

Rich County Ordinance Regarding Pollution of Any Waters

Whereas, the County's streams, lakes, and other water are an important community asset;
and

Whereas, protecting the health and cleanliness of waters in Rich County is in our County's best interest.

Therefore, the County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Definitions.

This ordinance adopts all relevant definitions from the state code, including the following:

"Pollution" means a man-made or man induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state, unless the alteration is necessary for the public health and safety.

"Waters" means any stream, lake, pond, marsh, watercourse, waterway, spring, irrigation system, drainage system, canal, and all other bodies or accumulation of water, surface and underground, natural or artificial, public or private, in Rich County.

"Waters" does not include bodies of water confined to and retained within the limits of private property so long as the water does not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife.

Section 2. Pollution is prohibited.

- (1) Except as specifically authorized by the Utah Water Quality Act, it is unlawful for any person to discharge a pollution into waters or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish, or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water.
- (2) It is unlawful to place or cause to be placed any waste in a location where there is probable cause to believe it will cause pollution of waters.

Section 3. Violation declared a public nuisance.

In addition to the criminal penalties contained in the Utah Water Quality Act, any violation of this ordinance is declared a public nuisance for which the County may seek injunctive relief in court.

Section 4. Authority of Local Health Department.

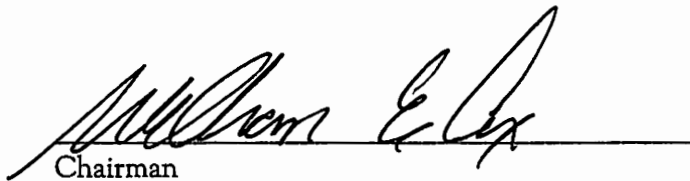
- (1) The Local Health Department may enter into and exercise physical control over property as necessary for the protection of public health.
- (2) The Local Health Department may enter onto private property to abate sources of pollution affecting waters or where there is probable cause that pollution of waters may occur without abatement. A nuisance under this ordinance is considered to be an emergency.
- (3) As provided by state law, the Local Health Department may bill the owner or other person in charge of premises upon which a nuisance occurs for the cost of abatement.

Section 5. Repeal of prior ordinance and effective date.

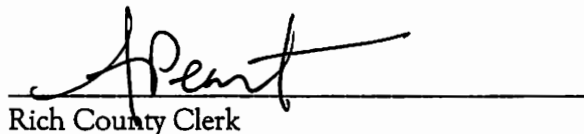
The County's prior water pollution ordinance (1969) is repealed and replaced. This ordinance shall become effective immediately upon posting.

APPROVED and ADOPTED this 4th day of January, 2023.

BOARD OF RICH COUNTY COMMISSIONERS


Chairman

ATTEST:


Rich County Clerk

Commissioner Bill Cox voted YES

Commissioner Sim Weston voted YES

Commissioner Jonathan Lee voted YES