18. Council and Staff Report

Adjourn to Closed Session

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431

19. Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual Pursuant to Utah Code 52-4-205



3-23-23 Council Meeting Change Summary
(changes made to the agenda item report since 3-17-23)

- A number of items were renumbered according to placement on the agenda
- Item #17 – draft contract added to files, details added in Agenda Item Report
- Item #16 – Nibley City Sewer SL-Rat 2022 Presentation was uploaded (3-20-23)
- Item #16 – Resolution 23-06 was edited and amended
- Item #15.2 – MWPP-USMP Annual Report – Survey Format (002) was added
- Item #12 – Files with updated code to Animal Code Enforcements were added, added summary of major changes to Agenda Item Report
- Item #13 – Files with updated code to Noise Regulations were added
- Item #19 – Added Justin Maughan Performance Evaluation



**Nibley City Council
Agenda Report for
March 23, 2023**

Agenda Item #6

Description	Presentation – CAPSA
Presenter	Alyna Ohling, CAPSA Community Engagement Director
Recommendation	
Reviewed By	City Manager

Background:

A representative from CAPSA will make a brief presentation on Sexual Assault Awareness Month, and share information on how communities can help bring hope and healing to survivors.

Agenda Item #7 & 8

Description	Public Hearing – Resolution 23-05: Nibley City Design Standard for Water Systems, Sewer Systems, Street Signs, and Cold Weather Paving Standards and Discussion and Consideration – Resolution 23-05: Nibley City Design Standard for Water Systems, Sewer Systems, Street Signs, and Cold Weather Paving Standards (Second Reading)
Presenter	Tom Dickinson, City Engineer
Recommendation	Move to approve Resolution 23-05: Nibley City Design Standard for Water Systems, Sewer Systems, Street Signs, and Cold Weather Paving Standards
Reviewed By	City Manager, City Engineer, Public Works Director, Water/Wastewater Manager

Additional Background Since 3-9-23:

No additional information or changes from what was presented before.

Previous Background:

In November 2022, the City's application to the Utah Division of Drinking Water (DDW) for approval of the current Nibley City Engineering Standards & Details for Water Systems was denied. The result of this is that the City is no longer allowed to install or oversee installation of water lines and that all plans for water systems improvements must be submitted to DDW for review and approval (including hydraulic modeling). The City Engineer, Public Works Director, and the Water/Wastewater Manager worked together to update Water Systems Design Standards & Details to meet DDW requirements and to serve the best interest of public welfare, health, safety, and City infrastructure. Upon approval by City Council and DDW, the updated Water Systems Standards will allow the City to perform and oversee water system construction and plan review for projects and developments in Nibley City.

City staff reviewed and updated Design Standards & Details of Sewer Systems to ensure compliance with State requirements and to establish minimum standards in the best interest of public welfare, health, safety, and City infrastructure.

City Staff is currently working on review and updates of Engineering Design Standards & Details of Streets and hereby seeks the Council's recommendation for a standard Street Sign. Upon selection by City Council, a standard street sign will be incorporated into an upcoming update to Design Standards & Details- Transportation.

Recent construction during fall and winter resulted in the less-than-ideal installation of asphalt roadway. The primary cause was determined to be the ambient ground temperatures when asphalt was placed late in the year. City Staff recommends an update to Cold Weather Paving Standard. Upon approval by City Council, these will be incorporated by reference into an upcoming update to Engineering Design Standards & Details- Transportation.

SYNOPSIS OF PROPOSED UPDATES

Water Systems

- Establishes standards for water systems for non-residential applications;
- Clarifies sequencing and financial responsibility of hydraulic modeling;
- Specifies water systems pipe bedding and trench backfill material requirements;
- Specifies location and configuration of water meters;
- Standardizes one water meter per building;
- Standardizes standards and responsibility for private water systems and appurtenances;
- Increases the depth of water meters to prevent freezing;
- Increases thickness and durability of water main piping (DR14);
- Standardizes mechanical joint restraint locations;
- Specifies location of isolation valves for O&M and staff safety;
- Standardizes fire hydrant requirements;
- Additional sections and modifications to comply with State DDW requirements;
- Updates to Approved Materials List- Water Systems
- Updates to APWA Specifications and Plans

Sewer Systems

- Clarifies pre-treatment and industrial waste permits and requirements;
- Standardizes system classifications to correlate with local industry;
- Establishes requirements for constructing sewer systems;
- Establishes requirements for constructing sewer lines in water source protection zones;
- Changes minimum pipe slopes and flow design to match Sewer Master Plan guidelines;
- Establishes standards and responsibility for private sewer mains;
- Establishes requirements for sewers crossing waterways to meet Utah Rule;
- Specifies sewer systems pipe bedding and trench backfill material requirements;
- Establishes a standard for abandonment of unused sewer piping;
- Establishes new standards for manhole risers and ladders;

- Establishes new standards for manholes receiving discharge from pressurized sewers;
- Establishes water tight standard for manholes subject to flooding or irrigation;
- Establishes inspection and acceptance criteria for 1-year warranty inspection;
- Establishes inspection and acceptance criteria for building service laterals;
- Updates to Approved Materials List- Sewer Systems;
- Updates to APWA Specifications and Plans;

Street Signs

- Proposed street sign adds the Nibley City Logo
- City staff previously presented 3 examples/options to Council.

Cold Weather Paving (below 50°F)

- Establishes minimum temperatures to place asphalt;
- Establishes asphalt hauling details for cold weather;
- Establishes asphalt placement requirements for cold weather;
- Establishes compaction and testing requirements for cold weather;
- Establishes acceptance criteria for asphalt placed during cold weather.

Staff Recommendation:

Staff recommends approval of Resolution 23-05 Adopting the Nibley City Engineering Design Standards and Details and Related Matters.

Approval of Resolution 23-05 adopts the following portions of Nibley Engineering Design Standards & Details:

- Ch. 4 Water Systems
- Approved Materials List- Water Systems
- Ch. 5 Sewer Systems
- Approved Materials List- Sewer Systems
- APWA Details- Water and Sewer
- Cold Weather Paving Standard- to be included in future updates to Engineering Design Standards & Details- Transportation.

Approval of Resolution 23-05 also includes selection of a standard street sign to be included in future updates to Transportation Design Standards.

RESOLUTION 23-05

ADOPTING THE NIBLEY CITY ENGINEERING DESIGN STANDARDS & DETAILS AND RELATED MATTERS

WHEREAS, Nibley City is authorized by Utah Code sections 10-3-702 and 10-3-711(2) and Nibley City Code 21.02.040 (H) to establish the Nibley City Engineering Design Standards and Details providing building, safety, and design standards and regulations.

NOW, THEREFORE, be it ordained by the City Council of Nibley City, Utah, as follows:

1. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to adopt the Nibley City Engineering Design Standards- Water Systems and Approved Materials Lists as presented.
2. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to adopt the Nibley City Engineering Design Standards- Sewer Systems and Approved Materials Lists as presented.
3. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to adopt APWA Details for Water and Sewer as presented.
4. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to select a standard street sign to be included in future updates to adopt the Cold Weather Paving Standard to be included in future updates to Engineering Design Standards & Details- Transportation as presented.
5. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to select a standard street sign to be included in future updates to adopt the Nibley City Engineering Design Standards & Details- Transportation.
6. All ordinances, resolutions, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall be in full force and effect immediately upon its approval and adoption.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder



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4.1 Potable Water System Standards

4.1.1 General Information

A. Introduction

This document provides guidance and minimum design criteria for the modification and construction of water systems within Nibley City. It is intended for use in the planning, design, plan preparation, and construction processes. These standards are intended to follow State of Utah (hereafter “Utah”) regulations in assuring that City facilities are: reliably capable of supplying potable water in adequate quantities, consistently meeting applicable state drinking water quality requirements, and do not compromise general public health. In the event a part of these standards is found to conflict with Utah standards, Utah standards shall prevail.

The City maintains a citywide Water Master Plan that has been developed to ensure that the City’s water system develops in an organized manner. Contact the City Engineer for further information regarding latest editions and updates to this Master Plan.

Wherever the language of this document refers to equipment or material to be used, or the language of a standard refers to an Approved Materials List, the “Potable Water System Approved Materials List” shall be used. The “Water Line Flushing Procedures” documents shall be followed when installing new meters and water lines. These documents can be obtained from the City’s City Engineer or from the City’s website, www.nibleycity.com.

B. Abbreviations

1. ACP - Asbestos Cement Pipe
2. APWA - American Public Works Association
3. AWWA - American Water Works Association
4. ARV - Air Relief Valve
5. DDW - Division of Drinking Water
6. DIP - Ductile Iron Pipe
7. FDC - Fire Department Connection
8. HDPE - High Density Polyethylene
9. IPC - International Plumbing Code
10. IRC - International Residential Code
11. NFPA - National Fire Protection Association

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- 12. PRV - Pressure Relief Valve
- 13. RPP - Reduced Pressure Principle
- 14. PVC - Polyvinyl Chloride
- 15. SCADA - Supervisory Control and Data Acquisition
- 16. USC - University of Southern California
- 17. VFD - Variable Frequency Drive

Deleted: <#>UPC - Uniform Plumbing Code

C. Development Requirements

- 1. Water Mains of a size required for the development or of a size required by the City shall be extended in all new roadways within a development and within all adjacent roadways to a development unless otherwise approved by the City Engineer. Unless otherwise agreed to in a development agreement, where the City requires larger pipe than what is needed for the development or in a location that isn't necessary to serve the development, the City will participate in the construction of that infrastructure.
- 2. The Developer shall install, at his/her own expense, all on-site and off-site improvements necessary to service a proposed development. This may include but is not limited to: pump stations, reservoirs, transmission mains, fire lines, fire hydrants, pressure reducing valves, and all other facilities necessary to service the development. The Developer shall also remit payment to the City of all City required development related fees. Dependent upon available City Budget. On-site and Off-site improvements that are oversized for the needs of the development may be candidates for partial reimbursement from the City.
- 3. Each development shall be supplied with safe, reliable, and potable water in a sufficient volume and pressure for domestic use and fire protection. At a cost to the developer, the City's designated engineer shall model the proposed water system to verify that minimum flows and pressures will be met during peak day plus fire flow, peak instantaneous, and average day scenarios. The flows and pressures must meet minimum requirements for domestic use and fire flow. Individual home booster pumps are not allowed.
- 4. For planning purposes, the pressures and flow capacities in an area can be obtained from the Water Master Plan. For construction plan approval, current system pressures and

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flow capacities shall be obtained by performing a fire hydrant flow test of that part of the potable system to be extended.

- a. ~~At a cost to the developer, the~~ City's designated engineer ~~shall~~ model the proposed system in the City-wide water model. ~~The developer shall~~ complete all other regulatory requirements for system approval. ~~In accordance with Nibley City Code (21.06.040.A.4), the water model and preliminary water report are required at submission of the Preliminary Plat.~~ Contact the City Engineer to schedule this work.

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5. If a building is to be supplied with fire flows from a storage tank or facility that is not City owned, the Design Engineer must provide a report indicating that sufficient volumes exist as required by the Fire Authority.
6. Upon development of property within the City limits, the Developer shall submit construction plans for the water system. The plans shall be prepared by a Professional Engineer licensed in the State of Utah. All water lines and facilities constructed within the City limits shall be inspected and accepted by Nibley City prior to being placed into service.
7. The City requires developers to install water mains along street frontages of developments, where future extension of a water line is required by the City Engineer. The street frontage is that portion of the property adjacent to a public right-of-way and/or public utility easement. If a parcel to be developed has more than one street frontage, water mains shall be installed along each frontage.
8. For current information on ordinance requirements, review of the Nibley City Code of Ordinances is recommended.

D. City Policies

Proposed developments that alter land use and are determined by the City Engineer to have a significant impact on the City Master Water Plan, and/or propose a water system that differs from the City's Water Master Plan, shall be financially responsible to have the City's Water Master Plan and City-wide water model updated to reflect changes. The effects of Peak day Demand + Fire Flows, and



all other water demand scenarios from these developments, will be reviewed by the City Engineer to verify the sizing and layout of the proposed water system elements. This information will also be used to assist the City in planning for current and future developments.

4.1.2 Water Plans

A. Modeling Requirements

1. Preliminary Water Information

- a. Preliminary information regarding the water system for a development shall be provided for all General Plan Amendments, Zoning, Site Plan, and Preliminary Plat applications. The preliminary information provided within these documents shall at a minimum show the conceptual location and size of the existing and proposed water distribution and transmission mains, fire hydrants, and valves within and adjacent to the site. If applicable the water zone breaks, storage and booster facilities, and other unique water system related items shall also be shown.
 - i For site plan and preliminary plat developments that will be constructed in phases, a water model and related reports sufficient to confirm the water system and line sizes are adequate for the improvements is also required.

2. Water Modeling / Reporting Requirements

A water model shall be developed for each project in which the project is to be designed and constructed, including projects proposed to be constructed in a phased succession. Phased projects shall be clearly identified in design documents.

The water model and reports for phased developments will provide a governing plan by which each phase shall adhere. Based on results of the water model, reports shall be prepared in accordance with this manual or as otherwise directed by the City Engineer and shall be signed and sealed by a Professional Engineer registered in and licensed to practice in the State of Utah.

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The objective of the model and report is to provide sufficient information to adequately review the water design for a proposed project, including projects proposed to be constructed in phased succession.

- a. At a cost to the developer, the City's designated engineer shall model the proposed system in the City-wide water model. The developer shall complete all other regulatory requirements for system approval. In accordance with Nibley City Code (21.06.040.A.4), the water model and preliminary water report are required at submission of the Preliminary Plat. Contact the City Engineer to schedule this work.

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At a minimum, the water model and report shall confirm the following:

- a. The adequacy of available storage.
- b. Capacity to meet fire plus peak day demand scenarios.
- c. Acceptable pressure during fire flow plus peak day demand scenarios.
- d. Modeling
- i A water model demonstrating that system pressures do not exceed the maximum nor fall below the minimum pressures, as identified in this chapter, will be required. Reporting of the model results shall be provided to confirm.
- ii The water model shall specifically verify that minimum pressures are available within the development's system during the Peak day Demand +Fire Flow demand scenario.
- iii At a cost to the developer, the City's designated engineer shall model the proposed system in the City-wide water model.
- iv The following scenarios shall be modeled:

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- (1). Average Day Demand scenario - based on 0.75 gpm/ERU. See the Water Master Plan for ERU equivalents.
- (2). Peak Day Demand scenario – 2.49 times the Average Day Demand.
- (3). Peak Day Demand + Fire Flow.
- (4). Peak Instantaneous Demand – 3.63 times the Average Day Demand.
- (5). Fire flows shall be determined per the Fire portion of this chapter.
- (6). See the Pressure Requirements section of this chapter for minimum and maximum pressure design requirements.
- (7). Pipeline calculations verifying that head loss per 1,000 feet of any pipe is no greater than 10 feet/foot during peak period demand conditions, and not more than 8 feet/foot under any peak day condition.
- (8). Sufficient supply for domestic demand must be provided without the use of dedicated fire pumps or backup pumps.

B. Construction Plan Requirements

1. Review Guidelines

The following paragraphs highlight construction plan requirements pertaining to the preparation of water improvement plans which are to be submitted to the City for approval:

- a. General Construction Notes and Water Construction Notes which apply to construction of Nibley City's water system are required on each set of construction plans which include work on the City's water system or a water system which is to be dedicated to the City.

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These notes are provided in the Administrative chapter of this manual.

2. Water line stationing shall be along the pipe, monument, or roadway centerline.
3. If a line is to be connected to an existing system, the following note shall be placed on the plans: "Contractor shall verify the location of the existing water line prior to proceeding with trenching".
4. The end invert elevation shall be shown on all proposed water main stubs (profile required for lines 8 inches and larger).
5. Where water lines cross sewer lines, storm drains, secondary water lines, or drainage culverts, the relationship shall be shown in both plan and profile and actual separations shall be called out.
6. For permitting purposes, quantities for all items of work within public rights-of-way and public easements shall be included on the cover sheet of the plans, unless otherwise approved in writing by the City Engineer.
8. The drawings shall show all utility locations, sizes, material types, easements, rights-of-way, and other structural features for current and future building construction.
9. Private water lines shall be noted as such on plans. The responsibility for operation and maintenance shall also be noted on the plans.
10. Easements of record shall be shown in plan view and noted with the easement type, width, and associated docket and page numbers and/or the Cache County Recorder's number.
11. Prior to issuance of a water construction permit, a construction schedule shall be included in table format for all water-related construction required to serve a development, when required by the Public Works Director or City Engineer.

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C. As-Built Drawings

A City-approved set of As-Built Drawings are required for all water system improvements constructed in the City prior to acceptance of the system and start of the 1-year warranty period. As-built plans shall be signed and sealed by a qualified Professional Registrant in the State of Utah, ~~where deemed appropriate by the City Engineer.~~

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4.1.3 Production Systems – See Separate Document

4.1.4 Water Lines

A. General Information

The City potable water delivery system has three basic classifications of water lines which are determined by use. These classifications are transmission, distribution, and service.

1. All developments shall design and construct water transmission, distribution, services, and associated equipment of appropriate size, material identified through the City's Master Plan and the project modeling.
2. All system materials that may come in contact with City drinking water shall be stamped with the NSF logo certifying that the material meets the requirements of ANSI/NSF Standard 61.
3. All system materials shall be "lead free" in accordance with section 1417 of the Federal Safe Drinking Water Act.
4. All system materials ~~(including meters and setters)~~ shall be protected from freezing. Sufficient cover and at times insulation may be required to provide adequate protection.
5. ~~Previously used materials are not allowed to be placed back in service in the City's water system. However, upon prior approval from the City,~~ fire hydrants in which all parts have been completely refurbished.
6. The City Construction Inspector shall be contacted 48 hours prior to all water system shutdowns. The Contractor shall have

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all materials and equipment necessary to do the work at the job site prior to shut down.

- a. Only City ~~personnel~~ shall operate City water valves. Contractors that are found to be operating City valves will be shut down until the City can provide adequate training to the Contractor.
- b. It shall be the Contractor's responsibility to provide all affected water customers with a written notice of the proposed shutdown. Such notice shall be given a minimum of 24 hours in advance.

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7. Water mains shall be identified by:

- a. ~~12 gauge, solid copper tracer wire shall be run with pipe. Locating tape labeled WATER shall be placed a minimum of 36" above the water main or just below the pavement section (pit run for road) if less than 36" above the pipe.~~

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B. Transmission Lines

Transmission lines are used to convey potable or raw water to storage tanks or other points of distribution. In general, they have line sizes of 16 inches and larger, are located in arterial or collector streets, ~~and have no service connections.~~

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1. ~~Developments shall have water lines installed per the City's Water Master Plan.~~
2. When existing or future development requirements are such that a transmission water line is required, then a transmission water line of a size approved by the City Engineer and designed and sealed by a Professional Engineer shall be constructed by the Developer.
3. Design flows for transmission mains shall be based on the current City General Plan and City Water Master Plan. The flow to a new development shall be calculated to confirm that existing supply is sufficient to meet the proposed development's need. When additional improvements are required to increase the flow to a development, all necessary improvements, including but not limited to, pumping stations,

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reservoirs, lines, and appurtenances shall be a part of the design.

4. Peak flow calculations on transmission mains shall be based on fire flow figures in accordance with the City's standards.
5. Service connections shall not be made to mains 16 inches or larger in diameter or to water lines designed solely to transmit water from one pressure zone to another pressure zone.

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C. Distribution Lines

Distribution lines typically have sizing of 8 inches to 12 inches in diameter, and are located in arterial, collector or local streets. Distribution mains are supplied by transmission lines and may have service connections.

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1. See the City's Approved Materials List for approved materials.
2. Arterial street alignments shall have 12-inch minimum diameter lines.
3. Eight-inch diameter pipe shall be the minimum diameter of a distribution main installed in any street or public easement.

4. These are minimum guidelines; the City may require larger sizes, different materials, and varying locations depending on circumstances.
5. Service connections shall not be made to mains 16 inches or larger in diameter or to water lines designed solely to transmit water from one pressure zone to another pressure zone.

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D. Service Connections

A service connection includes the water line from the distribution main to the meter and includes the meter and all connections.

1. Water Services
 - a. Water meter size shall be based on flows as determined by the design engineer. In circumstances where no engineer of record exists, 1-inch water service lines shall be provided in new residential

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connections to properties less than 1 acre. 2-inch water service line shall be constructed to properties 1 acre or larger.

- b. Water service lines shall be the same size as the water meter from the connection at the water main to the meter.
- c. The Developer is responsible for application and payment of all applicable fees.
- d. Water service lines maintained by the City shall be installed within a public right-of-way, PUE, or 20-foot minimum width dedicated water line easement.
- e. Meters maintained by the City shall be installed between the curb and sidewalk in the center of parkstrip. If the development is constructed with LID stormwater swales, meters shall be installed within public right of way/PUE near back of sidewalk. Where there is no sidewalk, meters shall be installed within a public right-of-way, PUE, or 20-foot minimum width dedicated water line easement.
- f. All water service lines shall be constructed perpendicular to the centerline of the road and shall extend to the outside edge of the PUE.
- g. Within the right-of-way, cover for water service lines shall be a minimum of 60 inches measured from existing or proposed finished grade of pavement or natural ground, whichever measurement is greater and results in adequate pipe cover.
- h. Construction plans shall indicate the locations of service lines and sewer taps to each unit referenced, with stations and dimensions from the street center line or monument line. Location of the sewer service relative to the water service shall also be shown. Water and sewer services shall be separated 10-feet horizontally from each other and located 5-feet from property lines on opposite corners of a lot.
- i. Service connections shall not be made to mains 16 inches or larger in diameter or to water lines designed solely to

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transmit water from one pressure zone to another pressure zone.

- j. All service lines for potable water use shall be a separate dedicated line that is tapped off the water main within a public right-of-way, PUE, or water line easement. In commercial, industrial, and multi-family developments, the potable domestic water service shall be separate from the potable irrigation water service line. Service lines shall connect to an approved private water main or to City mains and shall not be connected to private fire lines.
- k. Branched/manifolded water service line tees are allowed under the following conditions:
- When serving a single residential structure of 4 residential units or less;
 - The water service line is 2-inches in diameter;
 - The branch connection is serviced by a 4-inch gate valve at the water main line;
 - The branch/manifold occurs in the parkstrip with public street frontage prior to branching to individual 1-inch water meters. If the project is provided with LID Swales, meters and manifold shall be located within 1-foot behind sidewalk;
 - Individual 1-inch meters are provided to each unit and are located within individual meter barrels clustered in the same area and installed in accordance with this standard; and
 - The City will own and maintain only the water meters, The water service including the valve, service line, branch, manifold, individual water meter barrels and setters are under private ownership and are maintained by the entity being serviced (HOA, developer, etc.).
- l. New water service lines shall be continuous from the main to the meter and **shall not** use coupling devices to extend service lines that are too short.
- m. Tracer wire and locating tape is required on all services and shall be installed with the service line. Tracer wire

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shall be accessible and installed with sufficient length to extend to the top of the meter barrel or vault.

- n. Services damaged after installation are required to be replaced back to the corporation stop.

2. Water Meters

a. General Information

Water meters 2-inch and smaller are purchased and installed by Nibley City. Review the approved materials list for information regarding City water meters. Water meters greater than 2-inch shall be purchased by the City and installed by the Developer after approval from the City Engineer. Meter types and configurations are determined specific depending on the type of project. Contact the City Engineer to discuss your project and the meter type allowed.

- b. Each detached single-family residence shall have a separate water meter installed. (Exception for permitted Accessory Dwelling Units (ADU)).

- c. Each individual commercial building that uses water shall have a separate water meter installed. Commercial buildings that have separate tenants may have individual water meters installed or may be served by a single larger meter on condition that the City bills a single property association.

- d. Commercial developments shall install separate potable use and potable irrigation water meters.

e. Multi-family developments

- i. Each unit of a multi-family structure containing 4 units or less shall be served by an individual 1-inch meter. (Branched/manifolded meters in this case are allowed as described below).

- When serving a single residential structure of 4 residential units or less;
- The water service line is 2-inches in diameter;
- The branch connection is serviced by a 4-inch gate valve at the water main line;

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- The branch/manifold occurs in the parkstrip with public street frontage prior to branching to individual 1-inch water meters. If the project is provided with LID Swales, meters and manifold shall be located within 1-foot behind sidewalk;
 - Individual 1-inch meters are provided to each unit and are located within individual meter barrels clustered in the same area and installed in accordance with this standard; and
 - The City will own and maintain only the water meters. The water service including the valve, service line, branch, manifold, individual water meter barrels and setters are under private ownership and are maintained by the entity being serviced (HOA, developer, etc.).
- ii. Each multi-family structure containing more than 4 units shall install a water meter no smaller than 2-inch. The engineer of record shall determine through calculations, the appropriate meter size to handle flows.
- iii. The City will bill the HOA for the meter usage, sewer usage, and solid waste; the HOA shall be responsible for collecting proportional shares of the bill from each unit.
- iv. The owner or HOA shall be responsible for maintenance of the service lines past the City meter, except private water systems and branched/manifolded water services serving 4 or less residential units in a single structure where HOA responsibility begins at the valve connecting to the City water main.
- f. There shall only be one water meter per service line (Except branched/manifolded services serving 4 or less residential units in a single structure).
- g. Manifolding, combining, or connecting several smaller meters to meet a flow demand that could be provided by a single larger meter is not permitted.

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It is acceptable to install the system as a manifold within the meter barrel just off the City meter with individual service lines running to each housing unit. In this design a shut off curb stop style valve shall be located on each line and a maximum number of service lines in the City's barrel is 6.¶
¶
If the system is designed with a main line after the City meter with individual services extending off the main line, the City requires a curb stop style valve be placed on each individual service line.¶

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- h. Water meters shall be sized and designed in accordance with these standards and requirements of the IPC/IRC as adopted by the City. Any field changes shall require a letter from the developer with an approval from a registered engineer and the City Engineer.

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- i. Water Meter Installation

All water meters shall be provided by the City, after payment of all prevailing fees. 1-inch and 2-inch meters are available. 4-inch and 6-inch meters are acceptable for larger service needs.

- i. All 1-inch to 2-inch water meters shall be installed by City Public Works personnel.
- ii. Water meters 4 inches and 6 inches shall be purchased by the City and installed by the Developer in accordance with City Standards and APWA Standard Specifications as amended by the City. After installation, City personnel will inspect and accept the work if all requirements for installation are met.

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- i. Water Meter Locating

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- i. Meters maintained by the City shall be installed along street frontages between the curb and sidewalk in the center of parkstrip. If the development is constructed with LID stormwater swales, meters shall be installed near back of sidewalk. Where there is no sidewalk, meters shall be installed within a public right-of-way, PUE, or 20-foot minimum width dedicated water line easement.

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Deleted: <#>Water meters shall be typically located 5-feet behind the sidewalk in the PUE. Where outstanding conditions exist, meters may be located between the curb and sidewalk.¶

- ii. Water meters shall not be located in driveways, sidewalks, manmade or natural drainage channels, swales, or retention/detention basins.
- iii. Water meters shall not be fenced in or enclosed and must be accessible by City personnel at all times.

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- iv. If an existing water service/meter must be relocated, a contractor or property owner may relocate the service a maximum distance of 10 feet, provided the joint is not below concrete, asphaltic pavement or other permanent surfaces without prior approval from the City Engineer. If the desired relocation is greater than 10 feet, the old service must be severed and shut off and capped with an approved leak clamp at the main; a new service shall be installed by a licensed contractor. Both services shall be noted on the “as-built” drawings.

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3. Water Meter Barrels (cans) and Vaults

a. General Requirements

- i. Finished grade of the meter lid shall be within one inch of nearest concrete surface. If no concrete exists, finished grade shall be within one inch of surrounding existing surface
- ii. Water meter lids shall be constructed with a 2-inch recessed hole for installation of a meter antenna.

b. Single-Family Residential and 1-inch Water Meter Cans

- i. A minimum 18 1/2 clear space shall be provided for access through the meter can lid.
- ii. The inside diameter of the can shall be 21 inches and shall be of a white HDPE pipe or black corrugated HDPE pipe. It is recommended that 4-foot lengths of HDPE be installed in order to account for new meter depth requirements noted below.
- iii. The shut off valve of each 1-inch setter shall measure 24-inches to 30-inches below the finished elevation of the meter lid.
- iv. Install a ¾-inch pipe through the hole in the bottom of each setter at least 18-inches long to stabilize the meter assembly.

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c. Commercial, Industrial & Multi-Family Residential Water Meter Cans

- i. A minimum 29 7/8 clear space shall be provided for access through the meter can lid.
- ii. The inside diameter of the can shall be 36 inches and shall be of a white HDPE pipe or black corrugated HDPE pipe.
- iii. The shut off valve of each 2-inch setter shall measure 24-inches to 30-inches below the finished elevation of the meter lid.
- iv. Install a 1-inch pipe through the hole in the bottom of each setter at least 18-inches long to stabilize the meter assembly.

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d. Water Meter Vaults 4 to 6 inches and Larger

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- i. Water meter vaults for sizes 4 to 6 inches shall be installed in a vault as shown in the APWA Standard Details as amended by the City.
- ii. Vaults for water meters larger than 6 inches shall be reviewed and approved by the City Engineer on a case-by-case basis.

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4. Taps

- a. Both installation of tapping sleeves and the tapping of an energized water main shall be performed by the Developer, after approval is received by the City Engineer and after fees are paid. A City inspector shall be present for the tapping of all energized water mains.
- b. A 3-foot minimum separation is required between service taps, and between a service tap and a pipe connection on a main water line.
- c. A double strap lead free brass or stainless-steel saddle shall be installed on newly installed water service taps.

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- d. Service taps are prohibited on any line primarily designed to service fire sprinkler systems and/or fire hydrants.
- e. Taps
 - i. The Contractor shall make all taps from the City's operational water system.
 - ii. The Developer is responsible for preparing application and payment of all applicable fees prior to taps being made.

E. Water Quality Division

- 1. Water lines shall be disinfected in strict conformance with AWWA, APWA, and the City's "Flushing and Disinfecting Procedures"
- 2. Notify the City Construction Inspector when samples are ready to be taken to verify disinfection of water lines. The City Construction Inspector must be present and will collect samples in strict conformance with AWWA, APWA, and the State of Utah Standard Specification. The Contractor is responsible for all cost to analyze water samples. Water samples will be processed by Bear River Health Department (BRHD). The Contracting Agency is Nibley City, and it is the responsibility of the Developer to maintain an account in good standing with BRHD.

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F. Pipe Materials

- 1. Standard material for water lines located within a City right-of-way or PUE shall be per the City Approved Materials List and installed per this manual, City Standard, ASTM D2774, and AWWA / APWA Standard Specifications and Details as amended by the City as applicable.
- 3. Private Water lines located within private property and not within a City right-of-way, PUE, or water line easement shall be constructed to City Standards and may be of blue C900 PVC Class 305 pipe (DR14).
- 4. PVC is the preferred pipe material for Nibley City unless prior authorization is obtained by the City Engineer and Public Works Director. For all concrete cylinder pipe, ductile

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iron pipe, or other metallic pipe installations, soil corrosivity tests shall be conducted and reported in accordance with the American Ductile Iron Pipe Research Association. Reports shall be filed with the City Engineer.

G. Locating Water Lines

1. Water lines shall not directly connect to sewer mains or secondary water lines, shall not be constructed in the same trench, and shall maintain a minimum 10 feet of horizontal separation and 1.5 feet of vertical separation above said lines. Where a water main and sewer line cross, the water main shall be at least 18-inches above the sewer line. Separation distances shall be measured edge-to-edge (from the nearest edge of the facilities).
2. Where conditions prevent adequate horizontal and vertical separation between a water line and a sewer and/or secondary water lines, the water line shall be constructed of welded HDPE (minimum Class 250) extending 10' on either side of the crossing. The line to be connected on either end with flanged connections. More restrictive State of Utah codes may prevail.
3. Where a new sewer force main crosses under an existing water main, all portions of the sewer force main within 10-ft horizontally of the water main shall be enclosed in a continuous sleeve.
4. When a new water main crosses over an existing sewer force main, the water main shall be constructed of pipe material with a minimum rated working pressure of 305 psi (DR14).
5. Where basic separation standards as outlined in subsections G.1 and G.2 above cannot be met, an exception to the rule can be applied for with additional mitigation measures to protect public health, in accordance with Utah R309-105-6(2)(b).
6. Separation of water and electrical, gas, communication lines, or other dry utility lines shall be no closer than 3 feet unless specifically approved in writing by the City Engineer and the utility owner.

Commented [TD7]: Required per R309-550-7 (3)(e)(i)

Commented [TD8]: Required 200 psi per R309-550-7(e)(ii)

Commented [TD9]: Required per DDW and R309-550-7

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7. Locating Water Lines within City rights-of-way
 - a. Rights-of-way and/or utility easements shall be dedicated to the City prior to the City accepting ownership.
 - b. Water line location in rights-of-way shall be centered on easements unless otherwise approved by the City Engineer.
8. Survey staking shall be set for all trenching of waterlines 12 inches or greater in diameter.
9. Locating Water Lines within Easements
 - a. A water line shall not be installed unless the property owner has granted all necessary easements and rights-of-way to the City.
 - b. All water lines which cross open areas, or any area outside a dedicated right-of-way shall be located within a minimum ~~20~~-foot-wide water line easement that is dedicated to the City.
 - c. Easements wider than ~~20~~ feet will be required if multiple utilities are co-located, or if additional area is required for maintenance equipment access due to the size and/or depth of the lines.
 - d. No structures of any kind shall be constructed or placed within or over a utility easement except utilities, wire (or removable section-type) fencing, wood chips, decomposed granite, grass, or asphalt paving.
 - e. Easements shall at all times be clear and accessible to City service equipment such as trucks, backhoes, etc. Easements shall be accessible from City rights-of-way or other City owned easements.
 - f. Easements shall be dedicated prior to the commencement of construction activities.
10. Locating Water Lines in Areas not Accessible by Normal Excavation Methods

Commented [TD10]: This change was necessary to match section 4.1.4.D.1.c

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- a. All pipe constructed in inaccessible areas must be welded HDPE extending 10-feet before and after the section.

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11. Surface Water Crossings, whether over or under water, shall follow State of Utah R309 rules and have prior approval from the City Engineer on a case-by-case basis. General requirements are as follows:

Commented [TD11]: Section 11 required by Utah R309-55-8

- a. The pipe shall be adequately supported and anchored, protected from damage and freezing, and accessible for repair and or replacement.
- b. All piping crossing a surface water, whether under or over water, shall be pressure tested prior to commissioning the waterline into service.
- c. For underwater crossings:
 - i. A minimum cover of 2-feet or greater is required.
 - ii. When crossing water courses greater than 15 feet in width, provide mechanical joint restraints for piping within the crossing and flexible joints at both edges of the water course.
 - iii. A means shall be provided, such as a sampling tap, not subject to flooding, to allow for representative water quality testing on the upstream and downstream side of the crossing.

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H. Cover and Bedding Requirements

1. Water mains and services shall have a minimum cover of 60 inches over the top of pipe to top of finished grade.
2. Cover for water mains shall be measured from existing or proposed finished grade of pavement or natural ground, whichever measurement is greater and results in adequate pipe protection during construction.
3. The proposed depth shall be clearly noted in each construction plan sheet. Any changes in depth required to avoid conflicting utilities, etc., shall be noted.
4. When ACP or other poor condition water lines are exposed during construction, the water line shall be removed to the



nearest joint and replaced with PVC (minimum Class 305 (DR14)) with restrained joints.

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I. Pressure Requirements

Pressure extremes in water systems result in potential for contamination to enter the network. Low pressures in the water system may allow polluted fluids to be forced into the system. High pressures may cause ruptures or breaks in some elements of the network.

1. Engineers designing domestic water systems shall design to 20 psi under fire flow conditions as the minimum basis of design for pressure at the highest ground level to be served (highest finished floor elevation). Operating water system pressure during average day scenarios shall be a minimum of 40 psi and shall not exceed 120 psi. Ultimate pressure requirements shall be approved by the City Engineer.
2. All water mains shall be designed for a minimum normal internal working pressure of 305 psi (DR14) plus appropriate allowances for water hammer. Water service piping shall be designed for a minimum internal working pressure of 305 psi plus appropriate allowances for water hammer. Water service piping for Residential structures shall be Polyethylene piping designed for a minimum internal working pressure of 250 (DR 9).
3. Water hammer may produce momentary pressures greatly in excess of normal static pressures, thus increasing the probability of water main failure. Suitable provisions shall be made to protect the system from water hammer.
 - a. Thrust blocking is required on all hydrant tees and 90-degree fittings per APWA plan No 511.
 - b. Mechanical joint restraints designed to prevent movement shall be used on all tees, dead ends, vertical, and horizontal bends, hydrant laterals, valves, etc. For purposes of joint restraints, all in-line valves shall be considered dead ends.
 - c. In addition to use of mechanical joint restraints, an additional 2.0 to 3.0 square foot concrete thrust block

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shall be provided at all hydrants, tees, and at vertical and horizontal bends.

4. In cases where greater than the above noted maximum pressures are required for effective operation, all elements of the system shall be designed accordingly. Pressure information for existing water lines may be obtained by having a fire hydrant flow test performed on the existing system.
 - a. A Right-of-Way Permit issued by the City Engineer is necessary to perform the fire hydrant flow test.
 - b. These tests may be performed by a private fire protection company who must certify the results of the tests and submit them to the City Engineer.
 - c. Fire hydrant flow testing shall be arranged through the City and a City Public Works staff shall be present throughout the duration of the test. A minimum of 48 hours' notice shall be given prior to testing.

J. Miscellaneous Requirements and Specifications

1. All new water mains shall be designed in a looped configuration.
2. To provide increased reliability of service and reduce head loss, dead ends shall be minimized by making appropriate tie-ins whenever practical. Where dead ends occur, they shall be provided with a fire hydrant if flow and pressure are sufficient, or with an approved flushing hydrant if fire flows are below minimum fire flow requirements. Flushing hydrants (see Approved Materials List) shall be sized to provide flows that will give a velocity of at least 2.5 fps in the water main being flushed and shall be separated at least 10 feet from sewers and storm drains.
3. Trenching, backfilling, and compacting shall be in accordance with Utah R309-550 and City Standard Specifications unless otherwise specified in this manual. Reuse of excavated trench material is prohibited within public roadways. The material and backfill zones shall be as follows:

Deleted: , with exceptions being dead-end lines with lengths less than or equal to the maximum allowable length (as determined by fire hydrant limitations).

Commented [TD12]: This is a requirement of Utah Rule R309-550-5(7)(a) and (b)



- a. For plastic pipe, bedding and backfill material used to surround the pipe shall conform to APWA and City Standards and have a maximum particle size of ¾ inch;
 - b. For ductile iron pipe, bedding and backfill material shall conform to APWA and City Standards and shall contain no stones larger than 2 inches; and;
 - c. Trench backfill material above the pipe zone at locations within existing and future roadways shall be 3-inch minus Borrow meeting APWA Standards as amended by Nibley City.
 - d. Clay dams shall be installed every 200 lineal feet of trench in areas where groundwater is encountered. Additional clay dams shall be provided at boundaries of wetlands or other waterways. Clay dams shall extend from the bottom of trench to the bottom of the designed roadway pavement section (borrow). Clay material shall ensure water does not flow within utility trenches and is of a consistency that allows appropriate placement and compaction.
4. Temporary and permanent water lines that terminate at the end of a cul-de-sac shall have a fire hydrant at the non-connected end. In no case shall a fire hydrant be located in a natural or manmade irrigation or stormwater conveyance, detention or retention basin, sidewalk, or driveway.
 5. No water line shall be deflected or swept (either vertically or horizontally) in excess of the maximum recommended deflection specified by the manufacturer of the pipe or coupling. The appropriate use of bends or offsets shall be used where the maximum deflection is exceeded. Fittings may be required where more than two pipe lengths are deflected.
 6. The minimum clearance under culverts, storm drain lines, or similar facilities shall be 2 feet.
 7. Water lines to be abandoned shall be approved by the City Engineer. Abandoned water lines larger than 6-inches in diameter shall be entirely removed or grout filled the entire length of the pipe.

Commented [TD13]: Required per Utah R309-550-8(3)

4.1.5 Valves and Zone Splits



A. General Valve Requirements

1. Valve Specifications

- a. All gate valves shall be resilient seated, solid wedge gate, and shall open left.
- b. Butterfly valves shall be required on water mains, 12 inches and larger. Crispin 250 class K-FLO Butterfly valves shall be used- no exceptions.
- c. At selected locations between the City's water zones, special water zone valves shall be installed if not previously existing.
- d. Valve box installations and grade adjustments shall be performed per APWA Standard Details as amended by the City.

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2. Spacing

- a. Valve spacing for transmission mains with no branches shall be no less than 1/4-mile and no more than 1/2-mile.
- b. The maximum spacing of valves on distribution mains shall be 800 feet for residential zones and 500 feet in all commercial and industrial developments.

c. Valve Isolation

- i. Shall be installed on all legs of "T" and "Cross" intersection fittings unless otherwise approved / required by the City Engineer.
- ii. The maximum number of valves required to isolate an area is four, with two or three being the preferred number.
- iii. No more than two fire hydrants shall be out of service at any given time due to any given valve closure.
- iv. No more than 30 homes shall be without water due to a single valve closure.

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- d. Valves shall be spaced and located such that they are beneficial to the operation and maintenance of the system. The City Engineer shall approve all valve locations.
 - e. Where valves are to be located off of a tee or cross, the valves shall be flanged to the tee or cross. For waterlines located in arterial roadways, valves shall be located outside of the intersections of the arterial roadway.
 - f. Valves shall be provided to allow for the isolation of lines crossing rivers, culverts, storm drain lines, manmade and natural drainage ways, canals, railroads, highways, bridges, airports, etc. as directed by the City Engineer.
 - g. All mains branching from feeder mains or loops shall be valved adjacent to the feeders so that the branch mains can be taken out of service without interrupting the supply to other locations.
 - h. Any water line that will be extended in the future shall have a valve, along with a 13-foot minimum stub and a fire hydrant at the non-connected end.
3. Operation
- a. Only City personnel are authorized to open and close all existing water valves at all times and in all circumstances: flushing, pressure testing, chlorinating, etc.
 - b. Valves that control the Water System Zone Split shall be designated by permanently imprinting the letters “ZS” on the lid.
 - c. Valves intended to remain closed shall be designated by painting those valve covers white and shall be “locked out and tagged out” in accordance with OSHA approved methods.
4. Backfilling and Compaction



- a. The area immediately surrounding any City valve shall be compacted. A test(s) verifying the compaction of the soil around the valve shall be provided to the City for each 3-foot depth of trench backfill, and prior to placement of any portion of pavement section materials (roadbase or asphaltic concrete).
- b. Compaction testing around valves shall be performed as follows:
 - i. A minimum one test per valve per water valve cluster shall be performed unless additional tests are required by the City Inspector. The test(s) shall be performed within 2 horizontal feet of the valve and directly over the water main. Care shall be taken to prevent damage to the pipe and valve during compaction and testing.
 - ii. Additional compaction tests may be required as determined on a case-by-case basis. The need for additional tests will be identified by City Engineer representatives.

B. Underground Chambers

Underground chambers (vaults, manholes, pits, cans, etc.) that house air release valves, meters, PRVs, etc. shall be constructed in a manner that prevents freezing of the infrastructure according to the following:

1. Shall be provided with a drain to daylight if possible. Where not possible, gravel based absorption pits and / or a pump system may be required if the site is subject to flooding.
 - a. Chambers shall not be connected to the sewer system.

C. Air Release Valves

Air release valves shall be installed on all water mains 8 inches or larger unless otherwise required by the City Engineer and as follows:

1. When water line changes from a positive slope to a zero slope or negative slope in primary direction of flow.



2. When vertical alignment changes to undercross or overcross another facility (i.e. utility, canal, etc.), air release valves shall be installed on the upstream (higher elevation) side of the crossing.
3. All air release valves shall be a combination air/vacuum release type per the City Approved Materials List.
4. The open end of air relief vent pipe from automatic valves shall be provided with a #14 mesh, non-corrodible screen and a downward elbow extended to at least one foot above grade.
5. Shall not be directly connected to the sewer.
6. Shall be installed in a vault with a drain to prevent it from freezing.
7. Shall be provided with a shut off valve.

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D. Pressure Reducing Valves

1. Transmission and Distribution Lines
 - a. PRVs on transmission and distribution lines shall be rated to maintain pressures between 40 psi and 120 psi within the distribution system and shall be set to the pressure determined by the City Engineer.
 - b. PRVs shall be designed in accordance with the City Standards and APWA standard details as amended by the City.
 - c. Pressure gauges shall be installed on the upstream and downstream sides of the PRV after the isolation valves. Pressure gauges shall be connected to the City's SCADA system for live monitoring of pressure conditions.
 - d. A flow meter shall be located at a distance downstream of the PRV according to manufactures recommendations and shall also be connected to the City's SCADA system for live monitoring of flows through the PRV.



- e. PRVs shall be located in the right-of-way or water easement accessible from the right-of-way.

- 2. Residential and other Services

The City operates its system from wells and pump stations that commonly have pressures exceeding 80 psi. Changes in demand, supply, and the distribution system also vary the pressure at single family residences.

- a. An individual PRV is required to be placed at each structure.

- E. **Zone Splits**

The City's water distribution system may be divided into various water zones as defined by the City Master Water Plan. If approved, each zone shall operate as an independent water distribution system. Cross-connections between zones are prohibited.

- 1. Valves

See the Valve section of this chapter.

- 2. Special Requirements for Developments Bordering Zone Splits

If a proposed development is located adjacent to a zone split boundary, the Developer shall extend, as necessary, redundant water mains within the development's side of the zone split boundary to close the zone loop.

- 3. Plans

Plans for water distribution mains adjacent to a zone split boundary shall clearly indicate the different zones involved and the location of the zone split boundary.

4.1.6 Fire Lines and Associated Equipment

- A. **Fire Lines**

- 1. Location of on-site fire lines and taps should be determined by the site relationships of the fire department connection, emergency access, and fire hydrant locations. Fire lines sizes



shall be determined by City design criteria and flow test data provided by the Design Engineer for the design of the project. All fire systems that connect to a potable water distribution system shall include a double detector check valve backflow assembly.

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2. Fire line designs shall be based on a flow test per the Fire Flow Requirements section of this manual. The drawings shall be of uniform size (24-inch by 36-inch) and shall be drawn to scale. One set of the approved civil water plans shall accompany this submittal. Applicable City and NFPA 24 construction notes shall also be included on the construction drawings.
3. All fire lines shall be dedicated for fire use only. No other water lines or water service lines shall be connected to a dedicated fire line. Installation shall be completed per the City-approved construction plans.
4. All hydrants that are supplied by a private fire line shall be private and shall be owned and maintained by the HOA up to the valve in the street. A fire line is defined as a water line that extends off the City main for the purpose of supplying a fire hydrant and has no services.
5. Private fire line mains shall be installed and inspected per the NFPA 24 Standard, and shall include an isolation valve for each individual fire line.

6. Fire line materials and installation shall meet all requirements of this Standard for public water lines.

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7. The Owner shall be responsible for maintenance of all water lines beyond the City meter including service lines and valves, fire lines, backflow devices, etc. For commercial fire lines that are not metered, private maintenance responsibility begins after the valve located at the T in the City's main.

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B. Fire Hydrants

1. General Requirements



- a. Fire hydrants and associated bypass assemblies shall be installed as identified in the APWA standard details as amended by the City and this chapter.
 - b. The Developer shall provide the fire hydrant, materials, and all labor required for installation. See Approved Materials List for acceptable hydrants.
 - c. All new fire hydrant installations will be installed per manufacturer's specifications.
 - d. Where the finished grade around existing fire hydrants is changed, an extension kit, installed per manufacturer's specifications, may be used. Refer to the City Approved Materials List for approved products.
 - e. One valve shall be placed between each fire hydrant and the water main.
 - f. Fire hydrant laterals shall be a minimum of 6-inches in diameter. Fire hydrant laterals longer than 60-feet shall be 8-inches in diameter or shall be 6-inches with acceptable hydraulic modeling indicates that required flow and pressures can be maintained by a 6-inch line.
 - g. Valves for fire hydrant connections shall be flanged to the tee.
 - h. Hydrant drains shall be installed with 1-inch gravel pack in quantities as required by the manufacturer and the APWA standards as amended by the City. Hydrant drains shall not be connected to or located within 10 feet of sanitary sewers. Where possible, hydrant drains shall not be located within 10 feet of storm drains.
 - i. All public fire hydrants shall be painted red. See the City Approved Materials List for approved paints.
2. Spacing
 - a. The spacing of fire hydrants is to be measured along the street or roadway in which a fire hose would be laid. Generally, this spacing is measured along the curb line.

Commented [TD15]: Rule R309-550-5

Commented [TD16]: Requirement of Utah R309-550-6(5)(a)

Deleted: <#>Hydrant locator flag shall be installed on all new hydrants¶

¶ Bolt Mounted with spring¶

¶ Fiber Glass shaft¶



b. Fire hydrants shall be located outside of street improvements but within the right-of-way or public utility easement. General spacing for fire hydrants shall be:

- i. 500 feet maximum in a single-family residential development.
- ii. 350 feet maximum in a multi-family residential or commercial development unless otherwise allowed / required by the International Fire Code.
- iii. 1,000 feet maximum for transmission mains.

iv. Fire hydrants shall not be installed on any portion of a dead-end line which is more than 660 feet from a looped water line unless adequate fire flow is available at the hydrant.

(1). Hydrants on temporary dead lines greater than 660 feet may be allowed upon request and approval by the City Engineer.

v. A fire hydrant shall be located within 150 feet of a commercial building fire department connection (FDC).

vi. Fire hydrant spacing shall be maintained along required Fire Authority access roads.

3. Locations

- a. Private and public fire hydrants shall be accessible to the Fire Authority.
- b. A 7-foot minimum clearance shall be maintained around the fire hydrant from landscape material with a maturity height exceeding 6 inches.
- c. Fire hydrant protection is required where no curb is present.

4. Backfilling and Compaction

- a. The area immediately surrounding any City fire hydrant shall be compacted per APWA Standards as amended by

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Commented [TD17]: R309-550 requires hydrants or blow off valves on dead end lines.



the City. Test(s) verifying the compaction of the roadbase around the hydrant shall be provided to the City for each 3-foot depth of trench backfill, and prior to placement of any portion of pavement section materials (asphaltic concrete).

- b. Compaction testing around hydrants shall be performed as follows:
 - i. A minimum one test per hydrant per 3-foot depth of trench backfill shall be performed. The test(s) shall be performed within 2 horizontal feet of the hydrant. Care shall be taken to prevent damage to the hydrant, valve, or water main during compaction and testing.
 - ii. Additional compaction tests may be required as determined on a case-by-case basis. The need for additional tests will be identified by City Engineer representatives.

C. Fire Department Connections

- 1. General Requirements
 - a. FDCs from service lines (4 inches and larger), and all hydrant connections, shall be constructed of PVC (minimum Class 305 (DR14) or equal) to the supply line.
 - b. All FDCs shall be located in a visible location and shall have an unobstructed access, as approved by the Fire Authority.
 - c. FDCs shall be located and arranged so that the hose can be readily attached without obstructions.
 - d. FDCs shall be installed on the customer side of the water double detector check valve and shall be painted red.
 - e. Signage for FDCs shall be used if the FDC is not easily visible and shall be in conformance with the most currently adopted Fire Code.

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- f. There shall be a minimum of 18 inches to the bottom and a maximum of 48 inches to the top of the FDC.
- g. Fire risers and FDCs located at the building do not need to be co-located.

D. Fire Flow Requirements

- 1. Water distribution facilities shall be sized to deliver a minimum fire flow of:
 - a. Minimum fire flows to commercial, industrial, and multi-family residential properties shall be determined by the Fire Authority.
 - b. 1,500 gpm to 1- and 2-family dwelling unit residential properties.
- 2. Fire flow for buildings with approved automatic sprinkler systems shall be determined based on the requirements of the Fire Code.
- 3. Fire flow tests are valid for a period of six months, unless a known significant change has been made to the City's system or private water system within the 6 month period.

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E. Fire Equipment & Storage Facilities

- 4. When required by the City Engineer, double detector check valve backflow assembly is required on all fire line connections to a City water main. Information on backflow prevention may be found in the Cross-Connection Section of this chapter.

4.1.7 Cross-Connection Control

It shall be the responsibility of the City to protect the public water system from health hazards and non-health hazards by the implementation of a cross-connection control program. The program shall consist of inspection by the City Public Works Department and implementation of a backflow prevention and maintenance program, as outlined in the "Manual of Cross-Connection Control" published by USC.



All cross-connection (backflow) devices shall conform to the State of Utah adopted codes.

A. Implementation

1. Air-gap separation shall be required for developments where entry is or will be restricted and cross-connection inspections cannot be made with sufficient frequency or can only be made on short notice. Air-gap separation shall be required in, but not limited to, areas where the following high-hazard conditions exist:
 - a. Public water system is used to supplement secondary water.
 - b. Wastewater is pumped and/or treated.
 - c. Hazardous substances are handled or stored.
 - d. Irrigation systems exist into which fertilizers, herbicides, or pesticides could be injected.
 - e. Unapproved water supply exists which is interconnected with the public water system.
 - f. As required by DDW, or the City Engineer.
2. RPP (or at times DC Valve Assembly backflow prevention) devices shall be required in locations where air-gap is not required, or where entry is not restricted and cross-connection inspection can be made with sufficient frequency or on short notice. Specific uses of these backflow prevention devices are as follows:
 - a. An RPP backflow prevention device may be installed on all lines that connect to the City's potable water system but shall be installed at all connections in which a double check detector backflow prevention device is not permitted.
 - b. Double check valve assembly backflow prevention devices may only be installed on dedicated fire lines that supply fire flow to a structure. DC assemblies shall not be installed in the following situations:

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- i. When a chemical is used in the fire suppression system.
 - ii. When an on-site private storage tank for fire suppression is located on the premises.
 - iii. When an on-site booster pumping system is located on the fire line or private storage tank.
3. Detection Assemblies
 - a. RPP detection assemblies may be used on all fire suppression systems but shall be used on all private waterlines that tap into the City's potable water system with the exception of fire lines that do not. RPP detection assemblies shall be required on all Class V and VI fire sprinkler systems. An RPP detection assembly shall also be required when any hazardous or nonhazardous solutions are added to the fire sprinkler systems or used as part of the fire protection system.
 - b. DC detection assemblies may be used on all nonresidential fire sprinkler systems where the City's potable water supply is used. A DC detection assembly may be considered for fire sprinkler systems in residential dwellings that are constructed with approved potable water piping and materials. A DC detection assembly may be used on Class I, II, III and IV fire protection systems.

B. Installation

The Owner, at their own expense, shall purchase, install, operate, certify, and maintain any approved backflow prevention device required by the City.

Installation of approved backflow prevention devices shall be as follows:

1. All backflow prevention devices shall be constructed with a security enclosure that is heated during cold weather.
2. An air-gap separation (referred to as a swing connection) shall be located as close as practical to the user's connection at the meter. The piping between the user's connection and the



receiving tank shall be entirely visible. The air-gap separation shall be at least twice the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe. In no case shall this separation be less than 1 inch.

3. RPP and DC Valve Assembly backflow prevention devices and detection assemblies shall be constructed in a manner that protects from freezing.
 - a. RPP and DC Valve Assembly backflow prevention devices and assemblies shall be installed according to State of Utah requirements and in a manner where it is accessible for testing.

C. Maintenance

Maintenance of backflow prevention devices shall be as follows:

1. Backflow prevention devices shall be tested and recertified every year and immediately after installation, relocation, or repair. Devices shall not be placed in service unless they are functioning as required.

4.1.8 Secondary Water Systems

Subdivisions that construct pressurized secondary water systems to provide irrigation water lots shall comply with the requirements in this code regarding the construction of such systems.

A. Materials

1. Secondary water system shall be constructed of PVC or HDPE pipe rated for the 25% greater pressure than the design pressure of the system.
2. Pipe shall be purple in color and shall be marked with purple non-potable water marking tape and tracer wire.

B. Systems of City Water and Secondary Water



1. All new properties within a secondary water subdivision shall be upfitted with a swing check connection that requires a physical gapped disconnect from the secondary water system for connection to the City potable water system.
2. IN NO CASE SHALL THE SECONDARY WATER SYSTEM BE PHYSICALLY CONNECTED TO THE HOUSE IRRIGATION SYSTEM AT THE SAME TIME THE CITY'S POTABLE WATER SYSTEM IS CONNECTED TO THAT SAME HOUSE IRRIGATION SYSTEM. THE IRRIGATION SYSTEM SHALL BE CONSTRUCTED SO THAT ONLY THE CITY OR THE SECONDARY SYSTEM IS CONNECTED AT ANY GIVEN TIME

C. Ownership

1. Secondary water systems are privately owned and maintained generally by a home owners association. The City is not responsible for operation and maintenance needs related to these systems.

4.2 Water Main Flushing and Disinfection Guidelines

4.2.1 Regulatory Standards

Nibley City requires that all contractors working in the City adhere to the following guideline for new water main disinfection to prevent contamination of the City's potable water system. The disinfection of all water mains shall be in compliance with AWWA C651-14, the current edition of Utah APWA 33-13-00 Specifications, and this guideline.

Personnel performing flushing and disinfection procedures shall be properly trained and be familiar with AWWA Standards. This standard was written for public and private water lines connected to the Nibley City potable water system. Flushing and disinfection of service lines and internal building lines shall adhere to flushing and disinfection guidelines and standards in the applicable building code.

4.2.2 Valve Operation

At no time will contractors be permitted to open or close any valve tied into the City's water system. Only authorized City personnel can operate these valves for any purpose, which may include disinfecting, flushing, placing a new water main into service, and placement of water meter cans. Once a new main is connected to



the City's water supply, only authorized City personnel are permitted to close valves for the purpose of isolating water lines to facilitate construction or emergencies. Contractors shall coordinate operation of valves with the City Inspector assigned to the project. Operations which require opening or closing of valves shall be scheduled with the Public Works Department through the City Inspector a minimum of 48 hours prior to the work being performed.

If an emergency shutdown is required, call the Nibley City Public Works Department at 435-753-4413 day or night.

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4.2.3 Isolation of New Water Mains

As identified in AWWA C651-14, the new main shall be isolated from the active distribution system by physical separation until disinfecting water has been flushed out and satisfactory bacteriological testing has been completed. Water needed to fill the new main for testing and flushing purposes shall only be potable City water, supplied through a temporary flushing / disinfection connection as identified in Figure 1 of AWWA C651-14.

4.2.4 Protection of Pipe, Valves, and Fittings

At all times, the Contractor shall protect valves, fittings, and the interior of pipe against contamination. Stockpiled material shall be stored off the ground to minimize the entrance of foreign material and mud. During placement, openings shall be covered with watertight plugs at the close of the day's work or during short stoppages of work such as rest breaks. If at any time after placement, stormwater enters the pipe, then corrective measures shall be taken per AWWA C651-14 section 5.1.1.3.

4.2.5 Loading the Main for Pressure and Leak Testing

Once the water main and all appurtenances have been installed and the Inspector has received confirmation that the trench backfill has passed compaction requirements, the City will permit the main to be loaded for testing. Section of main greater than ½ mile in total pipe length shall be broken up into two separate tests unless otherwise approved by the City Engineer and/or the Public Works Director. The Contractor shall utilize a reduced pressure type backflow prevention device with a metering device to supply potable water through a temporary connection to the new main from an existing City water source. The device shall be tested and certified by a State Certified Tester prior to use and anytime the device has been repaired or maintenance performed. As a minimum, the device shall be certified within one year of use. A copy of the certification shall be given to the City Inspector and a copy shall be kept on site attached to the device at all times.



No device shall be connected to the City source until approved by the City Inspector and shall be immediately removed once the bacteriological sampling has been completed. All pipe and connectors between the existing City main and the backflow device shall be disinfected per AWWA C651-14 prior to use. The device shall be physically separated from the new main during hydrostatic pressure testing. Valves shall be closed at the end of each shift and when not in use.

4.2.6 Flushing

The City requires that mains be cleared of all debris and soil that may have accumulated during construction prior to starting the disinfection process. The most practical way to achieve this is to flush the main. Only potable City water can be used to fill and flush potable water lines. From the point of the temporary tie in, potable water from the City's system will be utilized to flush the new main. The main shall be flushed at a minimum velocity of 3 feet per second. The Contractor should refer to AWWA C651-14 Table 3 to determine the inlet and outlet pipe size requirements to achieve the required velocity. Once flushed, the Contractor may continue with disinfection of the main. At least 48 hours prior to the filling and/or flushing of any potable water line, the Contractor must contact the City Inspector to coordinate with the Public Works Department the use of potable water.

4.2.7 Disinfection of Mains

Chlorination of all water mains shall be per AWWA C651-14. The method of chlorination used by the Contractor shall be approved by the City Inspector prior to use. The Contractor is responsible for supplying equipment such as a pitot gauge, meter, or similar devices to verify proper chlorination procedures are performed per standards.

The water shall be chlorinated so that after a 24-hour holding period in the main, there will be a minimum free chlorine residual of 10 mg/L, unless at any time after placement, stormwater enters the pipe, then corrective measures shall be taken per AWWA C651-14 section 4.3.8 and sampling shall be per section 5.1.1.3. This minimum concentration is to be present at all risers. Each riser is to be flushed to ensure the chlorine solution contacts all portions of the pipe. In the presence of the City Inspector, valves, hydrants, and all other appurtenances that are part of the new system shall be operated while the line is filled with the chlorine solution. At the end of the 24-hour period, the City Inspector will verify that treated water in all portions of the main have a minimum concentration of 10 mg/L chlorine prior to flushing for bacteriological testing.

After confirmation of the 10 mg/L minimum chlorine residual, the Contractor may be permitted to flush the line; flushing shall be coordinated with the Public Works



Department through the City Inspector. Flushing is typically limited to the off-peak usage hours of 10:00am to 2:00pm, or as determined by the City Inspector and the Public Works Department. Flushing shall continue until the replacement water throughout the new pipeline can be proved, by laboratory testing, comparable in quality to the water served to the public from the existing water system.

If residual chlorine levels exceed 50 ppm, the Contractor will be required to use a neutralizing agent or diffuser to neutralize the chlorinated water during discharge. Refer to AWWA C651-14 Appendix B.

4.2.8 Bacteriological Testing and Acceptance

After disinfection of the main is complete and the main flushed, the Contractor will schedule testing to verify the absence of coliform organisms and HPC bacteria. The City Inspector shall determine the locations where the Contractor will place the sample risers.

The number of sampling locations shall be as follows:

- Waterlines up to but less than 150 feet in length require one sampling riser installed as near the end as possible;
- Waterlines 150 to 300 feet in length, two sampling risers, one near each end of the line;
- Waterlines 300 to 3,000 feet in length, a minimum of three sampling risers;
- In addition, dead ends on main lines should be represented with a sampling riser;
- If any trench water has entered the main during construction, then additional risers shall be placed to conform with AWWA C651-14, section 5.1.1.3

The Contractor is responsible for hiring an independent lab for the sampling and testing of water in the new main. The lab performing sampling shall obtain samples in the presence of the City Inspector. The lab shall be certified by the State of Utah for testing water quality. All sampling and testing shall be in accordance with the State Standards. The first sample shall be taken within 24 hours of flushing the new main. A second set of samples shall be obtained 24 hours after the first set of samples are taken. A copy of the test results along with a Chain of Custody form shall be submitted to the City Inspector.

4.2.9 Connection of New Main

Once approved by the City Inspector, the Contractor will be required to connect the new main to the existing City water supply. The Contractor shall make all required connections within 3 days of notification. The City Inspector will coordinate the work through the Public Works Department.



Connection pieces shall be disinfected per AWWA C651-14 section 4.10 in the presence of the City Inspector. Once all connections are complete, the City Inspector will arrange for the main to be placed into service.

UPDATE 2023

Approved Materials List for Water Distribution Potable System Materials Testing and Inclusion Procedures

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Manufacturers who would like materials considered for the approved materials list shall:

1. Comply with all the design criteria set forth for the approved materials.
2. Supply, at the manufacturer's expense, the materials to be tested. (Quantity to be determined by the Nibley City Public Works Department)
3. Any project using brass or bronze service material that comes in contact with potable water must meet AWWA C-800, NSF 61-8 and Federal Law.
4. Preference will be given to materials manufactured and assembled in the United States.

Once the materials have been received, the Water Division will visually inspect materials for defects and compliance with all City standards. The Water Division will install or oversee the installation of all materials in the distribution system or other test sites as determined to be in the best interest of the City. Materials will be tested and evaluated for a minimum of one year, commencing on the date of installation. Evaluations will include but are not limited to:

1. Ease of installation
2. Availability of parts
3. Operational issues
4. Quality of manufactured materials
5. Number of moving parts
6. Reliability of service

If the materials supplied at any time in the testing period fail, the testing will be concluded immediately. If the materials successfully complete the testing period, Water Distribution will recommend the product to be included in the Nibley City Approved Materials List.

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The Approved Materials List will be updated at least annually at the first of each year. Except for emergencies, new Manufacturers and Models that have been approved by the City for inclusion on the list will be added at that time.

A maximum number of manufacturers will be approved for each category. Once a category has been satisfied, manufacturers successfully completing the test requirements will be added to a waiting list. Pending materials will be listed sequentially according to successful completion of testing. Materials presently on the Approved Materials List may be omitted from the list due to:

1. Change in service/availability
2. Change in product design
3. Bankruptcy
4. Consistent product failure
5. Other issues that found to reasonably be cause for omission as determined by the City Engineer

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If an approved material is taken off the list for any of the above reasons, the first pending material will be added to the list.

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Water Distribution Materials

Fire Hydrants (3 Manufacturers)

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Requirements

- Meet APWA and AWWA Standard C502 and C550
- UL 246 approved
- Dry barrel hydrant
- Working Pressure rating of 250 psi
- Method of lubrication shall be food grade oil or grease
- Operating nut shall be 1-1/2 inches pentagon (standard)
- Direction of opening shall be counterclockwise (left)
- Hose and pumper threads (male) shall be brass and field replaceable
- Threads shall be "National Standard"
- 2 hose nozzles (2-1/2 inches) and 1 pumper nozzle (4-1/2 inches)
- Inlet connection shall be mechanical joint
- Shall include "traffic flange"
- Hydrant laterals shall be PVC DR14 material with mechanically restrained joints
- A 2.0 to 3.0 square foot concrete thrust block shall be installed at the base of all hydrants
- Size of hydrant valve opening shall be 5-1/4 inches
- All public hydrants shall be painted red



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MANUFACTURER	MODEL
<u>East Jordan (EJ) - Preferred</u>	<u>Watermaster 5CD 250</u>
<u>Clow</u>	<u>Medallion</u>
<u>Mueller</u>	<u>Super Centurion 250</u>

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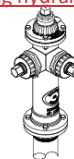
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Blow Off/Flushing Hydrants (1 Manufacturer)

Requirements

- Flushing Valves are used on dead end lines for flushing purposes where fire flows are not adequate
- Shall be provided with a 4-inch gate valve accessible and near the flushing hydrant
- Working Pressure rating of 250 psi
- 2 Nozzle Bolted Flange Top Stock
- Location to be approved by City Engineer
- Protected from damage and traffic by bollards or other
- Must have MJ Inlet sized for 3 fps flushing of main line



2 NOZZLE BOLTED FLANGE TOP STOCK

MANUFACTURER	MODEL
<u>Kupferle</u>	<u>Eclipse #2 Post Hydrant</u> <u>2-nozzle Bolted Flange Top Stock</u>

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Fire Hydrant Grade Adjustments (1 Manufacturers)¶

¶ Requirements¶

- <object>• Extensions shall not be used to reach finish grade for new fire hydrant installations.¶
- Where the finish grade around an existing fire hydrant is changed, an extension kit, installed per the manufacturer's specifications, may be used.¶
 - Only one extension may be used per hydrant. The extension kit must be manufactured by the original fire hydrant manufacturer; no aftermarket parts are allowed.¶

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Water System Grease (2 Manufacturers)

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Fire Hydrant

Requirements

- All metal threaded parts used in the water system, including “Blue Bolts” shall be applied with food grade grease meeting NSF requirements.

<u>MANUFACTURER</u>	<u>MODEL</u>
Mystik	FG-2 Food Machinery Grease
Clarion	Food Machinery Grease



Fire Hydrant Locks (2 Manufacturers)

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Requirements

- Must prevent unauthorized operating of hydrants
- Readily attaches to all hydrant makes and models
- Must be strong enough to withstand vandalism and weather extremes
- Hydrant must be operated without removal of lock utilizing magnetic type wrench only

<u>MANUFACTURER</u>	<u>MODEL</u>
Hydra-Shield	Custodian
USA Blue Book	Hydrant Lok



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Gate Valves (4 Manufacturers)

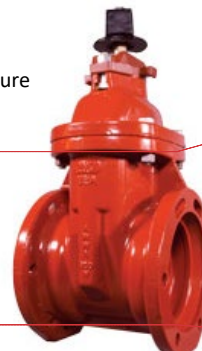
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Requirements

- Meet APWA and AWWA Standards C515 and C550
- Valves body shall be ductile iron and meet or exceed reduced wall standards
- Valve wedge shall be fully encapsulated with nitrile rubber
- Valves shall be epoxy-coated inside and out
- Stem o-rings shall be replaceable with the valve fully open at rated working pressure
- Direction of open shall be counterclockwise (left)
- All fasteners shall be stainless steel

<u>MANUFACTURER</u>	<u>MODEL</u>
Mueller	Series 2361 or 2362
Clow	Style 2638 or 2639
Kennedy	Style 7000
M&H	Style 7000



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Air/Vacuum Release Valves (1 Manufacturer)

Requirements

- Air/vacuum release valves shall be constructed of composite or stainless-steel components
- Parts and fittings for Air/Vacuum Release Valves shall be of Stainless-Steel construction.

MANUFACTURER	MODEL
ARI	No. D-060NT – Combination air valve "Barak" w/ 1-1/2" x 2" ARI Bug Screen



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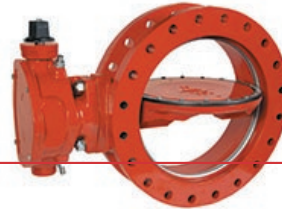
Butterfly Valves (1 Manufacturer)

Requirements

- Butterfly valves are required on distribution mains 12 inches and larger.
- Meet applicable APWA and AWWA Standards C504 Standard
- Valves shall be 250 class pressure rated or higher
- The valve disc shall be fully encapsulated in nitrile rubber
- Valves shall be epoxy coated inside and out
- All fasteners shall be stainless steel
- Direction of open shall be counterclockwise (left)

MANUFACTURER	MODEL
<u>Crispin</u>	<u>K-FLO</u>

No exceptions



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Pressure Reducing, Sustaining and Altitude Valves (2 Manufacturers)

Requirements

- Ductile iron body
- Diaphragm type, class 150
- Epoxy coated inside and out
- Stainless steel parts and fittings
- Tested at a minimum pressure of 175 psi
- 150 lb flanged ends

MANUFACTURER	MODEL
CLA-VAL	No. 92-01, 50-01, and 650-01



Water Meters (1 Manufacturer)

Requirements

- Appropriate make, model, and manufacturer is to be determined by the Water Distribution Department. All meters are supplied by Water Distribution.

SIZE	TYPE	MANUFACTURER
1"	Magnetic / Positive Displacement	Neptune
2"	Magnetic / Positive Displacement	Neptune
4" to 6"	Magnetic	Neptune
8" and Larger	Per City Engineer's Direction	Neptune
Fire Hydrant Meter	3"	City Provided



Radio Read

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Meter Reading Devices (1 Manufacturer)

MANUFACTURER	MODEL
Neptune	E-coder R900i



Water Service Saddles (3 Manufacturers)

Requirements

- Meet applicable APWA, AWWA C800, and NSF 61 Standards
- Double strap brass or stainless-steel saddle
- Thread shall be female iron pipe

MANUFACTURER	MODEL
Ford	Style 202B
AY McDonald	3826
Mueller/Jones	BR2B/J-979



Water Mains (All Manufacturers)

Requirements

- All mains shall be Blue PVC per AWWA C-900 or C-905 for larger pipe
- Meet ASTM Standard D3139 & F477; UL 157
- C-900- Minimum class DR 14 (305 psi)
- C-905- Minimum class DR 18 (235 psi) (14-inch diameter and larger)



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Water Service Lines

Requirements

- Minimum size service line is 1"
- ASTM 2737
- 250 psi minimum pressure rating (SDR 9)
- AWWA C901 – 1" to 2"; **AWWA C900 – 4-inch and larger**
- Diameter of service line material must be to the nearest inch in size – no half inch increment pipe
- Water service lines shall be the same size as the water meter from the connection at the water main to the meter. Exception for manifolded meters for 4-unit residential structures- see Design Standards.



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Corporation Stops (3 Manufacturers)

Requirements

- Meet applicable AWWA C800 and NSF 61 Standards
- Inlet threads shall be iron pipe
- Shall utilize a ball valve
- For service line installations, the outlet shall utilize a compression style pack joint
- For downstream end of blow off installations, the outlet shall utilize male iron pipe threads



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MANUFACTURER	MODEL
Ford	FBRW1100-TA
AY McDonald	4104B-22
Mueller/Jones	P25028-10/E-1935

Meter Valves/Curb Stops (3 Manufacturers)

Requirements

- Meet applicable AWWA C800 and NSF 61 Standards
- Angle stop ball valve with 90-degree Tee Head rotation
- Padlock wings
- The inlet shall utilize a compression style pack joint with set screw
- 1" curb stops shall have a swivel meter coupling to allow for meter installation
- 2" curb stops shall be flanged, have elongated bolt holes allowing for either 2" and 1 1/2" meters, and allow for drop in rubber gaskets



MANUFACTURER	MODEL
Ford	BFA43-777W, BA43-444W
AY McDonald	4602B-22
Mueller/Jones	P-24258, P-24276/E-1963, E-1975

Backflow and Cross-Connection Devices

Requirements

- Refer to the approved assemblies list published by the USC Foundation for Cross-Connection Control and Hydraulic Research for backflow prevention and cross-connection devices and assemblies that are approved for use in the City.

Tapping Sleeves (2 Manufacturers)

Requirements

- Meet AWWA C223-02
- No Size on size applications

MANUFACTURER	MODEL
Powerseal	3490AS
Smith Blair	663



Full Circle Repair Clamps (3 Manufacturers)

MANUFACTURER	MODEL
Romac	SS1, SL1
Ford (Single Band)	F1
Smith-Blair	221, 226, 229, 238



Flex Couplings (3 Manufacturers)

MANUFACTURER	MODEL
Romac	XR-501 Extended Range
Ford	FC2W Transition Coupling
Total Piping Solutions	HyMax 2 Series



Restrained Flange Coupling Adapters (3 Manufacturers)



MANUFACTURER	MODEL
Smith-Blair	912
Romac	FC400/FCA 501/RFCA
Ford	FFCA

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Restrained Joints - Gasket Style (4 Manufacturers)

MANUFACTURER	MODEL
American Cast Iron Pipe Co.	Flex Ring Joint
American Pipe	Fast Grip Gasket
McWane	Sure Stop 350 Gasket
Griffin Pipe	Talon Gasket



Restrained Joints - Mechanical Style (5 Manufacturers)

Requirements

- Meet applicable AWWA Standards
- Must be approved for the pipe material

MANUFACTURER	MODEL	Pipe Material
EBBA Iron	1100 Series	Ductile Iron and Steel
Romac	Roma Grip	Ductile Iron and steel
Ford	UFR 1400	Ductile Iron
Star Pipe Products	Stargrip Series 3000	Ductile Iron
Star Pipe Products	Stargrip Series 4000	PVC
Star Pipe Products	Pipe Restrainers Series 1100G2	PVC
Romac	Grip Ring	Ductile Iron and PVC



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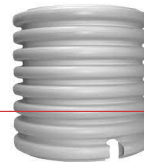
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Water Meter Barrels / Pits

Requirements

- 21" diameter for 1" meters; 36" diameter for 2" meters
- White HDPE smooth single wall or Corrugated dual wall HDPE
- 3" wide by 3.25" tall notch at 0 and 180 degrees
- 48" length



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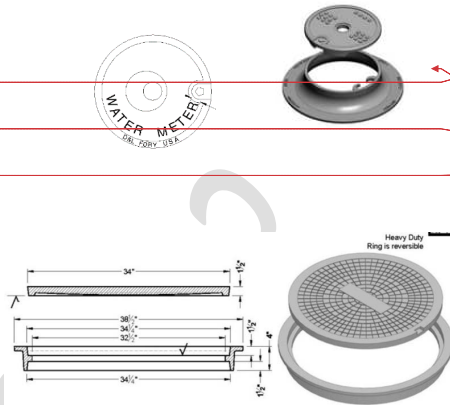
Water Meter Barrel Covers

Requirements

- Lid Diameter: 1" Meter - 12"; 2" meters 31 1/2"
- Overall Diameter: 1" Meter - 23"; 2" meters 39 1/8"
- Recessed for Neptune antenna

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<u>METER SIZE</u>	<u>MANUFACTURER</u>	<u>MODEL</u>
<u>1"</u>	<u>D&L</u>	<u>L-2244</u>
<u>2"</u>	<u>D&L</u>	<u>A-1700</u>



Water Line Fittings

Requirements

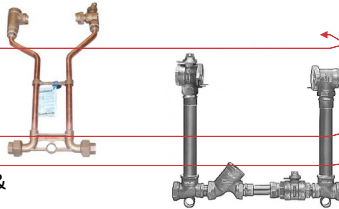
- Ductile Iron
- Flanged
- Blue Bolts
 - Fluoropolymer Coating
 - Corrosion-resistant, high-strength low-alloy steel
 - ANSI/AWWA C111/A21.11



Water Meter Setter

Requirements

- For 1" and 2" meters
- 18" setter length
- Copper tubing
- Lead free
- Padlock wings
- Angle key Valve on City side
- Brass components ASTM B584 & NL (in contact); ASTM B62 & B584 (non contact)
- Angle dual check valve on customer side
- Compression fittings at City and customer connections



- The shut off valve of each setter shall measure 24 to 30 inches below the finished elevation of meter lid.
- 18" long - ¾" schedule 40 PVC pipe installed through hole in the bottom of each 1-inch setter
- 18" long- 1" schedule 40 PVC pipe installed through hole in the bottom of each 2-inch setter
- Tracer wire to be accessible and installed with sufficient length to extend to the top of the meter barrel or vault
- Setters for 4 and 6 inch meters shall be in accordance with APWA Standards as amended by Nibley City.

METER SIZE	MANUFACTURER	MODEL
1"	AY McDonald	720-418CDD44
1"	Ford	VH-74-18W-11-44-NL
1"	Muller	H-14195-6DN
2"	AY McDonald	721-718WDGG77
2"	Ford	VBHH-77-18B-44-77-NL
2"	Muller	B-2423-2N

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Ground clamp on setter for attaching tracer wire.

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Valve Boxes (3 Manufacturers)

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Water Stub Markers (1 Manufacturer)¶

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Requirements ¶

<object>Blue in color¶

Fiberglass¶

66" length¶

Ultraviolet resistant / Temperature stable¶

3.75" Wide¶

2 7/8" x 12 ½" sized decal¶

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MANUFACTURER

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Requirements

- Top and Bottoms to be domestic
- Slip cover
- 24-pound universal lid required in all arterial streets
- Installed per amended APWA standards with concrete collar

MANUFACTURER	MODEL
Tyler Union	6855/145325/145451
Bingham & Taylor	GRE-5B64S/5T55SCL35/5LHVTSK4WCL35/CUL5LWRDBLACK
EJ Iron Works	6800/8555



Pipe Wrap Tape

Requirements

- 2" Wide
- 20 Mill Thickness
- Suitable for use between at 60° C
- Moisture resistant
- Adheres to metal and plastic
- Non-corrosive, pressure-sensitive adhesive
- Does not require heat, moisture, or other manner of preparation to apply



Polymer Pipe Wrap

Requirements

- 12 mil Polyethylene Material
- AWWA C-105



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Tracer Wire

Requirements

- #12 solid AWG copper wire
- 2,500-foot minimum roll length
- Grease Connectors – 3M Direct Bury Kit DBR/Y-6, or Hughes Dri-Splice DS-100; DS-400; DS-500, or equal
- Splices shall be kept to a minimum



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Buried Water Line Marking Tape

Requirements

- 3" minimum width
- 4 Mill minimum
- Blue in color
- Black lettering "BURIED WATERLINE"
- Placed a minimum of 36-inches above the water main or just below the pavement section (pit run for road) if less than 36-inches above the pipe.



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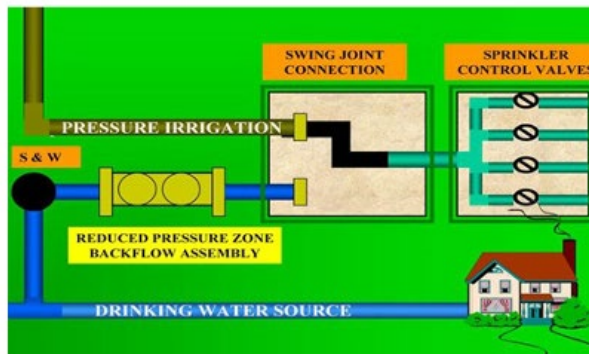
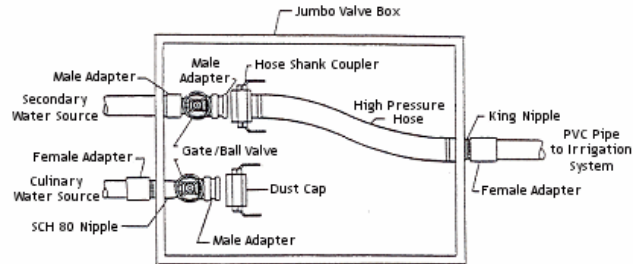
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Secondary Water Swing Connection

Requirements

- Must provide a full airgap disconnect between the two systems
- Must be documented by City Staff
- State of Utah requires a backflow prevention device between the connection and the City meter





CHAPTER 5

SEWER SYSTEMS

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5.1 General Information

5.1.1 Purpose

A. Introduction

This document provides guidance and minimum design criteria for the modification and construction of ~~sewer~~ systems within Nibley City. It is intended for use in the planning, design, plan preparation, and construction processes. These standards are intended to follow State of Utah (hereafter “Utah”) regulations in assuring that City facilities are reliably capable of collecting, transporting, and treating wastewater generated in the City’s service area. In the event a part of these standards is found to conflict with Utah standards, Utah standards shall prevail.

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The City maintains a citywide Wastewater Master Plan that has been developed to ensure that the City’s sewer system develops in an organized manner. Contact the City Engineer for further information regarding latest editions and updates to this Master Plan.

Wherever the language of this document refers to equipment or material to be used, or the language of a standard refers to an Approved Materials List, the “Approved Materials List ~~for Sewer~~” shall be used. Section 5.2- Nibley City Sewage Lift Station Standards, shall be followed when installing a new lift station. These documents can be obtained from the City’s City Engineer or from the City’s website, www.nibleycity.com.

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B. Abbreviations

ANSI - American National Standards Institute
APWA – American Public Works Association
ASTM - American Society for Testing and Materials
AWWA - American Water Works Association
BRHD – Bear River ~~Health Department~~
EPA - Environmental Protection Agency
HDPE – High Density Polyethylene
gpcd - gallons per capita per day
gpd - gallons per day
gpm - gallons per minute
POTW - Publicly Owned Treatment Work
PUE - Public Utility Easement
PVC - Polyvinyl Chloride
UAC – Utah Administrative Code

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UDEQ - Utah Department of Environmental Quality

5.1.2 Ordinance Requirements

A. Mandatory Extension

Sewer Mains of a size required for the development or of a size required by the City shall be extended in all new roadways within a development and within all adjacent roadways to a development unless otherwise approved by the City Engineer. Unless otherwise agreed to in a development agreement, where the City requires larger pipe than what is needed for the development or in a location that isn't necessary to serve the development, the City will participate in the construction of that infrastructure.

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B. Construction Plans

Upon development of property for which City water or sewer service is available, the Developer shall submit a plan, prepared by a Professional Engineer licensed in the State of Utah, for the sewer system.

C. Fees & Construction Costs

The Developer shall, at his or her expense, construct all on-site and off-site improvements necessary to serve the development. This includes payment of all required development fees.

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D. Non-residential Discharge

The City may require users who have a nonresidential discharge to monitor their discharges and obtain a Wastewater Discharge Permit. The permit may be obtained from the Logan City pre-treatment program and is required to be renewed annually. Permitted industries are also subject to quarterly or monthly inspections, sampling and reporting as required by their permit.

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E. Nibley City Code

For more specific information on ordinance requirements, review of the Nibley City Code is recommended.
<https://nibley.municipalcodeonline.com/book?type=ordinances#name=Preface>



5.1.3 Standards of Design and Construction

A. Referenced Standards

The technical specifications shall require that installation be in accordance with the requirements based on the criteria, standards and procedures established by:

1. Utah Administrative Code R309 & R317;
2. Current American Public Works Association (APWA) Standards and Specs as amended by Nibley City;
3. Recognized industry standards and practices;
4. The product manufacturer's recommendations and guidance;
5. The Following codes, as adopted by the State of Utah:
International Building Code, International Plumbing Code,
International Mechanical Code and National Electrical Code;
6. American Society of Testing Materials (ASTM);
7. American National Standards Institute (ANSI);
8. Occupational Safety and Health Administration (OSHA), US
Department of Labor or its succeeding agencies;
9. American Society of Civil Engineers (ASCE); and
10. American Water Works Association (AWWA);

5.1.4 City Policies

A. Design Basics

Sanitary sewers shall be designed to serve the ultimate population density expected in the tributary area. The design must be in conformance with the current City approved Wastewater Master Plan, and as such, shall take future connections into consideration.



B. Private Sewer Mains

Except in planned commercial centers and private drives/alleyways etc., sewer mains shall not be privately owned. Private sewer mains shall not receive discharge from public sewer mains.

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1. A Private Utility Agreement must be in place and recorded on the properties describing ownership and maintenance requirements.

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2. Sewer service lines and connections thereto shall be privately owned and maintained.

3. Private sewer lines shall meet City Engineering design standards for approval. Privately owned and maintained sewer lines shall not be located within the street right-of-way or a PUE.

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C. EPA Regulation

The City is required by the U.S. EPA to develop and implement a program to control discharges that might harm the publicly owned treatment work (POTW). The program establishes local discharge limits for non-residential users and provides for a permitting process based on user discharges and business types. Specific information may be obtained by calling the City Engineer at 435-752-0431. The permit administered through the Logan City pre-treatment program and is required to be renewed annually. Permitted industries are also subject to quarterly or monthly inspections, sampling and reporting as required by their permit.

5.1.5 Sewer System

A. Requirement to Connect

All developments are required to connect to the City's sewer system if located within 300 feet of a City Sewer Main or the property is within a water source protection zone as defined by the Nibley City Code. Where connection isn't feasible according to City Code, onsite disposal systems may be allowed as approved by the City Engineer.

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B. Sewer Pipe Classifications



The City's sewer system includes classifications of sewer lines which are determined by use. These classifications are:

1. **Building Service or Lateral** – This is the line from the building to the public or private **Sewer Main** or onsite disposal; also called house connection.

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2. **Sewer Main** – A principal sewer line to which **Building, Service, or Lateral** sewer lines are tributary.

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Lateral Sewer - An 8 to 10-inch diameter sewer line that discharges into a larger sewer main and collects sewage from service lines.¶

3. **Force Mains** – A pressurized sewer line that receives sewer flows from a sewer lift station.

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C. Sewer Line Sizing

1. All developments shall provide for trunk / main, lateral, and service lines as required to provide sewer service for not only the individual development, but for the ultimate service area, as deemed necessary by the City Engineer.
2. Sewer lines shall be sized to accommodate their ultimate service area. Reference shall be made to the City's Wastewater Master Plan for the sizes and locations of **Sewer Mains** within the City. The minimum size line for a public main is 8-inch diameter.

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Interceptor Sewer - A larger than 16-inch diameter sewer line that receives flow from a number of sewers mains or laterals and conducts such wastewaters to a point for treatment or disposal. Service lines are generally not allowed to connect to interceptor sewer lines.¶

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D. Public Sewage Lift Stations

The City Wastewater Master Plan has estimated wastewater generation from the entire City. Refer to this plan for information regarding the approved location for public sewage lift stations. Public lift stations in size and location other than those identified in the City Wastewater Master Plan will not be permitted.

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E. Wastewater Design Report

At a minimum, Preliminary and Final Wastewater Reports shall be prepared by a Civil Engineer registered to practice in the State of Utah for each development within the City. The cost of said reports shall be the responsibility of the Developer. These reports shall be designed per the requirements of this manual and the City Wastewater Master Plan.

F. Updating The City's Model



Information provided in the City Wastewater Master Plan has been developed based upon the zoning land uses existing at the time of completion. If determined by the City Engineer or if a proposed development changes the land use of an area in such a manner that it significantly impacts the functionality of the City Wastewater Master Plan, the Developer will be financially responsible to update the City Wastewater Model prior to obtaining permits for construction.

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5.1.6 Plan Preparation

A. Preliminary Wastewater Report

A Preliminary Wastewater Report regarding the wastewater system for a development shall be provided to the City for nonresidential development and all Preliminary Plat applications that contemplate a phased approach to construction or have greater than 50 lots. The preliminary information provided within this report shall at a minimum calculate that amount of wastewater generated by the development, show the proposed location, sizes, inverts and rim elevations of existing and proposed Sewer Mains, manholes, lift stations, force mains, etc within and adjacent to the site. The report shall include calculations to substantiate proposed sizes are sufficient for the required capacity. The text shall describe the property, identify the wastewater treatment facility that will be accepting flows, and discuss any unique scenarios that may not be obvious by inspection of the plans. The Preliminary Wastewater Report will form the basis of design for each phase of development as it is submitted for approval. It is understood that plans are conceptual in this stage

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1. All development projects shall be responsible for determining their specific wastewater system needs. Services for proposed developments shall not be provided at the expense of existing customers. Preliminary and Amended Wastewater Reports shall state this in the introduction.
2. The design of the wastewater system can typically end at the point of connection to the City's existing sewer system. As determined by the City Engineer and/or in cases where a development requires a change to the City's general plan or zoning plan, additional improvements may be required beyond the point of connection to accommodate the proposed project.
3. If a property is desired to be developed which could result in increased line sizes within the project area or in its downstream

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receiving sewer lines or would otherwise significantly alter the Sewer Main alignments as shown in the City's current Wastewater Master Plan; the developer shall also be required to reimburse the City for the cost of amending the City's sewer master plan and City-wide sewer model.

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4. Calculations should be based on Manning's equations using a Manning's "n" of 0.013, as well as the invert elevations and pipe diameters of all existing and proposed pipes.
5. Wastewater flows generated within the development shall be calculated as specified in the Design Flows section of this chapter.
6. Off-site wastewater flows are included in the City's current Wastewater Master Plan unless newer information is provided by the City.
7. An electronic file containing calculations may be submitted along with the sewer reports but does not replace the need to provide this information in the written report. Common spreadsheet formats compatible with Microsoft Excel are acceptable.
8. Compliance with the current City Wastewater Master Plan for the respective area:
 - a. Each sewer report shall include a map showing the following:
 - i. All proposed onsite and off-site facilities; these include but are not limited to interceptors, sewer lift stations, and force mains.
 - ii. Proposed street locations, parcel boundaries, and proposed lots within each parcel.
 - iii. Contour lines at 2-foot intervals showing the elevation of the land surface shall be provided. If drainage requirements will require extensive grading, then finished grades should also be shown. Sufficient information must be provided to evaluate pipe cover and separation from other utilities.
 - b. A separate area location map shall be provided showing existing and proposed streets, as well as existing parcels surrounding the project to a distance of not less than 1 mile



from the exterior boundaries of the project. The County Assessor's maps can provide the information required to prepare these composite maps.

- c. The scale of all maps must be sufficient to show all required information clearly.
9. When the City Engineer determines that a final design for a phase of development is significantly different than what was approved in the Preliminary Report (ie significant changes the design or layout of the system), the Preliminary Report will be required to be amended at the expense of the Developer requesting the change.

5.1.7 Site Plans and Preliminary Plats

A. Plan Layout

All site plans and preliminary plats shall provide an exhibit that shows and labels the following:

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1. All existing wastewater lines, proposed wastewater lines, sizes, slope, and material types.
2. Lift stations and associated force mains.
3. All existing infrastructure shall be shown in dashed screened black line types. All proposed improvements such as wastewater lines, lift stations, and force main lines shall be shown in dark lines.
4. All existing and proposed wastewater line easements.

5.1.8 Construction Plan Requirements

A. Reviews and Approvals

1. All improvement plans which include work within the City shall be submitted for review and approval by City Staff. Plan review submittals are made to the City Engineer.

B. Plan Review Guidelines



No permits for public sewer installation will be issued until the Owner / Developer has provided the necessary easements and rights-of-way. The instruments of dedication must be approved by the City and recorded at the Cache County Recorder's Office. The following paragraphs highlight construction plan requirements pertaining to the preparation of sewer improvement plans which are to be submitted to the City for approval:

1. Plans shall be prepared per the City's construction plan development guidelines.
2. General Construction Notes and Sewer Construction Notes which apply to construction of Nibley City's sewer system are required on each set of construction plans which include work on the City's sewer system or a sewer system which is to be dedicated to the City. These notes are provided within this manual.
3. Sewer line stationing shall be shown along the pipe, monument, or roadway centerline.
4. Protection for sewer / water line crossings shall be shown in both plan and profile. The beginning and ending stations of the protection shall be called out.
5. If a line is to be connected to an existing system, the following note shall be placed on the plans: "Contractor shall verify the location of the existing sewer line before proceeding with trenching."
6. Both slope and elevation shall be shown on all proposed Sewer Main stubs. A profile is required for Sewer Mains.
7. Where sewer lines cross water lines, storm drains, reclaimed water lines or drainage culverts, the relationship shall be shown in both plan and profile and actual separations shall be called out.
8. Sewer line invert elevations shall be called out for all plans showing sewer line construction.
9. The drawings shall show all utility locations, sizes, material types, easements, rights-of-way, and other structural features of the sewer for current and future building construction.
10. Lift station details shall show all invert elevations, structural elevations, existing and finished grades, control setting elevations,

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structural design of wet wells and dry wells, valves and piping, surge control devices, pump suction, discharge details, and any other details which will provide a clear understanding of the design.

11. All force main lines shall be shown in profile. Plans and profiles of force mains shall show size, invert and grade elevations, materials of construction, utility location, and any other details which define the force main construction requirements.
12. Private sewer lines shall be noted as such on plans. The responsibility for operation and maintenance should also be called out.
13. Easements of record shall be noted and shown in plan view, including docket and page numbers and / or the Cache County Recorder's number.
14. All plan documents for sewers and / or wastewater treatment works shall be prepared by a Registered Professional Engineer licensed in the State of Utah.

5.1.9 As-Built Drawings

A City-approved set of as-built drawings are required for all sewer system improvements constructed in the City prior to acceptance of the system and start of the 1-year warranty period. If requested by the City Engineer, As-built plans shall be signed and sealed by a qualified professional registered in the State of Utah.

5.1.10 Design and Construction Requirements

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A. Materials, Construction, and Details

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In selecting pipe material for sewers, consideration shall be given to the chemical characteristics of the wastewater (especially in industrial waste flow areas), the possibility of septicity, exclusion of infiltration, external and internal pressures, abrasion, and similar problems encountered with the established grades.

1. Approved PVC or HDPE may be used for gravity Sewer Main lines and service laterals, between 4 and 15 inches (see Approved Materials List for Sewer), Under certain circumstances, other

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material may be considered in a case-by-case basis. Materials and details for Sewer Mains larger than 15-inch diameter will also be reviewed on a case-by-case basis.

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2. Pipe materials used for pressurized or forced mains shall be approved by the City Engineer and pressure rated to 1.25 times the working pressure.
3. No sewer lines (Public or Private) other than Service Laterals shall be less than 8 inches in diameter.
4. Pipe material, size, and slope shall not change between manholes.
5. Sewers shall be laid with a straight alignment between manholes. Pipe zone and bedding and backfill shall be untreated base course material Class A or B, Grade $\frac{3}{4}$ inch in compliance with APWA Section 32 11 23 or $\frac{3}{4}$ inch minus sewer rock.
6. Trench backfill material above the pipe zone at locations within existing and future roadways shall be 3-inch minus Borrow meeting APWA Standards as amended by Nibley City.
7. Clay dams shall be installed every 200 lineal feet of trench in areas where groundwater is encountered. Additional clay dams shall be provided at boundaries of wetlands or other waterways. Clay dams shall extend from the bottom of trench to the bottom of the designed roadway pavement section (borrow). Clay material shall be ensure water does not flow within utility trenches and is of a consistency that allows appropriate placement and compaction.
8. Sewer Lines, including laterals shall be identified by 12 gauge, solid copper tracer wire shall be run with pipe. Locating tape labeled SEWER shall be placed a minimum of 36" above the sewer main or just below the pavement section (pit run for road) if less than 36" above the pipe.
9. Where standard-strength pipe is not structurally sufficient, and sufficient cover cannot be maintained, additional strength must be obtained by using higher class pipe. Special bedding specifications and / or special construction methods may also be required.

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10. All types of pipe materials used in design shall have established ASTM, ANSI, or NSF standards of manufacture or seals of approval, and shall be designated for use as sewer pipe.

11. Pavement replacement type and compaction type shall be indicated per City Standards, this manual, and APWA standards, and shall be identified on each sheet.

12. Generally, sewer lines may not be located within zones one and two of a public drinking water system's source protection zones. However, if all requirements of this standard in addition to taking the following precautions in accordance with Utah R309-515, sewer lines may be permitted within zones one and two:

a. Sewer lines shall meet conditions identified in R309-600-13(3) and shall be specifically constructed as follows throughout zone one in aquifers classified as protected and zones one and two, if the aquifer is classified as unprotected:

i. Sewer lines shall be constructed to remain watertight. The lines shall be deflection-tested in accordance with the Division of Water Quality Rule R317-3. The lines shall be video inspected for any defect following completion of construction and no more than 14-days prior to placing in service.

ii. HDPE DR14 (or less) pipe having all joints fusion welded with a PE3408 or PE4710 rating; or,

iii. PVC C900 or 905 DR18 (or less). PVC pipe shall be either restrained gasketed joints or shall be fusion welded. Solvent cement joints shall not be acceptable; or,

iv. Ductile Iron Pipe with ceramic epoxy lining, polyethylene encasement, restrained joints, and a minimum pressure class of 200.

B. Hydraulic Design

1. Sewer lines shall be designed for the estimated ultimate tributary population. The City Engineer may approve the design for reduced capacities provided the capacity of the system can be readily increased when required. The maximum anticipated

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capacity required by institutions, industrial parks, etc. must be considered in the design.

2. Sewer lines shall be designed to flow no greater than three-quarters (75%) full.
3. Sewer lines shall be designed using the criteria identified in the City's Sewer Master Plan. The current Master Plan may be downloaded from the City's website.
4. Sewer line slopes shall be sufficient to maintain a velocity of 2 fps. Calculations are to be based upon Manning's Formula, using an "n" value of 0.013. To prevent abrasion and erosion of the pipe material, velocities exceeding 9 fps should be avoided.
5. Hydrogen sulfide problems must be analyzed in the Design Report and be provided for in the design of the system where required.
6. All velocities should be analyzed under peak hour flow conditions.
7. The following table indicates the minimum and maximum slopes generally considered necessary to obtain desired velocities. Table 5.11-1 shows the minimum slopes which shall be provided; however, slopes greater than the minimum are desirable. Minimum slopes reflect guidelines from the Nibley City Sewer Master Plan. Exceptions require the written approval of the City Engineer:

TABLE 5.11-1 Minimum Slopes for Sanitary Sewers (n = 0.013)

Pipe Size (inches)	Minimum Slope <i>2.0 fps</i> (ft/ft)
<u>8</u>	<u>0.004</u>
<u>10</u>	<u>0.0028</u>
<u>12</u>	<u>0.0022</u>
<u>15</u>	<u>0.0015</u>

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Sewer lines 8 to 10 inches in diameter:¶

¶

Shall be designed with peak capacities of not less than 1000 gpd when flowing full.¶

¶

Sewer mains larger than 10 inches in diameter:¶

¶

Shall be designed using the criteria identified in the City's Wastewater Master Plan. The current master plan can be downloaded from the City's website.¶

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<u>18</u>	<u>0.0012</u>
<u>24</u>	<u>0.0010</u>

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8. Flatter Slopes

Slopes flatter than those required for the 2-feet-per-second velocity criterion, may be permitted by the City Engineer and State of Utah standards, provided that:

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- a. there is no other practical alternative;
- b. the depth of flow is not less than 30 percent of the diameter at the average design rate of flow; and
- c. the design engineer has furnished with the report the computations showing velocity and depth of flow corresponding to the minimum, average, and peak rates of flow for the present and design conditions in support of the request for a variance.

9. Steep Slopes

- a. Where velocities greater than 9 feet per second are attained, special provision shall be made to protect against displacement by erosion and shock.
- b. Sewers on 20 percent slopes or greater shall be anchored securely against lateral and axial displacement with suitable thrust blocks, concrete anchors, or other equivalent restraints, spaced as follows:
 - i Not over 36 feet center to center on grades 20 percent and up to 35 percent;
 - ii Not over 24 feet center to center on grades 35 percent and up to 50 percent;
 - iii Not over 16 feet center to center on grades 50 percent and over.
- c. Where velocities greater than 15 feet per second would be attained, drop manholes may be used to aid in reducing the



velocity. Drop manholes may not be used under any other circumstances unless specifically approved by the City Engineer.

10. Design Flows

- a. The Peak Hour wastewater flow rate shall be used to determine line size capacities based on the Nibley City Sewer Master Plan.
- b. The actual Peak Flows of the Nibley City sewer system vary throughout the system based on flow routing, so one peaking factor is not consistent throughout the collection system. The Nibley City sewer model should be referenced to verify the existing system has adequate capacity to facilitate additional connected flows. The cost to model the designed system shall be paid by the owner or developer.

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11. Commercial and industrial capacities shall be calculated and documented by the Engineer or Architect based on fixtures and any expected process or wash down flows. Calculations shall not be considered final until approved by the City Engineer. The Nibley city Sewer Model shall be used to verify the existing system has adequate capacity to facilitate additional connected flows. The cost to model the designed system shall be paid by the owner or developer.
12. The City Engineer will consider other rates of flow for the design if such basis is justified on the basis of supporting documentation.

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¶
2.5 times the Average Day generation rate for lines larger than 10 inches.¶
¶
Table 6.3-1 below lists average day wastewater generation rates. In the absence of more specific or updated information in the Master Wastewater Plan, the following shall be used to calculate wastewater generation rates. ¶
¶
TABLE 5.11-2 – Average Day Wastewater Generation Rates ¶
(not including I&I)¶
¶
Land Use

C. Right-of-Way

1. All City sewer lines shall be located underneath asphalt pavement within a street right-of way unless otherwise approved by the City Engineer.
2. Sewer lines in local residential streets shall typically not cross street centerline, unless approved by the City Engineer.
3. The outside edge of manhole shall be located at least 2 feet from the street centerline or near edge of curb and gutter.



4. All sewer lines shall be aligned parallel to the property lines or the street centerlines, or as close to parallel as possible.
5. Sewer mains shall not be located under a raised street median or stormwater basin unless otherwise approved by the City Engineer.

D. Easement Requirements

1. No sewer line shall be installed in an easement unless the City Engineer has approved the placement of the line in an easement and the property owner has dedicated the necessary easements.
2. If approved, sewer lines outside of public rights-of-way shall be placed in easements not less than 20 feet wide. A 30-foot wide easement is required for lines deeper than 10 feet; for pipes with diameters greater than 16 inches the City Engineer shall determine the required easement width. Sewer lines shall be accessible from a public right-of-way or other accessible public easement at all times.
3. Easements larger than 20 feet in width may be required if other utilities are co-located in the easement or if additional area is needed for maintenance and equipment access due to the size and/or depth of the lines.
4. Easements shall be free of obstructions, shall not be located in a fenced area, and shall at all times be accessible to City service equipment such as trucks, backhoes, etc.
5. Easements shall be dedicated prior to obtaining any sewer construction permit.

E. Sewer Pipe Locations and Separations

1. Service Lateral Locations
 - a. The engineering plans shall contain the following statement:
“If a sewer service falls under a driveway during the construction of a home, it shall be relocated or a cleanout shall be installed at the outside PUE line, at the City’s discretion”.
2. Separation of Water and Sewer Lines

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¶
A service line may be located beneath a driveway wing of a residential lot, if the narrowness of the lot does not permit an alternative location (as approved by the City Engineer).¶
¶



Caution should be taken in the design and construction of sewer lines to protect all water supplies from wastewater contamination. To minimize the potential of contamination, the Engineer shall design the horizontal and vertical separation of water and sewer lines in accordance with State Codes, City Standard Specifications and City Standard Details.

- a. The minimum separation between sewer lines / sewer Service Laterals and water lines / water service lines shall be 2 feet vertical and 10 feet horizontal, all as measured from nearest wall to nearest wall.

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3. Separation from Gas Lines

The minimum horizontal distance from a sewer line to a parallel gas line shall be 3 feet, from nearest edge to nearest edge.

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4. Separation from Water Course

- a. Sewer lines crossing less than two feet below a water course or under large structures such as box culverts and bridges, shall require the use of HDPE carrier pipe housed within welded steel or HDPE casing pipe.

5. Sewers crossing over water lines, other utilities and culverts must be a minimum of 18-inches above, as measured from nearest edge to nearest edge. The crossing shall be arranged so that the sewer joints will be equidistant and as far as possible from water main joints.

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F. Sewer Lines Cover and Depth

1. All private, public, and service wastewater lines shall have a minimum of 4 feet of cover, as measured from finished ground at the property line or easement line. A sewer line may be installed with less than 4 feet of cover over the top of the pipe with special written approval from the City Engineer. A private sewer lateral may have 36-inches of cover.
2. Depths of sewer trunk lines identified in the City's Wastewater Master Plan shall be of sufficient depth to follow the design of the Wastewater Master Plan, per City Engineer.
3. All sewer lines that extend across / beneath areas that can be inundated with water or are within the groundwater table shall be

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constructed to prevent damage to the pipe due to scour, freezing, and floating. All sewer lines and manholes shall be water tight so as to eliminate all infiltration of the surrounding water.

4. All sewer pipe approved within a water course shall be constructed of HDPE material that extends 10 feet each side and shall be constructed:
 - a. 2-feet below the 100-year scour limit.
 - b. 1-foot below a bedrock surface.
 - c. A minimum 3-feet below any other material. Cover in excess of 3-feet may be required in waterways having a high erosion potential.
 - d. As close to perpendicular to stream flows as possible.
 - e. Sewers entering or crossing streams shall be constructed of cast or ductile iron pipe with mechanical joints.
5. Sewers shall be installed at a depth sufficient to ensure gravity drainage of wastes from each service. Sewer design shall ensure adequate drainage from the ultimate drainage area and shall allow for the future extension of service to adjacent parcels.
6. All sewer lines shall be designed to absorb superimposed live loads and backfill overburden without damage to the pipe material, and without adversely affecting the hydraulic characteristics of the pipe. The Engineer shall specify minimum depths of cover to be provided during the construction of roadways or other facilities affecting cover over the sewer line.
 - a. PVC pipes shall be a minimum SDR 35 class pipe for depths up to 15 feet and a minimum SDR 26 for depths 15 to 30 feet.
 - b. HDPE pipes shall be a minimum class of DR-11.
7. If approved by the City Engineer, shallow sewer lines shall be evaluated for the requirement of insulation against freezing.
8. Sewer Lines, including laterals shall be identified by 12 gauge, solid copper tracer wire shall be run with pipe.

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Deleted: A 6-inch thick concrete cap shall be constructed in-place over the sewer line. 4-foot minimum width.

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- a. All splices shall be with grease filled wire connectors.
- b. At vault and manhole locations, wires shall be coiled inside and secured in a location that is readily accessible near the entrance to allow access to the wires without completely entering the vault and to protect the wire from dislodging and falling into the sewer flow line. Tracer wire shall run up the sides of each manhole or vault and extend into the manhole cone just below the top by means of a drilled hole or saw cut.
9. Locating tape labeled SEWER shall be placed a minimum of 36" above the sewer main or just below the pavement section (pit run for road) if less than 36" above the pipe.
10. Trenching, backfilling, and compacting APWA and City Standard Specifications unless otherwise specified in this manual. Reuse of excavated trench material is prohibited within public roadways. The material and backfill zones shall be as follows:
- a. For plastic pipe, bedding and backfill material used to surround the pipe shall conform to APWA and City Standards and have a maximum particle size of ¾ inch;
- b. For ductile iron pipe, bedding and backfill material shall conform to APWA and City Standards and shall contain no stones larger than 2 inches; and;
- c. Trench backfill material above the pipe zone at locations within existing and future roadways shall be 3-inch minus Borrow meeting APWA Standards as amended by Nibley City.
- d. Clay dams shall be installed every 200 lineal feet of trench in areas where groundwater is encountered. Additional clay dams shall be provided at boundaries of wetlands or other waterways. Clay dams shall extend from the bottom of trench to the bottom of the designed roadway pavement section (borrow). Clay material shall be ensure water does not flow within utility trenches and is of a consistency that allows appropriate placement and compaction.
11. Sewer lines to be abandoned shall be approved by the City Engineer. Abandoned sewer lines larger than 6-

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inches in diameter shall be entirely removed or grout filled the entire length of the pipe.

G. Intersecting Lines

1. When the diameter of a sewer line changes within a manhole, the inside crown elevations of the two pipes shall match.
2. Manholes with the through-line having a change in direction greater than 30 degrees shall have a minimum 0.10-foot drop through the manhole.
3. For manholes with a line intersecting the through-line, the intersection line invert shall be 0.10 feet above the flow line of the through-line.
4. The maximum angle between the upstream sewer line and downstream sewer line shall be no greater than 90 degrees.

H. Items that are not allowed

1. Horizontal curvilinear sewers will not be accepted.
2. Aerial Crossings.

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Not allowed unless specifically approved in writing by the City Engineer.¶

I. Tie-in to Existing System

1. Construction plans shall call for the Contractor to tie-in new work to the existing, active system only after completion of the new work, and with specific approval of the Public Works Inspector to make the tie-in.

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J. Manholes

1. Materials and Details
 - a. Manholes serving only 10-inch and smaller through lines and no other connection may be as small as 4 feet in diameter. All other manholes shall be 5 feet in diameter.
 - b. Manhole frames and covers shall be Class 35, ASTM A48 as more fully identified in the approved materials list.

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Manholes used in the City wastewater system will not contain built-in steps. ¶
¶
The interior of all manholes shall be coated with a City-approved corrosion resistant coating. See the City Approved Materials List for Wastewater.¶



- c. All manholes and rings shall be constructed of concrete or polymer; plastic substitutes will not be permitted.
- d. All manholes and risers shall have a smooth interior finish.
- e. The interior of manholes receiving discharge from forced sewer mains shall be entirely constructed of concrete with anchored HDPE liner (Perfect Lined Manhole by Geneva). Upon approval by the City Engineer, existing manholes may be coated with a City approved corrosion resistant coating. See the City Approved Materials List for Wastewater.
- f. Reinforced concrete adjusting rings shall have a total height of no more than 12 inches but no less than 6 inches.
- g. Eccentric cones with access openings shall accommodate installation of a 25-inch diameter iron lid with a 6-inch frame. Flat manhole caps/lids and low profile frames are not allowed.
- h. All manholes shall be provided with ladder/steps for accessing the manhole.
- i. The flow channel through manholes should be made to conform in shape and slope to that of the sewers. The depth of flow channels should be between one-half and three-quarters of the diameter of the sewer. Adjacent floor area should drain to the channel with the minimum slope of 1 inch per foot.
- j. Upon request of the City Engineer, sewer manholes shall be tested per ASTM C-1244-93.
- k. The flow channel through the manhole shall be precast or steel-trowel finished to conform in shape and slope to that of the sewer lines. The manhole shelf shall be brush or broom finished, with a slope of one inch per foot. The manhole bottom should be filleted to prevent solid depositions and channeled to ensure satisfactory flow to the lower invert.
- l. Manholes shall be watertight and protected from storm water and groundwater infiltration.
- m. Manholes shall typically not be located in drainage areas, detention/retention basins, or below the FEMA 100-year

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floodplain elevation (when located within a Flood Hazard Area).

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- n. If the City Engineer approves a design allowing manholes to be located in a floodplain, bolted water-tight manhole covers, or water-tight manhole inserts shall be used to prevent inflow. The manhole shall be designed such that infiltration or exfiltration cannot occur. Providing for the elimination of infiltration and/or exfiltration is the Design Engineer's responsibility in the design of the system.

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- o. Manholes located in undeveloped or landscaped areas subject to flooding or irrigation must be installed at least 18-inches higher than finished ground elevation. The manhole shall be provided with a water tight solid locking or bolted manhole cover.

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- p. Locked or bolted manhole covers may be desirable in isolated easement locations or where vandalism may be a problem as directed by the City Engineer.

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- q. Manhole covers located within a sidewalk, trail, or other walking surface shall be provided with solid locking or bolted manhole lids.

- r. Manholes shall be cast with boot style pipe connections.

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- s. Two layers of mastic seal shall be installed per joint. See the Approved Materials list for approved products.

- i. Mastic Seal shall be heated to within the manufacturer's recommendations prior to placement. The cone or barrel shall be placed on the mastic before temperatures fall below the manufacturers recommendations.

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- t. All exterior manhole joints shall be wrapped with a joint seal prior to backfill. See the Approved Materials list for approved products.

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- u. "Doghouse" manholes are generally prohibited in areas with high ground water. Where conditions prohibit other options, doghouse manholes located in areas of high groundwater shall have joints designs such that infiltration is prevented. Use of hydrophilic sealant at

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doghouse manhole bases and at pipe entry points is required.

- v. Manholes shall be inspected at final acceptance and again at 1-year warranty inspection. Contractor is responsible to clean manholes and address/repair any observed infiltration at each inspection and longer if construction continues beyond the 1-year warranty period.

- w. Electrical equipment installed or used in manholes shall conform to appropriate National Electrical Code, as adopted by the State of Utah, requirements.

K. Manhole Spacing

1. Spacing requirements

- a. Manholes are required at all changes in grade or direction and changes in pipe size, at all changes in alignment, and at locations necessary to ensure the sewer line stays within a paved area of a street or right of way.
- b. Unless otherwise specially approved in writing by the City Engineer, Maximum manhole spacing shall be:
- i 400 feet for 8 to 10-inch sewer lines.
 - ii 500 feet for sewer lines larger than 10-inch.
- c. Manholes in City streets must be located near the center of a traffic lane. Manholes should not be located in bike trails, equestrian trails, sidewalks, or crosswalks.
- d. Cleanouts
- i Cleanouts are not allowed in the City right-of-way or dedicated easement. If there are services between the last manhole and the end of the line, a manhole shall be required at the end of the line.
 - ii A double cleanout shall typically be located within the building envelope.

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- iii Cleanouts shall be placed no more than 30-inches outside of structures served and constructed every 100 feet on a sewer ~~Service Lateral. Other Cleanout~~ locations shall be in accordance with the IPC.
 - e. Manholes on boundaries of the subdivision shall have stubs with shaped inverts in appropriate directions for future connections.
 - f. Centerline stations and offsets shall be shown on all manholes.
 - g. A sewer manhole shall be required at the upstream end of a cul-de-sac. All manholes shall be located in such a manner as to provide easy access for the City's cleaning equipment.
2. Intersecting Lines Within Manholes
- a. Manholes with lines intersecting at angles more than 30 degrees shall have a minimum 0.10-foot drop across the manhole.
 - b. When sewer lines of differing sizes enter the same manhole, the crowns of all pipes shall match (ie set to the same elevation).
 - c. In large trunk lines, inverts at junctions should be designed to maintain the energy gradient across the junction and prevent backflow.
3. Drop Manholes
- a. Drop manholes may not be used for through line applications unless specifically approved in writing by the City Engineer.
 - b. Manholes receiving discharge from pressurized sewer lines (forced mains) shall be provided with 60-inch diameter manhole constructed with drop connections in accordance with APWA detail 433 (Alternate 2) as modified by Nibley City. The drop (vertical pipe) for pressure sewer connections shall occur inside the manhole.
 - c. The interior surface of drop manholes receiving discharge from pressurized sewer lines shall be entirely constructed of concrete with anchored HDPE liner (Perfect Lined Manhole

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by Geneva). Upon approval by the City Engineer, manholes may be coated with a City approved corrosion resistant coating. See the City Approved Materials List for Wastewater.

- d. A drop connection per APWA detail 433 (Alternate 2) as modified by Nibley City is allowed for connections that intersect with the Sewer Main or trunk line. The drop (vertical pipe) for gravity sewer connections shall occur outside the manhole.
- i. Where the drop is less than 18 inches, the invert should be filleted and channelized with concrete rather than construction of a drop.

4. Monitoring Manholes

- a. The City shall determine whether or not a commercial or industrial sewer service will be required to have a monitoring manhole to test the flow and composition of their sewage. As a general rule, commercial / industrial sewer users with a projected water consumption of 25,000 gpd or greater, sewer discharges of a categorical industrial nature, or other situations as deemed necessary by the City Engineer, shall be required to have a monitoring manhole.
- b. Sewer Service Laterals with diameters smaller than 6 inches that feed into monitoring manholes shall have no taps or bends for two pipe lengths upstream and one pipe length downstream.
- c. Design details for monitoring manholes on sewer Service Laterals 6 inches or larger, or with a peak flow greater than 40 gpm, shall be approved by the City.
- d. Monitoring manholes shall be located in a minimum 20-foot-wide PUE which extends from a 20-foot radius around the manhole to the existing public sewer. The monitoring manhole shall be accessible at all times to monitoring crews and vehicles.

L. Service Laterals

1. Service Lateral Connections

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Deleted: <#>Manholes Vector Spraying¶

¶
If so requested by the Public Works Director at the time of construction manholes shall be sprayed with a vector spray meeting the following criteria: ¶

¶
Approved insecticides are identified in the City's Approved Materials List for Wastewater Collection Systems.¶

¶
A warranty for the insecticide application shall run concurrently with the one-year sewer system warranty period.¶

¶
A record of the insecticide applications and warranty information shall be provided to the City Public Works Department.¶

¶
The insecticide shall be applied to a depth of 12 feet with an average coverage of 140 square feet per manhole. Sewer outlets and inlets to manholes shall also be treated.¶

¶
The product and coating shall be applied per the manufacturer's label rate and EPA labels.¶

¶
Each manhole that has been treated shall be marked with an identifying color or number as determined by the City Public Works department.¶

¶
Only qualified and state-licensed personnel shall be permitted to perform the work of applying the insecticide.¶

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- a. Each individually owned unit or building shall have a separate sewer line connected to the public sanitary sewer system unless otherwise approved by the City Engineer.
- b. Old Building Sewers may be used in connection with new buildings. Old Building Sewers shall be inspected by closed-circuit television (CCTV) methods acceptable to the City. Any defects discovered during televised inspection shall be corrected at no cost to the City. After correction of defects has been completed, affected sewer sections shall be re-televised at no cost to the City. A flash drive containing video of all televised inspections shall be provided to the City prior to final acceptance of the sewer. All televised inspections shall comply with the City's "Sewer Television Inspection Standards".
- c. Sewer services to residential households do not constitute a sewer project and will generally not be required to submit construction plans to be reviewed and approved by the City Engineer.
- i All permits shall be secured and fees shall be paid before any work is commenced on a sewer connection.
- ii All Service Laterals shall be constructed by a licensed Contractor at the expense of the Developer / Owner. Prior to the construction of any Service Lateral, the Contractor shall contact City Inspections for inspection services not less than 24 hours prior to tapping.
- d. New sewer Service Laterals shall be constructed per the City standards and APWA Standard Details and specifications.
- e. A three-foot minimum separation between Service Lateral connections on a Sewer Main is required.
- f. All Service Laterals shall be dimensioned and stationed on the plans. Typical dimensions to water Service Laterals shall be shown.
- g. Service Laterals installed for future connection shall be marked.

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h. When installed, all Service Laterals must be perpendicular to the Main. The flow line of the sewer Service Lateral shall enter at 45 degrees to the center of the main and cannot be more than 4 inches below the crown of the line to be tapped.

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i. No Service Laterals will be made directly into manholes or sewers 16 inches or greater in diameter.

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j. Plans shall be reviewed by the Design Engineer for backwater valves. These are required where finished floor elevations are below both upstream and downstream manhole rim elevations.

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k. Waste that is determined to be detrimental to the City's wastewater system or designated treatment facilities shall not be discharged into the wastewater collection system. In some cases a private pre-treatment system may be permitted. Contact the City Engineer to discuss options.

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l. Grease, oil, or sand interceptors which are acceptable to the City and approved by the City Engineer shall be provided between the building and the connection to the City's sewer system for laundry, restaurant, automobile service, and other similar facilities when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes. Interceptors shall be supplied and maintained by the Owner. A permit administered by the Logan City pre-treatment program is required and must be renewed annually. Permitted industries are also subject to quarterly or monthly inspections, sampling and reporting as required by their permit.

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m. No sewer Service Laterals will be allowed between a sewer trunk and an odor control manhole.

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2. Service Lateral Size

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a. Service Laterals for private single family residential buildings shall be a minimum diameter of 4 inches and a maximum of 6 inches. In subdivisions, a 4-inch diameter tap shall be provided for each platted lot.

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b. Commercial and industrial buildings shall have a 6-inch minimum private Service Lateral and shall provide service adequate for discharge.

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- c. Private sewer Service Laterals are allowed to serve no more than 3 detached single family houses if the homes are constructed on a private lane. Homes constructed with frontage to the public right of way shall connect directly to the City's public sewer system. Deleted: service line
- d. Condominium and town home buildings that serve multiple units shall each have a 6-inch minimum private Service Lateral. Deleted: also
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- i Up to 12 condominium or town house residential units may be connected to a single 6-inch Service Lateral without detailed support engineering. Deleted: service line
- ii Detailed engineering shall demonstrate that the size of the Service Lateral is sufficient to carry the flow. In no case shall more than 12 condominium or town home units be connected to a single sewer Service Lateral. Deleted: service line
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- e. Commercial lots without buildings shall have no Service Laterals unless requested by owners; then only 6-inch or larger Service Laterals shall be allowed. Deleted: service line
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- f. Clean outs are not allowed on public or private Service Laterals larger than 6 inches. Manholes shall be provided at terminations, changes in direction, and at the appropriate spacing locations. Deleted: service line
- g. Property owners are responsible for maintenance of sewer laterals from the Sewer Main to the structure. Deleted: sewer main
Deleted: in the public right of way
3. Service Lateral Location Deleted: Service Line
- a. Water and sewer services shall be separated 10-feet horizontally from each other and located 5-feet from property lines on opposite corners of a lot. Service Laterals shall be located so as to avoid conflicts with driveway locations. Deleted: In residential single-family developments, service line
Deleted: Generally service line stubs shall be located 5 feet from the property line and shall be set adjacent to the sewer service line of an adjoining property.
- b. Proposed tap locations shall be shown on all plans.
- c. Sewer Service Laterals shall be located a minimum of 2 feet below a water main or water service line. When it is not Deleted: service line



possible to maintain sufficient clearance, or if the sewer service will pass over the water main, the sewer service must be constructed such that no joints are located within 10 feet on either side of the crossing.

4. Construction Details

- a. All construction shall be per this manual, State Code, and APWA Standard Details and Specifications.
- b. Sewer laterals shall be backfilled to the same standards as the Sewer Main line and other pipes.

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M. Inspections

1. Televised Inspections

- a. All newly installed sewers shall be inspected by closed-circuit television (CCTV) methods acceptable to the City, prior to commissioning the line. Any defects discovered during televised inspection shall be corrected at no cost to the City. After correction of defects has been completed, affected sewer sections shall be re-televised at no cost to the City. A flash drive containing video of all televised inspections shall be provided to the City prior to final acceptance/commissioning of the sewer.
- b. Sewer Mains shall be cleaned and reinspected by CCTV no more than 14-days prior to the one-year warranty inspection.
- c. All Sewer Laterals shall be cleaned and inspected by CCTV no more than 14-days prior to inspection for occupancy of the structure or unit served. Occupancy will not be granted to any structure until the Sewer Lateral serving the structure or unit is inspected via CCTV and approved by the City.
- d. All televised inspections shall comply with the City's "Sewer Television Inspection Standards". Any defects discovered during televised inspection shall be corrected at no cost to the City. After correction of defects has been completed, affected sewer sections shall be re-televised at no cost to the City. A flash drive containing video of all televised inspections shall be provided to the City prior to final acceptance of the sewer line or lateral.

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2. Sewer System Cleaning and Testing

a. Sewer lines and services shall be commissioned per APWA specifications 33 08 00. Testing, commissioning, inspection, and repairs shall be at no cost to the City.

i Sewer piping greater than 18-inches in diameter shall be tested for distortion. Testing and acceptance shall be in accordance with APWA and manufacturer's requirements. If determined by the City Engineer, distortion testing may be required on smaller piping.

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ii Sewer systems shall be maintained free of debris, contaminants, and other foreign discharges by the owner or developer through the one-year warranty period and longer if construction activities continue beyond the one-year warranty period.

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iii For the purpose of clearly identifying the level of water remaining in the line, the CCTV camera shall have a means to measure or gauge the depth of water.

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iv Sags shall be repaired and the entire line shall be videoed again to demonstrate that the repair is adequate.

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The City's inspector shall be present when test water is introduced to a section of sewer line that is to be tested. Videoing of the section to be tested shall start no sooner than a half hour after introduction of water and no later than 1 ½ hours after introduction of water. The City inspector shall be present when dumping water into the system and when the camera operation starts.¶

v Gravity Sewer systems shall pass an air test in accordance with APWA 33 08 00. There shall be no observable loss of pressure for the duration of a pressure test.

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vi Gravity Sewer systems shall pass an infiltration test in accordance with APWA 33 08 00. There shall be no water entering the system by means of infiltration. Any amount of infiltration shall be located and fixed prior to approval.

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vii The City's inspector shall be present during inspections and when testing is performed.

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N. Force Mains

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1. Velocity Requirements



- a. The design velocity of flow in the force main shall be between 4 fps and 6 fps.
2. All types of pipe materials used in design of force mains shall be PVC or HDPE.
3. Force mains shall be identified as such with marking tape labeled SEWER placed a minimum of 36" above the Force main or just below the pavement section (pit run for road) if less than 36" above the pipe.
4. Forced mains shall be identified by 12 gauge, solid copper tracer wire run with pipe.
 - a. Provide a connection point every 500 linear feet where the tracing wire can be accessed and used for location purposes.

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O. Air Release Valves

1. Approved air release valves designed for sewage shall be provided on force mains at all peaks in elevation and at other locations determined by the City Engineer. See the City Standard Details for air release valve requirements and the Approved Materials List for approved models.

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P. Force Main Cleanouts and Manholes

1. Two-way cleanouts shall be provided every 800 feet or one-way cleanouts every 400 feet. See the City Standard Details.
2. Refer to APWA detail 433 alternate 2 with the following modifications for details regarding force main discharge into a manhole construction:

a. Manholes receiving discharge from Force main shall be at least 60-inches in diameter.

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b. The Tee & Wye shall be replaced with a cross that also includes a screw-in plug on the top.

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c. The interior of manholes receiving discharge from forced sewer mains shall be entirely constructed of concrete with anchored HDPE liner (Perfect Lined Manhole by Geneva). Upon approval by the City Engineer, manholes may be

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All manholes that serve as a force main discharge location shall be constructed of polymer concrete as defined in the approved materials list.



coated with a City approved corrosion resistant coating. See the City Approved Materials List for Wastewater.

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Q. Water Line Separation

1. The minimum separation between force mains and water lines shall be 2 feet vertical and 10 feet horizontal, all as measured from nearest wall to nearest wall.

R. Force Main Testing

1. Prior to issuance of a Certificate to Operate, all force mains shall be pressure tested. Preparatory to testing, the section of the pipeline to be tested shall be filled with water and placed under a slight pressure for at least 48 hours. The pipeline shall then be brought up to working pressure plus 50 psi, or to 125% of working-class pressure, whichever is greater. This pressure shall be maintained on the section under test for a period of not less than 4 hours.

5.1.11 Wastewater Treatment

A. Treatment Plants

1. The subject of wastewater treatment plant design is beyond the scope of this design manual. Currently all wastewater collected by the City is treated at the Logan treatment plant.

B. Onsite Treatment (Septic Systems)

1. When sewer service is not available as defined by the City code, a temporary septic system may be allowed with the approval of both the City and the Bear River Department of Health Services.
2. Septic systems are not allowed in source protection zones without special approval as defined in City code.
3. When septic systems are approved, a "dry" sewer line shall be installed along the entire length of the property line frontage for future connection. The property line frontage is that portion of the property along a public right-of-way. If a parcel to be developed has more than one property line frontage, the City will require a

Deleted: <#>Accurate means shall be provided for measuring the quantity of water required to maintain full test pressure on the line for the test period. Maximum allowable leakage is to be determined by the following formula:

$$L = [JD (Pt)]/4500$$

Where:

L = Maximum allowable leakage in gallons per hour for the section of pipeline tested

J = number of joints in length tested

D = diameter of pipe in inches

Pt = test pressure in psi



sewer line to be installed along all frontages that are planned to have a sewer line.

4. The operation and maintenance of septic systems are the responsibility of the Owner. The City will not accept any septic system for operation and maintenance.

C. Reclaimed Water

The City's reclaimed water is currently managed by Logan City and is not available for other uses.

5.2 Nibley City Sewage Lift Station Standards

5.2.1 Purpose

The purpose of this standard is to provide direction for the construction of small public and private lift stations that propose to discharge into the Nibley City Wastewater Collection System

5.2.2 Site Selection

- A. In selecting a site for a sewage pumping facility, consideration should be given to:
 1. Accessibility
 2. Drainage Characteristics
 3. Visual Impact
 4. Function and Design Constraints
- B. The potential for flooding should be considered when selecting a pump station location. The station's equipment shall be protected from damage and remain operable, and accessible to large equipment during a 100-year flood event.

5.2.3 Lift Station Design

- A. Sewage lift station requirements are provided by UAC Section R317-3-3. The current version as of 3/10/2022 is included below. Additional requirements specific to the City can be obtained from the City



Engineer before beginning design. At a minimum, telemetry, dual pumps, generator, three-phase power, and odor control will be required.

- B. It is recommended that, prior to the preparation of construction drawings, a Preliminary or Basis of Design Report be prepared and submitted to the City for acceptance. The Preliminary Report should clearly identify why a lift station is needed; provide a map illustrating the sub basin contributing to the lift station with invert and rims of the sewer lines and manholes in the subbasin; outline the type of equipment and controls proposed for the station.
- C. A Final Design Report, prepared by a Registered Professional Engineer licensed in the State of Utah, must accompany all lift station design drawings. The final report shall update the preliminary report with any changes or provide additional details not included in the preliminary report.

5.2.4 Sewer Lift Station Design Standards

- A. The lift station site shall be laid out as follows:
 - 1. A minimum 16-foot wide entry gate
 - 2. A minimum 16-foot wide all weather drive into the site from the gate to allow maintenance equipment to access the site up to the wet well location and for staff to work around that equipment.
 - a. The 16-foot shall be a clear width between the near edge of the wall and the closest above ground lift station appurtenance.
 - 3. A minimum 8 foot clear width shall be provided around the remaining lift station site between the near edge of the fence and above ground lift station appurtenance.
- B. There shall be a minimum of two pumps at each site. Pumps shall be capable of passing 2-1/2-inch solids, and shall be equipped with stainless steel motor shafts.
- C. Check valves shall be silent closing type and located in a separate vault.
- D. Ball Check isolation valves shall be constructed after check valves.
- E. Three-phase 480-Volt power shall be provided.
- F. Field prints shall include all electrical information.



- G. Phase protection shall be provided for all three-phase motors and pumps.
- H. An hour meter shall be provided for each pump.
- I. Pump failure indicator lights shall be provided on the control panel and the exterior of the station.
- J. An access hatch and permanent ladder shall be installed in the wet well. The ladder shall be Type 304 stainless steel or greater.
- K. All lift station control panels shall be designed to include systems that communicate with the City's SCADA system via radio telemetry.
- L. Only submersible pumps shall be used.
 - 1. Pumps shall be connected to stainless steel guide rails and retrieval chains with quick release points at the pump.
- M. Approved submersible pump stations shall be supplied per manufacture and model identified in the Wastewater Approved Materials List found on the City's website. All pumps shall be connected to the City's SCADA system.
- N. A minimum of three sets of the operation and maintenance manuals shall be prepared and provided to the Public Works Department prior to the final inspection.
- O. Force main shall be identified as such with marking tape and tracer wire one foot above the pipe.
- P. Force main cleanouts shall be installed per Engineering Design Standards.
- Q. If the Lift Station is located within 100 feet of a residential home, a block wall shall be constructed around the perimeter of the lift station site to provide noise and visual abatement.
- R. Odor control measures must be identified in the Design Concept Report and incorporated into the design.
- S. Ventilation of the wet well to be connected to the dry well with a fan mounted in the dry well vault for access and maintenance.
- T. The lift station wet well shall be constructed of polymer concrete.



- U. Spare parts shall be provided as recommended by the manufacturers.
- V. Electrical specifications information is to be provided on field prints as follows:
- W. An emergency generator shall be provided and shall include the following:
 - 1. Double walled skid fuel tank large enough to hold fuel sufficient to run the generator for 48 hours under a full electrical load.
 - 2. The generator shall run on diesel fuel
 - 3. A weatherproof sound attenuating cover shall be provided for the generator.
 - 4. Connected to the City's SCADA system.
- X. Sight lighting shall be provided in a manner to light the entire lift station site but shall not spill out onto neighboring residential properties.
- Y. A telemetry radio and antenna shall be provided at a height that allows for connection to a City receiving radio. A radio study may be required to determine the height of the radio.
- Z. A MAG meter that is set up for and connected to the City's SCADA system shall be installed in the dry well

5.2.5 Electrical specifications

- A. Size and type of conduits
 - 1. Size and type of over-current protection for all disconnects
 - 2. Phase protection for all three-phase motors and pumps
 - 3. Floats shall be used for all controls and alarms.
 - 4. Failure indicator lights on control panel
 - 5. Hour meter totalizer for each pump
 - 6. Flashing light to warn of pump failure
 - 7. Alarm circuitry to one terminal board for telemetry



8. No electrical connections in wet well
9. All lift station equipment shall conform to the City's current SCADA standards.

NOTE: It is recommended that designers coordinate their pump station design with the City Engineer prior to final plan preparation.

5.2.6 UAC R317-3-3 - Sewage Pumping Stations

- a. General. Sewage pumping station structures, and electrical and mechanical equipment shall be protected from physical damage that would be caused by a 100-year flood. Sewage pumping stations must remain fully operational and accessible during a 25-year flood.
- b. Design
 - A. Pumping Rates. The pumps and controls of main pumping stations, and especially pumping stations pumping to the treatment works or operated as part of the treatment works, should be selected to operate at varying delivery rates to permit discharging sewage at approximately its rate of delivery to the pump station.
 - B. System - Head Calculation
 1. The design engineer shall submit system-head calculations and curves. System-head curves for C values of 100, 120 and 140 in the Hazen William's equation for calculating head loss corresponding to minimum, median and maximum water levels shall be developed.
 2. A system-head curve for C value of 120 corresponding to median (normal operating) water level shall be used to make preliminary selection of motor and pump. The pump and motor must operate satisfactorily over the entire range of system-head curves for C values of 100 and 140 corresponding to minimum and maximum water levels intersected by the head-discharge relationship of a given pump.
 3. Pumps and motors shall be sized for the 10-year peak flows; preferably the 20-year sewage flow requirements. These operating points shall be shown on the system-head curves.



- C. Accessibility. The pumping station shall be readily accessible by maintenance vehicles during all weather conditions. The facility should be located off the traffic way of streets and alleys.
- D. Grit. Where it is necessary to pump sewage before grit removal, the design of the wet well and pump station piping shall be such that operational problems from the accumulation of grit are avoided.
- E. Odor and Corrosion Control. The pumping station design should incorporate measures for:
 - 1. mitigating the effects of sulfide corrosion to structure and equipment; and
 - 2. effective odor control when a populated area is within close proximity.
- F. Structures
 - 1. Dry wells, including their superstructure, shall be completely separated from the wet well.
 - 2. Provision shall be made to facilitate maintenance and removal of pumps, motors, and other mechanical and electrical equipment.
 - 3. Safe means of access and proper ventilation shall be provided to dry wells and to wet wells containing either bar screens or mechanical equipment requiring inspection or maintenance.
 - a. For built-in-place pump stations, a stairway with rest landings shall be provided at vertical intervals not to exceed 12 feet (3.7 meters). For factory-built pump stations over 15 feet (4.6 meters) deep, a rigidly fixed landing shall be provided at vertical intervals not to exceed 10 feet (3.0 meters). Where a landing is used, a suitable and rigidly fixed barrier shall be provided to prevent an individual from falling past the intermediate landing to a lower level.
 - b. Where space requirements are insufficient, the design may provide for a manlift or elevator in lieu of landings in a factory-built station if the design includes an emergency access or exit.



- c. Local, state and federal safety requirements, including those in applicable fire code, the Uniform Building Code, etc., must be reviewed and complied with. Those requirements, if more stringent than the ones stated above, shall be incorporated in the design.

- 4. Construction Materials. The materials selected in construction and installation must be safe and able to withstand adverse operating environmental conditions caused by presence of hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in sewage.

c. Pumps and Pneumatic Ejectors

A. Multiple Units

- 1. At least two pumps or pneumatic ejectors shall be provided. A minimum of three pumps shall be provided for stations handling flows greater than 1 million gallons per day (3,785 cubic meters per day).
- 2. If only two units are provided, they should have the same capacity. Each shall be capable of handling flows in excess of the expected maximum flow. Where three or more units are provided, they should be designed to fit actual flow conditions and must be of such capacity that with any one of the largest units out of service, the remaining units shall have capacity to handle maximum sewage flows.

B. Protection Against Clogging

- 1. Pumps handling sewage from 30 inch (76 centimeters) or larger diameter sewers shall be protected by readily accessible bar racks from clogging or damage.
- 2. Bar racks should have clear openings not exceeding 1-1/2 inches (6.4 centimeters). The design shall provide for a mechanical hoist.
- 3. The design engineer shall consider installation of mechanically cleaned and duplicate bar racks in the pumping stations handling larger than five million gallons per day (18,900 cubic meters per day) rate of flow.



4. Small pumping stations pumping less than one million gallons per day (3,785 cubic meters per day) shall be equipped with bar racks or inline grinding devices, etc., to prevent clogging.
- C. Pump Openings. Except where grinder pumps are used, pumps shall be capable of passing spheres of at least 3 inches (7.6 centimeters) in diameter, and pump suction and discharge piping shall be at least 4 inches (10.2 centimeters) in diameter.
- D. Priming. The pump shall be so placed that it will operate under a positive suction head under normal operating conditions, except for submersible pumping stations.
- E. Electrical Equipment. Electrical systems and components (e.g., motors, lights, cables, conduits, switchboxes, and control circuits) in raw sewage wet wells, or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, shall comply with the National Electrical Code requirements for Class 1 Group D, Division 1 locations. In addition, equipment located in the wet well shall be suitable for use under corrosive conditions. Each flexible cable shall be provided with watertight seal and separate strain relief. A fused disconnect switch located above ground shall be provided for all pumping stations. When such equipment is exposed to weather, it shall as a minimum, meet the requirements of weatherproof equipment (NEMA 3R).
- F. Intake. Each pump should have an individual intake. Turbulence should be avoided near the intake in wet wells. Intake piping should be as straight and short as possible.
- G. Dry Well Dewatering. A separate sump pump equipped with dual check valves shall be provided in dry wells to remove leakage or drainage. Discharge shall be located as high as possible. A connection to the pump suction is also recommended as an auxiliary feature. Water ejectors connected to a potable water supply will not be approved. All floor and walkway surfaces should have an adequate slope to a point of drainage. Pump seal water shall be piped to the sump.
- H. Controls
 1. Type. Control systems for liquid level monitoring shall be of the air bubbler type, the capacitance type, the encapsulated float type, or the non-contact type. The selection of type of controls must be based on wastewater characteristics and other site related conditions. The Director may approve the existing float-tube control



systems on pumping stations being upgraded. The electrical equipment shall comply with the National Electrical Code requirements for Class I, Group D, Division 1 locations.

2. Location. The level control system shall be located away from the turbulence of incoming flow and pump suction.
3. Alternation. The design engineer must consider automatic alternation of the sequencing of pumps in use.

I. Valves

1. Suction Line. An isolation valve shall be placed on the suction line of each pump except on submersible pumps.
2. Discharge Line
 - a. Isolation and check valves shall be placed on the discharge line of each pump. The check valve shall be located between the isolation valve and the pump.
 - b. Check valves shall not be placed in the vertical run of discharge piping unless the valve is designed for that specific application.
 - c. Ball valves may be permitted in the vertical runs.
 - d. All valves shall be suitable for the material being handled, and capable of withstanding normal operating pressure and water hammer.
 - e. Where limited pump backspin will not damage the pump and low discharge head conditions exist, a short individual force main for each pump, may be approved by the Director in lieu of a discharge manifold.
3. Location. Valves shall not be located in wet well. They shall be located in a dry well adjacent to the pumps or in an adjacent isolated pit appropriately protected from physical, weather or freezing damage, with proper access for operation and maintenance.

J. Wet Wells

1. Divided Wells. Wet well should be divided into multiple sections, properly interconnected, to facilitate repairs and cleaning, and non-turbulent hydraulic operating condition to each pump inlet.



2. **Size.** The wet well size and level control settings shall be appropriate to avoid heat buildup in the pump motor due to frequent starting (short cycling), and septic conditions due to excessive detention time.
 3. **Floor Slope.** The wet well floor shall have a minimum slope of one to one to the hopper bottom. The horizontal area of the hopper bottom shall be not greater than necessary for proper installation and function of the pump inlet.
- K. **Ventilation.** All pump stations must be ventilated to maintain safe operating environment. Where the pump pit is below the ground surface, mechanical ventilation is required, so arranged as to independently ventilate the dry well and the wet well if screens or mechanical equipment requiring maintenance or inspection are located in the wet well. There shall be no interconnection between the wet well and dry well ventilation systems. In pits over 15 feet (4.6 meters) deep, multiple inlets and outlets are recommended. Dampers should not be used on exhaust or fresh air ducts. Fine screens or other obstructions in air ducts should be avoided to prevent clogging. Switches for operation of ventilation equipment should be marked and located for convenient operation from outside of the enclosed environment. All intermittently operated ventilating equipment shall be interconnected with the respective pit lighting system. Automatic controls are recommended for intermittently ventilated pump stations. Fan parts should be of non-corrosive material. All parts adjacent to moving ones should be of non-sparking materials. Consideration should be given to installation of automatic heating and dehumidification equipment.
1. **Wet Wells.** Ventilation may be either continuous or intermittent. Ventilation, if continuous, shall provide at least 12 complete air changes per hour; if intermittent, at least 30 complete air changes per hour. Ventilating equipment should force air into wet well rather than exhaust it from wet well.
 2. **Dry Wells.** Ventilation may be either continuous or intermittent. Ventilation, if continuous, shall provide at least 6 complete air changes per hour; if intermittent, at least 30 complete air changes per hour.
- L. **Flow Measurement.** Continuous measuring and recording of sewage flow shall be provided at all pumping stations with a design pumping capacity greater than one million gallons per day (3,785 cubic meters per day).



- M. Water Supply. There shall be no physical connection between any potable water supply and a sewage pumping station which under any condition might cause contamination of the potable water supply. The potable water supply to a pumping station shall be protected against cross connection or backflow.
- 3.4. Self-Priming Pumps. Self-priming pumps shall be capable of rapid priming and repriming at the lead pump on elevation. Such self-priming and repriming shall be accomplished automatically under design operating conditions. Suction piping should not exceed the size of the pump suction and shall not exceed 25 feet (7.6 meters) in total length. Priming lift at the lead pump on elevation shall include a safety factor of at least 4 feet (1.2 meters) from the maximum allowable priming lift for the specific equipment at design operating conditions. The combined total of dynamic suction lift at the pump off elevation and required net positive suction head at design operating conditions shall not exceed 22 feet (6.7 meters).
- 3.5. Submersible Pump Stations. Submersible pump stations may be used for flows less than 0.25 million gallons per day (946 cubic meters per day). The Director may approve submersible pump stations for flows greater than 0.25 million gallons per day (946 cubic meters per day), based on operational, reliability and maintenance considerations. The submersible pumps stations shall meet the design requirements stated above, except as modified in this section.
- A. Construction. Submersible pumps and motors shall be designed specifically for raw sewage use, including totally submerged operation during a portion of each pumping cycle. An effective method to detect shaft seal failure or potential seal failure shall be provided, and the motor shall be of squirrel-cage type design without brushes or other arc-producing mechanisms.
- B. Pump Removal. Submersible pumps shall be readily removable and replaceable without dewatering the wet well or disconnecting any piping in the wet well.
- C. Electrical
1. Power Supply and Control. Electrical supply, control and alarm circuits shall be designed to allow for disconnection of the equipment from outside and inside of pumping station. Terminals and connectors shall be protected from corrosion by location outside



- of wet well or through use of watertight seals. If located outside of the pumping station, weatherproof equipment shall be used.
2. Controls. The motor control center shall be located outside of the wet well and be protected by a conduit seal or other appropriate measures meeting the requirements of the National Electrical Code, to prevent the atmosphere of the wet well from gaining access to the control center. The seal shall be so located that the motor may be removed and electrically disconnected without disturbing the seal.
 3. Power Cord. Pump motor power cords shall be designed for flexibility and serviceability under severe service conditions and shall meet the requirements of the Mine Safety and Health Administration for trailing cables. Ground fault interruption protection shall be used to deenergize the circuit in the event of any failure in the electrical integrity of the cable. Power cord terminal fittings shall be corrosion-resistant and constructed in a manner to prevent the entry of moisture into the cable, shall be provided with strain relief appurtenances, and shall be designed to facilitate field connecting.
- 3.6. Valves. Valves shall be located in a separate valve pit. Accumulated water shall be drained to the wet well or the soil. If the valve pit is drained to the wet well, an effective method shall be provided to prevent sewage gases and liquid from entering the pit during surcharged wet well conditions.
- 3.7. Alarm Systems.
- A. Alarm systems shall be provided for pumping stations. The alarm shall be activated in cases of power failure, high water level in dry or wet well, pump failure, use of the lag pump, air compressor failure, or any other pump malfunction.
 - B. Pumping station alarms shall be telemetered, including identification of the alarm condition, to the operating agency's facility that is manned 24 hours a day. If such a facility is not available and 24-hour holding capacity is not provided, the alarm shall be telemetered to the operating agency's facility during normal working hours and to the home of the person(s) responsible for the lift station during off-duty hours.
 - C. The Director may approve audio-visual alarm systems with a self-contained power supply in lieu of the telemetering system outlined above, depending upon location, station holding capacity and inspection frequency.



3.8. Emergency Operation

- A. Pumping stations and collection systems shall be designed to prevent bypassing of raw sewage and backup into the sewer system. For use during possible periods of extensive power outages, mandatory power reductions, or uncontrolled storm events, a controlled high-level wet well overflow or emergency power generator shall be provided. Where a high level overflow is utilized, storage or retention tanks, or basins, shall be provided having at least a 2-hour retention capacity at the anticipated overflow rate.
- B. The applicant must review the requirements of R317-6 (Ground Water Quality Protection Rule) for compliance with the said rule for earthen retention basins.
- C. The operating agency shall provide:
 - 1. an in-place or portable pump, driven by an internal combustion engine or an emergency generator capable of pumping from the wet well to the discharge side of the station for pump stations with a capacity in excess of one million gallons per day (3,785 cubic meters per day), and
 - 2. an engine-driven generating equipment or an independent source of electrical power or emergency generators capable of pumping from the wet well to the discharge side of the station for pump stations with a capacity in excess of five million gallons per day (18,925 cubic meters per day).

3.9. Auxiliary and Emergency Equipment Requirements

- A. General. The following general requirements shall apply to all internal combustion engines used to drive auxiliary pumps, service pumps through special drives, or electrical generating equipment.
 - 1. Engine Protection. The engine must be protected from damaging operating conditions. Protective equipment shall shut down the engine and activating an alarm on site unless continuous manual supervision is planned. Protective equipment shall monitor for conditions of low oil pressure and overheating, Oil pressure monitoring is not required for engines with splash lubrication.
 - 2. Size. The engine shall have adequate rated power to start and continuously operate all connected loads.



3. Fuel Type. The type of fuel must be carefully selected for maintaining reliability and ease of starting, especially during cold weather conditions. Unused fuel from the fuel storage tank should be removed annually, and the tank refilled with fresh fuel.
 4. Engine Ventilation. The engine shall be located above grade with adequate ventilation of fuel vapors and exhaust gases.
 5. Routine Start-up. All emergency equipment shall be provided with instructions indicating the need for regular starting and running of such units at full loads.
 6. Protection of Equipment. Emergency equipment shall be protected from damage at the restoration of regular electrical power.
- B. Engine-Driven Pumping Equipment. Where permanently installed or portable engine-driven pumps are used, the following requirements in addition to general requirements apply:
1. Pumping Capacity. Engine-driven pump(s) shall be capable of pumping at the design pumping rates unless storage capacity is available for flows in excess of pump capacity. Pumps shall be designed for anticipated operating conditions, including suction lift if applicable.
 2. Operation. Provisions shall be made for automatic and manual start-up and load transfer. The pump must be protected against damage from adverse operating conditions. Provisions should be considered to allow the engine to start and stabilize at operating speed before assuming the load. Where manual start-up and transfer is justified, storage capacity and alarm system must meet the requirements stated hereinabove.
 3. Portable Generating Equipment. Where portable generating equipment or manual transfer of power to the pumping equipment is provided, sufficient storage capacity shall be provided in the design of pumping station, to allow time for detection of pump station failure and transportation and connection of generating equipment. The use of special electrical connections and double throw switches are recommended for connecting portable generating equipment.

3.10. Instructions and Equipment



- A. Sewage pumping stations and their operators must be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, special tools, and necessary spare parts.
- B. Local, state and federal safety requirements, including those in applicable fire code, the Uniform Building Code etc., must be reviewed and complied with. Those requirements take precedence over the foregoing requirements, if more stringent, and should be incorporated in the design.

3.11. Force Mains

- A. Velocity. A velocity of not less than 2 feet per second (0.61 meter per second) shall be maintained at the average design flow, to avoid septic sewage and resulting odors.
- B. Air Relief Valve. An automatic air relief valve shall be placed at high points in the force main to prevent air locking.
- C. Termination. Force mains should enter the gravity sewer system at a point not more than 2 feet (30 centimeters) above the flow line of the receiving manhole.
- D. Design Pressure. The force main and fittings, including reaction blocking, shall be designed to withstand normal pressure and pressure surges (water hammer).
- E. Special Construction. Force main construction near streams or used for aerial crossings shall meet the requirements stated in Sewers.
- F. Design Friction Losses
 - 1. Friction losses through force mains shall be based on the Hazen and Williams formula or other hydraulic analysis to determine friction losses. When the Hazen and Williams formula is used, the design shall be based on the value of C equal to 120; for unlined iron or steel pipe the value of C equal to 100 shall be used.
 - 2. When initially installed, force mains will have a significantly higher C factor. The higher C factor should be considered only in calculating maximum power requirements.
- G. Separation from Water Main. The applicant or the design engineer must review the requirements stated in R309-112.2 - Distribution System



rules, Drinking Water and Sanitation Rules, to assure compliance with the said rule.

- H. Identification. A clearly labelled tracer location tape shall be placed two feet above the top of force mains less than or equal to 24 inch (61 centimeters) in diameter, along its entire length.

Update 2023

Approved Materials List for Sewer

Materials

Testing and Inclusion Procedures

Manufacturers who would like materials considered for the approved materials list shall:

1. Comply with all the design criteria set forth for the approved materials.
2. Supply, at the manufacturer's expense, the materials to be tested. (Quantity to be determined by the Nibley City Public Works Department)
3. 4. Preference will be given to materials manufactured and assembled in the United States.

Once the materials have been received, the Sewer Division will visually inspect materials for defects and compliance with all City standards. The Sewer Division will install or oversee the installation of all materials in the distribution system or other test sites as determined to be in the best interest of the City. Materials will be tested and evaluated for a minimum of one year, commencing on the date of installation. Evaluations will include but are not limited to:

1. Ease of installation
2. Availability of parts
3. Operational issues
4. Quality of manufactured materials
5. Number of moving parts
6. Reliability of service

If the materials supplied, at any time in the testing period fail, the testing will be concluded immediately. If the materials successfully complete the testing period, City staff will recommend the product to be included in the Nibley City Approved Materials List.

The Approved Materials List will be updated annually at the first of each year if an update is needed. New Manufacturers and Models that have been approved by the City for inclusion on the list will be added at that time.

A maximum number of manufacturers will be approved for each category. Once a category has been satisfied, manufacturers successfully completing the test requirements will be added to a waiting list. Pending materials will be listed sequentially according to successful completion of testing. Materials presently on the Approved Materials List may be omitted from the list due to:

1. Change in service/availability.
2. Change in product design.
3. Bankruptcy
4. Consistent product failure
5. Other issues that found to reasonably be cause for omission as determined by the City Engineer.

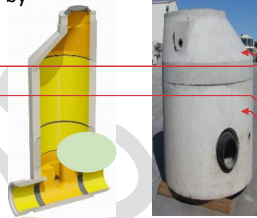
If an approved material is taken off the list for any of the above reasons, the first pending material will be added to the list.

Sewer Collections Materials

Manholes

Requirements

- Manholes shall be either 4' or 5' in diameter according to City Standard specifications.
- Pre-Cast Concrete Manholes shall meet APWA Standard 411 as amended by Nibley City and ASTM C-478
- Corrosion resistant Manholes shall be precast concrete with anchored HDPE liner meeting Geneva Perfect Manhole specifications and warranty
- See City standard modifications to APWA details for standard manhole Construction and specific details for manholes that accept force main Discharge or drop manholes (when allowed).



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Watertight Manhole Seals (1 Manufacturer)

Requirements

- Provide cam locks with locking bolts to secure the cover against neoprene gasket to form a tight seal to minimize water infiltration
- Manhole lid shall have lettered cover labeled "SEWER"
- Manhole frame shall be bolted/secure to manhole riser and have a watertight rubber composite seal.



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MANUFACTURER	MODEL
EJ	Compression Access Assembly

Manhole Coatings

Requirements

- Corrosion protection is not typically required on manholes but may be required in special cases such as: converting a standard manhole into a manhole that receives discharge from a force main, manholes that have noticeable deterioration, etc.
- Coatings shall be performed by an operator certified by the manufacturer for the application of the specific coating. The certificate shall be at the job site when the application is being performed and is subject to inspection by the City.
- All materials shall be delivered to the jobsite unopened and in original containers.
- Coatings shall only be performed after the manhole is prepared in accordance with the manufacturer's recommendations, and after all sewer lines and benches have been installed. Coatings shall extend the full depth of the manhole.
- Coatings are allowed only upon approval by the City Engineer.

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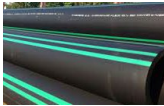
<u>MANUFACTURER</u>
<u>Neo Epoxy NPR 5300</u>
<u>Raven 405</u>

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Gravity Pipe

Requirements

- PVC Pipe shall be green in color
 - SDR-35 (4' to 15' in depth and up to 15" in diameter) ASTM D 3034 or
 - SDR-26 (15' to 20' in depth and up to 24" in diameter) ASTM F 679.
- 
 - All pipes shall be bell and spigot with push-on joints
 - Push-on joints shall be integral bell joint with a single rubber gasket conforming to ASTM F 477, D 3212, and ANSI A21.11 with the exception that gaskets shall be neoprene or other synthetic rubber. Natural rubber will not be accepted.
- DR-11 HDPE Pipe shall be used for depths greater than 20', at crossings of streams, or when otherwise required by the City Engineer.
 - Joints shall be fused by an operator certified in the operation of the fusing machine. Certificate shall be available on site at all times and presented to the City inspector upon request.
- Material for pipes larger than 24" shall be approved in writing by the City Engineer.
- When required by the City Engineer, the sewer main shall be installed in a protective sleeve when crossing certain facilities or for future extension of the system.
 - Sleeves shall be welded DR-11 HDPE pipe as specified above and of a diameter 1.5 times larger than the largest outside diameter of the force main.



Manhole Joint Mastic Seal

Requirements

- 1" Wide
- Double seal required on all joints
- Must be warmed prior to placing in temperatures below 60 degrees
- Moisture resistant
- Adheres to concrete
- Non-corrosive, pressure-sensitive adhesive
- Does not require moisture, or other manner of preparation to apply



<u>MANUFACTURER</u>	<u>MODEL</u>
<u>Kent Seal</u>	<u>No 2 Butyl Rubber Sealant</u>

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LIFT STATIONS¶

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Wet Wells ¶

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Permanent wet wells shall be constructed of polymer material that meets Armorock equivalent specifications and warranty.¶

Existing concrete wet wells that are modified or upgraded shall have an approved coating applied as defined in manhole coatings. ¶

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Pumps (1 Manufacturer)¶

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Requirements¶

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Manhole External Joint Mastic Seal

Requirements

- Minimum 8" Wide
- Rubberized mastic meeting ASTM C 877 (Type II)
- Must be warmed prior to placing in temperatures below 30 degrees
- Moisture resistant
- Adheres to concrete
- Non-corrosive, pressure-sensitive adhesive
- Does not require moisture, or other manner of preparation to apply



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Manhole Internal Joint Seal (Multiple Manufacturers)

Requirements

- Seal shall prevent infiltration
- Applied at annular space at penetrations into manhole (including pipes)
- Non-shrink grout with Hydrophylic compound
- Equivalent products as approved by the City Engineer

MANUFACTURER	MODEL
<u>Quikrete</u>	<u>Hydraulic Water-stop Cement</u>



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Tracer Wire

Requirements

- #12 AWG solid wire
- 2,500-foot minimum roll length
- Grease Connectors – 3M Direct Bury Kit DBR/Y-6, or Hughes Dri-Splice DS-100; DS-400; DS-500, or equal



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Buried Sewer Line Marking Tape

Requirements

- 3" minimum width
- 4 Mill minimum
- Green in color



- Black lettering "BURRIED SEWERLINE"

LIFT STATIONS

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Wet Wells

- Permanent wet wells shall be constructed of polymer material that meets Armorock equivalent specifications and warranty.
- Existing concrete wet wells that are modified or upgraded shall have an approved coating applied as defined in manhole coatings.

Pumps (1 Manufacturer)

Requirements

- Pump components shall be gray cast iron ASTM A-48, class 35B
- Pump motors shall be NEMA B-design
- Pumps shall be equipped with a 3 to 120 HP, submersible electric motor connected for operation on 480 volts, 1 to 3 phase, 60 hertz, 3 wire service, with 50 feet of submersible cable.
- Power cable shall be sized according to NEC and ICEA standards and also meet with P-MSHA approval.
- All exposed nuts and bolts shall be AISI type 431 stainless steel construction
- All metal surfaces that come into contact with the pumps, other than stainless steel or brass shall be protected by a factory applies spray coating of acrylic dispersion zinc phosphate primer with a polyester resin paint finish on the exterior of the pump.
- Sealing design shall incorporate metal-to-metal contact between machined surfaces. Critical mating surfaces where watertight sealing is required shall be machined fitted with Nitrite or Viton rubber O-rings.



<u>MANUFACTURER</u>	<u>MODEL</u>
<u>Flygt</u>	<u>Submersible Sump Pump</u>

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Generators (1 Manufacturer)

Requirements

- The equipment supplied and installed shall meet the requirements of the National Electric Code and all applicable local codes and regulations.



- The engine/generator, controls, transfer switch, disconnect shall be complete and wired by the generator manufacture and locally authorized dealer to ensure one-source responsibility for warranty, parts, and service through factory-trained service personnel.
- Submittal shall include specification sheets showing all standards and optional accessories to be supplied, schematic wiring diagrams, dimensional drawings, and interconnection diagrams.
- The standby generator set shall be rated as standby power (defined as continuous operation for the duration of any power outage). Kilowatt ratings for three-phase voltages are based on a 0.8 power factor, single-phase voltages are based on a 1.0 power factor. Ratings are established on 150 feet altitude and 110 Fahrenheit. Vibration isolators shall be provided between the engine-generator and the steel subbase, fuel tank or directly to mounting pad. In all applications in sewage lift stations the generator shall be capable of starting both sewage pump motors at the same time.

MANUFACTURER	MODEL
Cummins	Diesel

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Pressurized Sewer Pipe (Force Main)

Requirements

- PVC Pipe shall be green in color
 - PVC class 150 pressure pipe with minimum wall thickness of DR18 unless otherwise required.
 - All pipes shall have joints pressure rated to the rating of the pipe and at least 1.25 times the working pressure the system.
- DR-11 HDPE Pipe may also be used and is required at all stream crossings, or when crossing other facilities as required by the City Engineer.
 - Joints shall be fused by an operator certified in the operation of the fusing machine. Certificate shall be available on site at all times and presented to the City inspector upon request.
- When required by the City Engineer, the force main shall be installed in a protective sleeve when crossing certain facilities or for future extension of a system.
 - Sleeves shall be welded DR-11 HDPE pipe as specified above and of a diameter 1.5 times larger than the largest outside diameter of the force main.



Air/Vacuum Release Valves (1 Manufacturers)

Requirements

- All metal parts and surfaces that come into contact with the valve or are enclosed in the vault/housing shall be stainless steel

MANUFACTURER	MODEL
ARI	No. D-020 – Combination air valve “SAAR”



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Abbreviations and symbols for water

1. GENERAL

- A. Lettering Size: 10 point at final production.
- B. Lettering Style. Capital letters preferred.
- C. Existing Improvements. Shown in light shaded dashed line.
- D. New Improvements. Shown in solid continuous line.

2. PRODUCTS (Not used)

3. EXECUTION (Not used)

SYMBOLS	DEFINITIONS
	CENTER LINE
	CONSTRUCTION CENTER LINE
	PROPERTY OR R/W LINE
	EASEMENT LINE
	MONUMENT LINE
	FENCE
	CONTOUR LINE
	CONTOUR ELEVATION
	BANK SLOPES
	STORM DRAIN LINE
	WATER LINE
	GAS LINE
	TELEPHONE CABLE
	ELECTRIC CABLE
	SANITARY SEWER LINE
	ASPHALT PAVING
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	MANHOLE
	CATCH BASIN
	CLEANOUT BOX
	POLE AND ANCHOR
	STREET LIGHT
	UNDISTURBED EARTH
	STRUCTURE

SYMBOLS	DEFINITIONS
	CURB & GUTTER
	SIDEWALK
	RAILROAD TRACKS
	GUARD RAIL
	OPEN DITCH, CANAL
	CULVERT
	SECTION CORNER
	SOIL BORING
	MONUMENT
	BENCH MARK
	SIGN
	POWER POLE
	TELEPHONE POLE
	DECIDUOUS TREE
	CONIFEROUS TREE
	P.I.
	P.C. OR P.T.
PROFILE	
	GROUND PROFILE
	CULVERT
	P.V.I.
	P.V.C. OR P.V.T.
	GROUND WATER ELEVATION

NOTE:

EXISTING FACILITIES MAY BE SHOWN IN SCREENED OR DASHED LINES

27" Frame and cover

1. GENERAL

A. This frame and cover fits manholes in Plan 505.

2. PRODUCTS

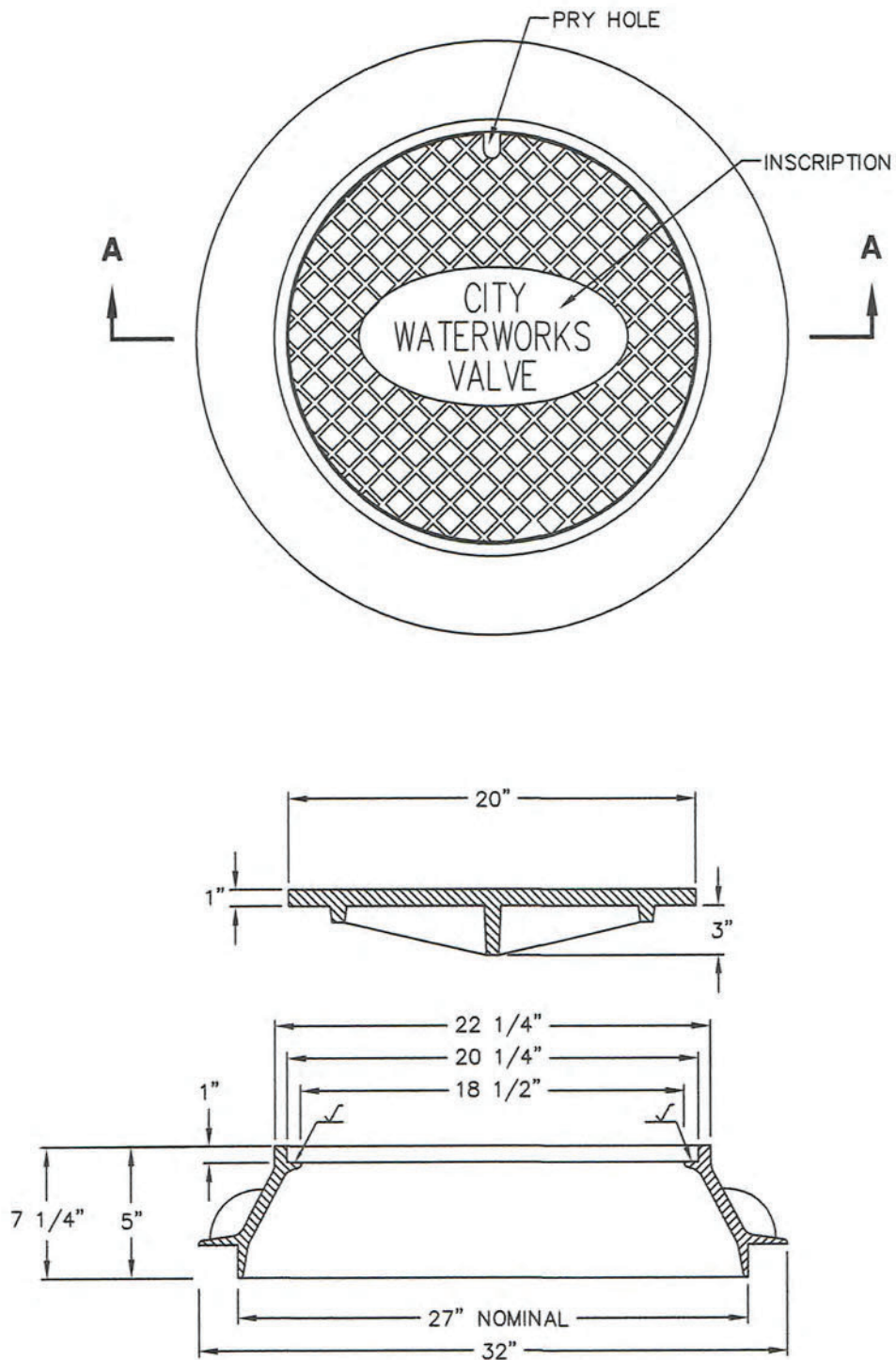
A. Castings: Grey iron class 35 minimum, ASTM A48, coated with asphalt based paint or better (except on machined surfaces).

- 1) Cast the heat number on the frame and cover.
- 2) Give the frame and cover a machine finish so the cover will not rock.
- 3) √ designates machined surface.
- 4) Cast the name of the agency or its acronym as the first line. Cast the word "WATERWORKS" as the second line. Cast the word "Valve" (or applicable word) as the third line. Cast all letters on the cover in upper case flush with the surface finish.

3. EXECUTION (Not used)

Nibley City Amendments:

1. Only allowed on 21" meter cans that house 1" meters.
2. Must be constructed with a 2" recessed hole to mount a meter antenna.
3. See the Nibley City Approved Materials List for information on specific product types and manufactures.



SECTION A-A

Nibley City Amendments:

1. Only allowed on 21" meter cans that house 1" meters.
2. Must be constructed with a 2" recessed hole to mount a meter antenna.
3. See the Nibley City Approved Materials List for information on specific product types and manufactures.

38" Frame and ~~double~~ cover

1. GENERAL

A. This frame and cover fits manholes in Plan 505.

2. PRODUCTS

A. Castings: Grey iron class 35 minimum, ASTM A48, coated with asphalt based paint or better (except on machined surfaces).

1) Cast the heat number on the frame and cover.

2) Give the frame and cover a machine finish so the cover will not rock.

3) √ designates machined surface.

4) Cast the name of the agency or its acronym as the first line. Cast the word "WATERWORKS" as the second line. Cast the word "Valve" (or applicable word) as the third line. Cast all letters on the cover in upper case flush with the surface finish.

3. EXECUTION (Not used)

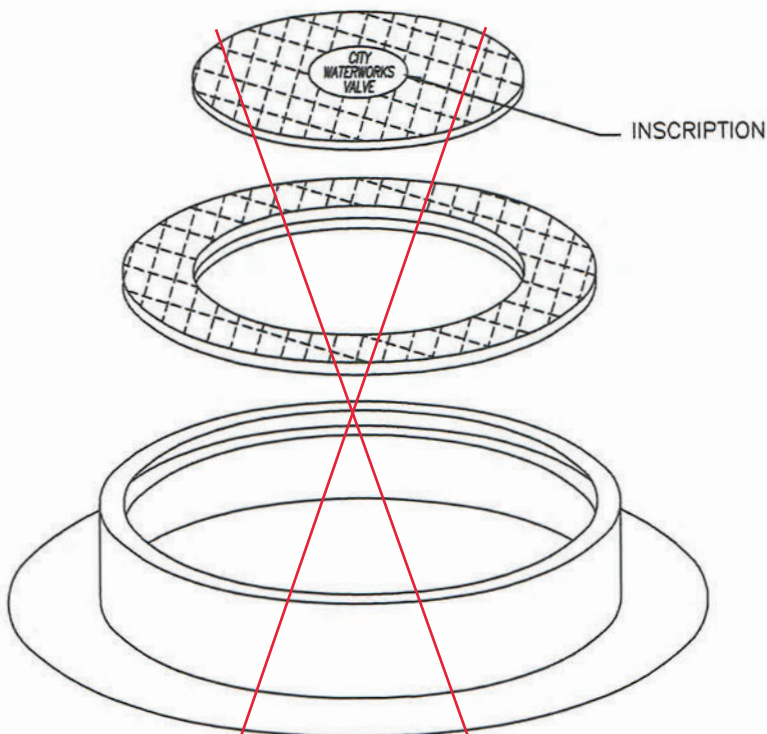
Nibley City Amendments:

1. Only allowed on 36" meter cans that house 2" meters.

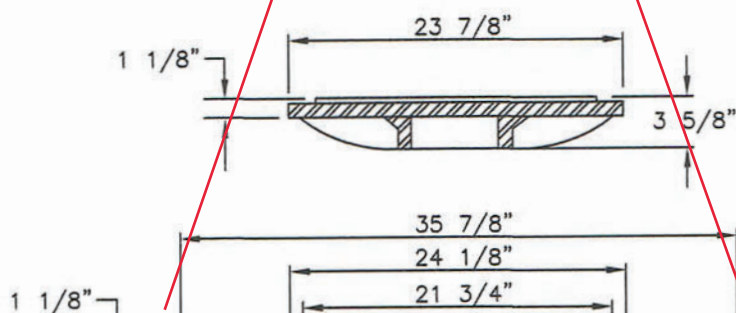
2. Must be constructed with a 2" recessed hole to mount a meter antenna.

3. See the Nibley City Approved Materials List for information on specific product types and manufactures.

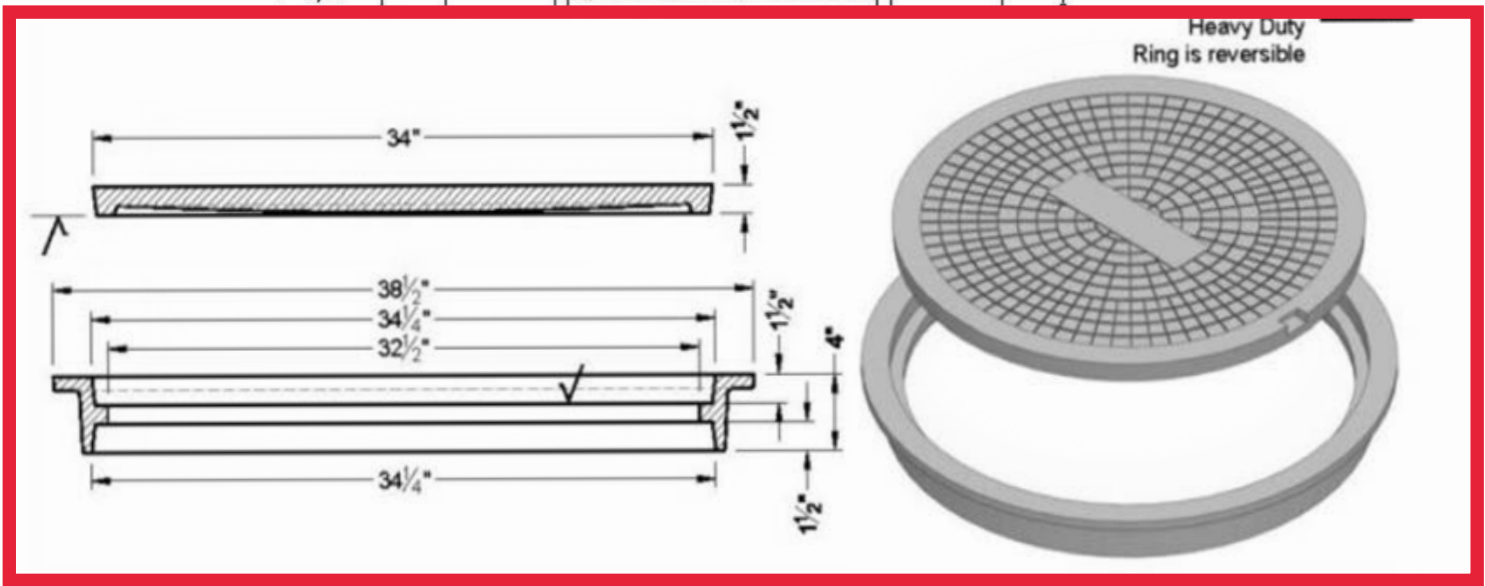
- Nibley City
Amendments:**
- 1. Only allowed on 36" meter cans that house 2" meters.
 - 2. Must be constructed with a 2" recessed hole to mount a meter antenna.
 - 3. See the Nibley City Approved Materials List for information on specific product types and manufactures.



OBLIQUE



Change to a single piece lid 31 1/2" in diameter.
(Reference B-1800 Frame and Cover specifications)



Fire hydrant with valve

1. GENERAL

- A. Before backfilling, secure inspection of installation by ENGINEER.
- B. Additional requirements are specified in APWA Section 33 11 00.

2. PRODUCTS

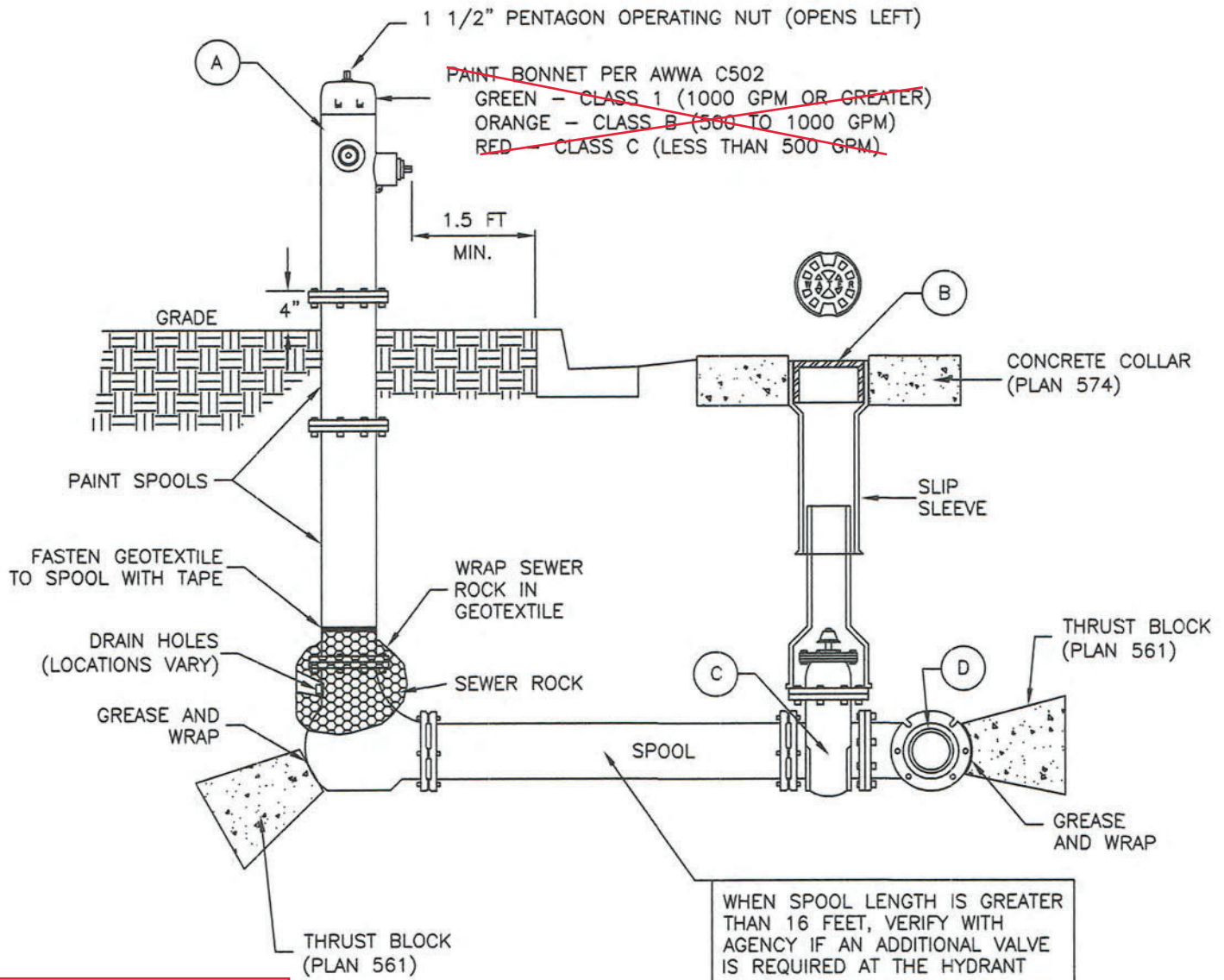
- A. Hydrant: Dry barrel, AWWA C502.
- B. Thrust Blocks: Concrete Class 4000, APWA Section 03 30 04.
- C. Reinforcement: Deformed, 60 ksi yield grade steel, ASTM A615. D.
- Backfill: APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches.
- 1) Sewer Rock: ASTM Size No. 3 (2" to 1") or larger.
- 2) Other Type of Common Fill: CONTRACTOR's choice,.
- E. Geotextile: Stabilization-separation fabric, APWA Section 31 05 19.

3. EXECUTION

- A. Installation:
 - 1) Provide at least 1 cubic yard of sewer rock around drain hole at base of hydrant spool. Wrap geotextile around sewer rock and tape geotextile to hydrant spool to prevent silting of sewer rock.
 - 2) Paint fire hydrant to agency's fire hydrant paint code.
 - 3) Apply non-oxide grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.
 - 4) Notify fire department as soon as hydrant is placed in service.
- B. Thrust Blocks:
 - 1) Before pouring concrete, wrap pipe system with polyethylene sheet to prevent bonding of concrete to pipe system.
 - 2) Not required for flange or welded pipe systems.
- C. Backfill: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

Nibley City Amendments:

- 1. Install tracer wire from the valve can to the hydrant with exposed wires inside the valve can and wrapped 3 times around the base of the hydrant.
- 2. See the Nibley City Approved Materials List for information on specific product types and manufactures.



Nibley City Amendments:

1. Install tracer wire from the valve can to the hydrant with exposed wires inside the valve can and wrapped 3 times around the base of the hydrant.
2. See the Nibley City Approved Materials List for information on specific product types and manufactures.

LEGEND			
No.	*	ITEM	DESCRIPTION
(A)		FIRE HYDRANT	AWWA C502
(B)		VALVE BOX WITH LID	2-PIECE CAST IRON
(C)		GATE VALVE WITH 2" X 2" NUT	AWWA C509
(D)		TEE WITH 125 # FLANGE	AWWA C110

* FURNISHED BY UTILITY AGENCY

SECTION

1" METER AND BARREL

N.T.S.

1. METER PLACEMENT:

- A. In new construction, install meter at front-center of lot.
 B. All meters to be installed in the park strip or in PUE directly behind sidewalk if there is a swale or no parkstrip available
Water meters shall be located 5-feet from property lines at the corner of a lot.

C. Do not install meters **within** a driveway or approach, sidewalks, or curb and gutter.

2. METER BARREL: Set barrel so grade of the frame and cover matches the grade of the surrounding surface.

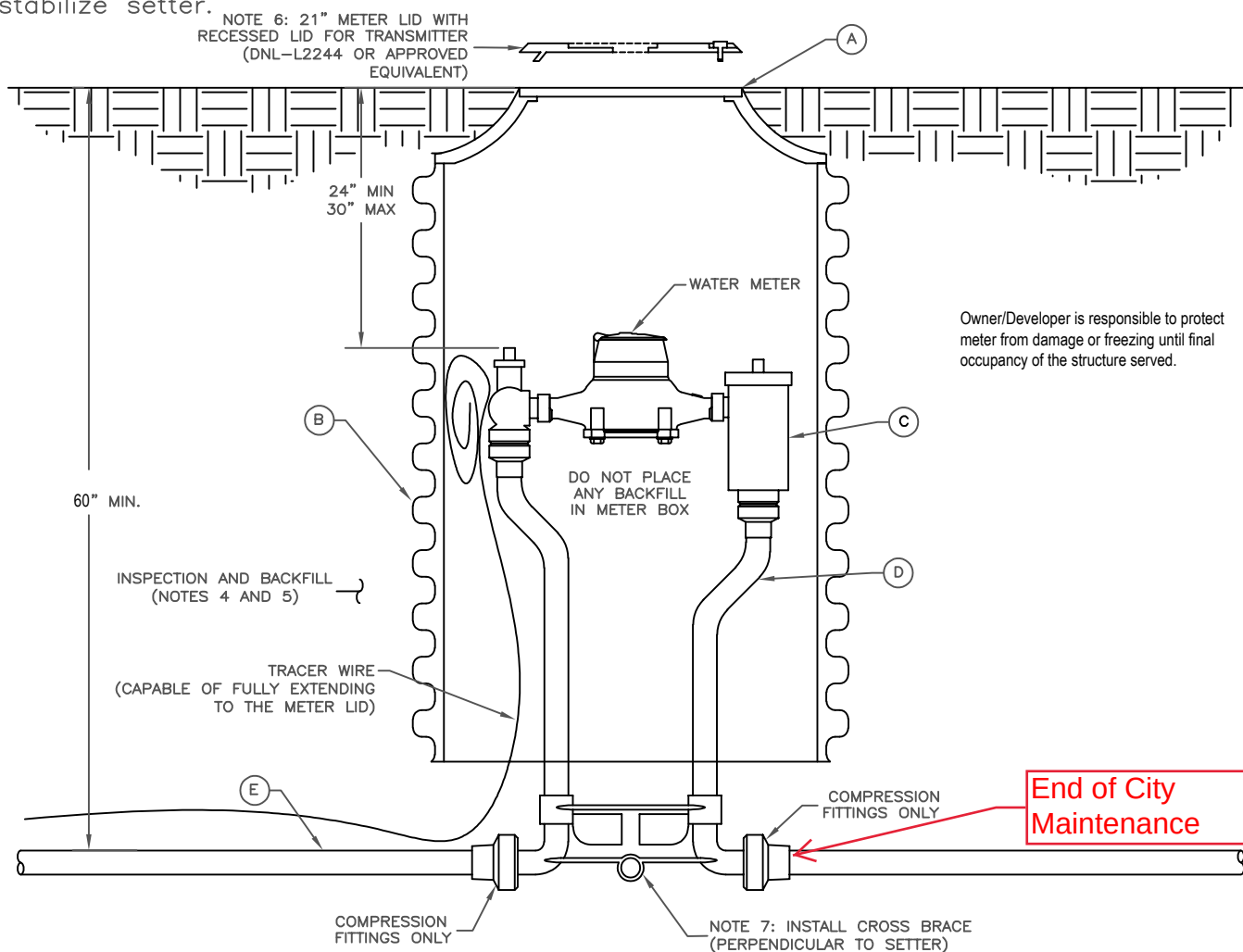
3. PIPE: C901 (Poly), blue in color, or 'K' Copper pipe required inside right-of-way.

4. INSPECTION: Before backfilling, secure installation inspection by ENGINEER.

5. BACKFILL: Provide and place per APWA Section 33 05 20. Compact per APWA Section 31 23 26 to a modified proctor density of 95 percent or greater. Maximum lift thickness is 8 inches before compaction. **Borrow- Maximum particle size 3-inches.**

6. CASTING: Grey iron class 35 minimum per ASTM A48.

7. Install 3/4" pipe (single pipe) through hole in the bottom of setter at least 18" long to stabilize setter.



LEGEND

No.	ITEM	DESCRIPTION
(A)	FRAME AND COVER	CAST IRON COVER (GRASS/PARKSTRIP)
(B)	PLASTIC METER BARREL	ADS 21" X 48"
(C)	DOUBLE CHECK VALVE	1" FULL PORT WITH DOUBLE CHECK DEVICE
(D)	1" METER SETTER	1" COMPRESSION SETTER
(E)	POLY PIPE & STIFFENER	POLY PIPE (STAINLESS STEEL STIFFENER FOR COMPRESSION FITTINGS)



NIBLEY CITY
WATER DIVISION

1" METER AND
BARREL

DESIGNED:

D. HOLMSTEAD

DATE:

2/1/2023

REVISION

BLOCK:

SCALE

N.T.S.

SHEET NO:

521S.1

DRAFTED:

T. GLOVER

ENG #:

CHECKED:

T. DICKINSON

~~1 1/2" and 2" meter~~

1. **GENERAL**

MAG

- A. ~~Turbine~~ meters are required on all systems used exclusively for irrigation or fire protection.
- B. Where domestic use is applicable, use a standard meter.
- C. Before backfilling, secure inspection of installation by ENGINEER.

2. **PRODUCTS**

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches.
- C. Castings: Grey iron class 35 minimum per ASTM A48, coated with asphalt based paint or better.

3. **EXECUTION**

A. Meter Placement:

- 1) All meters are to be installed in the park strip or within 7 feet of the property line ~~(street side)~~.
- 2) Do not install meters under driveway approaches, sidewalks, or curb and gutter.
- 3) In new construction, install meter at ~~center of lot or per agency requirements~~.

in the Parkstrip. Locate in PUE directly behind sidewalk if there is a swale or no parkstrip available. Meter shall be installed at the corner of a lot 5-feet from property line.

B. Meter Box: Set box so grade of the frame and cover matches the grade of the surrounding surface.

C. Bypass Valve: Lock in off position.

~~D. Blocking: Use clay brick or concrete block.~~

~~E. Concrete Box:~~

- 1) Center frame and cover over water meter.
- 2) Allow 1-inch clearance around waterline where water line passes through ~~concrete box~~ wall. Seal opening with compressible seal.

Meter Barrel: 36" corrugated HDPE, PVC, or other as approved.

F. Pipe Outside of Right-of-Way: Coordinate with utility agency or adjacent property owner for type of pipe to be used outside of right-of-way.

G. Base Course and Backfill Placement: Maximum lift thickness before compaction is 8-inches. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

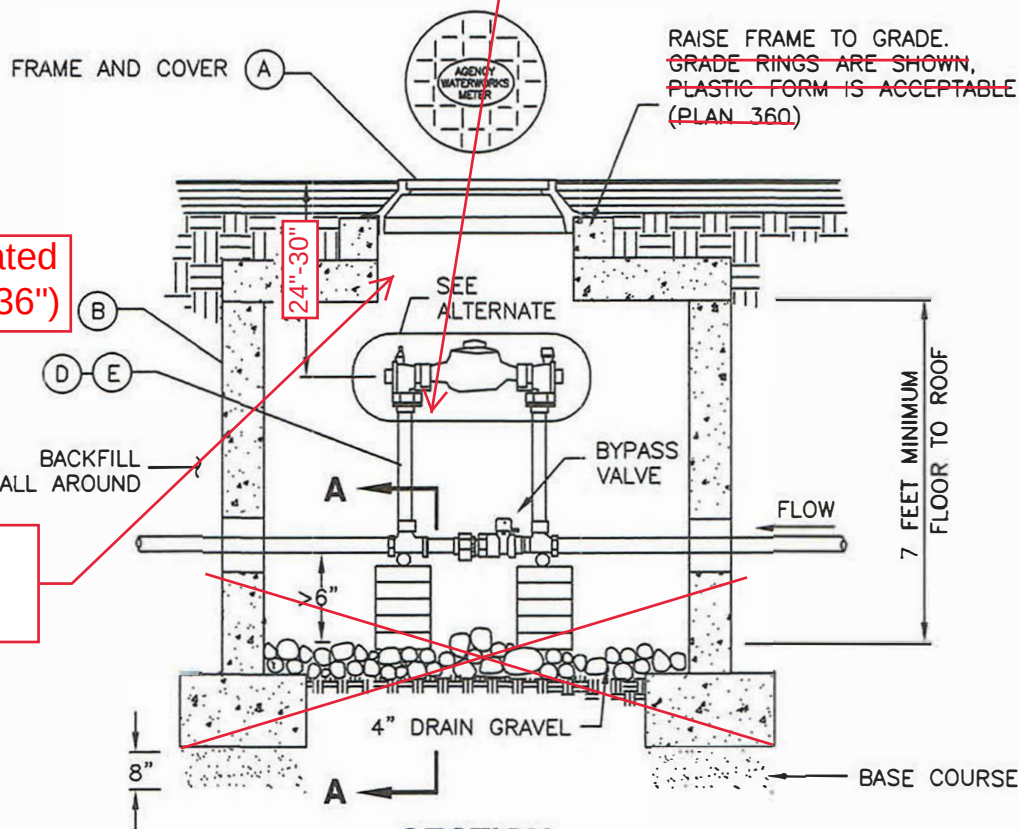
Nibley City Amendments:

- 1. Install tracer wire from the main to the meter with exposed wire inside the meter can and connected to the tracer wire running along the main.
- 2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

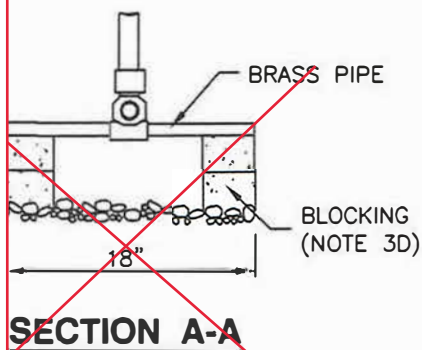
Install two 18-inch long 1" diameter PVC stabilizer pipes.

Corrugated Barrel (36")

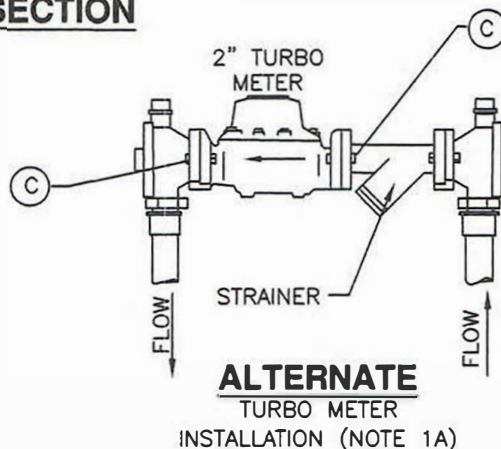
Extend tracer wire to top of meter barrel.



SECTION



SECTION A-A



ALTERNATE
TURBO METER
INSTALLATION (NOTE 1A)

LEGEND

No.	*	ITEM	DESCRIPTION
(A)		22" FRAME AND COVER 38"	PLAN 502- 503
(B)		HDPE BARREL- 36" X 48"	
(C)		STAINLESS STEEL METER BOLTS	5/8" x 2 3/4" BRASS
(D)		1 1/2" CUSTOM SETTER WITH BYPASS	
(E)		2" CUSTOM SETTER WITH BYPASS	

* FURNISHED BY UTILITY AGENCY

Nibley City Amendments:
1. Install tracer wire from the main to the meter with exposed wire inside the meter can and connected to the tracer wire running along the main.
2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

4" ULTRASONIC METER WITH 4" BYPASS

1. GENERAL

- A. Configuration may be changed at ENGINEER's discretion.
- B. Additional requirements are specified in APWA Section 33 12 16.

2. PRODUCTS

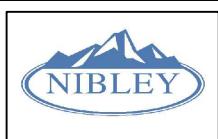
- A. Pipe Stand: Use adjustable pipe stand. Place stand on 12 inch x 12 inch by 2 inch concrete paver.
- B. Drain Gravel: Sewer rock, ASTM siz no. 3 (2" to 1") or equal, APWA Section 31 05 13.

3. EXECUTION

- A. Control Valve: Install valve with valve box adjacent to main.
- B. Center frame and cover over water meter.
- C. Allow 1-inch clearance around water line where water line passes through concrete box wall. Seal opening with compressible seal.
- D. Tracer Wire: Leave sufficient spool of wire to be pulled through vault and out lid to 3' above finished grade.

Nibley City Amendments:

1. Install tracer wire from the main to the meter with exposed wire inside the meter can and connected to the tracer wire running along the main.
2. Union connections are not allowed.
3. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.



**NIBLEY CITY
WATER DIVISION**

**4" ULTRASONIC METER
AND BYPASS**

DESIGNED: DMH	DATE: 02/10/2023
DRAFTED: DMH	ENG #:
CHECKED: TDICKINSON	

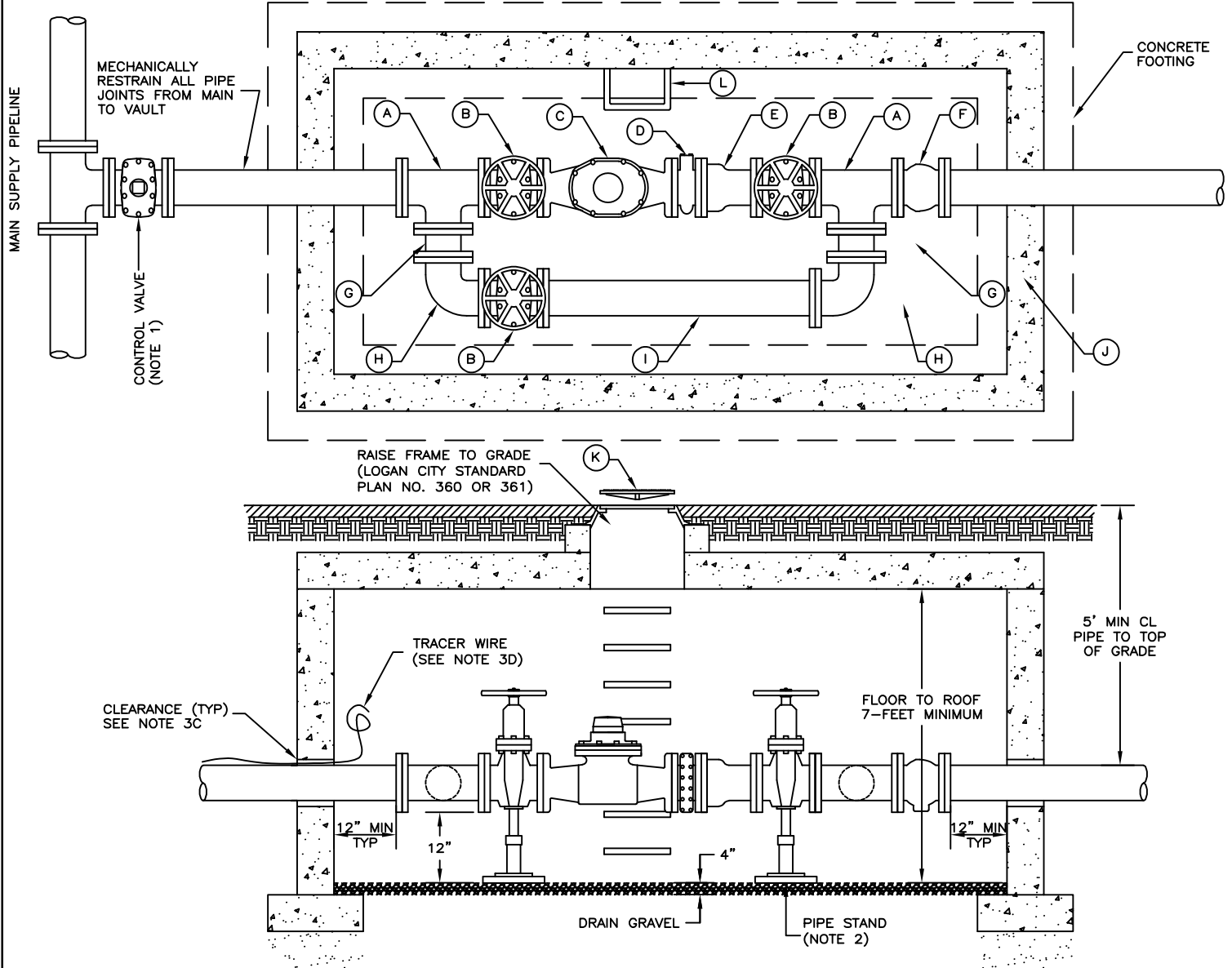
REVISION BLOCK:

SCALE
N.T.S.

SHEET NO:
523S.2

4" ULTRASONIC METER WITH 4" BYPASS

N.T.S.



LEGEND

No.	ITEM	DESCRIPTION
(A)	4" FLANGE TEE FLG X FLG X FLG	
(B)	4" GATE VALVE W/ HAND WHEEL FLG X FLG	AWWA STANDARD C509
(C)	4" ULTRASONIC METER (14" LAY LENGTH)	NEPTUNE MACH 10 OR MASTER METER OCTAV
(D)	4" STRAINER	INSTALL ACCESS PLATE ON SIDE
(E)	4" FLG X MJ ADAPTER W/ 4" FLG X PE SPOOL	
(F)	4" GLOBE STYLE CHECK VALVE	
(G)	4" FLG X FLG D.I. PIPE SPOOL (12" LENGTH)	
(H)	4" X 4" FLG X FLG ELBOW	
(I)	4" FLG X FLG D.I. PIPE SPOOL	
(J)	CONCRETE BOX	NIBLEY CITY STANDARD PLAN No. 505.S.2
(K)	38" FRAME & COVER	NIBLEY CITY STANDARD PLAN No. 503
(L)	STEPS AT 12" C.C.	



NIBLEY CITY
WATER DIVISION

4" ULTRASONIC METER
AND BYPASS

DESIGNED: DMH
DRAFTED: DMH
CHECKED: TDICKINSON

DATE: 02/10/2023
ENG #:

REVISION BLOCK:

SCALE

N.T.S.

SHEET NO:

523S.1

CONCRETE METER BOXES

N.T.S.

1. GENERAL

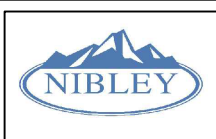
- A. Before backfilling secure inspection of installation by ENGINEER.

2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3** -inches.
- C. Traffic Rated: H-20 load rated unless more stringent requirement is deemed necessary due to site conditions by Professional Engineer Licensed in the State of Utah.

3. EXECUTION

- A. Base Course Placement: APWA Section 32 11 23. Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.
- B. Concrete Placement: APWA Section 03 30 10. Provide 1/2-inch radius edges. Apply a broom finish. Apply a curing agent.
- C. Fill annular space around pipe wall penetrations with waterproof sealer.
- D. Place frame and cover directly over valve or meter location.
- E. Backfill: Provide backfill against the manhole shaft. Pea gravel and recycled RAP aggregate is NOT ALLOWED. Water jetting is NOT allowed. Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a standard proctor density, APWA Section 31 23 26.



NIBLEY CITY
WATER DIVISION

CONCRETE METER
BOXES

DESIGNED:

DMH

DATE:

02/10/2023

REVISION BLOCK:

DRAFTED:

DMH

ENG #:

CHECKED:

TDICKINSON

SCALE

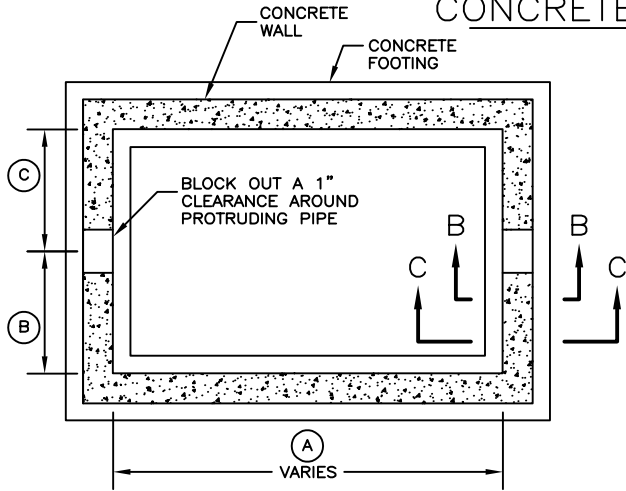
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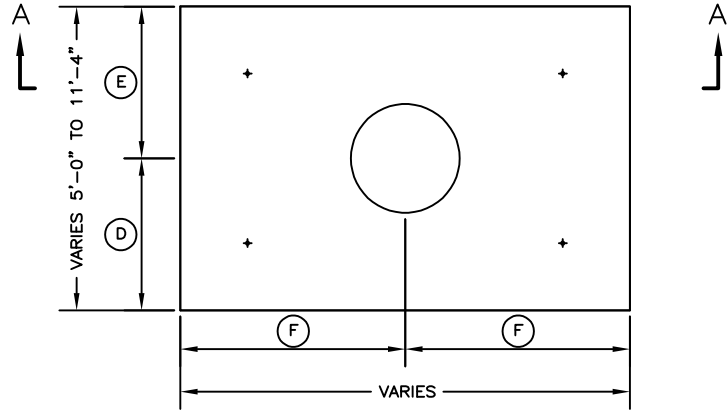
505S.2

CONCRETE METER BOXES

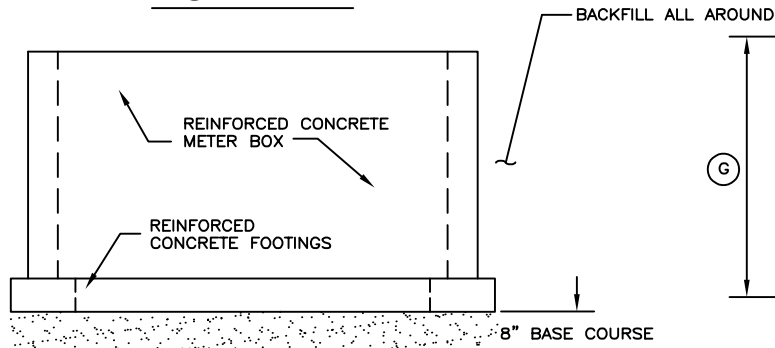
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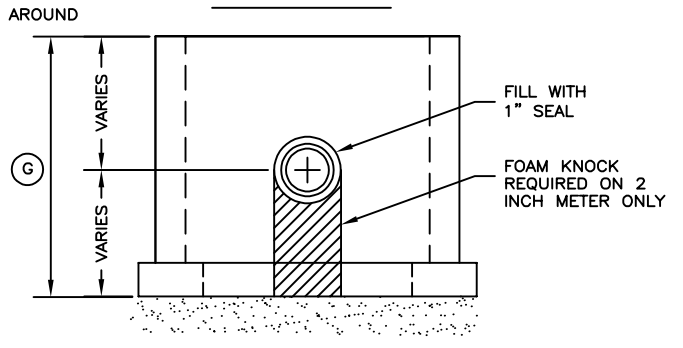
BOX PLAN



LID PLAN



FRONT ELEVATION



SIDE ELEVATION

TABLE OF DIMENSION

No.	METER SIZE				
	10"	8"	6"	4"	
(A)	BY CUSTOM DESIGN APPROVED BY ENGINEER AND OWNER				9'-6"
(B)					3'-0"
(C)					2'-0"
(D)					3'-8"
(E)					2'-8"
(F)					4'-8"
(G)					9'-0"



NIBLEY CITY
WATER DIVISION

CONCRETE METER
BOXES

DESIGNED: DMH
DRAFTED: DMH
CHECKED: TDICKINSON

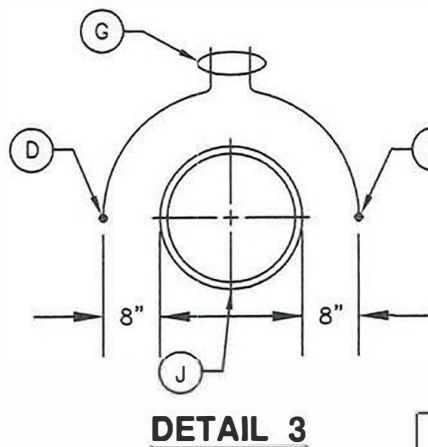
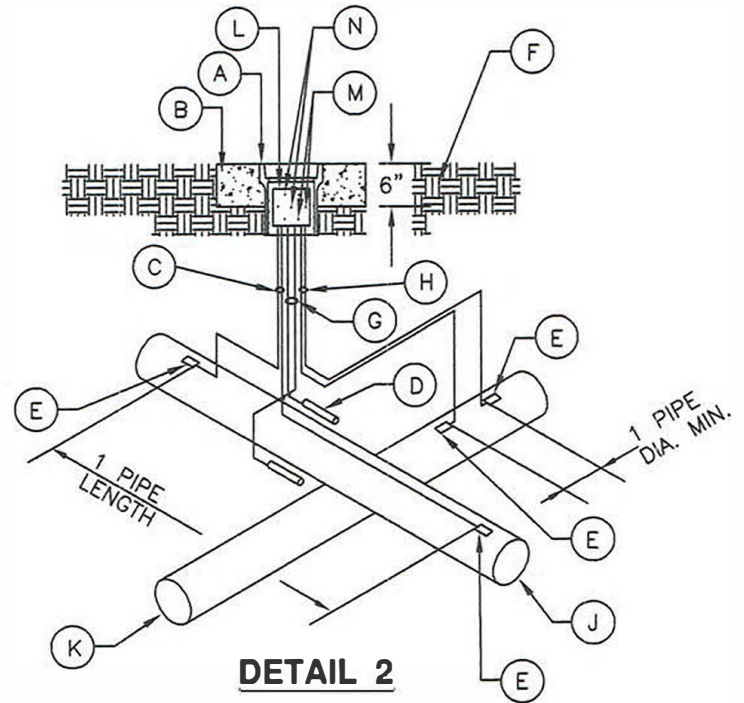
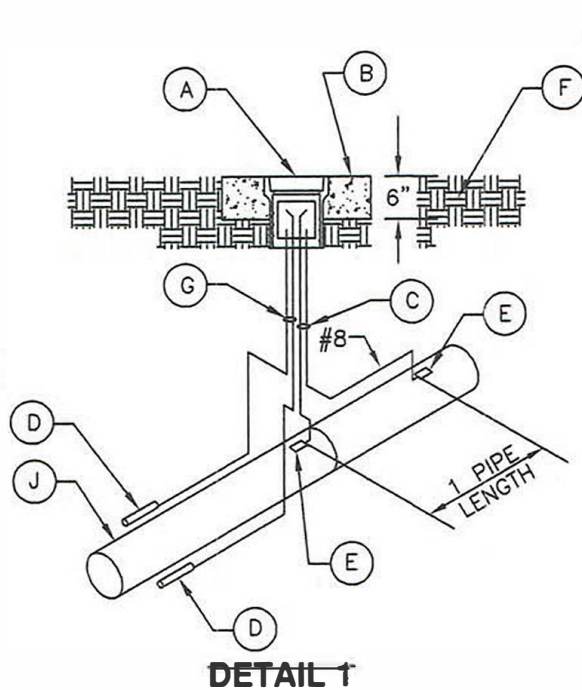
DATE: 02/10/2023
ENG #:

REVISION BLOCK:

SCALE
N.T.S.

SHEET NO:
505S.1

Electrolysis monitoring station details



TYPICAL REFERENCE ELECTRODE 1/2" ROUND BY 9" ZINC WITH No. 12 STEEL WIRE CORE TO WHICH IS ATTACHED, BY A COMPRESSION FIT COPPER SLEEVE, A LENGTH OF PVC COATED No. 12 COPPER WIRE. THE SLEEVE JOINT IS WRAPPED WITH 2 MIL THICK PVC TAPE.

LEGEND

No.	DESCRIPTION
(A)	FLUSH MOUNTED VALVE BOX AND LID
(B)	CONCRETE SLAB (6"x18"x18")
(C)	1-#8 & 1-#12 AWG COPPER WIRE WITH WHITE TW INSULATION
(D)	REFERENCE ELECTRODE
(E)	THERMITE WELD WIRE CONNECTION (TYPICAL)
(F)	EXISTING SOIL
(G)	2-#12 AWG COPPER WIRE WITH YELLOW TW INSULATION
(H)	1-#8 & 1-#12 AWG COPPER WIRE WITH BLUE TW INSULATION
(J)	NEW WATERMAIN
(K)	FOREIGN PIPELINE
(L)	PENSTOCK TERMINALS
(M)	FOREIGN PIPELINE TERMINALS
(N)	REFERENCE ELECTRODE AND ELECTRODE TERMINAL TERMINATED ON A PHEONOLIC PLATE

Water service line

1. GENERAL

A. Before backfilling, secure inspection of installation by ENGINEER.

2. PRODUCTS

A. Fittings: Provide brass fittings and nipples. Do not use galvanized materials. B.

Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches

3. EXECUTION

A. Backfill: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

Nibley City Amendments:

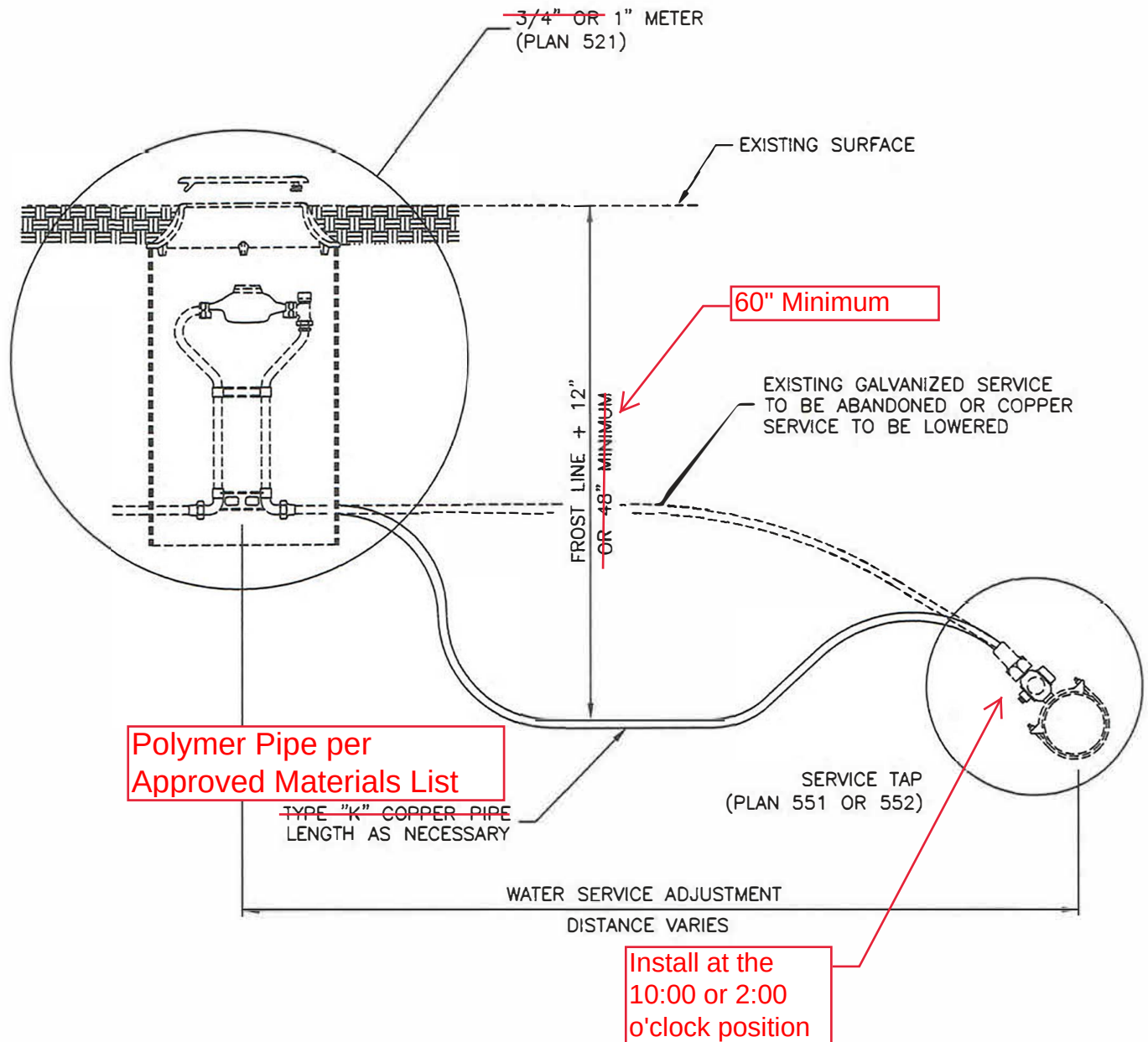
1. Install tracer wire from the main to the meter with exposed wire inside the meter can and connected to the tracer wire running along the main.

2. Union connections are not allowed.

3. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

Nibley City Amendments:

1. Install tracer wire from the main to the meter with exposed wire inside the meter can and connected to the tracer wire running along the main.
2. Service lines shall be one continuous piece (couplers of any kind are not allowed).
3. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.



Water service line loop

1. GENERAL

- A. Before backfilling, secure inspection of installation by ENGINEER.

2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Piping: Match existing pipe, fittings, coupling sizes and materials.
- C. ~~Thrust Blocks: Concrete Class 4000, APWA Section 03 30 04.~~
- D. Reinforcement: Deformed, 60 ksi yield grade steel, ASTM A615.
- E. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches.
- F. Grease: Non-oxide poly-FM.

3. EXECUTION

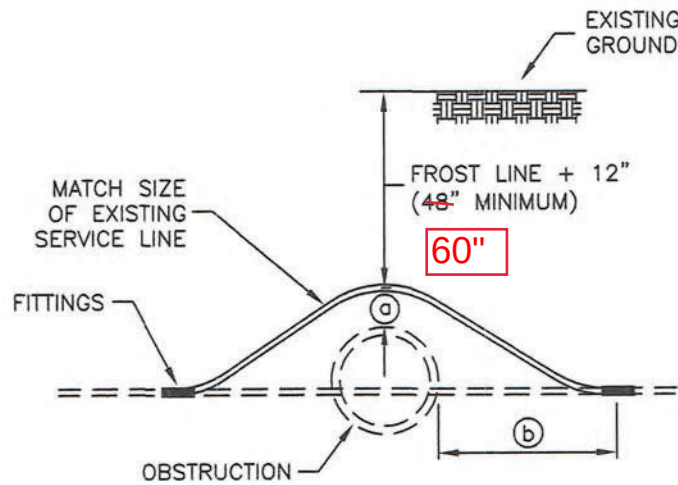
- A. ~~Thrust Blocks: Not required for flange or welded pipe systems. Before pouring thrust block concrete, wrap pipe system with plastic sheet to prevent bonding of concrete to pipe system.~~
- B. ~~Fittings: Use copper to copper flare fittings or copper to iron pack joint coupling with locking split clamp on iron pipe side and flare on copper side. All couplings to be brass.~~
- C. ~~Grease: Apply grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.~~
- D. ~~Steel Spool: Weld in place and provide slip on flange except when fitting in pipe system could move. Epoxy line per AWWA C210, C213, and coated per AWWA C208, or C214.~~
- E. Location: Loop water mains over top of sewer lines.
- F. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

Nibley City Amendments:

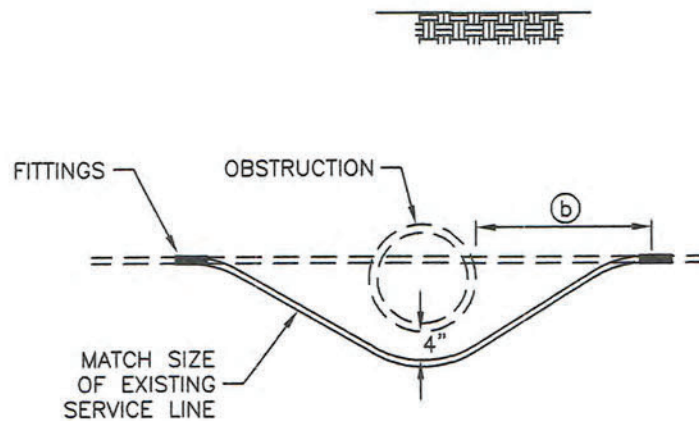
- 1. Install tracer wire along the main and services.**
- 2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.**

Nibley City Amendments:

1. Install tracer wire along the main and services.
2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.



STYLE A



STYLE B

TABLE OF DIMENSIONS		
	OBSTRUCTION	
	SEWER MAIN	OTHER
Ⓐ	18"	12" MIN.
Ⓑ	10'-0"	12" MIN.

Water main line loop

1. GENERAL

- A. Before backfilling, secure inspection of installation by ENGINEER.

2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Piping: Match existing pipe, fittings, coupling sizes and materials.
- C. Thrust Blocks: Concrete Class 4000, APWA Section 03 30 04.
- D. Reinforcement: Deformed, 60 ksi yield grade steel, ASTM A615.
- E. Backfill: Common fill, APWA Section 31 05 13. **(BORROW- 3-inch minus)**
- F. Grease: Non-oxide poly-FM.
- G. Couplings: Brass.

H. Mechanical Joint Restraints: Mechanical Joint Restraints to supplement Thrust Blocks

3. EXECUTION

- A. Thrust Blocks: Not required for flanged or welded pipe systems. Before pouring thrust block concrete, wrap pipe system in plastic sheet to prevent bonding of concrete to pipe system.
- B. ~~Fittings: Use copper to copper flare fittings or copper to iron pack joint coupling with locking split clamp on iron pipe side and flare on copper side.~~
- C. ~~Grease: Apply grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.~~
- D. ~~Steel Spool: Weld in place and provide slip on flange except when fitting in pipe system could move. Epoxy line per AWWA C210, C213, and coated per AWWA C208, or C214.~~
- E. Location: Loop water mains over top of sewer lines.
- F. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

G. Mechanical Joint Restraints to supplement Thrust Blocks installed in accordance with Manufacturer's Installation requirements at locations as determined by Design Engineer

Nibley City Amendments:

- 1. Install tracer wire along the main and services.
- 2. When installing new water line, pipe deflection shall be the primary method of achieving the separation standards identified.
- 3. When deflection is not an option, use mechanical restraints with lengths per the detail provided in the written portion of chapter 5.
- 4. Connect fittings with continuous stainless steel rods.
- 5. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

STYLE A

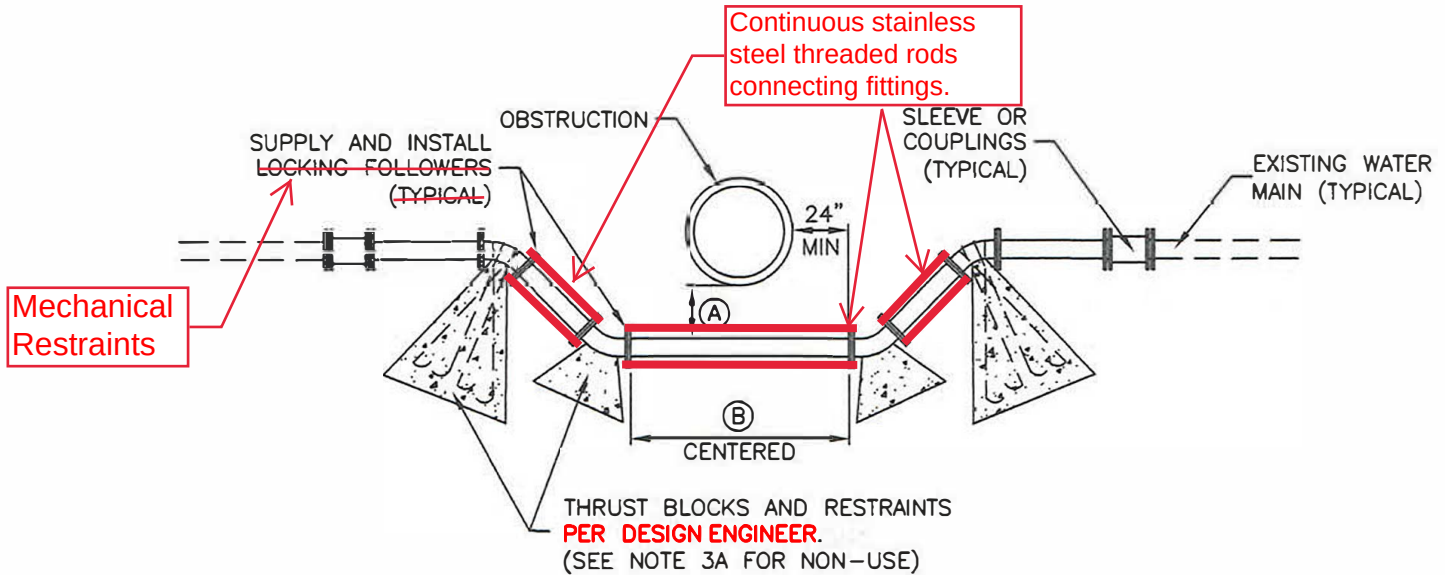


TABLE OF DIMENSIONS		
OBSTRUCTION	(A)	(B)
SEWER	18" MIN	20' MIN
OTHER	12" MIN	O.D. + 48"

Nibley City Amendments:

1. Install tracer wire along the main and services.
2. When installing new water line, pipe deflection shall be the primary method of achieving the separation standards identified.
3. Supplement concrete thrust blocks with mechanical restraints with lengths as determined by Design Engineer.
4. Connect fittings with stainless steel rods.
5. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

Water main line loop

1. GENERAL

- A. Before backfilling, secure inspection of installation by ENGINEER.

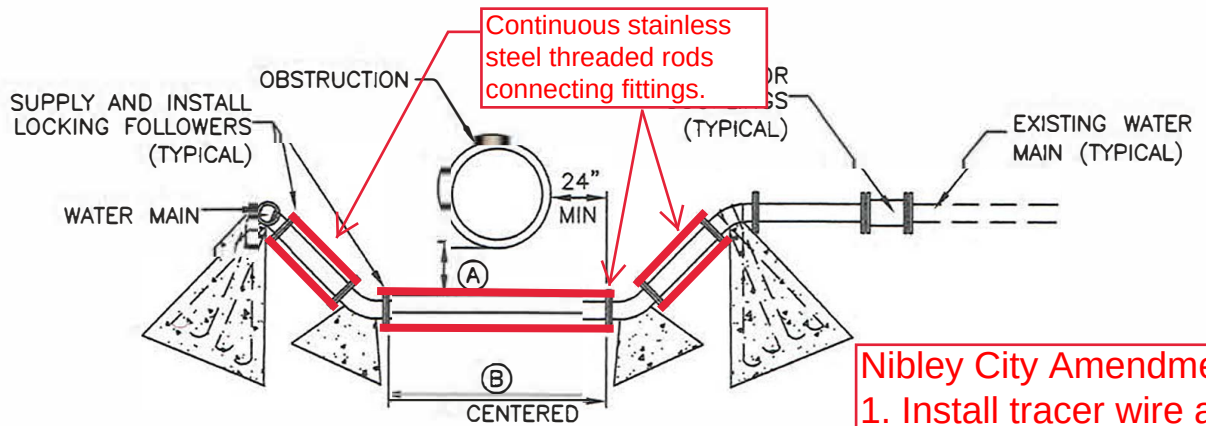
2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Piping: Match existing pipe, fittings, coupling sizes and materials.
- C. Thrust Blocks: Concrete Class 4000, APWA Section 03 30 04.
- D. Reinforcement: Deformed, 60 ksi yield grade steel, ASTM A615.
- E. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches
- F. Grease: Non-oxide poly-FM.

3. EXECUTION

- A. Thrust Blocks: Not required for flange or welded pipe systems. Before pouring thrust block concrete, wrap pipe system with plastic sheet to prevent bonding of concrete to pipe system.
- B. Fittings: Use copper to copper flare fittings or copper to iron pack joint coupling with locking split clamp on iron pipe side and flare on copper side. All couplings to be brass.
- C. Grease: Apply grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.
- D. Steel Spool: Weld in place and provide slip on flange except when fitting in pipe system could move. Epoxy line per AWWA C210, C213, and coated per AWWA C208, or C214.
- E. Location: Loop water mains over top of sewer lines.
- F. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

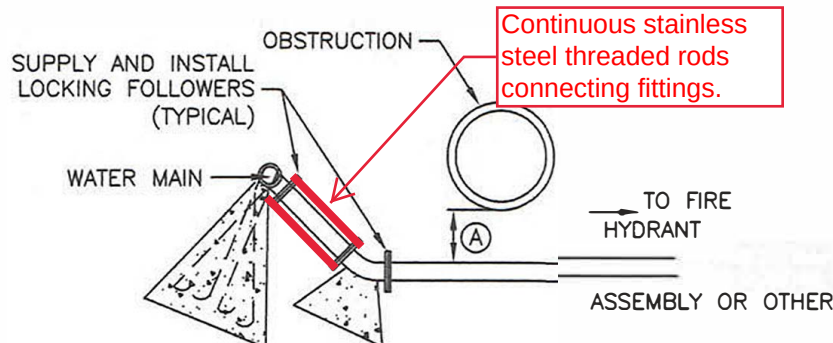
STYLE B AND C



THRUST BLOCKS AND RESTRAINTS
PER **DESIGN ENGINEER**.
(SEE NOTE 3A FOR NON-USE)

TABLE OF DIMENSIONS		
OBSTRUCTION	(A)	(B)
SEWER	18" MIN	20' MIN
OTHER	12" MIN	O.D. + 48"

STYLE B



THRUST BLOCKS AND RESTRAINTS
PER **DESIGN ENGINEER**.
(SEE NOTE 3A FOR NON-USE)

TABLE OF DIMENSIONS	
OBSTRUCTION	(A)
SEWER	18" MIN
OTHER	12" MIN

STYLE C

Nibley City Amendments:

1. Install tracer wire along the main and services.
2. When installing new water line, pipe deflection shall be the primary method of achieving the separation standards identified.
3. Supplement concrete thrust blocks with mechanical restraints with lengths as determined by Design Engineer.
4. Connect fittings with stainless steel rods.
5. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

Fire hydrant replacement or relocation

1. GENERAL

- A. Drawing is a single line diagram showing a minimum and typical connection.
- B. Additional water system requirements are specified in APWA Section 33 11 00.
- C. Before backfilling, secure inspection of installation by ENGINEER.

2. PRODUCTS

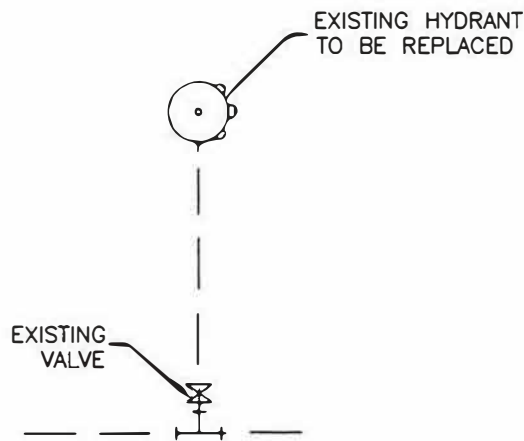
- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Piping: Match existing pipe, fittings, coupling sizes and materials.
- C. Thrust Blocks:
 - 1) Temporary - Use wood.
 - 2) Permanent - Concrete Class 4000, APWA Section 03 30 04.
- D. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches.
- E. Grease: Non-oxide poly-FM.

3. EXECUTION

- A. Hydrant: Adjust to grade with pipe spool if necessary.
 - 1) Provide at least 1 cubic yard of sewer rock, APWA Section 31 05 13 around drain hole at base of hydrant. Wrap plastic over sewer rock to prevent silting.
 - 2) Paint fire hydrant to agency's fire hydrant paint code.
 - 3) Apply grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.
 - 4) Notify fire department as soon as hydrant is placed in service.
- B. Connections: If existing valve and hydrant have O.B. connections, delete MJ x Flange adapter and install 6-inch MJ sleeve. Add a new valve at the tee connection.
- C. Valve Boxes. **Replace** any C.I.S.T. valve boxes **with new**. Adjust to grade as necessary on relocated hydrant.
- D. Thrust Blocks: Not required on flanged or welded pipe systems. Before pouring concrete, wrap pipe system plastic sheet to prevent bonding of concrete to pipe system.
- E. Backfill: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.
- F. Surface Restoration:
 - 1) Landscaped Surface: Rake to match existing grade. Replace vegetation to match pre-construction conditions. Follow APWA Section 32 92 00 (turf or grass) or APWA Section 32 93 13 (ground cover) requirements.
 - 2) Paved Surface: Do not install bituminous concrete or Portland cement concrete surfacing until trench compaction is acceptable to ENGINEER. Follow APWA Section 33 05 25 (bituminous concrete surfacing), or APWA Section 33 05 25 (concrete surfacing).

Nibley City Amendments:

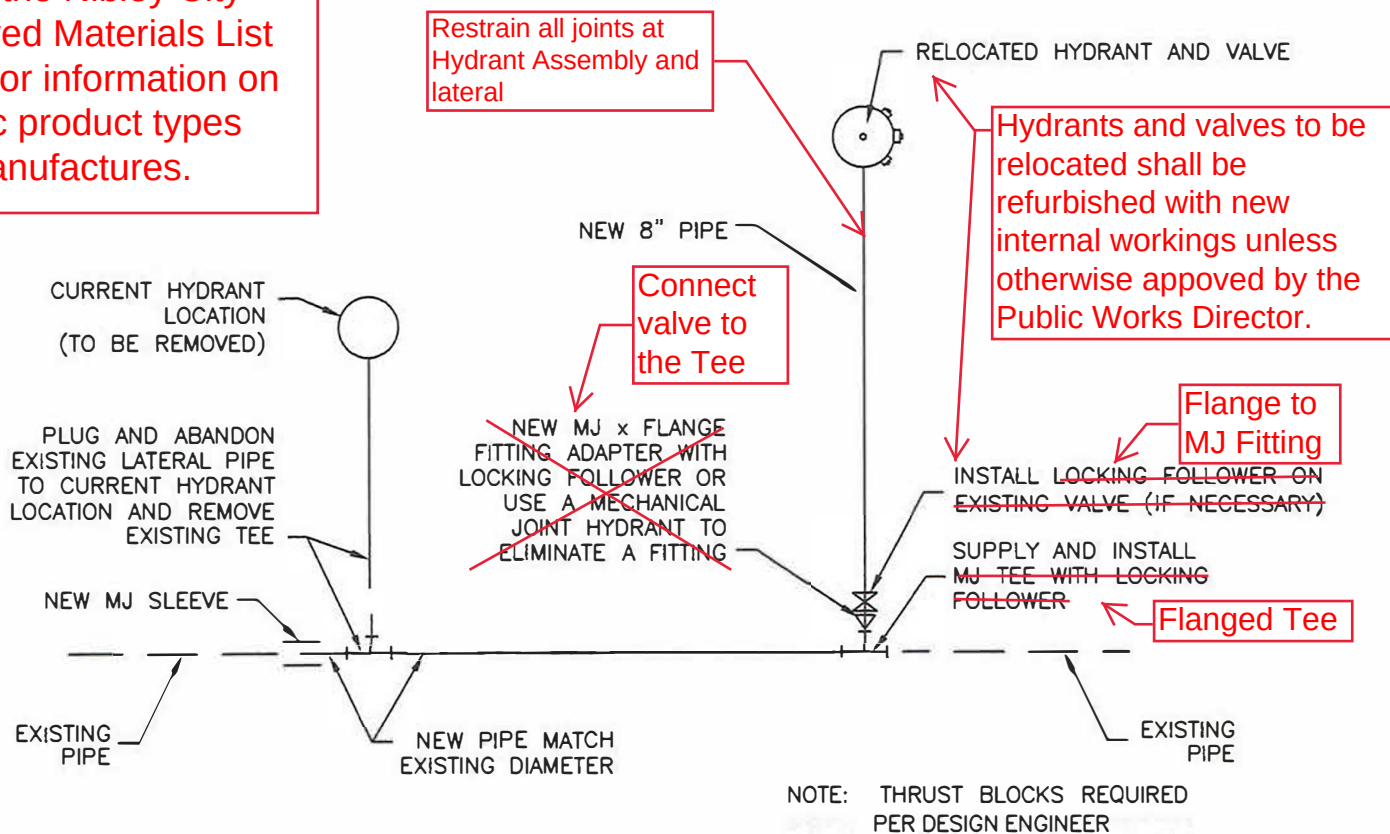
- 1. Install tracer wire along the main and services.**
- 2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.**



REPLACEMENT OF FIRE HYDRANT

Nibley City Amendments:

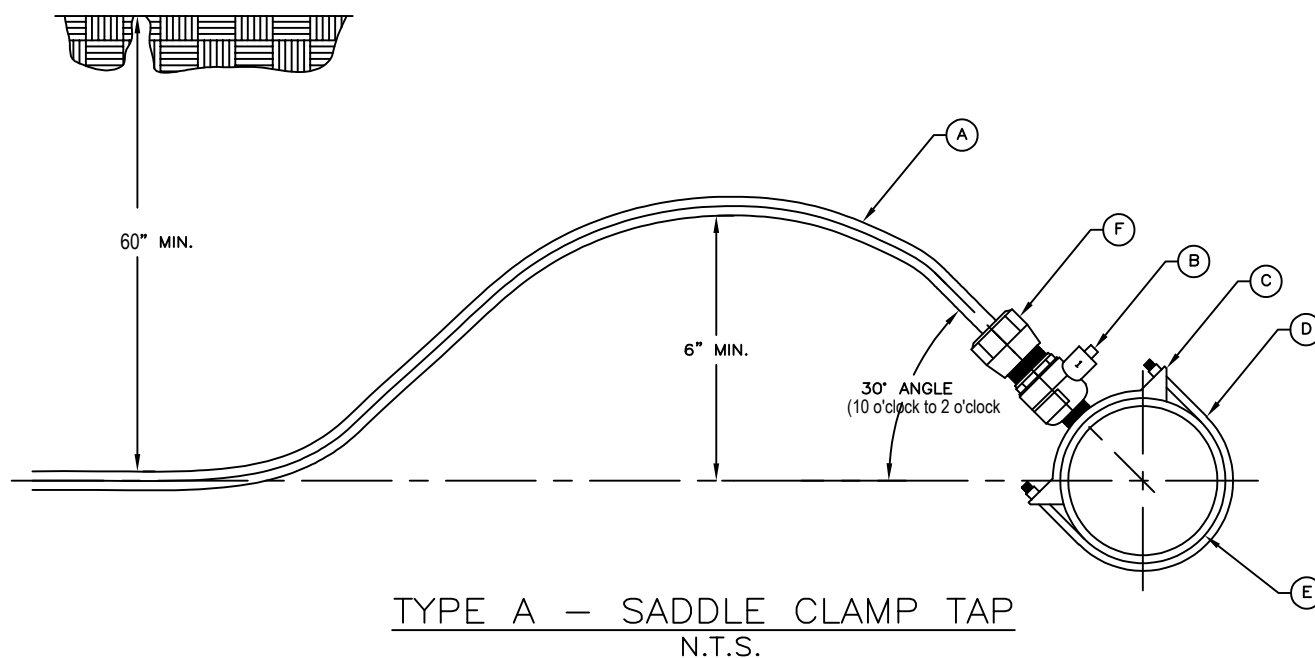
1. Install tracer wire along the main and services.
2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.



RELOCATION OF FIRE HYDRANT

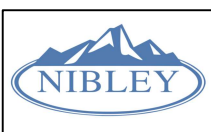
1" & 2" SERVICE TAPS

1. TAPPING: Tapping on Nibley City mains to be performed by Nibley City crews only. Place taps a minimum of 24 inches apart. Use a tapping tool that is sized corresponding to the size of the service line to be installed. No taps within 24 inches of the end of pipe or from the shoulder of the bell of the pipe.
2. TAPE: Teflon tape is required on all taps.
3. INSPECTION: Prior to backfilling around taps, secure inspection of installation by ENGINEER.
4. BACKFILL: Provide and place per APWA Section 33 05 20 **BORROW- MAXIMUM PARTICLE SIZE 3-INCHES** Compact per APWA Section 31 23 26 to a modified proctor density of 95 percent or greater. Maximum lift thickness is 8 inches before compaction.
5. **TRACER: Install tracer wire along the main and services. See Nibley City Approved Materials List**



LEGEND

No.	ITEM	DESCRIPTION
(A)	POLY PIPE	POLYETHYLENE WATER SERVICE PIPE
(B)	CORPORATION STOP	BRASS (BALL TYPE)
(C)	SERVICE SADDLE CLAMP	STAINLESS STEEL, BRASS
(D)	SERVICE SADDLE STRAPS	STAINLESS STEEL
(E)	WATER MAIN PIPE	(D.I., C.I.C A.C., P.V.C.)
(F)	COMPRESSION FITTING (W/ STIFFENER)	FLARED FITTING NOT ALLOWED



NIBLEY CITY
WATER DIVISION

1" & 2" TAP

DESIGNED:
D. HOLMSTEAD

DATE:
2/1/2023

DRAFTED:
T. GLOVER

ENG #:

CHECKED:
T. DICKINSON

REVISION
BLOCK:

SCALE

N.T.S.

SHEET NO:

551 S

Direct bearing thrust block

1. GENERAL

- A. Thrust design for pipe sizes or configurations not shown require special design.
- B. Bearing areas, volumes, and special thrust blocking details shown on Drawings take precedence over this plan.
- C. Restraint sizing is based upon a maximum operating pressure of 150 psi and a test pressure of 200 psi, and a minimum soil bearing strength of 2,000 psf. Operating pressures in excess of 150 psi or soils with less than 2,000 pound bearing strength will require special design.
- D. Before backfilling around thrust block, secure inspection of installation by ENGINEER.

2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches.
- C. Thrust Blocks: Concrete Class 4000, APWA Section 03 30 04.
- D. Grease: Non-oxide poly-FM.

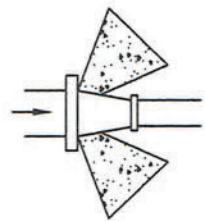
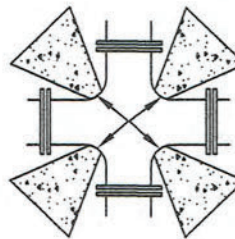
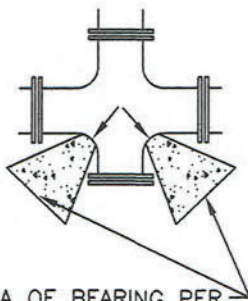
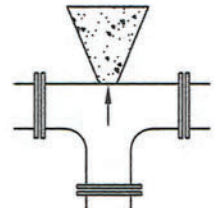
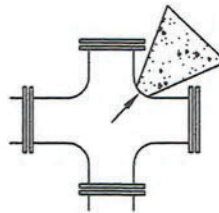
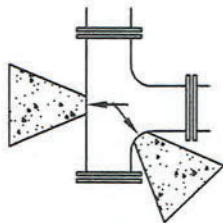
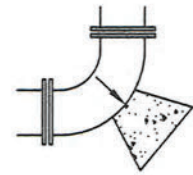
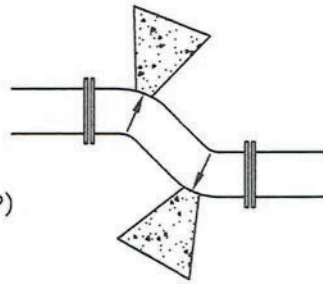
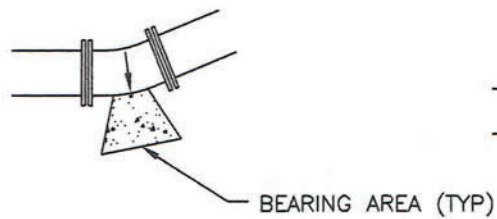
3. EXECUTION

- A. Pour concrete against undisturbed soil.
- B. Pipe Joints: Do not cover with concrete. Leave completely accessible.
- C. Grease: Apply grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.
- D. Locking restraint devices may be used in conjunction with concrete thrust blocking (at discretion of ENGINEER).
- E. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

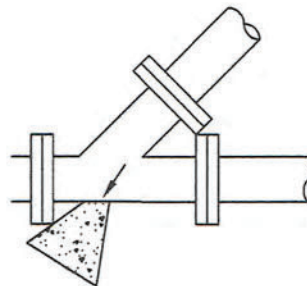
- 1. Water Design Standards require mechanical joint restraints designed by the engineer of record and installed in accordance with manufacturer's installation instructions.
 - 2. Where installation of mechanical joint restraints is not possible for new connections and/or for existing piping systems, the design engineer shall provide engineering calculations and details for construction of concrete thrust blocks.
 - 3. APWA Plan 561 is strictly for reference and guidance for repairs and conditions where a design engineer is not available.

Nibley City Amendment:

- 1. Where the entire piping system is installed with engineer designed mechanical joint restraints, an additional 1.5 to 2.0 square foot concrete thrust block shall be provided.



THE AREA OF BEARING PER THRUST BLOCK TO EQUAL 1/2 THE AREA SPECIFIED FOR THE LARGEST PIPE OR FITTING SIZE



MINIMUM BEARING AREA IN SQ. FT.					
SIZE OF PIPE	TEES, VALVES DEAD ENDS	90° BENDS	45° BENDS	22 1/2° BENDS	11 1/4° BENDS
4"	2	3	2	2	2
6"	4	5.5	3	2.5	2
8"	6.5	9.5	5	2.75	2.5
12"	14	20	11	5.5	3
14"	19	26.5	14.5	7.5	4
16"	24	34	18.5	9.5	6
20"	27	52	28.5	14.5	9
24"	53	74	41	21	12
30"	81	114	62	32	16

Nibley City Amendment:
1. Where the entire piping system is installed with engineer designed mechanical joint restraints, an additional 1.5 to 2.0 square foot concrete thrust block shall be provided.

Tie-down thrust restraints

1. GENERAL

- A. Thrust design for pipe sizes or configurations not shown require special design.
- B. Bearing areas, volumes, and special thrust blocking details shown on Drawings take precedence over this plan.
- C. Restraint sizing is based upon a maximum operating pressure of 150 psi and a test pressure of 200 psi, and a minimum soil bearing strength of 2,000 psf. Operating pressures in excess of 150 psi or soils with less than 2,000 pound bearing strength will require special design.
- D. Before backfilling around thrust block, secure inspection of installation by ENGINEER.

2. PRODUCTS

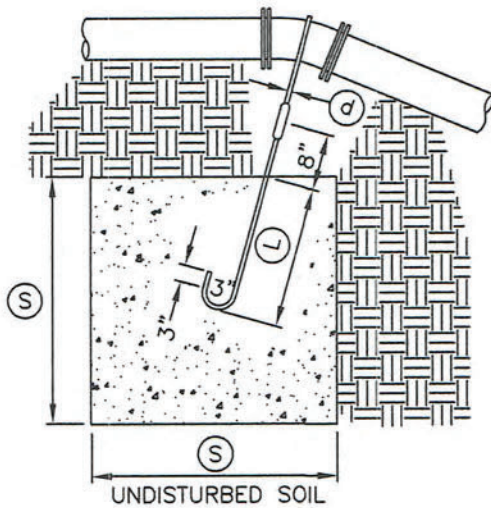
- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3-inches**.
- C. Concrete: Class 4,000 minimum, APWA Section 03 30 04.
- D. Reinforcement: Deformed, steel, ASTM A615. Give bars an epoxy coating at least 15 mils thick. Minimum stress yield strength of steel tie-down bars is 70,000 ksi. E. Grease: Non-oxide poly-FM.

3. EXECUTION

- A. Pour concrete against undisturbed soil. Concrete must be allowed to cure in thrust restraints for 5 days before pressurizing water lines or have additional approved thrust restraints installed before pressurizing the water line.
- B. Pipe Joints: Do not cover with concrete. Leave completely accessible.
- C. Grease: Apply grease to all buried metal surfaces. Wrap with polyethylene sheet and tape wrap.
- D. Locking restraint devices may be used in conjunction with concrete thrust blocking (at discretion of ENGINEER).
- E. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.

Nibley City Amendments:

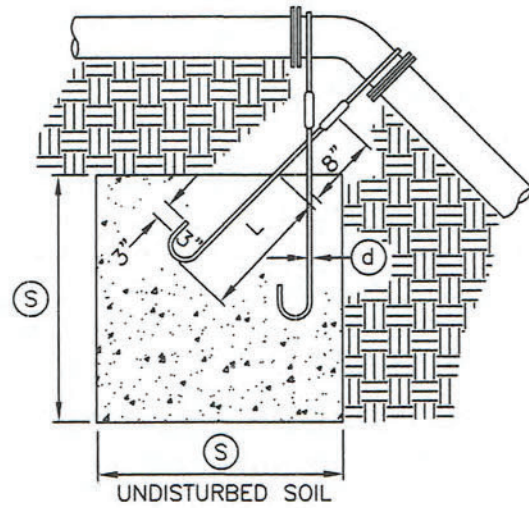
- 1. Water Design Standards require mechanical joint restraints designed by the engineer of record and installed in accordance with manufacturer's installation instructions.
- 2. Where installation of mechanical joint restraints is not possible for connections and existing piping, the design engineer shall provide engineering calculations and details for construction of concrete tie-down thrust blocks.
- 3. APWA Plan 562 is strictly for reference and guidance for repairs and conditions where a design engineer is not available.



TYPE A RESTRAINT

FOR 11 1/4° - 22 1/2° VERTICAL BENDS

TABLE OF DIMENSIONS					
PIPE SIZE NOMINAL DIAMETER - INCH	VERTICAL BEND IN DEGREES	CONCRETE BLOCKING IN CUBIC FEET	(S) SIDE OF CUBE - FEET	(d) DIAMETER OF SHANK OR REBAR RODS - INCH	(L) DEPTH OF ROD CONCRETE - FEET
4"	11 1/4°	8	2.0	5/8"	1.5
	22 1/2°	15.6	2.5	5/8"	2.0
6"	11 1/4°	15.6	2.5	5/8"	2.0
	22 1/2°	34.3	3.25	5/8"	2.0
8"	11 1/4°	27	3.0	5/8"	2.0
	22 1/2°	64	4.0	5/8"	2.0
12"	11 1/4°	64	4.0	5/8"	2.0
	22 1/2°	125	5.0	3/4"	3.0
16"	11 1/4°	107	4.25	7/8"	3.0
	22 1/2°	216	6.0	7/8"	3.0
20"	11 1/4°	138	5.17	1"	3.5
	22 1/2°	334	6.94	1"	4.0
24"	11 1/4°	240	6.22	1"	4.0
	22 1/2°	476	7.81	1"	4.0
30"	11 1/4°	369	7.17	1"	4.0
	22 1/2°	733	9.02	1"	4.0



TYPE B RESTRAINT

FOR 45° VERTICAL BENDS

TABLE OF DIMENSIONS					
PIPE SIZE NOMINAL DIAMETER - INCH	VERTICAL BEND IN DEGREES	CONCRETE BLOCKING IN CUBIC FEET	(S) SIDE OF CUBE - FEET	(d) DIAMETER OF SHANK OR REBAR RODS - INCH	(L) DEPTH OF ROD CONCRETE - FEET
4"	45°	1	3.0	5/8"	2.0
				5/8"	
6"		2.37	4.0	5/8"	2.5
				5/8"	
8"		3.97	4.75	5/8"	3.0
				5/8"	
12"		9.04	6.25	5/8"	4.0
				5/8"	
16"		17.24	7.75	3/4"	4.0
				3/4"	
20"		26.52	92.17	3/4"	4.0
				3/4"	
24"		37.82	10.07	3/4"	4.0
				3/4"	
30"		58.26	11.63	3/4"	4.0
				3/4"	

4" washout valve

1. GENERAL

- A. Before backfilling, secure inspection of installation by ENGINEER.
- B. Water mains 12-inches and larger will require a special washout assembly design.

2. PRODUCTS

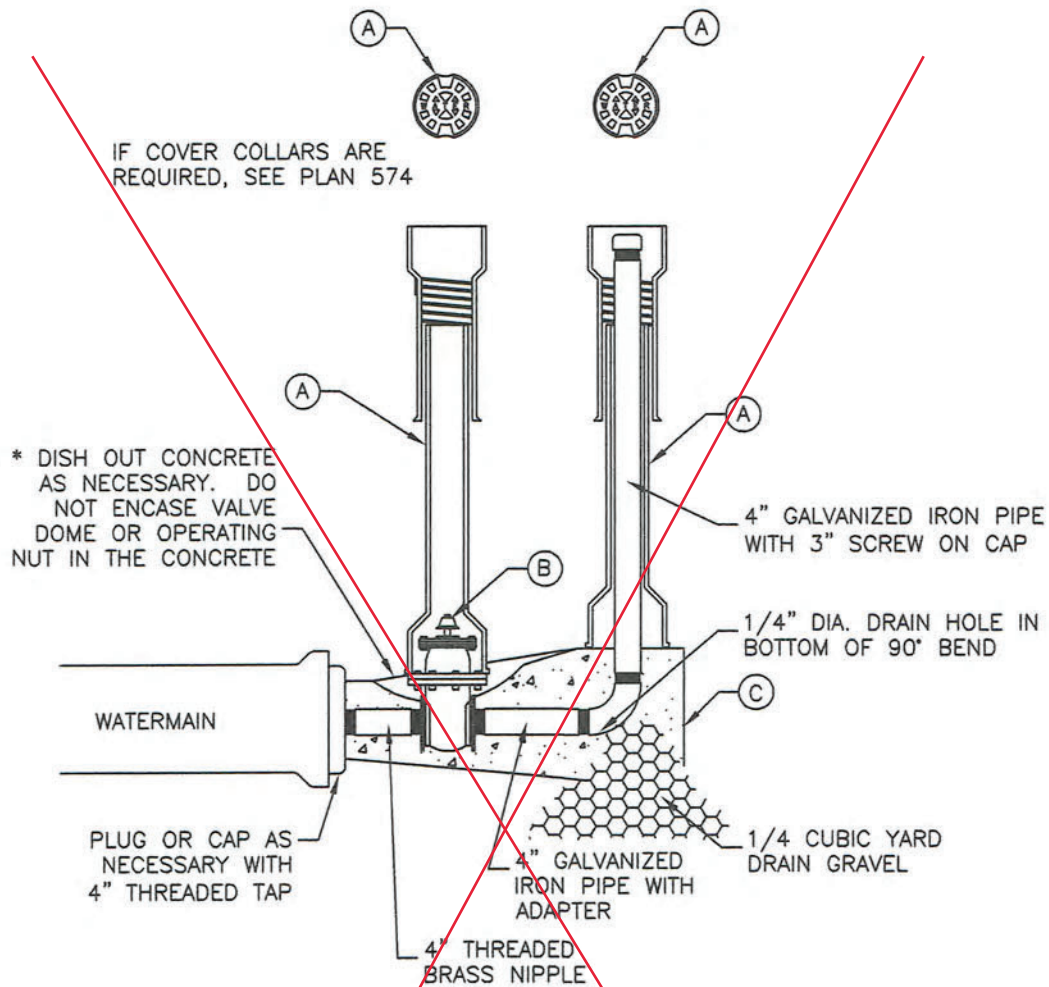
- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3**-inches.
- C. Concrete: Class 4000, APWA Section 03 30 04.

3. EXECUTION

- A. Pour concrete against undisturbed soil.
- B. Apply tape wrap to the exterior of all galvanized pipe per AWWA C209.
- C. Place plastic sheet at least 6 mils thick over drain gravel to prevent silting.
- D. After installation of washout valve assembly, verify the washout valve riser drains to gravel.
- E. Backfill and Base Course Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater of a modified proctor density, APWA Section 31 23 26.

Nibley City Amendments:

- 1. Not allowed. Install a fire hydrant assembly if fire flows are sufficient.
- 2. For installations with insufficient fire flows, install a blow Off/Flushing Hydrant.
- 3. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures



LEGEND		
No.	ITEM	DESCRIPTION
(A)	VALVE BOX WITH LID	2 PIECE CAST IRON
(B)	4" GATE VALVE WITH SCREW ENDS	2" x 2" OPERATING NUT
(C)	CONCRETE THRUST BLOCK	PLAN 561

Nibley City Amendments:

1. Not allowed. Install a temporary or permanent hydrant where washout valves would be needed.

Detector check valve with 3/4" bypass meter

1. GENERAL

- A. Configuration may be changed at ENGINEER's discretion.
- B. Additional requirements are specified in APWA Section 33 12 16.

2. PRODUCTS

- A. Blocking: Clay brick or concrete block.
- B. Small Fittings: Brass. Do not use galvanized materials.
- C. Grade Ring: 6-inch concrete grade ring required in roadways, Plan 361.
- D. Spools: Length of flange x plain end spool vary.

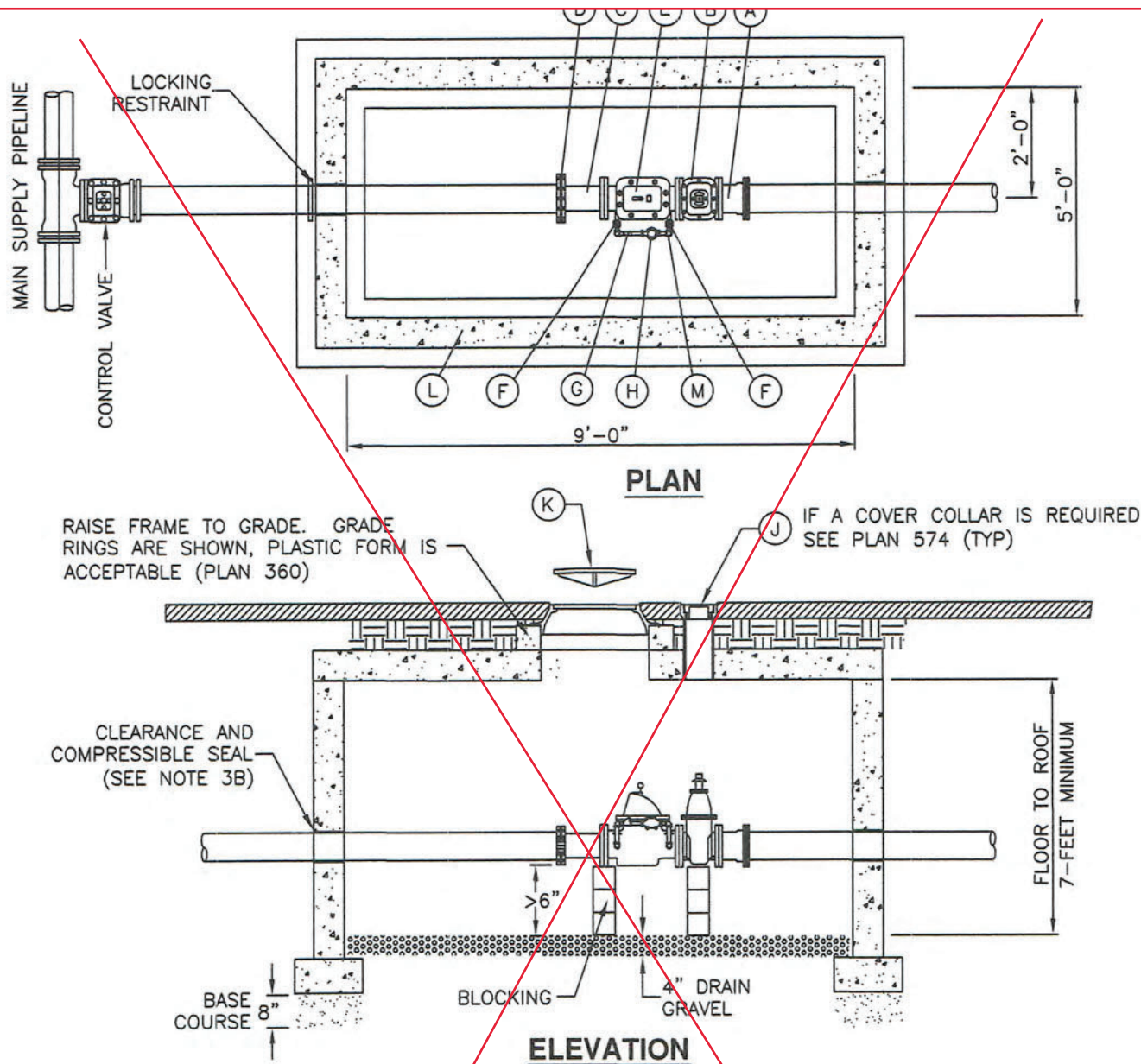
SPOOLS	
Pipe Size	Pipe Length
6"	10"
8"	8 1/4"
10"	6"

3. EXECUTION

- A. Install control valve with valve box adjacent to main.
- B. Concrete Box: Allow 1-inch clearance around waterline where water line passes through concrete box wall. Seal opening with compressible seal. Center frame and cover over water meter.
- C. Valve Option: The valve in the box (item B legend) closest to the main, and the top section of the valve box (item J legend) may be eliminated at the discretion of the ENGINEER.

When required, backflow prevention devices shall be located above ground and within a climate controlled structure.

When required, backflow prevention devices shall be located above ground and within a climate controlled structure.



LEGEND			
No.	*	ITEM	DESCRIPTION
(A)		FLANGE AND M.J. ADAPTER	CEMENT LINED
(B)		GATE VALVE WITH 2"x2" OPERATOR NUT	EPOXY & CEMENT LINED
(C)		FLANGE x P.E. SPOOL	NOTE 3B
(D)		MECHANICAL JOINT AND FLANGE	
(E)		DETECTOR CHECK VALVE	EPOXY COATED
(F)		3/4" VALVE	EPOXY COATED
(G)		3/4" CHECK VALVE	EPOXY COATED
(H)		3/4" METER	EPOXY COATED
(J)		TOP SECTION OF VALVE BOX WITH LID	NOTE 3C
(K)		27" FRAME AND COVER	PLAN 502
(L)		CONCRETE BOX	PLAN 505
(M)		COPPER PIPING	TYPE L (RIGID)

* FURNISHED BY AGENCY

6" Pressure reducing valve with 2" bypass

1. GENERAL

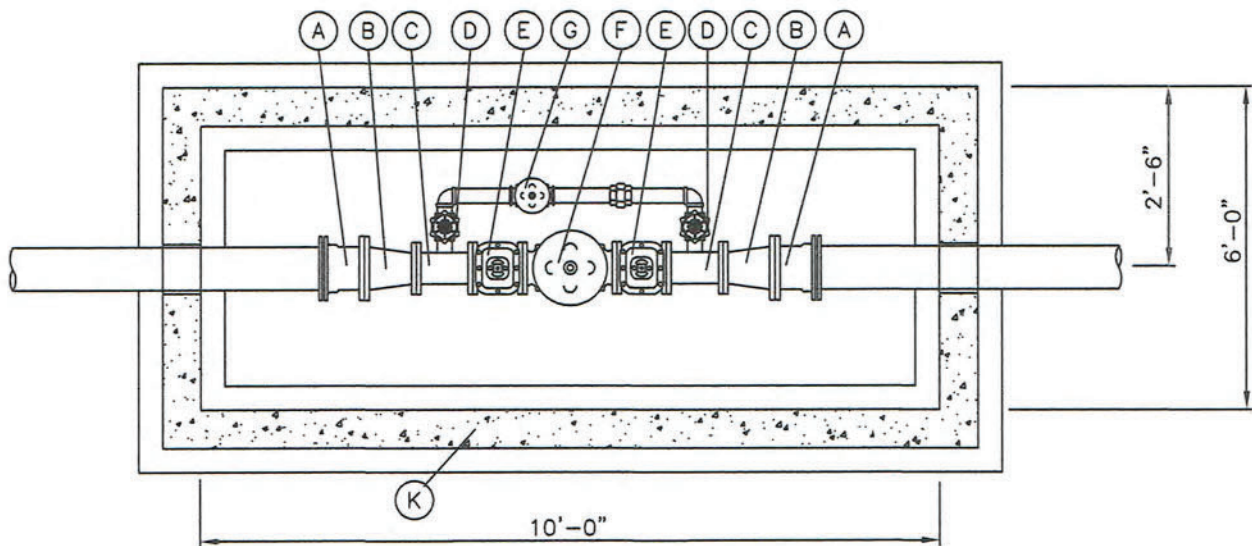
- A. Configuration may be changed at ENGINEER's discretion.
- B. Additional requirements are specified in APWA Section 33 12 16.

2. PRODUCTS

- A. Small Fillings: Brass. Do not use galvanized materials.
- B. Blocking: Clay brick or concrete block.
- C. Taps: Provide two 3/4" I.P. taps with plugs for pressure gages.
- D. Drain Gravel: Sewer rock, ASTM size no. 3 (2" to 1") or equal, APWA Section 31 05 13.

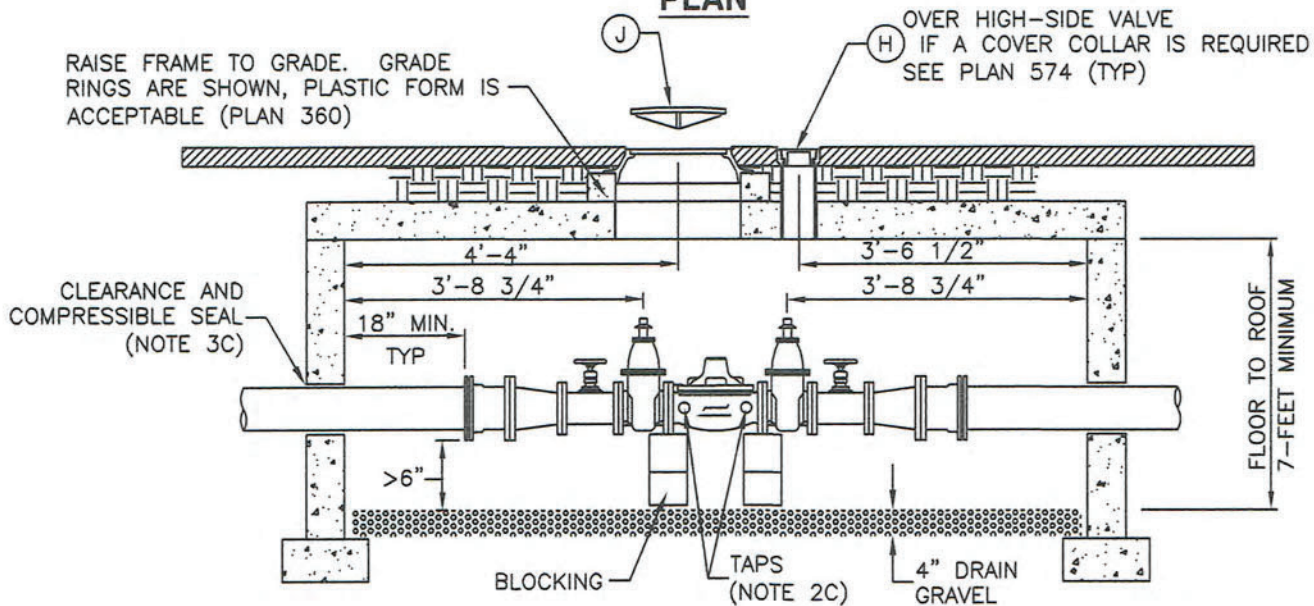
3. EXECUTION

- A. Center frame and cover over water meter.
- B. Apply tape wrap to the exterior of all galvanized pipe per AWWA C209.
- C. Allow 1-inch clearance around waterline where water line passes through concrete box wall. Seal opening with compressible seal.



PLAN

RAISE FRAME TO GRADE. GRADE RINGS ARE SHOWN, PLASTIC FORM IS ACCEPTABLE (PLAN 360)



ELEVATION

LEGEND

No.	*	ITEM	DESCRIPTION
(A)		8" M.J.x FLANGE ADAPTOR	CEMENT LINED
(B)		8" x 6" FLANGED REDUCER	CEMENT LINED
(C)		8" FLANGED STEEL SPOOL WITH 2" OUTLET	EPOXY COATED AND LINED
(D)		2" GATE VALVE	
(E)		6" GATE VALVE WITH 2"x2" OPERATING NUT	
(F)		6" PRESSURE REDUCING VALVE	
(G)		2" PRESSURE REDUCING VALVE	
(J)		27" FRAME AND COVER ← 38"	PLAN 502 503
(H)		TOP SECTION OF VALVE BOX WITH LID	
(K)		CONCRETE BOX	PLAN 505

* FURNISHED BY AGENCY

Cover collar for water valve box

1. GENERAL

- A. In a pavement surface, fill an annular space around a frame and cover casting with concrete. The concrete will support the casting under traffic loadings.

2. PRODUCTS

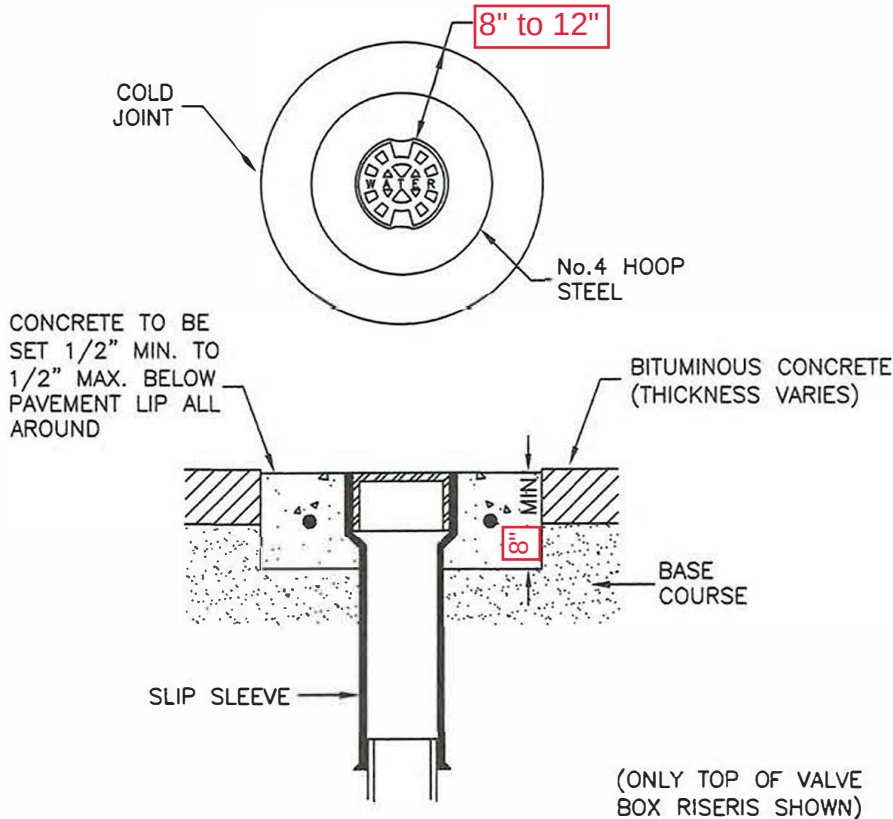
- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Concrete: Class 4000, APWA Section 03 30 04.
- C. Concrete Curing Agent: Type ID Class A (clear with fugitive dye), membrane forming compound, APWA Section 03 39 00.
- D. Use High Early Strength Fiber Mix to UDOT Standard- LeGrand Johnson (UDOT 70-B Mix) or Parson's (AA-AE HP) with mesh additive or equivalent.

3. EXECUTION

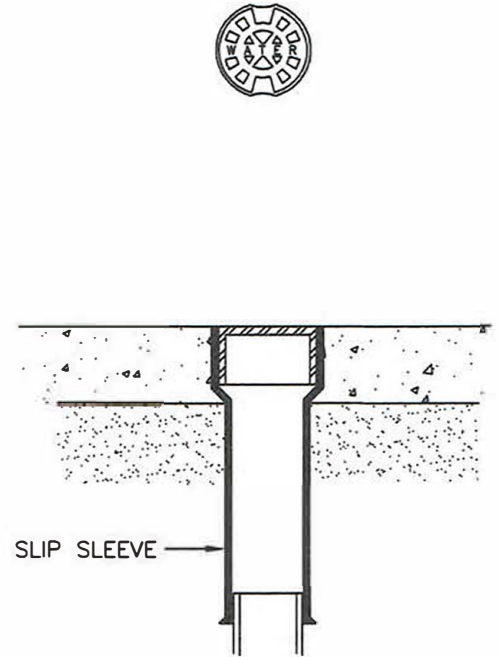
- A. Base Course: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.
- B. Pavement Preparation: Provide a neat vertical and concentric joint between concrete collar and existing bituminous concrete surface. Clean edges of all dirt, oil, and loose debris.

Nibley City Amendments:

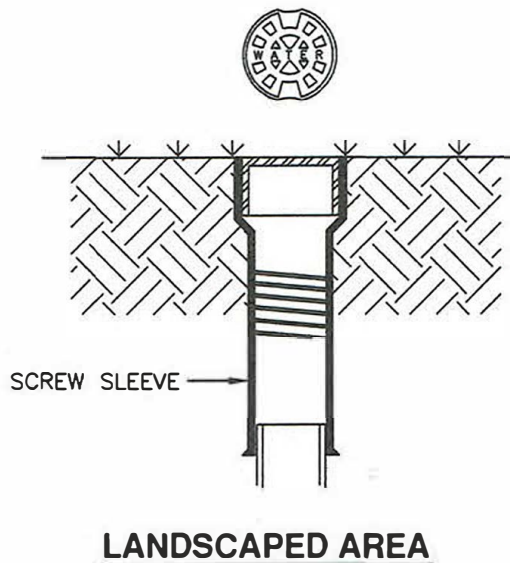
- 1. Install tracer wire along the main and services accessible at valve box.
- 2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.



BITUMINOUS PAVEMENT



PORTLAND CEMENT CONCRETE PAVEMENT



Nibley City Amendments:

1. Install tracer wire along the main and services accessible at valve box.
2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.
3. Valve Cans are not required on 2" services.

Air release assembly

1. GENERAL

- A. This drawing detail is applicable to water main piping less than 16-inches diameter.
- B. PCCP, steel, MLAC and other water main pipe materials will require special detail or design drawings. Submit the design and detail drawings and materials to the ENGINEER for review before installation.
- C. Installation in areas of high ground water or potential for water entering the vent pipe will require a special design to be provided by the ENGINEER.
- D. Before backfilling around the assembly, secure inspection of installation by ENGINEER.

2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Drain Gravel: Sewer rock, ASTM size no. 3 (2" to 1") or equal, APWA Section 31 05 13.
- C. Backfill: Common fill, APWA Section 31 05 13. Maximum particle size 2-inches.
- D. Concrete: Class 4000, APWA Section 03 30 04.
- E. Manhole: Riser, ASTM C478.
- F. Reinforcement: Deformed, steel, ASTM A615. Give bars an epoxy coating at least 15 mils thick. Minimum stress yield strength of steel tie-down bars is 70,000 ksi.
- G. Small Fittings: Brass. Do not use galvanized materials.
- H. PVC Pipe and Fittings: Schedule 40, APWA Section 33 05 07.
- I. Water Tight Wall Seal: Waterproof, compressible.

3. EXECUTION

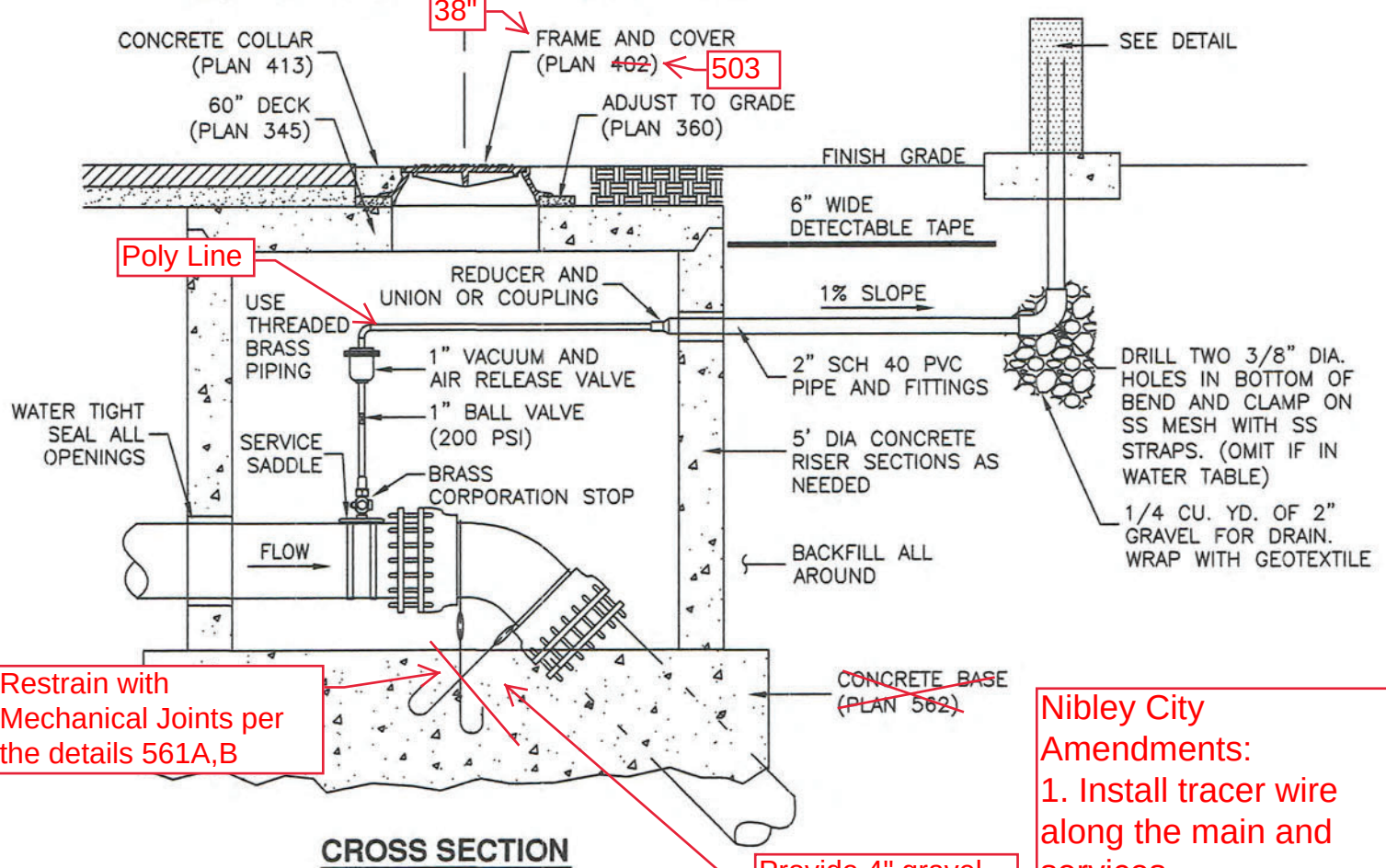
- A. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.
- B. Apply tape wrap to the exterior of all buried steel pipe per AWWA C209.
- C. Concrete Placement: APWA Section 03 30 10. Provide 1/2-inch radius edges. Apply a broom finish. Apply a curing agent.
- D. Service saddle is required on all PVC and AC pipe taps unless specified otherwise. Ductile iron and cast iron pipe may be direct tapped.
- E. Seal manhole joints water-tight and ground flush with interior wall.
- F. Follow applicable AWWA and NSF standards when connecting piping.
- G. If diameter of air relief valve is greater than 2-inches, provide piping to match its diameter from water main connection to open to air.

Nibley City Amendments:

- 1. Install tracer wire along the main and services accessible at vault lid.
- 2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

ROADWAY SURFACE RESTORATION

LANDSCAPED SURFACE RESTORATION



Restrain with Mechanical Joints per the details 561A,B

Provide 4" gravel drain across the bottom in place of the concrete.

Nibley City Amendments:
1. Install tracer wire along the main and services.

OPEN TO AIR. SECURE A No 14 MESH NON-COORDABLE SCREEN OVER THE OPEN END. ATTACH WITH STAINLESS STEEL HOSE CLAMP

DRILL (30) 1/2" DIA. HOLES IN FIVE ROWS AT 6 HOLES PER ROW

GALVANIZED STEEL ENCLOSURE

DRILL 1" DRAIN HOLE
STAINLESS STEEL FASTENERS ALL AROUND

IN VEHICULAR TRAFFIC AREAS INSTALL (2) 6" DIA. CONCRETE FILLED SCHEDULE 40 STEEL PIPE.

BOLLARD

BASE COURSE

15" THICK CONCRETE FOUNDATION

DETAIL

Nibley City Amendments:
2. See the Nibley City Approved Materials List (APL) for information on specific product types and manufactures.

Pressurized irrigation water and potable water interface

1. GENERAL

- A. The catch basin valve and pump size must match the minimum discharge rate from the potable water system when indoor demands are also being expected from the system.

2. PRODUCTS

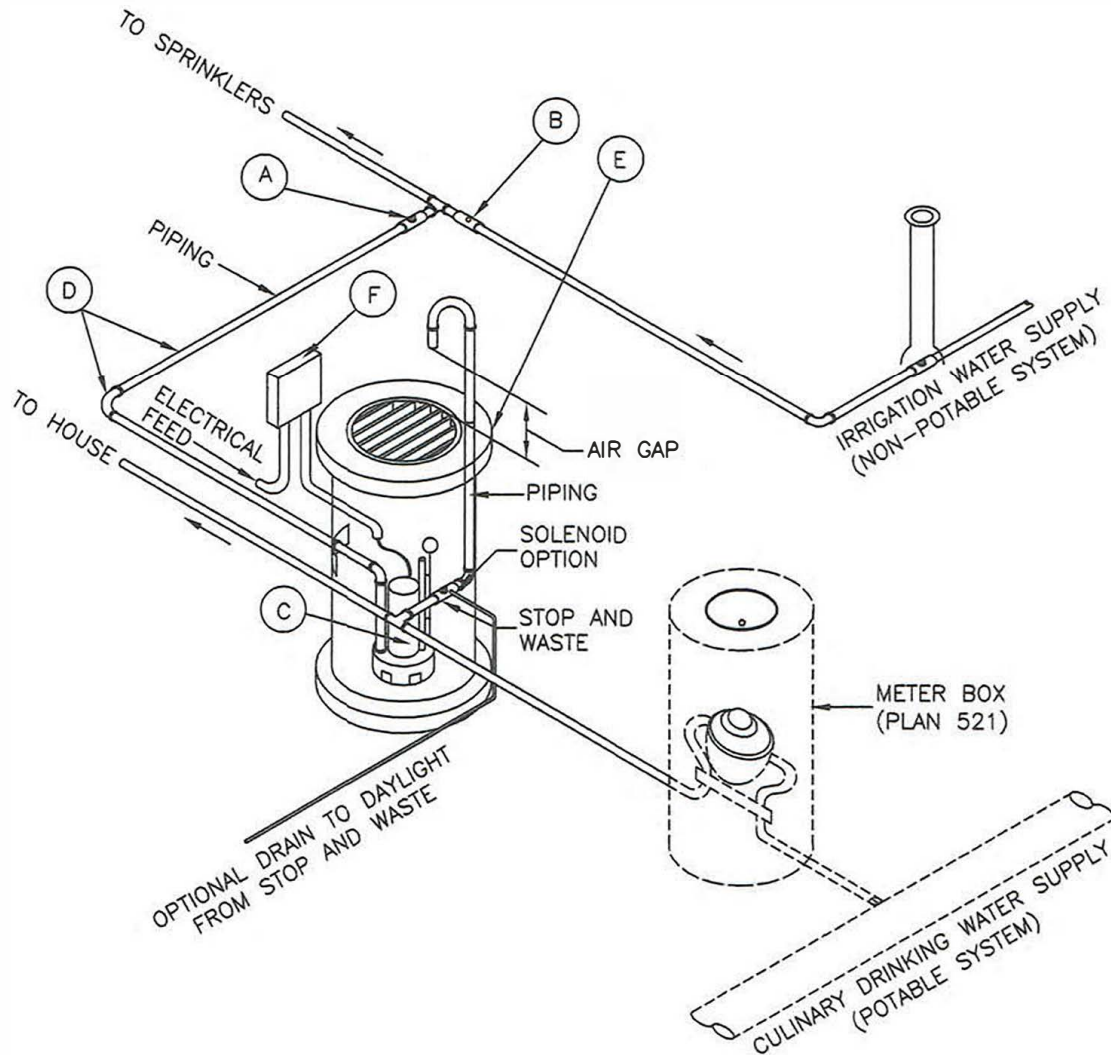
- A. All parts of the potable water system from the stop and waste valve to the air gap drop leg above the catch basin are to be copper or galvanized iron only.
- B. Below ground parts on the non-potable water system may be made of PVC or polyethylene at the agency's discretion.

3. EXECUTION

- A. Air gap. An air gap of at least two pipe diameters must exist between the maximum overflow lip of the catch basin and the end of the down-turned discharge pipe.
- B. Stop and Waste Valve: Locate the valve in an area where subsurface ground water will not accumulate or attach a drain pipe to the drain hole and drain to daylight with a non-corrodible #14 mesh screen over the end.
- C. Catch Basin: The ground surrounding the catch basin must slope away from the catch basin (basin cannot be located where flooding could result in a water level higher than the maximum overflow lip of the catch basin).
- D. Stand Pipes: Provide draining and freeze protection.
- E. Solenoid Valve: A solenoid operated valve may be installed at this point provided the valve and housing are not constructed of plastic (must be brass or ferrous metal).
- F. Galvanized Pipe: Apply tape wrap to the exterior of all galvanized pipe per AWWA C209.

Not Used
Provide "Swing Connection"

TYPE A - PUMP INTERCONNECT



LEGEND		
No.	ITEM	DESCRIPTION
(A)	CONTROL VALVE	NOTE 1A
(B)	CHECK VALVE	SIZE TO MATCH EXISTING PIPE
(C)	SUBMERSIBLE PUMP WITH FLOAT OPERATED CUT-OUT SWITCH	NOTE 1A
(D)	ELBOWS, TEES & PIPE AS REQ'D	SCREWED OR FLANGED (OR BRAZED ABOVE GROUND ONLY)
(E)	CATCH BASIN	NOTE 1A
(F)	ELECTRICAL BOX AND CONDUIT	PER ELECTRICAL CODE

Pressurized irrigation water and potable water interface

1. GENERAL

- A. There may be up to 20 psi loss of head through the reduced pressure backflow preventer (RPBP) device. This is normal and the agency should expect a decrease in area coverage. Agency should design or modify the system for the lower pressure.

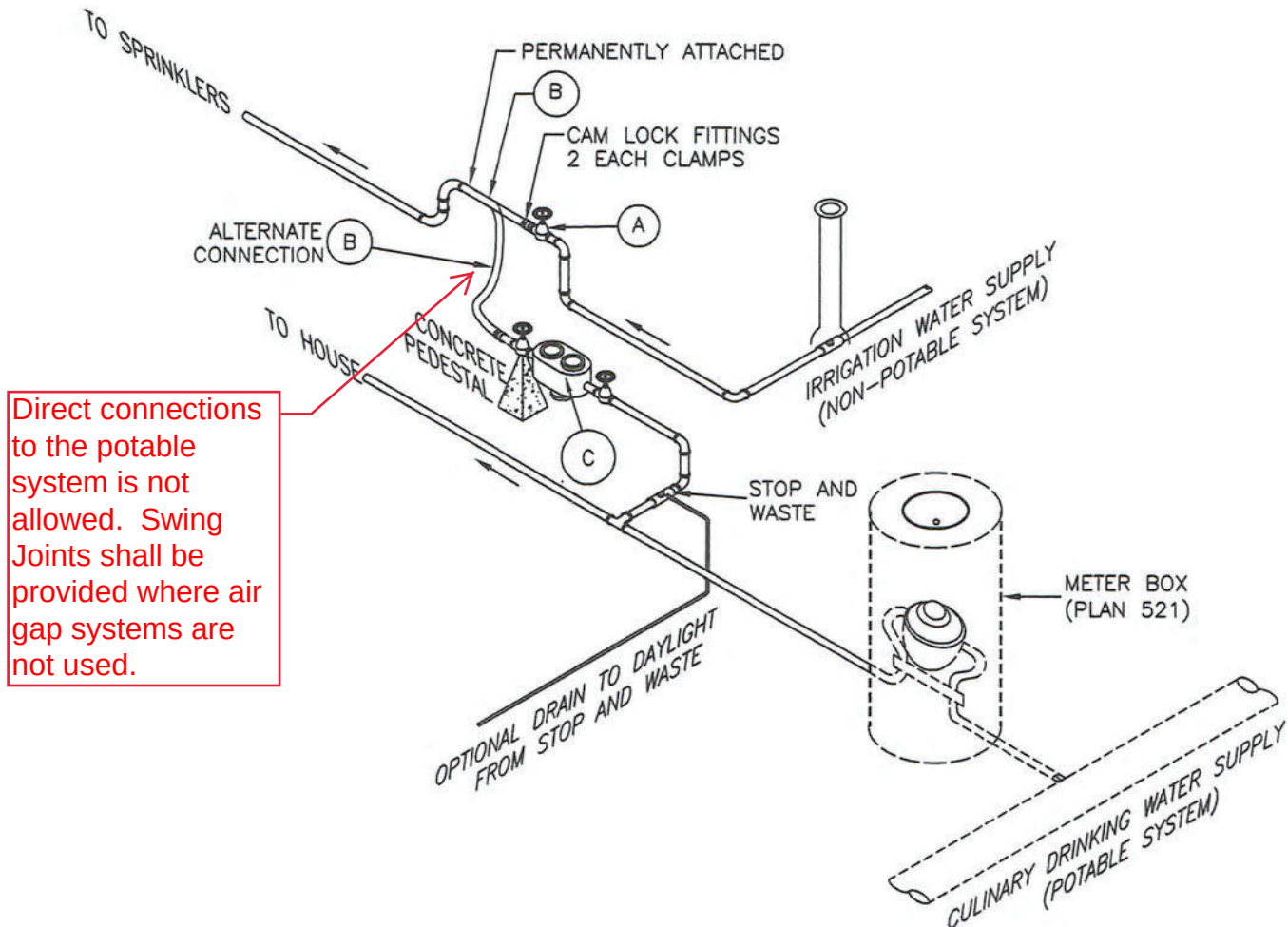
2. PRODUCTS

- A. Piping Materials.
 - 1) All above ground parts are to be copper or galvanized iron only.
 - 2) Below ground parts on the non-potable water system may be made of PVC or polyethylene at the agency's discretion.
- B. Cam Lock Fittings: Provide 3/4" long male insert attached to the flexible hose.

3. EXECUTION

- A. Separate Systems: Connect hose to only one system at a time. The other system is to remain separate. Do not direct connect potable and non-potable water systems with or without backflow prevention devices.
- B. Stop and Waste Valve: Locate the valve in an area where subsurface ground water will not accumulate, or attach a drain pipe to the drain hole and drain to daylight with a non-corrodible #14 mesh screen over the end.
- C. Testing: The RPBP device requires testing within 10 days of initial installation by a licensed backflow device tester and annually thereafter or more frequently at agency's option and expense.
- D. Backflow Preventer: Install the RPBP device above ground per the plumbing code. It must not be susceptible to flooding and must be accessible at all times for testing, repair, inspection, etc.
- E. Stand Pipes: Provide draining and freeze protection.
- F. Galvanized Pipe: Apply tape wrap to the exterior of all galvanized pipe per AWWA C209.

TYPE B- BACKFLOW PREVENTER INTERCONNECT



Direct connections to the potable system is not allowed. Swing Joints shall be provided where air gap systems are not used.

LEGEND		
No.	ITEM	DESCRIPTION
(A)	VALVE	BALL, RESILIENT SEAT, GATE OR ACCEPTABLE ALTERNATE
(B)	FLEXIBLE DISCHARGE HOSE	100 PSI WORKING PRESSURE 400 PSI BUST PRESSURE
(C)	REDUCED PRESSURE BACK-FLOW PREVENTER (RPBP) DEVICE	SHUTOFF VALVES & TEST COCKS ARE INCLUDED
(D)	ELBOWS AND TEES	SCREWED, FLANGED, (OR BRAZED ABOVE GROUND ONLY)

Abbreviations and symbols for sewer

1. GENERAL

- A. Lettering Size: 10 point at final production.
- B. Lettering Style. Capital letters preferred.
- C. Existing Improvements. Shown in light shaded dashed line.
- D. New Improvements. Shown in solid continuous line.

2. PRODUCTS (Not used)

3. EXECUTION (Not used)

SYMBOLS	DEFINITIONS
	CENTER LINE
	CONSTRUCTION CENTER LINE
	PROPERTY OR R/W LINE
	EASEMENT LINE
	MONUMENT LINE
	FENCE
	CONTOUR LINE
	CONTOUR ELEVATION
	BANK SLOPES
	STORM DRAIN LINE
	WATER LINE
	GAS LINE
	TELEPHONE CABLE
	ELECTRIC CABLE
	SANITARY SEWER LINE
	ASPHALT PAVING
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	MANHOLE
	CATCH BASIN
	CLEANOUT BOX
	POLE AND ANCHOR
	STREET LIGHT
	UNDISTURBED EARTH
	STRUCTURE

SYMBOLS	DEFINITIONS
	CURB & GUTTER
	SIDEWALK
	RAILROAD TRACKS
	GUARD RAIL
	OPEN DITCH, CANAL
	CULVERT
	SECTION CORNER
	SOIL BORING
	MONUMENT
	BENCH MARK
	SIGN
	POWER POLE
	TELEPHONE POLE
	DECIDUOUS TREE
	CONIFEROUS TREE
	P.I.
	P.C. OR P.T.
PROFILE	
	GROUND PROFILE
	CULVERT
	P.V.I.
	P.V.C. OR P.V.T.
	GROUND WATER ELEVATION

NOTE:

EXISTING FACILITIES MAY BE SHOWN IN SCREENED OR DASHED LINES

30" Frame and cover

1. GENERAL

A. The frame and cover fits the manhole in Plan 411.

2. PRODUCTS

A. Castings: Grey iron class 35 minimum, ASTM A48, coated with asphalt based paint or better (except on machined surfaces).

1) Cast the heat number on the frame and cover.

2) Give the frame and cover a machine finish so the cover will not rock.

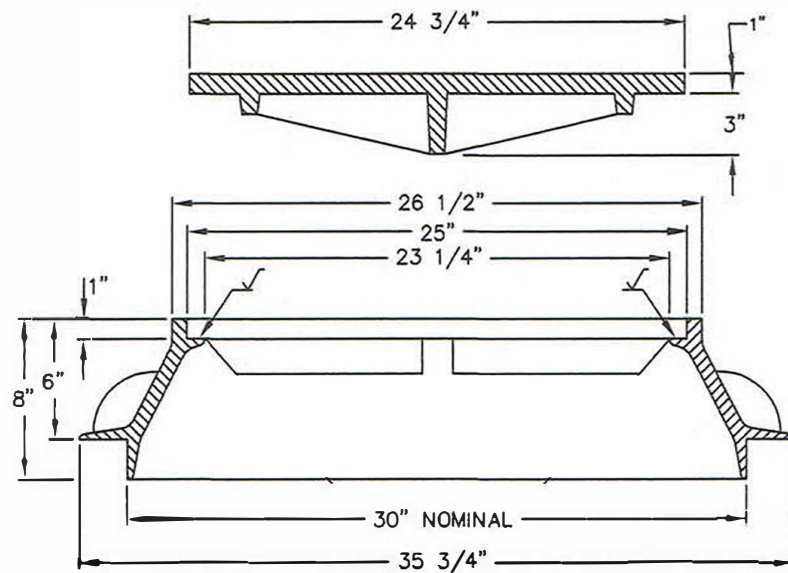
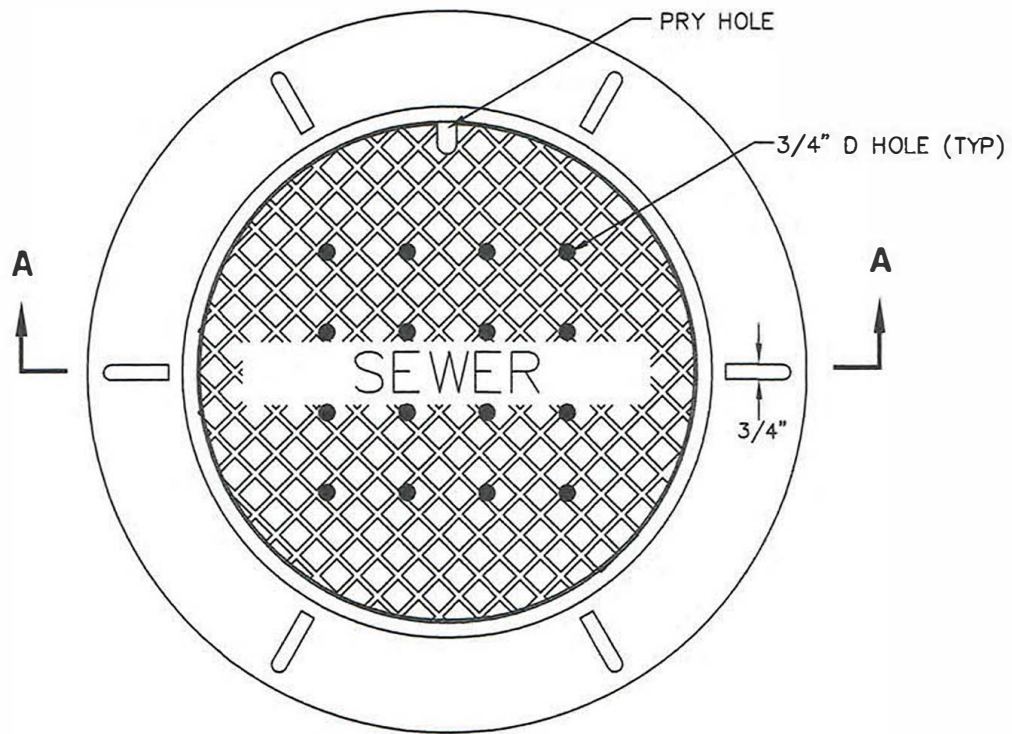
3) √ designates machined surface.

4) Cast the words "SEWER" on the cover in upper case flush with the surface finish.

Provide locking manhole covers or watertight manhole covers as identified by the City Engineer. Generally these are required in areas such as undeveloped areas, sidewalks, trails and other walking surfaces.

3. EXECUTION

A. ~~Except in paved streets, provide locking manhole covers in~~ easements, alleys, parking lots, and all other places. Drill and tap two holes to a depth of 1-inch at 90 degrees to pry hole and install 3/4 x 3/4-inch allen socket set screws.



SECTION A-A

Sanitary sewer manhole

1. GENERAL

- A. The drawing shows typical pipe connections. Refer to construction drawings for connection locations or refer to field location of existing piping when engineering pipe connection to the manhole.
- B. Manhole size.
 - 1) Diameter is 4 feet: For sewers under 12" diameter.
 - 2) Diameter is 5 feet: For sewers 12" and larger, or when 3 or more pipes intersect the manhole or manholes that receive force main discharges.

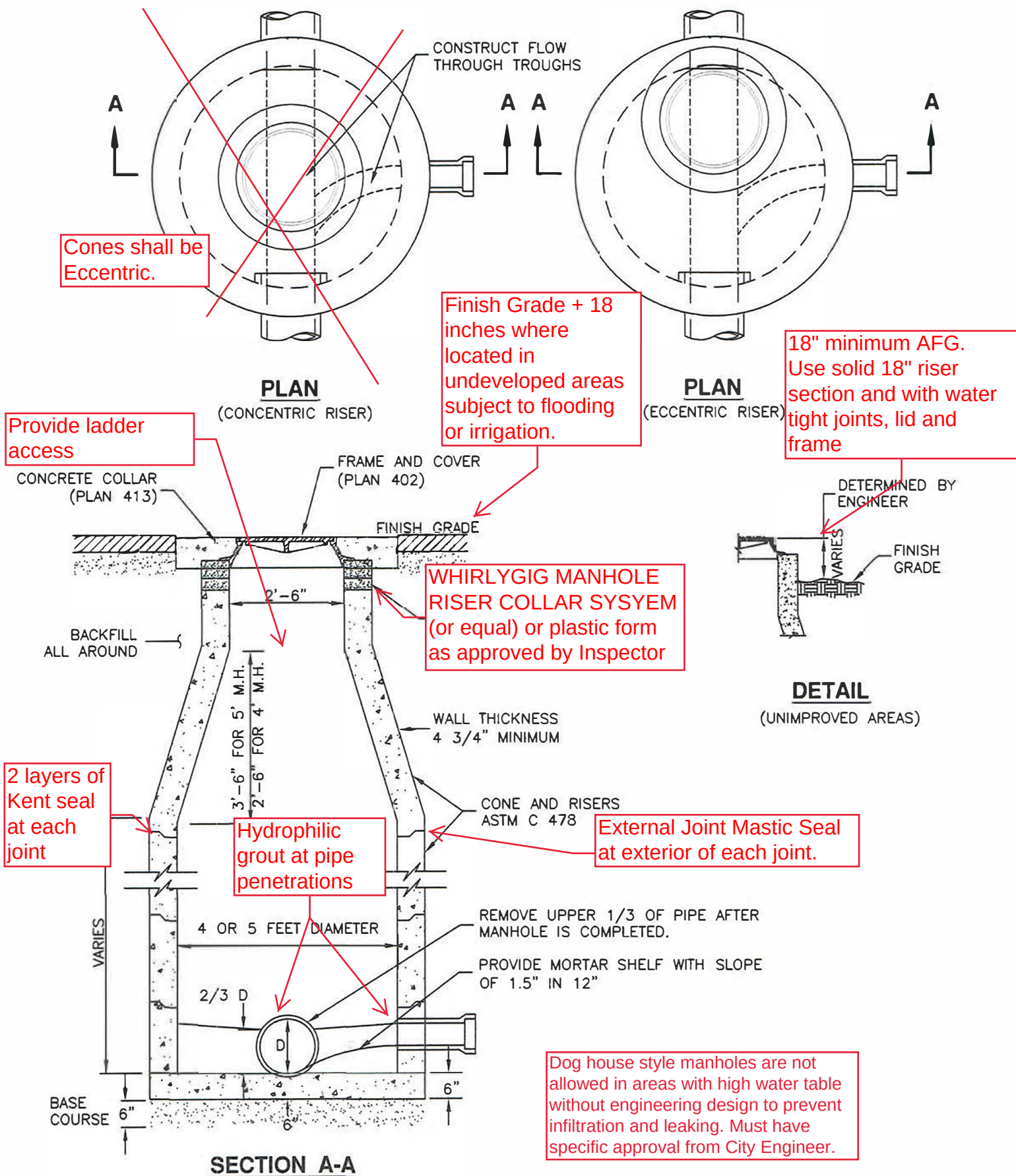
2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW** Maximum particle size **3-inches**.
- C. Concrete: Class 4000, APWA Section 03 30 04.
- D. Riser and Reducing Riser: ASTM C478.
- E. Reinforcement: Deformed, 60 ksi yield grade steel, ASTM A615.
- F. Grout: 2 parts sand to 1 part cement mortar, ASTM C1329 **with hydrophilic additive (water stop)**.
- G. Stabilization-Separation Geotextile: Moderate or high at CONTRACTOR's choice, APWA Section 31 05 19.
- J. **Exterior joint seal: Manhole Exterior Joint Mastic Seal. See Approved Materials List Sewer**

Manholes receiving discharge from forced main sewers shall be constructed with anchored HDPE liner. See Approved Materials List Sewer Collections

3. EXECUTION

- A. Foundation Stabilization: Get ENGINEER's permission to use a sewer rock or a granular backfill borrow in a geotextile wrap to stabilize an unstable foundation.
- B. Base Course Placement: APWA Section 32 11 23. Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.
- C. Invert Cover. During construction, place invert covers over the top of pipe in manholes that currently convey sewerage. See Plan 412.
- D. Pipe Connections: Grout around all pipe openings **with hydrophilic additive (water stop)**.
- E. Pipe Seal. 2-layers of KENT Seal Install rubber-based pipe seals on all plastic pipes when connecting plastic pipes to manholes. Hold water-stop in place with stainless steel bands.
- F. Joints: Place flexible gasket-type sealant in all riser joints. Finish with grout.
- G. Adjustment: If the required manhole adjustment is more than 1'-6", remove the cone and grade rings and adjust the manhole elevation with the appropriate manhole section, the cone section, and ~~the grade rings or~~ plastic form to make frame and lid match finish grade.
- H. Finish: Provide smooth and neat finishes on interior of cones, shafts, and rings. Imperfect moldings or honeycombs will not be accepted.
- I. Backfill: Provide backfill against the manhole shaft. Pea gravel and recycled RAP aggregate is NOT ALLOWED. Water jetting is NOT allowed. Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a standard proctor density, APWA Section 31 23 26.
- J. **Manholes located in undeveloped or landscaped areas subject to flooding or irrigation must be installed at least 18-inches higher than finished ground elevation. The manhole shall be provided with a water tight solid locking or bolted manhole cover.**



Cover collar for sanitary sewer manhole

1. GENERAL

A. In a pavement surface, the concrete will support the frame under traffic loadings.

2. PRODUCTS

A. Concrete: Class 4000, APWA Section 03 30 04.

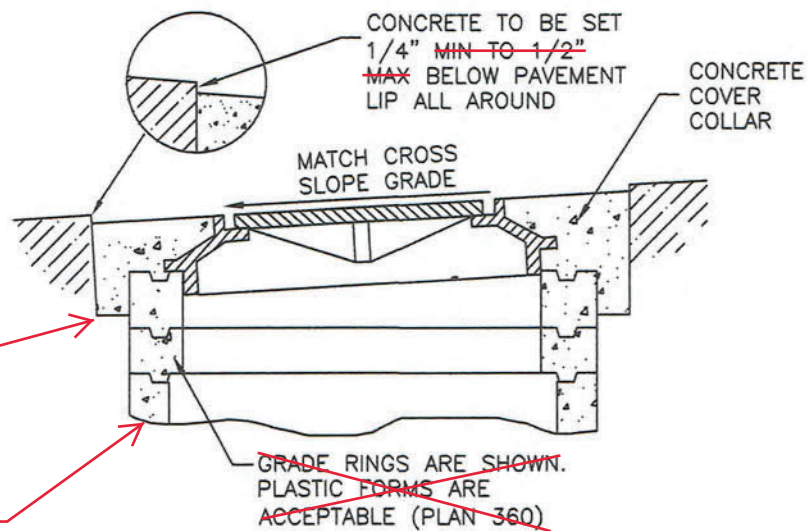
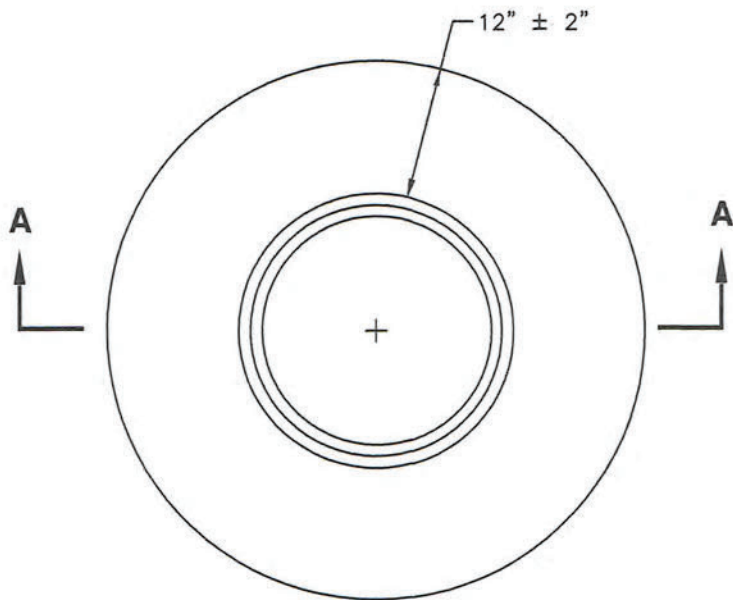
B. Concrete Curing Agent: Type ID Class A (clear with fugitive dye), membrane forming compound, APWA Section 03 39 00.

C. Use High Early Strength Fiber Mix to UDOT Standard- LeGrand Johnson (UDOT 70-B Mix) or Parson's (AA-AE-HP) with mesh additive or equivalent.

3. EXECUTION

A. Pavement Preparation: Provide a neat vertical and concentric joint between the concrete collar and the bituminous pavement surface. Clean edges of all dirt, oil, and loose debris. Use WHIRLYGIG MANHOLE RISER COLLAR SYSTEM form and placement (or equal)

B. Concrete Placement: Fill the annular space around the frame and cover casting with concrete. Apply a broom finish. Apply a curing agent.



Min. 10" thick (typ)

WHIRLYGIG
MANHOLE RISER
COLLAR SYSTEM
(or equal)

SECTION A-A

Sewer lateral connection

1. GENERAL

- A. Before installation, secure acceptance by ENGINEER for all pipe, fittings, and couplings to be used.
- B. Before backfilling, secure inspection of installation by ENGINEER. Give at least 24 hours notice.
- C. Verify if CONTRACTOR or agency is to install the wye.

2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course ~~without ENGINEER's permission.~~
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW- 3-inch minus.**
- C. Provide agency approved wye or tee with appropriate donut.
- D. Stainless steel straps required.

3. EXECUTION

- A. Tape wrap pipe as required by soil conditions.
- B. Remove core plug from sewer main. Do not break into sewer main to make connection.
- C. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a standard proctor density, APWA Section 31 23 26.

Sewers and sewer laterals located within drinking water source protection zones shall comply with Utah R309-600

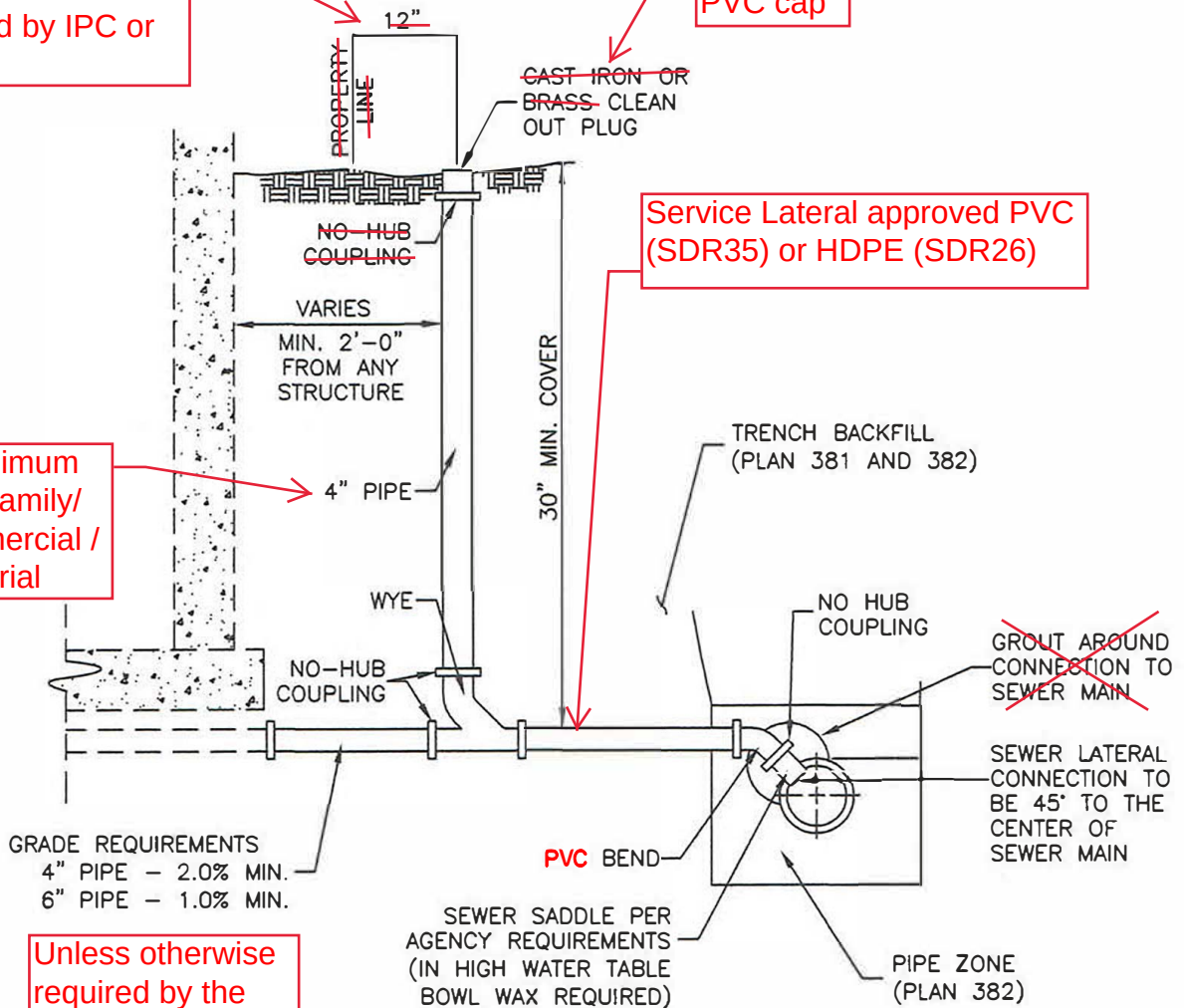
Locate within 2.5' of structure and as required by IPC or IRC

Threaded PVC cap

~~CAST IRON OR BRASS CLEAN OUT PLUG~~

Service Lateral approved PVC (SDR35) or HDPE (SDR26)

6" minimum Multi-family/ Commercial / Industrial



Unless otherwise required by the building code.

Wyes required for new sewer line construction. Saddles allowed for connecting to existing sewer lines.

Sewers and sewer laterals located within drinking water source protection zones shall comply with Utah R309-600

Sewer lateral relocation

1. GENERAL

- A. Before installation, secure acceptance by ENGINEER for all pipe, fittings, and couplings to be used.
- B. Before backfilling, secure inspection of installation by ENGINEER. Give at least 24 hours notice.
- C. Verify if CONTRACTOR or agency is to install the wye or donut.

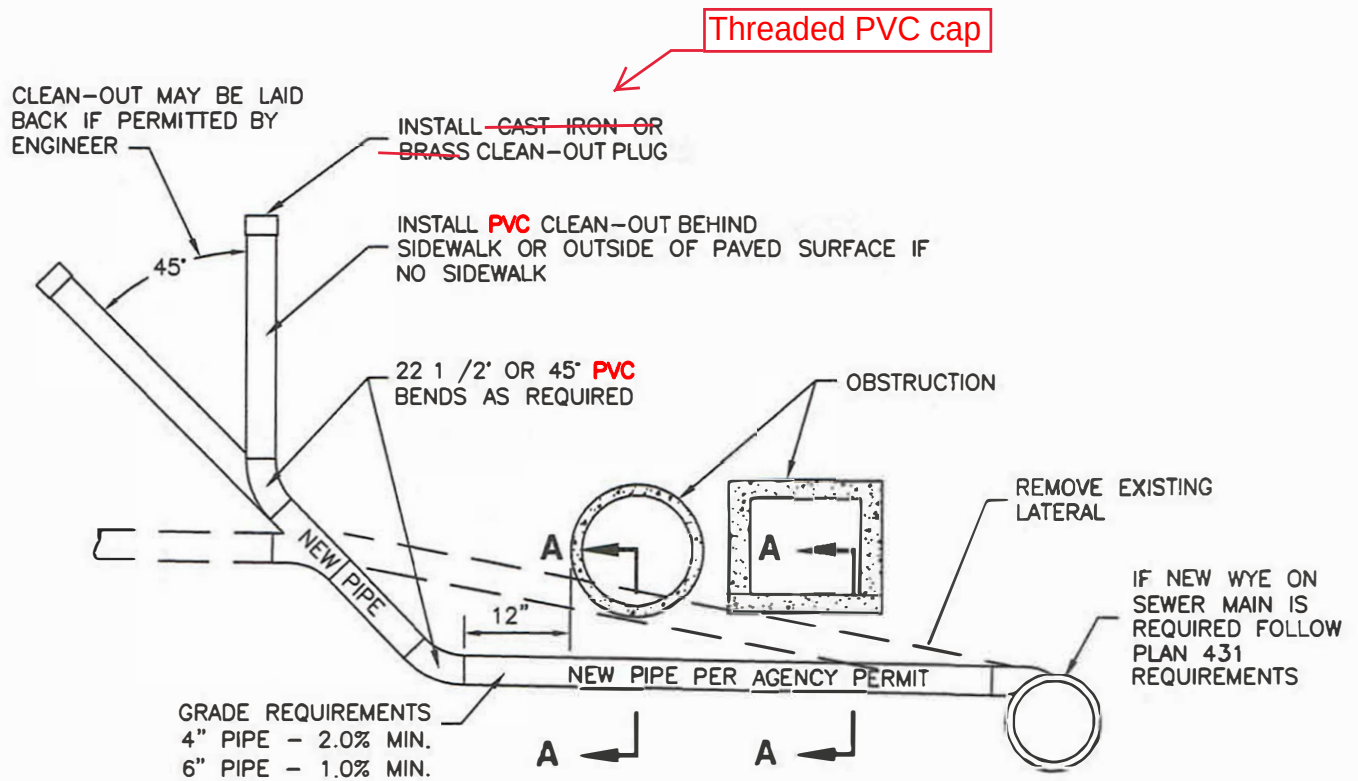
2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course ~~without ENGINEER's permission.~~
- B. Backfill: Common fill, APWA Section 31 05 13. **BORROW-** Maximum particle size **3**-inches.
- C. Provide agency approved wye or tee with appropriate donut.

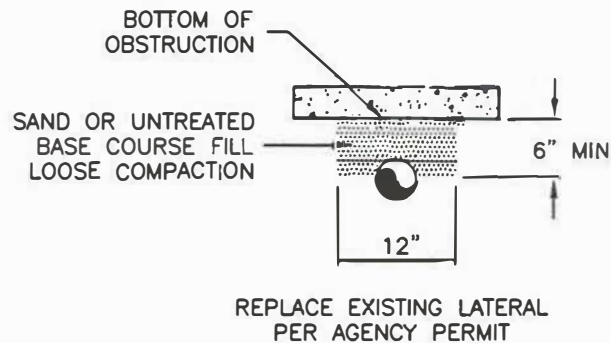
3. EXECUTION

- A. ~~Tape wrap metal pipe and metal fittings.~~ Only PVC and HDPE allowed.
- B. Do not install couplings under the obstruction.
- C. Under the obstruction, loosely compact granular material or sand. Flowable fill not allowed.
- D. Base Course and Backfill Placement: Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a standard proctor density, APWA Section 31 23 26.

Sewers and sewer laterals located within drinking water source protection zones shall comply with Utah R309-600



SECTION



SECTION A-A

Sewers and sewer laterals located within drinking water source protection zones shall comply with Utah R309-600

1. GENERAL

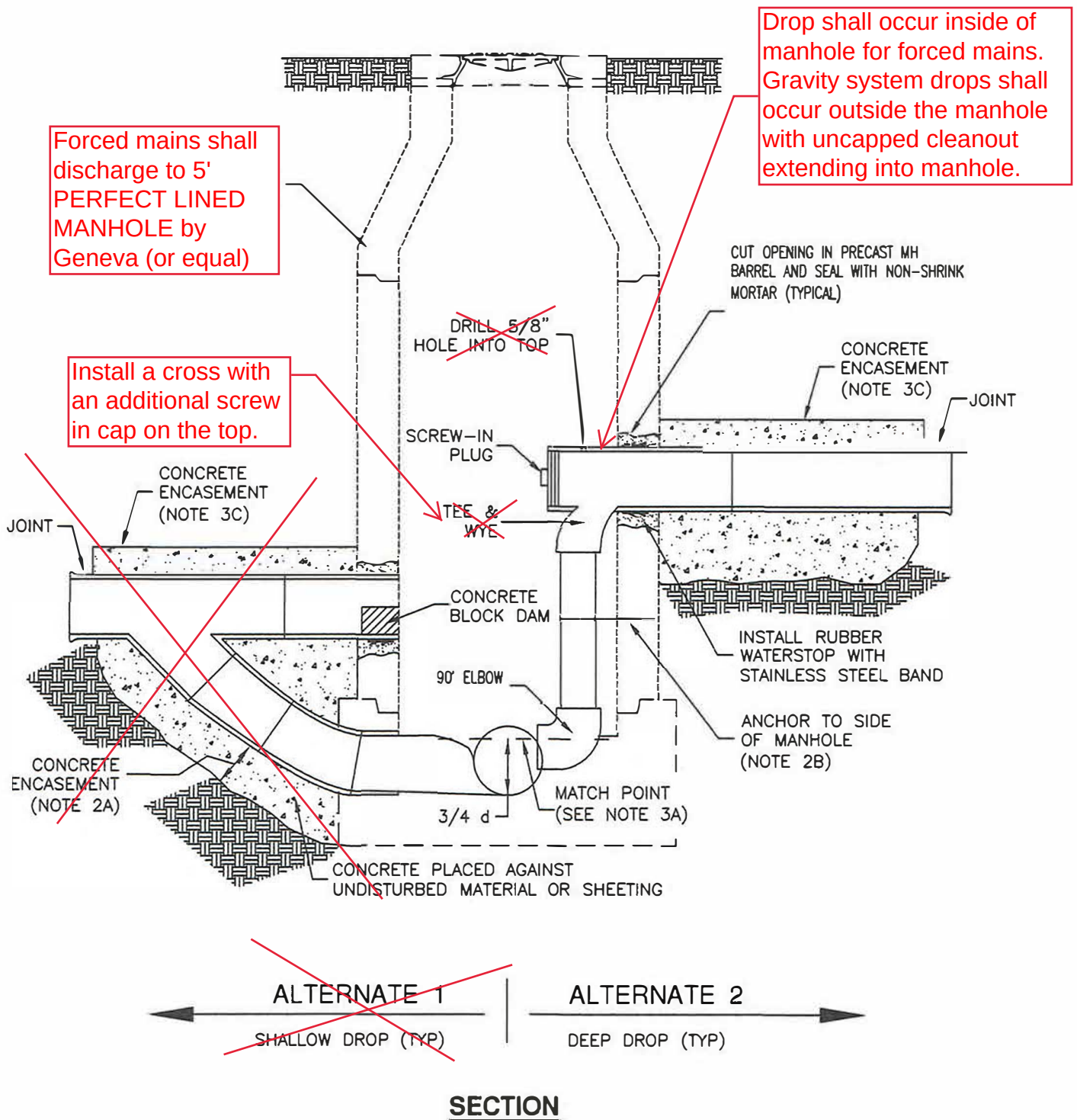
- A. Only one drop pipe is allowed inside the manhole.
- B. Size of drop pipe is to be the same diameter as sewer mainline pipe that it serves.

2. PRODUCTS

- A. Concrete: Class 4000, APWA Section 03 30 04.
- B. Anchors: Use stainless steel anchors that are acceptable to ENGINEER.

3. EXECUTION

- A. At the match point, match the 3/4 diameter points of the pipes.
- B. If the drop is more than 18-inches, anchor the riser to the wall every 12-inches.
- C. Extend concrete encasement to first joint beyond excavation for drop connection.



Grease trap

1. GENERAL

- A. Before backfilling around concrete box, secure inspection of installation by ENGINEER.

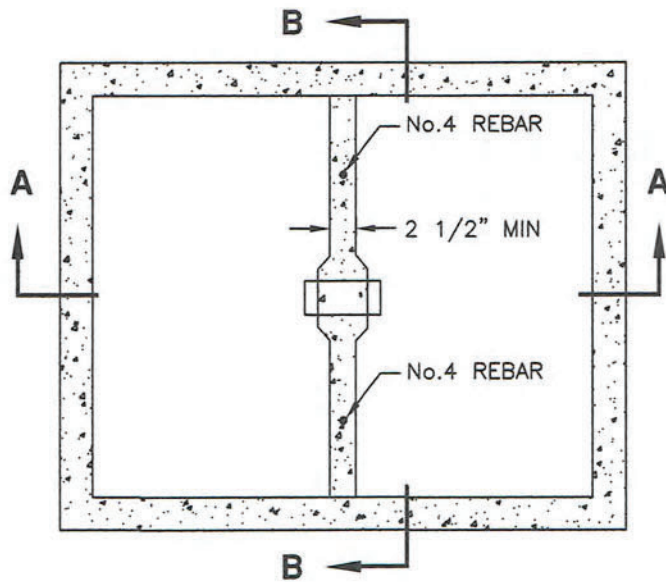
2. PRODUCTS

- A. Base Course: Untreated base course, APWA Section 32 11 23. Do not use gravel as a base course without ENGINEER's permission.
- B. Backfill: Common fill, APWA Section 31 05 13. Maximum particle size 2-inches.
- C. Concrete: Class 4000, APWA Section 03 30 04.
- D. Reinforcement: Deformed, 60 ksi yield grade steel, ASTM A615.
- E. PVC Pipe: APWA Section 33 05 07.

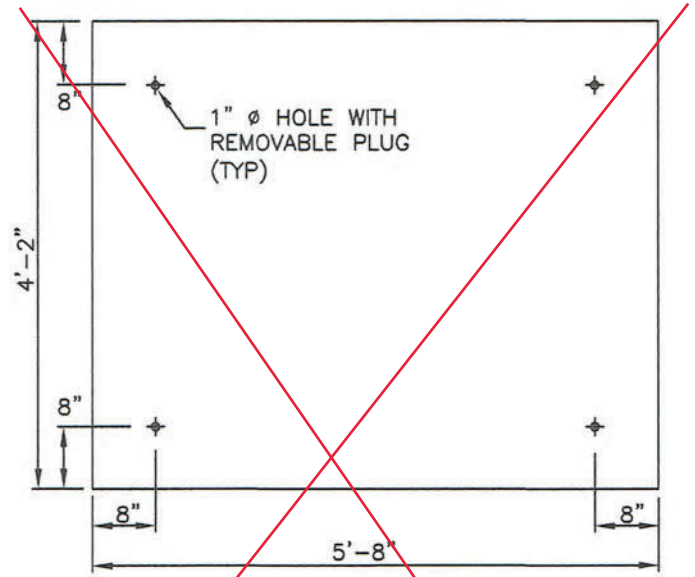
3. EXECUTION

- A. Base Course Placement: APWA Section 32 11 23. Maximum lift thickness is 6-inches before compaction. Compaction is 95 percent or greater relative to a modified proctor density, APWA Section 31 23 26.
- B. Reinforcement Placement: APWA Section 03 20 00.
- C. Concrete Placement: APWA Section 03 30 10. Provide 1/2-inch radius edges. Apply a broom finish. Apply a curing agent.
- D. Fill annular space around pipe wall penetrations with waterproof sealer.
- E. Backfill: Provide backfill against the box walls. Pea gravel and recycled RAP aggregate is NOT ALLOWED. Water jetting is NOT allowed. Maximum lift thickness is 8-inches before compaction. Compaction is 95 percent or greater relative to a standard proctor density, APWA Section 31 23 26.

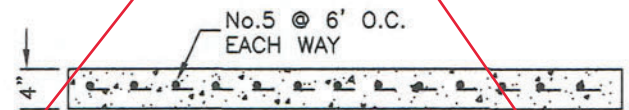
Grease traps and sand interceptors shall meet Logan City Pretreatment requirements. Contact 435-716-9797



BOX PLAN

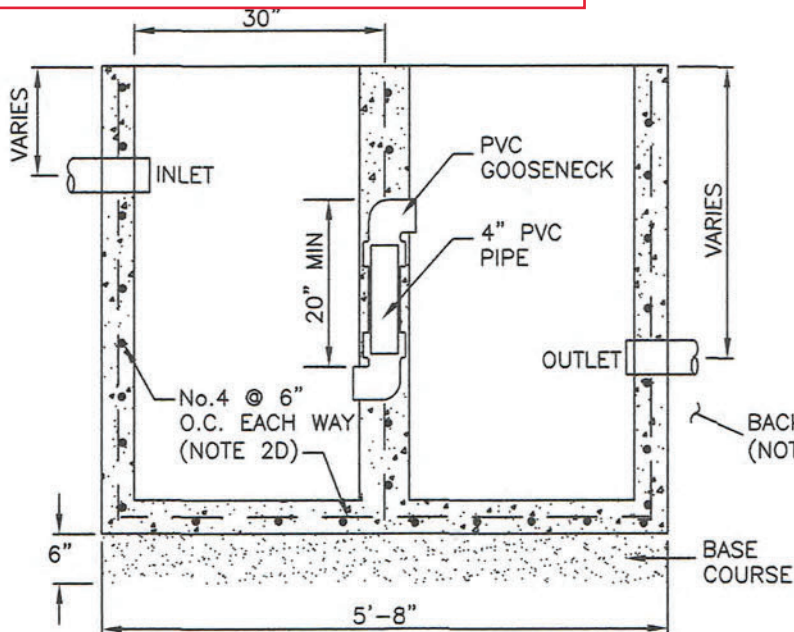


LID PLAN

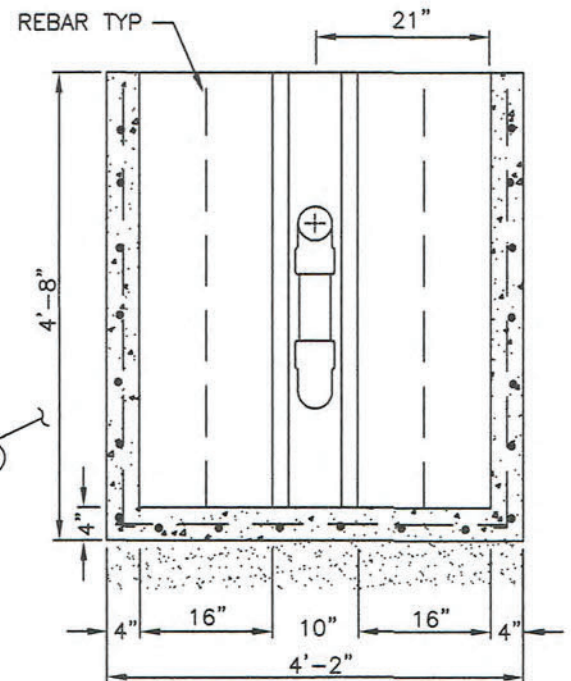


LID SECTION

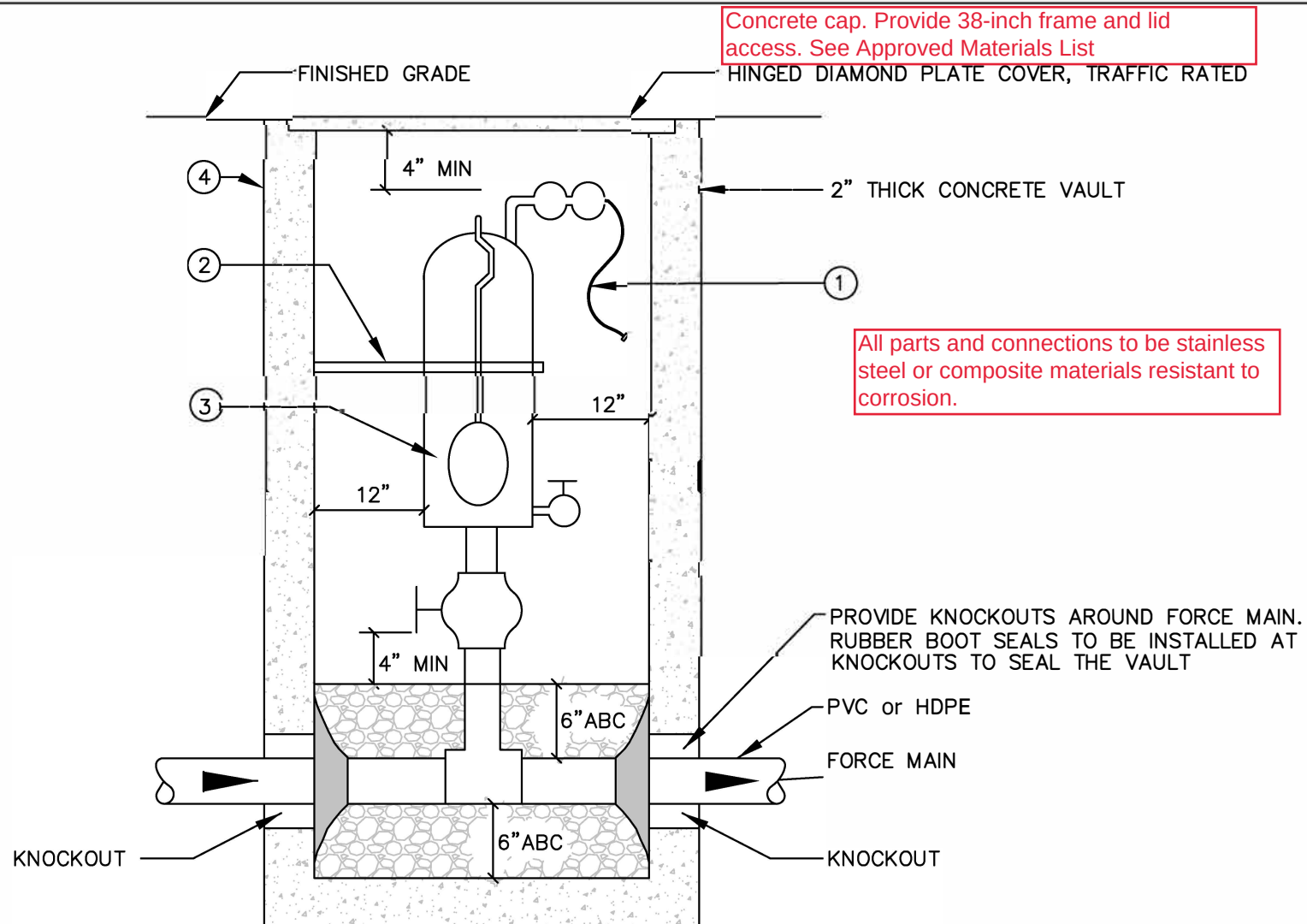
The dimensions shown are minimum dimensions only. Larger grease traps or interceptors are required according to the application as determined by the Logan City Pretreatment Manager 435-716-9797.



SECTION A-A



SECTION B-B



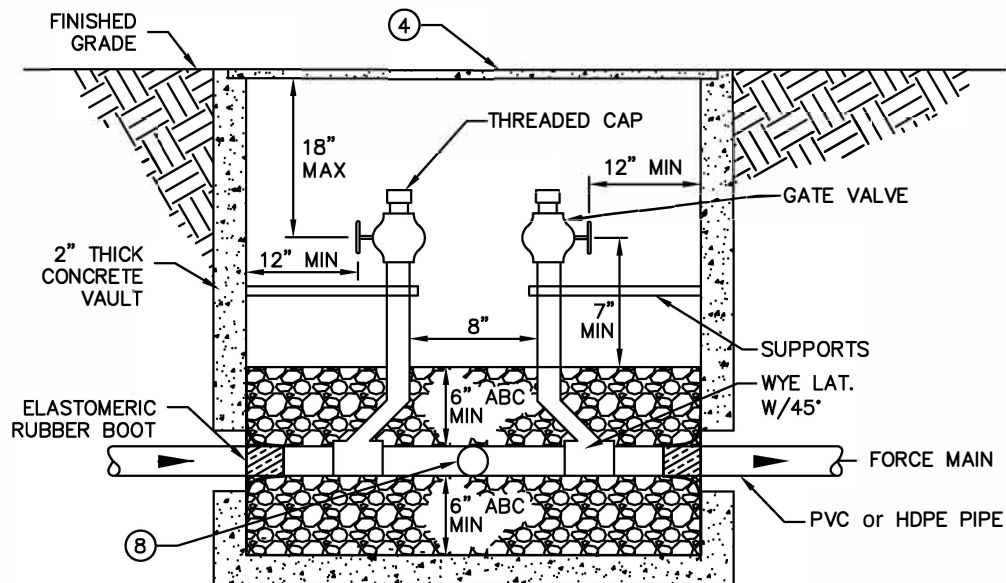
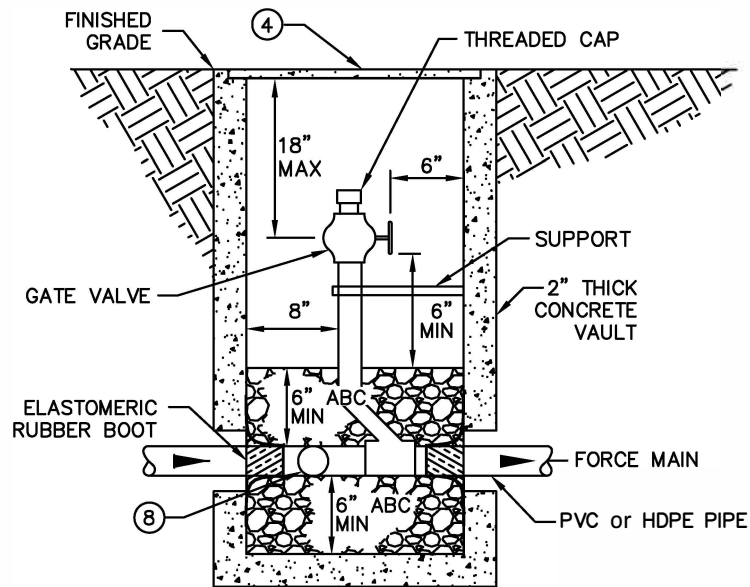
NOTES:

1. BLACK FLUSHING HOSE WITH QUICK COUPLER ATTACHED AT FREE END, 2 FEET IN LENGTH.
2. SUPPORT FOR AIR RELEASE VALVE.
3. SEWAGE AIR RELEASE VALVE.
4. ROTATE VAULT AS REQUIRED TO KEEP BEHIND BACK OF CURB.

DETAIL NO.

FORCE MAIN AIR RELEASE VALVE

DETAIL NO.



NOTES:

1. ONE-WAY CLEANOUTS SHALL BE INSTALLED ON MAXIMUM 400- FOOT CENTERS ALONG FORCE MAIN. ROTATE VAULT AS REQUIRED TO KEEP BEHIND BACK OF CURB.
2. TWO-WAY CLEANOUTS SHALL BE INSTALLED ON A MAXIMUM 800-FOOT CENTERS ALONG FORCE MAIN. ROTATE VAULT AS REQUIRED TO KEEP BEHIND BACK OF CURB.
3. AN AIR RELEASE VALVE SHALL BE INSTALLED ADJACENT TO ANY FORCE MAIN CLEANOUT.
4. DIAMOND PLATE COVER, TRAFFIC-RATED.
5. RISER PIPES TO BE SAME DIAMETER AS FORCE MAIN (PLUG END WITH THREADED CAP).
6. PROVIDE KNOCKOUTS AROUND FORCE MAIN. RUBBER BOOT SEALS TO BE INSTALLED AT KNOCKOUTS TO SEAL THE VAULT.
7. PROVIDE 12" ABC MATERIAL AROUND FORCE MAIN.
8. PROVIDE GATE VALVE FOR FORCE MAINS WITH DIAMETERS OF 2" OR LESS.
9. A MINIMUM 12" OF CLEARANCE SHALL BE MAINTAINED BETWEEN THE VAULT WALLS AND THE CLEANOUT EQUIPMENT.
10. FORCE MAINS SHALL BE A MINIMUM OF 5' DEEP

DETAIL NO.

FORCE MAIN CLEANOUTS

DETAIL NO.



COLD WEATHER PAVING STANDARD

Asphalt paving shall conform to the Nibley City Engineering Standards. The City's Engineering Standards defers to the current APWA Manual of Standard Specifications in regard to the requirements for temperature when paving.

Section 32 12 16.13.1.6 titled Weather, states:

1. April 15 to October 15: Place pavement when air temperature in the shade and the roadway surface temperature are above 50 degrees Fahrenheit. The Engineer determines may provide written approval if is acceptable to place outside of this temperature limit.
2. Before April 15 and after October 15: Provide a Cold Weather Paving Plan. Engineer must accept the plan before proceeding. Include the following details:
 - a. Haul Details
 - b. Placement Details
 - c. Compaction aids used in production
 - d. Coordination procedure for acceptance testing
3. Moisture: Do not place on frozen base, during adverse climatic conditions such as precipitation, or when roadway surface is wet or icy."

While the City Engineer will evaluate all proposals rendered, the following is offered as an approvable Cold Weather Paving Criteria:

1. City Requirements
 - a. All standard subgrade/subbase compaction and proof rolling is completed per City specifications.
 - b. Cold weather paving shall not start without a City Inspector on site confirming that all conditions of the City Engineer approved Cold Weather Paving Plan has been and is being followed (especially in regards to the ambient temperature) and provides in writing (email acceptable) to the Contractor an approval to commence.
 - c. Ambient temperatures shall be determined based on real time data from the USU Environmental Observatory Website at <https://caas.usu.edu/weather/>. The City Inspector may elect to use an alternate temperature measurement method if the temperature at the USU site does not appear to accurately reflect current conditions at the jobsite.
2. Haul Details
 - a. The Asphalt Plant shall be located no farther than 8 miles from the Jobsite.
 - b. Minimum Asphalt Temperature @ jobsite – 280 degrees F @ 3" of Asphalt; 265 degrees F @ 4" and above. *Pavement less than 3" is not approved for cold weather paving.*
 - c. Maximum Asphalt Temperature @ jobsite – 425 degrees F
 - d. Trucks not meeting temperature requirements shall be rejected
3. Placement Details
 - a. Placement shall not commence until the ambient temperature is 40 degrees F and rising and ground temperature is 40 degrees.
 - b. Placement shall conclude once the ambient temperature falls below 40 degrees F.
 - c. Asphalt shall be placed in continuous succession with truck delays being no greater than 5 minutes. A maximum of 2 delays over 5 minutes but less than 10 minutes shall be allowed. Any single delay over 10 minutes or a 3rd delay over 5 minutes shall require paving to be concluded for the day.
4. Compaction aids used in production
 - a. A certified materials testing company representative paid for by the contractor shall be present

- onsite at all times during asphalt paving operations.
- b. A rolling pattern shall be established with the first few trucks of asphalt to achieve the highest densities possible.
 - c. The Contractor shall provide a minimum of two or more (as determined by the City Engineer) asphalt compaction rollers and operators that shall be manned and operated at all times during asphalt paving operations. Failure to provide this shall be reason to not allow asphalt to be paved or to conclude paving operations.
5. Coordination procedure for acceptance testing
- a. Collect at least one (1) random sample per each sub lot (500 tons). Field samples will be compacted in the laboratory and tested in accordance with APWA 2012 section 32 12 05. Random samples will be collected at the following locations:
 - Behind paver before compaction
 - Where subplot exhibits non-uniform appearance
 - b. Four compaction tests shall be taken per 1000 sq yds of asphalt placed.
 - c. Compaction tests shall be calibrated with laboratory results of random samples collected in accordance with item 5a above.
 - d. Any filed density test that is less than 92% relative density shall result in the conclusion of asphalt paving for the day. Additionally, all asphalt placed after the location of the low test shall be sawcut to back to the nearest passing test location, removed, and replaced prior to starting additional asphalt paving.
 - e. Projects that are shut down twice for asphalt truck delays and / or insufficient compaction results shall not be allowed to restart until normal weather conditions are present (generally in the spring).
 - f. In place density shall be calibrated through laboratory results of random and core samples in accordance with 5a above and 2017 APWA 32 12 16.13.
 - g. Deficiencies identified through results of compaction testing after calibration to laboratory testing, laboratory testing, and/ or core samples shall be resolved by pay adjustment factors paid to Nibley City in accordance with Table 1 and Table 2 of 2017 APWA 32 12 16.13 as applicable. Applicable pay factor shall be applied to the cost of materials, equipment, and labor to install deficient/reject asphalt. The City reserves the right to reject asphalt in accordance with APWA 32 12 16.13.
 - h. All observation, sampling, testing, laboratory testing, etc. shall be performed at the expense of the contractor/owner by a third party that is pre-approved by Nibley City.

By signing below, the Asphalt Contractor, Project Owner, and Nibley City agree to the conditions stated above as the Cold Weather Paving Plan.

Asphalt Contractor

Owner/Authorized Agent

Date

Project Owner

Owner/Authorized Agent

Date

Nibley City Engineer

Date

Agenda Item #9

Description	Discussion and Consideration: Ordinance 23-12 — Amending NCC 21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in Relation to Required Subdivision Improvements and Completion Assurance, and Form and Method of Guarantee of Improvements (First Reading)
Presenter	Tom Dickinson, City Engineer
Planning Commission Recommendation	Move to approve Ordinance 23-12 — Amending NCC 21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in Relation to Required Subdivision Improvements and Completion Assurance, and Form and Method of Guarantee of Improvements with a recommendation to City Council to explore the ability to secure the letter of credit by a senior lien position on the property
Reviewed By	Mayor, City Manager, City Planner, City Engineer, Planning Commission

Background

Building Permit Issuance and Occupancy (21.14.040)

During the legislative session of 2022, Utah passed Utah Code; Utah Municipal Code Section 10-9a-802. Enforcement (Effective 5/12/2022) regulating a municipality's ability to withhold issuance of building permits and certificate of occupancy under certain conditions. The basis of the Code prohibits a municipality from denying issuance of building permits or certificate of occupancy for reason of incomplete construction of infrastructure improvements if the infrastructure is not essential to meet requirements for fire and building codes if the applicant has posted provided financial assurance for completion of non-essential infrastructure and/or landscaping improvements.

Nibley City Code Section 21.14.040- Building Permit Issuance- conflicts with State Code Section 10-9a-802 requiring an update to reflect Utah Code requirements. City Code 21.14.040 is amended to meet Utah Code 10-9a-802 allowing issuance of building permits and occupancy to structures prior to final completion of infrastructure improvements if all building and fire code requirements are met and completion and warranty surety are provided to the City.

Completion Assurance – Surety (21.14.060)

City staff reviewed City Code regarding the types of surety/guarantee allowed and the minimum period of time that surety must be valid. Surety to the City is to guarantee that improvements are correctly paid for, installed, constructed, and maintained in accordance with Nibley City Design Standards and that the improvements will not fail in any material respect due to workmanship or material through a 1-year warranty period.

City Code Section 21.14.060 is amended to allow 2 methods to determine the amount of surety that is required. One method allows providing surety in the amount of the estimated construction cost for the project with separate and additional surety to guarantee the 1-year warranty period. The other method allows surety in the amount of the estimated cost for construction but restricts reductions for draw down completion to no more than 90% of the estimated cost. The remaining 10% is retained for the 1-year warranty period.

Guarantee of Improvements (21.14.070)

City Code Section 21.14.070 allows 3 forms of guarantee for improvements. The City Code Section is amended to clarify term/duration requirements for each form of surety. The Code update requires a 3-year term for Irrevocable Letters of Credit and terms that do not expire for surety in the form of a Bond or Escrow. This ensures reasonable timeframes for construction and warranty and lessens the amount of staff time needed to track and request extension of guarantee.

ORDINANCE 23-12

AMENDING NCC 21.14040, NCC 21.14.060, AND NCC 21.14.070 REGARDING BUILDING PERMIT ISSUANCE IN RELATION TO REQUIRED SUBDIVISION IMPROVEMENTS AND COMPLETION ASSURANCE, AND FORM AND METHOD OF GUARANTEE OF IMPROVEMENTS

WHEREAS, Nibley City is authorized by Utah Code sections 10-3-702 and 10-3-711(2) and Nibley City Code 21.02.040 (H) to establish the Nibley City Engineering Design Standards and Details providing building, safety, and design standards and regulations.

NOW, THEREFORE, be it ordained by the City Council of Nibley City, Utah, as follows:

1. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City to amend Nibley City Code 21.14.040- Building Permit Issuance to align with State Code requirements.
2. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City to amend Nibley City Code 21.14.060- Guarantee Of Improvements.
3. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City amend Nibley City Code 21.14.070- Form And Method of Guarantee Of Improvements as presented.
4. All ordinances, resolutions, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall be in full force and effect immediately upon its approval and adoption.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

21.14.040 Building Permit Issuance

- A. No building permit for construction of any building on any lot within a subdivision shall be issued until after:

1. If no Improvement Completion Assurance is in place, all improvements required by this chapter are completed and accepted by the City; or

2. If an Improvement Completion Assurance is in place that covers all outstanding and incomplete improvements required by this chapter, all such improvements that are essential to meet the requirements for the issuance of a building permit under building code and fire code are completed and accepted by the City.

Deleted: All improvements required by Parts 1 and 2 are completed or the subdivider has executed a Subdivision Development Agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any building permit; and...

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21.14.060 Guarantee Of Improvements

A. Prior to the recording of the Final Plat, whereafter lots may be sold, and before the issuance of any building permit within the subdivision, subject to section 21.14.040, the subdivider shall guarantee, by an Improvement Completion Assurance, the installation and construction of the required improvements. Prior to the City's acceptance of the improvements and the final release of the Improvement Completion Assurance, the subdivider shall guarantee, by a Warranty Bond, that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for the Guaranty Period. The provisions of both such guarantees, regardless of form, shall be as approved by the Public Works Director as to the amount of the bond and as approved by the City Attorney as to the form of the guarantee and shall provide for the following:

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B. The Improvement Completion Assurance and Warranty Bond may be provided for in one of the following ways:

1. An Improvement Completion Assurance shall be provided in an amount equal to one hundred percent (100%) of the cost of all improvements, all of which may be released in connection with the completion of improvements as set forth in this chapter, and a separate Warranty Bond shall be provided contemporaneously with the Improvement Completion Assurance in an amount equal to ten percent (10%) of the cost of all improvements; or

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2. An Improvement Completion Assurance shall be provided in an amount equal to one hundred percent (100%) of the costs of all improvements, ninety percent (90%) of which may be released in connection with the completion of improvements as set forth in this chapter, and ten percent (10%) shall be retained as the Warranty Bond and shall not be released until after the Guarantee Period as set forth in this chapter.

C. The cost of all improvements for the Improvement Completion Assurance and Warranty Bond shall be determined by the estimation by the subdivider, subject to verification by the City Engineer. The estimated improvements costs shall include only those costs for which the subdivider is responsible including the installation, improvement, and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances, needs, and development plans of each subdivision. The estimated cost upon which the Improvements Security is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part of the subdivision, or any improvements for which the subdivider has no responsibility, such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.

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D. The subdivider shall have the right to partial release(s) against the Improvement Completion Assurance providing however no amount or assurance retained, kept, or provided as part of the Warranty Bond shall be released except pursuant to the provisions of this chapter related to release of the Warranty Bond. Any partial release(s) of the

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Improvement Completion Assurance shall be permitted only after the issuance of an “Improvements Completion and Acceptance Report” by the City Engineer and the Warranty Bond has been provided. The subdivider must show evidence of payment of all costs for the improvements and show that the lots and the improvements thereto are free from any liens before any release (partial or full) of funds from the Improvement Completion Assurance. The City Engineer may release a portion of this remaining part of the Improvement Completion Assurance (excluding any amount or assurance retained, kept, or provided as part of the Warranty Bond) if, in his opinion, there remains encumbered a sufficient amount of the Improvement Completion Assurance to ensure the completion of the required subdivision improvements.

Deleted: that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the municipality until after the issuance of an

Deleted: meaning the 10% above the estimated costs of all the improvements) if, in his opinion, there remains encumbered a

E. The Warranty Bond provided to the City is to guarantee that improvements are correctly paid for, installed, constructed, and maintained in accordance with the standards required in this title and Nibley City Design Standards and Specifications, and that the improvements will not fail in any material respect due to workmanship or materials through the Guarantee Period and to secure the City as to the costs of any required corrections of defects of such improvements.

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F. During said Guarantee Period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required in this title and Nibley City Design Standards and Specifications, or if all or any part of the required improvements fail in any material respect due to workmanship or materials, the City shall notify the subdivider in writing of the defects or any other problems and shall make demand on the subdivider that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the municipality may correct the defects and charge to the subdivider the costs of correcting the defects as provided above, including administrative costs. There shall be no draw(s) made by the subdivider against the Warranty Bond. The cost of correcting any deficiencies must be borne by the subdivider without access to the Warranty Bond.

G. After eleven (11) months of the Guarantee Period have expired, the subdivider shall call for Final Inspection by the City Engineer. If the required improvements remain substantially free from defects, or other problems, and free from liens, the municipality shall certify such fact to the subdivider and the municipality shall discharge the subdivider of its obligation to the municipality within thirty (30) days from the time of Final Inspection by releasing the Warranty Bond. Any items that need correcting following the Final Inspection must be corrected within thirty (30) days to have the Warranty Bond released. Any items not completed at the end of these last thirty (30) days, or in other words one year from the date of initial acceptance of the improvements, shall require an additional, or extension of the Warranty Bond be established to ensure the completion of any corrections, and/or the City may obtain draw(s) against the Warranty Bond for such purpose.

21.14.070 Form And Method Of Guarantee Of Improvements

A. The form and method of the guarantee of improvements, for both the Improvement Completion Assurance and the Warranty Bond shall be as approved by the City Engineer as to the amount of the bond, escrow, or letter of credit and as approved by the City Attorney as to the form of said guarantee documents. All guarantee methods shall provide surety in accordance with this Title and may consist in the form of one or more of the following:

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1. Bond. The subdivider may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this ordinance. The bond agreement must include a provision that the bond may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of this chapter.

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2. Escrow. The subdivider may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this ordinance. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of this chapter.

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3. Irrevocable Letter of Credit. The subdivider may file with the municipality an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount as required by this ordinance. The letter of credit must include provisions that the guaranteed credit amount may only be reduced by an order executed by an authorized officer of the City and that the letter shall not expire prior to the approved expiration date, subject to the requirements of this chapter.

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B. Any of the above Forms and Methods for Guarantee of Improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the subdivider, the municipality, and the entity providing the surety bond or holding the escrow, or the financial institution providing the letter of credit. The Guarantee of Improvement may include provisions that allow for partial release or reduction of the funds by an authorized officer of the City for partial completion of work as set forth in this chapter, provided that no part of the Warranty Assurance shall be released prior to the expiration of the Guarantee Period. The Guarantee of Improvements, regardless of form, shall contain the following provisions or terms:

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1. The subdivider shall not have authority to release or reduce any amount provided with the Guarantee of Improvements, nor shall the subdivider have recourse to the Guarantee of Improvements in order to construct, complete, correct, or repair any improvement.

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2. The City shall be named as the payee or beneficiary, in the event of default or non-performance and shall provide for the City's access to all or any remaining

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funds, without the subdivider's approval or consent, for both Improvement Completion Assurance and Warranty Bond purposes, in the event of default or non-performance by the subdivider. In the case of both the Improvement Completion Assurance and Warranty Bond, the provisions shall provide for use of all or any remaining funds by the City in order to complete required improvements and/or make repairs not completed in a timely manner by the subdivider.

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3. The subdivider shall agree to pay all administrative costs, legal fees, and other costs of enforcement incurred by the City in connection with enforcing the Guarantee of Improvements and completing or correcting any improvement, and that the subdivider's failure to pay such costs shall allow the City to recoup such costs from the Guarantee of Improvements.

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4. An Improvement Completion Assurance shall not expire, nor any amount provided in connection therewith reduced for reason, for a period of at least three years from issuance of the assurance, except pursuant to the release terms set forth in this chapter.

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5. A Warranty Bond shall not expire, nor any amount provided in connection therewith reduced for any reason, for the entire remaining duration of the Improvement Completion Assurance and the Guarantee Period.

6. If the subdivider elects to combine the Improvement Completion Assurance and Warranty Bond in one instrument, as permitted by this chapter, the instrument shall contain all requirements applicable to both an Improvement Completion Assurance and a Warranty Bond.

Agenda Item #10

Description	Discussion and Consideration: Ordinance 23-09 — Amending 21.12.060: Blocks, Connectivity and Trail Standards (First Reading)
Presenter	Justin Maughan, City Manager
Planning Commission Recommendation	Move to approve Ordinance 23-09 — Amending 21.12.060: Blocks, Connectivity and Trail Standards
Reviewed By	City Manager, City Planner, City Attorney, Planning Commission

Background

Council member Laursen has requested a consideration to amend the trail standards included in 21.12.060 to include ‘churches’ as a traffic generator listed to which trails should be provided. In addition to this amendment, Staff recommends a provision which requires that access be provided to and through commercial, institutional or industrial site is developed when a trail extends to the edge of the property. This will help ensure that pedestrian connectivity is provided to such traffic generators and that pedestrian connectivity be provided with new development. It is also recommended to allow for a gate to be installed for security, but the gate would need to be open during hours that the use is accessible to the public.

When this was considered by Planning Commission, it was expressed to research examples of other cities dealing with the issue of walking trails going into commercial property. Staff posed this question to the network of planners in the Utah Chapter of the American Planning Association. The following ordinance examples were offered:

Lehi, UT

Lehi’s connectivity standards in 37.040, which are extensive, include the following provision:

- 5. Nonresidential to Residential Connections. New nonresidential and multi-family residential site plans shall:*
- a. connect all existing street and pedestrian walkway stubs to proposed streets and walkways within the site plan;*
 - b. extend all existing street stubs through a proposed nonresidential or multi-family site plan to an adjacent collector or arterial street*

Saratoga Springs, UT

Saratoga Springs has adopted the following standard:

19.16.03. Site Design Standards, General. The following standards are applicable to all new non-residential, two-family, three-family, and multi-family development: 1. Pedestrian Connectivity. a. All buildings and sites shall be designed to be pedestrian friendly by the use of connecting walkways. b. Safe pedestrian connections shall be made between buildings within a development, to any streets adjacent to the property, to any pedestrian facilities that connect with the property, when feasible between developments, and from buildings to the public sidewalk to minimize the need to walk within the parking lot among cars. c. All pedestrian connections shall be shown on the related site plan or plat.

Sandy, OR

Sandy, Oregon has standards in 17.84.30 to provide for pedestrian connectivity within and through development. Specifically, the following applicable standards are adopted:

C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with 17.84.90.D.

D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

ORDINANCE 23-09

AMENDING 21.12.060: BLOCKS, CONNECTIVITY AND TRAIL STANDARDS

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, The adopted Nibley City Parks, Trails, Recreation and Open Space Master Plan recommends
Guaranteeing general pedestrian-connectivity between new developments.;

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The attached amendments to Nibley City Code 21.12.060 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

Attachement 1

2022 Goals

No.	Project	Effort	Cost	Proposed Leader	Status
1	Personnel Policy Rework	L	S	Cheryl	Completed
2	Bi Weekly Pay	M	S	Cheryl	Completed
3	Standards and Specifications	L	S	Darren	Completed
4	Subdivision/Improvement financial Assurity process	M	S	Darren	No progress, need to get with Tom and decide if we want to continue
5	1200 West roundabout	L	L	Darren	Completed
6	Clean up title work for 1200 West project	S	S	Justin M.	Need to get with County, no progress
7	1200 West Design 2900 south to 2200 south	L	L	Darren	90% Complete
8	1200 West 2022 CCCOG request	M	L	Darren	Completed - Awarded \$3M
9	Hire Water Division Manager	S	S	Steve	Completed
10	Hire Water Operator	S	S	Steve	Completed
11	Anhder Park Landscape and parking lot	L	M	Steve	Completed
12	Stonebridge hammer head turnaround	S	S	Darren	Completed
13	Curb and gutter at house next to City Hall	S	S	Darren	Completed
14	Plan for house next to City Hall	S	S	Justin M.	Completed
15	Hire a grant writer	M	S	Justin M.	Completed
16	City Hall Landscape	M	M	Steve	Completed
17	Elk horn playground replacement	M	M	Steve	Completed
18	3200 South sidewalk 800 west to 1200 west	M	M	Darren	Design nearly complete - grant won't allow construction until fall of next year
19	Apple Creek Trail	L	L	Darren	No Progress
20	Morgan Farm Trail design	M	M	Darren	No Progress
21	Recreation facility feasibility study	M	M	Chad	10% complete Chad finishing up RFP
22	Public works expansion feasibility study	M	M	Steve	90% Complete
23	Hollow Road advisory lanes	M	M	Darren	No progress, waiting on County to get on board
24	Zollinger sidewalk	S	S	Steve	Completed
25	Water capital improvement project	L	L	Darren	No Progress
26	Anhder Park south landscape	S	S	Steve	Completed
27	Public work remodel/office space	S	S	Steve	Completed
28	Carpet City Hall council room	S	S	Justin M.	No Progress
29	Fire fly Restroom	M	M	Darren	Completed
30	Replace royalty float	S	S	Steve	Completed
31	Repair heritage playground	S	S	Steve	Completed
32	Fire fly sprinkler system	M	M	Steve	No Progress
33	Garbage collection	L	S	Justin M.	90% Complete
34	Redo Water, Sewer, Parks and SW Impact Fee	L	M	Darren	Completed
35	Create a plan for ARPA Money (\$800k)	S	S	Justin M.	Have ideas, need to disucss at next budget
36	Nibley City Prosecutor/Hyrum Court changes	M	S	Justin M.	90% completed
37	County animal impound contract	S	M	Justin M.	Waiting for completion of impound facility
38	Hyrum City boundary line agreement	L	S	Justin M.	Met with Hyrum, but little progress
39	Logan City boundary line agreement	L	S	Justin M.	No progress
40	Malouf RDA	L	S	Justin M.	Working with districts to extend trigger dates
41	2600 South Hwy 165 properties/economic development possibilities	L	S	Justin M.	No progress
42	Hire Public Works Inspector	S	L	Steve	Completed

21.12.060 Blocks, Connectivity And Trail Standards

- A. Block Length is defined as the distance along any given road frontage between two intersections with three or more connecting links. Links that connect into a cul-de-sac shall not be considered the termination point of a block length.
1. Blocks shall not be longer than one thousand six hundred feet (1,600'). Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- B. Cul-de-sac: Cul-de-sacs shall not exceed one-eighth (1/8) mile in length, except in R-E zones where they shall not exceed one-fourth (1/4) mile in length. If surface water drainage runs into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end street. It shall remain and be available to the public so long as the dead-end exists.
1. The subdivider shall provide a pedestrian right-of-way (ROW) as outlined below linking the cul-de-sac to the nearest adjacent public ROW, park, or school unless expressly prohibited by conflict with previously developed subdivisions or land uses.
 2. In the event that this provision requires a pedestrian ROW that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street. If the adjacent property is instead developed as a commercial, industrial or Institutional use, the pedestrian access and ROW shall be continued, with access provided and maintained to the building(s), to a paved parking area, or to another adjacent pedestrian ROW . A gate may be installed on the private property to prevent access from the sidewalk during hours that are not open to the public, but access must remain open during hours that are open to the public.
 3. All pedestrian ROWs shall be designed for compliance with the Transportation Master Plan to maximize non-motorized transportation network efficiency.
 4. The right-of-way shall consist of a minimum 8' sidewalk. The Developer shall install fencing that complies with Nibley City fencing code on each side of the right-of-way. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.
- C. Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.
- D. Access Roads:

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1. Subdividers shall provide sufficient access to the development from an established public road or street. Subdivision of 30 lots or more shall provide two functioning access roads that comply with Nibley City street standards.
2. Access Roads outside of development: If a developer cannot provide sufficient access to a development with adjacent roads, the developer shall construct access road(s) from an improved public road. Access roads shall be a minimum of 22' asphalt and provide a sidewalk built to City Standards. Sidewalks and roads shall be built to Nibley City Design Standards and Specifications and shall be placed where the full roadway shall be built in the future. Sufficient stormwater drainage shall be provided for each access road.

E. Traffic Calming:

1. In developments that contain arterial or collector roadways, developer must provide traffic calming features, as described in Nibley City's Transportation Master Plan, at each entrance/exit of the development along the arterial or collector road. Each traffic calming feature shall be designed to meet projected traffic levels and speeds. Traffic calming features must be approved by the City Engineer.

F. Trails, Bicycles, and Pedestrian Connectivity:

1. Trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Approval Authority. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, churches and other gathering areas, parks, future and existing city trails and other significant natural features. Such trails shall be built to City specifications and ROW shall be dedicated for such trails. The trails shall be constructed with the accompanying phase and development, unless the Approval Authority determines otherwise.
2. Bicycle lanes and facilities shall be added to roads and trails according to Nibley Design Standards, Transportation Master Plan and Trails Master Plan.
3. Blocks longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private street, cul-de-sac, park, school, or City trail unless expressly prohibited by conflict with previously developed subdivisions or land uses.
 - a. In the event that this provision requires a trail or other pedestrian right-of-way (ROW) that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street. The right-of-way shall consist of a minimum 8' sidewalk. The Developer shall install fencing that

complies with Nibley City fencing code on each side of the right-of-way. ~~If the adjacent property is developed as a commercial, industrial or Institutional use, the pedestrian access and ROW shall be continued, with access provided and maintained to the building(s) on site, to a paved parking area, or to another adjacent pedestrian ROW. A gate may be installed on the private property to prevent access from the sidewalk during hours that are not open to the public, but access must remain open during hours that are open to the public.~~

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- b. The Approval Authority may make an exception to the requirements if the block street makes a 90-degree connecting turn towards an ~~existing~~ ROW.

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- 4. All pedestrian ROWs shall be designed in compliance with the Transportation Masterplan and Trails Master Plan to maximize non-motorized transportation network efficiency.

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Agenda Item #11

Description	Discussion & Consideration: Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to approve Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations for first reading. A public hearing will be held at the second reading of this ordinance.
Reviewed By	Mayor, City Manager, City Planner, City Treasurer, City Attorney

Background

Staff is recommending a number of changes to Nibley City Code Chapter 5- Business and License Regulations. Specifically, the following amendments are recommended:

1. Change penalty for business license violations from Class B misdemeanor to infraction and enforcement procedure to match that of nuisances. This will allow Staff to enforce violations of the ordinance.
2. Joint business licenses. Change provision for joint business licenses, which currently require the City to issue one license for 2 or more businesses that are at the same address and same owner to simply exempt fees for such businesses, while still issuing separate licenses. The purpose of this change is to make the administration of such business licenses simpler.
3. Change appeal authority to administrative appeal officer for business license-related appeals and set forth an appropriate procedure for the appeal proceedings.
4. Set forth a procedure for obtaining a temporary beer license (less than 30 days) in accordance with State Code.
5. Change the investigation for solicitor's and itinerant merchant licenses (temporary) to include a more objective standard, which Staff may conduct, rather than referring to law enforcement.

ORDINANCE 23-13

AMENDING NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 AND 5.14 BUSINESS AND LICENSE REGULATIONS

WHEREAS, Nibley City regulates the operation of businesses within Nibley City boundaries; and

WHEREAS, appropriate processes will ensure that Nibley City's regulations for licensing and otherwise legally operating within the City will be effectively upheld;

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The attached amendments to Nibley City Code 5.02, 5.04, 5.06, 5.08., 5.10, 5.12, and 5.14 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

5 Business And License Regulations

5.02 General License Provisions

5.04 Liquor Control

5.06 Taxes

5.08 Solicitors, Canvassers, Peddlers, And Itinerant Merchants

5.10 Construction Contractors

5.12 Offensive Businesses And Facilities

5.14 Sexually Oriented Businesses

5.02 General License Provisions

5.02.010 Definitions

5.02.020 License Assessor And Collector

5.02.030 Business License Required; Penalty

5.02.040 Application For License

5.02.050 License Fee Levied

5.02.060 Payment Dates

5.02.070 Certificate Of License

5.02.080 Transfer Of License Prohibited

5.02.090 Branch Establishments

5.02.100 Joint Business Licenses

5.02.110 Reciprocal Recognition; Delivery Of Goods

5.02.120 Exemptions To License

5.02.130 Revocation Or Denial Of License

5.02.010 Definitions

As used in this title:

BUSINESS: Includes all activities engaged in within the city carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business, unless otherwise specifically provided.

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the city, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the city.

EMPLOYEE: The operator or manager of a place of business and any persons employed in the operation of said place of business in any capacity and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity.

ENGAGING IN BUSINESS: Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services

by an employee to his employer under any contract of personal employment.

INTERSTATE COMMERCE: Transacting or transportation of products, services, or money across state borders.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within the city from which business activity is conducted or transacted.

WHOLESALE: A sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

WHOLESALE: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, ~~jobbers~~, dealers or other wholesalers, for the purpose of resale.

HISTORY

Adopted by Ord. 1977 Code Code § 9-111 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

5.02.020 License Assessor And Collector

The city treasurer is designated and appointed as ex officio assessor of license fees for the city. On receipt of any application for a license, the city treasurer shall assess the amount due thereon and shall collect all license fees based upon the rate established by resolution. He shall enforce all provisions of this title and shall cause to be filed complaints against all persons violating any of the provisions of this title.

HISTORY

Adopted by Ord. 1977 Code Code § 9-113 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

5.02.030 Business License Required; Penalty

It shall be an infraction or an equivalent civil penalty, subject to penalty as provided in NCC 1.08.010, for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball, or coin operated machine without first receiving the class or type of license required by the city. Civil citations and administrative proceedings shall follow the process set forth in NCC 7.02, except where such process is clearly inapplicable.

HISTORY

Adopted by Ord. 1977 Code Code § 9-112 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

5.02.040 Application For License

1. Contents: All applications for license shall include:
 1. The name of the person desiring a license and name of business.
 2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced, or carried on.

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3. The class of license desired if such licenses are divided into classes.
 4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
 5. The period of time for which such license is desired to be issued.
2. Coin Operated Machine Device: In the event that the license application relates to a coin operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-116 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

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5.02.050 License Fee Levied

1. Schedule: The city council may from time to time set the fees charged for business licenses by resolution as it deems necessary.
2. Interstate Commerce: None of the license taxes provided for by this section shall place an undue burden on interstate commerce. In any case, where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the license assessor and collector for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at, or within three (3) months after payment of the prescribed license fee. The applicant shall show his method of business and the gross volume or estimated gross volume of business and such other information as the license assessor and collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license assessor and collector shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this section is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the city council a license fee for the applicant in an amount that is nondiscriminatory, reasonable and fair. If the city council is satisfied that such license fee is the amount that the applicant should pay, it shall fix the license fee in such amount. If the regular license fee has already been paid, the city council shall order a refund of the amount over and above the fee fixed by the city council. In fixing the fee to be charged, the license assessor and collector shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-125 on 1/1/1977

Amended by Ord. 7-98 on 10/15/1998

Amended by Ord. 2002 Code on 1/1/2002

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5.02.060 Payment Dates

All license fees shall be due and payable as follows, except as may be otherwise provided.

1. Payable: Annual fees shall be payable before each calendar year, in advance. The annual license shall date from January 1 of each year and shall expire on December 31 of each year.
2. Due: Annual fees shall be due on January 1 of each calendar year and shall become delinquent if not paid by February 1 of each year.
3. Issued After July 1: One-half (1/2) of the annual fee shall be payable for all licenses issued by the city pursuant to applications made after July 1 of each year, and licenses issued after July 1 shall expire on January 1 of the year following. Payment shall be due upon the date of application approval.
4. Penalty For Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty as listed on the current approved Consolidated Fee Schedule shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.

HISTORY

Adopted by Ord. 1977 Code Code §§ 9-114, 9-115 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

Amended by Ord. 22-02 on 1/27/2022

Corrected by Other. Consolidated Fee Schedule 2022 on 1/27/2022

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5.02.070 Certificate Of License

1. Contents: All certificates of license shall be signed by the city treasurer attested by the city recorder, and shall contain the following information:
 1. Name: The name of the person and name of business to whom such certificate has been issued.
 2. Amount: The amount paid.
 3. Type: The type of license and the class of such license, if licenses are divided into classes.
 4. Term: The term of the license with the commencing date and the date of its expiration.
 5. Location: The place where such business, calling, trade or profession is to be conducted.
2. Display:
 1. Required: Every certificate of license issued under this chapter shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business

is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person, ready to be shown upon request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.

2. Coin Operated Machine: In the event the license is for a coin operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

HISTORY

Adopted by Ord. 1977 Code Code §§ 9-117, 9-118 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

5.02.080 Transfer Of License Prohibited

No license granted or issued under any ordinance of the city shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named, unless by permission of the city council.

HISTORY

Adopted by Ord. 1977 Code Code § 9-119 on 1/1/1977

5.02.090 Branch Establishments

A separate license must be obtained for each separate place of business in the city and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing places used in connection with or incident to a business licensed under this chapter shall not be deemed to be separate places of business or branch establishments.

HISTORY

Adopted by Ord. 1977 Code Code § 9-121 on 1/1/1977

5.02.100 Joint Business Licenses

Whenever any person is engaged in two (2) or more businesses at the same location within the city, such person ~~shall be exempt from additional business license fees under NCC 5.02.050.~~ Notwithstanding this fee exemption, a business license is required for each business, and an administrative application review fee shall be imposed for each business that requests a business license. The license fee to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license fee for such business.

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No license granted or issued under any ordinance of the city may be used to operate a business larger than the scope of the approved license. If the scope of the business evolves during the tenure of an approved license, the license holder must receive approval again from the city for any changes by applying for a new license. ¶

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HISTORY

Adopted by Ord. 1977 Code Code § 9-122 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

5.02.110 Reciprocal Recognition; Delivery Of Goods

1. Exceptions: No license shall be required for operation of any vehicle or equipment in the city when:
 1. Such vehicle is merely passing through the city.
 2. Such vehicle is used exclusively in intercity or interstate commerce.
2. Delivery Of Property: No license shall be required by this chapter of any person whose only business activity in the city is the mere delivery in the city of property sold by him at a regular place of business maintained by him outside the city where:
 1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated; and
 2. The authority licensing such business grants to licensees of the city making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section; and
 3. Neither the property delivered nor any of the facilities by which it was manufactured, produced, or processed are subject to inspection by authority of the city for compliance with health or sanitary standards prescribed by the city; and
 4. The ~~delivery~~ truck or other ~~vehicle~~, ~~must~~ prominently display at all times a business license ~~issued by the said licensing authority~~. ~~This license~~ shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.
3. Certification Of Section: The city recorder shall, at the request of any person, certify a copy of this section to any municipality or county of the state to which a copy has not previously been certified.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-123 on 1/1/1977

5.02.120 Exemptions To License

1. Exempt Businesses:
 1. The following shall be exempt from all business license requirements, including fees:
 1. Any business that is operated only occasionally and by an individual who is under 18 years of age.
 2. The following business types shall be exempt from all business license fees under NCC 5.02.050. Notwithstanding this exemption, a business license is

required, and an administrative application review fee shall be imposed for those businesses that request a business license:

1. Any person engaged in business for solely religious, charitable, ~~or~~ other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States or the state, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the state.
2. Any person not maintaining a place of business within the city who has paid a like or similar license tax or fee to some other taxing unit within the state and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses ~~located~~ in the city and doing business in such taxing unit.
3. Any home-based business which combined offsite impacts do not materially exceed the offsite impact of the primary residential use alone. This exemption shall be made if all of the following conditions are met:
 1. No persons not living in the home are employed by the business.
 2. No client visits are conducted.
 3. Deliveries to support the business are limited to less than three times per week.
 4. No use of hazardous or toxic materials.
 5. The business operations will not result in excessive noise or offensive odors.
 6. The business operations will not result in additional demand of public facilities or services, ~~including water or sewer use.~~
2. Reciprocal Agreements With Other Agencies: The license assessor and collector may, with approval of the city council, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-124 on 1/1/1977

Amended by Ord. [22-03](#) on 2/10/2022

5.02.130 Revocation Or Denial Of License

1. Failure To Comply; Unlawful Activities: Any license issued pursuant to the provisions of this code or of any ordinance of the city may be revoked and any application denied by the city council because of:

1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the city.
2. Unlawful activities conducted or permitted on the premises where the business is conducted.
2. Notice To Licensee: Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the city council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefore, at a regular or special meeting of the city council (which shall be at least 10 days and not more than 30 days from the date notice is sent), and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.
3. Not Applicable To Businesses Not Previously Licensed: The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the city, and such applicants need only be informed that their application has been denied.

5.02.140 Scope of License

No license granted or issued under any ordinance of the city may be used to operate a business larger than the scope of the approved license. If the scope of the business evolves during the tenure of an approved license, the license holder must receive approval again from the city for any changes by applying for a new license.

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5.02.150 Business License Appeal Process.

Upon payment of the Business License Appeal Fee as currently listed on the Consolidated Fee Schedule, the following process may commence. This appeal process shall apply to all business licenses granted or denied by Nibley City.

1. Written Appeal: Aggrieved applicants may appeal the decision of the business license official within ten (10) days of receipt or delivery of said decision. Appeals shall be filed by a written statement submitted to the city recorder or designee detailing the grounds upon which the aggrieved applicant is appealing the business license official's decision. Upon receipt of such an appeal, it shall be scheduled for a hearing before the designated hearing officer within twenty (20) days, unless such time is extended for good cause.

2. Hearing Required: The Administrative Appeal Officer shall afford the appellant an opportunity, in a hearing, to show cause as to why the license should not be denied or revoked.

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1. Notice: The date, time and place of the hearing shall be fixed by the city recorder or designee and personal service of the appellant for the notice thereof shall be attempted. The city recorder or designee must make reasonable steps to ensure the appellant gets actual notice. The notice shall indicate the purpose of the hearing and the action contemplated.

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2. Procedure: At the hearing, the appellant shall have the right to appear personally or by counsel, to cross examine witnesses, and to produce evidence and witnesses on his behalf.

3. Burden Of Proof: The appellant has the burden of proof.

4. Standard Of Review: The granting or denial of a business license is an administrative action, and the city's decision shall be valid and upheld so long as it is supported by substantial evidence and it is not illegal. "Substantial evidence," as used herein, shall mean evidence that a reasonable mind would accept as adequate to support a conclusion.

Commented [GU3]: Since business licenses are all administrative decisions (decisions applying code to specific circumstances and determining whether the license checks all the required boxes), there's no need to have a legislative standard of review. Clarified substantial evidence with current legal standard. -Rob

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HISTORY

Adopted by Ord. 1977 Code Code § 9-120 on 1/1/1977

5.04 Liquor Control

5.04.010 State Statute Adopted

5.04.020 Application For License And Renewal License

5.04.030 Fees

5.04.040 Referral To Law Enforcement Agency

5.04.050 Bond Required

5.04.060 Department Of Health Permit

5.04.070 Alcoholic Training And Education

5.04.080 Classifications Of Licenses

5.04.090 Purchase Of Alcoholic Beverages For Resale

5.04.100 Separate License For Each Place Of Business; Display

5.04.110 License Are Not Transferable

5.04.120 Restrictions

5.04.130 Inspection Of Premises

5.04.140 Disqualification For Conviction Of Crime

5.04.150 Revocation Or Suspension

5.04.160 Penalty

5.04.010 State Statute Adopted

Unless the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations,

prohibitions, provisions and sections of the Utah alcoholic beverage control act (Utah Code 32A), as amended, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this chapter and each such violation shall subject the violator thereof to penalty provisions under this chapter.

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HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.020 Application For License And Renewal License

1. Verified: All applications for alcoholic beverage licenses authorized by this chapter shall be verified and shall be filed with the city recorder. The application must state the applicant's name in full, that he understands and has read and complied with the requirements, and that he possesses the qualifications specified in the alcoholic beverage control act and this chapter. If the applicant is a copartnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, must be stated.
2. Subscribed: The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.
3. Renewal: All applications for renewal licenses filed by the holders of existing licenses shall be filed with the city recorder at least thirty (30) days prior to the expiration date of the then issued license. Any person who fails to file such application within the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any and all business for the sale of alcoholic beverages until the date of his new license is issued by the city council.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.030 Fees

1. Annual Regulatory License Fee: In addition to any other business license fee which any person or place of business may be required to pay, there is hereby imposed on the business location of every person engaged in the sale or dispensing of alcoholic beverages an annual regulatory license fee. The amount of the annual regulatory fee will be **listed on the Consolidated Fee Schedule approved by city council,** according to the license classification.
2. License Fee To Accompany Application: Applications provided for in this chapter shall be accompanied by the fees provided in this section. The fee shall be returned to the applicant if the application is denied.

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HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.040 Referral To Law Enforcement Agency

All applications filed in accordance with the provisions of this chapter shall be referred to the law enforcement agency for inspection and report. The law enforcement agency shall, when possible, within seven (7) days after receiving such application make a report to the city council of: 1) the general reputation and character of the persons who habitually frequent such place; 2) the nature and kind of business conducted at such place by the applicant, by any other person, or by the applicant at any other place; 3) whether the place is or has been conducted in a lawful, quiet and orderly manner; 4) the nature and kind of entertainment, if any, at such place; 5) whether gambling is or has been permitted on the premises or by the applicant at any other place; and 6) the proximity of such premises to any school, church, park or library. The law enforcement agency shall also add to such report its recommendation as to whether or not the application should be granted.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.050 Bond Required

1. Compliance Bond: No regulatory license required by this chapter shall be granted by the city council until the applicant shall have filed a compliance bond with the city treasurer in an amount to be determined by the city council and established by resolution. The bond shall be made payable to the city, conditioned upon the licensee's faithful compliance with the alcoholic beverage control act and the ordinances of the city.
2. Failure To Maintain Valid Bond: If the licensee fails to maintain a valid bond, payable to the city, the alcoholic beverage license shall be immediately suspended until such time as a valid bond is obtained. Failure to obtain a bond within thirty (30) days of notification by the city of the delinquency shall result in the automatic revocation of the city alcoholic beverage license.
3. Withdrawal Of Bond Restricted: No part of the bond may be withdrawn until the alcoholic beverage license has been in effect for a period of at least five (5) years, after which time the city may elect to waive continuance of the bond, if it is determined that the licensee has demonstrated faithful compliance with the laws of the state and the ordinances of the city. Persons who have been granted and maintained a city beer license for at least three (3) years prior to the passage of the ordinance codified in this chapter, and who have subsequently demonstrated faithful compliance with the laws of the state and city ordinances, shall be exempted from the bond requirement unless the license has been allowed to expire.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.060 Department Of Health Permit

No license under this chapter shall be issued until the applicant shall have first procured from the applicable health department a permit which shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage, distribution

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or sale of alcoholic beverages complies with all the health regulations of the city and the state.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.070 Alcoholic Training And Education

1. Required: No person shall be granted a license to operate or maintain a trade, profession or calling, the transaction or carrying on of which requires a license, within the city if such person operates an establishment which, as part of its business, serves alcoholic beverages, as defined in Utah Code § 32A-1-105(2), to the public for consumption on the premises, unless that person shall show by certificate granted by the Utah department of alcoholic beverage control, or by adequate proof of the existence of such certificate, that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the alcoholic training and education seminar, as required in Utah Code § 62A-8-403.
2. New Employees: Every new employee hired after the licensee has been licensed in compliance with subsection A of this section, who is required to complete this seminar, shall complete the seminar within six (6) months of commencing employment. Violation of this section will result in revocation of the license granted, unless compliance is completed within two (2) months of the time that licensee first became aware that such violation occurred.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.080 Classifications Of Licenses

Retail alcoholic beverage licenses shall be of the following kinds, shall carry the following privileges, and shall be known as: class A beer, class B beer, class C beer and liquor consumption, and temporary beer.

1. Class A Beer License: Class A beer retail licenses shall entitle the licensee to sell beer on the premises, in original sealed containers no larger than two (2) liters, for consumption off the premises, in accordance with the ordinances of the city, provided beer is not sold by minors except under the supervision of a person twenty one (21) years of age or older who is on the premises.
2. Class B Beer License: Class B beer retail licenses shall entitle the licensee to sell beer in the original containers, and on draft, in containers no larger than two (2) liters, for on-premises consumption; beer in sealed containers no larger than two (2) liters may be sold for consumption off-premises in accordance with the alcoholic beverage control act, and the ordinances of the city.
3. Class C Beer And Liquor Consumption License: Class C beer and liquor consumption licenses shall entitle restaurant and private club licensees to sell liquor and beer for consumption on the premises, and to sell beer in sealed containers no larger than

two (2) liters, for off-premises consumption, as specifically defined in, and in accordance with the alcoholic beverage control act.

4. Temporary Beer License: Temporary beer licenses, for sale or dispensing of beer, may be issued for a period of time not to exceed thirty (30) days, and in accordance with the ordinances of the city. **The process obtaining approval for a temporary beer license includes applying for and receiving approval for a Temporary Business License, which standards include a background check, and proof of authorization to do business within the State of Utah. Before the event, applicant must apply for a State Temporary Beer Permit and meet the qualifications required by the Utah Department of Alcoholic Beverage Services. A fee is required with application to the City, and a deposit is required before the event, as listed on the current approved Consolidated Fee Schedule.**

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.090 Purchase Of Alcoholic Beverages For Resale

It is a class B misdemeanor and subject to penalty as provided in NCC 1.08.010 for any licensee to purchase or acquire, or to have or possess for the purpose of sale or distribution, any alcoholic beverage except that which he shall have lawfully purchased, as defined in the alcoholic beverage control act.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.100 Separate License For Each Place Of Business; Display

A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the alcoholic beverage control act and the regulations of the alcoholic beverage control commission.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.110 License Are Not Transferable

Licenses issued pursuant to this chapter shall not be transferrable, and if revoked by the city council, the fee paid by the licensee to the city for the license shall be forfeited to the city.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.120 Restrictions

1. Location Of Business; Exception; Variance:
 1. No class B, class C, or temporary alcoholic beverage license shall be granted to a business located within one thousand five hundred feet (1,500') of any public or private school, church, public library, public playground or park,

measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public or private school, church, public library, public playground, school playground or park; and within six hundred feet (600') if measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground, school playground, or park.

2. No class A alcoholic beverage licenses, for sale of beer for off-premises consumption, shall be granted to any business located within six hundred feet (600') of any public or private school or church, measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public or private school or church; and within two hundred feet (200') if measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school or church.
3. If compliance with distance requirements would result in peculiar and exceptional practical difficulties, or exceptional and undue hardships, a variance may be required of the city council. Following a public hearing, a variance may or may not be granted by the city council. Should the city grant a variance for a class B or C license, final authority regarding state licensure would require approval of the variance by the alcoholic beverage control commission.
2. Conduct Of Employees And Entertainers: Lewd attire and/or sexually oriented conduct of employees and entertainers, as explicitly defined in Utah Code § 32A-10-206(10 and 13), are prohibited. Furthermore, entertainers are prohibited in this city from performing unclothed, or in attire, costume or clothing that exposes to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
3. Giving, Selling And Providing Alcoholic Beverages To Specific Persons: It is unlawful for any person to give, sell, or otherwise provide alcoholic beverages for consumption to:
 1. Any person under the age of twenty one (21) years;
 2. Any person who is apparently under the influence of intoxicating alcoholic beverages or products or drugs;
 3. Any person whom the person furnishing the alcoholic beverage knew or should have known from the circumstances was under the influence of intoxicating alcoholic beverages or products or drugs; or
 4. Any person who is a known interdicted person.
4. Business Or Premises Where Gasoline Sold: Only a class A beer license may be granted to any person to sell beer at any business or premises where gasoline for use in motor vehicles is sold.

5. Hours Of Alcoholic Beverage Sales: It shall be unlawful to sell or otherwise furnish or dispose of an alcoholic beverage, whether or not the premises are open to the public, during the following days and hours, according to license classification:
 1. Class A Beer License: Beer may not be sold between the hours of one minute after two o'clock (2:01) A.M. and eight o'clock (8:00) A.M.
 2. Class B Beer License: Beer may not be sold between the hours of one minute after twelve o'clock (12:01) A.M. and ten o'clock (10:00) A.M.
 3. Class C Beer And Liquor Consumption License:
 1. Restaurants: Liquor may not be sold or offered for sale on the day of any election until after the polls close, including regular general, regular primary, special statewide, municipal, special district or school elections; or on any other day between the hours of twelve o'clock (12:00) midnight and twelve o'clock (12:00) noon. Beer may not be sold between the hours of one o'clock (1:00) A.M. and ten o'clock (10:00) A.M.; and
 2. Private Clubs: Liquor may not be sold or offered for sale on the day of any election until after the polls close, including regular general, regular primary, special statewide, municipal, special district or school elections; or on Sundays and any state or federal legal holiday after twelve o'clock (12:00) midnight and before twelve o'clock (12:00) noon, or on any other day between the hours of one o'clock (1:00) A.M. and ten o'clock (10:00) A.M. Beer may not be sold between the hours of one o'clock (1:00) A.M. and ten o'clock (10:00) A.M.
6. On-Premises Consumption After Hours: On-premises consumption of alcoholic beverages may continue for one hour past the time sales cease. Anyone having a class B beer or class C beer and liquor consumption license, or his agents or employees, shall close the establishment and remove or cause to be removed from the premises all patrons, customers, or individuals not employed on the premises no later than two o'clock (2:00) A.M.
7. Unlawful For Patrons To Remain On Premises After Closing: It shall be unlawful for any class B or class C licensee, or for his agents or employees, to permit any patron, customer, or individual not employed on the premises to remain on such premises after the closing time of two o'clock (2:00) A.M.
8. Illumination Of Premises: Licensed premises shall be kept brightly illuminated at all times while occupied or open for business; no booth, or other type of stall, shall be maintained unless all tables, chairs, and occupants are kept open to full view from the main floor and the entrance of such licensed premises.
9. Advertising: It shall be unlawful to advertise the sale of alcoholic beverages, except as defined in the alcoholic beverage control act.
10. Number Of Alcoholic Beverage Licenses: The total number of businesses licensed to sell alcoholic beverages in the city shall not exceed:
 1. An unlimited number of class A beer licenses.
 2. Two (2) class B beer licenses.
 3. Two (2) class C beer and liquor consumption licenses.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.130 Inspection Of Premises

1. Premises Subject To Inspection: All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the city or the alcoholic beverage control commission, or the state board of health, and every licensee shall, at the request of the board of health furnish to it samples of alcoholic beverages which he shall have for sale.
2. Revocation Of License For Violation: Any license granted pursuant to this chapter may be revoked on a finding by the city council that the licensee has had ten (10) days' or more notice from the board of health that the licensee is violating one or more health ordinances, rules or regulations of the city or of the Utah division of health and has failed to comply with such health ordinance, rules or regulations.
3. Closing Of Business: The city council may direct the law enforcement agency to close down any business licensed under this chapter where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.140 Disqualification For Conviction Of Crime

No license shall be granted to any retailer to sell alcoholic beverages within the city if the licensee, a partner, manager, officer, director, managing agent or shareholder with more than twenty percent (20%) stock has been convicted of:

1. A felony under any federal or state law;
2. Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages; or
3. Any crime involving moral turpitude;
4. Nor shall any license to sell alcoholic beverages be granted to anyone who has violated any provision of the ordinances of the city relating to intoxicating liquors; nor to any individual less than twenty one (21) years of age.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.150 Revocation Or Suspension

1. Violations Related To Operation Of Business: The city council may, after a hearing, revoke or suspend any alcoholic beverage license on a finding by it that the licensee or his officers, agents or employees have violated any provision of this chapter or

any ordinance of the city, whether now or hereafter enacted, which in any way related to the operation of the business or the safety of the public.

2. Hearing: A hearing before the city council may be requested by any person:

1. That is denied or refused an alcoholic beverage license by any officer, agent or employee of the city.
2. Whose alcoholic beverage license is revoked, restricted, qualified, or limited from that for which it was first issued.

Request For Hearing: The request for hearing must be made in writing to the city recorder and made within thirty (30) days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the alcoholic beverage license is mailed by the city to the applicant or license holder at his address as it appears on the application or license.

This Request for Hearing is considered a Business License Appeal Request Application, and must be accompanied by payment as currently listed on the Consolidated Fee Schedule.

3.

4. Notification Of Hearing: Following receipt of a request for hearing, the city recorder shall inform the person requesting a hearing of the time and place the hearing is to be held. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the city may produce to support its decision and to present his own evidence in support of his contention. The city council shall, within ten (10) days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the city council.

5. No More Than One Hearing: This section shall not be construed so as to afford any aggrieved party more than one hearing before the city council nor shall the hearing provided in this chapter apply to any criminal complaint or proceeding.

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HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.04.160 Penalty

1. Sales Without License: It shall be a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010, for any person to engage in the business of selling alcoholic beverages at retail without first having procured a license from the city.
2. Sales After Revocation Of License: It shall be a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010, for any person to sell alcoholic beverages after the revocation of the license issued pursuant to this chapter.

Deleted: therefor

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.06 Taxes

5.06.010	Sales	And	Use	Tax
5.06.020	Municipal	Energy	Sales	And Use Tax
5.06.030	Municipal	Telecommunications	License	Tax

5.06.010 Sales And Use Tax

1. Title: This chapter shall be known as the SALES AND USE TAX ORDINANCE OF NIBLEY CITY.
2. Purpose:
 1. Authorization Of Tax: The forty eighth session of the Utah legislature authorized the counties and municipalities of the state to enact sales and use tax ordinances imposing a one percent (1%) tax.
 2. Tax Established: It is the purpose of this chapter to conform the sales and use tax of the city to conform to the requirements of the sales and use tax act, Utah Code 59-12, as currently amended.
3. Tax Imposed:
 1. Imposed:
 1. From and after the effective date hereof, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the city at the rate of one percent (1%).
 2. An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property from any retailer on or after the operative date hereof at the rate of one percent (1%) of the sales price of the property.
 3. For the purposes of this chapter, all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state designation. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the state tax commission. "Public utilities", as defined by Utah Code 54, shall not be obligated to determine the place or places within any county or municipality where public utilities are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the city shall be as determined by the state tax commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
 2. Adoption Of State Codes; Provisions:

1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the sales and use tax act, all of the provisions of Utah Code 59-12, as amended, insofar as they relate to sales taxes, excepting Utah Code §§ 59-12-101 and 59-12-119 thereof, are hereby adopted and made a part of this chapter as though fully set forth herein.
2. Wherever, and to the extent that in Utah Code 59-12, the state of Utah is named or referred to as the taxing agency, the name of this city shall be substituted therefor. Nothing in subsection C,2 of this section shall be deemed to require substitution of the name of the city for the word "state" when the word is used as part of the title of the state tax commission, or of the constitution of the state of Utah, nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the state tax commission in performing the functions incident to the administration or operation of this chapter.
3. If an annual license has been issued to a retailer under Utah Code § 59-12-106, an additional license shall not be required by reason of this subsection.
4. There shall be excluded from the purchase price paid or charged by which the tax is measured:
 1. The amount of any sales or use tax imposed by the state upon a retailer or consumer.
 2. The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sales transaction to any other municipality and any county in the state under the sales or use tax ordinance enacted by that county or municipality in accordance with the sales and use tax act.
4. Penalty: Any person violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor, and upon conviction thereof, shall be subject to penalty as provided in NCC 1.08.010.

HISTORY

Adopted by Ord. 2002 Code on 1/1/2002

5.06.020 Municipal Energy Sales And Use Tax

1. Purpose: It is the intent of the city to repeal its franchise tax levied on gas and electricity and adopt the municipal energy sales and use tax, pursuant to and in conformance with Utah Code § 10-1-301 et seq., the municipal energy sales and use tax act.
2. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

CONSUMER: A person who acquires taxable energy for any use that is subject to the municipal energy sales and use tax.

CONTRACTUAL FRANCHISE FEE:

1. A fee:
 1. Provided for in a franchise agreement; and
 2. That is consideration for the franchise agreement; or
 3. A fee similar to subsection 1 of this definition; or
 4. Any combination of subsections 1 or 2 of this definition.

DELIVERED VALUE:

2. The fair market value of the taxable energy delivered for sale or use in the city and includes:
 1. The value of the energy itself; and
 2. Any transportation, freight, customer demand charges, service charges or other costs typically incurred in providing taxable energy in usable form to each class of customer in the city.
3. Delivered value does not include the amount of a tax paid under Utah Code 59-12 Part 1 or Part 2.

ENERGY SUPPLIER: A person supplying taxable energy, except for persons supplying a minimal amount of taxable energy, if such persons are excluded by rule put into law by the state tax commission.

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FRANCHISE AGREEMENT: A franchise or an ordinance, contract or agreement granting a franchise.

FRANCHISE TAX:

4. A franchise tax.
5. A tax similar to a franchise tax; or
6. Any combinations of subsection 1 or 2 of this definition.

PERSON: Includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

SALE: Any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

7. Installment and credit sales;

8. Any closed transaction constituting a sale;
9. Any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

STORAGE: Any keeping or retention of taxable energy in this city for any purpose, except sales in the regular course of business.

TAXABLE ENERGY: Gas and electricity.

USE:

10. The exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.
11. Use does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.
3. Tax Imposed: There is hereby levied, subject to the provisions of this section, a tax on every sale or use of taxable energy made within the city equaling six percent (6%) of the delivered value of the taxable energy to the consumer. This tax shall be known as the municipal energy sales and use tax.
 1. Calculation: The tax shall be calculated on the delivered value of the taxable energy to the consumer.
 2. Additional Tax: The tax shall be in addition to any sales or use tax on taxable energy imposed by the city as authorized by Utah Code 59-12 Part 2, the local sales and use tax act.
4. Exemptions To Tax
 1. No exemptions are granted from the municipal energy sales and use tax, except as expressly provided in Utah Code § 10-1-305(2)(b); notwithstanding an exemption granted under Utah Code § 59-1-104.
 2. The following are exempt from the municipal energy sales and use tax, pursuant to Utah Code § 10-1-305(2)(b):
 1. Sales and use of aviation fuel, motor fuel and special fuels subject to taxation under Utah Code 59-13;
 2. Sales and use of taxable energy that is exempt from taxation under federal law, the United States constitution or the Utah constitution;
 3. Sales and use of taxable energy purchased or stored for resale;
 4. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Utah Code 59-13;
 5. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;

6. The sale or use of taxable energy for any purpose other than as a fuel or energy; and
 7. The sale of taxable energy for use outside the boundaries of the city.
3. The sale, storage, use or other consumption of taxable energy is exempt from the municipal energy sales and use tax levied by this section, provided:
 1. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Utah Code 59-12 Part 3; and
 2. The city is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this section, if the tax due under this section exceeds the tax paid to the other municipality.
5. Existing Franchise Agreements:
 1. No Alteration: This section shall not alter any existing franchise agreements between the city and energy suppliers.
 2. Credit Against Tax Due: There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:
 1. The energy supplier pays the contractual franchise fee to the city pursuant to a franchise agreement in effect on July 1, 1997;
 2. The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
 3. The energy supplier has accepted the franchise.
6. Contract With State Tax Commission:
 1. Required; Authority Of Mayor: On or before the effective date hereof, the city shall contract with the state tax commission to perform all functions incident to the administration and collection of the municipal energy sales and use tax, in accordance with this section. This contract may be a supplement to any existing contract with the commission to administer and collect the local sales and use tax, as provided in this code. The mayor, with the approval of the city council and city attorney, is hereby authorized to enter into agreements with the state tax commission that may be necessary to the continued administration and operation of the municipal energy sales and use tax ordinance enacted by this section.
 2. Monthly Payments By Supplier; Conditions: An energy supplier shall pay the municipal energy sales and use tax revenues collected from consumers directly to the city monthly if:
 1. The city is the energy supplier; or
 1. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals one million dollars (\$1,000,000.00) or more, and
 2. The energy supplier collects the municipal energy sales and use tax.
 3. Deduction Of Franchise Fees: An energy supplier paying the municipal energy sales and use tax directly to the city may deduct any contractual

franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by Utah Code § 10-1-307(4).

7. State Statutes Incorporated:

1. Specified; Exemptions: Except as herein provided, and except insofar as they are inconsistent with the provisions of Utah Code § 10-1 Part 3, municipal energy sales and use tax act, as well as this section, all of the provisions of Utah Code 59-12 Part 1, as amended, and in force and effect on the effective date hereof, insofar as they relate to sales and use taxes, excepting Utah Code §§ 59-12-101 and 59-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this section as if fully set forth herein.
2. Substitution Of Terms: Wherever, and to the extent that in Utah Code 59-12 Part 1, as amended, the state is named or referred to as the "taxing agency", the name of the city shall be substituted, insofar as is necessary for the purposes of that part, as well as Utah Code 10-1 Part 3, as amended. Nothing in this subsection shall be deemed to require substitution of the name of the city for the word "state" when that word is used as part of the title of the state tax commission, or of the constitution of Utah, nor shall the name of the city be substituted for that of the state in any section when the result of such a substitution would require action to be taken by or against the city or any agency thereof, rather than by or against the state tax commission in performing the functions incident to the administration or operation of this section.
3. Amendments: Any amendments made to Utah Code 59-12 Part 1, as amended, which would be applicable to the city for the purposes of carrying out this section are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.
8. Additional License Or Reporting Not Required: No additional license to collect or report the municipal energy sales and use tax levied by this section is required, provided the energy supplier collecting the tax has a license issued under Utah Code § 59-12-106.
9. Effective Date Of Levy: This section is effective June 30, 1997. The municipal energy sales and use tax shall be levied beginning one minute after twelve o'clock (12:01) A.M., July 1, 1997.

HISTORY

Adopted by Ord. 5-97 on 6/5/1997
Amended by Ord. 2002 Code on 1/1/2002

5.06.030 Municipal Telecommunications License Tax

1. Definitions: As used in this section:
COMMISSION: The state tax commission.

CUSTOMER:

1. Subject to subsections 2 and 3 of this definition the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
2. For purposes of this section, "customer" means:
 1. The person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
 2. If the end user is not the person described in subsection 2,a of this definition, the end user of telecommunications service.
3. "Customer" does not include a reseller:
 1. Of telecommunications service; or
 2. For mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

END USER:

4. The person who uses a telecommunications service.
5. For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

GROSS RECEIPTS ATTRIBUTED TO THE MUNICIPALITY: Those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code 59-12, sales and use tax act and determined in accordance with Utah Code § 59-12-207.

GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE: The revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

6. A tax, fee, or charge:
 1. Imposed by a governmental entity;
 2. Separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
 3. Imposed only on a telecommunications provider;
7. Sales and use taxes collected by the telecommunications provider from a customer under Utah Code 59-12, sales and use tax act; or
8. Interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

MOBILE TELECOMMUNICATIONS SERVICE: Is as defined in the mobile telecommunications sourcing act, 4 USC section 124.

MUNICIPALITY: Nibley City.

PLACE OF PRIMARY USE:

9. For telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:
 1. The residential street address of the customer; or
 2. The primary business street address of the customer; or
10. For mobile telecommunications service, is as defined in the mobile telecommunications sourcing act, 4 USC section 124.

SERVICE ADDRESS: Notwithstanding where a call is billed or paid:

11. If the location described in this subsection 1 is known, the location of the telecommunications equipment:
 1. To which a call is charged; and
 2. From which the call originates or terminates;
12. If the location described in subsection 1 of this definition is not known but the location described in this subsection 2 is known, the location of the origination point of the signal of the telecommunications service first identified by:
 1. The telecommunications system of the telecommunications provider; or
 2. If the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
13. If the locations described in subsection 1 or 2 of this definition are not known, the location of a customer's place of primary use.

TELECOMMUNICATIONS PROVIDER:

14. Subject to subsections 2 and 3 of this definition, a person that:
 1. Owns, controls, operates, or manages a telecommunications service; or
 2. Engages in an activity described in subsection 1,a of this definition for the shared use with or resale to any person of the telecommunications service.
15. A person described in subsection 1 of this definition is a telecommunications provider whether or not the public service commission of Utah regulates:
 1. That person; or

2. The telecommunications service that the person owns, controls, operates, or manages.
16. "Telecommunications provider" does not include an aggregator as defined in Utah Code § 54-8b-2.

TELECOMMUNICATIONS SERVICE:

17. Telephone service, as defined in Utah Code § 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and
18. Mobile telecommunications service, as defined in Utah Code § 59-12-102:
 1. That originates and terminates within the boundaries of one state; and
 2. Only to the extent permitted by the mobile telecommunications sourcing act, 4 USC section 116 et seq.
2. Levy Of Tax: There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.
3. Rate: The rate of the tax levy shall be four percent (4%) of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality subject to the following: If the location of a transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications service shall be the lower of: a) the rate imposed by the taxing jurisdiction in which the transaction is located or b) the rate for nonmobile telecommunications service shall be the rate imposed by the municipality in which the customer's service address is located; or for mobile telecommunications service, the rate imposed by the municipality of the customer's primary place of use.
4. Rate Limitation And Exemption: This rate of this levy shall not exceed four percent (4%) of the telecommunication provider's gross receipts from telecommunications service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:
 1. A municipal general election;
 2. A regular general election; or
 3. A local special election.
5. Effective Date Of Tax Levy: This tax shall be levied beginning the earlier of July 1, 2004, or the first day of any calendar quarter after a seventy five (75) day period beginning on the date the commission received notice pursuant to Utah Code § 10-1-403 that this municipality has enacted this section.
6. Changes In Rate Or Repeal: This section is subject to the requirements of Utah Code § 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah Code § 10-1-403.
7. Interlocal Agreement For Collection Of Tax: On or before the effective date hereof, the municipality shall enter into the uniform interlocal agreement with the commission as described in Utah Code § 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax.

8. Repeal Of Inconsistent Taxes And Fees: Any tax or fee previously enacted by this municipality under authority of Utah Code § 10-1-203 or Utah Code 11-26, local taxation of utilities limitation is hereby repealed. Nothing in this section shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights of way of the municipality, if the fee is imposed in accordance with Utah Code § 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right of way nor does this section limit the municipality's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this section and locate telecommunications facilities, as defined in Utah Code § 72-7-108, in this municipality.

HISTORY

Amended by Ord. 1977 Code on 1/1/1977
Adopted by Ord. 04-05 on 5/20/2004

5.08 Solicitors, Canvassers, Peddlers, And Itinerant Merchants

5.08.010					Definitions			
5.08.020	License				Required			
5.08.030	Application	For	License;	Fee				
5.08.040	Investigation	And	Issuance	Of	License			
5.08.050	Fees							
5.08.060	Licenses	And	Badges					
5.08.070	Notice	Of	Revocation					
5.08.080	Revocation	After	Hearing					
5.08.090	Appeal							
5.08.100	Additional Requirements							
5.08.110	Exceptions							
5.08.120	Nonresident	Transient	Businesses					

5.08.010 Definitions

CANVASSER OR SOLICITOR: Any individual, whether or not a resident of the city, traveling either by foot, ~~motor vehicle or other type of conveyance~~ from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales; provided, that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, ~~hotel or motel room, lodging house, apartment, shop or any~~

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Deleted: railroad boxcar

other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

PEDDLER: Shall include any person, whether or not a resident of the city, traveling by foot, motor vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a motor vehicle, or other vehicle or conveyance; and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter.

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Deleted: The word "peddler" shall include the words "hawker" and "huckster".

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR: Any person, firm or corporation, whether as owner, agent, cosignee or employee, whether or not a resident of the city, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or a public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-452 on 1/1/1977

5.08.020 License Required

It shall be unlawful for:

1. Transient Merchant, Itinerant Merchant Or Vendor: A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefore in compliance with the provisions of this chapter.
2. Peddler: Any person to engage in the business of peddler without first obtaining a license therefor as provided in this chapter.
3. Solicitor Or Canvasser: Any solicitor or canvasser to engage in such business without first obtaining a license therefor in compliance with the provisions of this chapter.

HISTORY

*Adopted by Ord. 1977 Code Code § 9-451 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002*

5.08.030 Application For License; Fee

Applicants for licenses under this chapter shall file a sworn application in writing signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the city recorder or designee. Licenses shall be issued for periods of up to six (6) months. The following information must be provided for the temporary business license application;

Deleted: , which shall give the following information...

1. The name of the applicant and if the applicant is an employee or agent of a corporation, the name of the corporation.
2. The address of the applicant and if the applicant is an agent or employee of a corporation, the address of the corporation.
3. A brief description of the nature of the business and the goods to be sold and from whom or where the applicant obtains the goods to be sold.
4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person.
5. The length of time for which the applicant desires to engage in business within the city.
6. The places within the city where the applicant proposes to carry on his or her business.
7. A list of the other municipalities in which the applicant has engaged in business within the six (6) month period preceding the date of the application.
8. A photograph of the applicant, taken within six (6) months immediately prior to the date of filing the application, which photograph shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.
9. A Criminal History Report furnished by the Utah State Department of Public Safety and a statement as to whether or not the applicant, or any of his employees have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
10. If the applicant desires to sell fresh vegetables, fruits, meats or other foodstuffs, a statement by a reputable physician of the state, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.
11. If the applicant is employed by another person, firm or corporation documents showing that the person, firm or corporation for whom the applicant proposes to do business is authorized to do business within the state.

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HISTORY

*Adopted by Ord. 1977 Code Code § 9-453 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002*

5.08.040 Investigation And Issuance Of License

1. Review of Past Conduct: On receiving the application, the city recorder or designee shall review the application to determine whether the applicant has had a Nibley City business license revoked or denied due to the applicant's violation of applicable city rules, regulations, and ordinances related to the license being sought, whether the applicant has been convicted of a felony or any crime that required proving a dishonest act, false statement, or theft of property, whether the applicant has outstanding debts owed to Nibley City, and whether the application conforms to the requirements of this Chapter.
2. Unsatisfactory Result Of Investigation: If, as a result of the investigation, the applicant has outstanding debts owed to Nibley City, has been convicted of a felony or crime that required proving a dishonest act, false statement, or theft, or has demonstrated a pattern of violating city rules, regulations, and ordinances related to the license being sought, the city recorder or designee shall notify the applicant, in writing, that their application has been denied, the basis for such denial, the applicant's right to file a written appeal of the denial, and the deadline to file such appeal.
3. Satisfactory Result Of Investigation: If, as a result of such investigation, the applicant is found to not have been convicted of a felony or crime that required proving a dishonest act, false statement, or theft, does not have a pattern of violating applicable city rules, regulations, and ordinances related to the license being sought, does not have outstanding debts owed to Nibley City, and the application otherwise complies with the requirements of this Chapter, the city recorder or designee shall, upon payment of the prescribed license fee, issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods or services to be sold, marketed, or offered pursuant to the application, together with an expiration date.

Deleted: Referral To Law Enforcement:

Deleted: refer it to the city's law enforcement agency, who shall cause such investigation of the applicant's business and moral character to be made as it deems reasonable and necessary for the protection of the public good.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-454 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

5.08.050 Fees

1. Established: The license fee shall be as established by resolution of the city council.
2. Interstate Commerce: None of the license fees provided for by this chapter shall be applied as to occasion an undue burden upon interstate commerce. In any case, where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee.

HISTORY

Adopted by Ord. 1977 Code Code § 9-455 on 1/1/1977

5.08.060 Licenses And Badges

1. Issuance: The city recorder or designee shall issue to each licensee at the time of delivery of his license, a badge which shall contain the words "Licensed Solicitor", "Licensed Transient Merchant", or "Licensed Peddler", as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet (5'). Such badge shall, during the time peddlers or solicitors are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.
2. Exhibit License: Any person licensed pursuant to this chapter shall exhibit such license at the request of any citizen of the city.
3. Produce License Upon Request: It shall be the duty of any law enforcement official to require any person seen soliciting, canvassing, or peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this chapter.
4. Expiration Of License: All licenses issued pursuant to this chapter shall expire on the date specified on the license.

HISTORY

*Adopted by Ord. 1977 Code Code § 9-456 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002*

5.08.070 Notice Of Revocation

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with NCC 1.08.030.

HISTORY

Adopted by Ord. 1977 Code Code § 9-456 on 1/1/1977

5.08.080 Revocation After Hearing

Licenses issued pursuant to this chapter may be revoked by the city, after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or a false statement contained in the application for the license.
2. Fraud, misrepresentation for false statement made while carrying on his business as solicitor, canvasser, peddler or itinerant merchant.
3. Any violation of this chapter.
4. Conviction of any crime or misdemeanor involving moral turpitude.
5. Conducting the business of a solicitor, canvasser, peddler or itinerant merchant in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

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HISTORY

Adopted by Ord. 1977 Code Code § 9-456 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

5.08.090 Appeal

Any person aggrieved by the action of the city in the denial of a license issued pursuant to this chapter, may file an appeal. The process for filing an appeal is provided in NC 5.02.150. The fees to initiate this process are as listed on the current approved Consolidated Fee Schedule. ~~Such appeal shall be taken by filing with the city council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. A time and place for the hearing on such appeal and notice of such hearing shall be set and given to the applicant in the same manner as provided in NCC 5.08.070.~~

HISTORY

Adopted by Ord. 1977 Code Code § 9-456 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

5.08.100 Additional Requirements

This chapter shall not be construed so as to waive the provisions and requirements of any other ordinance of the city and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of the city.

HISTORY

Adopted by Ord. 1977 Code Code § 9-457 on 1/1/1977

5.08.110 Exceptions

The provisions of this chapter shall not apply to any individual who is, at the time he is engaged in any activity which would otherwise require licensing by this chapter, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the state, provided such church or charity has had such permanent structure for at least six (6) months prior to the date when the individual engaged in the activity would otherwise require licensing by this chapter.

HISTORY

Adopted by Ord. 1977 Code Code § 9-458 on 1/1/1977

5.08.120 Nonresident Transient Businesses

1. Fee; Term Of License: The fee for the business license shall be as established by resolution of the city council. The license will be valid for thirty (30) days.
2. Requirements:
 1. Applicant Information: The city treasurer and/or city recorder will obtain the legitimate address of the home office of the business involved and telephone number.

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Deleted: 5.08.090 Appeal

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Any person aggrieved by the action of the city in the denial of a license issued pursuant to this chapter, may file an appeal. Such appeal shall be taken by filing with the city council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. A time and place for the hearing on such appeal and notice of such hearing shall be set and given to the applicant in the same manner as provided in NCC 5.08.070.¶

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Adopted by Ord. 1977 Code Code § 9-456 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002¶

2. Confirmation Of Legitimate Business: The city treasurer and/or city recorder will call the better business bureau in the city of the home office and by them determine if the business is legitimate.
3. Issuance Of License: If such determination is made (refer to subsection B,2 of this section), the license may then be issued

5.08.130 Solicitor License Required; Penalty

~~It shall be an infraction and an equivalent civil penalty, as set forth in NCC 1.08, for any person to transact, engage in or carry on any canvassing, soliciting, peddling, transient or itinerant merchant/vending activities without first receiving the class or type of license required by the city.~~ Civil citations and administrative proceedings shall follow the process set forth in NCC 7.02, except where such process is clearly inapplicable.

4.

HISTORY

Adopted by Ord. 2-92 on 10/22/1992
Amended by Ord. 2002 Code on 1/1/2002

5.10 Construction Contractors

5.10.010	Purpose				
5.10.020	Definitions				
5.10.030	Requirements				
5.10.040	Registration	To	Engage	In	Business
5.10.050	Job	License	For	Each	Contract
5.10.060	Regulations				
5.10.070	Records	Maintained;			Inspection

5.10.010 Purpose

The purpose of this chapter is to establish a system of imposing license fees upon persons engaging in business within the limits of the city as contractors and to ensure that such persons are properly licensed under applicable state regulations and local business regulations. It is the opinion of the city council that this method of determining the amount of fee will result in fair taxation and will not discriminate against the contractor who performs only a few jobs within the city limits as distinguished from the contractor who performs many.

HISTORY

Adopted by Ord. 1977 Code Code § 9-431 on 1/1/1977

5.10.020 Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

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Deleted: The licenses are designed to be determined upon the basis of each contract or job being performed. ...

Commented [AJ7]: We are not currently enforcing this contractor licensing requirement, right? What does State Code say about it?

CONTRACTOR: Any person, firm, copartnership, corporation, association or other organization, or any combination thereof, who for a fixed sum, price, fee, percentage or other compensation other than wages paid pursuant to an employer-employee relationship, undertakes any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than movable property, or any part thereof; provided, that the term "contractor", as used in this chapter, shall include anyone who builds more than one structure on their own property during any one year for the purpose of sale and shall include subcontractors, but shall not include anyone who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the "contractors", as herein defined, nor shall it include any person who engages in, manages, or contracts for work solely on the person's private property for the purpose of constructing buildings, structures, and improvements for the person's personal use and not for sale or resale.

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TYPES OF CONTRACTORS: As an illustrative list of contractors subject to the provisions of this chapter, but not in limitation thereof, the following occupations are subject to this chapter: general contractors, specialty contractors of all kinds, such as, but not limited to, those engaged in the business of installing, repairing or otherwise performing services in connection with: acoustical tile and roof decking; awnings, storm doors and windows; air conditioning, dry heating, sheet metal; boilers, steam fitting; carpentry; cement and concrete; ceramic tile; cabinet and millwork; composition floor, counter tops, tile; carpet; drywall; elevator installation; electrical; excavating and grading; fencing; floor coverings; fire prevention (structural); furnaces and burners; glazing; industrial piping; iron and bronze (ornamental); insulation; landscaping; lathing; lawn sprinklers; masonry; mosaic tile and terazzo; overhead doors; painting and paper hanging; pest control (structural); plastering; plumbing and wet heating; roofing and siding; swimming pool; signs, stone masonry; sewer installation; steel reinforcing and erection; tanks (structural); waterproofing; weatherstripping; welding; wrecking and demolition; wood floor laying and finishing.

HISTORY

Adopted by Ord. 1977 Code Code § 9-432 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

5.10.030 Requirements

Any person desiring to engage in business as a contractor within the corporate limits of the city must comply with the two (2) following requirements:

1. State license: Prior to engaging in any subject business activity during any calendar year, the contractor shall have obtained all licenses required by all applicable state agencies. The contractor shall maintain such license at all times they engage in business as a contractor within the city.
2. Business License: Prior to the performance of any services in connection with any specific contract or job, the person shall secure a business license to carry on a business as a contractor from Nibley City, unless such person has a current business

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Deleted: he must register for the calendar year as a contractor by completing and filing a registration form in the office of the city recorder.

[license to carry on a business as a contractor from another municipality within Utah.](#)

HISTORY

Adopted by Ord. 1977 Code Code § 9-433 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

5.10.040 Registration To Engage In Business

1. Form; Information Requested: Any person desiring to engage in business as a contractor, [who is not otherwise exempt from licensure](#), shall complete and file in the office of the city recorder a registration form provided to him by the city which shall
 1. The name of the contractor.
 2. The address and telephone number of the contractor.
 3. The type of organization, e.g., corporation, partnership or sole proprietor.
 4. If a partnership or a corporation or other artificial person, the name, address and telephone number of the person responsible for the functions of the organization:
 1. Whether or not licensed under the contractor's license law of the state; if so, the license number of the contractor.
 2. Type of business in which registrant seeks to engage, e.g., general contractor or one of the specialty contractors.
 3. Such other information as the city council may by regulation require.
2. Annual Fee: Any person seeking to register for the privilege of doing business as a contractor within the limits of the city for any calendar year, or any part thereof, shall pay an annual registration fee in such amount as established by resolution of the city council.

HISTORY

Adopted by Ord. 1977 Code Code § 9-434 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

5.10.060 Regulations

[All regulations and ordinances applicable to business licenses set forth in NCC 5.02 shall apply to contractor licenses, unless such regulations conflict with the regulations set forth in this chapter.](#)

HISTORY

Adopted by Ord. 1977 Code Code § 9-438 on 1/1/1977

5.10.070 Records Maintained; Inspection

All persons registered pursuant to this chapter for the privilege of doing business as contractors, and all persons who engage in doing business as contractors, shall maintain records of all services performed by them as contractors within the corporate limits of the city. The records shall disclose the person for whom the services are performed and the

Deleted: to engage in the performance of service connected with said specific job or contract from the office of the city recorder.

Deleted: 5.10.050 Job License For Each Contract

Required: Any person desiring to perform services as a contractor shall, in addition to registering, as above required, secure a job license granting to him the privilege of performing the services required of him for each contract or job which he proposes to complete.

Form; Information Requested: Any person seeking said job license for a contractor job shall complete an application therefor, on forms provided him by the city. The application shall set forth:

The name and address of the contractor.¶
His city registration number.¶
The number of his state contractor's license.¶
The person by whom he is engaged to perform services as a contractor.¶
The address of said person.¶
The location at which the said contractor's services are to be performed.¶
The type of services that are to be performed, e.g., as a general contractor or one of the specialty contractors.¶
The contract amount.¶
Fee: Every contractor, for the privilege of engaging in the business of performing said services, shall pay a license fee in such amount as established by resolution of the city council. ¶

HISTORY

Adopted by Ord. 1977 Code Code §§ 9-435, 9-436 on 1/1/1977
Amended by Ord. 2002 Code on 1/1/2002

Deleted: The city council may adopt such regulations as in its opinion are necessary to implement this chapter and the objectives thereof.

contract price or charge made for the services and such other information as the city council may, by regulation, require. The persons shall maintain such records at their office or principal place of business and shall permit officials or agents of the city to inspect said records for the purpose of determining whether or not said persons have complied with the requirements of this chapter.

HISTORY
Adopted by Ord. 1977 Code Code § 9-437 on 1/1/1977

5.12 Offensive Businesses And Facilities

5.12.010						Defined
5.12.020		Permit				Required
5.12.030	Application		For			Permit
5.12.040	Issuance		Of			Permit
5.12.050	Control	Of	Animal	And	Fowl	Facilities
5.12.060	Existing	Businesses		And		Facilities

5.12.010 Defined

"Offensive businesses", within the meaning of this chapter, shall include, but not be limited to, packing houses, dairies, tanneries, canneries, ~~junk or salvage yards, bone factories,~~ slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases or noises.

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HISTORY
Adopted by Ord. 1979 Code § 10-241B on 1/1/1979

5.12.020 Permit Required

No person shall commence or change the location of an offensive business or establishment in or within one mile of the limits of the city without first filing an application for a permit to do so with the city recorder.

HISTORY
Adopted by Ord. 1979 Code § 10-241A on 1/1/1979

5.12.030 Application For Permit

The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control or modify the emission by the business of the undesirable odors, fumes, noises and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

HISTORY
Adopted by Ord. 1979 Code § 10-241C on 1/1/1979

5.12.040 Issuance Of Permit

1. Report And Recommendation: The city recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the city council. The city council, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the city council may:
 1. Deny the application.
 2. Recommend a modification thereof.
 3. Grant a limited permit to enter the business or make the change of location subject to the requirement that the business or facility conform to standards established by the city council with reference to controlling the offensive features of the business.
2. Revocation Of Permit: In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the city council at the time of the granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.
3. Modification Of Permit: The city council shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

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HISTORY

Adopted by Ord. 1979 Code § 10-242 on 1/1/1979

5.12.050 Control Of Animal And Fowl Facilities

1. Location And Management: The city council shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the city and may compel the owner of any pigsty, privy, barn, corral, fur-bearing animal farm, feed yard, poultry farm or other unwholesome or nauseous house or place to cleanse, abate or remove the same.
2. Examination Of Operation: The city council may, on its own initiative and shall, on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether the operation of such business or facility should be improved so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.
3. Notification Of Abatement: In the event that the city council decides that the business or facility should be abated, removed or controlled, it shall notify the owner or operator of the business or facility of such fact.
4. Hearing; Limited Permit: After a hearing, the city council may issue a limited permit wherein it may prescribe the specifications and standards which must be followed by the business or facility in order to be permitted to continue in operation.

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5. Abatement Or Removal: Upon a determination by the city council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the city council shall have power to bring all necessary legal proceedings to force removal, abatement, or adherence to standards.

HISTORY

Adopted by Ord. 1979 Code § 10-244 on 1/1/1979
Amended by Ord. 2002 Code on 1/1/2002

5.12.060 Existing Businesses And Facilities

1. Investigation By City Council: The city council may require an investigation of any existing offensive business or facility to determine whether it should be permitted to remain in existence in or within one mile of the city limits. If the city council determines that the continuation of the business or facility has become a nuisance to persons situated within the city limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the city council is considering revoking or modifying the operator's permit.
2. Conform To Standards And Specifications: If the city council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specifications to which the enterprise must conform or otherwise lose its permit to engage thereafter in the business or activity.

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HISTORY

Adopted by Ord. 1979 Code § 10-243 on 1/1/1979
Amended by Ord. 2002 Code on 1/1/2002

5.14 Sexually Oriented Businesses

5.14.010	Title	For	Citation
5.14.020	Purpose	Of	Provisions
5.14.030	Application	Of	Provisions
5.14.040			Definitions
5.14.050			Classification
5.14.060	License		Required
5.14.070	Issuance	Of	License
5.14.080			Fees
5.14.090			Inspection
5.14.100	Expiration	Of	License
5.14.110			Suspension
5.14.120			Revocation
5.14.130	Hearing, Denial, Revocation, And Suspension, Appeal		
5.14.140	Transfer	Of	License
5.14.150	Hours	Of	Operation
5.14.160	Exhibition Of Sexually Explicit Films Or Videos		

5.14.170	Loitering, Exterior Lighting, Visibility, And Monitoring Requirements
5.14.180	Penalties And Enforcement
5.14.190	Applicability Of Chapter To Existing Businesses
5.14.200	Prohibited Activities
5.14.210	Scienter Required To Prove Violation Or Business Licensee Liability
5.14.220	Effect Of City Failure To Act

5.14.010 Title For Citation

The provisions codified in this chapter shall be known and may be referred to as the SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING ORDINANCE.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.020 Purpose Of Provisions

It is the purpose and object of this chapter that the city establishes reasonable and uniform regulations governing the time, place, and manner of operation of sexually oriented businesses and their employees in the city. This chapter shall be construed to protect the governmental interests recognized by this chapter in a manner consistent with constitutional protections provided by the United States and Utah constitutions.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.030 Application Of Provisions

This chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually oriented businesses, and certain employees of those businesses characterized as sexually oriented business employees. Except where the context or specific provisions require, this chapter does not supersede or nullify any other related ordinances, including, but not limited to, those codified in NCC 19.38.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.040 Definitions

For purposes of this chapter, the following words and phrases shall have the meanings set forth below unless a different meaning is clearly indicated by the context:

ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides or simulated display, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. For the purpose of this definition, "principal purpose" means the commercial establishment:

1. Has a substantial portion of its displayed merchandise which consists of said items, or

Commented [AJ8]: Do these even exist anymore?

Commented [GU9R8]: They do. They are not common in Utah but I think this is necessary to regulate separately in accordance with State Code.

Commented [AJ10R8]: Ok

2. Has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or
3. Has a substantial portion of the retail value of its displayed merchandise which consists of said items, or
4. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items, or
5. Maintains a substantial section of its interior business space for the sale or rental of said items, or
6. Regularly features said items, and prohibits access by minors, because of age, to the premises, and advertises itself as offering "adult" or "XXX" or "X-rated" or "erotic" or "sexual" or "sensual" or "pornographic" material on signage visible from a public right of way, or
7. Maintains an "adult arcade", which means any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear nude and/or seminude.

ADULT MOTEL: A motel, hotel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides customers with closed circuit television transmissions, films, motion pictures, videocassettes, other photographic reproductions, or live performances which are characterized by the display or simulated display of specified sexual activities or specified anatomical areas and which advertises the availability of such material by means of a sign visible from a public right of way, or by means of any on or off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

Deleted: subrent

ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display or simulated display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) persons for any form of consideration.

CHARACTERIZED BY: Describing the essential character or quality of an item. As applied in this chapter, no business shall be classified as a sexually oriented business solely by virtue of showing, selling, or renting materials rated "NC-17" or "R" by the Motion Picture Association of America.

CITY: The city of Nibley, Utah.

CITY MANAGER: The Nibley City manager, or the manager's designee.

CUSTOMER: A patron of a business as defined in this chapter.

EMPLOY, EMPLOYEE, AND EMPLOYMENT: Describe and pertain to any person who performs any service on the premises of a business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

ESTABLISH AND ESTABLISHMENT: Any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
3. The addition of any sexually oriented business to any other existing sexually oriented business.

HEARING OFFICER: An attorney with an independent practice and not a full-time employee of Nibley City, licensed to practice law in the state of Utah.

INFLUENTIAL INTEREST: Any of the following:

1. The actual power to operate a sexually oriented business or control the operation, management or policies of a sexually oriented business or legal entity which operates a sexually oriented business,
2. Ownership of a financial interest of twenty percent (20%) or more of a business or of any class of voting securities of a business, or
3. Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates a sexually oriented business.

LICENSEE: A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In the case of an employee, "licensee" means the person in whose name a sexually oriented business employee license has been issued.

MUNICIPAL COUNCIL: The municipal council of the city of Nibley, Utah.

NUDITY OR A STATE OF NUDITY: The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

OPERATE OR CAUSE TO OPERATE: To cause to function or to put or keep in a state of doing business.

OPERATOR: Any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may operate or cause to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PREMISES: The real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in an application for a business license pursuant to NCC 5.14.060.

REGULARLY: The consistent and repeated doing of the act so described.

SEMINUDE MODEL STUDIO: A place where persons regularly appear in a state of semi nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi nudity do so in a modeling class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a seminude person is available for viewing; and
 2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

SEMINUDE OR STATE OF SEMINUDITY: The showing or the simulated showing of a female breast with less than a fully opaque covering below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, shirt, leotard, or similar wearing apparel, provided the areola is not exposed in whole or in part.

SEXUAL DEVICE: Any three-dimensional object designed or marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, instruments that enhance sexual activity, and physical representations of the human genital organs. Nothing in this definition shall be construed to include any device primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SEXUAL DEVICE SHOP: A commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drugstore, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its principal business purposes, purports to offer, for any form of consideration, physical contact in the form of wrestling or tumbling when one or more of the persons is seminude.

SEXUALLY ORIENTED BUSINESS: An adult bookstore or adult video store, an adult cabaret, an adult motel, an adult motion picture theater, a seminude model studio, sexual device shop, or a sexual encounter center.

SIMULATED SHOWING OR SIMULATED DISPLAY: The utilization of a device or covering, exposed to view, that realistically appears to be any part of a specified anatomical area.

SPECIFIED ANATOMICAL AREA: Means and includes:

1. Less than completely and opaquely covered human genitals, pubic region, anus, anal cleft, buttock and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED CRIMINAL ACTIVITY:

1. Any of the following specified crimes for which less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
 1. Dissemination or distribution of obscenity or pornographic material;
 2. Distribution of a controlled substance;
 3. Engaging in organized criminal activity relating to a sexually oriented business;
 4. Indecency with a child, including:
 1. Unlawful sexual activity with a minor,
 2. Sexual abuse of a minor, and
 3. Lewdness involving a child;
 5. Indecent exposure or lewdness;
 6. Molestation of a child, including:
 1. Rape of a child,
 2. Object rape of a child,
 3. Sodomy on a child,
 4. Sexual abuse of a child, and
 5. Aggravated sexual abuse of a child;
 7. Sexual exploitation of a minor;
 8. Prostitution or promotion of prostitution, including:
 1. Patronizing a prostitute,
 2. Aiding prostitution,
 3. Exploiting prostitution, and
 4. Aggravated exploitation of prostitution;
 9. Rape, including:
 1. Object rape,
 2. Forcible sodomy, and
 3. Forcible sexual abuse;
 10. Sale, distribution or display of harmful material to a minor, including:
 1. Indecent public displays, and
 2. Dealing in harmful material to a minor;
 11. Sexual assault or aggravated sexual assault;
 12. Sexual performance by a child;
 13. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses, or
 14. Any offense in another jurisdiction that, had the predicate act(s) been committed in Utah, would constitute any of the foregoing offenses; or
 15. Incest.
2. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses.

SPECIFIED SEXUAL ACTIVITY: Any of the following:

1. Actual or simulated intercourse, oral copulation, masturbation or sodomy; or

2. Actual or simulated excretory functions as a part of or in connection with any of the activities described in subsection A of this definition.

SUBSTANTIAL: At least thirty five percent (35%) of the item(s) or word(s) so modified.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

VIEWING ROOM: The room, booth, or area where a customer of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.050 Classification

The classifications for sexually oriented businesses shall be as follows:

1. Adult bookstore or adult video store;
2. Adult cabaret;
3. Adult motel;
4. Adult motion picture theater;
5. Seminude model studio;
6. Sexual device shop; or
7. Sexual encounter center.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.060 License Required

1. It shall be unlawful for any person to operate a sexually oriented business in Nibley City without a valid sexually oriented business license.
2. It shall be unlawful for any person to be an employee, as defined in this chapter, of a sexually oriented business in Nibley City without a valid sexually oriented business employee license.
3. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the Nibley City business license office a

complete application made on a form provided by the city manager. The application shall be signed as required by subsection E of this section and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in subsections C,1 through C,7 of this section, accompanied by the appropriate fee identified in NCC 5.14.080:

1. The applicant's full true name and any other names used by the applicant in the preceding five (5) years;
2. Current business address or another mailing address of the applicant;
3. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a government agency;
4. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business;
5. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process;
6. A background check conducted by a qualified law enforcement agency stating whether an applicant has been convicted of or has pled guilty or nolo contendere to a "specified criminal activity" as defined in NCC 5.14.040, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable; and
7. A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to a court order of closure or padlocking.
8. The information provided pursuant to subsections C,1 through C,7 of this section shall be supplemented in writing by certified mail, return receipt requested, to the city manager within ten (10) working days of a change of circumstances which renders the information originally submitted false or incomplete.
4. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (.6"). Applicants who are required to comply with NCC 5.14.160 shall

submit a diagram indicating that the interior configuration meets the requirements of said section.

5. If a person who wishes to operate a sexually oriented business is an individual, the person shall sign the application for a license as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as the applicant. Each applicant shall be qualified under NCC 5.14.070 and each applicant shall be considered a licensee if a license is granted.
6. The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the office of the city manager on a confidential basis, and such information may be disclosed only as may be required by law or court order, and only to the extent required by law or court order.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.070 Issuance Of License

1. Upon the filing of a complete application under NCC 5.14.060 for a sexually oriented business license, the city manager shall immediately issue a temporary license to the applicant, which temporary license shall expire upon a final decision of the city to deny or grant a business license. Within twenty (20) days of the filing date of a complete sexually oriented business license application, the city manager shall issue a business license to the applicant or issue to the applicant a letter of intent to deny the application. The city manager shall issue a license unless:
 1. An applicant is less than eighteen (18) years of age;
 2. An applicant has failed to provide information required by NCC 5.14.060 for issuance of a license or has falsely answered a question or request for information on the application form;
 3. The license application fee required by NCC 5.14.080 has not been paid;
 4. The sexually oriented business does not comply with the interior configuration requirements of this chapter or does not comply with locational requirements set forth in NCC 19.38;
 5. Any sexually oriented business in which the applicant has had an influential interest has in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure or padlocking; or
 6. An applicant has been convicted of or pled guilty or nolo contendere to a "specified criminal activity" as defined in this chapter.
2. Upon the filing of a complete application under NCC 5.14.060 for a sexually oriented business employee license, the city manager shall immediately issue a temporary

license to the applicant, which temporary license shall expire upon the final decision of the city to deny or grant a business license. Within twenty (20) days of the filing date of a complete sexually oriented business employee license application, the city manager shall either issue a business license or issue a written notice of intent to deny a license to the applicant. The city manager shall approve the issuance of a license unless:

1. The applicant is less than eighteen (18) years of age;
 2. The applicant has failed to provide information as required by NCC 5.14.060 for issuance of a license or has falsely answered a question or request for information on the application form;
 3. The license application fee required by NCC 5.14.080 has not been paid;
 4. Any sexually oriented business in which the applicant has had an influential interest has in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure or padlocking; or
 5. The applicant has been convicted of or pled guilty or nolo contendere to a "specified criminal activity" as defined in this chapter.
3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time. A sexually oriented business employee shall have possession of the employee's license on his or her person or keep the license on the premises where the licensee is then working or performing.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.080 Fees

The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as shown on the consolidated fee schedule adopted by the municipal council.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.090 Inspection

1. A sexually oriented business and any sexually oriented business employee shall permit the city manager and the manager's agents to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where customers are permitted, for the purpose of ensuring compliance with applicable

requirements of this chapter, during those times when the sexually oriented business is occupied by customers or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections.

2. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.100 Expiration Of License

1. Except for a temporary license or as otherwise provided in this section, the term of a license shall be as provided in this code, unless suspended or revoked.
2. A license may be renewed only by submitting an application as provided in NCC 5.14.060 and paying the fee required by NCC 5.14.080.
3. Application for renewal of a license shall be made at least ninety (90) days before the expiration date pursuant to the procedures set forth in NCC 5.14.070. When made less than ninety (90) days before the expiration date, the expiration of the license shall not be affected.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.110 Suspension

1. If a sexually oriented business licensee knowingly violates or knowingly allows an employee to violate the provisions of this chapter, the city manager shall issue a letter to the licensee indicating the city's intent to suspend the licensee's sexually oriented business license for a period of up to thirty (30) days.
2. If an employee knowingly violates the provisions of this chapter, the city manager shall issue a letter to the employee indicating the city's intent to suspend the employee's sexually oriented business employee license for a period of up to thirty (30) days.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.120 Revocation

1. The city manager shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly violates a provision of this chapter or has knowingly allowed

an employee to violate a provision of this chapter and the licensee's license has been suspended within the previous twelve (12) month period.

2. The city manager shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:
 1. The licensee has knowingly given false information in the application for the sexually oriented business license;
 2. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances or alcoholic beverages on the premises;
 3. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises; or
 4. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.
3. The fact that any relevant conviction is being appealed shall have no effect on the revocation of a license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, such conviction shall be treated as null and of no effect for revocation purposes.
4. When, after the notice and hearing procedure described in NCC 5.14.130, a license is revoked, such revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one year from the date revocation becomes effective.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.130 Hearing; Denial, Revocation, And Suspension; Appeal

1. When the city manager issues a written notice of intent to deny, suspend, or revoke a license, the city manager shall immediately send such notice, which shall include the specific grounds under this chapter for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Nibley City business license office for the respondent. The notice shall specify a date, not less than ten (10) days nor more than twenty (20) days after the date the notice is issued, on which a hearing officer shall conduct a hearing on the city manager's intent to deny, suspend, or revoke the license.
 1. At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on the respondent's behalf, and cross examine any of the city manager's witnesses. The city manager shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) consecutive days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a written decision, including specific reasons for

the decision pursuant to this chapter, to the respondent within five (5) days after concluding the hearing.

2. If a decision is to deny, suspend, or revoke a license, the decision shall not become effective until the thirty (30) days after the decision is rendered. The decision shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction.
 1. If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the city manager to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action.
 2. If the respondent is not yet licensed, the city manager shall contemporaneously therewith issue the license to the applicant.
2. If any court action challenging the city manager's or hearing officer's decision is initiated, the city attorney shall prepare and transmit to the court a transcript of the hearing within ten (10) days after receiving written notice of the filing of the court action. The city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.
3. The following shall apply to any sexually oriented business that is in operation as of the effective date of this chapter:
 1. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's enforcement of the denial, suspension, or revocation, the city shall immediately issue the respondent a provisional license.
 2. The provisional license shall allow the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and shall expire upon the court's entry of judgment on the respondent's appeal or other action to restrain or otherwise enjoin the city's enforcement.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.140 Transfer Of License

A licensee shall not transfer the licensee's sexually oriented business license to another person, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated on the license.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.150 Hours Of Operation

No sexually oriented business shall be or remain open for business between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. on any day.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.160 Exhibition Of Sexually Explicit Films Or Videos

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than three hundred fifty (350) square feet of floor space, a film, videocassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:
 1. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of each restroom, operator station, viewing room, overhead lighting fixture, video camera and monitor installed for monitoring purposes and shall designate those portions of the premises where customers will not be permitted.
 1. Restrooms shall not contain video reproduction equipment.
 2. The diagram shall also designate the place where the license will be conspicuously posted, if granted.
 3. A professionally prepared diagram in the nature of an architectural drawing shall not be required; however, the top of each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The city manager may waive the foregoing diagram for renewal applications if the applicant presents a previously submitted diagram and certifies that the configuration of the premises has not been altered since it was prepared.
 2. It shall be the duty of the operator, and of any employee present on the premises, to ensure no customer is permitted access to any area of the premises which has been designated as an area in which customers will not be permitted in the application filed pursuant to subsection A,1 of this section.
 3. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where customers are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level. The operator and any employee present on the premises shall have the duty to ensure the illumination described above is maintained at all times when the premises are occupied by customers or open for business.
 4. The operator and any employee present on the premises shall have the duty to ensure no sexual activity occurs in or on the licensed premises.
 5. The operator shall have the duty to post conspicuous signs in well lighted entry areas of the business stating all of the following:
 1. Occupancy of viewing rooms is limited to one person;
 2. Sexual activity on the premises is prohibited;

3. Making of openings between viewing rooms is prohibited;
4. Violators will be required to leave the premises; and
5. Violations of subsections A,5,a, A,5,b and A,5,c of this section are unlawful.
6. The operator shall have the duty to enforce the regulations set forth in subsections A,5,a through A,5,d of this section.
7. The interior of the premises shall be configured to provide an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room, but excluding restrooms, to which any customer is permitted access for any purpose.
 1. An operator's station shall not exceed thirty two (32) square feet of floor area.
 2. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured to provide an unobstructed view of each area of the premises to which any customer is permitted access for any purpose from at least one of the operator stations. The view required in this subsection shall be by direct line of sight from an operator's station.
 3. The operator shall have the duty to ensure at least one employee is on duty and situated in each operator's station at all times when a customer is on the premises, and
 4. The operator and any employees present on the premises shall have the duty to ensure the view area specified in this subsection remains unobstructed by any door, curtain, wall, merchandise, display rack or other material or enclosure at all times when a customer is present on the premises.
2. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.170 Loitering, Exterior Lighting, Visibility, And Monitoring Requirements

1. The operator of a sexually oriented business shall have the duty to:
 1. Post conspicuous signs stating that no loitering is permitted on the premises;
 2. Designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and
 3. Provide lighting of the exterior portion of the premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously whenever the premises are open for business. Such monitors shall be installed within an operator's station.

2. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
3. No sexually oriented business licensee or other person shall erect a fence, wall, or other barrier which prevents any portion of a parking lot for employees or customers of the business from being visible from a public right of way.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.180 Penalties And Enforcement

1. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be guilty of a class B misdemeanor. Each day a violation is committed, or permitted to continue, shall constitute a separate offense, and shall be fined as such.
2. The city attorney is hereby authorized to institute civil proceedings necessary for the enforcement of this chapter to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the city.
3. Nothing in this section and no action taken hereunder shall:
 1. Prohibit a criminal or administrative proceeding as may be authorized by other provisions of this chapter, this code, or other law, or
 2. Exempt any person violating this chapter, this code, or other law from a penalty which may be incurred.

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HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.190 Applicability Of Chapter To Existing Businesses

Any existing sexually oriented business and sexually oriented business employee are hereby granted a de facto temporary license to continue operation or employment for a period of ninety (90) days following the effective date of this chapter. By the end of said ninety (90) days each sexually oriented business and sexually oriented business employee shall conform to and abide by the requirements of this chapter.

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HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.200 Prohibited Activities

1. It is unlawful for a sexually oriented business to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations:
 1. It shall be a violation of this chapter for a customer, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

2. It shall be a violation of this chapter for a person to knowingly or intentionally, in a sexually oriented business, appear in a seminude condition unless the person is an employee who, while seminude, remains at least six feet (6') from any customer and on a stage at least eighteen inches (18") from the floor in a room of at least one thousand (1,000) square feet.
3. It shall be a violation of this chapter for any employee who regularly appears seminude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.
4. It shall be a violation of this chapter for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
2. A sign, in a form prescribed by the city manager, summarizing the provisions of subsections A1, A2, A3, and A4 of this section shall be posted near the entrance of a sexually oriented business in a location where it is clearly visible to customers upon entry.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.210 Scienter Required To Prove Violation Or Business Licensee Liability

This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this chapter, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

5.14.220 Effect Of City Failure To Act

In the event a city official is required to act or do a thing pursuant to this chapter within a prescribed time, and fails to act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the city official under this chapter and not completed in the time prescribed includes approval of condition(s) necessary for approval by the city of an applicant's or licensee's application for a sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee shall be allowed to commence operations or employment the day after the deadline for the city's action has passed.

HISTORY

Adopted by Ord. 08-07 on 4/17/2008

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Agenda Item #12

Description	Discussion & Consideration: Ordinance 23-14 — Amending NCC 1.08, 7.16, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement (First Reading)
Presenter	Justin Maughan, Manager
Recommendation	Move to approve Ordinance 23-14 — Amending NCC 1.08, 7.16, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement for first reading. A public hearing will be held at the second reading of this ordinance.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, Cache County Sheriff's Office, City Prosecutor (presumed)

Background

Code was updated to be in compliance with State Law, and to make it more enforceable.

Summary of major changes:

1. Changed penalty from a misdemeanor to an infraction, HB202 from 2020 general session of Utah Legislature.
2. Identifies the Administrative Appeal's Officer as the responsible party to hear appeals.
3. Exempts law enforcement animals from Dangerous Animal regulations.
4. Increases and makes clear regulations for animals deemed to be Dangerous.
5. Further defines Loud Animals, and associated regulations about disturbing the peace.

ORDINANCE 23-14

**AMENDING NCC 1.08, 9.02, 9.06, 19.02.110, and 19.34.110
ANIMAL CODE ENFORCEMENT REGULATIONS**

WHEREAS, Nibley City desires Animal Code violations be in compliance with Utah State Law; and

WHEREAS, adopting the appropriate processes will help to ensure that Nibley City's Animal Code regulations within the City are effectively upheld;

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The attached amendments to Nibley City Code 1.08, 9.02, 9.06, 19.02.110, and 19.34.110 are adopted into Nibley City Code.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

1.08.010 Sentencing

- A. Penalty For Violation Of Ordinance: Unless otherwise specifically authorized or governed by state statute, the city council may provide a criminal penalty for the violation of any city ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code § 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment. The city council may prescribe a minimum penalty for the violation of any city ordinance and may impose a civil penalty for the violation of any city ordinance by a fine not to exceed the fine amount that would be imposed as a criminal penalty for a violation of the same ordinance. The city council may also regulate and impose a civil penalty for the unauthorized use of city property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed and due process provided for all criminal or civil enforcement proceedings. Civil citations and administrative proceedings shall follow the process set forth in NCC 7.02, except where such process is clearly inapplicable.
- B. Term Of Imprisonment For Misdemeanors: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:
1. In the case of a class B misdemeanor, for a term not exceeding six (6) months;
 2. In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.
- C. Infractions:
1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.
 2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.
- D. Fines Of Persons: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:
1. Class B Misdemeanor: See current approved Consolidated Fee Schedule.
 2. Class C Misdemeanor; Infraction: See current approved Consolidated Fee Schedule.
- E. Fines Of Corporations: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this code, or the ordinances of the city, or for an offense defined outside of this code over which this city has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:
1. Class B Misdemeanor: See current approved Consolidated Fee Schedule; and

Commented [JG1]: How would the city council provide a criminal penalty? Can we just say City?

Commented [GU2]: There are several sections of code that point to a specific sentence for each violation. For example, business license violations are a class b misdemeanor. Does this code supersede or should we change those sections to refer to this one?

Commented [LR3R2]: this comment is from Levi

2. Class C Misdemeanor; Infraction: See current approved Consolidated Fee Schedule.

1.08.020 Offensive Designated; Classified

A. Sentencing In Accordance With Chapter:

1. A person adjudged guilty of an offense under this code or the ordinances of this city shall be sentenced in accordance with the provisions of this chapter.
2. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

B. Designation Of Offenses: Offenses are designated as misdemeanors or infractions.

C. Misdemeanors Classified:

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1. Misdemeanors are classified into two (2) categories:
 - a. Class B misdemeanor.
 - b. Class C misdemeanor.
2. Any offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or any ordinance of this city when no other specification as to punishment or category is made, is a class B misdemeanor, unless the violation pertains to an individual's pet dog or cat or an individual's use of the individual's residence, in which case the offense shall be designated and prosecuted as an infraction, notwithstanding any provision in this code to the contrary, unless the violation is a nuisance, threatens the health, safety, or welfare of the individual or an identifiable third party, or the city has imposed a fine on the individual for a violation involving the same residence or pet on three previous occasions within the past 12 months.

D. Infractions:

1. Infractions are not classified.
2. Any offense which is made an infraction in this code or other ordinances of this city, or which is expressly designated an infraction and any offense designated by this code or other ordinances of this city which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

E. Continuing Violation: In all instances where the violation of this code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur, provided that infractions for violations pertaining to an individual's pet dog or cat or an individual's use of the individual's residence shall not be issued more than once within a 14-day time period, each of which periods the violation continues shall be considered separate violations and occurrences.

9.02.010 Definitions

ADMINISTRATIVE APPEAL OFFICER: The individual appointed or designated to hear appeals related to this chapter. In the absence of an appointed officer, the mayor shall be the administrative appeal officer.

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ATLARGE: means any animal that is off the premises of the owner, keeper, or custodian and is not within the immediate presence or within reasonable control of such owner, keeper, or custodian.

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BODILY INJURY: means physical pain or impairment of physical condition.

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CONTOL: means an owner, keeper, or custodian has an animal on a leash, lead rope, harness or other such means or that the owner, keeper, or custodian has an animal in such proximity as to be under the effective voice control of such owner, keeper, or custodian.

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NUISANCE: means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, as defined by Utah Code Annotated § 78B-6-1101.

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VICIOUS/DANGEROUS ANIMAL: Any animal that approaches any person or domesticated animal in apparent attitude of attack or threat, that bites, inflicts injury, assaults, or otherwise attacks a human being or domesticated animal, or that has a propensity, tendency, history, or disposition to cause injury or to otherwise endanger the safety of human beings or domestic animals. A bite is not necessary to show this propensity. There is a rebuttable presumption that all wild animals are vicious animals. No dog shall be deemed to be vicious or dangerous based solely on their breed. For purposes of this Chapter, “dangerous” and “vicious” shall be interchangeable.

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Deleted: No animal shall be considered vicious until such time as it has been so deemed by the Nibley City Justice Court, according to the provisions contained herein. For purposes of this Chapter, “dan

WORRY: To harass by tearing, snapping, chasing, biting, shaking with the teeth or other similar threatening actions.

9.02.050 Licensing Requirements

Commented [JG5]: Can we add something for a temporary time period, say 30 days for visitors with dogs or care of dogs?

Commented [JM6R5]: I don't see a good way to do it. It will just give people an excuse to not register?

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A. **License Required:** It is unlawful for any person to keep, harbor or maintain any dog six (6) or more months old unless such dog has been registered and licensed in the manner herein provided.

B. **Application; Information:**

1. Application for registration and licensing shall be made to Nibley City or its designee.

2. The owner shall state at the time application is made for such license his name and address and the sex, breed and color of each dog owned or kept by him.

C. **Issuing Authority:** A dog license shall be issued by Nibley City or its designee.

D. **Fee For License:** No dog license shall be issued until the fee as established by resolution on the Consolidated Fee Schedule of the city council is paid.

E. **Date Due:** The fee due and payable pursuant to this section shall be due March 1. Any owner of a dog found not to be registered and licensed shall be subject to an infraction and associated fine as established by resolution on the Consolidated Fee Schedule.

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F. **Newly Acquired Dogs:** The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make an application for registration and license within thirty (30) days after such acquisition or dogs attain the above stated age.

G. **Kennel License**

1. The following conditions must be met prior to the issuance of a kennel permit:

- a. The applicant must provide proof that the outdoor area in which all dogs are kept is completely fenced in.
- b. Housing of dogs: Dogs must be either kept completely indoors during the hours of 10:00 PM and 7:00 AM or kept in an outdoor shelter, which includes a roof of solid structure, setback at least 10 feet from all property lines and 30 feet from any structures outside of the lot in which it is located.
- c. Adequate shade and shelter from the elements shall be provided for all dogs kept outdoors.
- d. **Fee:** No kennel license shall be issued unless the provisions of NCC 19.34, titled "Animal Land Use Regulations" are met. Authorized kennel licenses shall pay an annual license fee, in addition to required registration fees.

H. **Term Of License:** Dog licenses shall be valid for the duration of the March 1 – End of Feb the following year.

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I. **Rabies Certificate:** All dogs are required to keep and maintain current rabies vaccination in order to be licensed with Nibley City. As part of registration and licensing of dogs, dog owners shall be required to provide Nibley City with a certificate demonstrating that the dog's rabies vaccination is current.

J. **Exceptions:**

1. Service Animals, as defined in NCC 19.34.020 shall not be assessed annual license fees for the service animal

K. License Tag:

1. Issuance: Upon payment of the license fee, a metallic tag shall be issued for each dog so licensed. Once issued, a tag is valid until the dog is no longer registered with Nibley City. Every dog owner shall provide each dog with a collar to which the license tag shall be affixed. It shall be unlawful to deprive a registered dog of its collar and/or tag.
2. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by Nibley City upon payment for each duplicate as established by resolution of the City Council.
3. Tag Not Transferable: Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the city before expiration of the license period.

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Commented [JG8]: This was something we were going to add to 9.02.060 Cruelty To Animals Prohibited (Any person violating any section of this chapter shall be guilty of a class B misdemeanor and subject to penalty as provided in NCC 1.08.010. Each day the violation is permitted to exist or continue shall constitute a separate offense.)

Commented [JM9R8]: I don't have a problem doing this, but isn't there a State rule? That seems like a pretty general thing that would exist somewhere already?

Commented [JG10R8]: It was added by Rob in a previous version of edits.

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9.02.070 Wild Animals

- A. **Unlawful To Own And Possess:** It is unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any "wild animal", as defined in this title, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.
- B. Whenever a prosecution for this offense is commenced under this section, the animal so involved may not be redeemed or released from impoundment, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such animal.

- C. **Disposition After Conviction Of Offense:** Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order the animal control officer or other authorized personnel of the city to put the animal to death or may order such other disposition of the dog as will protect the inhabitants of the city.

Deleted: Capturing: If the capture of such animal cannot be accomplished without serious risk or harm to the animal control officer, his deputies or police officers, such dog or other animal may be destroyed by the animal control officer, his deputies or any police officer, where found, by the safest and most appropriate means available. It shall be the duty of the owner or person having custody or control of any dangerous or vicious dog or other animal, upon request, to assist in the capture of such dog or other animal.

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9.02.075 Law Enforcement Dangerous Animal Exemption

- A. Properly licensed dogs owned and used by law enforcement agencies, shall be exempt from Dangerous Animal regulations and requirements.

9.02.080 Process for Designation and Disposition of Dangerous Animals

A. Petition. The City, ~~a law enforcement officer, an animal control officer, or any person~~ adversely affected by the behavior of an animal they believe to be dangerous, ~~other than the person designated as the administrative appeal officer,~~ may petition the ~~city's~~ administrative appeal officer for a determination that the animal ~~poses a threat to humans or domestic animals and should be designated as a~~ dangerous animal. Such petition shall include relevant information and evidence describing the animal, the owner, and the circumstances, behavior, and activities that support the petitioner's claim.

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B. Hearing. Upon receipt of a petition, the administrative appeal officer shall conduct a hearing to determine whether the animal is vicious and what remedial actions are required. The hearing shall be recorded and shall be informal, provided that administrative appeals officer shall respect the due process rights of the owner or keeper of the animal.

1. Date of Hearing: The hearing shall be held within five (5) days after a petition is filed. The parties may agree to a later date.

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2. Notice of Hearing: The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy two (72) hours' written notice of the time and place of the hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to register and restrain it in accordance with this chapter, remove it from the city, or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located or was found, or may be posted on the premises if no adult is present to accept service. If there is no known owner or keeper of the animal, ~~the animal shall be~~ impounded.

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3. Evidence and Argument: The owner or keeper of the animal shall be entitled to present evidence, call witnesses, and submit arguments to the administrative appeals officer as to whether the animal is vicious, as defined herein, the prior history and disposition of the animal, and the appropriate remedy or action regarding the animal.

4. Waiver: If the owner or keeper fails to appear or attend a hearing after being given notice, the owner or keeper shall be deemed to have waived all defenses and rights and to have consented to the order of the administrative appeal officer.

C. Determination of Viciousness. ~~The following are the types of factors that the administrative appeal officer may consider in determining whether an animal is dangerous, but the officer may consider any and all factors and evidence that are generally reliable and probative;~~

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1. Provocation in any attack by the animal;

2. The nature and severity of the attack injury, or threat to a person or domestic animal by the animal;

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3. Previous history of aggression or viciousness of the animal or inadequate control by the custodian;

4. Other violations of this chapter related to the animal;

5. Observable behavior of the animal;

6. Site and circumstance of the incident or incidents; and

D. The animal's performance on a generally accepted temperament test. **Mitigating Factors:** In determining whether or not a animal shall be declared a vicious animal, the administrative appeals officer shall consider, as a mitigating factor, that the actions of the animal were "provoked", as defined in this chapter, or that the actions of the animal were in defense of human beings or property and were reasonable and proportionate in relation to the threat to such human beings or property.

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E. **Burden of Proof:** It shall be the burden of the entity or person petitioning to designate an animal as vicious to provide by a preponderance of evidence that the animal is dangerous.

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G. **Order; Registration Required:** If, after the hearing, the administrative appeals officer determines that an animal is dangerous or vicious, as defined in this chapter, the administrative appeals officer shall issue an order with their findings and shall order the person owning, sheltering, harboring or keeping the animal to license, register, and keep the animal in compliance with this chapter, remove it from the city, or to cause it to be destroyed in a humane manner in accordance with NCC 9.02.100. Such order shall explain the appeal process set forth herein. The order shall be in writing and shall immediately be served upon the owner or keeper of the animal and the petitioner.

H. **Compliance; Order to Show Cause:** The owner or keeper of the vicious animal shall comply with the order of the administrative appeals officer to register and license the animal in accordance with this chapter, remove the animal from the city, or destroy the animal in a humane way. If the owner or keeper of the vicious animal does not comply with the order of the officer within ten (10) days of service, and the owner or keeper has not appealed the order to the district court, or if the owner or keeper later violates any order or regulation relating to the keeping and registration of a vicious animal, any appropriate law enforcement, animal control, or other designated officer is authorized to seize and impound the animal. The officer shall set and provide notice of a hearing before the mayor or chief of police, according to the process set forth above, during which the owner or keeper of the animal shall show cause for noncompliance and for why the animal should not be destroyed pursuant to NCC 9.02.100.

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I. **Appeal.** Any party to the proceedings before the administrative appeal officer may appeal the officer's decision to Utah district court by filing such appeal with the court

within 10 days after a determination by the administrative appeal officer. The district court shall conduct such proceedings as an appeal of an administrative decision and shall uphold the decision of the administrative appeal officer unless the decision is arbitrary and capricious, not supported by substantial evidence, or illegal.

9.02.090 Regulation of Dangerous Animals

- A. **Kept in Enclosure, Muzzle, Exercise.** It shall be unlawful for any owner or person responsible for a dangerous animal to allow the animal to be outside of its secure enclosure unless it is either confined indoors in the custodian's dwelling or building, or unless it is necessary for the animal to receive veterinary care, in which case the animal shall be properly leashed and, in the case of a dog which has been designated as a dangerous animal, muzzled with a properly fitted muzzle. Nothing in this section shall prohibit necessary exercise for a dangerous animal provided that it is in the immediate presence of a custodian capable of controlling the animal, and provided the animal is in non-public property within a secure fence or enclosure from which it cannot escape, and which prevents entry by small children.
- B. **Confinement.** Except when leashed, muzzled and under direct physical control, a dangerous animal shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent and actually prevents the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
1. The enclosure must have secure sides and a secure top;
 2. The enclosure must have a bottom permanently attached to the sides, or the sides must be securely embedded not less than two (2) foot into the ground;
 3. The enclosure shall have a concrete pad for a base, with said pad to be at least 4 inches deep.
 4. The enclosure must be of such material and closed in such a manner that the animal cannot exit the enclosure on its own; and
 5. The enclosure shall be placed as close as practicable to the Owner's dwelling or building with a separate perimeter fence so that it prevents the animal from coming in contact with passersby or children, and may not be located in the front or side yard of a dwelling or other building and shall not be closer than ten feet from a property line.
 6. The enclosure shall be placed within a continuous perimeter fence which shall be at least six feet in height where the law and private property covenants and restrictions allow, shall be maintained in good repair, shall be constructed in a way so as to prevent the ready entry or exit of animals, and shall prevent the entry

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of small children who are not of the custodian's family. The enclosure may not be part of or attached to the perimeter fence.

- C. **Signs.** All persons responsible for dangerous animals shall display in a prominent place on their premises, durable, all-weather signs easily readable by the public, at a distance of not less than ten (10) feet using the words "Beware of Dangerous Animal" on all gates to the yard in which the animal is kept and doors to the home through which guests might reasonably be expected to enter, and on all sides of the property which abut a public right of way.

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1. All signs shall be 18 inches high and 24 inches wide.
2. All signs shall be purchased by the owner of the dangerous animal and reviewed for acceptance by the City prior to placement on the owner's property.
3. The City Code Enforcement Officer shall be the authority determining compliance with the provisions of this section.

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- D. **Marking.** The owner or keeper shall, at his own expense, provide for a permanent identification of a designated dangerous or vicious animal using either of the two methods below:

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1. Tattoo: The licensing number assigned to the vicious animal, or such other identification number or mark as the city shall determine, shall be tattooed or otherwise permanently and indelibly inked or marked upon such animal by a licensed veterinarian or person trained as a tattooist and authorized as such by statute. The tattoo shall be placed on the upper inner lip, upper left rear thigh, or another conspicuous location on the vicious animal approved by the city.
2. Microchip: The owner or keeper shall have the vicious animal microchipped and registered by a licensed veterinarian. The owner or keeper shall provide the city with proof of microchipping, including the name and business address of veterinarian, receipt or invoice documenting the procedure, the name of the microchip company, and the unique microchip identification number assigned to the animal, which information shall be noted on the city licensing files for such vicious animal. If the microchip registration allows additional information to be included with the registration, the owner or keeper shall include a statement that the animal is vicious.

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- E. **Failure to Comply.** It shall be unlawful and a misdemeanor for any owner or custodian of a dangerous animal to fail to comply with the requirements and conditions set forth in this section. Any animal found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this ordinance shall result in the revocation of the license/permit providing for the keeping of such animal.

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- F. **No More than One Dangerous Animal.** In no event shall a person be allowed to keep any other domesticated or dangerous animals if the person has a dangerous animal.

G. **Other Conditions.** A court may impose other conditions on the keeping of a dangerous animal including but not limited to maintaining additional liability insurance and/or surety bonds, training of animals or custodians, and sterilizing the animal.

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H. **Registering Dangerous Animals.** Any owner or caretaker of a dangerous animal shall register with Nibley City the following minimal information: name, address and telephone number (including work phone numbers), of all responsible parties relating to the animal, to be updated annually. This will also include breed, sex, color, weight, and age of animal, and the type and associated number of the tattoo or microchip.

I. **Notification.** The owner or caretaker shall notify Nibley City or its designated authority immediately if a dangerous animal is loose, unconfined, has attacked another animal or has attacked a human being, or within twenty four (24) hours if the animal has died or has been sold or has been given away. If the animal has been sold or given away, the owner or caretaker shall provide the police department or its designated authority with the name, address and telephone number of the new owner, who must comply with the requirements of this chapter, provided the animal continues to be kept within the boundaries of the city.

J. **Minor Owner.** In the event that a minor is the owner or caretaker of a dangerous animal, the parent or guardian of that minor shall be responsible for compliance with the specifications of this ordinance for the care and housing of the animal and shall also be liable for all violations of this chapter and for all injuries and property damage sustained by any person or animal caused by an unprovoked attack by the dangerous animal.

Deleted: Liability Insurance: The owner or caretaker of a dangerous animal shall present to the police department, proof that the owner or caretaker has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such dangerous animal which policy shall contain a provision requiring the police department to be named as additional insured for the sole purpose of the police department to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.¶

K. **Vaccinations.** All dangerous animals shall obtain all appropriate vaccinations for the particular species as it relates to the health, safety and welfare of the citizens of the city.

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9.02.100 Destruction of Dangerous Animals

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A. **Destruction of Animal:** An order to destroy a dangerous animal shall only issue by the mayor, chief or police, or court of competent jurisdiction, if the reviewing officer finds that the animal poses a threat to the health and safety of people or property and that the destruction of the animal is reasonably necessary to prevent such threat. In determining whether the destruction of the animal is reasonably necessary, the officer shall consider:

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1. whether the animal has previously been determined to be vicious;

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2. whether the animal caused property damage or severe injury to or death of a human being or domesticated animal; and

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3. whether the owner or keeper of the animal has previously failed to comply with this chapter or any order issued thereunder, and there is no good cause for such noncompliance.

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B. Capture Not Feasible: If the capture of a dangerous or wild animal cannot be accomplished in order for a hearing to be conducted without serious risk or harm to the law enforcement, animal control, or other authorized officer, and the animal poses a significant threat to the health and safety of the public, the officer shall issue and sign a statement, under penalty of perjury of the State of Utah, to that effect and transmit such statement to the mayor, who may then authorize the destruction of the animal, where found, by the safest and most appropriate and humane means available. Nothing herein shall prevent any person from killing an animal as set forth in NCC 9.02.160 or as otherwise authorized by law.

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9.02.110 Control Of Rabies And Rabid Animals

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[No changes]

9.02.120 Animals At Large

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No animal shall be allowed to be at large or to be herded, picketed or staked out upon any street, sidewalk or other public place within the limits of the city, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside the city limits to any enclosure within the city limits or from any enclosure in the city to a place outside the city or from one enclosure to another within limits of the city.

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9.02.130 Dogs At Large.

A. Unlawful Acts: It shall be unlawful:

1. For the owner or keeper of any dog to permit such dog to be at large.
2. For the owner or keeper of any dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
3. For the owner or keeper of any dog to permit such dog to be on the owner's or the keeper's property outside of a building or structure without securing the dog or property by fence, barrier, leash, cord, chain, or other similar restraint such that the dog is prevented from being at large.
4. It is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large where, while at large, such dog is a nuisance and causes bodily injury to any individual who has not provoked the dog in a manner that caused the dog to injure the individual.

Commented [JG14R13]: It's 9.02.180 Penalty but I we were going to also add after infraction "unless otherwise defined by this Chapter"

Commented [JM15R13]: I just meant that the title was wrong

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Commented [JG16]: I think this is harsh and not sure that Animal Control would want to enforce it. It would mean that you can't have a dog in your backyard or on your property without a leash if you did not have a fence. It would contradict the definition of Control which states "or that the owner, keeper, or custodian has an animal in such proximity as to be under the effective voice control of such owner, keeper, or custodian."

Commented [JM17]: This section added from Counties Ordinance

Commented [JM18R17]: Not sure the use of Nuisance is in line with what we use nuisance for.

Commented [JG19R17]: Nuisance was added as a definition under this chapter. I think it fits.

B. **Violation Regardless Of Precautions:** The owner of any dog at large ~~in violation of this section~~ shall be ~~held strictly liable for such violation~~, regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large ~~and regardless of whether the dog damages, harms, or injures any person, animal, or property~~.

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C. **Declared Nuisance:** Any dog at large in violation of the provisions of this section ~~may be~~ declared to be a nuisance and a menace to the public health and safety, and the dog ~~may be taken up and impounded~~ as provided in this chapter.

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Commented [JG22]: This would mean that Animal Control could not take a dog back to it's owner and they would all have to go directly to the intake facility. Part of the benefit of licensing dogs and having them wear tags is so Animal Control can identify the owner and return the dog.

Commented [JM23R22]: Changed it to "may"????

Commented [JG24R22]: Yes thaks!

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9.02.140 Prohibited Acts And Conditions

A. **Disposition Of Dead Animals; Violation:** The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten (10) hours after its death; provided, that no horse, cow, ox or other animal shall be buried within City limits.

B. **Diseased Animals:** It shall be unlawful for any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.

C. **Diseased Animals For Human Consumption:** It shall be unlawful for any person to bring into the city for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.

D. **Female Dogs In Heat:** The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance. Any dog found in violation of the provisions of this subsection is hereby declared to be a nuisance and a menace to the public health and safety, and the dog may be taken up and impounded as provided in this chapter.

E. **Harbor Stray Dogs:** It shall be unlawful for any person to harbor or keep within the city any lost or stray dog. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the city recorder or animal control officer, who shall impound such animal for running at large contrary to the terms of this chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the animal control officer shall notify the person to whom such license was issued, at the address given on the license.

F. **Loud Animals:** No person shall own, keep or harbor any animal which by loud, continued or frequent barking, ~~baying, crying, howling, yelping,~~ howling, yelping,

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meowing, or by any other noxious or offensive noise, shall annoy, disturb or endanger the health, peace, and welfare of any person or neighborhood for an extended period of time. Such extended period of time shall consist of either of incessant noise for thirty (30) minutes or more or intermittent noise for sixty (60) minutes or more during any twenty four (24) hour period. Civil or criminal citations may be issued to owners and keepers of an animal that makes noise in violation of this chapter that the enforcing officer did not see or hear based upon a complaint signed under penalty of perjury lodged by a member of the community who has been disturbed by the animal. All complainants must clearly identify themselves by stating their name, address, and telephone number. The complainant shall complete a noise log provided by the City, which describes the offense, the date, time, place and duration of the offense, and if known, the name of the animal's owner, the owner's address and telephone number, and a description of the animal. The log shall be signed by the complainant under penalty of perjury under the laws of the state of Utah. After receiving a completed barking log, the responding officer or agency shall determine the validity of the complaint and if the complaint is determined to be valid, shall issue a written warning, if it is a first time offense. The owner of the animal shall be granted a ten (10) day correction period to resolve the issue prior to issuance of a citation. The following circumstances do not constitute a violation of this section:

1. Noise generated by animals at the city dog pound or other location authorized by the city for the keeping and impoundment of animals, veterinary hospitals, or medical laboratories.
2. Noise generated by an animal due to a person is trespassing or threatening to trespass upon private property in or upon which the animal is situated;
3. Noise generated by an animal that is being teased or provoked by a person or animal; and
4. Noise generated by an animal that is working or being kept in connection with an active agricultural operation.

G. **Trespassing Animals:** It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

H. **Dogs in Prohibited Places:** Dogs are prohibited at Firefly Park and on the interior of painted athletic fields.

9.02.150 Impounding

A. **Duty Of Official To Impound:** It shall be the duty of every police officer, animal control officer, or other designated official to apprehend any animal found in violation of this chapter and to impound such animal in the pound or other suitable place.

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Commented [JG25]: Wow that gives residents an opportunity to cite their neighbors just by writing it on a piece of paper, which even though it says under penalty of perjury, is in my opinion not enough proof. It would be more valid to provide a video and in this day and age of technology should not be difficult.

Deleted: , nor any dog which molests passersby, chases vehicles, attacks or destroys other domestic animals, or trespasses upon private property or upon public property in such a manner as to damage property. A violation of this

Deleted: A violation of this subsection shall be unlawful and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall consist of a separate offense. This subsection shall not apply to the ...

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B. Impoundment of Dangerous Animal:

1. An animal alleged to be dangerous or displaying dangerous tendencies, or if the animal is suspected to be in violation of any other provision of this chapter, or if the animal is a wild animal, may be seized and impounded if:

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a. the animal is at large;

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b. the officer determines that probable cause exists that the animal poses a threat to the health and safety of human beings or domesticated animals;

c. the officer determines that the owner or keeper of the animal has failed to comply with a lawful order related to the animal; or

d. the officer obtains a warrant.

2. An officer who impounds an animal alleged to be dangerous or displaying dangerous tendencies shall file a petition to designate the animal as a dangerous animal under NCC 9.02.080.

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3. Any animal impounded under this subsection shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the dangerous animal hearing and all appeals. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous or in violation of this chapter. If the animal is not determined to be dangerous or in violation of this chapter, all costs of such impoundment or quarantine shall be paid by the city. The animal may be released upon payment of a bond or surety, in an amount set by the city council.

4. It shall be the duty of the owner or person having custody or control of any dangerous or vicious dog or other animal, upon request, to assist in the capture of such dog or other animal.

C. **Registry of Impounded Animals:** The animal control officer, or other designated official, upon receiving any animal, shall make a complete registry, entering the breed, color and sex of such animal and whether, if necessary, the animal is licensed. If licensed, they shall enter the name and address of the owner and number of the license.

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D. **Interference With Impounding Prohibited:** It shall be unlawful for any person to hinder, delay, interfere with, or obstruct an officer engaging in seizing, capturing, securing, or taking to the animal pound any animal or animals liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal pound or ambulance, wagon or other vehicle used for the collecting or conveying of animals to the animal pound.

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Deleted: animal control officer or any of his assistants while

E. Records Maintained: The animal control officer shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and, if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.

F. Notice of Impoundment: The impounding officer or the animal control officer shall notify the owner of an impounded animal of the impoundment and the redemption and release procedures and requirements as soon as practicable after impoundment. If the owner of the animal is not known, notice of the impoundment of the animal shall be posted publicly by reasonable means, such as by posting on a publicly accessible website or physical posting at a public location.

G. Redemption Of Impounded Animals: Any animal impounded as a licensed or unlicensed animal may be redeemed and taken from such pound by the owner or any authorized person upon exhibiting to the animal control officer or person having charge of said pound a certificate of registry, as provided in subsection A of this section, showing that the license imposed by this chapter has been paid for such animal, a receipt showing that all fines imposed for violation of this chapter have been paid, and upon paying the person in charge of the pound an impounding fee as established by resolution of the city council for each and every day such animal shall have been impounded. All impounded animal not redeemed within five (5) days may be sold for the best price obtainable at either private or public sale, and all monies received from such sales shall be paid daily to the city treasurer. All animals that are not sold or redeemed in the required time shall be disposed of in a humane manner.

H. Disposition Of Unclaimed Or Infected Animals: All impounded animals not redeemed within five (5) days of the date of impounding may be destroyed or sold to the person first making written request for purchase at such price as may be deemed agreeable. Dangerous animals that are impounded may be destroyed pursuant to NCC 9.02.100. In the case of animals severely injured or having contagious disease other than rabies and which in the animal control officer's judgment are suffering and recovery is doubtful, the animal control officer may destroy the animal without waiting the five (5) day period, provided that, before destroying the animal the officer shall obtain the opinion of a veterinarian, or of two reputable citizens called to view the animal in the officer's presence, or shall obtain consent to the destruction from the owner of the animal.

9.02.160. Animals Attacking

Commented [JG26]: I believe that this would be in accordance with the contract with the pond. Currently, dogs not redeemed within (5) days go to New Vision and the city would be charged.

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A. **Unlawful:** It shall be unlawful for the owner or keeper of any animal, except for animals used by law enforcement officers and agencies, to allow such animal to attack, chase or worry any person, any domestic animal, any species of protected wildlife or domestic fowl, or to trespass upon or damage property not under the ownership or control of the owner or keeper of the animal.

Deleted: person having charge, care, custody or control

Deleted: "Worry" as used in this section, shall mean to harass by tearing, snapping, chasing, biting, shaking with the teeth or other similar threatening actions.¶

B. **Defense:** It shall be a defense to liability under this section if the following circumstances apply:

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1. The animal was properly confined on the owner's or keeper's premises; or
2. The animal was defending human beings, domestic animals, or other property, and the animal's actions were reasonable and proportionate in relation to the threat to such human beings, domestic animals, or other property.

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C. **Owner Liability:** The owner in violation of subsection A of this section, shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animals injured or destroyed thereby.

D. **Animals May Be Killed:** Any person may kill an animal while it is committing any of the acts specified in subsection A of this section or while such animal is being pursued thereafter.

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E. **Animals May Be Impounded:** An animal committing or who committed any of the acts specified in subsection A of this section may be impounded as set forth in NCC 9.02.150.

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9.02.170 Animal Waste

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The owner or any person having control over or charge of any dog or other animal shall be responsible for the clean-up, removal, and proper disposal of any feces deposited by such dog or animal in any public place, including, but not limited to, sidewalks, streets, planting strips, parking lots, parks, recreational areas, on private property not in the ownership or control of the person having control or purporting to have control over or charge of such dog or animal, or in any drinking water source protection zone and any other place that may befoul or pollute any spring, stream, well, watershed area, or water source used for culinary water.

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9.02.180 Penalty

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A. The city may enforce violations of this chapter through both civil and criminal remedies, either separately or concurrently. The administrative process set forth herein shall not be construed as a limitation on the city's right to prosecute violations of this chapter as a criminal matter.

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B. Any person violating any section of this chapter shall be guilty of ~~an infraction~~ and subject to penalty as provided ~~in the current approved Consolidated Fee Schedule and as set forth~~ in NCC 1.08.

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Commented [JM27]: Chapter or section? Not sure what word fits our Ordinance

Commented [JG28R27]: Chapter sounds right. I believe Chapter refers to the entirety of 9.02 and Section would only refer to 9.02.180 Penalty.

Commented [JM29]: From County

C. ~~It is unlawful for any person to violate any section or subsection within this Chapter, pertaining to an individual's dog, where the City has imposed a fine on the individual for violating the same provision on three prior occasions within the previous 12 months and each of the three prior violations involve the same dog as the current violation. A violation of this subsection is a class B misdemeanor and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated § 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment~~

9.06.040 Disturbing The Peace

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1. **Excessive Noise Prohibited:** It is unlawful for any person to make, continue, or cause to be made, or allow to be made Excessive Noise ~~in violation of NCC 7.16.~~

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1.

Deleted: <#>Persons engaged in municipal activities including public concerts, school related or city sponsored sports related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity.

2. **Construction or Repair of Buildings:** No construction or repair of buildings, including site excavation and grading, shall take place between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m., except in case of urgent necessity in the interest of public health and safety and with the permission of the Public Works Director.

<#>In addition to the above, it is unlawful for any person to:
<#>Engage in prolonged shouting, yelling, hooting, whistling, singing, or playing of music or musical instruments loud enough to disturb the peace, quiet and comfort of persons who are involuntarily subject to such noise, between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
Persons engaged in school related or sports related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity.

3. No gasoline or diesel engines, chainsaws and/or other woodcutting equipment capable of producing Excessive Noise, or gasoline or electric powered lawn care equipment, or like equipment shall be used between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. in any residential area, regardless of the underlying zoning district.

4. **Exceptions:** The prohibitions against disturbing the peace as set out in this section shall not apply to the following:

1. Emergency work;
2. A governmental agency acting within the scope of its functions (e.g.: snow removal);
3. Utility work performed by employees of utility companies within the hours permitted for construction set out in this chapter;
4. Such other work or activities as may be authorized by the City Planner, Public Works Director, or the City Manager.

5. **Unlawful Assembly:** It is unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command to do so by an officer. It is unlawful for any person,

except public officers and persons assisting in preserving the peace, to remain present at the place of such lawful assembly.

6. **Injury to Property:** It is unlawful for any person to willfully or maliciously destroy, injure, deface, mutilate, remove, pull down, break, or in any other manner interfere with public property; or any real or personal property belonging to, or under the control of, any person, or any public entity.

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19.02.110 Violation; Penalty

- A. Nuisance: Any structure made or existing, and any use of land, in violation of any provisions of this title, is a public nuisance and may be abated by appropriate proceedings.
- B. Misdemeanor: Any person violating or causing or permitting the violation of any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in NCC 1.08, unless otherwise defined by this Chapter. Such person shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this title is committed, maintained, continued or permitted by such person, and shall be punishable as herein provided.

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19.34.110 Violation; Penalty

Infraction: Any owner subject to this section who shall fail to comply with the notice or order given pursuant to this section shall be guilty of an infraction and, upon conviction thereof, subject to penalty as provided in the current approved Consolidated Fee Schedule and as set forth in NCC 1.08. The fine shall be assessed for each animal in violation of this section.

Commented [JG30]: Do we need to add a reference in 9.02.030 Animal Control Officer so that they can enforce 19.34 Animal Land Use Regulations?

Agenda Item #13

Description	Discussion & Consideration: Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to not approve Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations for first reading. A public hearing will be held at the second reading of this ordinance.
Reviewed By	Mayor, City Manager, City Planner, Planning Commission, City Attorney, Cache County Sheriff's Office, City Prosecutor (presumed)

Background

Amendments are being proposed to these ordinances, to make the ordinances more enforceable.

ORDINANCE 23-15

AMENDING NCC 7.16.010-050 NOISE REGULATIONS

WHEREAS, Nibley City desires to keep citizens from suffering undo burdens from excessive noise; and

WHEREAS, adopting the appropriate processes will help to ensure that Nibley City's Noise ordinance violations are effectively upheld within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The attached amendments to Nibley City Code 7.16.010-050 are adopted into Nibley City Code.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

7.16 Noise Regulations

7.16.010 Findings and Authority

The city council finds that:

1. Excessive and unreasonable noise constitutes a nuisance and may be injurious to health and the quiet enjoyment of property.
2. The reasonableness of noises and sound depend on the location, time, type, and purpose of the sound.
3. The City has authority pursuant to Utah Code 10-8-47, 10-8-60, and 10-8-76 to declare unreasonable noise, as defined by this chapter, to be a nuisance and to regulate and restrain the same based on the location, time, type, and purpose of the sound.

7.16.020 Definitions

The following definitions apply to this chapter:

1. "A-Weighted Sound Pressure Level" means the sound pressure level as measured with a sound level meter using the A-weighting network, denoted as dBA.
2. "Ambient Sound" means the sound pressure level which represents the summation of the sound from all the discrete sources affecting a given site over a given measurement period, which shall not be less than 10 minutes, exclusive of the source under investigation.
3. "Daytime" means the hours between 7:00 AM and 10:00 PM.
4. "Nighttime" means the hours between 10:00 PM and 7:00 AM.
5. "Noise" means sound that may be harmful to health.
6. "Noise Level" means the level of sound measured over a period of not less than 10 minutes.
 - a. "Tenth Percentile Noise Level" means the A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period, such as the level that is exceeded for 1 minute in a 10 minute period.
 - b. "Ninetieth Percentile Noise Level" means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period, such as the level that is exceeded for 9 minutes in a 10 minute period.
7. "Owner" means any person who alone or jointly and severally with others has legal title to any premise, dwelling, or dwelling unit or has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, or is an executor, administrator, representative, trustee, or guardian of the estate of the owner.

8. “Person” means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau, or agency thereof, municipal corporation, county, city, or any legal entity recognized by the law.
9. “Receiving property” means any property, including an individual unit of a multi-dwelling or multi-use property, that is adversely affected by noise transmitted by another property or from another unit within the same multi-dwelling or multi-use property.
10. “Type A Property” means a property used solely for residential purposes.
11. “Type B Property” means a property used for any other use allowed in Nibley City, including but not limited to, agriculture, retail, offices, repair, restaurants, gasoline stations, and more.

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7.16.030 Regulation of Noise

1. Noise. The making and creation of unreasonable noise, as set forth below, is hereby declared to be a public nuisance and may be abated, regulated, and controlled as such.
2. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any noise source so as to exceed the allowable Ninetieth Percentile Noise Level for the type of property from which the noise emits, when measured at the receiving property.
 - a. Type A Property:
 - i. Daytime: 60 dBA.
 - ii. Nighttime: 50 dBA.
 - b. Type B Property:
 - i. Daytime: 70 dBA.
 - ii. Nighttime: 60 dBA.
 - c. The maximum sound levels are reduced by 5 dBA for stationary sources of sound that emit continuous sounds that continue for at least 10 minutes or more, pure tones of a consistent pitch, or repetitive or impulse sounds that result in similar noise levels at reasonably uniform intervals of time.
3. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary source of sound that creates a tenth percentile sound pressure level greater than 15 dBA above the ambient sound pressure level of any measurement period.

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7.16.040 Exceptions

The following shall be exempt from these regulations:

1. Agricultural operations, including agricultural equipment and livestock kept as part of an agricultural operation.
2. Emergency events, equipment, and vehicles.
3. Commercial or personal emergency power generators operating during power failure or outage.
4. Fireworks and explosives in accordance with state and local regulations.
5. Heating, Ventilation, and Air Conditioning (HVAC) systems, if the system is in good repair and operating within manufacturer's specifications.
6. City, school, or other governmental approved events, within the parameters of such approvals.
7. Snow removal equipment.
8. Temporary or short-term use of equipment or machinery for construction, maintenance, or cleaning during daytime hours.
9. Other temporary exceptions may be granted with the approval of the City. In granting exceptions, the City shall strive to limit the amount of noise generated or allowed during nighttime hours.

7.16.050 Enforcement

Violations of this chapter may be enforced by any means available to the City, including by abatement, civil citation, or criminal prosecution. Violations of this chapter shall constitute a class "C" misdemeanor, and each day that the violation continues shall constitute a separate offense, unless otherwise required by NCC 1.08.

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Agenda Item #14

Description	Discussion and Consideration: Ordinance 23-16 — Deleting NCC 15.04.030.H Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer (First Reading)
Presenter	Tom Dickinson, City Engineer
Recommendation	Move to approve Ordinance 23-16 — Deleting NCC 15.040.030. Subsection H- Sewer Lateral Lines. Also Amending NCC 15.04.040.E Installation of Building Sewer for first reading. A public hearing will be held at the second reading of this ordinance.
Reviewed By	Mayor, City Manager, City Engineer, City Attorney

Background

Staff's reason for recommending change to Nibley City Code regarding Building Sewer Service Laterals is two-fold:

1. Current code 15.04.030.H- Sewer Lateral Lines is located under a Code section that primarily addresses septic systems when a property is required to connect to the City's sewer system.
2. Current code places avoidable risk and responsibility of a portion of Building Sewer Service Lateral Lines onto the City for maintenance and repairs.

NCC 15.04.030 subsection H has been found to be located in the wrong section of City code. NCC 15.04.030 primarily addresses septic systems and regulates when a property owner is required to connect to the City's wastewater system. It is recommended that code regarding Building Sewer Service Laterals be located in Section 15.04.040- Sanitary And Building Sewers And Connections; Rates.

Current City code 15.40.030.H places the responsibility for repairing breaks and similar failures of sewer service laterals onto the City starting from the sewer main and extending to the property line of the facility being served. Responsibility for breaks and similar failures lies on the property owner from the property line to the facility served. Each property owner is responsible for any blockage or similar impediment for the entire length of the lateral line from the sewer main to the facility being served.

The origin of Nibley City's split responsibility for sewer service laterals is unknown but it is speculated that the City took ownership and responsibility for them when the system was originally installed whereas the City's contractor stubbed laterals to each developed property for owners to connect to. It is logical that the City expressly warranted the

portion of the sewer lateral that the City's contractor originally installed and assumed responsibility at the time of installation.

Nibley's original sewer main and laterals have been in service for approximately 20 years and have proven adequate. A typical sewer lateral in Nibley services a single home, but with the rapid expansion of multi-family projects, a lateral now sometimes serves up to 12 units. Having multiple units discharging to a single sewer service lateral increases the likelihood of blockages and could increase the likelihood of higher and more frequent maintenance costs.

Under current code, the responsibility for repair is subject to whether the sewer lateral line is broken or blocked and where it is located. Determining the cause and location of a blockage or break is somewhat tricky and can add risk to the City. It is necessary to enter private property (sometimes homes) and Nibley City does not have the equipment to inspect laterals. If there is a blockage or break, a licensed plumber is needed to inspect and determine where and why the lateral is blocked. If the City hires the plumber to find the cause, the City then becomes responsible for payment regardless of findings.

City staff contacted the Utah Governments Trust (the Trust) to discuss the issue. The Trust is Nibley City's insurance provider for liability of sewer and other matters. To mitigate liability to the City of flooding from sewer back-ups caused by a broken or blocked sewer lateral, the Trust recommended that ownership and responsibility of sewer laterals be shifted to the property owners served.

It is staff's opinion that shifting responsibility of sewer laterals onto the property owner being served is common throughout the region and does not place an undue burden onto property owners. A quick survey of communities surrounding Nibley City (Millville, North Logan, Hyrum, and Logan) shows that sewer laterals are owned and maintained by the owner of the property being served while sewer mains are owned by the community providing the service.

Recommendation

Staff recommends deleting (NCC) Nibley City Code 15.40.030.H- Sewer Lateral Lines and amending NCC 15.04.040.E- Installation of Building Sewer shifting responsibility of Building Sewer Laterals to the property owner being served and addressing its proper location in City code.

RESOLUTION 23-16

DELETING NIBLEY CITY CODE 15.04.030.H- SEWER LATERAL LINES AMENDING NIBLEY CITY CODE 15.04.040.E-INSTALLATION AND MAINTENANCE OF BUILDING SEWER

WHEREAS, Nibley City manages, supervises, operates, and maintains the citywide wastewater system.

WHEREAS, Nibley City is subject to risk from unlawful discharges, and damage due to blockages, overflows, and failures of the sewer system and sewer main lines.

NOW, THEREFORE, be it ordained by the City Council of Nibley City, Utah, as follows:

1. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to delete Nibley City Code Sections 15.04.030.H- Sewer Lateral Lines in its entirety.
2. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, safety, and City infrastructure to amend Nibley City Code section 15.04.040.E- Installation and Maintenance of Building Sewer.
3. All ordinances, resolutions, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall be in full force and effect immediately upon its approval and adoption.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

15.04.030 Private Wastewater Disposal

- A.** Permitted: Where a public sanitary or combined sewer is not available under the provisions of NCC 15.04.020(D), 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.** 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 shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the city recorder 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 recorder.
- D.** State Compliance; Minimum Lot Area: 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 permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half (1/2) acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E.** Connection To Public System; Time Limit: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in NCC 15.04.020(D), a direct connection shall be made to the public sewer within one hundred eighty (180) days, in compliance with this policy, and the private disposal system shall be disconnected, safely abandoned and made inoperable in compliance with applicable laws and regulations.
- F.** Maintenance: When a public sewer is not available, 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.

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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.

HISTORY

Adopted by Ord. 01-01 2-1-2001 on 3/3/2001
Amended by Ord. 04-01 on 1/22/2004

15.04.040 Sanitary And Building Sewers And Connections; Rates

E. Installation ~~and Maintenance~~ Of Building Sewer ~~and Connecting Lines~~: All costs and expenses incidental to the installation, ~~connection, and maintenance~~ of the ~~owner's~~ building sewer ~~and connecting lines~~ 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 ~~and maintenance~~ of the ~~owner's~~ building sewer ~~and connecting lines~~. ~~Unless provision is expressly made for the alternative ownership of sewer lines by means of a written agreement, all sewer mains, sewer laterals, and other sewer connections and facilities shall be owned and maintained as follows:~~

1. ~~Sewer mains shall be deemed to be the property of the city of Nibley and subject to its absolute control and supervision even though actual installation may have been performed by a developer or other property owner.~~
2. ~~All sewer lines or laterals from the point of connection to the sewer main to the point of connection at the facility, residence, or other structure(s) served by such connecting line or lateral shall be the responsibility of and be owned by the owner(s) of the property being served by such line or lateral. Such owner shall be solely responsible for any physical or piping failures or damage that occur along any portion of the lateral or line, including the point of connection to the sewer main. The property owner shall also be responsible for all blockages or similar impediments of the waste water flows for the entire length of the lateral line from the sewer main to the facility being served. The city of Nibley accepts no liability nor responsibility for any blockage in or damage to a connecting line or lateral. All connections to the sewer main, and any work affecting a sewer main or public right of way shall comply with applicable Nibley City regulations, including permitting requirements and construction standards.~~

Deleted: ~~<#>~~Sewer Lateral Lines: Unless provision is expressly made for the ownership of sewer lines by means of a written agreement, all sewer mains shall be deemed to be the property of the city of Nibley and subject to its absolute control and supervision even though actual installation may have been performed by a developer or other property owner. 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 or lateral shall be as follows:Nibley City shall be responsible for the physical integrity of the line between the main line and the property line of the facility being served, any breaks in the piping or similar failures shall be the responsibility of the city.¶
<#>The property owner shall be responsible for any physical or piping failures that occur on the property being served.¶
<#>The property owner shall be responsible for all blockages or similar impediments of the waste water flows for the entire length of the lateral line from the main line to the facility being served. The city of Nibley accepts no liability nor responsibility for any blockage in the lateral line whether it is under public property or private property. ¶

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Agenda Item #15

Description	Discussion and Consideration: Resolution 23-06 — Review and Acceptance of the 2022 Municipal Wastewater Planning Program (First Reading)
Presenter	Cheryl Bodily, City Recorder
Recommendation	Move to approve Resolution 23-06 — Review and Acceptance of the 2022 Municipal Wastewater Planning Program and waive the second reading.
Reviewed By	Mayor, City Manager, City Engineer, Water and Wastewater department

Background

The Utah State Division of Environmental Quality requires municipalities to complete a survey each year to report on the status of the City's wastewater system. The questions in the survey are focused on the financial health, planning and maintenance of the system.

The Sewer Department's finances are strong, and the City does not anticipate any major expenses for the collection system in the immediate future. However, that could change quickly as development occurs. It is the opinion of the Public Works Department that the collection system itself is in great shape. Nibley has been able to avoid many of the problems that other cities face, primarily due to the young age of Nibley's sewer system. Staff routinely inspect and clean the system.

RESOLUTION 23-06

2022 MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION

WHEREAS, the Utah Division of Water Quality requests that municipalities annually review wastewater planning; and

WHEREAS, Nibley City has completed and reviewed the attached Municipal Wastewater Planning Program Report for 2022; and

WHEREAS, Nibley City has taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. The attached Municipal Wastewater Planning Program Report for 2022 is hereby accepted.

Dated this _____ day of _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder



*Municipal Wastewater Planning Program (MWPP)
Annual Report
for the year ending 2022
NIBLEY CITY*

Collections System Section

Form completed by:

May Receive Continuing Education /units (CEUs)

Jared Pratt

Part I: SYSTEM DESCRIPTION

What is the largest diameter pipe in the collection system (diameter in inches)?

21

What is the average depth of the collection system (in feet)?

12

What is the total length of sewer pipe in the system (length in miles)?

35

How many lift/pump stations are in the collection system?

3

What is the largest capacity lift/pump station in the collection system (design capacity in gallons per minute)?

1688

Do seasonal daily peak flows exceed the average peak daily flow by 100 percent or more?

☐ Yes

☒ **No**

What year was your collection system first constructed (approximately)?

2003

In what year was the largest diameter sewer pipe in the collection system constructed, replaced or renewed? (If more than one, cite the oldest)

2003

PART II: DISCHARGES

How many days last year was there a sewage bypass, overflow or basement flooding in the system due to rain or snowmelt?

0

How many days last year was there a sewage bypass, overflow or basement flooding due to equipment failure (except plugged laterals)?

0

The Utah Sewer Management Program defines two classes of sanitary sewer overflows (SSOs):

Class 1– a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

- (a) affects more than five private structures;*
- (b) affects one or more public, commercial or industrial structure(s);*
- (c) may result in a public health risk to the general public;*
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or*
- (e) discharges to Waters of the state.*

Class 2 – a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Below include the number of SSOs that occurred in year:
2022

Number

Number of Class 1 SSOs in Calendar year

0

Number of Class 2 SSOs in Calendar year

0

Please indicate what caused the SSO(s) in the previous question.

Not applicable

Please specify whether the SSOs were caused by contract or tributary community, etc.

Not applicable

Part III: NEW DEVELOPMENT

Did an industry or other development enter the community or expand production in the past two years, such that flow or wastewater loadings to the sewerage system increased by 10% or more?

☐ Yes

☒ **No**

Are new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years that will increase flow or BOD5 loadings to the sewerage system by 25% or more?

☐ Yes

☒ **No**

Number of new commercial/industrial connections in the last year

1

Number of new residential sewer connections added in the last year

19

Equivalent residential connections⁷ served

2149

Part IV: OPERATOR CERTIFICATION

How many collection system operators do you employ?

6

Approximate population served

7570

State of Utah Administrative Rules requires all public system operators considered to be in Direct Responsible Charge (DRC) to be appropriately certified at least at the Facility's Grade.

List the designated Chief Operator/DRC for the Collection System below:

	Name	Grade	Email
	First and Last Name		Please enter full email address
Chief Operator/DRC	Jared Pratt	IV	jared@niblecity.co

List all other Collection System operators with DRC responsibilities in the field, by certification grade, separate names by commas:

	Name
	separate by comma
SLS ¹⁷ Grade I:	
Collection Grade I:	
Collection Grade II:	

	Name separate by comma
Collection Grade III:	Steve Eliason
Collection Grade IV:	Jared Pratt

List all other Collection System operators by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Collection Grade I:	
Collection Grade II:	Rod Elwood, Austin Kimball
Collection Grade III:	Steve Eliason, Tom Dickinson

	Name separate by comma
Collection Grade IV:	Justin Maughan, Jared Pratt,
No Current Collection Certification:	

Is/are your collection DRC operator(s) currently certified at the appropriate grade for this facility?

☒ **Yes**

☐ No

Part V: FACILITY MAINTENANCE

	Yes	No
Have you implemented a preventative maintenance program for your collection system?	☒	☐
Have you updated the collection system operations and maintenance manual within the past 5 years?	☐	☒

	Yes	No
Do you have a written emergency response plan for sewer systems?	☒	☐
Do you have a written safety plan for sewer systems?	☐	☒
Is the entire collections system TV inspected at least every 5 years?	☐	☒
Is at least 85% of the collections system mapped in GIS?	☒	☐

Part VI: SSMP EVALUATION

	Yes	No
Has your system completed a Sewer System Management Plan (SSMP)?	☒	☐
Has the SSMP been adopted by the permittee's governing body at a public meeting?	☒	☐
Has the completed SSMP been public noticed?	☒	☐
During the annual assessment of the SSMP, were any adjustments needed based on the performance of the plan?	☐	☒

Date of Public Notice

03/17/2023

During 2022, was any part of the SSMP audited as part of the five year audit?

☐ Yes

☒ **No**

Have you completed a System Evaluation and Capacity Assurance Plan (SECAP) as defined by the Utah Sewer Management Program?

☐ Yes

☒ **No**

Part VII: NARRATIVE EVALUATION

This section should be completed with the system operators.

Describe the physical condition of the sewerage system: (lift stations, etc. included)

Relatively new system. In good working order.

What sewerage system capital improvements³ does the utility need to implement in the next 10 years?

Regional lift station for the south west area of town.

What sewerage system problems, other than plugging, have you had over the last year?

Infiltration issues, lift station SCADA repairs, plugged sewer pump

Is your utility currently preparing or updating its capital facilities plan²?

☒ **Yes**

☐ No

Does the municipality/district pay for the continuing education expenses of operators?

☒ **100% Covered**

☐ Partially cover

☐ Does not pay

Is there a written policy regarding continuing education and training for wastewater operators?

☒ **Yes**

☐ No

Any additional comments?

Education and training is included yearly in our Council approved budget.

This is the end of the Collections System questions

To the best of my knowledge, the Collections System section is completed and accurate.

☐ **Yes**

This is the end of the Collection System section, what would you like to do next?

- ☐ This entire section is complete. Send the link to the next person in charge. *(Once you Save & Continue, you will no longer be able to use the same link to view/edit your responses).*
- ☐ **I will continue to fill out/review the next section myself.**

[Save & View Table of Contents](#)

NOTE: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. Completion of the collection section meets the annual reporting requirement for the USMP. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of that assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance, please send an email

to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our [Frequently Asked Questions](#) page.

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Agenda Item #16

Description	Presentation: Sewer Line Rapid Assessment Tool Results
Presenter	Jared Pratt, Water and Wastewater Manager
Recommendation	
Reviewed By	Mayor, City Manager, City Reorder

Background

\$50,000 was budgeted out of the Sewer fund this fiscal year, to conduct a specialized survey of the health of the sewer system. The equipment used is referred to as a Sewer Line Rapid Assessment Tool (SLRAT). This specialized equipment is used to send sound waves through each reach (manhole to manhole) of the system, and analyze whether the reach has accumulated sediment, or has other issue's blocking the flow of the pipe. Doing this, will give the staff an idea of where to focus their efforts, instead of wholesale cleaning the entire system. The survey was conducted this past fall. Staff considered it a great success, and would like to present the results to the City Council.

This technology is based on Sound Science

SL-RAT

(Sewer Line Rapid Assessment Tool)



The award-winning SL-RAT utilizes patented acoustic technology to provide real-time blockage assessments in 6 - 12" gravity lines. Quick, durable, easy to use, and cost-effective, the SL-RAT makes it possible for collection system operators to better allocate their cleaning and CCTV resources.





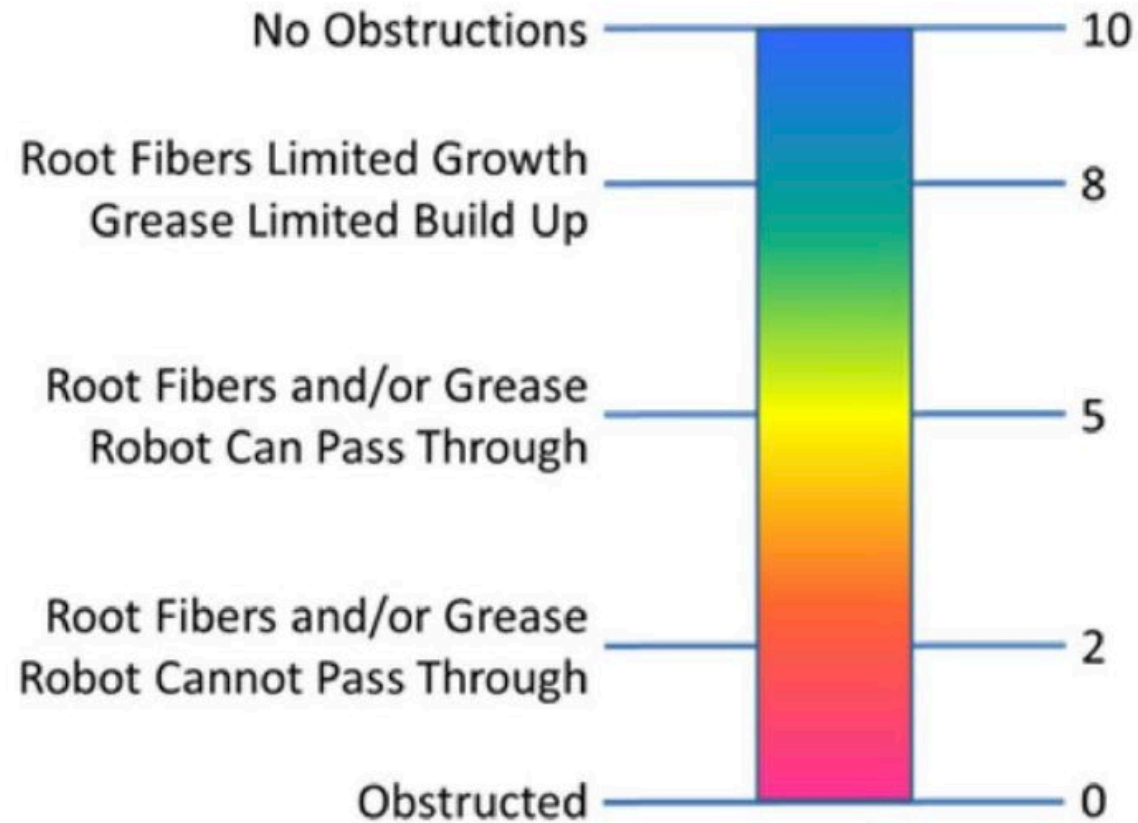


SL-RAT
Transmitter (TX)

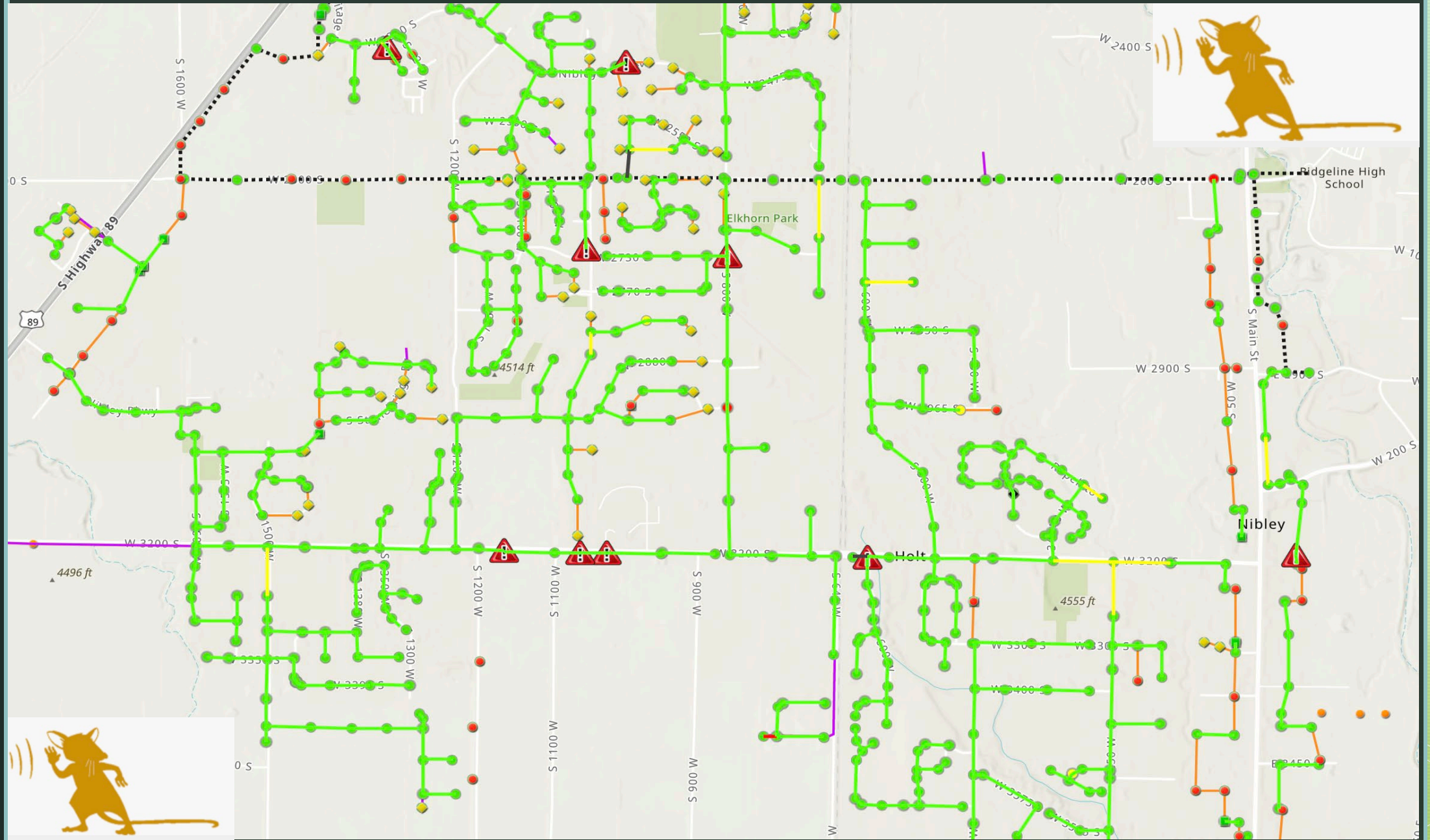
SL-RAT
Receiver (RX)



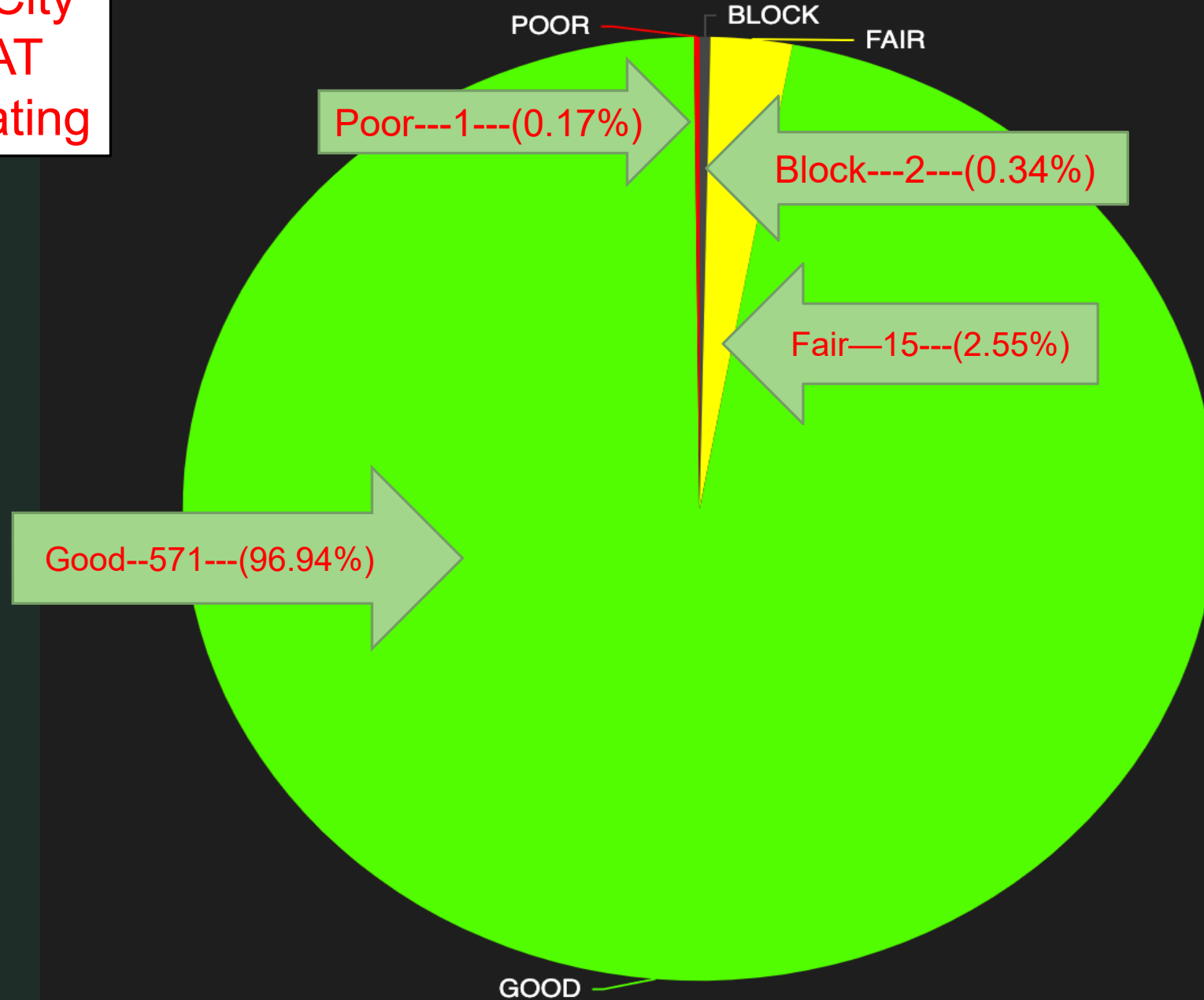
SL-RAT Assessment Scale

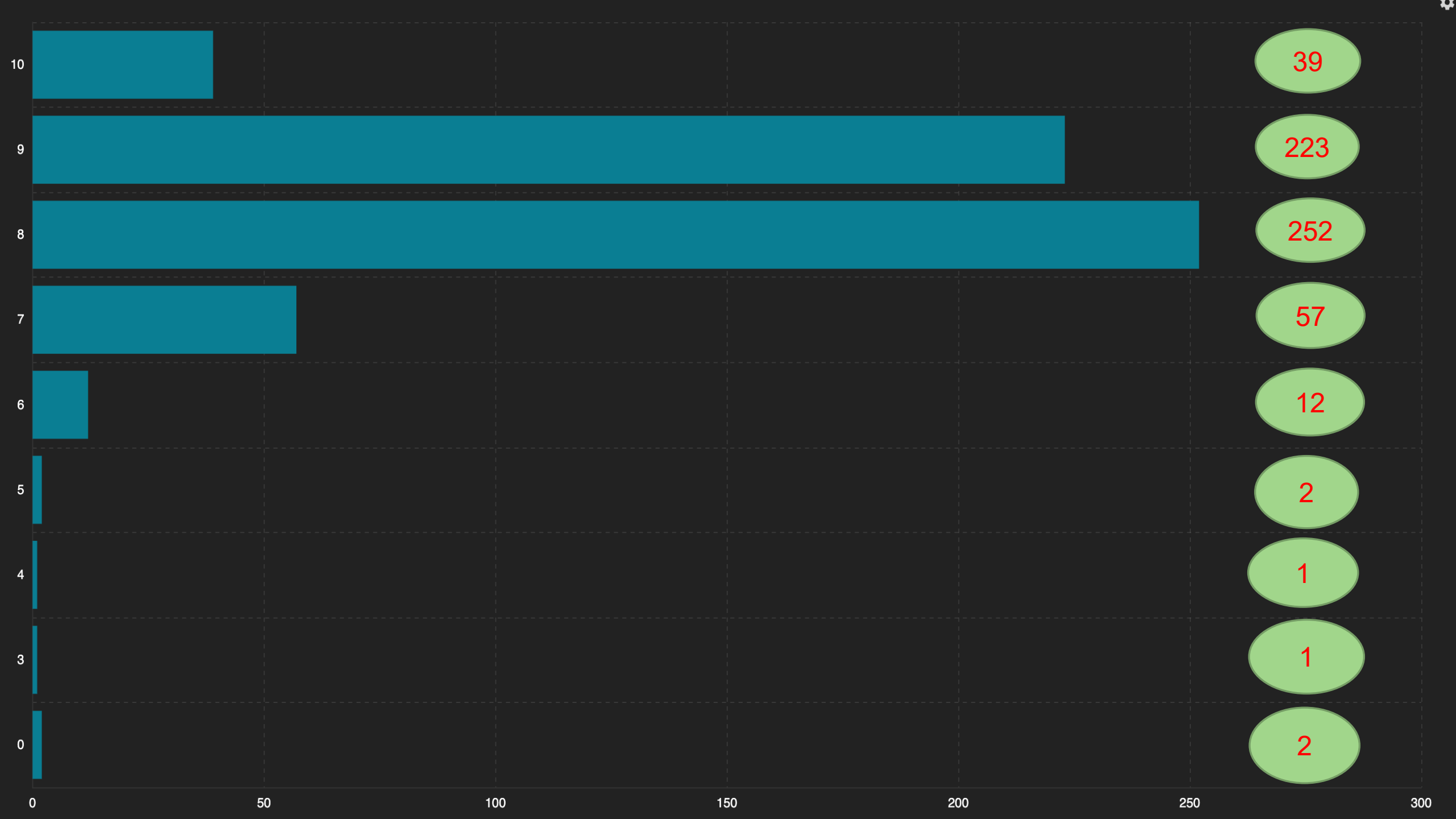


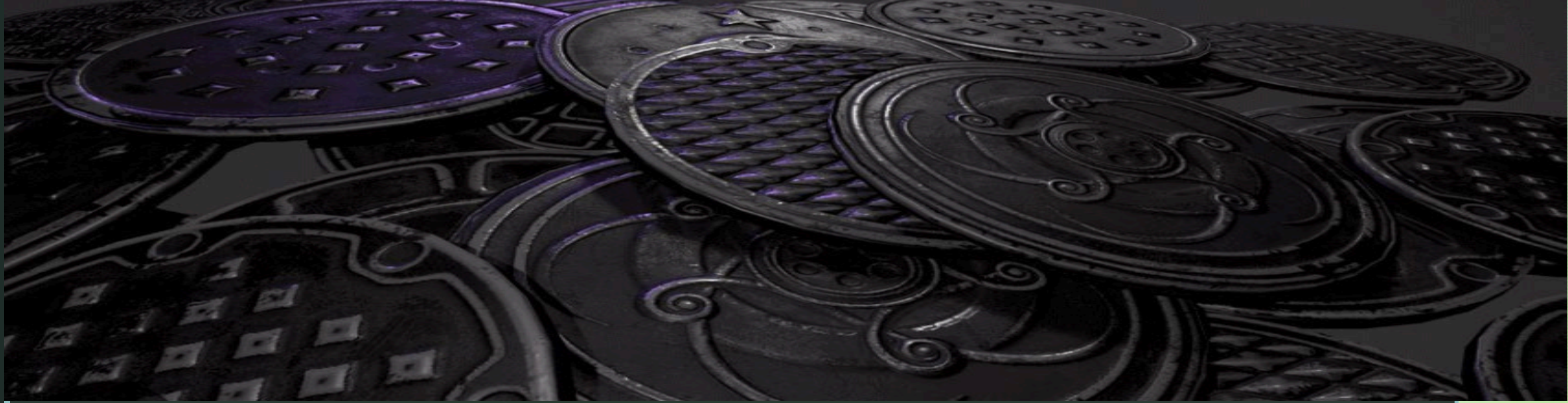
Nibley City Sewer System



Nibley City
SL-RAT
2022 Rating







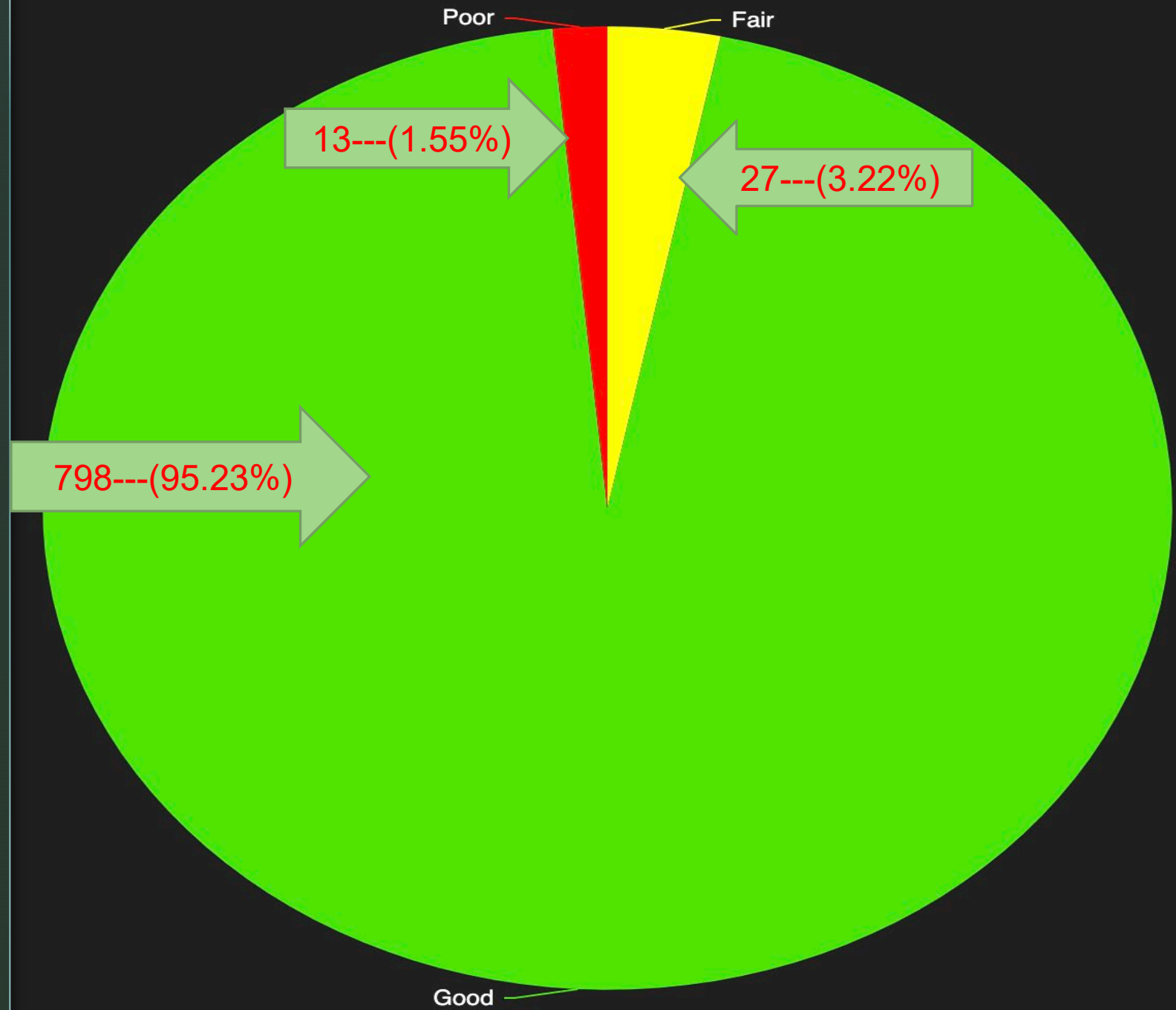
Sewer Manhole Inspections



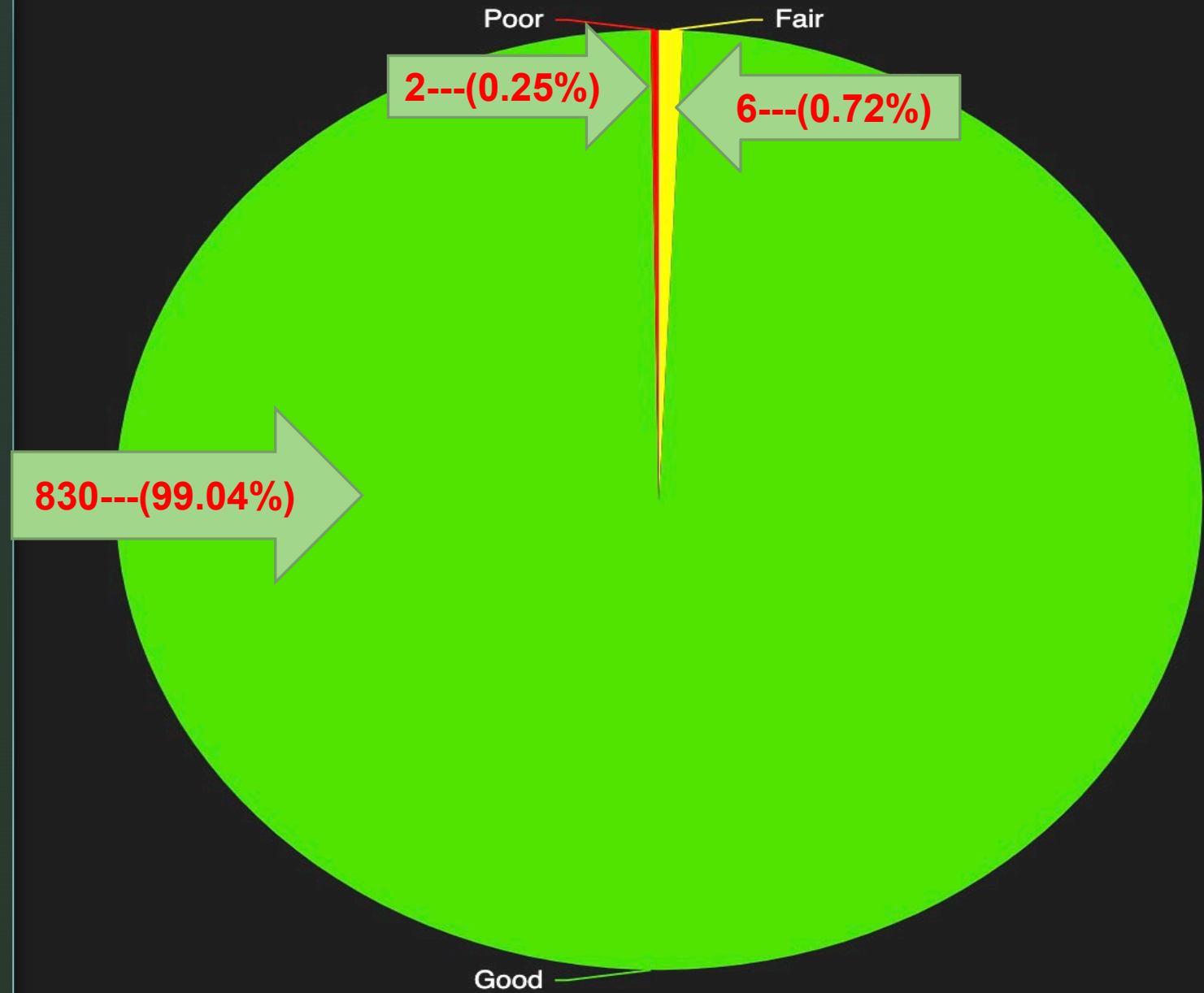
Layers

- ▶ ☒ SL-RAT 2022
- ▶ ☒ Urgent Situation
- ▶ ☒ Unmapped Manhole
- ▶ ☒ Missing/Buried Manhole
- ▶ ☒ Manhole w/Notes
- ▶ ☒ Cleanout
- ▶ ☒ Manhole Difficult to Access
- ▶ ☒ Lid Condition
- ▶ ☒ Collar Condition
- ▶ ☒ Collar Material
- ▶ ☒ Riser Condition
- ▶ ☒ Structure Condition
- ▶ ☒ Structure Material
- ▶ ☒ Shelf/Trough Condition
- ▶ ☒ Infiltration
- ▶ ☒ Sewer Line w/Notes
- ▶ ☒ Manhole - Assessed
- ▶ ☒ Manhole - Unassessed
- ▶ ☒ Sewer Line - Unassessed

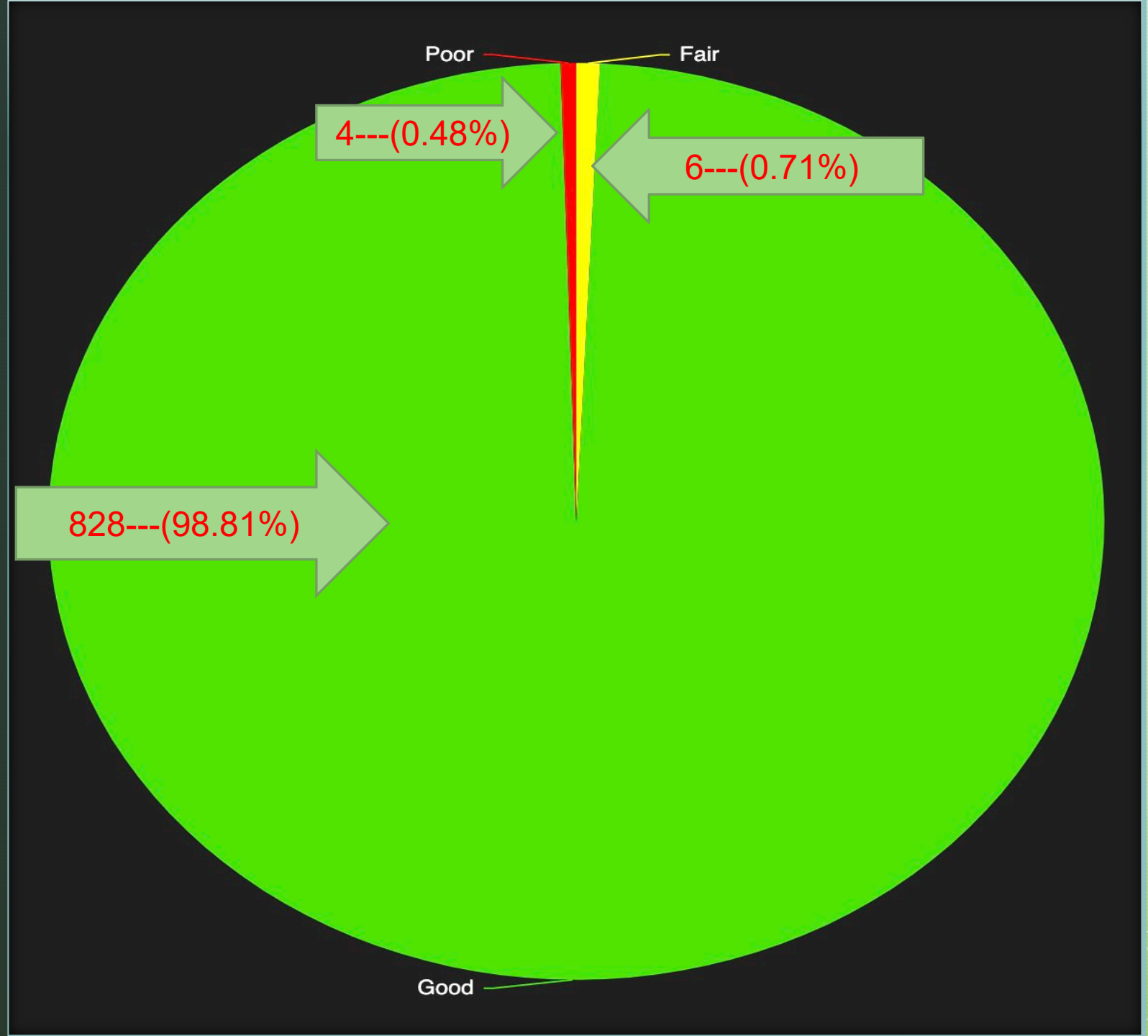
Collar Condition



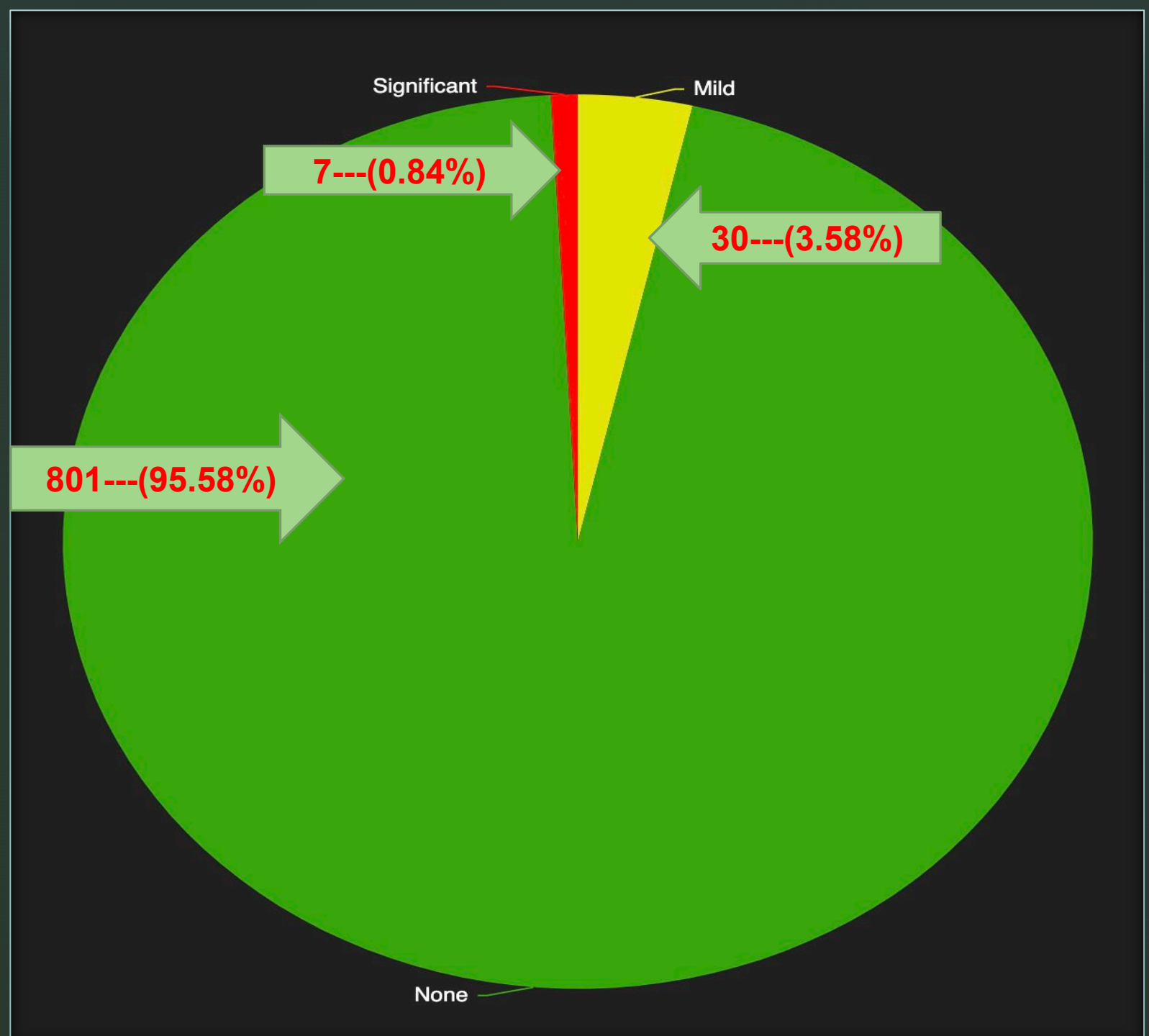
Lid Condition



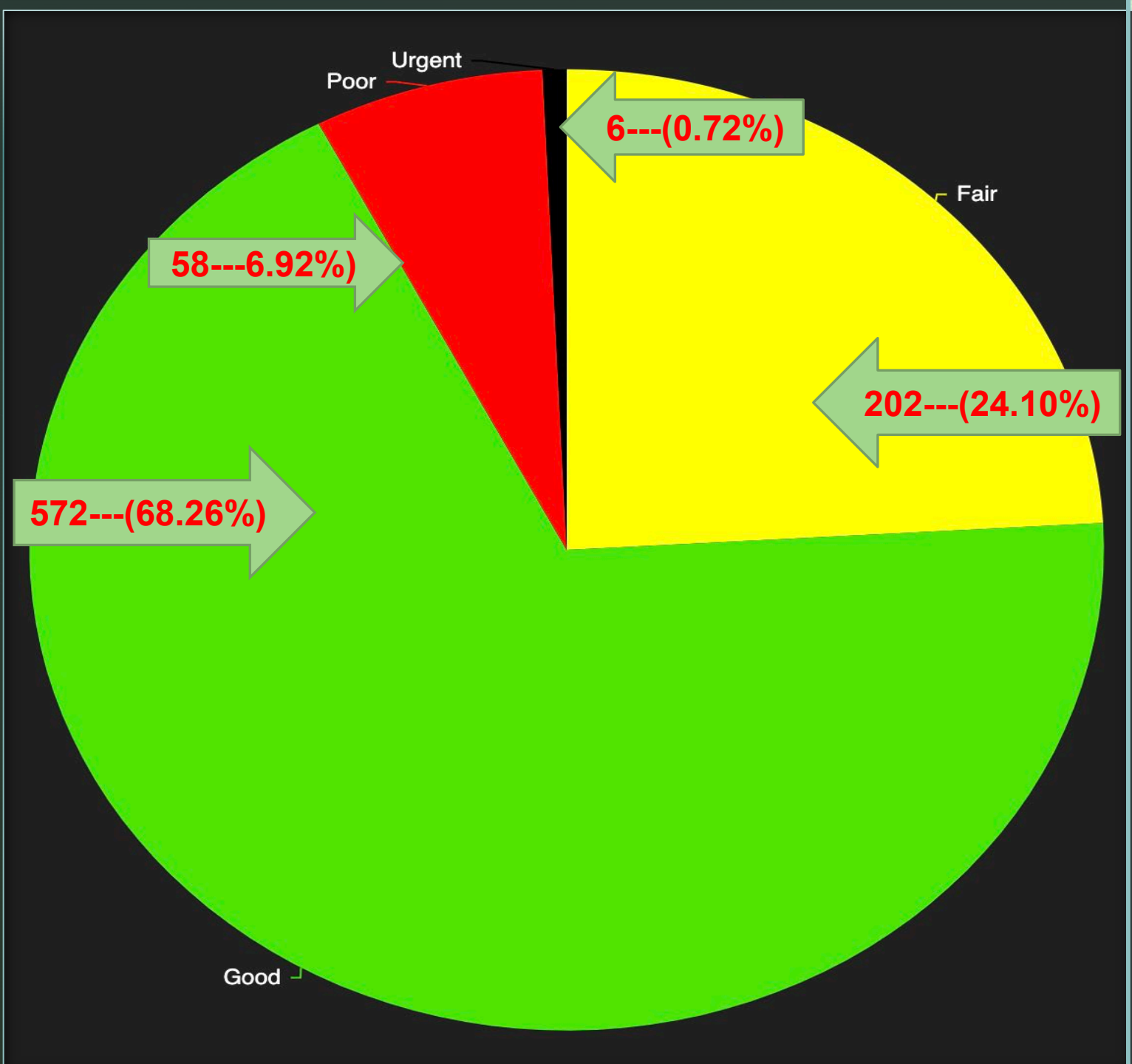
Riser Condition



Infiltration



Trough Condition



SewerManholes3D

Manhole ID	0
Lid Condition	Good
Collar Condition	Good
Collar Material	Concrete
Riser Condition	Good
Structure Condition	Good
Structure Material	Concrete
Shelf/Trough Condition	Urgent
Infiltration	None
RHB Notes	
Inspection Date	10/12/2022, 10:11:41 AM
Unmapped Manhole	No
MH Difficult to Access	No
Missing/Buried Manhole	No
Cleanout	No

Attachments:

[Photo 2.jpg](#)

[Photo 1.jpg](#)

Condition Report



Photo 1



Photo 2





Agenda Item #17

Description	Discussion and Consideration: Prosecution Contract
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve
Reviewed By	Mayor, City Manager,

Background

At the Feb 23 Council Meeting, Council gave staff a recommendation to move forward and negotiate a contract with Jon Jenkins for City Prosecution services. Attached is the proposed contract for Council Review.

Of particular note is the expense. Based on research by staff, the increase was expected. The previous contract with Cache County was \$7,000 per year. This contract with Daines and Jenkins proposes \$1,500 per month for a total of \$18,000 per year. Although, an increase, this amount is within reason of the amount of revenue that has been generated from the court, the last couple years.

The term of the contract expires on 30 June 2026, and has an automatic renewal clause.

Should we be unhappy with the services provided, we may terminate the contract with a 90 notice.

Previous Background

In 2019, Nibley City Council voted to terminate the Nibley City Justice Court. At that time, Nibley entered into an agreement with Hyrum City to have their Justice Court hear Nibley City cases. Also at that time, Nibley City issued an RFP for prosecution services, selected the Cache County Attorney's office, and a contracted for those services.

Interim Cache County Attorney Dane Murray visited with Justin Maughan, City Manager, and Mayor Larry Jacobsen in early February. He indicated that the Cache County Attorney's Office would be terminating the current prosecution contract at some point in the future. He indicated that the current staffing level at the County was not sufficient to give Nibley City the attention that it needed. In addition, the amount of money paid to Cache County by Nibley City did not come close to covering the costs that were being incurred by the County on Nibley's behalf.

In anticipation of a formal termination by the County, staff immediately began investigating options to replace the service and identified the following option for Justice Court prosecution.

Option 1 would attempt to renegotiate a contract with the Cache County Attorney's Office that provides adequate compensation to the County to continue their service. However, Mr. Murray indicated that he doubted the office would want to continue even if the compensation was substantially raised.

Option 2 would issue an RFP for the prosecution services and see who might be interested in performing them for Nibley and at what cost.

Option 3 would be to go directly to the prosecutor who is performing those services for Hyrum at the Hyrum Justice Court and negotiate a contract for the same services for Nibley. The firm currently providing prosecution for Hyrum is Daines & Jenkins, with Mr. Jon Jenkins serving as the lead prosecutor. Mayor Jacobsen and Mr. Maughan met with Mr. Jenkins to investigate the possibility of a contract. Mr. Jenkins expressed interest in performing the services and indicated that he had the capacity to do so. He also indicated that it would be efficient to prosecute Hyrum and Nibley cases at the Hyrum Court. Mayor and Mr. Maughan also met with Hyrum City Mayor Stephanie Miller. She stated that Hyrum has been very happy with Mr. Jenkins as their prosecutor and agreed that it would help with efficiency at their Court. Mr. Maughan then spoke with Lt. Michael Shaun Bartschi at the Cache County Sheriff's office. The Sheriff's office currently works with Mr. Jenkins in Hyrum, as well as a few other towns in Cache County. Lt. Bartschi stated that Mr. Jenkins is very capable and works well with the Sheriff's office.

Staff and the Mayor recommend that the Council discuss these possibilities and if comfortable with it, direct staff to move forward with Option 3.

PROSECUTION SERVICES AGREEMENT

THIS PROSECUTION SERVICES AGREEMENT (hereinafter referred to as the “Agreement”) for City Attorney Services is made by and between Nibley City, a municipal corporation of the State of Utah (hereinafter referred to as “City), and Daines & Jenkins, LLP, a Utah law firm (hereinafter referred to as “Contractor”).

WHEREAS, the City is desirous to enter into a professional services agreement with Contractor, wherein Contractor will serve as the City’s Prosecutor and City shall compensate Contractor for said services; and

WHEREAS, Contractor desires to serve as the Prosecutor for the City for the services provided;

WHEREAS, the City has previously entered into an Interlocal Agreement for Justice Court Services with Hyrum City;

WHEREAS, Contractor provides prosecutorial services for Hyrum City; and,

WHEREAS, the City is desirous that the prosecutorial services for the City be performed in conjunction with the Interlocal Agreement for Justice Court Services with Hyrum City;

NOW, THEREFORE, in consideration of the promises contained herein, the parties agree as follows:

1. Services Rendered. Contractor agrees to serve as the Nibley City Prosecutor providing prosecutorial services and any other legal services the City asks Contractor to complete. Contractor hereby also agrees to maintain all of the required professional licenses and accreditations.

2. Term of Agreement. The Agreement shall commence on the date of execution, which shall be the date on which the latter party signs the Agreement below, and shall continue until the 31st day of June, 2026, or until terminated by either party. Termination may be commenced by either party, with or without cause, and shall be by written notice given not less than ninety (90) days prior to termination date.

1. Any notice as required in Section 2, shall be sent by City to Contractor, at the following address, certified mail:

DAINES & JENKINS, LLP
108 North Main Street
Logan, Utah 84321

2. Any notice as required in Section 2, shall be sent by Contractor to City, at the following address, certified mail:

NIBLEY CITY
455 W 3200 S
Nibley, Utah 84321

b. The Parties hereby agree that if neither Party terminates the Agreement prior to June 31, 2026, the Agreement shall automatically renew, under the same terms, for an additional five (5) year term.

3. Compensation. City agrees to compensate Contractor \$1,500.00 per month for all prosecutorial services including any interaction and counsel with law enforcement and code enforcement officials, case screenings, arraignments, pretrial conferences, any and all motion practice, trials, and appeals de novo to the District Court, and expungements. Any services beyond the scope of the City's Prosecutorial needs, including code and ordinance review, Contractor shall be compensated by the City at an hourly rate of \$140.00 per hour. At its sole discretion, Contractor may increase the compensation level beginning on June 31st of any given year, but in no event shall an increase in compensation level exceed three percent (3%) of the current compensation rate in a twelve (12) month period.

4. Insurance Coverage. Contractor agrees to maintain adequate professional malpractice insurance, at all times, during the term of the Agreement.

5. Independent Contractor. With respect to all services performed under this contract, Contractor is deemed to be an independent contractor serving in the capacity of Attorney Services Provider for the City. Contractor accepts full and exclusive liability for the payment of any and all premiums, contributions or taxes for Worker's Compensation, Social Security, unemployment benefits, or other employee benefits now and hereinafter imposed under any state or federal law which are measured as wages, salaries, or other remuneration paid to persons employed by Contractor on work performed under the terms of this Contract. Contractor shall defend, indemnify and hold harmless the City from any claims or liability for such contributions or taxes. Nothing contained in the Agreement, nor any act of the City or Contractor, shall be deemed or construed to create any third-party beneficiary or principal and agent association or relationship involving the City. The Contractor has no authority to take action or execute any documents on behalf of the City.

6. Entire Agreement. This Agreement sets forth the entire understanding agreement of the parties with respect to the subject matters stated herein and supersedes any prior or contemporaneous oral and/or written agreements or representations, if any, between the parties; that the terms of this Agreement are contractual and not mere recitals; and the parties acknowledge that no promise or agreement not included in this Agreement has been made, but that they are relying solely upon their own judgment after consultation with their respective attorney or attorneys.

7. Counterparts, Duplicate Copies, and Facsimile Copies. This Agreement may be executed in counterparts such that an Agreement with a complete set of signatures, whether or not on different copies of the page on which the signatures appear, shall constitute a fully-executed agreement; all executed copies of this Agreement shall constitute duplicate originals; and a copy or facsimile signature shall be treated for all purposes as an original signature.

8. Applicable Law. This Agreement shall be interpreted in accordance with the laws of the state of Utah.

9. Modification. This Agreement may not be modified in any manner except in writing signed by each of the parties.

10. Authority. The undersigned each represents that they have full authority to sign this Agreement and to enter into this Agreement on behalf of the party to the Agreement so reflected by each signature.

11. No Waiver. The failure of either party to the Agreement to insist upon the performance of any of the terms and conditions of the Agreement, or the waiver of any breach of any of the terms and conditions of the Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver occurred.

12. Severability. The invalidity of any portion of this agreement for any reason will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of the Agreement is held to be invalid, the parties hereby agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the severing of the invalid portion.

IN WITNESS WHEREOF, the undersigned have executed this Agreement, on the dates herein shown below.

NIBLEY CITY

Justin Maughan, City Manager (Date)

Attest:

Cheryl Bodily, City Recorder (Date)

**CONTRACTOR:
DAINES & JENKINS, LLP**

Jonathan E. Jenkins, Partner (Date)

Performance Evaluation
Justin Maughan

17 March 2023
Initial Draft by Larry Jacobsen

Current Contract Period

12 March 2021 - 11 March 2024

Review of Previous Year's Goals

Attachment 1.

Next Year's Goals

Attachment 2.

Employee Performance and Characteristics

Ethics 5/5

Justin understands ethical expectations and adheres to the highest standards of ethical conduct. He has a personal commitment to doing right for our citizens.

Leadership 5/5

Justin recruits and professionally manages city staff, encourages opportunities for staff growth, and relays a citizen-centric attitude to all employees. The newly hired employees demonstrate Justin's ability to attract tier-one staff to Nibley City. Justin appropriately delegates authority and responsibility to other employees.

Strategic Thinking 5/5

Justin is incredibly intelligent and always uses that ability to Nibley City's benefit. Justin's long-range planning anticipates and fulfills the needs of the city.

Tactical Follow Through 5/5

Justin is self-motivated, correctly prioritizes his and his supervisee's work, and efficiently delivers on commitments. Justin takes the initiative to follow up on suggestions from the Council.

Relationship with Council 4/5

Justin well understands what decisions belong to the Council and what decisions can be made by staff. Given the amount of effort that Justin and staff put into identifying, evaluating, and

recommending alternatives to Council, this could be a frustrating job. Justin, however, understands his role and does it well. I scored this category at 4/5 (rather than 5/5) because – depending on the Council’s desires – I believe there is opportunity for other Councilmembers to have the same productive interactions with Justin that I get to enjoy. I sometimes find myself as mayor acting as a bridge between Council and staff. I enjoy that role, and I hope it gives a certain efficiency to city efforts. However, the City Manager is appointed by the City Council and serves at the pleasure of the City Council. Are we giving the Council the right level of exposure and access to Justin?

Summary

As Mayor, I have had the opportunity to work closely with Justin during the past year as well as the opportunity to see other city managers in action. Justin is the best. Going forward, Nibley City’s concern should be how to keep Justin as Nibley’s City Manager and how the Council can keep him engaged, challenged, and productive for the rest of career.

Response from Justin:

Support of recruiting and hiring top tier team members and providing them with the resources they need to do their jobs well.

Remain united as a Council, give clear direction, have open communication. Don’t be afraid of hard conversations, or dwell on issues that are bothering you, without talking to me.

Compensation Adjustments (Employment Agreement, Section 2.01)

City Staff Cost-of-Living Adjustment

Table of Milestones

Additional Adjustment

Attachement 1

2022 Goals

No.	Project	Effort	Cost	Proposed Leader	Status
1	Personnel Policy Rework	L	S	Cheryl	Completed
2	Bi Weekly Pay	M	S	Cheryl	Completed
3	Standards and Specifications	L	S	Darren	Completed
4	Subdivision/Improvement financial Assurity process	M	S	Darren	No progress, need to get with Tom and decide if we want to continue
5	1200 West roundabout	L	L	Darren	Completed
6	Clean up title work for 1200 West project	S	S	Justin M.	Need to get with County, no progress
7	1200 West Design 2900 south to 2200 south	L	L	Darren	90% Complete
8	1200 West 2022 CCCOG request	M	L	Darren	Completed - Awarded \$3M
9	Hire Water Division Manager	S	S	Steve	Completed
10	Hire Water Operator	S	S	Steve	Completed
11	Anhder Park Landscape and parking lot	L	M	Steve	Completed
12	Stonebridge hammer head turnaround	S	S	Darren	Completed
13	Curb and gutter at house next to City Hall	S	S	Darren	Completed
14	Plan for house next to City Hall	S	S	Justin M.	Completed
15	Hire a grant writer	M	S	Justin M.	Completed
16	City Hall Landscape	M	M	Steve	Completed
17	Elk horn playground replacement	M	M	Steve	Completed
18	3200 South sidewalk 800 west to 1200 west	M	M	Darren	Design nearly complete - grant won't allow construction until fall of next year
19	Apple Creek Trail	L	L	Darren	No Progress
20	Morgan Farm Trail design	M	M	Darren	No Progress
21	Recreation facility feasibility study	M	M	Chad	10% complete Chad finishing up RFP
22	Public works expansion feasibility study	M	M	Steve	90% Complete
23	Hollow Road advisory lanes	M	M	Darren	No progress, waiting on County to get on board
24	Zollinger sidewalk	S	S	Steve	Completed
25	Water capital improvement project	L	L	Darren	No Progress
26	Anhder Park south landscape	S	S	Steve	Completed
27	Public work remodel/office space	S	S	Steve	Completed
28	Carpet City Hall council room	S	S	Justin M.	No Progress
29	Fire fly Restroom	M	M	Darren	Completed
30	Replace royalty float	S	S	Steve	Completed
31	Repair heritage playground	S	S	Steve	Completed
32	Fire fly sprinkler system	M	M	Steve	No Progress
33	Garbage collection	L	S	Justin M.	90% Complete
34	Redo Water, Sewer, Parks and SW Impact Fee	L	M	Darren	Completed
35	Create a plan for ARPA Money (\$800k)	S	S	Justin M.	Have ideas, need to disucss at next budget
36	Nibley City Prosecutor/Hyrum Court changes	M	S	Justin M.	90% completed
37	County animal impound contract	S	M	Justin M.	Waiting for completion of impound facility
38	Hyrum City boundary line agreement	L	S	Justin M.	Met with Hyrum, but little progress
39	Logan City boundary line agreement	L	S	Justin M.	No progress
40	Malouf RDA	L	S	Justin M.	Working with districts to extend trigger dates
41	2600 South Hwy 165 properties/economic development possibilities	L	S	Justin M.	No progress
42	Hire Public Works Inspector	S	L	Steve	Completed

Attachment 2 2023 Goals

		Priority (A,B,C)	Responsible Party	1 Low 5 High Level of Effort (1-5)	Status
1	Complete unfinished 2022 Goals				
2	Moderate Income Housing Plan	A	Levi	1	Complete
3	Malouf Annexation	A	Levi/Cheryl	3	Complete
4	Planning Commission Appointments	A	Mayor	2	Complete
5	Watermark Concept Review	A	JM/Mayor	1	Complete
6	Replace Kathryn on City Council/Appoint Erin	A	JM/Cheryl	1	Complete
7	Create Service Award for Employees	B	Cheryl	2	Complete
8	Finish TDR	A	Levi	5	Complete
9	Become member of Cache Waste Consorsium	A	JM/Mayor	2	Complete
10	Stokes Annexation	A	Levi/Cheryl	3	Complete
11	Remove Mobile Home from Conditional Use	A	Levi	1	Complete
12	Add churches to connectivity standards	C	Levi	1	At Council
13	Nibley Meadows amended development agreement for wetland issue	C	Levi	2	Complete
14	Update Fee Scheudle	A	Everyone	4	Complete
15	Make Rank Choice or Traditional Voting decision	B	Cheryl	2	Complete
16	New Street Sign standard	A	Tom/Steve	1	Complete
17	Prosecution service contract	A	JM	2	At Council
18	Contracting with Cache County for Election Services	B	Amy/Levi	3	Complete
19	Business Licese Ord Updates	B	Amy/Levi	3	At Council
20	Building permit issuance Ord Change	A	Tom/Austen	3	At Council
21	Animal Code Enforcement	C		5	At Council
22	Noise Ordinance ammendments	C	Mayor	3	At Council
23	SL Rat and Sewer Report to Council	C	JM/Steve	3	At Council
24	Sewer Lateral Ownership Ord Change	C	Tom	2	At Council
25	Malouf CRA trigger extension	B	JM	5	
26	Combined workshop about zoning density gaps in code	A	Levi/JM	3	
27	Subdivision Deposit/fee amend code to say fee not deposit	A	Tom/Levi	3	
28	FEMA Ord Update	B	Tom	4	
29	Present Feasibilty Studies for PW and CH	C	Tom	3	
30	Purchasing Policy to allow other municipalities to bid first	C	JM	2	
31	Historical Elkhorn Ranch Site Desingation	C	JM	3	
32	Animal Land use ammendments	C	Mayor	3	
33	Name of Ridgeline Park Park	C	Tom/Rod/Steve	1	
34	Future Annexation Map	B	Levi	5	
35	Landscape ordiance changes to be eligible for state money	B	Levi	4	
36	Street Tree Amendments	B	Rod/Tom/lei	3	
37	Morgan Farm Committee	B	JM/Mayor	3	
38	Update Sewer Management Plan	B	steve/pratt/tom	3	
39	Hyrum boundary agreement	C	JM/Mayor	4	
40	Commercial Utility Rates discussion	C	JM/Tom/Steve	5	
41	FY 23/24 Budget	A	JM/Mayor/Amy	5	
42	Truth in Taxation	A	JM/Mayor	5	
43	Municipal Building Authority Annual	A	JM/Mayor	2	

44	CRA Annual reporting	A	JM/Mayor	2	
45	Tree Board	C	JM	2	
46	Wildlife Committee?	C	JM	5	
47	TBD Parks and Rec Master Plan Update Review	A	JM/Chad	5	
48	TBD Indoor Rec Space RFP/Review & or Research Summary	C	JM/Chad	5	
49	Residential daycare matching states definition	C	Levi	2	
50	Unified Billing Discussion with Council	C	JM	3	
51	Sensitive Areas required on Plats??? Tom looking into if this is needed	C	Tom/Levi	2	
52	Alcohol licensing permanent and Temporary	C	Levi	3	
53	AllWest Franchise Agreement (CRS Fiber)	C	JM	1	
54	Illegal Lot amendment/subdivision	C	Tom/Levi	3	
55	Bond for Right of Way Permit	C	Tom/Levi	3	
56	Smith Lidel Agreement	C	JM/Mayor	2	
57	Malouf CRA Performance Agreement	A	JM/Mayor	3	
58	Wessley Nelson CRA Performance agreement	A	JM/Mayor	3	
59	Perform wage comparison study	A	Cheryl	4	
60	Obtain Outdoor Class Room UORG grant	B	JM/Rod	2	