

RESOLUTION 94-229

A RESOLUTION AUTHORIZING LOCALLY LICENSED SEPTIC HAULERS TO DUMP SEWAGE AND WASTE IN DELTA CITY DRY CELLS LOCATED AT THE DELTA CITY SEWER LAGOON SITE.

The City Council of the City of Delta, Utah, referred to herein as the "City Council" recites the following as the basis for adopting this resolution:

WITNESSETH:

A. Delta City has established lagoons for sewage and waste disposal, which lagoons are made up of a series of nine cells. Delta City is currently utilizing only three of the nine cells to store sewage and waste disposal.

B. Current federal and state regulations now prohibit dumping sewer and waste disposal in landfills or other unapproved land dump areas. Therefore, septic haulers are now interested in contracting with Delta City to dump sewage and waste into the Delta City dry cells located at the Delta City sewer lagoon site; such sewage and waste will be hauled from within Millard County (outside Delta City municipal limits) to said lagoon site.

C. The City Council has determined that allowing septic haulers to utilize the Delta City dry cells will be in the best interest of Delta City and promote the health, safety and welfare of its residents by providing a safe and sanitary location in which to dump sewer and waste products, in compliance with current law.

NOW, THEREFORE, be it resolved by the City Council of the City of Delta, Utah:

1. Approval of Contract. The City Council of the City of Delta does resolve that an agreement, in substantially that form attached hereto as Exhibit "A" and incorporated herein by reference, be utilized to contract with septic haulers to haul and dump sewage and waste into Delta City dry cells located at the Delta City sewer lagoon site. The contract form attached hereto as exhibit "A" entitled "Contract for Sewage and Waste Disposal at the Delta City Sewer Lagoon Site" is directive only and not mandatory. The provisions contained therein are subject to modification through negotiation by the parties thereto.

2. Limitations of Contract. Any contract entered into by Delta City pursuant to this Resolution shall be limited in its application only to those septic haulers who are licensed within Millard County, Utah and such sewage and waste will only be hauled

from within Millard County. Each contract entered into by Delta City pursuant to this Resolution shall be made for a period not to exceed one (1) year in duration. Provided, that the contract may contain a provision that the contract be automatically renewed for one year increments without further action by either party, unless otherwise terminated by either party pursuant to the contract terms.

3. Base Fee and Adjustment in Rates. The base fee to be paid by septic haulers to utilize Delta City premises for sewer and waste disposal shall be as follows:

\$25.00 per septic tank

Any and all future adjustments in said aforementioned rates shall first be adopted by the Delta City Council pursuant to Resolution before taking effect.

4. Effective Date. This resolution shall become effective upon adoption.

5. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

6. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

INTRODUCED AND PASSED this 14 day of November, 1994.


DON DAFOE, Mayor

Attest: 
DOROTHY JEFFERY
City Recorder