

ORDINANCE 169-03

STORM WATER AND DRAINAGE

**AN ORDINANCE OF UINTAH CITY ADOPTING CHAPTER 1. STORM DRAINAGE;
CHAPTER 2. PERMIT; TO ENACT REGULATIONS TO COMPLY WITH PHASE II
OF THE FEDERAL CLEAN WATER ACT; AND TO OTHERWISE REGULATE
STORM WATER AND DRAINAGE.**

WHEREAS, Uintah City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the state of Utah; and

WHEREAS, Utah Code Annotated Section 10-8-13 allows municipalities to regulate conduits, drains, and the like; and

WHEREAS, Utah Code Annotated Section 10-8-38 empowers municipalities to construct, reconstruct, maintain, operate, control, and charge for the use of culverts, drains, catch basins, and all systems and facilities necessary for proper drainage; and

WHEREAS, the City desires to comply with Phase II of the Federal Clean Water Act;

NOW, THEREFORE, be it ordained by the Municipal Council of Uintah as follows:

Section 1: Enactment. The following Chapters are enacted and such shall read as follows:

Chapter 1. Storm Drainage.

Chapter 2. Permit.

**Chapter 1.
Storm Drainage**

- 1.1. Definitions.**
- 1.2. Prohibited Obstructions.**
- 1.3. Prohibited Discharges.**
- 1.4. Prohibited Storage and Littering**
- 1.5. Uintah City Storm Water Connection and Activity Application/Permit.**
- 1.6. Best Management Practices.**
- 1.7. Easements.**
- 1.8. Authority to Inspect.**
- 1.9. Requirement to Monitor and Analyze.**
- 1.10. Notice of Violation.**
- 1.11. Damage to Storm Sewer System or Irrigation Lines.**
- 1.12. Manhole Covers.**
- 1.13. Violation and Penalty.**
- 1.14. Compliance with Federal and State Law.**

1.1. Definitions.

The following bolded words and phrases shall be defined as follows for the purpose of this Chapter and Chapter 2:

1. **Best Management Practices (BMPs).** A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMPs can be found in the Uintah City Storm Water Management Plan dated currently in effect (available at the Uintah City Public Office.)
2. **Catch Basin.** A drain inlet designed to keep out large or obstructive matter.
3. **Clean Water Act.** The Federal Water Pollution Prevention and Control Act, 33 U.S.C. 1251 et.seq.
4. **Debris.** Any dirt, rock, sand, vegetation, rubbish, or litter.
5. **Detention Basin.** A depression designed to detain storm water runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.
6. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, and construction of buildings or other structures.
7. **Director.** The Public Works Director of the Uintah City or his/her duly appointed deputy, agent, or representative.
8. **Disturb.** To alter the physical condition, natural terrain, or vegetation of land by clearing, grubbing, grading, excavating, filling, building, or other construction activity.
9. **Drain Inlet.** A point of entry into a sump, detention basin, or storm drains system.
10. **EPA.** Environmental Protections Agency.
11. **Hazardous Material.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to; any hazardous substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
12. **Illicit Connection.** Illicit connection means either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
 - b. Any drain or conveyance connected to or discharging to the storm drain system, which has not been
 - i. documented in plans, maps, or equivalent records submitted to the City, and
 - ii. approved in writing by the City.
13. **Illicit Discharge.** Any non-storm water discharge to the storm sewer system. Illicit discharges include both direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect connections (e.g. infiltration into the storm sewer system or spills collected by drain inlets).
14. **Land Development.** Any development of a parcel, lot, subdivision plat, or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development.
15. **Non-Storm Water Runoff.** Any runoff other than storm water.
16. **NPDES.** National Pollutant Discharge Elimination System.
17. **Person.** Any individual, corporation, partnership, association, company, or body politic, including any agency of the State of Utah and the United States government.

18. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.
19. **Redevelopment.** Alterations of a property that change the footprint of a site or building in such a way that disturbs one acre of land or more.
20. **Storm Drain.** A closed conduit for conducting collected storm water.
21. **Storm Sewer System.** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, storm drains, and ground water) owned and operated by the City, which is designed and used for collecting or conveying storm water. The storm sewer system is also referred to as a "municipal separate storm sewer system" or "MS4."
22. **Storm Water.** Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.
23. **Storm Water Runoff.** Water that is generated by storm water flows over land.
24. **Sump.** A formalized underground structure, surrounded by drain rock that acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.

1.2. Prohibited Obstructions.

1. It is unlawful for any person to:
 - a. Obstruct the flow of water in the storm sewer system.
 - b. Contribute to the obstruction of the flow of water in the storm sewer system.
 - c. Cover or obstruct any drain inlet.
2. The following obstructions are exempt from the prohibitions of this section:
 - a. Street and/or storm sewer improvement projects authorized by the City.
 - b. Flood control and prevention activities performed by the City.
 - c. Obstructions approved by the City as part of a site's storm water drainage plan.
 - d. Obstructions occurring during clean-up periods established by the City, provided that the materials are placed according to City directions and do not obstruct drain inlets.

1.3. Prohibited Discharges.

1. It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system.
2. The following discharges to the storm sewer system are exempt from the prohibitions of this section:
 - a. Discharges regulated under a valid National Pollutant Discharge Elimination System (NPDES) storm discharge permit, provided that the discharge complies with the terms of the permit.
 - b. Discharges from water line flushing performed by the City.
 - c. Discharges from sprinkled landscape irrigation or sprinkled lawn watering.
 - d. Discharges from individual residential car washing, provided that a biodegradable detergent is used.
 - e. Discharges from natural riparian habitat or wetland flows.
 - f. Discharges from natural groundwater flows.
 - g. Discharges from air conditioning condensation.
 - h. Discharges from fire fighting or emergency management activities.
 - i. Discharges from swimming pools constructed prior to April 10, 1990.
 - j. Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.
 - k. Discharges allowed by a Uintah City Storm Water Connection and Activity Application/Permit.

1.4. Prohibited Storage and Littering.

It is unlawful for any person to maintain, store, keep, deposit, or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system.

1.5. Uintah City Storm Water Connection and Activity Application/Permit.

1. **Permit Required.** No person shall connect to the City's storm sewer system, either directly or indirectly, without first obtaining a Uintah City Storm Water Connection and Activity Application/Permit from the City.
2. **When Permit Required.** Any person beginning new construction (development of an undeveloped parcel) or redevelopment (as defined in this Chapter) in the City shall obtain a Uintah City Storm Water Connection and Activity Application/Permit before commencing construction.
3. **Application.** The applicant for a Uintah City Storm Water Connection and Activity Application/Permit shall submit the following to the City:
 - a. **Application Form.** A completed application form. Application forms will be available at the Uintah City Office.
 - b. **BMP Plan.** A plan incorporating storm water BMPs that meet the requirements of section 1.060.
 - c. **Maintenance Plan.** A plan outlining how the applicant will maintain the storm water improvements listed in the application.

- d. **Fee.** A fee in an amount set by resolution of the City Council.
4. **Review.** The Uintah City Storm Water Connection and Activity Application/Permit shall be reviewed by the Director and either approved, approved with conditions, or denied. Either the permit applicant or the City may appeal the Director's decision to the City Council. The appeal shall be made according to procedures established in Section 2.100 of this Title.
5. **Factors.** When deciding whether to approve, conditionally approve, or deny a Uintah City Storm Water Connection and Activity Application/Permit application, the following factors shall be considered:
 - a. Whether the application complies with applicable City ordinances and policies.
 - b. Whether the application complies with the Uintah City Storm Management Plan.
 - c. Whether the application complies with the Weber County General Water Infrastructure Master Plan, Lower Valley Storm Drainage, Uintah City Corporation.
 - d. Whether the proposed connection incorporates effective Best Management Practices.
 - e. Whether the proposed connection introduces pollutants into the storm drain system.
 - f. Whether the proposed connection creates a safety hazard.
 - g. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.
 - h. Whether the proposed connection endangers the City's drinking water.
 - i. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's connection and on-site storm water improvements.
6. **Failure.** Failure to construct or maintain storm water improvements in accordance with an approved Uintah City Storm Water Connection and Activity Application/Permit shall be a violation of this Chapter.
7. **As-Builts.** Any person connecting to the storm sewer system shall provide the City with "as-built" plans showing the details and the location of the connection. The plans shall be in a format that is acceptable to the City.
8. **Rate.** Connections to the storm sewer system shall be designed so that the discharge to the storm sewer system does not exceed two tenths (0.2) cubic feet per second per acre.
9. **Exempt Connections.** The following connections to the storm sewer system are exempt from the permitting requirements of this section:
 - a. Connections from single-family residences provided that the runoff from the residences is handled according to a plat or site plan approved by the City. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the storm sewer system must obtain a Uintah City Storm Water Connection and Activity Application/Permit.
 - b. Connections made by the City.

1.6. Best Management Practices.

Any person connecting to the storm sewer system or developing a commercial or industrial site shall employ Best Management Practices (BMPs) approved by the City. The City shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs may be structural and/or non-structural, depending on the needs of the site. The BMPs shall be designed to ensure that the quality and quantity of storm water released to the City's storm sewer system meets the requirements of federal, state, and local laws and regulations and the City's NPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.

1.7. Easements.

The Director may enter all private properties through which the City holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system.

1.8. Authority to Inspect.

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, the City may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

1.9. Requirement to Monitor and Analyze.

If City tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the City, the City may require any person engaged in the illicit activity and/or the owner or operator of the site to provide, at their own expense, monitoring and analyses required by the City to determine compliance with this Chapter.

1.10. Notice of Violation.

Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, the City will order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
5. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
6. The implementation of source control or treatment BMPs.

The City may skip the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if

1. the violator has committed the same violation in the past,
2. the violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
3. the City deems the violation to constitute an emergency.

1.11. Damage to Storm Sewer System or Irrigation Lines.

Any person who damages any portion of the storm sewer system, a City-owned irrigation line, or a City-maintained irrigation line shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with the City's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the Director.

1.12. Manhole Covers.

It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the Director.

1.13. Violation and Penalty.

1. The violation of any provision of this Chapter is a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
2. If, as the result of the violation of any provision of this Chapter, the City or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.
3. Violators of this Chapter may also be subject to prosecution, fines, and penalties from the State of Utah and the United States EPA.

1.14. Compliance with Federal and State Law.

Nothing in this Chapter shall be interpreted to relieve any person from an obligation to comply with an applicable Federal, State, or local law relating to storm water discharges or drinking water protection.

Chapter 2.
Uintah City Storm Water Connection and Activity Application/Permit

- 2.1. Purpose and Intent.**
- 2.2. Uintah City Storm Water Connection and Activity Application/Permit - When Required.**
- 2.3. Uintah City Storm Water Connection and Activity Application/Permit - Application.**
- 2.4. Storm Water Pollution Prevention Plan.**
- 2.5. Proper Operation and Maintenance.**
- 2.6. Inspection and Entry.**
- 2.7. Revocation or Suspension of Uintah City Storm Water Connection and Activity Application/Permit.**
- 2.8. Violations and Enforcement**
- 2.9. Exemptions.**
- 2.10. Appeal.**
- 2.11. Compliance with Federal and State Law.**

2.1. Purpose and Intent.

The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality.

2.2 Uintah City Storm Water Connection and Activity Application/Permit - When Required.

- 1. **Uintah City Storm Water Connection and Activity Application/Permit.** A Uintah City Storm Water Connection and Activity Application/Permit ("Permit") is required before any person or entity may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any of the following types of property located within the City.
- 2. **One Acre or More.** Any parcel, lot, or land development which is equal to or greater than one acre (43,560 square feet) in size. A subdivision development greater than or equal to one acre in size qualifies under this subsection even if each of the individual lots in the subdivision is smaller than one acre.
- 3. **Special Concern Areas.** Any parcel, lot, or land development for which the City determines that because of the nature or type of the parcel, lot, or development, disturbance of the land is likely to result in erosion or the transport of sediment off of the site by storm water to a degree substantially greater than that which would occur under natural landscape conditions.

2.3. Uintah City Storm Water Connection and Activity Application/Permit - Application.

Any person or entity desiring a Permit must first file an application with the Uintah City Office. The application may be submitted independently, or as part of an application for a subdivision preliminary site plan approval, site plan approval, or building permit.

- 1. **Content.** The application shall include a Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 2.040.
- 2. **Timing.** The applicant shall file the application on or before the following dates:
 - a. **Subdivision.** The date that the applicant submits the preliminary subdivision plat application if the applicant proposes to develop a subdivision.
 - b. **Site Plan.** The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
 - c. **Building Permit.** The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.

- d. **Other.** At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a Permit pursuant to this Chapter.
- 3. **Compliance.** If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Storm Water Construction Activity Application/Permit on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required Permit is grounds for denying a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Permit.
- 4. **Application Approval.** The Director or designee shall approve the application, grant the permit if the application is complete, meets the criteria set forth in Section 2.040, and the applicant has paid all permit fees which the City may prescribe by resolution. The Director shall deny the application or approve the application with conditions if he/she determines that the measures proposed in the Plan fail to meet the criteria set forth in Section 2.040. Conditions the Director may impose in connection with the approval of a Permit include, but are not limited to,
 - a. the establishment of specific measures and controls to prevent erosion and
 - b. the discharge of sediment, debris and other construction-related pollutants from the site by storm water.
- 5. **Term.** Unless otherwise revoked or suspended, a Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
 - a. **Subdivisions.** For Permits associated with a subdivision plat approval:
 - i. The Permittee must complete all required subdivision improvements; and
 - ii. One of the following three events must occur:
 - 1. The City issues a final Certificate of Occupancy for each lot in the subdivision,
 - 2. Individual Permits have been issued for each lot in the subdivision not having a final occupancy permit, or
 - 3. The property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
 - b. **Site Plans.** For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.
 - c. **Building Permits.** For Permits associated with a building permit application, the date that the City issues a final occupancy permit for the structure covered by the building permit.
 - d. **Other.** For Permits issued that are not tied to other approvals from the City, the date that the Permittee has completed all work associated with the Permit and takes steps required by the Permit to prevent further erosion and runoff from the site.
- 6. **Termination.** No Permit shall be considered terminated until the Permittee submits a Notice of Termination of the Storm Water Connection and Activity Application/Permit ("Notice") to the City and the Notice is accepted by the City. The City shall accept the Notice if the Permittee has met the requirements of the Permit and this ordinance. The Permittee shall keep and maintain all Permit-required improvements on the site until the City accepts the Notice.
- 7. **Amendments.** In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in an original Storm Water Pollution Prevention Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Storm Water Pollution Prevention Plan, the Permittee shall file an amended Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 2.040.

2.4. Storm Water Pollution Prevention Plan.

1. **Required Information.** The Storm Water Pollution Prevention Plan (the "Plan") shall contain the following information:
 - a. **Site Description.**
 - i. A site description which includes a description of the nature and location of the construction activity;
 - ii. a map with spot elevations and contour lines;
 - iii. a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.); and
 - iv. estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities.
 - b. **Control Description.**
 - i. A description of the proposed measures and controls that will be implemented during construction activity and/or while the site is not stable.
 - ii. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection 1 of Section 2.040.
 - iii. The Plan shall also state the name and phone number of the person or entity responsible for implementation of each control measure.
2. **Goals and Criteria.** The proposed measures and controls described in the Plan shall be designed to meet the following goals and criteria:
 - a. **Prevent or Minimize Discharge.** The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system.
 - b. **Prevent or Minimize Construction Debris.** The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way. Any such discharge shall be cleaned up and removed immediately upon notification to the Permittee or when it otherwise comes to the attention of the Permittee. At a minimum, the deposit or discharge shall be cleaned and removed at the end of the work shift in which the deposit occurred, or at the end of the workday, whichever comes first.
 - c. **BMPs.** The proposed measures and controls shall consist of Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soil retaining systems, and gabions.
 - d. **Stabilization.** The proposed measures and controls shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:
 - i. If the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen

ground conditions, stabilization measures shall be initiated as soon as practicable; or

- ii. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.
- e. **Minimize Risk or Discharge of Other Materials.** The proposed measures and controls shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response.

2.5. Proper Operation and Maintenance.

The recipient of a Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers' specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the City accepts the termination of the Permit pursuant to Section 2.030.7.

2.6. Inspection and Entry.

The Permittee shall allow any authorized employees and representatives of the City, representatives of the State of Utah Division of Water Quality, and representatives of the EPA, to enter the site to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit.

2.7. Revocation or Suspension of Permit.

1. **Revocation or Suspension.** A Permit may be revoked or suspended by the Director upon the occurrence of any one of the following events:
 - a. Failure of a Permittee to comply with the Plan or any condition of the Permit; or
 - b. Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to storm water; or
 - c. A determination by the Director that the erosion and sediment control measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.
2. **Notice.** The City shall mail a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the Director may suspend or revoke the Permit by mailing or delivering written notice of the suspension or revocation to the Permittee. The Permittee may appeal a suspension or revocation of the Permit pursuant to the appeal procedure set forth in Section 2.100.
3. **Exceptional Circumstances.** For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The City may take any steps the City deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances
4. **Stop Work Order.** A stop work order may be issued upon the revocation or suspension of a Permit, or upon the discovery of work being conducted without a required Permit. The stop

work order may be issued by the Director. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.

5. **Reinstatement.** A Permit may be reinstated or reissued upon compliance with all provisions of this Chapter and all Permit conditions, or in the case of a suspension for reasons provided in subsection (1)(C) of Section 2.070, upon the filing of an amended Plan which is designed to correct the deficiencies of the original Plan.

2.8. Violations and Enforcement.

1. The violation of any of the provisions of this Chapter shall be a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
2. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.
3. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.
4. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA..

2.9. Exemptions.

The following activities are exempt from the requirements of this Chapter:

1. Actions by a public utility, the City, or any other governmental entity to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;
2. Actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;
3. Construction activities which disturb less than 500 square feet of land surface area, or which consist of the excavation and/or fill of less than 20 cubic yards of material;
4. Landscape maintenance activities on fully developed properties, necessary to maintain the existing developed landscape; and
5. Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground located within the City and which meet the requirements of the zoning code of the City.

2.10. Appeal.

1. An Applicant or a Permittee of a Permit may appeal any decision or directive made by the City or its representatives pursuant to this Chapter. The party desiring to appeal shall file a notice of appeal with the City Recorder's within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:
 - a. The appellant's name, address, and daytime telephone number;
 - b. A short statement describing the basis for the appeal; and
 - c. The relief sought by the appellant.
2. Upon receipt of the notice of appeal, the City Recorder shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted before the City Council in accordance with policies established by the City. The Director shall uphold the decision or directive being appealed unless the Director finds that there has been an error in the interpretation or implementation of this ordinance. The City Council shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The City Council shall

have authority to affirm, reverse, or modify any decision or directive appealed pursuant to this Section.

2.11. Compliance with Federal and State Law.

Nothing contained in this Chapter is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff.

Section 2: Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED this 2nd day of December, 2003.

MAYOR:

/s/ Craig Kendell

CRAIG KENDELL

ATTEST:

/s/ Sherma Mildon

Sherma Mildon, Clerk/Recorder