

# DAVIS COUNTY

## ORDINANCE No. 06-98

AN ORDINANCE AMENDING THE DIESEL VEHICLE EMISSIONS INSPECTION MAINTENANCE PROGRAM ORDINANCE (ORDINANCE NO. 05-94) DATED DECEMBER 15, 1994, BY REPLACING APPENDIX E ESTABLISHING CRITERIA FOR DETERMINING VEHICLES REQUIRING ENHANCED I/M PROGRAM TESTING.

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that and that it is in the best interest of the County that this ordinance be adopted.

THEREFORE, the Board of County Commissioners of Davis County, Utah, ordains as follows:

### **Section 1. Ordinance No. 05-94 Amended.**

The *Diesel Vehicle Emissions Inspection/Maintenance Program Ordinance* (Ordinance No. 05-94) dated December 15, 1994, is hereby amended by replacing Appendix E establishing criteria for determining vehicles requiring enhanced inspection/maintenance program testing. The new Appendix E is attached to this ordinance and incorporated herein by reference.

### **Section 2. Conflicts**

This ordinance supersedes all prior ordinances, resolutions and policies of Davis County to the extent they are in conflict with the specific provisions hereof. In all other respects such prior ordinances, resolutions and policies shall remain in full force and effect.

### **Section 3. Effective Date**

This ordinance is necessary for the immediate preservation of the peace, health or safety of the county and its inhabitants and therefore shall take effect immediately upon publication in one issue of a newspaper published and having general circulation in Davis County.

This ordinance was unanimously and duly adopted by the Board of County Commissioners of Davis County, Utah on the 23<sup>rd</sup> day of December, 1998, with Commissioners Carol R. Page, Gayle A. Stevenson, and Danny R. McConkie voting in favor of the ordinance.

Board of County Commissioners of Davis County

By: \_\_\_\_\_  
Dannie R. McConkie, Chairman

ATTESTED BY:

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Margene Isom  
Davis County Clerk/Auditor

Publication Date: December 31, 1998

Approved to as form:

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Deputy Davis County Attorney

**DIESEL VEHICLE EMISSIONS INSPECTION/MAINTENANCE  
PROGRAM ORDINANCE**

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## 1.0 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

- 1.1 Accuracy: is the degree of conformity of a measure to a standard or a true value.
- 1.2 Basic Engine Systems: are those parts or assemblies which provide for the efficient conversion of diesel fuel into useful power to include, but not limited to, valve train mechanisms, cylinder heads, block, piston-ring-cylinder sealing integrity and post-combustion emissions control devices.
- 1.3 Calibration: is the process of establishing or verifying the accuracy of test equipment.
- 1.4 Certificate of Compliance: is the document which indicates that the smoke opacity levels from a diesel vehicle complies with applicable smoke opacity limits at the time of the inspection or after needed adjustments or repairs and re-inspection.
- 1.5 Certificate of Waiver: is a document, issued by the Division, used to verify that a vehicle has met the repair or adjustment requirements of the Diesel Vehicle Emissions Inspection /Maintenance Program Ordinance even though specific standards have not been met.
- 1.6 Certification: is assurance by an authorized source, whether it be the Federal Government, a laboratory, the manufacturer, the State, or the Division, that a specific product or statement is, in fact, true and meets all applicable requirements.
- 1.7 Certified Neutral Density Filter: is an optical quality filter which reduces the amount of transmitted light, an amount which is dependent upon the filter's optical density rating, uniformly across the visible light spectrum for the purpose of verifying the accuracy of the Diesel Opacity Analyzer.
- 1.8 County: is Davis County, Utah.
- 1.9 Chassis Dynamometer or Dynamometer: is a vehicle power absorption device which has the ability to approximate or simulate actual on-road operation of motor vehicles through the application of variable loading.

- 1.10 Clean-Out Cycle: is the wide open throttle accelerations used to purge the exhaust system of any residual exhaust prior to an Opacity Inspection applicable to Heavy Duty Diesel Vehicles.
- 1.11 Cutpoints: are the maximum allowable smoke opacity limits for a given weight class and model year of a motor vehicle, as determined by the Division, using an approved Diesel Opacity Analyzer.
- 1.12 Dedicated Printer: is the printer on the approved Diesel Opacity Analyzer which is used solely to print Certificates of Compliance.
- 1.13 Diesel I/M Program Fleet Station: is a private or public fleet, of twenty five (25) or more vehicles, that has a valid permit, issued by the Division, to perform Diesel Opacity Inspections on their own vehicles in accordance with the Diesel Vehicle Emissions Inspection/Maintenance Program Ordinance.
- 1.14 Diesel Opacity Inspector: is an individual, employed by the Division or licensed by the Division, to perform Opacity Inspections on diesel vehicles.
- 1.15 Diesel Opacity Inspection: is an inspection of a diesel powered vehicle by a Diesel Opacity Inspector, employed by a Diesel I/M Program Fleet Station, or the Division.
- 1.16 Diesel Opacity Inspector's Permit: is the permit issued by the Division to a Diesel Opacity Inspector after completing the required training course and passing all aspects of the practical hands-on and written test procedures.
- 1.17 Diesel Opacity Analyzer: is an opacity meter with any additional hardware or software required by the Division to perform an official Diesel Opacity Inspection in accordance with this Ordinance.
- 1.18 Diesel Powered Motor Vehicle: includes only a motor vehicle which is operated with four wheels or more on the ground, propelled by a compression-ignited engine using diesel fuels.
- 1.19 Diesel Vehicle Inspection/Maintenance Program: means the opacity inspection and repair program for diesel powered vehicles established by the Division, pursuant to Section 41-6-163.8, Utah Code Annotated 1953, as amended.
- 1.20 Director: means the Director of the Environmental Health and Laboratory Division of the Davis County Health Department or his or her authorized representative.

- 1.21 Division: means the Environmental Health and Laboratory Division of the Davis County Health Department and the people employed there-in.
- 1.22 Drift: refers to the amount that the Diesel Opacity Analyzer readings change, expressed as a percentage of full scale, over a period of time.
  - 1.22.1 Zero Drift: refers to no change of the zero reading when the Diesel Opacity Analyzer is in the zero mode.
  - 1.22.2 Span Drift: refers to the amount of change in reading when the Diesel Opacity Analyzer is in the span or full field mode.
- 1.23 Emissions Control Systems: are those parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the specific purpose of reducing exhaust emissions.
- 1.24 Engine Rated RPM: means a specific rpm at which the manufacturer states that the engine's maximum/rated brake horsepower is attained. Above this rpm, the engine's governor will typically begin limiting full load fuel quantity and thus prevent the engine from developing full power beyond this rpm. Rated engine power and speed information is usually found on a label affixed to the engine itself or other underhood location.
- 1.25 Exemption Form: is a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this Ordinance.
- 1.26 FAS: means Free Acceleration Smoke pertaining to engine accelerations at wide open throttle (WOT) with no load on the engine.
- 1.27 GVWR: (Gross Vehicle Weight Rating) means the weight specified by the vehicle manufacturer as the maximum allowable loaded weight of a single vehicle.
- 1.28 Heavy Duty Diesel Vehicle: as applicable to the Diesel Vehicle Inspection/Maintenance Program refers to diesel vehicles with 16,001 pounds GVWR or more.
- 1.29 High Altitude Specifications: are tune-up specifications that have been provided, by the manufacturer, to the Environmental Protection Agency for vehicles operating 4,000 feet or more above sea level.

- 1.30 Idle Mode: is the condition where the vehicle engine is at operating temperature and running at an RPM rate specified by the manufacturer's curb idle speed, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition must be achieved without placing a load on the engine to decrease the RPM to the specified rate.
- 1.31 Inspection Area: is the area that is occupied by the Diesel Opacity Analyzer, test equipment, and the vehicle being inspected.
- 1.32 ISO: means International Standards Organization.
- 1.33 Light Duty Diesel Vehicle: as applicable to the Diesel Vehicle Inspection/Maintenance Program refers to diesel vehicles with 16,000 pounds GVWR or less.
- 1.34 Maximum No-Load RPM or High Idle RPM: means the maximum rpm that the engine's governor will allow the engine to attain under no-load, wide open throttle (WOT) conditions. For many vehicular diesel engines, this rpm is typically 8 to 11% higher than the engine's rated rpm.
- 1.35 Motor Vehicle: is a self propelled motorized vehicle with an internal combustion powered engine which is licensed for operation on public roads and/or streets. Motor Vehicles exempted from the inspection requirements of this Ordinance are listed in Section 6.4 of this Ordinance.
- 1.36 MPH: means Miles Per Hour.
- 1.37 MSO: means Manufacturer's Statement of Origin, Manufacturer's Certificate of Origin, or similar such document accompanying each newly manufactured vehicle, provided by the new vehicle manufacturer.
- 1.38 Non-Certified Inspector: is any person who has not been licensed by the Division to perform official Diesel Opacity Inspections.
- 1.39 Off Highway Vehicles: are vehicles licensed to operate exclusively off highways.
- 1.40 Opacity: means the degree to which the exhaust plume obscures the view expressed in percentage of obstruction, or the degree, expressed in percent, to which transmittance of light is reduced by the exhaust plume.
- 1.41 Opacity Meter: means an optical instrument which is designed to provide continuous real-time measurement of the opacity of diesel exhaust gases and particulates which pass through the optical unit.

- 1.42 Opacity Inspection: means the testing of diesel powered motor vehicles using procedures prescribed in this Ordinance in order to determine the magnitude (expressed as a percentage) of obscured light (opacity) due to exhaust constituents, mainly fine particles.
- 1.43 Original Condition: is the condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness.
- 1.44 PM<sub>10</sub>: means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by an EPA reference or equivalent method.
- 1.45 Permit: is a document, issued by the Division, to a person or facility granting them authority to perform Diesel Opacity Inspections in accordance with this Ordinance.
- 1.46 Primary Residence: is the place which an individual lives more than six (6) months during a calendar year.
- 1.47 Publicly-Owned Vehicles: are motor vehicles owned by a Government entity, including but not limited to the Federal Government or any agency thereof, the State of Utah or any agency or political subdivision thereof.
- 1.48 Repeatability: is the instrument's capability to provide the same value, within specified tolerances, for successive measurement of the same sample.
- 1.49 RPM: means Revolutions Per Minute as pertaining to engine crankshaft speed.
- 1.50 SAE: means Society of Automotive Engineers.
- 1.51 Safety Inspection Certificate: is a certificate issued to a vehicle after it has been inspected and passed an official Utah Highway Patrol Safety Inspection performed by a licensed safety inspection station.
- 1.52 Strip Chart Recorder: is an instrument which receives and records data from one or more electrical inputs and displays that information in the form of a real-time, continuous (non-impact) tracings on paper.
- 1.53 Technical Bulletin: is a document, issued to Opacity Inspectors and/or Diesel I/M Program Fleet Stations by the Division to update, clarify or establish policies and/or procedures for their implementation in the Diesel Vehicle Inspection/ Maintenance Program.

- 1.54 Technical Centers: are those facilities operated by the Division for technical or administrative support of the Gasoline Inspection/Maintenance Program and Diesel Vehicle Inspection/Maintenance Program.
- 1.55 Temporary Waiver: is a Waiver that may be issued by the Director which will allow the temporary registration of a vehicle based upon a vehicle owner's compliance with the conditions of the Waiver.
- 1.56 Training Program: means a formal program, administered, conducted, or approved by the Division, for the education of Diesel Opacity Inspectors in basic emission control technology, inspection procedures, diagnosis and repair of emissions related problems, Diesel I/M Program policies, procedures, and this Ordinance.
- 1.57 WOT: means Wide Open Throttle.

## **2.0 PURPOSE**

It is the purpose of this Ordinance to reduce PM<sub>10</sub> air pollution levels by requiring annual inspections of both light duty and heavy duty in-use diesel powered motor vehicles and by requiring emission related repairs/adjustments for those vehicles that fail to meet prescribed standards so as to:

- 2.1 Protect and promote the public health, safety and welfare;
- 2.2 Improve air quality;
- 2.3 Comply with the Utah Air Quality Board requirements under subsection 26-13-6(8); and
- 2.4 Comply with the law enacted by the Legislature of the State of Utah, section 41-6-163.8 Utah Code Annotated, 1953, as amended.

## **3.0 JURISDICTION OF THE DIVISION**

All aspects of the Diesel Vehicle Emission Inspection/Maintenance Program within Davis County shall be subject to the direction and control of the Division.

#### **4.0 POWERS AND DUTIES**

- 4.1 The Division shall be responsible for the enforcement and administration of this Ordinance and any other powers vested in it by law and shall:
  - 4.1.1 Require the submission of information, reports, plans, and specifications from Diesel I/M Program Fleet Stations as necessary to implement the provisions, requirements, and standards of this Ordinance;
  - 4.1.2 Issue permits, certifications, and charge fees as necessary to implement the provisions, requirements and standards of this Ordinance;
  - 4.1.3 Perform inspections (audits) of any Diesel I/M Program Fleet Station, issue orders and/or notices, hold hearings, levy administrative penalties, and negotiate consent agreements as necessary to carry-out the purposes of this Ordinance;
  - 4.1.4 Take samples and make analysis required to ensure that the provisions of this Ordinance are met; and
  - 4.1.5 Make policies and procedures necessary to ensure that the provisions of this Ordinance are met and that the purposes of this Ordinance are accomplished.
- 4.2 The Division may suspend, revoke, negotiate a consent agreement in lieu of a suspension, or deny a permit of a Diesel I/M Program Fleet Station and/or require the surrender of permits issued under the provisions of this Ordinance and surrender of unused Certificates of Compliance issued to a Diesel I/M Program Fleet Station upon showing that:
  - 4.2.1 A vehicle was inspected and issued a Certificate of Compliance by Diesel I/M Program Fleet Station personnel, and at the time of inspection, the vehicle did not comply with the applicable requirements of this ordinance;
  - 4.2.2 A Diesel I/M Program Fleet Station allowed a Certificate of Compliance to be issued to a vehicle without an approved inspection being performed;
  - 4.2.3 The station personnel violated any provision of this Ordinance, or any Division policy properly promulgated for the operation of a Diesel I/M Program Fleet Station;

- 4.2.4 The station was not equipped as required by section 8.4.5 of this Ordinance;
  - 4.2.5 The station was not operating from a location specified on the permit;
  - 4.2.6 A Diesel Opacity Inspection was performed by an individual that at the time of the inspection did not hold a valid Diesel Opacity Inspectors Permit;
  - 4.2.7 The station denies access, or fails to permit a representative of the Division to conduct an audit and/or inspection or conduct other necessary activities or business during regular business hours;
  - 4.2.8 A vehicle was inspected and issued a Certificate of Compliance by a Diesel I/M Program Fleet Station that, at the time of inspection, exceeded permissible opacity levels as set forth in this Ordinance.
- 4.3 The Division may suspend, negotiate a consent agreement in lieu of suspension, revoke, or deny the Permit of a Diesel Opacity Inspector and require the surrender of this Permit upon showing that:
- 4.3.1 The Diesel Opacity Inspector issued a Certificate of Compliance for a vehicle without performing a Diesel Opacity Inspection approved by this Ordinance on that vehicle;
  - 4.3.2 The Diesel Opacity Inspector denied the issuance of a Certificate of Compliance for a vehicle that, at the time of the inspection, complied with this Ordinance;
  - 4.3.3 The Diesel Opacity Inspector issued a Certificate of Compliance for a vehicle that, at the time of issuance, was in such condition that it did not comply with this Ordinance;
  - 4.3.4 The Diesel Opacity Inspector knowingly allowed a Non-Certified Inspector to perform a Diesel Opacity Inspection, or any portion of a Diesel Opacity Inspection;
  - 4.3.5 The Diesel Opacity Inspector signed an inspection form or Certificate of Compliance indicating that he/she had performed the inspection when, in fact, he/she had not performed an inspection complying with the requirements of this Ordinance;
  - 4.3.6 The Diesel Opacity Inspector signed a Certificate of Compliance prior to an inspection being performed.

- 4.4 The Division shall respond, according to policies and procedures, to public complaints regarding the integrity of inspections performed at Diesel I/M Program Fleet Stations.
- 4.5 The Division, or the Division's authorized representative, is responsible for performing all Opacity Inspections on Light Duty Diesel Vehicles.
- 4.6 The Division is responsible for administering all aspects of the Heavy Duty Diesel Opacity Inspections.
  - 4.6.1 The Division may perform periodic Opacity Inspections, during normal business hours, on any vehicle that has or will be inspected by a Diesel I/M Program Fleet Station.
  - 4.6.2 Heavy Duty Diesel Vehicles that are not included as part of a Diesel I/M Program Fleet Station may be inspected by the Division. Inspections may be performed at the Division facilities or at another specified location.

## **5.0 SCOPE**

It is unlawful for any person not to comply with any policy, procedure, Technical Bulletin, or Regulation relating to diesel emissions control, promulgated by the Federal Government, the State, the Davis County Health Department, or the Division, unless expressly waived by this Ordinance.

## **6.0 GENERAL PROVISIONS**

Subject to the exceptions described in section 6.4 and pursuant to the schedule in section 6.1 and 6.1.1, individuals with their primary residence in Davis County must register their vehicles in Davis County and diesel powered motor vehicles that are or will be registered in Davis County, or operated from a facility within Davis County, shall be subject to a Diesel Opacity Inspection performed by a Diesel I/M Program Fleet Station, a Division operated test facility or other entity approved by the Director.

- 6.1 Beginning December 15, 1994 a Certificate of Compliance or Waiver, or evidence that the motor vehicle is exempt from the Diesel I/M Program requirements (as defined in section 6.4) shall be presented to the Davis County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid as conditions precedent to annual registration or annual renewal of registration of a motor vehicle.
  - 6.1.1 The beginning date listed herein may be temporarily postponed if it is deemed necessary by the Director to aid in the smooth and effective implementation of the Diesel Vehicle Inspection/Maintenance Program.

The temporary postponement of the program beginning date may be implemented if it is determined by the Director that the integrity of the program may be jeopardized because testing equipment, procedures, facilities, software or other aspects of the program are not ready for effective and accurate testing to begin. Different start-up dates may be selected for light duty and heavy duty vehicles.

- 6.2 A Certificate of Compliance or Waiver issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of six months as specified in section 41-3-28.5, Utah Code Annotated, 1953, as amended. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate.
- 6.3 Vehicle fleet owners shall comply with the Diesel Vehicle Inspection/Maintenance Program requirements pursuant to a schedule determined by the Division. Federally-owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the Diesel Vehicle Inspection/Maintenance Program requirements pursuant to a schedule determined by the Division.
- 6.4 The following vehicles are exempt from this Ordinance:
  - 6.4.1 All agricultural implements of husbandry not registered for highway use;
  - 6.4.2 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;
  - 6.4.3 Any vehicle registered exclusively as an Off Highway Vehicle;
  - 6.4.4 Any new vehicle being sold for the first time that has a valid MSO (Manufacturers Statement of Origin) form.
- 6.5 Owners of private or publicly owned Heavy Duty Diesel vehicles may request that a Division representative perform an on-site Diesel Opacity Inspection at a location other than a County owned test facility. On-site inspections by the Division shall only be performed in accordance with the following requirements:
  - 6.5.1 On-site Diesel Opacity Inspections shall only be performed when there are five (5) or more vehicles at one test site. These vehicles may be owned by different individuals.

- 6.5.2 All vehicle owners must provide proof to the Division that the vehicle has passed a Utah Highway Patrol safety inspection within a two (2) month period previous to the date of the requested emissions inspection.
  - 6.5.3 All test sites must comply with local zoning ordinances for the performance of these inspections and be approved by the Division prior to inspections being performed.
  - 6.5.4 On-site Diesel Opacity Inspections for emergency response vehicles will not be subject to a minimum number of vehicles at one location and may be allowed a zoning variance if necessary to allow tests to be performed at their location.
- 6.6 Required tools and equipment as noted in section 8.4.5, supplies, records, unused Certificates of Compliance, and other required forms, shall be kept at the Diesel I/M Program Fleet Station at all times and shall be available for inspection or collection by the Division at any time the Diesel I/M Program Fleet Station is open for business.
- 6.6.1 Records of completed inspections and duplicate copies of Certificates of Compliance issued shall be kept at the Diesel I/M Program Fleet Station at all times for a period of not less than eighteen (18) months and shall be available for inspection or collection by the Division at any time the Diesel I/M Program Fleet Station is open for business.
  - 6.6.2 A periodic inspection and audit shall be made by a Division representative to verify compliance with this Ordinance for each Diesel I/M Program Fleet Station. As part of the periodic inspection and audit of the Diesel I/M Program Fleet Station the Division representative shall, as applicable, observe the performance of an electronic equipment calibration performed by the Diesel Opacity Inspector, perform equipment calibrations and voltage correlations, examine calibration records and Certificates of Compliance as well as other required reports, forms, or records to verify that the use of these items are in compliance with this Ordinance and the policies and procedures of the Division.
  - 6.6.3 During the station inspection and audit by the Division, the Division representative shall have exclusive access to the Diesel Opacity Analyzer.

- 6.6.4 The Division representative may check the accuracy of the Diesel Opacity Analyzer using Division audit procedures to verify that the equipment is reading within the tolerances established by the Division. Diesel Opacity Analyzers not reading within the audit tolerances shall be recalibrated to within acceptable tolerances or be placed “out of service”.
- 6.7 FEES: The fees assessed upon Diesel I/M Program Fleet Stations and the Diesel Opacity Inspectors shall be determined according to the fee schedule adopted by the Davis County Commission. The fee schedule as referenced in Appendix B to the Ordinance may be amended by the Davis County Commission as is deemed necessary to accomplish the purpose of this Ordinance.
- 6.7.1 Diesel emissions inspection fees shall not exceed the amounts specified in Appendix B. If a vehicle fails the inspection the owner is entitled to one reinspection for the reinspection fee specified in Appendix B if the owner returns to the Division within thirty (30) days from the date of the initial inspection. The Division shall extend the thirty day reinspection time to accommodate the vehicle owner if the Division is unable to schedule the retest of the vehicle within the thirty day time period. Subsequent inspections of failed vehicles and tests of failed vehicles after thirty days will be charged the original inspection fee.
- 6.7.2 Duplicate Certificates of Compliance or Waiver may be issued to a vehicle owner/operator within two months of the initial test, fees for the duplicate certificate may not exceed the amount specified in Appendix B.
- 6.8 VEHICLE IDLING LIMITATION. It shall be unlawful for any owner or operator of any Heavy Duty Diesel Vehicle to cause or permit the same to be idled for a period in excess of fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one hundred-twenty (120) minute period (it being the intent of this provision that an owner or operator may not circumvent the provisions of this section by repeated turning on and off of a diesel engine).
- 6.8.1 EXEMPTION TO IDLING LIMITATIONS. Vehicles may be exempted from the idling limitation requirements of Section 6.8 under the following conditions:
- (a) To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer.

- (b) To provide heat or air conditioning to a sleeper unit of the vehicle or to occupied buses.
- (c) Emergency response vehicles.

6.8.2 Vehicles exempted from the Vehicle Idling Limitations as applicable under Section 6.8.1 (a), (b) of this Ordinance shall not remain in an idling condition for a period longer than fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period if located within five hundred (500) feet of any residence.

## **7.0 STANDARDS AND SPECIFICATIONS FOR DIESEL TESTING EQUIPMENT**

- 7.1 No Diesel Opacity Inspection required by this Ordinance shall be performed unless the type of instrument used for measuring exhaust opacity from diesel powered motor vehicles is contained in the list of approved test equipment as provided by the Division. The test equipment shall meet the requirements of the equipment specifications referenced in Appendix C of this Ordinance. The test equipment shall be in good working condition, shall comply with calibration requirements of the Division, and shall be operated according to manufacturer's specifications and operating procedures.
- 7.2 Any test equipment being used to perform Diesel Opacity Inspections shall be registered with and approved by the Division and, if required, shall bear a registration sticker issued by the Division. Registration stickers are not transferable or assignable. Any new or used test equipment put in use after station approval must be approved by the Division before use. Test equipment used temporarily during times of breakdown or repair of the registered equipment do not require a registration sticker but shall meet all other requirements of this section including the approval of the Division before being used to perform Diesel Opacity Inspections.
- 7.3 The test equipment printers shall be maintained in such a manner that the printing of the test results shall be clearly visible on all copies. If any printer fails to properly function, then the station shall discontinue testing until the required repairs have been performed.
- 7.4 It shall be unlawful for any person to modify the hardware or the software of an approved Diesel Opacity Analyzer without written application and written approval by the Division.
- 7.5 Documentation, Logistics, and Warranty Requirements.

7.5.1 Instruction Manual: An instruction manual shall accompany each Diesel Opacity Analyzer and shall contain at least the following information for the analyzer:

- (a) A complete technical description;
- (b) The functional mechanical and electrical schematics;
- (c) The accessories and options that are included and/or available;
- (d) The model number, identification marking and location;
- (e) Operating maintenance including daily, weekly, and monthly accommodations for maintaining sample system integrity including, but not limited to, leaks, hang-up, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
- (f) Information concerning the nearest service facility where the equipment can be serviced; and
- (g) The warranty provisions for the analyzer, including a list of warranty repair stations by name, address and telephone number.

7.5.2 The analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of maintenance service shall be maintained for examination by the Division.

7.6 Calibration of Diesel Opacity Analyzers:

- 7.6.1 A Diesel Opacity Inspector shall perform a mechanical/electrical equipment calibration on the Diesel Opacity Analyzer following the manufacturer's recommended procedures not more than three (3) days prior to an official Diesel Opacity Inspection. Said calibration will be performed with a known source of laboratory certified light absorbing material such as a Certified Neutral Density Filter or other device approved by the Division.
- 7.6.2 A Diesel Opacity Inspector shall perform an electrical zero and span check on the Diesel Opacity Analyzer following the analyzer manufacturer's procedures prior to each official Diesel Opacity Inspection. A Diesel Opacity Analyzer that fails the zero and span check shall be cleaned or recalibrated following manufacturer's recommendations.

7.6.3 If the Diesel Opacity Analyzer requires repairs in order to be used in accordance with this Ordinance, the Diesel I/M Program Fleet Station shall discontinue use of the Diesel Opacity Analyzer and notify the Division that the analyzer is “Out-of-Service” and shall again notify the Division after repairs are made and before testing is resumed.

7.6.4 The Diesel Opacity Analyzer instruction manual and other Division approved information shall be reviewed by the Diesel Opacity Inspector to ensure that proper procedures are being used for performing the calibration check.

## **8.0 PERMIT REQUIREMENTS FOR DIESEL INSPECTION/MAINTENANCE PROGRAM FLEET STATIONS**

Owners of vehicle fleets with twenty five (25) or more Heavy Duty Diesel Vehicles may apply to the Director for a Diesel I/M Program Fleet Station permit. This permit would allow fleet owners to inspect only their own vehicles that are registered to the individual or corporation identified on the permit.

- 8.1 The Director is authorized to issue or deny Diesel I/M Program Fleet Station permits.
- 8.2 No Diesel I/M Program Fleet Station permit may be assigned, transferred, or used by any person other than the original owner identified on the Diesel I/M Program Fleet Station permit. The Diesel I/M Program Fleet Station permit shall be posted in a conspicuous place within public view on the premises.
- 8.3 The Diesel I/M Program Fleet Station must be at a permanent location which meets all applicable zoning requirements to provide for the inspection of diesel vehicles, as licensed, and as defined in this Ordinance.
- 8.4 Application for a Diesel I/M Program Fleet Station permit shall be made to the Division on a form provided by the Division. No Diesel I/M Program Fleet Station permit shall be issued unless the Director finds that the facilities, tools and equipment of the applicant comply with the requirements of this Ordinance and that competent personnel, certified under the provisions of section 10.0, are employed and will be available to make inspections, and the operation thereof will be properly conducted in accordance with this Ordinance.
- 8.4.1 Each Diesel I/M Program Fleet Station will assign one individual, either a manager or an Inspector, the responsibility of resolving any problems or

addressing any concerns that a Division representative may identify. The selected individual or his/her representative will be at the Diesel I/M Program Fleet Station and available during normal business hours. The selected individual's name and title will be listed on the Diesel I/M Program Fleet Station permit application form.

- 8.4.2 A Diesel I/M Program Fleet Station shall immediately notify the Division and immediately surrender all unused Certificates of Compliance at such time as the Diesel I/M Program Fleet Station no longer employs a Diesel Opacity Inspector.
- 8.4.3 A Diesel I/M Program Fleet Station shall notify the Division whenever five (5) or more consecutive Diesel Opacity Inspections are scheduled to be performed within an eight (8) hour period. The Director, at his discretion, may dispatch a field auditor to observe all of or a portion of the Diesel Opacity Inspections performed.
- 8.4.4 A Diesel I/M Program Fleet Station shall comply with all terms stated in the permit application and all the requirements of this Ordinance.
- 8.4.5 As a condition for permitting all Diesel I/M Program Fleet Stations, the following tools shall be available for performance of the inspection and maintenance of diesel powered motor vehicles:
  - (a) A Division approved Diesel Opacity Analyzer that meets the minimum specifications as outlined in APPENDIX C of this Ordinance;
  - (b) A Division approved personal computer capable of meeting the minimum specifications as outlined APPENDIX C of this Ordinance;
  - (c) A handbook, approved by the Division, that includes testing procedures to be followed by the Diesel Opacity Inspector;
  - (d) An accurate strip chart recorder or other recording device capable of recording Diesel Opacity Inspection data for analysis;
  - (e) Reference manuals specified and approved by the Division that contain tune up specifications, and information covering the emissions control systems for the model years and makes of vehicles involved in the Diesel Vehicle Emissions Inspection/Maintenance Program;

- (f) Sufficient hand tools for proper performance of inspection and maintenance of the vehicle;
- (g) Exhaust gas removal equipment approved by the Division;
- (h) The Diesel Opacity Analyzer manufacturer's maintenance and calibration manual which must remain in the inspection area;
- (i) All forms, Technical Bulletins, and other information materials provided by the Division.

8.4.6 All facets of the Diesel Vehicle Emissions Inspection/Maintenance Program shall be performed by the Diesel Opacity Inspector including:

- (a) Diesel Opacity Inspection equipment preparation, and calibration checks;
- (b) Exhaust sampling and analysis for the purpose of a Diesel Opacity Inspection for issuance of a Certificate of Compliance;
- (c) Preparation of reports, forms, certificates; and
- (d) All other aspects of the official Diesel Opacity Inspection including but not limited to: the tampering inspection, inserting or attaching the exhaust opacity sampling equipment, hooking up the tachometer, entering the data, preconditioning the vehicle, and signing Certificates of Compliance and inspection forms.

8.4.7 A Diesel I/M Program Fleet Station shall be kept in good repair and in safe condition for inspection purposes free of obstructions and hazards.

## 8.5 PERMIT DURATION AND RENEWAL

8.5.1 Diesel I/M Program Fleet Station Permits shall be issued annually and shall expire one year from date of issuance. The Permit shall be renewable sixty (60) days prior to the date of expiration.

8.5.2 It is the responsibility of the owner/operator of the Diesel I/M Program Fleet Station to apply in a timely manner for a renewal of Diesel I/M Program Fleet Station Permits with the Division.

8.5.3 Diesel I/M Program Fleet Station to hold Division Harmless: In making application for a Diesel I/M Program Fleet Station permit or for its renewal, such action shall constitute a declaration by the applicant that the Division shall be held harmless from liability incurred due to action or inaction of Diesel I/M Program Fleet Station's owners or their employees.

8.5.4 Required permit fees and renewal fees are listed in APPENDIX B of this Ordinance.

8.6 Diesel I/M Program Fleet Station Permits are the sole property of the Division. Only the license they represent is tendered. Permits may be suspended or revoked for violations of this Ordinance. Diesel I/M Program Station Permits obtained through fraud or misrepresentation may be deemed to be null and void.

## **9.0 APPROVAL OF REQUIRED TEST EQUIPMENT**

9.1 Diesel Opacity Inspections required by this Ordinance shall not be performed unless the equipment used meets the specifications as defined in the Ordinance and as approved by the Division.

9.2 Any changes to the design or performance characteristics of component specifications which may affect the equipment or instrument performance must be approved by the Division. It shall be the instrument manufacturer's responsibility to confirm that such changes have no detrimental effect on the opacity meter or other equipment or instrument performance.

## **10.0 CERTIFICATION REQUIREMENTS FOR TESTING AND PERMITTING OF APPLICANTS FOR DIESEL OPACITY INSPECTORS**

10.1 No person shall perform any part of a Diesel Opacity Inspection for the issuance of a Certificate of Compliance or Waiver unless the person possesses a valid Diesel Opacity Inspector's Permit issued by the Division.

10.2 Applications for a Diesel Opacity Inspector Permit shall be made on a form to be prescribed by the Division. No Diesel Opacity Inspector Permit shall be issued unless the applicant complies with the requirements of this section.

10.2.1 An applicant shall demonstrate knowledge, skill and competence concerning the operation and theory of diesel-fueled internal combustion engines.

10.2.2 An applicant shall complete a Division approved training course and shall demonstrate knowledge, skill, and competence by passing a written and performance qualification test including, but not limited to, knowledge of the following:

- (a) Knowledge of the Ordinance governing the Diesel Vehicle Inspection/Maintenance Program;
- (b) Operation of and proper use, care, maintenance, and calibration of the Division approved Diesel Opacity Analyzer;
- (c) Proper use and distribution of the required inspection forms, Certificates, calibration records, and supplemental documents, and
- (d) Waiver requirements for all diesel vehicles failing the initial Diesel Opacity Inspection.

10.2.3 Requalification requirements for Diesel Opacity Inspectors.

- (a) Upon determination by the Director of the necessity of updating the qualifications for Diesel Opacity Inspectors, they shall be required to requalify. Requalification requirements shall be determined by the Director.
- (b) Diesel Opacity Inspectors shall be required to recertify annually. Failure to recertify within the required period of time shall result in the suspension or revocation of the Diesel Opacity Inspector's permit as described in this Ordinance.

10.2.4 The Diesel Opacity Inspector's Permit shall be valid only at the station where the Inspector is employed at the time the permit was issued. If the Inspector is later employed at another Diesel I/M Program Fleet Station, the Inspector shall notify the Division of the employment change. The Inspector shall reapply for a permit at the new location and pay the required fees. Prior to testing at the new location, the Inspector shall be permitted there and a new Permit number shall be issued. This Permit shall expire on the same date as the original.

10.2.5 The fee required to obtain a Diesel Opacity Inspector permit and for renewal of the permit is listed as part of APPENDIX B of this Ordinance.

### 10.3 Permit Expiration

10.3.1 The Diesel Opacity Inspectors Permit shall be issued annually and shall expire one year from the date of issuance. The Diesel Opacity Inspector's Permit shall be renewable sixty (60) days prior to the date of expiration.

10.3.2 It is the responsibility of the Diesel Opacity Inspector to pursue the renewal of the Permit.

10.4 The Diesel Opacity Inspector Permit is the sole property of the Division. Only the license it represents is tendered. The Division may suspend or revoke the permit for violations of this Ordinance. Diesel Opacity Inspector Permits that were obtained through fraud or misrepresentation may be deemed null and void.

## **11.0 INSPECTION PROCEDURE**

11.1 No Light Duty Diesel Vehicle may receive a Diesel Opacity Inspection unless that vehicle has passed an official Utah Highway Patrol Vehicle Safety Inspection as required by the law of the State of Utah, section 41-6-158 Utah Code annotated, 1953, as amended. Proof of the inspection shall be in the form of a valid Safety Inspection Certificate issued within the required time period.

11.2 The Diesel Opacity Inspection shall be performed by a Diesel Opacity Inspector who has been certified to perform Diesel Opacity Inspections at the location where the inspection is being performed.

11.3 The entire Diesel Opacity Inspection shall take place within the reach of the Diesel Opacity Analyzer's hoses and/or electrical leads.

11.4 The temperature where testing equipment is operated shall be not less than 41° Fahrenheit and not more than 110° Fahrenheit during the inspection.

11.5 The Diesel Opacity Analyzer shall be kept in an area that provides adequate protection from the weather, wind, and temperature extremes.

- 11.6 The electrical supply to the Diesel Opacity Analyzer shall meet the equipment manufacturer's requirements for voltage and frequency stability.
- 11.7 The Diesel Opacity Inspector shall not inspect or test any motor vehicle with a known mechanical condition which may cause injury to inspection personnel or damage to the inspection station or test equipment or which may affect the validity of the test, until such condition is corrected. Such conditions include, but are not limited to: coolant, oil or fuel leaks, low oil or low fluid levels, and high visible emissions.
- 11.8 Any time an engine stalls during a Diesel Opacity Inspection, the test shall be restarted. If an Inspector cannot complete a test because of continuous stalling, fluctuating RPM measurements, or RPM measurements that are not within the Division specified parameters, these conditions shall be corrected before the test is continued.
- 11.9 The Diesel Opacity Inspector shall accurately identify and enter vehicle and owner information from the vehicle to be tested as required by the data entry process of the Diesel Opacity Analyzer and any other data requirements of the Division.
- 11.10 Testing vehicles with multiple exhaust outlets require testing each outlet, recording the results from the exhaust outlet which emits the highest emission levels as the test results for the vehicle.
- 11.11 The Diesel Opacity Inspector shall determine the appropriate test procedure to follow depending on the vehicle weight rating and type and then proceed with the test procedures as outlined in APPENDIX D of this Ordinance.
  - 11.11.1 If a vehicle is unable to be tested using a particular weight category test procedure as outlined in APPENDIX D because of an unusual engine/chassis configuration, the Director, at his/her discretion, may select an alternate test procedure to be performed on the vehicle.
- 11.12 The Division, the Davis County Health Department, Davis County, their officials or employees shall not be held responsible for any failure of any vehicle component or system occurring during an inspection if proper inspection procedures are followed.

## **12.0 CERTIFICATES OF COMPLIANCE**

- 12.1 No person shall make, issue, or knowingly use any imitation or counterfeit Certificate of Compliance.
  - 12.1.1 No person shall knowingly use stolen or counterfeit Certificates of Compliance.
- 12.2 Certificates of Compliance shall be purchased only from the Division.
- 12.3 No refund or credit shall be allowed for unused Certificates of Compliance, except as provided in Section 12.9.
- 12.4 Purchase of Certificates of Compliance:
  - 12.4.1 Sales of Certificates of Compliance shall only be made to a representative of the Diesel I/M Program Fleet Station possessing an acceptable form of identification.
  - 12.4.2 Certificates of Compliance shall be sold at a cost established by the Davis County Commission and referenced in APPENDIX B, in lots to be determined by the Division. The Division may limit the number of Certificates of Compliance purchased to the number that the Division determines can be secured and stored safely.
  - 12.4.3 Certificates of Compliance shall not be sold, loaned, transferred, or given to any other Diesel I/M Program Fleet Station, or any other individual or entity. The Diesel I/M Program Fleet Station shall at all times account for all Certificates of Compliance that have been purchased by the station.
  - 12.4.4 Certificates of Compliance are solely the property of the Division, only the license they represent is tendered. Certificates of Compliance obtained through fraud, misrepresentation, and/or improper testing may be deemed null and void.
- 12.5 A Certificate of Compliance shall not be issued until a vehicle has received a Diesel Opacity Inspection conducted according to the requirements of this Ordinance.
- 12.6 All unused Certificates of Compliance shall be kept in a secure place at all times to prevent loss or theft.

- 12.7 Certificates of Compliance shall be used in sequential order by Diesel I/M Program Fleet Stations.
- 12.8 Certificates of Compliance found to be missing, stolen, or unaccounted for, shall be reported to the Division within twenty four (24) hours and the station shall cease performing Diesel Opacity Inspections until the Division reauthorizes the station to again resume testing.
- 12.9 Upon final cancellation, suspension or revocation of the Diesel I/M Program Fleet Station Permit of any station, the station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance to the Division. The Division shall receipt and refund the fee paid for unused Certificates of Compliance to the station owner according to the policies of the Division. Upon transfer or termination of business ownership, the Diesel I/M Program Fleet Station permit and all Certificates of Compliance shall be immediately surrendered to the Division. Any person acquiring a business that has been permitted as a Diesel I/M Program Fleet Station, is prohibited from performing Diesel Opacity Inspections under the authority of any such permit or from issuing Certificates of Compliance which were issued to the previous owner.

### **13.0 CERTIFICATES OF WAIVER**

- 13.1 No person shall make, issue, or knowingly use any imitation or counterfeit Certificate of Waiver.
  - 13.1.1 No person shall knowingly use stolen or counterfeit Certificates of Wavier.
- 13.2 If it is determined by the Director that a particular vehicle can not be tested using any current test procedures, the Director may issue a Waiver allowing the vehicle to be registered until an alternate test procedure is developed.
- 13.3 Certificates of Waiver shall only be issued by the Division unless the Division determines other acceptable methods of issuing the Waivers. A Waiver shall only be issued after determining that the vehicle complies with the requirements of this section for Waiver issuance.
- 13.4 A Certificate of Waiver may be issued for Light Duty Diesel vehicles if all of the following requirements are met:
  - 13.4.1 Air pollution control devices that were originally installed by the manufacturer are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted. Costs for repairs or replacement of pollution control equipment will not be included in Waiver repair costs;

- 13.4.2 Any applicable High Altitude Adjustments have been performed following the manufacturers recommended procedures;
  - 13.4.3 The vehicle continues to exceed applicable opacity standards after \$750 (seven hundred and fifty dollars) of acceptable emissions related repairs have been performed after the first Diesel Opacity Inspection failure. Proof of repair costs shall be provided for the vehicle to the Division in the form of a dated, itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automobile or truck repair, then the cost of labor shall not be included in determining the cost of acceptable emission related repairs, and;
  - 13.4.4 Any vehicle that does not experience any improvement in Opacity levels since the first Diesel Opacity Inspection shall not be eligible for an emissions repair Waiver regardless of the amount spent in attempting to repair the vehicle.
- 13.5 A Certificate of Waiver may be issued for Heavy Duty Diesel vehicles if all of the following requirements are met:
- 13.5.1 Air pollution control devices that were originally installed by the manufacturer are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted. Costs for repairs or replacement of pollution control equipment will not be included in the repair Waiver;
  - 13.5.2 Any applicable High Altitude Adjustments have been performed following the manufacturers recommended procedures;
  - 13.5.3 The vehicle continues to exceed applicable opacity standards after \$1500 (fifteen hundred dollars) of acceptable emissions related repairs have been performed after the first Diesel Opacity Inspection failure. Proof of repair costs shall be provided for the vehicle to the Division in the form of a dated, itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automobile or truck repair, then the cost of labor shall not be included in determining the cost of acceptable emission related repairs, and;

- 13.5.4 Any vehicle that does not experience any improvement in Opacity levels since the first Diesel Opacity Inspection shall not be eligible for an emissions repair Waiver regardless of the amount spent in attempting to repair the vehicle.

## **14.0 TEMPORARY WAIVERS**

- 14.1 For all vehicles, if a part or parts which are necessary to bring a vehicle into compliance with this Ordinance is/are not available at the time the vehicle's registration is due, the owner/operator may obtain a signed form to that effect from a manufacturer, dealer or mechanic who has verified the non-availability of the part(s). The owner/operator shall then take such proof to the Division. The Director may issue a Temporary Waiver, for a period of time and under such conditions as he determines, so that the vehicle may be registered if the Temporary Waiver is issued. The owner shall have until the expiration of the time period specified by the Director to complete the necessary repairs or replacement, and submit a Certificate of Compliance or Waiver to the Director to verify that the part(s) have been installed and that the vehicle is in compliance with all provisions of this Ordinance. The Director is under no obligation to issue Temporary Waivers under this section and is prohibited from issuing a Temporary Waiver for a vehicle that is emitting pollution levels that exceed visible emission requirements or that may be deemed hazardous.
- 14.2 Under certain conditions as determined by the Director, the Director may issue a Temporary Waiver enabling a vehicle to be registered. The person to whom the Temporary Waiver is issued shall comply with the conditions of the Temporary Waiver as agreed upon by a signed affidavit. Failure to comply with the affidavit shall be considered a violation of this Ordinance. The Director is under no requirement or obligation to issue Temporary Waivers under this section and is prohibited from issuing a Temporary Waiver for a vehicle that is emitting pollution levels that exceed visible emission requirements or that may be deemed hazardous.

## **15.0 ENGINE CHANGES**

Vehicles that have had their original engine changed, shall be tested to the Cutpoints applicable to the model year of the vehicle. This shall apply regardless of the year of the engine. If pollution control equipment that would have been installed on the original engine is missing, that equipment would have to be reinstalled before the vehicle would become eligible for a Waiver. Costs associated with such repairs shall not apply towards the Waiver amount. If the engine has been converted from diesel fuel to another type of fuel, the vehicle must comply with the laws governing the type of fuel which is being used in the vehicle.

- 15.1 It is a violation of this Ordinance to register a vehicle with a diesel engine as a vehicle using another type of fuel or with an engine using another type of fuel as a diesel.

## **16.0 RIGHT TO APPEAL**

Within ten (10) calendar days after the Division has given notice of violation(s), permit denial, suspension, or revocation, any person(s) aggrieved may request in writing a hearing before the Director. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Director's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order. The Director may negotiate a consent agreement in lieu of a permit suspension.

- 16.1 Persons aggrieved by decisions of the Director may appeal to the Davis County Commission for a hearing. Such appeals must be made in writing and outline the areas where the Director has allegedly failed to administer the requirements of this Ordinance. The Commission then has thirty (30) days to decide whether to grant a hearing. If the Commission decides to grant a hearing, a hearing date must be provided within fifteen (15) days of the date of the decision to grant a hearing. The results of the hearing with the Commission shall be transmitted to the aggrieved person within ten (10) days of the closing of the hearing.
- 16.2 Use of the hearing process outlined in Section 16 of this Ordinance does not preclude judicial review.

## **17.0 PENALTY**

- 17.1 Pursuant to Title 26A-1-123, Utah Code Annotated, 1953, as amended and the statutory authority of County Commissions to enact Ordinances, any person violating any of the provisions of this Ordinance, either by acts of omission or commission, shall be guilty of a class B misdemeanor. If a person is found guilty of a subsequent similar violation within two years, he/she shall be guilty of a class A misdemeanor.
- 17.2 Each occurrence and/or day a violation is committed or permitted to continue shall constitute a separate violation.

- 17.3 At the request of the Director, the County Attorney may initiate legal action, civil or criminal, against any person who violates this Ordinance.
- 17.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found to be in violation of this Ordinance shall be liable for all expenses including a reasonable attorney's fee and costs of court incurred by the Division and/or the County incurred in any enforcement proceeding to enforce this Ordinance, whether civil or criminal.
- 17.5 APPENDIX E lists specific violations of this Ordinance by which permits issued under the provisions of this Ordinance may be suspended and for what periods of time and when conditions warrant, when permits may be revoked. The Director has authority to negotiate consent agreements in lieu of suspension time.
- 17.6 The penalty schedule referenced in APPENDIX E may be amended by the Davis County Commission as deemed necessary to accomplish the purpose of this Ordinance.

## **18.0 SEVERABILITY**

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not effect the other provisions or applications of the Ordinance. The valid part of any clause, sentence or paragraph of the Ordinance shall be given independence from the invalid provisions or application and to this end the provisions of the Ordinance are hereby declared to be severable.

**19.0 EFFECTIVE DATE**

This Ordinance shall become effective the day of its enactment by the Davis County Commission. The appendices become effective on the specific date found on each of the appendices.

Passed this 15th day of December, 1994.

Commissioner Holbrook voting aye

Commissioner Page voting aye

Commissioner Stevenson voting aye

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Gayle Stevenson, Chairman  
Davis County Commission

Attest:

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Margene Isom  
Davis County Clerk/Auditor

Approved as to form:

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Melvin Wilson  
Davis County Attorney

APPENDIX A

**CUTPOINTS**

Maximum Allowable Opacity Limits:

Heavy Duty Vehicles [16,001 pounds Gross Vehicle Weight Rating (GVWR) and larger]

70% Opacity

Light Duty Vehicles [16,000 pounds Gross Vehicle Weight Rating (GVWR) and smaller]

35% Opacity for Non-Turbocharged Vehicles

30% Opacity for Turbocharged Vehicles

Effective date: January 1, 1999

Adopted this 23<sup>rd</sup> day of January 1, 1998 by the Davis County Commission

Commissioner McConkie voting aye

Commissioner Page voting aye

Commissioner Stevenson voting aye

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Dannie R. McConkie, Chairman

Attest: \_\_\_\_\_

Margene Isom, Clerk

## APPENDIX B

### FEE SCHEDULE

The assessed fees for implementing the requirements of Section 6.7 of the Diesel Vehicle Emission Inspection/Maintenance Program shall be:

Permitting of an Official Diesel I/M Program Fleet Station	\$250.00
Annual Renewal of Station Permit	25.00
Annual Renewal of Expired Station Permit	75.00
Repermitting of an I/M Station at a New Location	50.00
Clearing Mechanic Error Lockout (After 4 <sup>th</sup> per Calendar Year)	15.00
Permitting of an Official Diesel Opacity Inspector	20.00
Annual Renewal of Inspector	10.00
Annual Renewal of Expired Inspector	30.00
Certificate of Compliance	4.00
Duplicate Certificate of Compliance or Waiver	5.00
Opacity Inspection Fee	15.00
Opacity Reinspection Fee	10.00
Diesel Vehicle Registration Fee	10.00

Passed this 15<sup>th</sup> day of December, 1994.

Commissioner Holbrook voting aye

Commissioner Page voting aye

Commissioner Stevenson voting aye

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Gayle Stevenson, Chairman  
Davis County Commission

Attest:

---

Margene Isom  
Davis County Clerk/Auditor

Approved as to form:

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Melvin Wilson  
Davis County Attorney

## APPENDIX C

### **Diesel Opacity Inspection Equipment Specifications**

Equipment Specifications to Follow Based on SAE Technical Paper Being Written On Diesel Opacity Sampling Equipment.

## APPENDIX D

### **Diesel Vehicle Opacity** **Inspection Procedures**

Inspection Procedures To Follow Based On SAE Technical Committee Recommendations.

## APPENDIX E

### PENALTY SCHEDULE

	1st OCCURRENCE	2nd OCCURRENCE	3rd OCCURRENCE	4th OCCURRENCE
INACCURATE/ INCOMPLETE DATA	FORMAL WARNING (STATION & MECHANIC)	UP TO 1 MONTH SUSPENSION (STATION & MECHANIC)	UP TO 3 MONTHS SUSPENSION (STATION & MECHANIC)	REVOCAION OR SUSPENSION (STATION & MECHANIC)
PASS FAILED VEHICLE	UP TO 3 MONTHS SUSPENSION (STATION & MECHANIC)	UP TO 6 MONTHS SUSPENSION (STATION & MECHANIC)	REVOCAION (STATION & MECHANIC)	
NON- CERTIFIED OPACITY INSPECTOR	UP TO 6 MONTHS SUSPENSION (STATION & MECHANIC)	REVOCAION (STATION & MECHANIC)		
FAILURE TO INSPECT	UP TO 6 MONTHS SUSPENSION (STATION) REVOCAION (MECHANIC)	REVOCAION (STATION)		
<p>STATION SUSPENSIONS MAY BE REDUCED IN LENGTH BY A NEGOTIATED CONSENT AGREEMENT WHICH MAY SUBSTITUTE MONETARY PENALTIES FOR PART OR ALL OF THE SUSPENSION TIME. NEGOTIATED CONSENT AGREEMENTS ARE ONLY APPLICABLE IN RELATION TO STATION AND MECHANIC PERMIT SUSPENSIONS.</p> <p>THESE PENALTIES APPLY TO ALL PERMITS ISSUED PURSUANT TO THIS ORDINANCE</p>				

Passed this 15<sup>th</sup> day of December, 1994.

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Gayle Stevenson, Chairman  
Davis County Commission

Commissioner Holbrook Voting aye

Commissioner Page Voting aye

Commissioner Stevenson Voting aye

Attest:

---

Margene Isom  
Davis County Clerk/Auditor

Approved as to form:

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Melvin Wilson  
Davis County Attorney

See [http://www.sae.org/servlets/productDetail?PROD\\_TYP=STD&PROD\\_CD=J1667\\_199602](http://www.sae.org/servlets/productDetail?PROD_TYP=STD&PROD_CD=J1667_199602)  
for Sae J1667 for further information.