

WEST BOUNTIFUL CITY

ORDINANCE #380-16

***AN ORDINANCE ADOPTING MODIFICATIONS TO
WBMC CHAPTER 13.30 – STORM WATER MANAGEMENT***

WHEREAS, West Bountiful City has operated a storm water management program under a state issued permit to control, limit, and reduce the degradation of receiving waters and reducing the volume of storm water runoff and the pollutant loading in storm water; and,

WHEREAS, 2016 is a renewal year for the City’s storm water permit which requires updates to city ordinances to memorialize the requirements included in the city storm water management plan; and,

WHEREAS, the West Bountiful Planning Commission held a properly noticed Public Hearing on September 13, 2016, on the proposed changes, and unanimously voted to recommend the City Council adopt the language proposed in Exhibit A.

WHEREAS, the West Bountiful City Council finds the public interest is best served by adopting modifications based on the operating permit issued by the Utah Division of Environmental Quality and the City’s Storm Water Management Plan.

***NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT
CHAPTER 13.30 OF THE WEST BOUNTIFUL MUNICIPAL CODE BE MODIFIED AS
SHOWN ON THE ATTACHED EXHIBIT A.***

This ordinance will become effective upon signing and posting.

Adopted this 20th day of September, 2016.

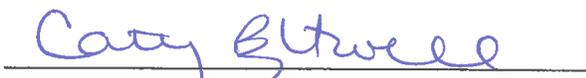
By:


Ken Romney, Mayor

Voting by the City Council:

| | <u>Aye</u> | <u>Nay</u> |
|------------------------|-------------------------------------|--------------------------|
| Councilmember Ahlstrom | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Bruhn | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Enquist | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Preece | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Williams | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Attest:


Cathy Brightwell, City Recorder



Chapter 13.30 Storm Water Management

13.30.010 Purpose

13.30.020 Definitions

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13.30.010 Purpose

The purpose of this chapter is to establish policies, rules, and regulations regarding the City's storm drain system and for the control, management, discharge, removal, and prevention of pollutants entering the City's storm drain system. It is further the purpose of this chapter to protect the health, safety and welfare of West Bountiful City, its inhabitants, and the environment by improving the City's storm drain system, managing and controlling storm water run-off, protecting property, and preventing polluted water from entering the City's storm drain system and other receiving waters to the maximum extent practicable as required by Federal and State law.

This chapter is intended to comply with the regulations and requirements of the Utah Pollution Discharge Elimination System (UPDES) program.

13.30.020 Definitions

For the purpose of this chapter, the following definitions shall apply:

“BMPs” (Best Management Practices) include schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control site run-off spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Channel”—A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

“Construction Activity”—Any land disturbance or activities such as clearing, grubbing, grading, excavating, building, and demolition.

“Contaminant”— Any physical, chemical, biological, or radiological substance or matter in water that is, could become, or contribute to the degradation of the water’s quality.

“Conveyance Facilities”—Any gutter, channel, ditch or pipe for collecting and directing the storm water.

“Detention”—The process of collecting water from an area and releasing it at a slower rate than it enters the collection system. The excess of inflow over outflow is temporarily stored in a pond, basin or a vault and is typically released over a few hours or a few days.

“Discharge”— The release of storm water or other substance from a conveyance system or storage container.

“Equivalent Residential Unit” (ERU) is equal to 4,460 square feet of impervious surface area. This is based on a single-family residential parcel, which has an average of 4,460 square feet of impervious surface.

“Final Stabilization” All soil disturbing activities at the site that has been completed, and that a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of sod, riprap, gabions, or geotextiles) have been employed.

“Hazardous Waste”—A by-product of society that can pose a substantial or potential hazard to human health or the environment when improperly managed, possesses at least one of four characteristics (flammable, corrosive, reactive, or toxic), or is designated as such by the Environmental Protection Agency.

“Illegal Discharge”— Any direct or indirect non-storm water discharge to the storm drain system except discharges from fire fighting activities and other discharges exempted in this chapter.

“Illicit Connection”— Any physical connection to a publicly maintained storm drain system allowing discharge of non-storm water which has not been permitted by the public entity responsible for the operation and maintenance of the system.

“Impervious Surface”— A parcel’s hard surface area that causes water to run off its surface in quantities or speeds greater than under natural vegetative covered conditions. Examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots, storage areas and compacted gravel surfaces.

“Low Impact Development” (LID)— LID practices seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from impervious surfaces or semi-impervious surfaces to the maximum extent practical to provide treatment for both water quality and quantity. Examples of

LID practices include rainwater harvesting, vegetated swales, pervious pavements, groundwater infiltration and other design measures that reduce storm water runoff and improve water quality.

“Notice of Violation” (NOV)—Whenever the City finds that a person is not in compliance with this chapter, the City may give the person a written NOV, which may order compliance. Requirements in this notice are at the discretion of the City Engineer and Storm Water Official, and may include monitoring, payment to cover costs relating to the non-compliance, and/or the implementation of BMPs.

“NPDES” (National Pollutant Discharge Elimination System)—EPA's program to control the discharge of pollutants into waters of the United States, as defined by 40 CFR § 122.2.

“Pollutant”— Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; sand, dirt, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Receiving Waters”—Bodies of water or surface water systems receiving water from upstream constructed or natural systems.

“Run-Off”— That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water. Run-off can carry pollutants from the air and land into the receiving waters.

“Single-Family Residential Parcel”— Any parcel of land containing a single-family dwelling unit.

“Storm Drain”— A closed conduit for conducting storm water that has been collected by inlets or other means.

“Storm Drain System or Storm Sewer System”— The City’s storm drain system comprised of storm and subsurface water facilities, improvements, streets, gutters, drains, swales, detention basins, or property for purposes of managing and controlling storm or subsurface water.

“Storm Water”— Water produced by storms, surface drainage, snow and ice melt, and other water handled by or introduced into the storm sewer system.

“Storm Sewer Utility” or “Utility”— The utility created by ordinance to operate, maintain, and improve the storm sewer facilities and programs of West Bountiful City.

“Storm Water Management Plan”—The drawings and other documents that comprise the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels using LID and other BMPs.

“Storm Water Official”— A City employee or employees designated to administer and enforce this chapter.

“Storm Water Pollution Prevention Plan” (SWPPP)— A document which describes the BMPs and activities to be implemented by a person or entity to identify sources of pollution or

contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters.

“Structural BMPs”— Devices that are constructed to control storm water runoff.

“Utah Pollutant Discharge Elimination System” (UPDES)— The provisions of the Federal Clean Water Act (33 U.S.C. § 1251 *et seq.*), administered by the State of Utah, Division of Water Quality, through either a general permit or a co-permit.

“UPDES Permit”— An authorization, license, or equivalent control document issued by the State of Utah to implement the requirements of the NPDES and UPDES program.

“Waters of the United States”— Surface watercourses and water bodies as defined in 40 CFR §122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may carry water only during rains and storms and may not carry storm water at all times and seasons.

13.30.030 Utility Facilities and Asset Operations and Maintenance

The Utility shall operate, maintain, and improve all facilities that comprise and make up the storm sewer system beginning at a point where the storm water enters the storm sewer system and ending at a point where the storm water exits to a County-owned channel or facility, or where the storm water exits to water of the State of Utah or waters of the United States. The Utility does not maintain government owned streets, pipes, channels, facilities operated by the County, State of Utah or other governmental agencies.

13.30.040 Service Fee Rates

Services Fees - Monthly storm sewer service fees for residential and commercial developments shall be set from time to time by resolution of the City Council.

1. The fee shall be imposed on each developed parcel of real property within the City, with the exception of public school parcels, public and quasi-public buildings, and government-owned streets. Industries and applications that have a qualifying Phase I NPDES discharge permit may be eligible for a rate reduction.
2. Single-family residential parcels shall each be considered one ERU regardless of the development zone designation or the amount of impervious surface.
3. The ERU for other land uses shall be computed by dividing the total square footage of impervious surface by the residential ERU of 4,460, rounded to the nearest whole number.

13.30.050 Billing for Utility Service

Service fees shall be paid as provided in Chapter 13.04.090 of the City Code.

13.30.060 Approved Discharge to the Storm Sewer System

The only substance that may be discharged into the City’s storm sewer system is storm water from surface drainage, subsurface drainage, groundwater, roof drainage, and non-polluted cooling water. Such water may be discharged only into systems with adequate capacity to accommodate such water as determined by the City Engineer. Such water shall comply with quality standards of this chapter.

13.30.070 City Storm Water Management and Permit

A. Storm Water Permit

Except as otherwise exempted under Section 13.30.070.B., any person or entity proposing to disturb one (1) acre or more of ground in connection with any development, land disturbance, or construction activity within the City or any person or entity proposing to disturb less than one (1) acre of ground which is part of a larger common plan of development that disturbs one (1) acre or more of ground shall be required to obtain a Storm Water Permit from the City. Such permit must be obtained prior to or in conjunction with the issuance of any permit or approval for demolition, excavation, land disturbance, building, site plan, land use or subdivision or any development or construction activity within the City.

B. Exemptions

A Storm Water Permit is not required for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
2. Existing nursery and agricultural operations legally conducted as a permitted main or accessory use.
3. A development, land disturbance or construction activity which disturbs less than one (1) acre. However, such activity remains subject to the requirements outlined in this chapter, the applicable BMPs, and the City's Storm Water Management Plan.

C. Storm Water Pollution Prevention Plan

A City Storm Water Pollution Prevention Plan (City SWPPP) shall be required with all permit applications. The applicant shall include in the City SWPPP sufficient information, such as maps, hydrologic calculations, soil reports, erosion and sediment control plans, to evaluate the environmental characteristics of the project site, the potential impacts, both present and future, on the water resources of all proposed development of the site, and the effectiveness and acceptability of the structural and/or non-structural BMPs proposed for managing storm water generated at the site. The City SWPPP shall include a landscaping plan indentifying the proposed long-term storm water BMPs. The intent of the City SWPPP review is to determine the type of storm water BMPs necessary for the proposed project and to ensure adequate planning for the operation, management, and maintenance of the BMPs.

1. For development, redevelopment or construction activities occurring on a previously developed site, an applicant shall be required to include within the City SWPPP BMPs for controlling existing storm water run-off discharges from the site in accordance with the standards of this chapter to the maximum extent practicable.
2. For developments, projects or construction activities involving a residential, commercial or industrial subdivision, the applicant shall be required to include with the City SWPPP individual lot development standards and recommended BMPs for home or building construction activities within the subdivision.
3. For developments, projects or construction activities requiring a State UPDES Permit and SWPPP, applicants may submit the SWPPP submitted to the State for purposes of the

City SWPPP; provided, the City reserves the right to require additional information or conditions in accordance with the provisions of this chapter.

4. For individual lot developments, projects or construction activities within a subdivision previously approved under the terms and conditions of this chapter, including issuance of a City Storm Water Permit and City SWPPP, the applicant may submit the City SWPPP submitted for the previously approved subdivision; provided, the City reserves the right to require additional information or conditions in accordance with the provisions of this chapter.
5. The Storm Water Official may waive any City SWPPP requirements set forth herein in conjunction with the issuance of a Storm Water Permit for any building permit or individual lot development or construction activity which is not subject to the Federal EPA requirements to obtain a City Storm Water Permit. In determining whether to grant a waiver of any of the City SWPPP requirements, the Storm Water Official shall consider the following with respect to the property and circumstances associated with the same: topography, vegetation, wetlands, steep slopes, sensitive areas, high water table, proximity to water channels, creeks, well or riparian areas, and existing construction and infrastructure.

D. Permit Review and Approval

1. City Storm Water Permit Application

An application for a Storm Water Permit shall be submitted to the Storm Water Official. All applications for a Storm Water Permit shall contain the following information and/or documents:

- a. The name, address and contact information of the owner of the site, the developer of the site, contractors working at the site, and any consulting firm retained by the applicant with respect to the site;
- b. The proposed starting date and estimated completion date for the proposed work and/or construction activity;
- c. A City Storm Water Pollution Prevention Plan for the subject property and the proposed construction activities, prepared in accordance with the requirements of this chapter;
- d. A copy of any UPDES Permit issued by the State and a copy of the Storm Water Pollution Prevention Plan submitted in conjunction with the UPDES Permit for the subject property and the proposed construction activities, as applicable;
- e. The required storm water pollution prevention review and application fee as set forth in the City's fee schedule.

2. Permit Review and Approval

The City Storm Water Official shall review all Storm Water Permit applications and City SWPPPs for compliance with the provisions of this chapter. In the event the Storm Water Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the requirements of this chapter, the City may require additional information or impose additional conditions and requirements on the proposed construction activities to the extent necessary to bring the application and/or plan into compliance with the terms and purposes of this chapter. Failure to comply with the terms and conditions of this chapter shall be grounds for denial of the Storm Water Permit for any development, land use, subdivision or land disturbance permit or approval. No construction activity, land

use or land disturbance activity shall occur on the subject property until a Storm Water Permit is approved.

3. Access and Inspection.

The applicant grants the city access to the property as a condition of the city accepting the Storm Water Permit application for the purpose of confirming the information included in the application, inspecting pre-construction BMPs, and conducting construction and post-construction inspections.

E. Bond

The applicant shall provide a bond in the amount deemed sufficient by the City to cover costs and required performance under the terms and conditions of an approved Storm Water Permit, including compliance with the terms and conditions of this chapter.

F. Permit Not Transferrable or Assignable

Storm Water Permits shall not be transferable or assignable and work shall not be performed in any place other than that specified in the permit. Nothing contained herein shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work, and for all bonding, insurance and other requirements of this chapter.

G. Permit Kept On-Site

The approved Storm Water Permit, SWPPP, and all related documents and plans shall be kept on-site at the project.

H Inspections

Field inspections may occur during and post-construction to verify BMPs are properly constructed and maintained. Field inspections for compliance with this chapter and any permits issued hereunder may be conducted by the Storm Water Official, the City Building Inspector, or other designated agents of the City.

I. As-Built Plans

In addition to complying with all other legal requirements, all permittees subject to the terms and conditions of this chapter are required to submit actual as-built plans for all permanent storm water BMPs and facilities after final construction is completed. As-built plans must show the final design specifications for all storm water BMP facilities. If the permanent BMPs are different from the BMPs approved as part of a permit, the as-built design must be certified by a licensed professional engineer. A final inspection by the Storm Water Official is required before release of any bond can occur.

J. Notice of Termination (NOT)

1. Operators wishing to terminate coverage under the City Storm Water Permit must submit a notice of termination (NOT) to the City Storm Water Official.

2. A permittee may not submit a NOT without final stabilization unless another party, as approved by the City, has agreed to assume responsibility for final stabilization of the site. Appropriate enforcement action may be taken for permit violations where a permittee submits a NOT but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization.

13.30.080 Storm Water Design Criteria

A. Site Design

Storm water BMPs for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered are:

1. Topography;
2. Maximum drainage area;
3. Depth to water table;
4. Removal of suspended sediment;
5. Soils;
6. Slopes;
7. Pass through storm water flow rate; and
8. Location in relation to environmentally sensitive features.

B. Conveyance Facilities

All storm water BMPs shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but is not limited to:

1. Maximizing of flow paths from inflow points to outflow points;
2. Protection of inlet and outfall structures.
3. Elimination of erosive flow velocities; and
4. Providing of under drain systems, where applicable.

Infrastructure Sizing. Underground storm drain pipes shall be sized to accommodate the following runoff flow rates:

1. Typical storm drains shall be designed for a 25-year storm event.
2. Storm drains in streets where storm water collects in a low point eight (8") inches deep or more (sag location) shall be designed for a 50-year storm event.
3. Storm water detention facilities will be designed to accommodate runoff from a 100-year, 3-hour storm event using the City-adopted unit hydrograph.
4. The overall storm drain system design must adequately convey the runoff from a 100-year storm event into the detention area.

C. Hydrology Methodology

Hydrologic design calculations for the post-development condition shall be submitted as part of any land disturbance application. Calculations are to be based on the Short Duration Storm Intensity rates adopted by the City together with a modified Farmer-Fletcher unit hydrograph. The calculations should be based on one of the following:

1. Rational Method;
2. National Resources Conservation Service (NRCS or SCS) method; or
3. Other methodology approved by the City Engineer.

D. Long-Term Storm Water Development Requirements

1. All site designs shall establish storm water BMPs to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water run-off from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
2. No storm water run-off generated from new development shall be discharged directly into a jurisdictional wetland or local water body without adequate treatment. All site designs shall establish storm water BMPs to minimize, to the maximum extent practicable, sediment, debris and all other pollutants from entering the storm drain system during all phases of construction. The owner, developer, contractor and their authorized agents shall be jointly and severally responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the storm drain system and storm water appurtenances as a result of site development.
3. All site designs shall establish storm water BMPs to minimize soil erosion to the maximum extent practicable. Any earth disturbance shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation. All earth disturbances shall be designed, constructed, and completed so as to minimize the time in which any area of any disturbed land is exposed (that is, without soil erosion control). Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final grading, or final earth disturbance, has been completed. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.
4. Storm water designs shall contain provisions to retain storm water run-off from the ninetieth (90th) percentile as measured at the Salt Lake International Airport or six tenths (0.6") of an inch of rainwater as required by the City's NPDES permit.
5. Storm water designs shall contain provisions to detain storm water run-off from the 100-year, 3-hour storm event with an allowable release rate of 0.2 cubic feet per second (CFS) per acre. This design requirement is to be incorporated with the requirement to retain the 90th percentile storm event.
6. Low Impact Development (LID). The City encourages the use of Low Impact Development (LID) practices such as rainwater harvesting, permeable pavements and grass swales. If an LID approach is not utilized, the applicant must submit a written explanation and the rationale for any alternative controls selected.

E. Post Construction

Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the City Engineer. The following criteria shall apply to re-vegetation efforts:

1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until plantings are established and are capable of controlling erosion.
3. Any area of re-vegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the full year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival rate for one (1) year is achieved.

F. Maintenance Agreements

The Property Owner to be served by an on-site storm water management facility must execute a maintenance agreement for the storm water facility and record the agreement in the office of the Davis County Recorder. The maintenance agreement shall include the following provisions.

1. **Owner Responsibility.** The Agreement shall identify the property owner upon whose property the facility is located as the responsible party for the maintenance and repair of the storm water facility.
2. **Owner Inspections.** The property owner or qualified designee shall complete annual inspections for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a qualified person as defined by the Utah Division of Water Quality, who will submit a sealed report of the inspection to the City Engineer.

If the responsible party fails or refuses to meet the requirements of the maintenance agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing the necessary inspection and/or work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the storm water facility in writing. Upon receipt of that notice, the responsible party shall have thirty (30) days to complete the maintenance and repair of the facility in an approved manner. The City may further assess the owner(s) of the facility for the cost of repair work and penalties as provided in this chapter.

G. Existing Land and Development

Existing developed properties which are proposed for redevelopment shall evaluate the impacts to storm water quantity and quality and comply with storm water design standards the same as new developments. The City encourages the use of Low Impact Development (LID) practices such as rainwater harvesting, grass swales and storm detention. If an LID approach is not utilized, the

applicant must submit a written explanation and the rationale for any alternative controls selected. Cost or self-imposed land constraints are not acceptable rationales for approval of alternative designs.

H. Waivers

Every applicant shall provide for post construction stormwater management as required by this chapter, unless a written request to waive this requirement is filed and approved. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It is demonstrated that the proposed development will not impair attainment of the objectives of this chapter.
2. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City Engineer.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity, acceptable to the City, that is legally obligated to continue the operation and maintenance of the facility.

In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:

1. Deterioration of existing culverts, bridges, dams, or other structures;
2. Degradation of biological functions or habitat;
3. Accelerated stream bank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life, or property.

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a Stormwater Management Plan.

13.30.090 Prohibited Actions

A. Violations to This Chapter

It is unlawful for any person or entity to violate or cause to be violated any of the provisions of this chapter.

B. Dumping

It is unlawful for any person or entity to place or dump or allow to be placed or dumped into any detention basin, storm drain, curb, gutter, drain inlet, or other storm drainage structure that conveys storm water and/or non-storm water, any type of deleterious product, including, but not limited to, debris, dirt, sand, petroleum product, chemical, paint, pesticide, herbicide, heavy

metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.

C. Damage to Facilities

It is unlawful for any person or entity to place or cause to be placed in the easement, channel, bed or bank of any stream, or other natural drain or within or upon any storm drain, flood control channel, reservoir, detention basin, debris basin, spreading ground or other property over which the City has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of flood, storm or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the City.

D. Tracking Mud or Material on Public Street

It is unlawful for any person or entity to track or drop mud, stones, dirt, concrete, gravel, sediment or other similar materials onto public streets by construction or delivery vehicles. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel, sediment or other similar materials or permits the load or any portion thereof to be dropped or deposited upon any public street to immediately remove the same or cause the same to be removed.

It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved public street. Developers, builders and any responsible person shall provide for the cleaning of all construction vehicles on site before the vehicles leave the site. Developers, builders and responsible persons shall be required to bond for protection measure and potential cleanup costs as determined by the Storm Water Official or City Engineer in connection with any City approvals or permits issued for land disturbance or construction activity.

In the event construction traffic causes debris to be dropped or deposited onto public streets in violation of this chapter, developers, builders and any responsible person shall also be responsible and liable for cleaning the public streets. The City will inspect curbs, gutters and streets adjacent to construction projects for compliance with the provisions of this section.

E Concrete Wash Out

It is unlawful for any person or entity to wash out a concrete truck, including windows, tires and the truck exterior, at any construction site other than in pre-approved designated areas or to discharge waste concrete or concrete truck rinse water except into pre-approved discharge facilities. Dumping of excess concrete at any construction site shall not be allowed. It shall be the duty of the driver of the concrete vehicle to wash out his or her concrete truck in pre-approved designated areas.

The driver of the vehicle shall be responsible for cleaning up any concrete or debris deposited on any site in violation of this chapter. Developers, builders and any responsible person shall provide a pre-approved designated area for the cleaning of concrete trucks. Developers, builders and any responsible person shall be required to bond for protection measure and potential cleanup costs as determined by the Storm Water Official or City Engineer in connection with any City approvals or permits issued for land disturbance or construction activity. In the event a concrete truck is

washed out or excess concrete is deposited on any site, the developers, builders and any responsible person shall be responsible for cleaning up the illegally deposited concrete from the site. The City will inspect projects for compliance with the provisions of this section.

F. Stockpiling Materials

It is unlawful for any person or entity to stockpile construction or yard improvement materials or debris in the street, gutter or in any drainage channel (natural or man-made). This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter, stockpiling of topsoil or other fill material, stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the storm drain system. Materials stored on a pallet, in a self-contained storage unit, or by other acceptable means may be pre-approved by the Storm Water Official.

G. Chemical Storage and Use

It is unlawful for any person or entity to use or store chemicals in a manner that causes pollution to the City's storm drain system.

H. Dust Control

Dust control measures shall be implemented on all construction sites where there will be soil disturbances or heavy construction activity, such as clearing, excavation, demolition, or excessive vehicle traffic. Dust control measures include, but are not limited to mulch, sprinkling, vegetative cover, windbreaks, stone, and spray on chemical soil treatments.

I. Obstructions.

1. It is unlawful for any person or entity to obstruct or contribute to the obstruction of the flow of storm water run-off or non-storm water run-off into any detention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey storm water and/or non-storm water run-off, unless the obstruction is authorized in writing by the City.
2. It is unlawful for any person or entity to cause any obstruction that inhibits the normal flow of storm water and/or non-storm water run-off in any curb and gutter, unless the obstruction is associated with a street and/or storm drainage improvement project and is authorized in writing by the City and granted with the issuance of a permit signed by an authorized agent of the City.
3. It is unlawful for any person or entity to cover any drain inlet for any reason or purpose, unless the obstruction is authorized in writing by the City; provided, however, that a drainage system inlet may be temporarily obstructed in emergency situations in order to prevent contaminants from entering the storm drain system.
4. Subsections 1 and 2 of this section shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct drain inlets.

J. Illicit Discharges

1. No person or entity shall discharge or cause to be discharged into the City's storm drain system or watercourses any materials, including pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards.

2. The commencement, conduct or continuance of any illicit discharge to the City's storm drain system is prohibited except as described as follows:
 - a. Water line flushing or other potable water sources;
 - b. Landscape irrigation or lawn watering;
 - c. Approved diverted stream flows;
 - d. Ground water infiltration to storm drains;
 - e. Uncontaminated pumped ground water;
 - f. Air conditioning condensation;
 - g. Natural riparian habitat or wetland flows;
 - h. Fire fighting activities;
 - i. Swimming pools (only if de-chlorinated in accordance with Federal regulations to less than 0.4 PPM chlorine);
 - j. Springs; or
 - k. Discharges specified in writing by the Storm Water Official as being necessary to protect public health and safety.
3. The prohibitions set forth in this Section shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that the City has granted written approval for any discharge to the storm drain system.
4. The prohibitions set forth in this chapter expressly include, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the storm drain system.
5. No person or entity shall install drainage outlets into curbsides unless approved by the City Engineer or Storm Water Official. Approval shall be granted in limited circumstances and must be based on a showing of good cause.

K. Residential Drainage Restrictions

No person or entity shall connect roof drains to the subsurface drainage system. Run-off from roof drains should be directed to a lawn or a flower bed.

13.30.100 Enforcement and Penalties

A. Notice of Violation (NOV)

Whenever the Storm Water Official or City Engineer finds that any permittee or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the Storm Water Official or the City Engineer may serve upon the responsible party a written NOV.

The responsible party must submit a plan for the satisfactory correction of the violation and prevention of future violations within the time frame specified in the NOV, not to exceed ten (10) days. The plan shall include any specific required actions and shall be submitted to the City Engineer. Submission of the plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV.

B. Consent Orders

The Storm Water Official and City Engineer are empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as other orders in this chapter.

C. Stop Work Order

When the Storm Water Official or City Engineer finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith; or
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting or terminating all operations.

D. Penalties

Any person who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action from the City, shall be guilty of a Class C Misdemeanor. Each day of violation shall constitute a separate violation.

In addition to any criminal penalties, each violation may also subject the violator to civil penalties of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) per day for each day of violation.

Measuring Civil Penalties. The following factors may be considered in assessing a civil penalty:

1. The harm done to the public or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
3. The economic benefit gained by the violator;
4. The amount of effort put forth by the violator to remedy the violation;
5. Any unusual or extraordinary enforcement costs incurred by the City; and
6. The amount of penalty established by ordinance or resolution for specific categories of violations;

E. Damages

In addition to the civil penalty above, the City may recover:

1. All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this chapter.

2. The costs of the City's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter.

F. Legal Action

The City may bring legal action, including to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such action. The City is entitled to recover its attorney's fees incurred in enforcing the provisions of this chapter.

G. Remedies Cumulative

The remedies set forth in this chapter shall be cumulative, and not exclusive.

H. Civil Fine Pass-Through Recovery

In the event a non-residential user discharges water into the storm sewer system that causes the City to violate any conditions of its state or federal storm water discharge obligations and the City is fined by the State of Utah or EPA for such violation, then such non-residential user shall be fully liable for the total amount of the fines and civil penalties assessed against the city, together with all administrative costs incurred, including attorney's fees.

I. Conflicting Standards

Whenever there is a conflict between any standard contained in this chapter, the BMP Manual, or any other applicable regulation or permit requirement, the strictest standard shall prevail.

J. Appeals

Except as otherwise specifically provided herein, any person aggrieved by a final decision of the public works director, Storm Water Official or City Engineer interpreting or administering the provisions of this chapter may appeal such decision to the City Council in accordance with Chapter 2.64 of the Municipal Code.