

ORDINANCE NO. 2002 - 03

AN ORDINANCE REGULATING EXCAVATION FOR PURPOSES OF
WATER AND SEWER SERVICE WITHIN THE CITY OF
WENDOVER, TOOELE COUNTY, UTAH.

Preamble

A. The City of Wendover, Tooele County, Utah is authorized by law to enact rules and regulations governing water and sewer services within the City, including excavation relating thereto.

B. The City of Wendover, Tooele County, Utah is authorized by law to enact ordinances, rules and regulations for the purpose of maintaining and protecting water works, and over all lands and territory occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used in the construction, maintenance and operation of water systems.

C. The City of Wendover, Tooele County, Utah is authorized by law to enact ordinances, rules and regulations for the purposes of operating, maintaining, constructing, regulating and protecting sewer systems and facilities appurtenant to the same.

D. The City of Wendover, Tooele County, Utah deems it reasonable and necessary, for the protection of public health and safety, to the integrity of its water and sewer systems, and to the safe and continuing operation of its water and sewer systems, to adopt an ordinance regulating excavation within the City, whether on private or public land, relating to or affecting water and sewer systems works, lines, pipes, drains and all similar facilities appurtenant to the water and sewer systems within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
WENDOVER, TOOELE COUNTY, UTAH AS FOLLOWS:

Section 1. Adoption of Ordinance. An Ordinance regulating the excavation of lands in the City which may affect or relate to the water and sewer systems, is hereby adopted, to read in its entirety as set forth in Exhibit "A."

Section 2. Penalty and Remedies. In addition to any remedies described in the ordinance attached as Exhibit "A," any person who violates the requirements of the attached Water and Sewer Excavation Ordinance shall be guilty of a Class B misdemeanor, and subject to the criminal and civil penalties provided by law. The City is further authorized to initiate a civil action to enforce the provisions of the ordinance adopted herein. In the event a civil action is filed to enforce the provision of this Ordinance, the City shall be entitled to recover its costs and attorney's fees.

Section 3. Severability. If any section, paragraph, clause or provision of this

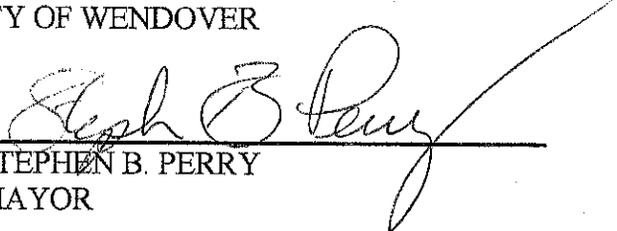
ordinance shall be held invalid, unlawful or unenforceable, the same shall not effect the validity or enforceability of the remaining provisions of this Ordinance, and the same shall be enforceable to the full extent possible to ensure the purposes of this Ordinance.

Section 5. Effective Date. This ordinance shall become effective immediately upon passage by the governing body of the City and upon posting within the City.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WENDOVER,
TOOELE COUNTY, UTAH THIS 24 DAY OF DECEMBER, 2002.

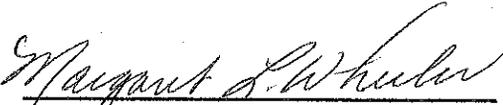
THE CITY OF WENDOVER

BY:



STEPHEN B. PERRY
MAYOR

ATTEST:



MARGARET L. WHEELER
CITY RECORDER

Seal:

Posted 12/24/02

Fred's Market
Wendover City Office
Wendover U.S. Post Office