

ORDINANCE NO. -2025

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE CHAPTER 155: STORMWATER QUALITY MANAGEMENT; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1. Recitals:

WHEREAS, West Haven City (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify, and compile from time to time and to publish in book, pamphlet, or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding stormwater quality management; and,

WHEREAS, the City Council finds that certain changes to the City Code regarding stormwater quality management should be made; and,

WHEREAS, the City Council held a public hearing regarding the proposed changes; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that:

1. The **West Haven Code Chapter 155** titled “**STORMWATER QUALITY MANAGEMENT**”, and all of its subsections, shall be repealed and replaced with **Chapter 155: STORMWATER QUALITY MANAGEMENT**, which new language is attached as “**Attachment A**” to this Ordinance.
2. The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances, and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the

provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 20th day of August 2025 and after publication or posting as required by law.

DATED this 20th day of August 2025.

WEST HAVEN, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and Recorded

Emily Green

Mayor Rob Vanderwood
Councilmember Carrie Call
Councilmember Kim Dixon
Councilmember Nina Morse
Councilmember Ryan Saunders
Councilmember Ryan Swapp

Yes _____ No _____
Yes _____ No _____

RECORDER'S CERTIFICATION

STATE OF UTAH)
: ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. __-2025**, entitled "**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE CITY CODE CHAPTER 155: STORMWATER QUALITY MANAGEMENT; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**" adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on August 20, 2025 which appears of record in my office, with the date of posting or publication being August ___, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of August 2025.

Emily Green City Recorder

ATTACHMENT A

ATTACHED TO ORDINANCE # -2025
AMENDED CHAPTER 155: STORMWATER QUALITY MANAGEMENT

DRAFT

CHAPTER 155: STORMWATER QUALITY MANAGEMENT

- 155.001 General
- 155.002 Definitions
- 155.010 Compliance with Federal and State Law
- 155.011 Drinking Water Protection
- 155.015 Prohibited Obstructions
- 155.016 Prohibited Discharges
- 155.017 Damage to Storm Sewer System or Irrigation Lines
- 155.020 Construction Stormwater Permits; Permit Required
- 155.030 Oversight Inspections and Entry
- 155.031 Corrective Actions
- 155.040 Stormwater Facilities Ownership, Operation, and Maintenance
- 155.041 Long-Term Maintenance Agreement
- 155.070 Stormwater Impact Fee Service Area Established; Utility and Impact Fees
- 155.080 Fee Schedule
- 155.090 Authority to Inspect
- 155.090 Enforcement; Stop Work Orders; Notice of Violation
- 155.091 Appeal
- 155.999 Penalty

§ 155.001 GENERAL.

(A) Purpose. The purpose of this Chapter is to:

- (1) Protect, maintain, and enhance the environment of West Haven City;
- (2) Establish responsibilities for controlling and managing storm water runoff;
- (3) Protect the public health, safety, and the general welfare of the citizens of the CITY by controlling discharges of pollutants to the City's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the CITY and State of Utah;
- (4) Enable the CITY to comply with the National and Utah Pollution Discharge Elimination System permits (NPDES/UPDES) and applicable regulations in 40 CFR §122 for storm water discharges;
- (5) Allow the CITY to exercise the powers granted by the Utah State Code, which provides that, among other powers municipalities have with respect to storm water facilities, the CITY may:
 - (a) Regulate construction projects disturbing one (1) acre or more and construction projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre in accordance with the City's MS4 permit and state regulations and requirements;
 - (b) Exercise general regulation over the planning, location, construction, operation, and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;
 - (c) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

- (d) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
- (e) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments, and other projects whether public or private;
- (f) Authorize *STOP WORK ORDERS* when it is determined that the permittee has violated any applicable Section of this Chapter, or condition of the permit; and
- (g) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated.

(B) The *CITY ENGINEER* and the *PUBLIC WORKS DIRECTOR*, or his/her designee, are authorized to administer, implement, interpret, and enforce the provisions of this Chapter.

§ 155.002 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

APPLICANT. A person that applies for authorization to discharge under a construction stormwater water permit to conduct or propose to conduct a use of land for a construction site. *APPLICANT* includes a person granted an authorization to discharge under a construction stormwater permit once the authorization has been granted.

AUTHORITY. The Water Quality Division of the Utah Department of Environmental Quality (DEQ) Water Quality or a *MUNICIPAL SYSTEM AUTHORITY*.

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 stormwater runoff, and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw material storage.

BUSINESS DAYS. A day other than Friday, Saturday, Sunday, or a legal holiday as based on the current designated hours of operation for West Haven City as determined by the City Council.

CATCH BASIN. A drain inlet intended to direct *STORMWATER RUNOFF* into the *MUNICIPAL SYSTEM* and designed to keep out large or obstructive matter.

CITY. West Haven City or any employee, designee, duly appointed deputy, agent, or representative. Shown in this Chapter as "CITY" or "City".

97 **CITY ENGINEER.** Designated City Engineer or his/her duly appointed deputy, agent,
98 or representative.
99

100 **COMMON PLAN OF DEVELOPMENT OR SALE.** A plan to subdivide a parcel of land
101 into separate parts for separate sale. This can be for residential, commercial, or
102 industrial development. The plan originates as a single parcel that is separated into
103 parts. This usually goes through an approval process by a local governmental unit, but
104 in some cases, it may not require that process. The original plan is considered the
105 **COMMON PLAN OF DEVELOPMENT OR SALE**, whether phased or completed in
106 steps. Additional information related to **COMMON PLAN OF DEVELOPMENT** for
107 permit purposes: For UPDES stormwater permit purposes, a common plan must have
108 been initiated after October 1992. A **COMMON PLAN OF DEVELOPMENT OR SALE**
109 remains so until each lot or section of the development has fulfilled its planned
110 purpose (for example, in a residential development as homes are completed,
111 stabilized, and sold or occupied). As lots or separated sections of the development
112 are completed, the lot or section is stabilized, and as the plan purposes are fulfilled for
113 that area, lot, or section, it is no longer part of the **COMMON PLAN OF**
114 **DEVELOPMENT OR SALE** (for example, if a home is sold in a development and the
115 owner decides to add a garage somewhere on the lot, that garage project is not part
116 of the common plan of development or sale). In this process, a **COMMON PLAN OF**
117 **DEVELOPMENT OF SALE** may become reduced in size and/or separated by
118 completed areas which are no longer part of the common plan of development or sale,
119 but all unfinished lots remain part of the same common plan of development or sale
120 until they are completed, stabilized, and fulfilled according to the purpose of the plan.
121

122 **CONSTRUCTION ACTIVITY.** Any human-made change to improved or unimproved
123 real estate, including, but not limited to, site preparation, excavation, grubbing,
124 clearing, filling, grading, paving, excavation, and construction of buildings or other
125 structures that will disrupt or cause a change in the natural landscape on a public or
126 private property within the City.
127

128 **CONSTRUCTION STORMWATER PERMIT.** A *PERMIT* by an *APPLICANT* required
129 where **CONSTRUCTION ACTIVITY** may cause a **SOIL DISTURBANCE** of:
130

- 130 (a) One (1) acre or more; or
- 131 (b) Less than one (1) acre if part of a **COMMON PLAN OF DEVELOPMENT OF**
132 **SALE**.

133 **CONTAMINANT.** See **POLLUTANT**.

136 **CORRECTIVE ACTION.** Directive from the *MUNICIPAL AUTHORITY* to a
137 *PERMITTEE* that a *BEST MANAGEMENT PRACTICE* or other control needs
138 significant repair or a new or replacement control is needed; **CORRECTIVE ACTION**
139 is not *ROUTINE MAINTENANCE*.

140 **DEBRIS.** Any dirt, rock, sand, vegetation, rubbish, or litter.
141

143 **DETENTION BASIN.** A depression designed to detain stormwater runoff until
144 downstream storm sewer resources are less heavily taxed. A **DETENTION**
145 **BASIN** contains an inlet and an outlet, allows debris to settle out, and regulates water

146 flow. A *DETENTION BASIN* may be either publicly or privately owned, operated, and
147 maintained.

148
149 **DISCHARGE.** Dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any
150 means, or that which is disposed, deposited, spilled, poured, injected, seeped,
151 dumped, leaked, or placed by any means, including any direct or indirect entry of any
152 solid or liquid matter into the municipal separate stormwater system. A *DISCHARGE*
153 can occur with or without precipitation.

154
155 **DRAIN INLET.** A point of entry into a sump, detention basin, or storm drain system
156 that is not a *CATCH BASIN*.

157
158 **EARTH-DISTURBING ACTIVITIES/LAND-DISTURBING ACTIVITIES.** Actions taken
159 to alter the exiting vegetation and/or underlying soil of a site, such as clearing,
160 grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and
161 movement and stockpiling of topsoil.

162
163 **ELECTRONIC INSPECTION/ELECTRONIC INSPECTION REPORT.** Geo-located
164 and time-stamped photographs that the *APPLICANT* takes, evaluates, and submits
165 electronically to the *MUNICIPAL AUTHORITY* to demonstrate compliance with the
166 terms, conditions, and responsibilities under an approved *CONSTRUCTION*
167 *STORMWATER PERMIT*.

168
169 **EXCEPTIONAL CIRCUMSTANCES.** Circumstances that include, but are not limited
170 to, situations which involve a risk of injury to persons, damage to storm drain facilities,
171 or damage to other property or the environment.

172
173 **GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY
174 CONNECTED WITH SINGLE LOT HOUSING PROJECTS (Common Plan Permit)
175 (CPP).** Permit issued by the Utah State Department of Environmental Quality, Division
176 of Water Quality, under the *Utah Pollutant Discharge Elimination System*, Permit No.
177 UTRH00000 regulating *CONSTRUCTION ACTIVITIES* for certain projects for a single
178 lot disturbing a total of one (1) acre or less and for construction activities related to
179 residential dwellings. A single lot covered by this permit is part of a *COMMON PLAN
180 OF DEVELOPMENT OR SALE*. The permit is incorporated into this Chapter by
181 reference.

182
183 **GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION
184 ACTIVITIES (Construction General Permit) (CGP).** Permit issued by the Utah State
185 Department of Environmental Quality, Division of Water Quality, under the *Utah
186 Pollutant Discharge Elimination System*, Permit No. UTRC00000 regulating
187 *CONSTRUCTION ACTIVITIES* for certain projects from commencement of earth-
188 disturbing activities through final stabilization. The permit is incorporated into this
189 Chapter by reference.

190
191 **HAZARDOUS MATERIAL.** Any material, including any substance, waste, or
192 combination thereof, which, because of its quantity, concentration, or physical,
193 chemical, or infectious characteristics, may cause, or significantly contribute to, a
194 substantial presence or potential hazard to human health, safety, property, or the

195 environment when improperly treated, stored, transported, disposed of, or otherwise
196 managed. **HAZARDOUS MATERIAL** includes, but is not limited to, any hazardous
197 substance designated under 40 C.F.R. part 116 pursuant to § 311 of the Clean Water
198 Act, being 33 U.S.C. § 1321.

199
200 **ILLICIT CONNECTIONS.** Illegal and/or unauthorized connections to the municipal
201 separate stormwater system, whether or not such connections result in discharges
202 into that system. These also include any drain or conveyance connected to or
203 discharging to the storm drain system, which has not been:

204 (1) Documented in plans, maps, or equivalent records submitted to the **CITY**; and
205 (2) Permitted or otherwise authorized by the **CITY**.

206
207 **ILLICIT DISCHARGE.**

208 (A) Any **NON-STORMWATER RUNOFF** or **DISCHARGE** to the **MUNICIPAL SYSTEM**
209 or **WATERS OF THE STATE**. **ILLICIT DISCHARGE** includes both direct
210 discharges and indirect discharges that occur due to deliberate or inadvertent
211 actions, but not limited to:
212 (1) Any **POLLUTANT**, sewage, process wastewater, or wash water that enter the
213 storm drain system;
214 (2) **DISCHARGE** to the **MUNICIPAL SYSTEM** from indoor drains or sinks,
215 regardless of whether said drain or discharge had been previously allowed,
216 permitted, or approved by a government agency; or discharge directly to any
217 collection or conveyance structures or appurtenances;
218 (3) Unmanaged wastewater from washout of concrete;
219 (4) Wastewater from washout and cleanout of stucco, paint, form release oils,
220 curing compounds and other construction materials;
221 (5) Fuels, oils, and/or other pollutants used in vehicle and equipment operation and
222 maintenance; or
223 (6) Soaps or solvents are used in vehicle and equipment washing.

224
225 **IMMEDIATE THREAT.** **CONTAMINANTS** actively entering a river, stream, or lake.

226
227 **IMMINENT THREAT.** **CONTAMINANTS** anticipated to be discharged into a river,
228 stream, or lake within forty-eight (48) hours.

229
230 **LONG-TERM MAINTENANCE AGREEMENT.** A document recorded with the Weber
231 County Recorder that acts as a property deed restriction, and which provides for long-
232 term, post-construction maintenance of privately owned, maintained, and/or operated
233 permanent structural and/or non-structural **BMPs** for stormwater management.

234
235 **LONG-TERM STORMWATER MANAGEMENT/POST-CONSTRUCTION**
236 **STORMWATER MANAGEMENT MEASURES.** The use of structural or non-
237 structural measures at developed sites after construction that are designed to reduce
238 long-term impacts of storm water runoff to the **MUNICIPAL SYSTEM** and **WATERS**
239 **OF THE STATE**.

240
241 **LOW IMPACT DEVELOPMENT (LID).** An approach to land development (or re-
242 development) that works with nature to more closely mimic pre-development
hydrologic functions. LID employs principles, such as preserving and recreating

243 natural landscape features, and minimizing effective imperviousness to create
244 functional and appealing site drainage, which treats stormwater as a resource rather
245 than a waste product. There are many practices that have been used to adhere to
246 these principles, such as bio retention facilities, rain gardens, vegetated rooftops, rain
247 barrels, and permeable pavements. LID must comply with the requirements in the
248 City's most recently adopted Stormwater Management Plan which is incorporated
249 herein by reference and published on the City website.

250

251 *MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)/MUNICIPAL SYSTEM.*

252 The system of stormwater collection and conveyance structures and appurtenances
253 (such as catch basins, detention/retention basins, curbs, gutters, ditches, human-
254 made channels, sumps, storm drains, and groundwater) owned and operated by the
255 *MUNICIPAL SYSTEM AUTHORITY*. The *MUNICIPAL SYSTEM* is regulated under the
256 State of Utah General Permit for Discharges from Small Municipal Separate Storm
257 Sewer Systems (MS4s) UPDES PERMIT NUMBER UTR090000.

258

259 *MUNICIPAL SYSTEM AUTHORITY.* The entity that is responsible for the oversight of
260 the municipal system, i.e., West Haven City.

261

262 *NON-STORMWATER RUNOFF.* Any overland flow generated from any water source
263 other than stormwater.

264

265 *NOTICE OF INTENT.* The form, electronic or paper, required to be submitted to the
266 State of Utah for authorization of coverage under the *GENERAL PERMIT FOR*
267 *STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES* or *GENERAL*
268 *STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY CONNECTED WITH*
269 *SINGLE LOT HOUSING PROJECTS.*

270

271 *OCCURRENCE.* Specific conditions under which the *AUTHORITY* or designated
272 *CITY* officials may impose an administrative fine on a *PERMITTEE* in accordance with
273 this Chapter. Each business day the specific violation continues beginning on the day
274 after the date on which an administrative fine is first issued; or a violation that has
275 occurred within thirty (30) days after the date on which the *PERMITTEE* corrects the
276 violation.

277

278 *OVERSIGHT INSPECTION.* An inspection performed by the *MUNICIPAL AUTHORITY*
279 to impose compliance with the *PERMIT*. Oversight inspection shall generally be
280 conducted through a review of an *APPLICANT ELECTRONIC INSPECTION REPORT*
281 or as otherwise allowed under this Chapter.

282

283 *PERMIT.* A *CONSTRUCTION STORMWATER PERMIT* issued in accordance with
284 this Chapter.

285

286 *PERMITTEE.* An *APPLICANT* granted an authorization to discharge under a
287 *CONSTRUCTION STORMWATER PERMIT* once the authorization has been granted.

288

289 *PERSON.* Any individual, corporation, partnership, association, company, private or
290 public utility or infrastructure provider or body politic, including any agency of the

291 State, County, and the United States government. A *PERSON* may or may not be an
292 *APPLICANT* or *PERMITTEE*.

293
294 **POLLUTANT.** Dredged spoil, solid wastes, sewage, garbage, munitions, chemical
295 wastes, biological materials, radioactive materials, pesticides, herbicides, fertilizers,
296 sewage, dissolved and particulate metals, animal wastes, wastes and residue that
297 results from construction, rocks, sand, cellar dirt, industrial, municipal and agricultural
298 wastes, paints, varnishes, and solvents, oil and other automotive fluids, nonhazardous
299 liquid, and refuse, garbage, litter, floatables, lawn clippings, leaves, branches, plant
300 material, or other discarded or abandoned objects, articles, and accumulations that
301 may contaminate otherwise clean water, cause or contribute to pollution.

302
303 **PREFERRED BEST MANAGEMENT PRACTICES (BMPs).** BMPs identified by the
304 City and published on the City website for priority consideration by an *APPLICANT* in
305 preparation of a *PREVENTION PLAN*.

306
307 **PREVENTION PLAN.** A site-specific, written document that:

- 308 (1) Identifies potential sources of stormwater pollution at the construction site;
- 309 (2) Describes practices to reduce pollutants in stormwater discharges from the
310 construction site and to maintain pre-development runoff quantity;
- 311 (3) Identifies procedures the operator will implement to comply with the terms
312 and conditions of a construction general permit; and
- 313 (4) Prepared in accordance with the requirements of 40 C.F.R., Sec. 122.26

314
315 **PUBLIC WAY.** All public rights-of-way and easements, public footpaths, walkways
316 and sidewalks, public streets, public roads, public highways, public alleys, and public
317 drainage ways.

318
319 **PUBLIC WORKS DIRECTOR.** Designated Public Works Director or his/her duly
320 appointed deputy, agent, or representative.

321
322 **REGISTERED STORMWATER INSPECTOR (RSI).** A professional who has met
323 criteria required by the State of Utah and authorized to conduct stormwater
324 inspections on behalf of the *MUNICIPAL AUTHORITY*.

325
326 **RETENTION BASIN.** A depression designed to hold stormwater runoff that will drain
327 to the underlying soil and does not have any outlet. A *RETENTION BASIN* may be
328 either publicly or privately owned, operated, and maintained.

329
330 **ROUTINE MAINTENANCE.** Minor repairs or other upkeep performed to ensure the
331 site's stormwater controls remain in effective operating condition, not including
332 significant repairs or the need to install a new or replacement control.

333
334 **SITE:** Lands or areas indicated in an approved *PREVENTION PLAN*, submitted by or
335 being furnished by Owner upon which the work is to be performed, including rights-of-
336 way and easements, and such other lands furnished by Owner which are designated
337 for the use of Contractor. *SITE* includes the entire area for which a *PERMITTEE* has
338 been approved to perform *CONSTRUCTION ACTIVITY* under a single permit.

340 **SOIL DISTURBANCE.** To alter the physical condition, natural terrain, or vegetation of
341 land by clearing, grubbing, grading, excavating, filling, building, or other construction
342 activity.

343
344 **STOP WORK ORDER(S).** (SWO) A written notification given to the *PERMITTEE* or
345 *OPERATOR* to cease all on-site *CONSTRUCTION ACTIVITY*, and all violation(s)
346 shall be remediated before *CONSTRUCTION ACTIVITY* can resume.

347
348 **STORM SEWER SYSTEM (PRIVATE).** The system of stormwater collection and
349 conveyance structures and appurtenances (such as catch basins, detention/retention
350 basins, curbs, gutters, ditches, human-made channels, sumps, storm drains, and
351 groundwater) owned, operated, and maintained by non-municipal entities, including
352 HOAs. Aspects of a private storm sewer system may be operated and maintained by
353 the City.

354
355 **STORM SEWER SYSTEM (PUBLIC).** The system of stormwater collection and
356 conveyance structures and appurtenances (such as catch basins, detention/retention
357 basins, curbs, gutters, ditches, human-made channels, sumps, storm drains, and
358 groundwater) owned and operated by the City. Aspects of a public storm sewer
359 system may be operated and maintained by a non-municipal entity. See also
360 *MUNICIPAL SEPARATE STORMWATER SYSTEM (MS4)*.

361
362 **STORMWATER.** Any flow that occurs during or following any form of natural
363 precipitation. **STORMWATER** includes only the portion of such flow that is composed
364 of precipitation.

365
366 **STORMWATER MANAGEMENT PLAN.** A plan developed by the *MUNICIPAL*
367 *AUTHORITY* that implements requirements for City compliance with its obligations
368 and responsibilities under the MS4 permit; provide guidance and standards for the
369 design, operation, and maintenance of structural and non-structural stormwater
370 facilities for proposed subdivisions and site plans. The SWMP is adopted by the City
371 Council by reference and may be updated from time to time. The most recent version
372 of the SWMP adopted by the City Council shall control.

373
374 **STORMWATER MANAGER.** An individual designated under the *PUBLIC WORKS*
375 *DIRECTOR* that may be assigned day-to-day responsibility for managing, operating,
376 and maintaining the *MUNICIPAL SYSTEM* and the administration of this Chapter.

377
378 **STORMWATER POLLUTION PREVENTION PLAN/SWPPP.** See *PREVENTION*
379 *PLAN*.

380
381 **STORMWATER RUNOFF.** Any overland flow that occurs by or from natural
382 precipitation, including snow melt.

383
384 **SUMP.** An underground structure, surrounded by drain rock, that is designed to retain
385 water to allow the slow release into the surrounding subsoil.

386
387 **SURFACE WATER.** All open water bodies, streams, lakes, ponds, marshes,
388 wetlands, watercourses, waterways, springs, drainage systems, and all other bodies

389 or accumulations of water on the surface only and can be designated as **WATERS OF**
390 **THE STATE.**

391
392 **UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES).** The state's
393 program for issuing, modifying, revoking and reissuing, terminating, monitoring, and
394 enforcing permits, and for imposing and enforcing pretreatment requirements, under
395 §§ 307, 102, 318, and 405 of the Clean Water Act (CWA), being 33 U.S.C. §§ 1317,
396 1252, 1328, and 1345, respectively, for the discharge of pollutants to waters of the
397 state. This program is specifically designed to be compatible with the federal National
398 Pollutant Discharge Elimination System (NPDES) program established and
399 administered by the EPA.

400
401 **WATERS OF THE STATE (Utah State Code Title 19, Chapter 5, Section 102).** All
402 streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation
403 systems, drainage systems, and all other bodies or accumulations of water, surface
404 and underground, natural or artificial, public or private, which are contained within,
405 flow through, or border upon this state or any portion thereof. Bodies of water confined
406 to and retained within the limits of private property, and which do not develop into or
407 constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall
408 not be considered to be "Waters of the State" under this definition.

410 411 **§ 155.010 COMPLIANCE WITH FEDERAL AND STATE LAW.**

412 (A) Nothing in this Chapter should be interpreted to relieve any person from an
413 obligation to comply with an applicable federal, state, or local law relating to
414 stormwater discharges or drinking water protection.

415 (B) The City may not make or enforce a rule, an ordinance, or a policy regarding the
416 **MUNICIPAL SYSTEM** more stringent than the corresponding federal regulations
417 under the federal Clean Water Act unless expressly permitted by state statute.

419 420 **§ 155.011 DRINKING WATER PROTECTION.**

421 All stormwater and non-stormwater discharges shall comply with the Weber-Morgan
422 Health Department's drinking water source protection ordinance.

424 425 **§ 155.015 PROHIBITED OBSTRUCTIONS.**

426 (A) It is unlawful for any **PERSON** or **PERMITTEE** to:

- 427 (1) Obstruct the flow of **STORMWATER RUNOFF** in the **MUNICIPAL SYSTEM**;
- 428 (2) Contribute to the obstruction of the flow of **STORMWATER RUNOFF** in the
MUNICIPAL SYSTEM;
- 429 (3) Cover or obstruct any **DRAIN INLET**; or
- 430 (4) **DISCHARGE** or cause to discharge any **STORMWATER RUNOFF** or
POLLUTANT onto adjacent private and/or public properties.

431 (B) The City may direct any **PERSON** or **PERMITTEE** who installs, owns, or
432 maintains facilities or structures or obstruction within the **PUBLIC WAY** or any
433 public drainage or public utility easement that impede the free flow of
434 **STORMWATER**; and/or creates flooding or impoundment within the right of way
435 or other public or private property; and/or creates a nuisance to remove such
436
437

438 obstructions and be subject to other enforcement actions in accordance with
439 state statute or the West Haven City Code.

440 (C) The following obstructions are exempt from the prohibitions of this Section:
441 (1) Street and/or storm sewer improvement projects authorized by the City;
442 (2) Flood control and prevention activities performed by the City;
443 (3) Obstructions approved by the City as part of a site's *PREVENTION PLAN*;
444 and
445 (4) Obstructions occurring during cleanup periods established by the City;
446 provided that the materials are placed in accordance with City requirements
447 and do not obstruct *DRAIN INLETS*.

448

449

450 § 155.016 PROHIBITED DISCHARGES.

451 (A) It is unlawful for any *PERSON* or *PERMITTEE* to cause or allow an *ILLICIT*
452 *DISCHARGE*, as defined in §155.002, to the *MUNICIPAL SYSTEM* or *WATERS*
453 *OF THE STATE*.

454 (B) It is unlawful for any person to maintain, store, keep, deposit, or leave any
455 pollutant or hazardous material, or any item containing a pollutant or hazardous
456 material, in a manner that is likely to result in the discharge of the pollutant or
457 hazardous material to the storm sewer system as a result of a precipitation event,
458 including snowmelt or non-stormwater runoff.

459 (C) The following discharges to the *MUNICIPAL SYSTEM* are exempt from the
460 prohibitions of this Section:

461 (1) Discharges regulated under a valid UPDES storm discharge permit, provided
462 that the discharge complies with the terms of the permit;

463 (2) Water line flushing;

464 (3) Landscape irrigation;

465 (4) Diverted stream flows;

466 (5) Rising groundwaters;

467 (6) Uncontaminated groundwater infiltration;

468 (7) Uncontaminated pumped groundwater;

469 (8) Discharges from potable water sources;

470 (9) Uncontaminated water from foundation/footing, land, and yard drains;

471 (10) Air conditioning condensate;

472 (11) Uncontaminated irrigation water, including uncontaminated lawn-watering
473 runoff;

474 (12) Springs;

475 (13) Individual residential car washing, provided there is no discharge of soaps,
476 solvents, or other substances used for such purposes;

477 (14) Flows from riparian habitats and wetlands;

478 (15) Dechlorinated swimming pool discharges;

479 (16) Residual sidewalk, driveway, or street wash water;

480 (17) Dechlorinated water reservoir discharges; and

481 (18) Discharges from emergency firefighting activities.

487 **§ 155.017 DAMAGE TO THE MUNICIPAL SYSTEM OR IRRIGATION LINES.**

488 (A) Any person who damages any portion of the *MUNICIPAL SYSTEM*, a City-
489 owned irrigation line, or a City-maintained irrigation line shall be responsible for
490 repairing the damages.

491 (B) Any damages shall be repaired by a licensed contractor bonded to do work in the
492 City and shall be repaired in accordance with the City's most recently adopted
493 engineering standards, specifications, and practices.

494 (C) It is unlawful to remove or alter any portion of the *MUNICIPAL SYSTEM* without
495 authorization from the *CITY ENGINEER*.

496 (D) It shall be unlawful to open any storm sewer manhole or other storm sewer
497 fixture such as grates, lids, or inlets) without permission from the *CITY*
498 *ENGINEER*.

499 **§ 155.020 CONSTRUCTION STORMWATER PERMIT; PERMIT REQUIRED.**

500 (A) A Construction Stormwater Permit is required for:
501 (1) Any residential development project that has received all requisite land use
502 review and approvals in accordance with City land usage ordinances; and
503 (2) May cause a *SOIL DISTURBANCE* of:
504 (a) One (1) acre or more; or
505 (b) Less than one (1) acre if the application is part of a *COMMON PLAN OF*
506 *DEVELOPMENT OF SALE*;

507 (3) The City has received notice that the *APPLICANT* has submitted a *NOTICE*
508 *OF INTENT* with the State.

509 (B) A *CONSTRUCTION STORMWATER PERMIT* application shall consist of an
510 application form as prescribed by the *CITY ENGINEER* or *PUBLIC WORKS*
511 *DIRECTOR*, a *PREVENTION PLAN*, and associated and supportive
512 documentation that will be in accordance with a checklist published on the City's
513 website.

514 (C) The City's checklist shall be consistent with:
515 (1) The current EPA Construction General Permit.
516 (2) The requirements listed may not exceed the application requirements
517 of 40 C.F.R. Part 122, Subpart B.

518 (D) An application that is submitted with all required checklist items will be accepted
519 as "complete."

520 (E) The City shall provide for review of a complete application and the *APPLICANT*
521 shall not be permitted to start any *CONSTRUCTION ACTIVITIES* until the City
522 authorizes such discharge of stormwater in conformance with the following
523 schedule:
524 (1) The City has fourteen (14) *BUSINESS DAYS* after the day on which the
525 *APPLICANT* submits a complete application to review the application for
526 compliance with local ordinances, state law, and federal law.
527 (2) Within those fourteen (14) *BUSINESS DAYS*, the City may request that the
528 *APPLICANT* provide more information or modification to the *PREVENTION*
529 *PLAN*, if:
530 (a) The City lists specifically why the *PREVENTION PLAN* or other submittal
531 is non-compliant and the additional information is required; and/or;
532 (b) The City includes citations to the permit requirements, local ordinances,
533 state law, or federal law that require the requested modification(s) to

536 the *PREVENTION PLAN*; and logged in an index of
537 requested modifications.

(3) The City has five (5) *BUSINESS DAYS* after the day on which the *APPLICANT* submits the additional information or modification to complete the review of the application and shall notify the *APPLICANT*, in writing, whether the authorization to discharge is granted.

(F) The City may conduct a pre-construction site inspection in person or use an electronic site inspection tool to ensure that the *SITE* is in compliance with the approved *PREVENTION PLAN* prior to the start of *CONSTRUCTION ACTIVITIES*.

(1) The applicant or applicant's designee shall participate in pre-construction site inspections;

(2) No **CONSTRUCTION ACTIVITIES** shall be allowed if the site is not in conformance with the approved **PREVENTION PLAN**.

§ 155.030 OVERSIGHT INSPECTIONS AND ENTRY.

(A) Frequency of Inspections for CGP PERMITTEES

(1) In accordance with the State of Utah CGP, the *PERMITTEE* must complete and submit to the City an *ELECTRONIC SITE INSPECTION REPORT*:

- (a) At least once every seven (7) calendar days; or
- (b) Once every fourteen (14) calendar days and within twenty-four (24) hours of the occurrence of:
 - (i) A storm event that produces 0.5 inches or more of rain within a twenty-four (24) hour period.
 - (ii) If a storm event produces 0.5 inches or more of rain within a twenty-four (24) period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produced 0.5 inches or more in twenty-four (24) hours), must conduct one (1) *ELECTRONIC SITE INSPECTION REPORT* within twenty-four hours of when 0.5 inches of rain or more has fallen.
 - (iii) If a storm event produces 0.5 inches or more of rain within a twenty-four (24) period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, conduct an *ELECTRONIC SITE INSPECTION REPORT* within twenty-four (24) hours of the first day of the storm and within twenty-four (24) hours after the last day of the storm that produces 0.5 inches or more of rain (i.e. only two (2) inspections would be required for such a storm event).
- (c) Runoff from snowmelt sufficient to cause a *DISCHARGE*.

(2) The City shall conduct oversight inspections by reviewing the submitted *ELECTRONIC SITE INSPECTION REPORTS* in accordance with standard operating procedures, forms, or similar types of documents for construction site inspections published on the City's website and only through an electronic site inspection tool/platform. The City shall only accept an *ELECTRONIC SITE INSPECTION REPORT* for review if all submitted photographs:

- (a) Include meta data verifying the date, time, and GPS location corresponding to the construction site; and
- (b) Be of sufficient resolution and clarity to assess compliance with general

BEST MANAGEMENT PRACTICES.

- (3) The City may conduct an on-site inspection if the City has documentation of:
 - (a) Alterations of electronic photographs; or
 - (b) Failure to submit an *ELECTRONIC SITE INSPECTION REPORT* in accordance with the prescribed schedule.
- (4) The City may conduct an on-site compliance inspection anytime if the *SITE* is within one-half (0.5) mile of a river, a stream, or a lake.
- (5) A *PERMITTEE* may opt out of self-submittal of *ELECTRONIC SITE INSPECTION REPORTS* and allow the City to conduct regular on-site inspections in accordance with the schedule provided under this Chapter or state statute.
 - (a) The *PERMITTEE* must submit an opt-out notification in a form/format provided by the *CITY ENGINEER* or *PUBLIC WORKS DIRECTOR* and published on the City's website.
 - (b) The opt-out notification must be submitted and accepted by the City at the time of authorization to discharge is granted.
 - (c) The *PERMITTEE* may request a change of status from opt-out to opt-in or vice versa within seven (7) business days from the end of each calendar month.
 - (d) The *PERMITTEE* must allow designated City inspectors unfettered access to the site to conduct on-site inspections based on the schedule provided under this Chapter for the duration of the opt-out period.

(B) Frequency of Inspections for *CPP PERMITTEES*

- (1) In accordance with the State of Utah CPP, the *PERMITTEE* must complete and submit to the City an *ELECTRONIC SITE INSPECTION REPORT* at least once every seven (7) calendar days.
- (2) The City shall only accept an *ELECTRONIC SITE INSPECTION REPORT* for review only if all submitted photographs:
 - (a) Include meta data verifying the date, time, and GPS location corresponding to the construction site; and
 - (b) Be of sufficient resolution and clarity to assess compliance with general *BEST MANAGEMENT PRACTICES*.
- (3) The City may conduct an on-site inspection if the City has a documented reason to justify an on-site oversight inspection that may show:
 - (a) Alterations of electronic photographs; or
 - (b) Failure to submit an *ELECTRONIC SITE INSPECTION REPORT* in accordance with the prescribed schedule.
- (4) The City may conduct an on-site compliance inspection if the *SITE* is within one-half (0.5) mile of a river, a stream, or a lake.
- (5) A *PERMITTEE* may opt out of self-submittal of *ELECTRONIC SITE INSPECTION REPORTS* and allow the City to conduct regular on-site inspections in accordance with the schedule provided under this Chapter.
 - (a) The *PERMITTEE* must submit an opt-out notification in a form/format provided by the *CITY ENGINEER* or *PUBLIC WORKS DIRECTOR* and published on the City's website.
 - (b) The opt-out notification must be submitted and accepted by the City at the time of authorization to discharge is granted.
 - (c) The *PERMITTEE* may request a change of status from opt-out to opt-in or vice versa within seven (7) business days from the end of each calendar

634 month.

(d) The *PERMITTEE* must allow designated City inspectors unfettered access to the site to conduct on-site inspections based on the schedule provided in this Chapter for the duration of the opt-out period.

(C) The City may inspect any state transportation project or a military project in accordance with Utah State Statute.

§ 155.031 CORRECTIVE ACTIONS

- (A) If upon review of an *ELECTRONIC SITE INSPECTION REPORT* or during an on-site inspection by an authorized official, *CORRECTIVE ACTION(S)* may be ordered for failure to comply with any provision of this Chapter or any other applicable law, ordinance, or regulation related to stormwater.
- (B) A *CORRECTIVE ACTION* may be ordered if installed measures in an approved *PREVENTION PLAN* are inadequate or failing due to lack of maintenance or infective operation to prevent or minimize, to the maximum extent practicable, to prevent a *DISCHARGE*.
- (C) The *PERMITTEE* shall be notified in writing of the need to undertake *CORRECTIVE ACTION(S)* and shall immediately take all reasonable steps to address the underlying issues and/or concerns.
 - (1) If the *CORRECTIVE ACTION* is in response to an *IMMEDIATE THREAT*, action shall be immediately taken upon notice to prevent or mitigate the *DISCHARGE*.
 - (2) If the *CORRECTIVE ACTION* is in response to an *IMMINENT THREAT*, action shall be taken immediately no later than twenty-four (24) hours after the time the notification was sent to the *PERMITTEE* if there is no precipitation occurring or no more than 0.5 inches of precipitation forecast within the twenty-four (24) hour period.
 - (3) When the *CORRECTIVE ACTION* does not require a new or replacement control or significant repair, the *CORRECTIVE ACTION* must be completed by the close of the next *BUSINESS DAY*.
 - (4) When the *CORRECTIVE ACTION* requires a new or replacement control or significant repair, the *PERMITTEE* shall:
 - (a) Install the new or modified control and make it operational; or complete the repair, by no later than seven (7) calendar days from the time notification is sent to the *PERMITTEE*.
 - (b) If it is infeasible to complete the installation or repair within seven (7) calendar days, the *PERMITTEE* shall document in their records why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document a schedule for installing the stormwater control(s) and making it operational as soon as feasible after the seven (7) day timeframe.
 - (c) Where these actions result in changes to any of the stormwater controls or procedures documented in the approved *PREVENTION PLAN*, a revised *PREVENTION PLAN* must be submitted to the City within five (5) *BUSINESS DAYS* of completing this work.
 - (5) If the *PERMITTEE* has not provided an *ELECTRONIC INSPECTION REPORT* to demonstrate compliance not later than forty-eight (48) hours after the prescribed timelines, the City may perform an on-site inspection to verify

683 that the *PERMITTEE* has corrected the specific violation(s).
684 (6) If a *PERMITTEE* does not undertake *CORRECTIVE ACTION(S)* within the
685 timelines set, the City shall issue a written warning indicating that the
686 *PERMITTEE* has not corrected the deficient conditions and apprise the
687 *PERMITTEE* that the City may impose an administrative fine in accordance
688 with this Chapter.
689 (7) If a *PERMITTEE* is cited with a notice of violation and directed to undertake a
690 *CORRECTIVE ACTION*, the City shall conduct an on-site inspection after the
691 period to cure has expired. If the City finds that the *PERMITTEE* has not
692 corrected the specific violation(s), the City shall notify the *PERMITTEE* in writing
693 that the City may now impose an administrative fine(s) in accordance with the
694 West Haven Consolidated Fees and Fines Schedule.
695
696

697 **§ 155.040 STORMWATER FACILITIES OWNERSHIP, OPERATION, AND 698 MAINTENANCE**

699 (A) Applicability.
700 (1) Any project subject to the CGP CPP or commercial, mixed use, and/or
701 industrial projects subject to site plan approval, shall provide for structural
702 and/or non-structural *BMPs* designed so that the rate of runoff discharged is
703 not in excess of pre-development conditions.
704 (2) Design and performance requirements for rate of runoff control shall be in
705 conformance with the City's *STORMWATER MANAGEMENT PLAN* and
706 applicable MS4 permit requirements. This includes, but is not limited to:
707 (a) Post-construction release rate no greater than 0.2 cfs/acre.
708 (b) *LOW IMPACT DEVELOPMENT* requirements, as applicable.
709 (c) Eightieth percentile storm event.
710 (d) Submission of as-built construction drawings.
711 (e) Retention facilities must drain within seventy-two (72) hours after
712 cessation of *STORMWATER RUNOFF* into the facility.
713 (3) Minimum control measures for meeting water quality/LID requirements do not
714 replace or substitute for runoff volume control. The water quality controls may
715 be incorporated into the design of structures intended for flow control; or
716 water quality control may be achieved with separate control measures.
717 (B) Stormwater Facilities Dedicated to the City:
718 (1) Dedication. The City shall have the discretion to require the dedication of any
719 existing or future storm water management facility provided:
720 (a) Such facility(ies) meets the requirements of this Chapter;
721 (b) Includes adequate and perpetual access and sufficient areas, by
722 easement or otherwise, for inspection and regular maintenance;
723 (c) Shall meet the City's engineering standards and any other as applicable;
724 (d) Operation and maintenance of storm water facilities within the City shall
725 be in conformance with the requirements of the MS4 Permit;
726 (e) The stormwater facility, easement, and/or land on which the facility is
727 constructed shall be dedicated by recorded plat, easement, and/or deed;
728 and
729 (C) Stormwater Facilities/Infrastructure under private ownership and/or operation:
730 (1) All storm water infrastructure located on private land or that is to be
731 accessed through private land, must have easements for the purpose of

732 access, inspection, maintenance, and repair. These easements must be
733 binding on the current property owner and all subsequent owners, heirs, and
734 successors of the property and must be properly recorded in the land record.

735 (2) The City may enter all private properties through which the City holds an
736 easement for the purposes of inspecting, observing, measuring, sampling,
737 repairing, or maintaining any portion of the storm sewer facilities installed
738 within the easement, or the performance of any other duties pertinent to the
739 operation of the storm sewer system. All entry and subsequent work, if any,
740 on an easement shall be completed according to any specific terms of the
741 easement.

742 (3) The responsibility for the maintenance and repair of storm water facilities
743 shall be assigned to the owner of the property upon which the facility is
744 located and be recorded against the property by appropriate notation.

745 (4) Where storm water infrastructure is not maintained or repaired within the
746 prescribed schedule, the City may perform the maintenance and repair at its
747 expense and bill the same to the property owner. If payment is not made
748 within forty-five (45) days, the City's cost of performing the maintenance shall
749 be a lien against the property.

752 **§ 155.041 LONG-TERM MAINTENANCE AGREEMENT.**

753 (A) The City shall require a *PERMITTEE* to enter into a *LONG-TERM*
754 *MAINTENANCE AGREEMENT* with the City if permanent private infrastructure
755 or stormwater management facilities are installed and to be operated and
756 maintained after the conclusion of *CONSTRUCTION ACTIVITY*.

757 (B) The *LONG-TERM MAINTENANCE AGREEMENT* shall be recorded by the
758 *PERMITTEE* with the County Land Records Recorder as a deed restriction and
759 is binding on all subsequent owners of land served by private stormwater
760 management facilities. A copy of the executed, recorded agreement shall be
761 provided to the City Recorder.

762 (C) The *LONG-TERM MAINTENANCE AGREEMENT* shall be in a form approved by
763 the City Attorney that will include, but not necessarily be limited to the following:

764 (1) Details of the post-construction operation, maintenance, and inspection
765 requirements for any permanently installed privately owned infrastructure
766 related to stormwater management of the site.

767 (2) Assignment of responsibility for the maintenance and repair of the storm
768 water facility to the owner of the property upon which the facility is located
769 and recorded as such on the plat for the property by appropriate notation.

770 (3) Require annual inspections by the property owner for the purpose of
771 documenting maintenance and repair needs and ensure compliance with the
772 purpose and requirements of this Chapter. The property owner shall arrange
773 for this inspection to be conducted by a Registered Storm Water Inspector
774 (RSI) or a registered professional engineer licensed to practice in the State of
775 Utah who will submit a sealed report of the inspection to the City.

776 (4) Provide for a schedule to ensure maintenance needs shall be addressed in a
777 timely manner.

778 (5) Require that after written notice by the City to correct a violation requiring
779 maintenance work or repairs that such violations shall be satisfactorily
780 addressed within the time frames outlined in this Chapter. If the required

781 work is not completed within the required time, the City shall perform or cause
782 to have performed the required maintenance or repairs. The City's direct or
783 indirect cost of performing the maintenance/repairs shall be a lien against the
784 property if the property owner does not submit reimbursement to the City
785 within forty-five (45) days.

786 (6) Require that if *EXCEPTIONAL CIRCUMSTANCES* are cited by the *CITY*
787 *ENGINEER* or *PUBLIC WORKS DIRECTOR*, the owner shall take immediate
788 action to address the situation and/or the City will direct and cause to have
789 required actions taken. The City's direct or indirect cost of performing the
790 maintenance/repairs shall be a lien against the property if the property owner
791 does not submit reimbursement to the City within forty-five (45) days.

792 (7) Require that self-inspection reports shall be conducted monthly or more often
793 if necessary and maintained on site by the owner and available to the City for
794 all stormwater management systems. Inspection reports for stormwater
795 management systems shall include the following:
796 (a) The date, time, and conditions at the time of inspection.
797 (b) Name of the inspector.
798 (c) The condition of (as applicable):
799 (i) Vegetation or filter media;
800 (ii) Fences or other safety devices;
801 (iii) Spillways, valves, or other control structures;
802 (iv) Embankments, slopes, and safety benches;
803 (v) Reservoir or treatment areas;
804 (vi) Inlet and outlet channels or structures;
805 (vii) Underground drainage;
806 (viii) Sediment and debris accumulation in storage and forebay areas;
807 (ix) Any nonstructural practices to the extent practicable;
808 (x) Any other item that could affect the proper function of the stormwater
809 management system; and
810 (xi) Detailed description of needed maintenance and schedules.

813 **§ 155.070 STORMWATER SERVICE AREA ESTABLISHED; UTILITY AND IMPACT 814 FEES**

815 (A) The Stormwater Service Area has been established that coincides with the
816 current and future boundaries of the City.
817 (B) The City shall determine, assess, impose, and collect a stormwater utility fee in
818 accordance with state statute and in accordance with West Haven City Code.
819 (C) The City shall determine, assess, impose, and collect a stormwater impact fee in
820 accordance with state statute and in accordance with West Haven City Code.

823 **§ 155.080 FEE SCHEDULE.**

824 Any fees, fines, and penalties, except for the impact fee which is controlled by the
825 most recently adopted impact fee ordinance, that are imposed or collected under this
826 Chapter shall be in accordance with the most recently adopted West Haven
827 Consolidated Fees and Fines Schedule.

830 **§ 155.090 AUTHORITY TO INSPECT.**

831 (A) If the City has cause to believe that there exists, or potentially exists, a condition
832 which constitutes a violation of this Chapter or whenever necessary to make an
833 inspection to enforce any provision of this Chapter, authorized City personnel may
834 enter the permitted site(s) at all reasonable times to inspect the same and to
835 inspect and copy records related to stormwater compliance.
836 (B) In the event that any person refuses entry after a request to enter and inspect has
837 been made, the City is hereby empowered to seek assistance from any court of
838 competent jurisdiction in obtaining such entry.

839 **§ 155.091 ENFORCEMENT; STOP WORK ORDERS; NOTICE OF VIOLATION.**

840 (A) The *CITY ENGINEER, PUBLIC WORKS DIRECTOR, STORMWATER*
841 *MANAGER, and/or REGISTERED STORMWATER INSPECTOR* shall have the
842 authority to enforce compliance under this Chapter.
843 (B) Any authorized City official may issue an immediate *STOP WORK ORDER* if the
844 official determines that there is evidence of an *IMMEDIATE THREAT*.
845 (1) A *STOP WORK ORDER* may be imposed without previous notice if there is:
846 (a) Evidence that contaminated stormwater is or has the potential to be
847 discharged to any waters of the state, onto a public street, into the City
848 storm sewer system or onto an adjacent property;
849 (b) That the erosion and sediment control measures implemented by a
850 permittee pursuant to the permit are inadequate to prevent or minimize, to
851 the maximum extent practicable, the discharge of sediment, debris, or
852 other pollutants from the construction site by stormwater; or
853 (c) Appropriate erosion control measures are not installed or have not been
854 operated or maintained in such a manner that they are not effective.
855 (2) If *EXCEPTIONAL CIRCUMSTANCES* are cited by an authorized City official
856 which may include, but are not limited to, situations which involve a risk of injury
857 to persons, damage to storm drain facilities, or damage to other property or the
858 environment, the City may take any steps deemed necessary to immediately
859 alleviate any such *EXCEPTIONAL CIRCUMSTANCES* and may bill the owner,
860 developer, or contractor responsible for all direct and indirect costs incurred by
861 the City.
862 (3) If a *STOP WORK ORDER* is issued by a *REGISTERED STORMWATER*
863 *INSPECTOR*, then the *STORMWATER MANAGER, PUBLIC WORKS*
864 *DIRECTOR*, or *CITY ENGINEER* shall be notified and approve the order prior
865 to the issuance of the order or prior to releasing the order.
866 (4) The *STOP WORK ORDER* shall remain in effect until the *PERMITTEE* has
867 satisfactorily addressed all *CORRECTIVE ACTION* and brings the site back
868 into compliance.
869 (5) A *STOP WORK ORDER* mandates cessation of all *CONSTRUCTION*
870 *ACTIVITIES* pertaining to installation of public and private site improvements
871 and may extend to building construction activities that may have the potential to
872 cause a *DISCHARGE*, including, but not limited to, storage of building or
873 construction materials; concrete delivery or pouring; and local *SOIL*
874 *DISTURBANCE*.
875 (6) A *STOP WORK ORDER* may be lifted conditionally if restarting work will not
876 result in a new or continued violation.

879 (7) Being placed under a *STOP WORK ORDER* does not remove the responsibility
880 or obligations of the *PERMITTEE* or *PERSON* to continually operate and
881 maintain compliance during the *STOP WORK ORDER* duration.

882 (8) Notice of violation(s) may be issued because of or due to a *STOP WORK*
883 *ORDER* and impose penalties and fines, in accordance with the nature of the
884 violation. Fines imposed shall be in accordance with the most recently adopted
885 West Haven Consolidated Fees and Fines Schedule.

886 (9) The *PERMITTEE* may appeal a *STOP WORK ORDER* pursuant to the appeal
887 procedure set forth in in this Chapter.

888 (C) Any authorized City official may issue a notice of violation to a *PERMITTEE* and
889 impose an administrative fine based on a violation provided that:

890 (1) The *PERMITTEE* will be notified, in writing, of a specific violation(s) subject to
891 administrative fines for the following:

892 (a) Working without an approved *PERMIT*.

893 (b) For tracking mud on road.

894 (c) Failure to clean up or report spills.

895 (d) Failure to conduct required storm water inspections.

896 (e) Failure to maintain storm water records.

897 (f) Failure to use general *BEST MANAGEMENT PRACTICES* as
898 determined by the City.

899 (2) Notice of Violation.

900 (a) A first written notice of violation shall be issued to the *APPLICANT*
901 outlining: the specific violation, that the *APPLICANT* has the reasonable
902 time of at least one (1) *BUSINESS DAY* to correct the violation, and that
903 a fine may be imposed if the violation is not corrected.

904 (b) If an *APPLICANT* does not correct the specific violation within the
905 timeline outlined in the first notice of violation, a second written notice of
906 violation shall be issued to the *APPLICANT* outlining: that the specific
907 violation has not been corrected, that the violation shall be corrected
908 within no less than an additional one (1) *BUSINESS DAY*, and that a fine
909 shall be imposed if the violation is not corrected.

910 (c) If an *APPLICANT* does not correct the specific violation after receiving
911 the two notices of violation and within the timeframes outlined in those
912 notices, a third written notice shall be issued to the *APPLICANT* that an
913 administrative fine shall be imposed per *OCCURRENCE*, in accordance
914 with the West Haven Consolidated Fees and Fines Schedule, starting
915 the date of the letter and continuing until the violation has been
916 corrected.

917 (3) Violations for failure to use general *BEST MANAGEMENT PRACTICES* as
918 determined by the *CITY* may also be assessed per *SITE* in addition to each
919 occurrence.

920 (4) The *CITY* shall clearly document the specific violation and impose each fine in
921 writing.

922 (5) All collected fines shall be deposited into a restricted account for education and
923 outreach programs.

924 (6) If the violation continues after notice from the *CITY* and the *CITY* provides
925 documentation regarding past and/or continuing impact to *WATERS OF THE*
926 *STATE*, the *CITY* may require any person engaged in *ILICIT DISCHARGE*,
927 and/or the owner/operator of the site, to provide at his or her own expense

928 additional/continual monitoring and analyses required by the *CITY* to ensure
929 compliance with this Chapter.

930 (D) Any *PERSON* found to be in violation of this Chapter shall be responsible for
931 payment to cover administrative, clean-up, remediation, monitoring, analysis,
932 reporting costs, and related expenses as well as for any costs incurred by the
933 *CITY*.

934 (E) The *CITY* may defer the notice requirements set forth in this Section and
935 immediately proceed with criminal and/or civil action against the violator if:
936 (1) The violation, in the opinion of the *CITY*, creates a serious risk to persons, the
937 environment, or property;
938 (2) The *CITY* deems the violation to constitute an emergency; or
939 (3) The violator was previously cited for the same violation.

940

941

942 **§ 155.093 APPEAL.**

943 (A) Any *PERSON* or *PERMITTEE* may appeal any decision or directive made by the
944 *CITY* under this Chapter to the City Manager or his/her designee. The party
945 desiring to appeal shall file a notice of appeal at the *CITY* office within three (3)
946 business days of the decision or directive being appealed.

947 (B) The notice of appeal shall contain the following information:
948 (1) The appellant's name, address, and daytime telephone number;
949 (2) A short statement describing the basis for the appeal;
950 (3) Copies of any executed stormwater construction activity permit and
951 supporting documents; and
952 (4) The relief sought by the appellant.

953 (C) Upon receipt of the notice of appeal, the City Manager shall set a date for an
954 informal hearing to consider the appeal.

955 (D) At the informal hearing, the appellant shall present all evidence and/or witnesses
956 that they have regarding the issue that they are appealing. The City Manager
957 shall examine the evidence presented and/or be allowed to question any witness
958 presented.

959 (E) The City Manager shall render a decision on the appeal within five (5) business
960 days of the informal hearing with the appellant. The City Manager shall uphold the
961 decision or directive being appealed, unless the City Manager finds that there has
962 been an error in the interpretation or implementation of this Chapter.

963 (F) The appellant shall still be required to implement required corrective actions
964 during the duration of the appeal process and maintain overall compliance with
965 this Chapter.

966 (G) The appellant may elect not to implement corrective actions; however, no site
967 work shall be conducted by appellant during the duration of the appeal period. In
968 addition, the *CITY* may undertake actions to stop any *IMMEDIATE THREAT*
969 and/or remove or provide for the removal of *POLLUTANTS* from the *MUNICIPAL*
970 *SYSTEM* and/or *PUBLIC WAY*.

971 (H) A finding in favor of an appellant does not hold the *CITY* responsible for direct or
972 indirect costs incurred by the *PERMITTEE* during the time the *STOP WORK*
973 *ORDER* was imposed or responsible for reasonable reimbursements undertaken
974 by the City to respond to any documented *IMMEDIATE THREAT*.

977 **§ 155.999 PENALTY.**

978 (A) The violation of any provision of §155.001 or any of the provisions of this Chapter
979 is a Class C misdemeanor. Each day that a violation occurs shall constitute a
980 separate offense.

981 (B) If, as the result of the violation of any provision of §155.001 or any provisions of
982 this Chapter, the *CITY* or any other party suffers damages and is required to
983 make repairs and/or replace any materials, the cost of repair and/or replacement
984 shall be borne by the violating party and shall be in addition to any criminal or civil
985 fines and/or penalties.

986 (C) Violators of §155.001 or any of the provisions of this Chapter may also be subject
987 to prosecution, fines, and penalties from the State of Utah and the United States
988 EPA.

989 (D) Violators of this Chapter are also subject to any penalties that may be imposed by
990 the state, under the authority of the State of Utah's Water Quality Act, Title 19,
991 Chapter 5 of the Utah State Code.

992 (E) In addition to any criminal fines and/or penalties which may be assessed for a
993 violation of any of the provisions this Chapter, the *CITY* shall have the right to
994 issue a *STOP WORK ORDER* or to install and/or maintain appropriate erosion
995 and sediment control measures on any site which is required to have such
996 measures in the event that construction activity is commenced or continued
997 without such measures having been installed as required by this Chapter. The
998 *CITY* shall have the right to have such measures installed or maintained by *CITY*
999 personnel or to hire a private contractor to perform such work, and the contractor
1000 and/or the property owner shall be liable for any and all expenses related to
1001 performing such work plus a 25% penalty charge. The *CITY* may assess said
1002 charges against the financial guarantee posted by the contractor and/or property
1003 owner.

1004 (F) Any person owning or maintaining facilities or structures in the public way who
1005 fails to alter, modify, or relocate such facilities or structure upon notice by the
1006 *CITY* shall be guilty of a class B misdemeanor. All costs of alteration, modification,
1007 or relocation shall be borne by the *PERSON* or *PERMITTEE* owning or
1008 maintaining the facilities or structures involved.