

## ORDINANCE 2025-11

### AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING CITY CODE TITLE 8 CHAPTER 6 STORM WATER

**WHEREAS**, the Division of Water Quality performed an audit and is requiring changes to the city storm water code; and

**WHEREAS**, South Weber as a subdivision of the state wishes to be in full compliance with all state codes;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Amendment:** South Weber City Code Title 8 Chapter 6 Storm Water shall now read as attached in **Exhibit 1**.

**Section 2. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 20<sup>th</sup> day of May 2025.

  
**MAYOR: Rod Westbrook**

  
**ATTEST:** City Recorder Lisa Smith

Roll call vote is as follows:

Council Member Halverson	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Dills	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Davis	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST

**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2025-11 was passed and adopted the 20th day of 2025 and that complete copies of the ordinance were posted in the following locations within the City this 21st day of 2025.

1. South Weber City Building, 1600 E. South Weber Drive
2. City Website [www.southwebercity.com](http://www.southwebercity.com)
3. Utah Public Notice Website [Utah.gov/pmn](http://Utah.gov/pmn)

*Lisa Smith*

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**Lisa Smith, City Recorder**

# ORD 2025-11 Exhibit 1

## CHAPTER 6 STORM WATER REGULATIONS

### 8.6 STORM WATER REGULATIONS

#### 8.6.1 Purpose and Findings

- A. **Purpose.** The purpose of the storm water regulations set forth in the municipal code is to comply with Phase II of the Clean Water Act (Act) and the applicable regulations of the Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality (DEQ).
- B. **Findings.** The City Council makes the following findings regarding storm water:
1. **Facilities.** The City operates a storm water system consisting of a network of man-made and natural facilities, structures and conduits, that collect and route storm water runoff.
  2. **Endangerment.** Uncontrolled or inadequately controlled storm water runoff endangers public health and safety by causing, among other things: flooding, pollution, property damage, erosion, traffic and emergency response interruption, and impacts the ground water supply.
  3. **Pollution.** Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials, and other undesirable materials that can damage the integrity of ground waters and receiving waters, including the culinary water supply.
  4. **Impervious Surfaces.** Developed properties in the City contribute to the storm water system by converting natural ground cover into impervious surfaces.
  5. **Maintenance.** Developed properties in the City make use of and benefit from the City's operation and maintenance of the storm water system.
  6. **Regulations.** The Act, EPA, DEQ, and applicable rules mandate storm water regulations that apply to the City and otherwise.
  7. **Operation.** Effective maintenance, operation, regulation, and control of the storm water system is necessary for the health, safety, and general welfare of the City, its residents, and its businesses.

#### 8.6.2 Applicability

The storm water regulations in the municipal code apply to all developments of one (1) or more acres of land, or any part of a common development plan regardless of the size of any of the individually owned or developed sites.

### 8.6.3 Definitions

The following words and phrases shall be defined in the municipal code relating to storm water as follows:

- A. **“Applicant”** means a person that applies for an authorization to discharge under a construction storm water permit to conduct or propose to conduct a use of land for a construction site.
- B. **“Best Management Practices or BMPs”** means a 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 BMP’s and their effectiveness ratings can be found in the most current version of the Storm Water Management Plan adopted by the city or as otherwise provided.
- C. **“City”** means the geographical boundaries of South Weber City, Utah, and also refers to the classification of the jurisdictional area within a municipal separate storm sewer system (MS4).
- D. **“Common Development Plan”** means development that is contiguous to an area where multiple separate distinct construction activities may be taking place at different times or different schedules under an overall plan. For example, if a developer buys a large parcel and subdivides lots, builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures, this would be considered a common development plan. If the land is parceled off or sold, and construction occurs on plots that are less than one (1) acre by separate, independent builders, this activity still would be subject to storm water permitting requirements. The common development plan also applies to other types of land development such as industrial or business parks.
- E. **“Debris”** means any dirt, rock, sand, vegetation, trash, junk, or litter.
- F. **“Detention Basin”** means an area designed to detain peak flows from storm water runoff and to regulate release rates of that water into the storm drainage system, also allowing debris to settle out. Detention basin outlets may also be connected to downstream storm drains. Flows entering detention basins are released via outlet piping.
  - 1. Regional Detention Basins mean large detention basins owned and maintained by the City.
  - 2. Local Detention Basins mean smaller basins typically in a development or subdivision that is constructed by the development or subdivision which, following construction and acceptance, the ownership, operation, and maintenance may either be conveyed and maintained by the City, association, or private owner(s) as determined by the City.

- G. **“Development”** means any man-made change to improved or unimproved real estate of any parcel to alter it from its natural condition by site preparation, grading, filling, and/or the construction of improvements or other impervious surfaces. It also includes a site plan, building permit, subdivision, or construction of facilities, buildings, or other structures.
- H. **“Director”** means the person designated by the City to enforce storm water regulations.
- I. **“Disturb”** means to alter the physical condition, natural terrain, or vegetation of land by clearing, grubbing, grading, excavating, filling, building, or other construction activity.
- J. **“Drain Inlet”** means a point of entry into a sump, detention basin, or storm drain system.
- K. **“Source Protection Zone”** means an area that is protected as a source of culinary or drinking water determined by geo-hydrology and designed to protect groundwater aquifers and well from development or pollution.
- L. **“Equivalent Residential Unit or ERU”** means the average amount of impervious surface, expressed in square feet, on developed single family residential parcels in the City. One ERU equals 2,800 square feet of impervious surface area.
- M. **“Hazardous Material”** means 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.
- N. **“Illicit Connection”** means an unlawful connection of:
1. Any drain or conveyance, whether on the surface or subsurface, which may allow an illicit discharge to enter the storm drain system. Examples include, but are not limited to:
    - a. Any conveyance which allows non storm water discharge such as sewage, processed wastewater, or any other wastewater (black or grey) to enter the storm drain system.
    - b. 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.
  2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been:
    - a. Documented as part of approved plans, maps, or equivalent records of the City.

- b. Otherwise approved in writing by the City.
- O. **“Illicit Discharge”** means any non-storm water discharge to the storm water system. Illicit discharges include both:
- 1. Direct connections, including but not limited to: wastewater piping either mistakenly or deliberately connected to the storm water system.
  - 2. Indirect connections, including but not limited to: infiltration into the storm water system or spills collected by drain inlets.
- P. **“Immediate Threat”** means a situation where pollutant discharge to state waters is already occurring. This refers to a present and active risk that requires immediate attention to prevent or mitigate further contamination.
- Q. **“Imminent Threat”** means a situation that poses a high likelihood of pollutant discharge to state waters within forty-eight (48) hours if corrective actions are not taken. This refers to conditions that suggest a serious risk is developing but has not yet resulted in an actual discharge.
- R. **“Impervious Surface”** means any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rate of flow than the natural surface. Such impervious surfaces include, but are not limited to: roofs, concrete, asphalt, and similar improvements that prevent or impede the natural absorption of water into the soil.
- S. **“Municipal Separate Storm Sewer System or MS4”** means a conveyance or system of conveyances including: road drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.
- T. **“Person”** means any individual, corporation, partnership, association, company, or political body, including any agency of the State of Utah and the United States government.
- U. **“Pollutant”** means 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, solvents; oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, trash, garbage, litter, or other discarded or abandoned objects, articles; and accumulations, that may cause or contribute to pollution such as 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 resonates); and noxious or offensive matter of any kind.

- V. **“Redevelopment”** means alterations of a property that change the impervious surface on the site more than ten (10) percent.
- W. **“Retention Basin”** means a ground depression area designed to retain flows from storm water runoff, to encourage infiltration into surrounding sub surface soils, and may include overflow piping. A retention basin allows debris to settle from the storm water discharge and must be periodically cleaned and dredged.
- X. **“Sanitary Sewer Overflow or SSOs”** means a discharge of untreated sanitary wastewater or SSOs.
- Y. **“Storm Drain”** means a closed conduit for conducting collected storm water.
- Z. **“Storm Water”** means 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.
- AA. **“Storm Water Construction Activity Plan”** means a plan approved by the City before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape in the City of one (1) acre or more, or any part of a common development plan. This plan approval is required in conjunction with a SWPPP.
- BB. **“Storm Water Program”** means the overall approach by the City in administering, funding, creating and implementing policies that support the objectives of The Act, EPA, and DEQ relating to storm water management in conjunction with the ongoing maintenance and operation of the storm water system.
- CC. **“Storm Water Pollution Prevention Plan or SWPPP”** means the required plan as approved by DEQ and the City before any construction activity occurs as part of a development.
- DD. **“Storm Water System”** means the system of conveyances including, but not limited to: sidewalks, road drainage systems, catch basins, detention basins, curbs, gutters, ditches, man made channels, sumps, and storm drains generally owned and operated by the City or its designee, designed and used for collecting or conveying storm water. The storm water system is also referred to as MS4.
- EE. **“Storm Water Run-off”** means water generated by storm water flows over land.
- FF. **“Sump”** means a City approved formalized underground structure, surrounded by drain rock, that is used in rare special conditions to collect storm water, which allows the slow release of water into the surrounding sub soil.
- GG. **“Violation”** means failure to implement or maintain preferred best management practices (See Also Utah Code 19-5-108.3).

#### 8.6.4 Prohibited Obstructions

A. **Unlawful Obstructions.** It is unlawful for any person to:

1. Obstruct the flow of water in the storm water system.
2. Contribute to the obstruction of the flow of water in the storm water system.
3. Cover or obstruct any drain inlet.

B. **Exemptions.** The following obstructions are exempt:

1. Street and/or storm water improvement projects authorized by the City.
2. Flood control and prevention activities performed by the City.
3. Obstructions approved by the City and/or state as part of a SWPPP.
4. Obstructions occurring during clean up periods established by the City.

#### 8.6.5 Prohibited Discharges

A. **Unlawful Discharges.** It is unlawful for any person to discharge non storm water discharges to the MS4 including spills, illicit connections, illegal dumping, and SSOs into the storm sewer system. All SSOs must be reported to the Division of Water Quality and to the MS4s local wastewater treatment facility.

B. **Exemption.** The following discharges are exempt, unless the City identifies these discharges as significant sources of pollutants to waters of the State or as causing or contributing to a violation of water quality standards:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensate;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn water runoff;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;



17. Dechlorinated swimming pool discharges;
18. Residual street wash water;
19. Dechlorinated water reservoir discharges; and
20. Discharges or flows from emergency firefighting activity.

#### **8.6.6 Prohibited Storage and Debris**

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 may result in the discharge of the pollutant or hazardous material to the storm water system.

#### **8.6.7 Best Management Practices**

Any person connecting to the storm water system, developing a parcel of one (1) acre or more, or developing a common development plan shall employ the appropriate BMPs as adopted by the City. The BMPs may be structural and/or nonstructural, depending on the needs of the site. The BMPs employed shall be designed to ensure that the quality and quantity of storm water released to the storm water system meets the requirements of applicable law and the City's NPDES permit. Design shall ensure that the development shall not exceed the designed capacity of the storm water system or jeopardize the integrity of the storm water system.

#### **8.6.8 Authority to Enter or Inspect**

- A. **Access.** The director may enter all private properties for the purposes of inspecting, observing, measuring, sampling, repairing, or maintaining any portion of the storm water facilities lying within an actual or prescriptive easement. The director shall perform other duties necessary for the proper operation of the storm water system. All entry and maintenance shall be completed according to any special terms of any easement.
- B. **Inspections.** Whenever necessary to make an inspection to enforce any provision of the municipal code, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of the municipal code, the City may direct its qualified personnel to enter the premises at all reasonable times to inspect, detect, investigate, eliminate, and enforce any suspected non storm water discharges, including illicit discharges, illegal dumping, or other violation. During the same time the City may inspect and collect records related to storm water compliance.
- C. **Refusal.** In the event an 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.
- D. **Access.** The access for the City to inspect storm water control measures on private property that is vested under this section and includes both construction phase and post construction access. Upon approval of the director, the City may allow the owner/operators or a qualified third party to conduct maintenance so long as:

1. At least annual certification, in the form of inspection documentation which has been performed, is provided to the City.
  2. The structural controls are adequately operating and maintained as such were designed to protect water quality as provided in the original maintenance agreement and plans submitted upon vesting and approval of the site.
  3. A maintenance agreement is required on private property that is vested after the effective date of this Chapter and includes both construction phase and post construction access and where owner/operators or a qualified third party to conduct maintenance as provided herein. Said maintenance agreement shall be promulgated in the form and manner as determined by the Director so long as the agreement includes at a minimum:
    - a. Allows the City oversight authority of the storm water measures.
    - b. A provision that the agreement acts as a covenant that runs with the land.
    - c. Allows the City to inspect and perform necessary maintenance or corrective actions neglected by the owner/operators or the qualified third party.
    - d. Allows the City to recoup the costs from the owner/operator as necessary to cover the expenses for necessary actions conducted by the City.
- E. **Interpretation.** The City interprets this regulation as secondary and subservient to the United States Constitution and the Utah State Constitution as applied to property rights, land use, development, and similar rights. Specifically, the intent of this regulation is not to be applied to violate vested property rights nor to be a physical invasion of property rights as determined by the United States Supreme Court in *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). The City recognizes that the United States Supreme Court interprets property right in conjunction with the laws and constitutions of each state. Therefore, Utah law also plays an important role in defining property rights. For the purpose of determining when a property right is vested the City shall continue to apply the Utah Supreme Court ruling in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (1980), that states a property owner is vested to follow the City regulations in effect at the time a land use application is filed. Furthermore, where there is vagueness in any land use regulation, including the storm water regulations, it shall be interpreted in favor of the property owner.

#### **8.6.9 Requirement to Monitor and Analyze**

If a test or inspection by the City, its designee, or other authorized agency indicates that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm water system or waters of the United States, and if the violation continues after notice of the same, the City or other authorized agency may require any person engaged in the illicit activity and/or the owner of operator of the site to provide, at their own expense, monitoring and analyses as required by the City or other applicable agency to ensure compliance with the municipal code.

#### **8.6.10 Damage System**

Any person who damages any portion of the storm water system or any irrigation system shall be responsible for repairing the damage. The damage shall be repaired by a licensed contractor and, where applicable, be repaired in accordance with the current adopted Public Works Standards for Development, Design, & Construction adopted by the City. It is unlawful to remove or alter any portion of the storm water system or irrigation system without permission from the director or owner of the irrigation system.

#### **8.6.11 Authorized Access**

It is unlawful for any person to open any storm water access hole, grate, lid, cover, inlet, head gate, valve, pipe or other otherwise access any storm water facility without express permission from the director.

#### **8.6.12 Wetlands and Permits**

Any development that may affect any wetland or potential wetland, regardless of whether such wetlands are identified or unidentified, shall provide to the City an accurate wetland delineation that has been completed within the past eighteen (18) months prior to City approval of the development. Any delineated wetland shall be accurately shown on all construction plans and any plat map relating to the development. Prior to issuance of any building permit, the developer shall accurately stake and install appropriate BMPs all on site delineated wetlands and shall maintain such until the notice of termination has been completed. The developer shall also provide to the City a copy of the EPA wetlands 404 permit, stream alteration permit, regulator letters, and other related permit or regulator documents required by any regulatory agency relating to the development.

#### **8.6.13 Federal and State Compliance**

Nothing in the storm water regulations shall be interpreted to relieve any person from an obligation to comply with an applicable federal, state, or local law.

#### **8.6.14 Violation and Enforcement**

Where a person has violated the municipal code storm water regulations the following procedure applies:

- A. **First Notice of Violation.** A written notice of violation shall be issued to the Contractor or Property Owner and documented in the City records by the Director who issued the warning. The notice should include an explanation / identification of each specific violation, associated reference from the Permit and a deadline to correct each violation.
  1. **Correction Period.** The City shall give no sooner than one (1) business day for immediate threats to water quality and no longer than seven (7) calendar days for imminent threats for the violation(s) to be corrected.

2. **Follow-Up Inspection.** A follow-up inspection shall be conducted following the correction period. The City shall provide the Contractor or Property Owner written that the violation(s) are either deemed resolved or escalated to a Second Notice of Violation.
- B. Second Notice of Violation.** A written notice of violation shall be issued to the Contractor or Property Owner and documented in the City records by the Director who issued the violation. The notice should include an explanation / identification of each specific violation that remains from the First Notice of Violation, associated reference from the Permit, a deadline to correct each violation, and warning that a fine can be issued if the violation(s) are not corrected within the new timeframe specified.
1. **Correction Period.** The City shall give no sooner than twenty-four (24) hours for immediate threats to water quality and no longer than seven (7) calendar days for imminent threats for the violation(s) to be corrected.
  2. **Follow-Up Inspection.** A follow-up inspection shall be conducted following the correction period and the violation either deemed resolved or escalated to a Third Notice of Violation. The City shall provide the Contractor or Property Owner written notice that the violation(s) are either deemed resolved or escalated to a Third Notice of Violation.
- C. Third Notice of Violation.** A written notice shall be issued to the Contractor or Property Owner stating that the previously noticed violation(s) have not been addressed, and fines have now been imposed for each associated violation. The notice should include an explanation / identification of each specific violation that remains from the Second Notice of Violation, associated administrative fine amount for each violation, and timeframe specified for payment and correction.
1. **Correction Period.** The City shall give no sooner than twenty-four (24) hours for immediate threats to water quality and no longer than seven (7) calendar days for imminent threats for the violation(s) to be corrected.
  2. **Follow-Up Inspection.** A follow-up inspection shall be conducted following the correction period and the violation either deemed resolved or escalated to a Third Notice of Violation. The City shall provide the Contractor or Property Owner written that the violation(s) are either deemed resolved or additional fines imposed.
  3. **Administrative Fines.** An administrative fine for each occurrence shall be imposed for each business day that the specific violation continues beginning on the day after the day on which the authority issues the administrative fine; and within thirty (30) days after the day on which the applicant corrects the violation. Fines collected shall be deposited into the City's Storm Water Education and Outreach program.
    - a. Fines shall be as follows:
      1. \$500 per occurrence for working without an approved storm water permit;
      2. \$300 per occurrence for tracking mud on road;

3. \$250 per occurrence for failure to clean up or report spills;
  4. \$100 per occurrence for failure to conduct storm water inspections (only applicable if Contractor has agreed to conduct own inspections);
  5. \$100 per occurrence for failure to maintain storm water records; and
  6. \$500 per occurrence for failure to use general best management practices, as determined by the City.
- b. Fine(s) imposed shall be paid directly to the City within thirty (30) days of issuance.
  - c. Failure to pay fine(s) may result in additional action by the City including, but not limited to, the deduction of the amount of the fine from an existing escrow account, withholding acceptance or final approval, or referral of unpaid fine(s) to City Attorney.
- D. **Stop Work Order.** The City may issue a Stop Work Order if there is clearly documented reason articulating an immediate threat to water quality.

A Stop Work Order may not be issued if the Contractor or Property Owner has selected the preferred best management practice for site conditions and is properly implementing said practice, but a violation results from a deficiency in the preferred best management practice.

E. **Special Cases.**

1. The City can issue a Stop Work Order earlier than in the process described in this Section if the City can document that the violation imposes an immediate and/or imminent threat to water quality.
2. The City can correct a violation for the Contractor or Property Owner and recoup the costs if the Contractor or Property Owner refuses to correct the violation and there is imminent significant harm to water quality or the storm water system.
3. The City cannot issue a Stop Work Order if the violation is a result of a properly installed and maintained BMP per specifications from the preferred BMP list.

### 8.6.15 Storm Water Construction Activity

A. **Design.** All storm water shall be designed and constructed in accordance with the current Public Works Standards. Storm water outfall design and water quality shall meet federal, state, and local discharge requirements.

B. **Construction.**

1. **BMPs.**
  - a. The Storm Water Management Plan contains a listing of BMPs that can be used on a site. BMPs typically fall into the following categories:

1. Perimeter control.
2. Erosion controls.
3. Sediment control.
4. Materials handling and spill prevention.
5. Waste management.
6. Good housekeeping.

b. The application of some BMPs include, but are not limited to:

1. Oil Separators (OWS). Oil Separators shall be required on all sites with parking facilities that exceed two (2) acres, automobile salvage or wrecking areas, or smaller sites anticipating oily discharges such as mechanic shops or similar facilities. Oil separators must be capable of removing particulates down to 150 microns. Possible products include, but are not limited to: BaySaver, Storm Cerptor, Vortechnic. Where oil separators are required, sizing and design of OWS must be reviewed by the City Engineer prior to installation. Consideration must be given to frequency and ease of maintenance of the structure. Basins shall have agreements in place with the City to periodically clean the separator in accordance with the manufacturer's specifications. Manufacturers' recommendations for sizing shall be followed with calculations submitted to the City. The separator may either be installed upstream or downstream of the basin keeping in mind that flows on the outlet of the basin would be smaller.
2. Inlet Protection (IP). The Storm Water Management Plan may allow straw bales, silt fences, or curb snakes (after asphalt is placed). Filter fabric under the grate shall not be permitted since drainage is greatly inhibited.
3. Tracking Pads (CR). Sites must have a tracking pad to eliminate mud from being tracked onto the adjacent street. If mud is tracked, the contractor shall be responsible to sweep the streets as necessary.
4. Surface Sweeping (SC). If mud or dirt is tracked onto a travel surface such as a road or parking area, the developer or owner shall be responsible for sweeping the surface to remove the mud and dirt.
5. Concrete Washout (CWM). A place must be located within the subdivision or on the site for concrete washout. No washout will be permitted on the street which would then continue to the storm drain. The washout area may need to be maintained and temporarily excavated until the building foundations and driveways are constructed, or some other arrangement made.
6. Silt Fences (SF). Silt fences must be installed to prohibit the flow of sediments off the site in accordance with manufacturers recommendations and the Storm Water Management Plan.
7. Notice Sign. All development and subdivisions are required to at least one (1) notice sign that is clearly visible at each entryway to the subdivision indicating that the SWPPP must be obtained and followed. Said notice sign shall be maintained by the original development or subdivision applicant until termination. The specific

wording on the sign relating to storm water, and other related requirements, may be prescribed and modified by the City as needed to meet challenges created by development and to give notice to requirements of law.

- C. Plan Approval Required.** Storm Water Construction Activity Prevention Plan Approval is required in conjunction with the SWPPP before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape within the City that is one (1) acre or more, or any part of a common development plan. Development of a subdivision greater than or equal to one acre in size qualifies under this Section even if each of the individual lots in the subdivision are smaller than one (1) acre.
1. **Process.** Any person or entity desiring a storm water construction activity plan approval must first submit a “Notice of Intent” (NOI) with DEQ. Upon DEQ approval of the NOI, any person desiring a storm water construction activity plan approval must file the SWPPP with the City along with any documentation necessary for the City to calculate the number of ERUs for each parcel upon completion of development.
  2. **Approval.** The storm water construction activity plan is approved and issued in conjunction land use and / or building permit approval. The City may impose conditions in connection with the approval to enforce the activity plan and SWPPP and include specific measures to prevent erosion, unlawful discharge, sediment accumulation, debris removal, and other storm water measures for the construction site.
  3. **Effect.** Unless otherwise revoked or suspended for a violation, a storm water construction activity plan approval is effective for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
    - a. **Termination.** The storm water construction activity plan approval shall be considered terminated after the Applicant notifies the City of completion of the project and a final inspection is performed to verify site stabilization. The permittee shall also verify the site is stabilized and give “Notice of Termination” to DEQ. The Applicant shall keep and maintain all permit required improvements on the site until termination.
    - b. **Amendments.** If the proposed construction activity for a site to which a plan approval pertains is materially altered from the time of approval, an amended storm water construction activity plan and SWPPP shall be submitted for approval.
- D. Storm Water Pollution Prevention Plan.** A SWPPP is required for all sites disturbing one (1) acre or more or any part of a common development plan. The SWPPP shall contain the information required in the general permit and by DEQ. The City may require additions, changes, modifications, and amendments to the SWPPP in order to conform to the Storm Water Management Plan adopted by the City or to remedy deficiencies occurring at the construction site during construction.

- E. Erosion and Sediment Control.** The Applicant of the SWPPP shall install the erosion and sediment control measures required by the approved SWPPP prior to commencing other construction activity on the site. The erosion and sediment control measures shall be properly installed and maintained in accordance with the SWPPP, specifications of a manufacturer, and best practices. The Applicant shall maintain such measures on the site until the City accepts termination.
- F. Inspection and Entry.** The written approval of a Storm Water Activity Plan and SWPPP authorizes the EPA, DEQ, City, or other applicable agency to enter the site and inspect compliance with the Construction Activity Plan and SWPPP. The Applicant shall also make available upon request inspection of storm water records for the construction site.

#### **8.6.16 Connection Permit**

- A. Permit.** A permit is required to make any connection, directly or indirectly, to the storm water system.
- B. Application.** For a person to connect to the storm water system the person must:
  - 1. Submit a completed application form as provided by the City.
  - 2. Incorporate BMPs that meet the requirements of the storm water regulations.
  - 3. Provide a maintenance plan, including any maintenance agreement outlining how the applicant will maintain the storm water improvements listed in the application.
  - 4. The application may be submitted to the City in conjunction with a building permit or subdivision approval, whichever is applicable.
- C. Approval.** The storm water connection permit application shall be reviewed by the City and may be issued, modified, or denied in conjunction with the building permit.
- D. Consideration.** In considering whether to issue a connection permit, the City shall determine:
  - 1. Whether the application is complete.
  - 2. Whether all development fees have been paid.
  - 3. Whether the application complies with all storm water regulations and policies.
  - 4. Whether the application conforms to City storm water system plans.
  - 5. Whether the application incorporates effective BMPs.
  - 6. The potential for the connection to introduce pollutants into the storm drain system.



7. Whether the proposed connection creates a safety hazard.
  8. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.
  9. Whether the proposed connection endangers any ground water or drinking water supply.
  10. Whether the applicant has submitted a maintenance plan and any maintenance agreement ensuring the proper maintenance and upkeep of the applicant's connection and on-site storm water improvements.
- E. **Failure.** Failure to construct or maintain storm water improvements in accordance with an approved storm water connection permit shall be a violation of this Chapter.
- F. **Drawings.** Any person connecting to the storm water system shall provide the "as built" drawings showing the details and the location of the connection along with any location device. The plans shall be provided in a format acceptable to the City.

#### **8.6.17 Exemptions**

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

- A. **Public.** Activities of a public utility or government entity. Activities to remove or alleviate an emergency condition, restore utility service, restore transportation, or otherwise protect public health, safety, and welfare.
- B. **Agriculture.** Bona fide agricultural and farming operations.

#### **8.6.18 Enforcement and Appeals**

Violations, enforcement, and penalties of this Chapter are set forth in Section 8.6.14. An aggrieved person may appeal to the City appeal authority by filing an appeal in writing, stating the facts supporting the appeal, within ten (10) days of the decision being appealed. All appeals shall be handled in accordance with the procedure in the municipal code for the appeal authority. The decision of the appeal authority shall be final.

#### **8.6.19 Violations and Penalties**

Violations, enforcement, and penalties of this Chapter are set forth in Section 8.6.14 and as established in Utah Code 19.5.108, as amended.