

**ORDINANCE NO. 09-2025**

**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 The **West Haven Code Chapter 155** titled “**STORMWATER QUALITY MANAGEMENT**”, and all of its subsections, shall be repealed and replaced with **Chapter 155: STORMWATER QUALITY MANAGEMENT**, which new language is attached as “**Attachment A**” to this Ordinance.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provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.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	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

## **RECORDER'S CERTIFICATION**

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. 09-2025**, 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 20, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 20<sup>th</sup> day of August 2025.

## Emily Green City Recorder

## ATTACHMENT A

**ATTACHED TO ORDINANCE 09-2025  
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
- 155.091 Enforcement; Stop Work Orders; Notice of Violation
- 155.093 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*.

#### **§ 155.016 PROHIBITED DISCHARGES.**

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

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

458           (C) The following discharges to the *MUNICIPAL SYSTEM* are exempt from the  
459           prohibitions of this Section:  
460            (1) Discharges regulated under a valid UPDES storm discharge permit, provided  
461            that the discharge complies with the terms of the permit;  
462            (2) Water line flushing;  
463            (3) Landscape irrigation;  
464            (4) Diverted stream flows;  
465            (5) Rising groundwaters;  
466            (6) Uncontaminated groundwater infiltration;  
467            (7) Uncontaminated pumped groundwater;  
468            (8) Discharges from potable water sources;  
469            (9) Uncontaminated water from foundation/footing, land, and yard drains;  
470            (10) Air conditioning condensate;  
471            (11) Uncontaminated irrigation water, including uncontaminated lawn-watering  
472            runoff;  
473            (12) Springs;  
474            (13) Individual residential car washing, provided there is no discharge of soaps,  
475            solvents, or other substances used for such purposes;  
476            (14) Flows from riparian habitats and wetlands;  
477            (15) Dechlorinated swimming pool discharges;  
478            (16) Residual sidewalk, driveway, or street wash water;  
479            (17) Dechlorinated water reservoir discharges; and  
480            (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.  
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## 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.

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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.