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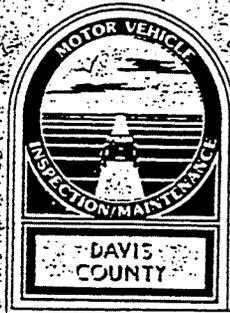
DAVIS COUNTY ORDINANCE #01-91 *Handdelivered*

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DAVIS COUNTY ORDINANCE #03-94

UTAH91  
MOTOR VEHICLE  
INSPECTION/MAINTENANCE  
PROGRAM



Under Authority of Section 41-6-163.6 and 41-6-163.7  
Utah Code Annotated, 1953, as amended

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## 1.0 DEFINITIONS

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

- 1.1 ACCREDITATION: Certification that the Instrument and Instrument manufacturer meet the operating criteria, specifications and requirements of Davis County.
- 1.2 ACCURACY: The degree by which an Instrument is able to determine the true concentration of pollutants of interest.
- 1.3 AIR INTAKE SYSTEMS: Systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion.
- 1.4 A.I.R. SYSTEM (AIR INJECTION REACTION): A system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction.
- 1.5 ANALYZER: An Exhaust Gas Analyzer.
- 1.6 BAR 90: Refers to California Bureau of Automotive Repair Exhaust Gas Analyzer Specifications, which became effective in 1990.
- 1.7 BASIC ENGINE SYSTEMS: Parts or assemblies that contribute to efficient conversion of a compressed air/fuel charge into useful power, including but not limited to valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity and post-combustion Emissions control device integrity.
- 1.8 BENCH: The main sample processing assembly of the Exhaust Gas Analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply.
- 1.9 CALIBRATION: The process of establishing or verifying the total response curve of an Exhaust Gas Analyzer. Calibration is a laboratory procedure using different Calibration Gases having precisely known concentrations.
- 1.10 CALIBRATION GASES: Gases of accurately known concentration that are used as references for establishing or verifying the Calibration curve of an Exhaust Gas Analyzer and which are traceable to National Institute of Standards and Technology and are approved by the Division for use.
- 1.11 CARBON MONOXIDE: A colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels. Carbon Monoxide may be referred to in this Ordinance as CO.

- 1.12 CATALYTIC CONVERTER: A post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases.
- 1.13 CERTIFICATE: A Certificate of Compliance or a Certificate of Compliance - Waiver.
- 1.14 CERTIFICATE OF COMPLIANCE: A document used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle for which it was issued has met all applicable requirements of the Ordinance at the time the vehicle was inspected.
- 1.15 CERTIFICATE OF COMPLIANCE - WAIVER: A document issued by the Division indicating that the vehicle for which it was issued has met the waiver requirements and may be Registered.
- 1.16 CERTIFICATION: Assurance by an authorized source, whether it be a laboratory, the manufacturer, the state, or the Division, that a specific product or statement is in fact true and meets all requirements.
- 1.17 CO: Carbon Monoxide.
- 1.18 COMPLIANCE: Verification that certain submission data and hardware submitted by a manufacturer for Accreditation consideration, meets all Accreditation requirements. Also meeting the requirements of the Ordinance or other applicable law.
- 1.19 COUNTY: Davis County, Utah.
- 1.20 CURB IDLE: The manufacturer's specified idle speed for the specific Motor Vehicle being tested.
- 1.21 CUTPOINTS: See Emission Standards.
- 1.22 DEDICATED PRINTER: The printer on the approved analyzer which is used solely to print Certificates.
- 1.23 DIRECTOR: The Environmental Health and Laboratory Division Director, or his authorized representative.
- 1.24 DIVISION: The Environmental Health and Laboratory Division of the Davis County Health Department.
- 1.25 DOMICILED: County in which primary residence is located.
- 1.26 E.G.R. SYSTEM (EXHAUST GAS RECIRCULATION SYSTEM): An Emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers.

- 1.27 EMISSION STANDARDS (CUTPOINTS): The maximum allowable concentration of Carbon Monoxide (CO) and Hydrocarbons (HC) for a given weight class and Model Year of a Motor Vehicle, as determined by the Division through an I/M Program Station, by an Inspector/Mechanic, using an approved UTAH91 Analyzer.
- 1.28 EMISSIONS: Substances expelled into the atmosphere from any opening down-stream of the exhaust valve of a Motor Vehicle; particularly, air contaminants produced by combustion and/or incomplete combustion. Also hydrocarbon evaporation from the fuel system and the crankcase and particulate material from the crankcase.
- 1.29 EMISSIONS CONTROL SYSTEMS: Parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the purpose of reducing Emissions.
- 1.30 ENGINE SWITCHING: Situation where one engine is removed from a vehicle and is not replaced by an engine that is identical to the original engine.
- 1.31 E.P.A.: United States Environmental Protection Agency
- 1.32 EVAPORATIVE CONTROL SYSTEM: An Emissions Control System that prevents the escape of fuel vapors from the fuel system and/or air cleaner and stores them to be burned in the combustion chamber.
- 1.33 EXHAUST GAS ANALYZER: An Instrument meeting the UTAH91 Certification requirements that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a Motor Vehicle when approved by the Division for use in accordance with this Ordinance as an official test Instrument.
- 1.34 FARM TRUCK: A truck Registered to and used by the owner or operator of a farm solely for his/her own use in the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation of farm supplies; including title, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm. Such use does not include the operation of trucks by commercial processors of agricultural products.
- 1.35 FEDERAL INSTALLATION: Any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government.

- 1.36 FLEET FACILITY: A corporation or other business entity permitted by the Division to perform the functions of the Inspection program for a privately owned fleet of ten or more Motor Vehicles, including Emissions related repairs, as well as the Inspection.
- 1.37 FUEL CONTROL SYSTEMS: Mechanical, electromechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge.
- 1.38 FUEL FILLER NECK RESTRICTOR: The obstruction, installed by the vehicle manufacturer, in the gas tank filler neck that prevents the introduction of a "leaded gasoline" nozzle.
- 1.39 GASEOUS FUEL: Means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.
- 1.40 HC: Hydrocarbons.
- 1.41 HANGUP: Hydrocarbons that cling to the surface of the sampling and analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC readings.
- 1.42 HEAVY DUTY MOTOR VEHICLES: Trucks and vans 1978 and older, 6001 or greater GVW rating; 1979 and newer over 8501 GVWR.
- 1.43 HEXANE EQUIVALENCY VALUE: The value derived from multiplying the propane equivalency factor (P.E.F.), as labeled on the analyzer, by the concentration of propane recorded on the Calibration Gas cylinder.
- 1.44 HIGH ALTITUDE SPECIFICATIONS: Tune-up specifications that have been provided by the manufacturer to the Environmental Protection Agency for cars operating over 4,000 feet above sea level.
- 1.45 HYDROCARBONS: Unburned or incompletely burned fuel. Hydrocarbons may be referred to in this Ordinance as HC.
- 1.46 IDLE MODE: A condition where the vehicle's engine is warm and running at the rate specified by the manufacturer's Curb Idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position.
- 1.47 IGNITION SYSTEMS: Parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge.
- 1.48 I/M CLEARANCE: A stamp placed on the Motor Vehicle Registration form by an employee of the Davis County Assessor's office or the Division indicating that the Motor Vehicle represented by the Registration form is in Compliance with the Inspection program requirements in that the motorist

has presented a valid Certificate of Compliance or Certificate of Compliance - Waiver for the Motor Vehicle and paid applicable fees.

- 1.49 I/M PROGRAM STATION: A stationary Vehicle Emissions Inspection and Maintenance Station that qualifies and has a valid permit, issued by the Division, to operate as an Emissions Inspection and Maintenance Station in the Vehicle Emissions Inspection/Maintenance Program; performing emission testing and repairs and issuing Certificates of Compliance when the requirements of this Ordinance are met.
- 1.50 INSPECTION: A vehicle Emissions test performed for the purpose of determining whether a vehicle qualifies for issuance of a Certificate of Compliance carried out in Compliance with this Ordinance.
- 1.51 INSPECTION AREA: The Division approved area that is occupied by the analyzer, sample hose, and the vehicle being inspected.
- 1.52 INSPECTOR/MECHANIC: An individual permitted by the Division to conduct Emission Inspections, and repair failed vehicles and issue Certificates of Compliance to motorists whose vehicles meet the prescribed test standards, under the auspices of a permitted Inspection Station.
- 1.53 INSPECTION REPORT: A document used to record information generated by the Inspector/Mechanic during an Emissions Inspection other than a Certificate of Compliance.
- 1.54 INSTRUMENT: The complete UTAH91 Analyzer system that samples and displays the concentration of pollutant hydrocarbon and Carbon Monoxide gases. The Instrument includes the sample handling system, the Exhaust Gas Analyzer associated computer equipment and the enclosure cabinet.
- 1.55 LIGHT DUTY MOTOR VEHICLE: All passenger vehicles, 1978 and older; light duty trucks 6000 GVW rating or less; 1979 trucks and newer 8500 pounds GVW rating or less.
- 1.56 LOCK-OUT: When the UTAH91 Analyzer automatically prohibits access to the testing portion of the UTAH91 Analyzer.
- 1.57 MODEL YEAR: An annual production period of Motor Vehicles, as designated by the manufacturer, in which a vehicle was originally manufactured.
- 1.58 MOTOR VEHICLE: A self-propelled motorized vehicle with an internal combustion powered engine which is driven on public roads and/or streets. Motor Vehicles exempted from the Inspection requirements of this Ordinance are listed in Section 6.6 of this Ordinance.

- 1.59 MOTORCYCLE: Every Motor Vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a farm tractor.
- 1.60 NEW MOTOR VEHICLE: A Motor Vehicle whose equitable or legal title has never been transferred to a Person who in good faith purchases the Motor Vehicle for purposes other than resale.
- 1.61 OFF-HIGHWAY VEHICLES: A vehicle licensed to operate exclusively off public highways and roads.
- 1.62 ORDINANCE: The total of this document, including any appendices approved by the Davis County Commission.
- 1.63 ORIGINAL CONDITION: The condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness.
- 1.64 PCV SYSTEM (POSITIVE CRANKCASE VENTILATION SYSTEM): An Emissions control system which returns crankcase vapors and blowby gases to the combustion chamber to be burned.
- 1.65 PERSON: An individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof.
- 1.66 PROMPTS: Instructions and/or data fields requiring data input to the UTAH91 Analyzer from an Inspector/Mechanic performing an Emissions Inspection.
- 1.67 PUBLICLY-OWNED VEHICLES: A Motor Vehicle 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.
- 1.68 REGISTERED OR REGISTRATION: The process by which a Motor Vehicle receives a license so that it can be legally operated on public streets and highways.
- 1.69 SAFETY INSPECTION: An evaluation of a vehicle's relative safety as required by 41-6-158 U.C.A., 1953.
- 1.70 SMOKER: Vehicles emitting excessive visible Emissions. (In excess of 20% opacity using E.P.A. Method 9 or other acceptable standard as determined by the Division.)
- 1.71 SPECIALLY CONSTRUCTED VEHICLE: A motor vehicle requiring registration to be operated on public highways and streets that is often a replica of a classic car type and is usually made from the chassis of an existing

motor vehicle, a chassis made up of parts from more than one vehicle type, or a chassis made from "scratch" often with a replica body from a kit attached to the chassis. They may also be homemade without the use of a kit and they may also be factory manufactured. Those made from a kit are often called "Kit Cars".

- 1.72 STABILIZATION: The process of bringing an Instrument into equilibrium with the ambient environment and operative conditions.
- 1.73 STATION: An I/M Program Station including all Station personnel, employees, and owner(s).
- 1.74 TAMPERING: The intentional or accidental altering or removal of emission control devices, and/or Emissions-related equipment. Also, the use of fuels other than those required by the manufacturer's specification as found in the Motor Vehicle's owners manual. Also, engine modifications which may include, but not limited to, exhaust systems, Air Intake Systems, Ignition Systems, internal engine modifications, Engine Switching, etc.
- 1.75 TECHNICAL BULLETIN: A document issued to Inspector/Mechanics and/or I/M Program Stations by the Division to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emission Inspection/Maintenance Program.
- 1.76 TEMPORARY WAIVER: A waiver that may be issued by the Division for reasons such as, but not limited to, warranty problems or recalls, warranty parts availability and out of state vehicles. All Temporary Waivers will be issued in strict accordance with Division policy and are not subject to other entities.
- 1.77 TRAINING PROGRAM: A formal program administered, conducted, or approved by the Division for the education of Inspector/Mechanics in basic emission control technology, Inspection procedures, diagnosis and repair of emission related problems, Vehicle Emissions Inspection/Maintenance Program policies, procedures and this Ordinance; It may also include the promotion of training for all mechanics.
- 1.78 UTAH91 ANALYZER: A computerized exhaust analyzer approved by the Division for use in the areas of Utah requiring Inspections as specified in Section 41-6-163.6 and 41-6-163.7, Utah Code Annotated, 1953, as amended.
- 1.79 VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM: The program established by the County Commission pursuant to Section 41-6-163.6, Utah Code Annotated 1953, as amended.
- 1.80 VEHICLE INSPECTION REPORT (VIR): The report printed by the UTAH91 analyzer at the end of the test which enumerates the results of the test. The VIR is signed by the

Inspector/Mechanic performing the test and the person who presented the Vehicle for inspection.

- 1.81 WAIVER AUTHORIZATION : A document prepared and signed by an Inspector/Mechanic used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle has qualified for a waiver which may be issued by the Division.

## 2.0 PURPOSE

It is the purpose of this Ordinance to reduce air pollution levels by requiring annual inspections of in-use 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 federal regulations contained in and known as the Clean Air Act. Amendments of 1977, PL 95-95, PL 95-190. Clean Air Act (42 U.S.C. 7401 et seq., as amended by the Air Quality Act of 1967, PL 90-148; Clean Air Amendments of 1970, PL 91-604; Technical Amendments to the Clean Air Act, PL 92-157; PL 93-15, April 9, 1973; PL 93-319, June 22, 1974; Clean Air Act Amendments of 1977, PL 95-95, August 7, 1977; Technical Amendments to the Clean Air Act, PL 95-190, November 16, 1977; Health Services Research, Health Statistics, and Health Care Technology Act of 1978, PL 95-623, November 9, 1978; PL 96-209, March 14, 1980; PL 96-300, July 2, 1980; PL 97-23, July 17, 1981; PL 97-375, December 21, 1982; PL 98-45, July 12, 1983; PL 98-213, December 8, 1983; PL 101-549, November 15, 1990).
- 2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6-163.6 and 41-6-163.7 Utah Code Annotated, 1953, as amended.

## 3.0 JURISDICTION OF THE DIVISION

All aspects of the Vehicle Emissions Inspection/Maintenance Program within Davis County enumerated in Section 2.0 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 I/M Program Stations and Inspector/Mechanics 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 Make Inspections and audits, both overt and covert, of any I/M Program Station and/or Inspector/Mechanic and issue orders and/or notices, hold hearings, levy administrative penalties and negotiate consent agreements as necessary to effect the purposes of this Ordinance.
  - 4.1.4 Take samples and make analysis required to ensure that the provisions of this Ordinance are met.
  - 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 or deny a permit of an I/M Program Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the permit and unused Certificates of Compliance and other official documents of such I/M Program Station upon showing that:
- 4.2.1 A vehicle was inspected and issued a Certificate of Compliance by Station personnel that did not, at the time of Inspection, comply with all applicable policies, procedures, Technical Bulletins, and this Ordinance.
  - 4.2.2 A vehicle was inspected and rejected by the Station when, in fact, the vehicle is determined by the Division to be in such condition that it did comply with the requirements of this Ordinance.
  - 4.2.3 A vehicle was inspected and was passed for the Tampering Inspection as detailed in Section 9.10 of this Ordinance that did not at the time of Inspection comply with the requirements of Section 9.10 Tampering Inspection.
  - 4.2.4 The Station is not regularly open and available to perform Inspections with regularly set business hours. Mondays through Fridays, (except for fleet facilities).

- 4.2.5 The Station has violated any provisions of this Ordinance or Division policy properly promulgated for the operation of an I/M Program Station.
  - 4.2.6 The Station was not equipped as required by Section 8.0 of this Ordinance.
  - 4.2.7 The I/M Program Station is not operating from the location specified on the permit.
  - 4.2.8 An Inspection was done by someone other than an inspector/mechanic or if someone other than an Inspector/Mechanic has gained access to the official testing portion of the analyzer or has signed a Certificate of Compliance or other official testing document.
  - 4.2.9 The UTAH91 Analyzer has been tampered with or altered in any way contrary to the Certification and maintenance requirements of the analyzer.
  - 4.2.10 The I/M Program Station denies access to a representative of the Division to conduct an audit or other necessary business during regular business hours.
  - 4.2.11 The Station performed unnecessary repairs not justified by the results of the Inspection.
  - 4.2.12 A vehicle was tampered, altered or in any way changed from manufacturers original specifications with or without an inspection being performed.
  - 4.2.13 In accordance with 41-6-163.6 and 41-6-163.7 U.C.A., 1953, as amended, an Emissions Inspection for a Salt Lake, Utah, or Weber County resident was performed but not as required by the Regulations adopted by the applicable county and/or the UTAH91 Analyzer Prompts.
  - 4.2.14 An Inspector/Mechanic employed at the Station and authorized to conduct emission Inspections using the UTAH91 Analyzer violated any of the provisions of Section 4.3.
- 4.3 The Division may suspend, revoke, or deny the permit of an Inspector/Mechanic and require the surrender of this permit upon showing that:
- 4.3.1 The Inspector/Mechanic caused any of the violations listed in Section 4.2 to occur.
  - 4.3.2 The Inspector/Mechanic caused a Certificate of Compliance to be

issued to an owner/operator of a vehicle without an approved Inspection being made.

- 4.3.3 The Inspector/Mechanic denied the issuance of a Certificate of Compliance to the owner/operator of a vehicle that, at the time of the Inspection, complied with the law for issuance of said Certificate.
  - 4.3.4 The Inspector/Mechanic issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Ordinance.
  - 4.3.5 The Inspector/Mechanic inspected, recorded passed on the Tampering Inspection, for a vehicle that did not at the time of Inspection comply with the Tampering requirements of the Tampering Inspection detailed in Section 9.10, regardless of whether a Certificate of Compliance was issued or not.
  - 4.3.6 Inspections were not performed by the Inspector/Mechanic in accordance with applicable policies, procedures, Technical Bulletins, and this Ordinance.
  - 4.3.7 The Inspector/Mechanic allowed a non-permitted Person to perform an Inspection or gain access to the official testing portion of the analyzer.
  - 4.3.8 The Inspector/Mechanic signed an Inspection form or Certificate stating that he had performed the Emissions test when, in fact, he did not.
  - 4.3.9 The Inspector/Mechanic signed a Certificate prior to a test being performed and the Certificate printed by the Dedicated Printer.
  - 4.3.10 The Inspector/Mechanic falsified any Inspection or official document of the Vehicle Emissions Inspection/Maintenance Program.
  - 4.3.11 The Inspector/Mechanic performed unnecessary repairs not justified by the results of the Inspection.
  - 4.3.12 The Inspector/Mechanic tampered, altered or in any way changed from manufacturers original specifications with or without an inspection being performed.
  - 4.3.13 In accordance with Sections 41-6-163.6 and 41-6-163.7 U.C.A., 1953, as amended, an Emissions Inspection for a Weber, Salt Lake, or Utah County resident was performed but not as required by the Regulations/Ordinances adopted by the applicable county.
- 4.4 The Division shall respond, according to the policies and procedures, to

motorist complaints regarding the fairness and integrity of Inspections they receive and shall provide a method that Inspection results may be challenged if there is a reason to believe them to be inaccurate.

## 5.0 SCOPE

It shall be unlawful for any Person not to comply with any policy, procedure, Technical Bulletin, regulation or Ordinance promulgated by the County and/or the Division unless expressly waived by this Ordinance.

## 6.0 GENERAL PROVISIONS

Subject to the exceptions described in Section 6.6 and pursuant to the schedule in Section 6.1, Motor Vehicles of Model Years 1968 and newer that are owned and/or operated by Persons Domiciled in Davis County, shall be subject to an annual Emission Inspection performed by an I/M Program Station or other entity approved by the Division. Registration of a vehicle owned or operated by a Davis County resident in a county and/or state other than Davis County, Utah is a violation of this Ordinance. Fraudulent Registration of a vehicle as a Farm Truck, diesel, or other exempted vehicle or in any other way to avoid the emission test requirement is also a violation of this Ordinance.

- 6.1 Beginning April 1, 1984, a Certificate of Compliance, Certificate of Compliance - Waiver or evidence that the Motor Vehicle is exempt from the Inspection/Maintenance Program requirements (as defined in Section 6.6) shall be presented to the Davis County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See Section 6.10.2) as conditions precedent to annual Registration or annual renewal of Registration of a Motor Vehicle.
- 6.2 If Section 41-6-158 of the Utah Code Annotated, 1953, as amended, concerning Safety Inspections is in effect, the official vehicle Emissions Inspection shall occur and a Certificate of Compliance or Certificate of Compliance - Waiver shall be issued within the same time period as applicable in Section 41-6-158.
- 6.3 If Section 41-6-158 of the Utah Code Annotated, 1953, as amended, concerning Safety Inspections is not in effect, the official vehicle Emissions Inspection shall occur and a Certificate of Compliance or Certificate of Compliance - Waiver shall be issued within two months prior to the date of the Motor Vehicle Registration.
- 6.4 A Certificate 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.

- 6.5 A dealer issuing a temporary permit for a vehicle registered in Davis County must supply proof of the vehicle's compliance with this Ordinance to the new owner in the form of an official vehicle inspection report (VIR).
- 6.6 Publicly-Owned Vehicles. Owners of Publicly-Owned Vehicles shall comply with the Inspection Program requirements in accordance with this Ordinance on an annual basis pursuant to a schedule determined by the Division. Federally-owned vehicles and vehicles of employees regularly operated on a Federal Installation located in the County that do not require Registration in the State of Utah shall comply with the Emissions testing requirements on an annual basis pursuant to a schedule determined by the Division and as required by Section 118 of the Clean Air Act (1990 amendment).
- 6.7 If a vehicle is issued a Certificate of Compliance fraudulently the vehicle's registration may be revoked.
- 6.8 Vehicle Exemption: The following vehicles are exempt from the annual testing requirement:
- 6.8.1 Any Vehicle of Model Year 1967 or older.
- 6.8.2 All agricultural implements of husbandry and any Motor Vehicle that qualifies for an exemption as required by Section 41-6-163 , Utah Code Annotated, 1953, as amended.
- 6.8.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway.
- 6.8.4 Any Motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a Motorcycle).
- 6.8.5 Any vehicle that operates exclusively on diesel fuel or electricity.
- 6.8.6 Any New Motor Vehicle being sold for the first time that has a valid MSO (Manufacturer's Statement of Origin) form.
- 6.8.7 Any vehicle with an engine smaller than forty (40) cubic inch displacement (655 cc).
- 6.9 Requesting a fraudulent inspection is a violation of this ordinance.
- 6.10. If a vehicle exempted by the provisions of Section 6.8 of this Ordinance is brought to the Inspector/Mechanic for an Inspection, it shall be the responsibility of the Inspector/Mechanic to inform the owner/operator of the

vehicle that the vehicle is not required to have an Inspection for vehicle Registration purposes.

- 6.11 If the Division has reason to suspect that a vehicle was registered without complying with the provisions of this ordinance, the owner of the vehicle may be required to present the vehicle at the Technical Center where Division staff may test the vehicle. The Division may use the information obtained as part of an investigation of Inspector/Mechanics, stations, and/or any person involved.
- 6.12 Official Signs
- 6.12.1 All I/M Program Stations, except fleet facilities, shall display in a conspicuous location on the premises an official sign provided or approved by the Division.
- 6.12.2 The Emissions standards, as promulgated under authority of Section 12.0 and Appendix C of this Ordinance shall be posted in a conspicuous place on the Station's premises.
- 6.12.3 The Station shall post on a clear and legible sign and in a conspicuous place at the Station, the fees charged by that Station for the performance of the Emissions Inspection. Block lettering of the fee shall be a minimum size of four inches (4").
- 6.12.4 The signs required by sub section 6.12 shall be located so as to be easily in the public view.
- 6.13 Tampering by any person is a violation of this ordinance. Division employees may temporarily tamper a vehicle in order to conduct covert audits pursuant to federal and state requirements.
- 6.14 Equipment Available for Inspection
- 6.14.1 Required tools, materials, publications (see Section 8.1.4.3) supplies, records, unused Certificates of Compliance, other required forms, records of completed inspections, a complete copy of this Ordinance, and duplicate copies of Certificates of Compliance issued shall be kept at the Station at all times and shall be available for inspection and collection by the Division at any time the Station is open for business.
- 6.14.2 Periodic inspections and audits of stations shall be made by Division Staff to verify Compliance with this Ordinance. As part of the periodic inspections and audits, the Division representative shall, as applicable, observe the performance of a UTAH91 Analyzer Calibration and leak check performed by the Inspector/Mechanic, examine leak check and gas Calibration records, and examine

Inspection records and Certificates of Compliance, as well as other required reports, forms, or records to see that the use of these items is in Compliance with this Ordinance and the policies and procedures of the Division.

6.14.2.1 During the time of the inspection and audit by the Division, the Division representative shall have exclusive access to the UTAH91 Analyzer(s).

6.14.2.2 The Division representative may check the Accuracy of the analyzer using tolerances established by the Division. Analyzers not within the tolerances shall be recalibrated to acceptable tolerances or placed "out of service".

6.15 Any person aiding a vehicle owner to circumvent this Ordinance may be prosecuted to the fullest extent of the law (i.e., suggesting the use of other county post office box for resident address).

#### 6.16 Fees

6.16.1 The fees assessed I/M Program Stations and Inspector/Mechanics shall be applied according to a fee schedule adopted by the Davis County Commission. The fee schedule is contained in Appendix B of this Ordinance and may be changed and updated by the Davis County Commission as deemed necessary.

6.16.2 An Air Pollution Control Fee of \$1.00 is hereby assessed to the owner of every Motor Vehicle Registered in Davis County at the time of Registration of the vehicle.

6.16.3 I/M Program Stations may charge a fee for the required testing. The fee for each vehicle tested may not exceed the amount specified in Appendix B of this Ordinance:

6.16.3.1 The Inspection fee pays for a complete Inspection leading to a Certificate of Compliance or a failure. If a vehicle fails the Inspection, the owner is entitled to one free reinspection if he returns to the Station that performed the original Inspection within fifteen (15) days from the date of the initial Inspection. The Station shall extend the fifteen day free reinspection time to accommodate the vehicle owner if the Station is unable to schedule the retest of the vehicle within the fifteen day time period. The Emissions Inspection fee shall be the same whether the vehicle passes or fails the emission test.

6.16.3.2 At the request of the Division, a Station shall extend

the free retest time for vehicle owners who were unable to complete repairs because of the unavailability of parts to make the necessary repairs. In no case shall this extended time exceed the data storage capacity time of the UTAH91 Analyzer.

6.16.3.3 Duplicate Certificates of Compliance issued to a vehicle owner/operator shall be provided for a fee established in Appendix B of this Ordinance.

6.16.3.4 Obtaining and/or using duplicate Certificates of Compliance to attempt to or to fraudulently register a motor vehicle is a violation of this ordinance.

6.16.3.5 At the discretion of the Division, an operator equipment carelessness fee may be charged the station after the fourth lock-out of the UTAH91 Analyzer in any one year period due to carelessness and/or inappropriate analyzer use.

6.17 If a vehicle fails the Inspection, and is within the time and mileage requirements of the federal Emissions warranty contained in the Federal Clean Air Act, the Inspector/Mechanic shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by Federal law.

## 7.0 STANDARDS AND SPECIFICATIONS FOR EXHAUST GAS ANALYZERS AND CALIBRATION GASES

### 7.1 Approval of Exhaust Gas Analyzers

7.1.1 No Inspection required by this Ordinance shall be performed unless the type of Instrument used for measuring exhaust gases from Motor Vehicles is contained in the list of approved UTAH91 Analyzers as provided by the Division. The analyzer shall meet the requirements of the analyzer specifications contained in Appendix A of this Ordinance. The analyzer shall also be certified by the manufacturer as meeting the criteria of Section 207 (b) warranty provisions of the Clean Air Act. The Instrument shall be in good working condition, capable of meeting Calibration requirements of the Division, and operated according to manufacturer's specifications and operating procedures and capable of operating to the standard required of the UTAH91 Analyzer Specification. The analyzer must be certified by the Utah I/M Advisory Board.

### 7.1.2 Analyzer Registration

by the Division and shall be issued an analyzer number by the Division. Any new or used UTAH91 Analyzer put in use after Station approval must be approved by the Division before use. UTAH91 Analyzers used temporarily during times of breakdown or repair of the registered analyzer are required to be issued an analyzer number and shall meet all other requirements of this section including the approval of the Division before use.

### 7.1.3 Running Changes

Any changes to the design characteristics or component specifications that may affect the performance of an Exhaust Gas Analyzer to be used as an official test Instrument in the Vehicle Emissions Inspection/Maintenance Program shall be approved by the Division prior to implementation of the changes. It shall be the analyzer manufacturer's responsibility to confirm that the changes have no detrimental effect on the performance of the Exhaust Gas Analyzer.

7.1.3.1 It shall be unlawful for any Person to modify the hardware or software and/or gain access to any County controlled portions of the UTAH91 Analyzer without written application and formal written approval by the Division.

7.1.3.2 If a Bench replacement results in a Propane Equivalency Factor change, the manufacturer of the UTAH91 Analyzer is required to update the software of the machine to reflect that change.

### 7.1.4 Calibration Gases

#### 7.1.4.1 General

The Instrument manufacturer and/or his designated marketing vendors shall, on request, supply at a reasonable cost Calibration Gases, approved by the Division to any ultimate purchaser of his unit. Each new or used Instrument sold by the Instrument manufacturer or marketing vendor shall have approved full Calibration Gas containers installed and operational at the time of delivery.

#### 7.1.4.2 Calibration Gas Blends

The Calibration Gases supplied to any I/M Program Station shall conform to the specifications as outlined in Appendix A of this Ordinance. Two Calibration Gases shall be used to perform analyzer Calibration. Both a low-range and mid-range gas approved by the Division shall be used. Only gas blends supplied by Division approved blenders shall be used

to calibrate UTAH91 Analyzers. Approved gas blend and Division approved blenders are listed in Appendix E of this Ordinance.

## 7.1.5 Documentation, Logistics, and Warranty Requirements

### 7.1.5.1 Instruction Manual

An instruction manual shall be provided by the manufacturer of all UTAH91 Analyzers. The instruction manual shall be supplied to the purchaser at the time of sale and shall contain at least the following information for the UTAH91 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 and procedures for maintaining sample system integrity including, but not limited to, leaks, Hangup, Calibration and filters. The services to be performed only by the manufacturer shall be clearly identified.
- (f) Field Calibration Procedures (i.e., Division Inspection procedure with separate gas supply).
- (g) Information concerning the nearest service facility where equipment can be serviced.
- (h) The warranty provisions for the analyzer, including a list of warranty repair stations by name, address and telephone number.

7.1.5.2 The UTAH91 Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Division. The Division may charge a fee to clear lockouts caused by operator carelessness.

7.1.5.3 UTAH91 Analyzer printers shall be so maintained that documents printed are accurate and legible.

## 7.2 Gas Calibration and Leak Check

- 7.2.1 An Inspector/Mechanic shall perform a gas Calibration of the Exhaust Gas Analyzer, with an approved Calibration Gas, within 72 hours prior to performing any Emissions test. A leak test must be performed every 24 hours. The gas Calibration and leak test must be performed in accordance with the analyzer specifications as contained in Appendix A.
- 7.2.2 The analyzer instruction manual and other Division approved information shall be reviewed by the mechanic to ensure that proper procedures are being used for performing the gas Calibration.
- 7.2.3 The UTAH91 Analyzer shall Lock-Out when Calibrations and leak tests are not performed within prescribed time frames.

## 8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS I/M PROGRAM STATION

### 8.1 Permit Required

- 8.1.1 No Person shall in any way represent any place as an I/M Program Station unless the Station is operated under a valid permit issued by the Division.
- 8.1.2 The Division is authorized to issue or deny permits for I/M Program Stations for the Inspection of vehicles and the issuance of Certificates of Compliance.
- 8.1.3 No permit for any I/M Program Station may be assigned, transferred, or used by any Person other than the original owner identified on the permit application for that specific I/M Program Station.

THE PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE WITHIN PUBLIC VIEW ON THE PREMISES

- 8.1.4 Application for an I/M Program Station permit shall be made upon a form provided by the Division. No permit shall be issued unless the Division 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 11.0, are employed and available to make Inspections and adjustments, and the operation thereof will be properly conducted in accordance with this Ordinance.

- 8.1.4.1 An I/M Program Station shall notify the Division and return

all unused Certificates of Compliance if the Station does not have a Inspector/Mechanic employed.

8.1.4.2 An I/M Program Station shall comply with all the terms stated in the permit application and all the requirements of this Ordinance.

8.1.4.3 As a condition for permitting all I/M Program Stations, at a minimum the following tools and materials shall be available for performance of the Inspection and maintenance of Motor Vehicles:

- (a) A Division approved UTAH91 Analyzer.
- (b) An accurate dwell meter.
- (c) An ignition timing light.
- (d) A propane enrichment kit for idle mixture adjustment.
- (e) Reference manuals approved by the Division that specify idle speed, idle mixture, timing, dwell, fast idle speed specifications, and information covering the Emissions Control Systems and the Model Years and makes of vehicles required to meet the standards of the Vehicle Emissions Inspection/Maintenance Program.
- (f) Sufficient hand tools for proper performance of the Inspection and minimum repairs and maintenance as required by the Division.
- (g) Division approved Calibration Gases;
- (h) The analyzer manufacturer's maintenance and Calibration manual, which must be retained in the Inspection Area.
- (i) All forms, Technical Bulletins, a copy of this Ordinance, and other information materials provided by the Division.
- (j) A Division approved non-sparking fuel inlet test gauge.
- (k) A suitable non-reactive tail pipe extender or probe adapter that allows for inspecting vehicles with screened or baffled exhaust systems.

## 8.2 Duties of Inspector/Mechanics Working in Permitted Program Stations:

All facets of the Vehicle Emissions Inspection/Maintenance Program shall be performed by the Inspector/Mechanic including, but not limited to:

- (a) Analyzer preparation, Calibration, and leak checks.
- (b) Exhaust gas sampling and analysis for purposes of an Inspection for issuance of a Certificate of Compliance.
- (c) Preparation of reports, forms, and Certificates.
- (d) Accessing the Inspection files of the analyzer.
- (e) All aspects of the Inspection, including but not limited to, the Tampering Inspection, inserting the exhaust probe, hooking up the tachometer, entering data into the analyzer, preconditioning the vehicle, and signing Certificates and Inspection forms, etc.

### 8.3 Safety

An I/M Program Station shall be kept in good repair and safe condition for Inspection purposes free of obstructions and hazards. No Inspection shall be conducted if unsafe conditions exist.

8.3.1 At no time shall Carbon Monoxide (CO) readings in the ambient air within the Station exceed a peak hourly level of 35 parts per million.

8.3.2 All applicable Occupation Safety and Health Administration (OSHA), and other applicable health and safety rules and regulations must be followed in the Station.

### 8.4 Fleet Facility

A Person may establish a Fleet Facility that is exempt from conducting business at regular hours, or displaying program signs as long as only vehicles owned or controlled by the Fleet Facility owner are inspected at the Station. All other requirements of this Ordinance apply.

### 8.5 Permit Duration and Renewal

8.5.1 The permit for I/M Program Stations shall be issued annually and shall expire one year from the date of issuance. The permit may be renewed sixty days prior to the date of expiration.

8.5.2 It is the responsibility of the owner/operator of the I/M Program Station to pursue the permit renewal through appropriate channels.

8.5.3 The I/M station shall hold the Division and the County harmless:

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

- 8.5.4 I/M Program Station permits are and remain the property of the Division, only their use and the license they represent is tendered.
- 8.6 I/M Program Station Permit Revocation and Suspension
  - 8.6.1 I/M Program Station permits may be suspended by the Division for violations of this Ordinance.
  - 8.6.2 I/M Program Station permits may be revoked by the Division for severe and/or repeated violations of this Ordinance.
  - 8.6.3 Suspension of I/M Program Station permits shall follow the provisions of Appendix D of this Ordinance.

## 9.0 INSPECTION PROCEDURE

- 9.1 The Inspection shall be solely performed by an Inspector/Mechanic who has been permitted at the Station where the Inspection is being performed and Division approved Inspection procedures are being followed.
- 9.2 If the Inspector/Mechanic is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the Inspection, he shall notify the owner/operator of the vehicle before the Inspection is administered.
- 9.3 The entire Inspection shall take place within the reach of the analyzer hose and tachometer lead.
- 9.4 The temperature of the Inspection Area shall be between 41° Fahrenheit and 110° Fahrenheit (2° Celsius and 43° Celsius) during the Inspection.
- 9.5 The UTAH91 Analyzer shall be kept in an area that provides adequate protection from the weather, wind, and extreme temperatures.
- 9.6 The electrical supply to the UTAH91 Analyzer shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability.
- 9.7 The Inspector/Mechanic shall not inspect or test any Motor Vehicle with a mechanical condition which may cause injury to personnel or damage to the Station or test equipment or which may affect the validity of the Inspection, 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 (Smoker).

- 9.8 Any time an engine stalls during an Inspection, the Inspection shall be restarted. If an inspector cannot complete an Inspection because of continuous stalling, then the stalling problem shall be corrected by the owner or his agent before the test is performed.
- 9.9 The Inspector/Mechanic shall verify the vehicle license plate and vehicle identification number by comparing the information on the vehicle's Registration with those on the vehicle and shall enter them in the UTAH91 Analyzer at the appropriate Prompt.
- 9.9.1 The Inspector/Mechanic shall verify the owner's name and address on the Registration card and enter this information into the UTAH91 Analyzer at the appropriate Prompt.
- 9.9.2 The Inspector/Mechanic shall determine and enter the county in which the vehicle is registered at the appropriate Prompt.
- 9.9.3 The Inspector/Mechanic shall obtain the Gross Vehicle Weight (GVWR) from the nameplate of the vehicle, not from the registration. If the information is not available from the nameplate the Inspector/Mechanic shall contact the manufacturer of the vehicle or the manufacturer's local representative and determine the GVWR of the vehicle.
- 9.9.4 The Inspector/Mechanic shall enter completely and accurately all the information required as part of the data entry procedure for the Inspection on the approved UTAH91 Analyzer at the appropriate Prompt sequence.
- 9.9.5 All data entries to the UTAH91 Analyzer during the Inspection shall be true and factual. Entering data on one vehicle and actually testing another vehicle is a violation of this ordinance.
- 9.10 The Inspector/Mechanic shall:
- 9.10.1 Conduct the Inspection in accordance with the Prompts from the UTAH91 Analyzer and the requirements of this Ordinance.
- 9.10.2 Examine the Emissions/tune-up specification decal (sticker) under the hood and/or check an approved reference to determine if the specific vehicle was manufactured with a Catalytic Converter air injection reaction (AIR) system, PCV System, Fuel Filler Neck Restrictor, EGR System, and/or Fuel Evaporative Control System, etc, as Prompted by the UTAH91 Analyzer. The above listed devices and systems required on the vehicle shall then be visually located on

the vehicle and if they appear to be operable. An air pump that is present but does not have the drive belt attached or a fuel evaporative control system that is present with hoses broken, unhooked, or plugged are obviously not functioning.

9.10.3 The owner of 1984 or newer vehicles shall repair or replace with operable equipment the parts or systems listed on the Emissions/tune-up specification decal (sticker) which are removed, and/or inoperable, and/or tampered as required by the Prompts from the UTAH91 Analyzer.

- (a) The Inspector/Mechanic shall use a Division approved non-sparking inlet test gauge that has a outside diameter equal to that of a leaded fuel pump nozzle (range of 0.9375 to 0.950 inches) to determine inlet restrictor Tampering.
- (b) A tampered fuel restrictor requires that the fuel restrictor be repaired and that the Catalytic Converter be replaced unless otherwise determined by the Division.

9.10.4 If the part(s) necessary to bring a vehicle into Compliance are not available by 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 Division may issue a Temporary Waiver, for a time determined by the Division, so that the vehicle may be Registered. The owner shall have until the expiration of the time specified by the Division to complete the necessary repairs or replacement, and submit a Certificate of Compliance to the Division to verify that the part(s) have been installed and that the vehicle is in Compliance with all provisions of this Ordinance. The Division is under no obligation to issue these Waivers.

9.10.5 Under certain conditions as determined by the Division, the Division 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 Division is under no requirement or obligation to issue these waivers.

9.11 The analyzer shall be warmed up and stabilized prior to performing any Inspection.

9.12 Each vehicle shall be checked to determine that it is at normal operating

temperature by feeling the top radiator hose or by checking the temperature gauge. Each vehicle shall be at normal operating temperature before performing the Inspection.

- 9.13 The Inspection shall be performed with the transmission in 'park' or 'neutral' and with all accessories off and the emergency brake applied.
- 9.14 The analyzer probe shall be inserted into the exhaust pipe at least twelve inches (12") or as recommended by the analyzer manufacturer, whichever is greater.
- 9.15 If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.
- 9.16 For all vehicles equipped with a multiple exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an approved adaptor.
- 9.17 When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.
- 9.18 With the tachometer properly attached, inspect the vehicle according to the Inspection sequence as detailed and Prompted by the UTAH91 Analyzer specifications contained in Appendix A.
- 9.19 A Certificate of Compliance shall be issued if:
  - 9.19.1 the vehicle Emissions levels are the same as or less than the applicable Emissions standards; and
  - 9.19.2 the vehicle complies with other standards applicable to the particular vehicle inspected as defined in Appendix A of this Ordinance.
- 9.20 If the vehicle fails the initial Inspection, the owner shall have fifteen (15) days in which to have repairs or adjustments made and return the vehicle to the I/M Program Station that performed the initial Inspection for one (1) free reinspection. In order to be in Compliance, the vehicle that failed the initial Inspection shall meet the following conditions:
  - 9.20.1 A Certificate of Compliance shall be issued if all of the following are met:
    - (a) the vehicle is reinspected;
    - (b) the vehicle's emission levels are the same as or less than the applicable Emission Standards found in Appendix C of this Ordinance; and

- (c) The vehicle complies with other standards applicable to the particular vehicle inspected as defined in Appendix A and other applicable portions of this Ordinance.

9.21 A Certificate of Compliance - Waiver may be applied for if all of the following requirements are met:

- (a) Air pollution control devices applicable and specified for the make, model and year of the vehicle are in place and operative on the vehicle. If the devices have been removed or rendered inoperative, they shall be replaced or repaired before a Certificate of Compliance - Waiver can be granted.
- (b) At least one hundred dollars (\$100) for 1968 to and including 1980 Model Year Motor Vehicles and two hundred dollars (\$200) for 1981 and newer Motor Vehicles have been spent on acceptable Emissions related repair costs for that specific vehicle, and if proof of repair costs for that specific vehicle have been provided to the Inspector/Mechanic in the form of an 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 an Inspector/Mechanic permit, then the cost of labor may not be included in the \$100.00 or \$200.00 minimum as applicable.
- (c) The vehicle is not within the time and mileage requirements of the federal Emissions warranties. Any vehicle that is within the time and mileage requirements of the federal Emissions warranties shall not be eligible for a Certificate of Compliance - Waiver, but shall be repaired to pass the Inspection. Repairs subject to warranty shall not be applied to the repair cost waiver limits.

9.21.1 Any vehicle that experiences an increase in all Emissions levels shall not be eligible for a Certificate of Compliance - Waiver regardless of the amount spent in attempting to repair the vehicle.

9.21.2 Acceptable Emissions related repairs include:

9.21.2.1 Repairs and maintenance to the following systems, if done according to manufacturer's specifications. Repairs of the systems shall qualify as Emissions related repairs to the extent that the purpose is to reduce Emissions:

- (a) Air Intake Systems;
- (b) Ignition Systems;

- (c) Fuel Control Systems;
- (d) Emissions Control Systems;
- (e) Basic Engine Systems.

9.21.3 Repairs not accepted as emission related include:

- (a) Adjustments, maintenance, or repairs performed prior to the Inspection.
- (b) The fee paid for the Inspection;
- (c) Costs associated with the repairs or replacements of tampered emission control devices or those required by Section 9.10.3 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, Tampering with, or abuse of the Emissions Control Systems, or costs incurred due to Engine Switching and/or modifications.

9.22 Information regarding all performed repairs shall be entered into the appropriate data base of the UTAH91 Analyzer prior to the vehicle being reinspected.

9.23 A Certificate of Compliance - Waiver may be given only once per vehicle, and for only a one (1) year period of time, or less as required by the Division.

9.24 Certificate of Compliance - Waivers shall only be issued by the Division unless the Division determines other acceptable methods of issuance. A Certificate of Compliance - Waiver shall only be issued after determining that the vehicle complies with the requirements of this Section for waiver issuance. No Certificate of Compliance - Waiver will be issued to a vehicle with an inoperable or glowing check engine light.

9.25 Prior to referring the owner to the Division for determining waiver eligibility, the Inspector/Mechanic shall verify that the repair and eligibility requirements of this Section have been met and shall provide the vehicle owner with the required signed referral form.

9.26 The referral form and Inspection records shall be completed accurately, signed immediately, filed, and distributed, as required by the Division. The customer shall be given the original copy of the VIR and other appropriate copies.

- 9.27 Station copies of Certificates of Compliance and other Inspection records shall be kept on file at the Station for a minimum of eighteen (18) months.
- 9.28 Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the UTAH91 Analyzer Prompt and specifications as contained in Appendix A of this Ordinance.
- 9.29 When a vehicle owner requests an Inspection, the Inspector/Mechanic shall perform the Inspection in the testing mode of the approved UTAH91 Analyzer. Performing a screening test in the manual mode of the approved UTAH91 Analyzer or on a non-approved analyzer to determine if a vehicle will pass the Inspection shall be a violation of this Ordinance. No adjustments or repairs shall be made prior to a requested Inspection unless Prompted by the UTAH91 Analyzer.
- 9.30 A vehicle must be physically present in a station when a test for that vehicle is run. Entering data for one vehicle in the UTAH91 analyzer and performing the test on another vehicle is a violation of this ordinance.

## 10.0 ENGINE SWITCHING AND SPECIALLY CONSTRUCTED VEHICLES

- 10.1 Engine Switching shall be allowed only in accordance with E.P.A. policy.
- 10.2 Vehicles not meeting the requirements of Section 10 shall be deemed as tampered and dealt with in accordance with the Tampering provisions of this Ordinance.
- 10.3 All 1984 and newer vehicles with switched engines shall be verified to meet E.P.A. requirements by the Division prior to issuance of a Certificate of Compliance.
- 10.4 For 1968 to 1983 vehicles, having an engine other than the original engine and emission control configuration are deemed as tampered. These vehicles must meet the HC and CO standards for the Model Year of the vehicle in order to receive a Certificate of Compliance, and are not eligible for a Certificate of Compliance - Waiver, unless they are restored to the original engine and emission control configuration or a configuration approved by the Division.
- 10.5 Specially Constructed Vehicles
- 10.5.1 Specially Constructed Vehicles must be tested using and passing the cutpoints of the model year coinciding with the model year assigned the vehicle at the time of the vehicles registration as a specially constructed vehicle, not the model year of the chassis on which it may

be built or the model year in which the engine configuration was used. 1980 model year specially constructed vehicles must meet the 1977-1979 model year cutpoints.

- 10.5.2 Specially constructed vehicles, model year 1984 and newer shall not be failed for tampering if they pass the exhaust cutpoints.
- 10.5.3 A specially constructed vehicle shall not be granted a Certificate of Compliance-Waiver unless it has first met all the requirements of this Ordinance to obtain a waiver.

## 11.0 TESTING AND PERMITTING OF APPLICANTS FOR INSPECTOR/MECHANIC

### 11.1 Permit Required.

- 11.1.1 No Person shall perform any part of the Inspection for the issuance of a Certificate of Compliance unless the Person possesses a valid Inspector/Mechanic permit issued by the Division.
- 11.1.2 Applications for an Inspector/Mechanic permit shall be made upon a form to be prescribed by the Division. No permit shall be issued unless:
  - (a) The applicant must pass a pretest approved and administered by the Division to be eligible.
  - (b) The applicant can show evidence of at least an associate degree in automotive technology or similar, or at least two (2) years work experience as an automotive mechanic, or other Division approved prerequisites. All Inspector/Mechanics permitted in Davis County on July 1, 1991 are deemed to have met this requirement.
  - (c) The applicant has shown adequate competence by successfully completing the written and practical portions of the Inspector/Mechanic permit requirements as specified in this Ordinance and paid the required permit fees as required in Appendix B.
- 11.1.3 An applicant shall comply with all of the terms stated in the permit application and with all the requirements of this Ordinance.
- 11.1.4 An applicant shall complete a Division approved training course and shall demonstrate knowledge and skill concerning the performance of Inspections, use of the UTAH91 Analyzer, and adjustment of vehicles to manufacturer's specifications. Such knowledge and skill shall be shown by passing:

11.1.4.1 A written qualification test including but not limited to the following:

- (a) operation and purposes of emission control systems;
- (b) relationship of HC and CO to timing and carburation;
- (c) adjustment to manufacturer's and High Altitude Specifications;
- (d) Inspection procedures as outlined in this Ordinance and defined by the UTAH91 Analyzer;
- (e) operation of UTAH91 Analyzer including the performance of gas Calibration and leak check;
- (f) the provisions of Section 207 (b) Warranty provisions of the Federal Clean Air Act; and
- (g) the provisions of this Ordinance and other applicable Division policies and procedures.

11.1.4.2 A performance qualification test including but not limited to the following:

- (a) visual inspection of the required emission control equipment;
- (b) demonstration of skill in the proper use, care, maintenance, and Calibration and leak testing of the UTAH91 Analyzer;
- (c) demonstration of ability to conduct the Inspection;
- (d) demonstration of ability to adjust the engine systems to the manufacturer's and High Altitude Specifications; and
- (e) demonstration of ability to accurately enter data in the UTAH91 Analyzer; and legibly, accurately complete the required reports and forms.

11.1.5 A signed checksheet on a form acceptable to the Division shall be

necessary to demonstrate successful completion of the performance qualification test. The checksheet shall be signed by an instructor or other Person approved by the Division.

- 11.1.6 The Division shall issue an Inspector/Mechanic permit to an applicant upon successful completion of the requirements of Section 11.0.
  - 11.1.7 The Inspector/Mechanic permit shall be valid only at the Station where the Inspector/Mechanic is presently employed. If the Inspector/Mechanic is later employed at another Station, he shall notify the Division of the employment change. He shall also be required to be permitted there prior to performing any Inspections. A transfer fee may be charged, if required in Appendix B of this Ordinance.
  - 11.1.8 Inspector/Mechanic permits are and remain the property of the Division, only their use and the license they represent is tendered.
- 11.2 Inspector/Mechanic Permit Suspension and Revocation.
- (a) Inspector/Mechanic permits may be suspended by the Division for violation of this Ordinance.
  - (b) Inspector/Mechanic permits may be revoked by the Division for severe and/or repeated violations of this Ordinance.
  - (c) Suspension of Inspector/Mechanic permits shall follow the provisions of Appendix D of this Ordinance.
- 11.3 Renewal Requirements for All Inspector/Mechanics.
- 11.3.1 At the discretion of the Division, Inspector/Mechanics may be required to update their training and qualifications in order to renew their Inspector/Mechanic permits.
  - 11.3.2 Inspector/Mechanics shall be required to renew their permit annually.
- 11.4 Permit Expiration
- 11.4.1 The Inspector/Mechanic permit shall be issued annually and shall expire one year from the date of issuance. The permit shall be renewable sixty days prior to the date of expiration.
  - 11.4.2 It is the responsibility of the mechanic to pursue the renewal of the Inspector/Mechanic permit.

## 12.0 EMISSIONS STANDARDS FOR MOTOR VEHICLE EXHAUST GASES

- 12.1 In order to obtain a valid Certificate of Compliance, Emissions from a Motor Vehicle subject to an annual Inspection shall not exceed the maximum concentrations for Carbon Monoxide (CO) and Hydrocarbons (HC) as established by the County Commission in Appendix C of this Ordinance.
- 12.2 Maximum concentration Cutpoints shall be determined by the County Commission to meet the National Ambient Air Quality Standards established by the E.P.A. The established Cutpoints shall remain in effect until the Vehicle Emissions Inspection/Maintenance Program is changed by the County Commission. Any change in Cutpoints shall be effective upon the first day of any calendar month designated by the County Commission. The County Commission shall establish Cutpoints by considering the following factors:
- 12.2.1 the existing ambient air quality;
  - 12.2.2 to provide for the required stringency;
  - 12.2.3 the requirements for air quality currently in effect as promulgated by the Environmental Protection Agency, the Utah State Department of Health, the Utah Department of Environmental Quality, the Davis County Board of Health and the Division.
    - (a) The Cutpoints established shall be part of an overall strategy in accordance with E.P.A., State and County guidelines to achieve the required tailpipe reduction of CO and HC from Motor Vehicles measured from the date this program is implemented;
  - 12.2.4 The general level of emission control technology on vehicles Registered in the County.
  - 12.2.5 Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere.
  - 12.2.6 The likelihood of a particular cutpoint to achieve desired air quality goals.
  - 12.2.7 To ensure Compliance with the requirements of Section 41-6-163.7, Utah Code Annotated, 1953, as amended.
- 12.3 Upon determining the appropriate Cutpoints, the County Commission shall direct the Division to give notice thereof to each I/M Program Station and to the public by publication at least once in a newspaper of general circulation in the County at least thirty (30) days prior to the effective date. Such notice shall indicate that written comment on the proposed cutpoint levels will be

received by the Division until fifteen (15) days prior to the effective date of the Cutpoints. The County Commission shall consider any written comment submitted in a timely manner and, should good cause appear, may alter or suspend the proposed Cutpoints as appropriate. Otherwise, the proposed Cutpoints shall take effect on the date determined by the County Commission.

12.3.1 The Cutpoints shall be listed in Appendix C of this Ordinance and may be updated and changed as provided by this Section.

### 13.0 CERTIFICATES OF COMPLIANCE AND CERTIFICATES OF COMPLIANCE - WAIVERS

13.1 No Person shall make, issue or knowingly use any imitation or counterfeit of a Certificate of Compliance or Certificate of Compliance - Waiver.

13.1.1 No Person shall knowingly use stolen or counterfeit Certificates or other official documents of the Vehicle Emissions Inspection/Maintenance Program.

13.2 Certificates of Compliance shall be purchased only from the Division.

13.3 No refund or credit shall be allowed for unused Certificates, except as provided in Section 13.10.

13.4 Purchase of Certificates of Compliance.

13.4.1 Certificates of Compliance shall be purchased in Person. Sales shall only be made to a representative of the I/M Program Station possessing an acceptable form of identification.

13.4.2 Certificates of Compliance shall be sold for a fee established in Appendix B of this Ordinance, in lots to be determined by the Division. The Division may limit the number of Certificates purchased to the number that the Division feels can be secured and stored safely.

13.4.3 Certificates of Compliance shall not be sold, loaned, transferred, or given to any other I/M Program Station, or any unauthorized individual. The I/M Program Station shall at all times account for all Certificates that have been purchased by the Station. Failure to properly safeguard and/or account for Certificates of Compliance may lead to immediate permit suspension.

13.5 Certificates of Compliance shall only be issued after being printed by the UTAH91 Analyzer printer dedicated to the printing of Certificates. Completion of Certificates by handwritten information or the use of a non-

Dedicated Printer by any Person or Station other than the Division is strictly prohibited. The Certificates shall be signed only after being printed and shall be signed immediately after printing.

- 13.6 Certificates shall not be issued until an Inspection has been performed as required by this Ordinance.
- 13.7 All unused Certificates of Compliance shall be kept in a secure place at all times to prevent loss or theft.
- 13.7.1 Certificates of Compliance shall be used in sequential order by Stations.
- 13.8 Certificates of Compliance found to be missing, stolen, or unaccounted for, shall be reported to the Division within twenty-four hours and the Station shall cease performing Inspections until an investigation by the Division has been completed and the Division re-authorizes the Station to resume inspecting.
- 13.9 I/M Program Stations shall have Certificates of Compliance on hand at all times during business hours.
- 13.10 Upon final cancellation, suspension or revocation of the Station permit, 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 Davis County Clerk/Auditor's procedures. Upon transfer or termination of business ownership, the Station permit and all Certificates of Compliance shall be immediately forwarded to the Division. Any Person acquiring a business that has been permitted as an I/M Program Station, is prohibited from using any permit or documents issued to the former business without authorization of the Division.
- 13.10.1 Any analyzer manufacturer or their authorized representative who repossesses or otherwise removes an UTAH91 Analyzer from an I/M Program Station shall immediately notify the Division and shall immediately forward any Certificates of Compliance that may still be in the analyzer to the Division.

#### 14.0 RIGHT TO APPEAL

Within ten (10) calendar days after the Division has issued a notice of violation, permit denial, warning, suspension or revocation, any Person(s) aggrieved, may request in writing, a hearing before a Hearing Officer representing the Division. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Hearing Officer's final determination shall be given within ten

(10) calendar days after adjournment of the hearing. The Hearing Officer may sustain, modify, or reverse the action or order, and/or negotiate a consent agreement but shall not require less than the minimum requirements of this Ordinance and other applicable law.

## 15.0 PENALTY

- 15.1 Any Person who is found guilty of violating any of the provisions of this Ordinance, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a Person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 15.2 Each day such violation is committed or continues shall constitute a separate violation.
- 15.3 The County Attorney, may initiate legal action, civil or criminal, requested by the Division to abate any condition that exists in violation of this Ordinance.
- 15.4 In addition to other penalties imposed, any Person found in violation of this Ordinance shall be liable for all expenses incurred by the Division in prosecuting and/or abating the violation.
- 15.5 The Penalty Schedule for permit warning, permit suspension, permit revocation, and/or negotiated settlement agreements as adopted by the Davis County Commission shall be contained in Appendix D of this Ordinance and may be changed and updated by the Commission as deemed necessary to accomplish the purposes of this Ordinance.
- 15.6 Enforcement of any criminal penalties does not preclude imposition of Administrative or civil penalties and visa-versa.

## 16.0 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 affect the other provisions or applications of this Ordinance. The valid part of any clause, sentence, or paragraph of this Ordinance shall be given independence from the invalid provisions or application and to this end the provisions of this Ordinance are hereby declared to be severable.

17.0 EFFECTIVE DATE

This Ordinance shall become effective on July 1, 1991. The Appendices become effective on the specific date found on each appendices.

Passed this 10th day of June 1991.

Commissioner Stevenson Voting - Aye

Commissioner Holbrook Voting - Aye

Commissioner Purdy Voting - Aye

/s/ Gayle Stevenson  
Gayle Stevenson, Chairman  
Davis County Commission

Attest:

/s/ Margene Isom  
Margene Isom  
Clerk/Auditor

Approved as to Form:

/s/ Melvin Wilson  
Melvin Wilson  
Davis County Attorney

Revised by the Davis County Commission, the 27<sup>th</sup> day of November, 1994.

Commissioner Holbrook Voting Aye

Commissioner Page Voting Aye

Commissioner Stevenson Voting Absent

*[Handwritten Signature]*  
\_\_\_\_\_  
Gayle Stevenson, Chairman  
Davis County Commission

Attest:

*for* *[Handwritten Signature]*  
\_\_\_\_\_  
Margene Isom  
Davis County Clerk/Auditor

Approved as to Form:

\_\_\_\_\_  
Melvin Wilson  
Davis County Attorney

APPENDIX A

UTAH 91 ANALYZER SPECIFICATIONS

This document is available at the I/M Office if you wish to review it.

## APPENDIX B

## FEE SCHEDULE

The assessed fees for implementing the requirements of Section 6.16 of the UTAH91 Motor Vehicle Inspection/Maintenance Program Ordinance shall be:

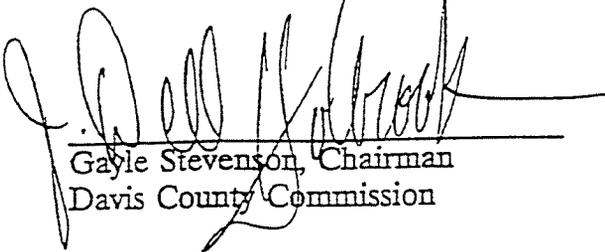
PERMITTING OF AN OFFICIAL I/M PROGRAM STATION	\$250.00
ANNUAL RENEWAL OF STATION PERMIT	\$25.00
ANNUAL RENEWAL OF EXPIRED STATION PERMIT	\$75.00
REPERMITTING AN I/M STATION AT A NEW LOCATION	\$50.00
PERMITTING AN OFFICIAL I/M EMISSIONS MECHANIC	\$25.00
ANNUAL RENEWAL OF I/M MECHANIC PERMIT	\$10.00
ANNUAL RENEWAL OF EXPIRED MECHANIC PERMIT	\$30.00
AIR POLLUTION CONTROL FEE (PAID AT REGISTRATION--ALL VEHICLES)	\$1.00
EMISSIONS CERTIFICATE OF COMPLIANCE	\$2.25
DUPLICATE CERTIFICATE OF COMPLIANCE - (MAXIMUM)	\$3.00
DUPLICATE INSPECTOR/MECHANIC PERMIT	\$10.00
COST FOR CHECKING A CATALYTIC CONVERTER (DIVISION ONLY)	\$45.00
MAXIMUM EMISSION INSPECTION FEE	\$15.00
OPERATOR EQUIPMENT CARELESSNESS FEE	\$15.00

Effective Date July 1, 1991. Adopted by the Davis County Commission on this 10th day of June 1991.

x, Part B. App. 1. a. 41

/s/ Gayle Stevenson  
Gayle Stevenson, Chairman  
Davis County Commission

Revised by the Davis County Commission on the 21<sup>st</sup> day of November, 1994.



Gayle Stevenson, Chairman  
Davis County Commission

## APPENDIX C

DAVIS COUNTY EMISSION STANDARDS (CUTPOINTS)  
MOTOR VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM

The following schedule gives the maximum allowable concentrations for Carbon Monoxide (CO) and Hydrocarbons (HC) for both cars and trucks as determined by an approved UTAH91 Analyzer using the prescribed procedures. The effective date for these Cutpoints is July 1, 1991 unless delayed by the Division.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS 1979 TRUCKS AND NEWER 8,500 POUNDS GVWR OR LESS		
<u>MAXIMUM CONCENTRATION STANDARDS</u>		
<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968 - 1969	6.0	800
1970 - 1974	5.0	700
1975 - 1976	4.0	600
1977 - 1979	3.0	500
1980	2.0	300
1981 AND NEWER	1.2	220
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 OR GREATER 1979 AND NEWER OVER 8,500 POUNDS GVWR		
<u>MAXIMUM CONCENTRATION STANDARDS</u>		
<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968 - 1969	7.0	1500
1970 - 1978	5.0	1200
1979 - 1980	4.0	1000
1981 AND NEWER	3.5	800

NOTE: THESE SHOULD BE CONSIDERED AS "CUTPOINTS" FOR MAXIMUM ALLOWABLE EMISSIONS LEVELS. VEHICLES MUST NEVER BE RESET TO THESE EMISSION LEVELS WHEN READJUSTMENTS ARE MADE, BUT RATHER SHALL BE ADJUSTED USING MANUFACTURER'S SPECIFICATIONS. BY USING MANUFACTURER'S SPECIFICATIONS, THE EMISSION LEVELS SHOULD BE WELL BELOW THE "CUTPOINTS."

Adopted by The Davis County Commission on this 10th day of June 1991.

X, Part B. App. 1. a. 43

/s/ Gayle Stevenson  
Gayle Stevenson, Chairman  
Davis County Commission

## APPENDIX D

## PENALTY SCHEDULE

VIOLATION	1ST OCCURRENCE	2ND OCCURRENCE	3RD OCCURRENCE
FAILURE TO INSPECT OR PROBING A VEHICLE OTHER THAN VEHICLE ENTERED IN TEST RECORD	6 MTH MINIMUM SUSPENSION (STATION & MECHANIC)	REVOICATION (STATION & MECHANIC)	
NON-CERTIFIED PERSON PERFORMED THE TEST	UP TO 2 MTHS SUSPENSION STATION & MECHANIC	REVOICATION (STATION & MECHANIC)	
A VEHICLE IS INTENTIONALLY, IMPROPERLY PASSED OR FAILED FOR ANY REQUIRED PORTION OF THE TEST	6 MTH MINIMUM SUSPENSION (STATION & MECHANIC)	REVOICATION (STATION & MECHANIC)	
PASS VEHICLE THAT SHOULD FAIL. FAIL VEHICLE THAT SHOULD PASS (INCLUDING TAMPERING)	UP TO 1 MTH SUSPENSION (STATION & MECHANIC)	UP TO 3 MTHS SUSPENSION (STATION & MECHANIC)	REVOICATION (STATION & MECHANIC)
FAILURE TO FOLLOW PROCEDURES	FORMAL WARNING	UP TO 1 MTH SUSPENSION (ADDITIONAL VIOLATIONS MAY RESULT IN REVOICATION)	UP TO 3 MONTHS SUSPENSION
PERFORMING UNNECESSARY OR UNRELATED REPAIRS	1 MTH SUSPENSION	3 MTH SUSPENSION	REVOICATION
INACCURATE OR INCOMPLETE DATA	FORMAL WARNING	UP TO 1 MTH SUSPENSION (ADDITIONAL VIOLATIONS MAY RESULT IN REVOICATION)	UP TO 3 MTHS SUSPENSION

OTHER APPROPRIATE WARNINGS, SUSPENSIONS, NEGOTIATED CONSENT AGREEMENTS, AND/OR REVOICATION AS DEEMED NECESSARY AND PRUDENT BY THE DIVISION.

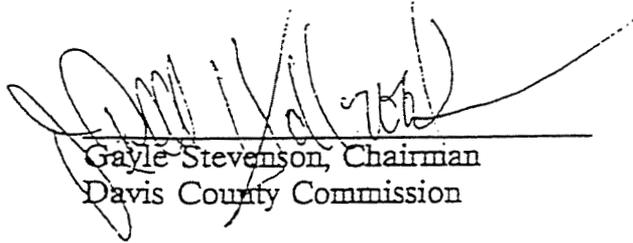
All suspensions may be reduced in length by a negotiated consent agreement which may substitute monetary penalties for part or all of the suspension time. Negotiated Consent Agreements are only applicable in relation to suspensions.

THESE PENALTIES APPLY TO ALL PERMITS ISSUED PURSUANT TO THIS ORDINANCE.

Adopted by the Davis County Commission on this ~~10<sup>th</sup>~~ day of ~~June~~ 1991.

/s/ Gayle Stevenson  
Gayle Stevenson, Chairman  
Davis County Commission

Revised by the Davis County Commission on the 21<sup>st</sup> day of November, 1994.



Gayle Stevenson, Chairman  
Davis County Commission

APPENDIX E

APPROVED CALIBRATION GAS AND CALIBRATION GAS BLENDERS