

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 The **West Haven Code Chapter 155** titled “**STORMWATER QUALITY MANAGEMENT**”, and all of its subsections, shall be repealed and replaced with **Chapter 155: STORMWATER QUALITY MANAGEMENT**, which new language is attached as “**Attachment A**” to this Ordinance.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provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.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

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. 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 20th 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".

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

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

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

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

(a) One (1) acre or more; or

(b) Less than one (1) acre if part of a **COMMON PLAN OF DEVELOPMENT OF SALE**.

CONTAMINANT. See **POLLUTANT**.

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

DEBRIS. Any dirt, rock, sand, vegetation, rubbish, or litter.

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

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

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

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

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

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

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

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

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

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

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

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

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

ILLICIT DISCHARGE.

(A) Any *NON-STORMWATER RUNOFF* or *DISCHARGE* to the *MUNICIPAL SYSTEM* or *WATERS OF THE STATE*. *ILLICIT DISCHARGE* includes both direct discharges and indirect discharges that occur due to deliberate or inadvertent actions, but not limited to:

- (1) Any *POLLUTANT*, sewage, process wastewater, or wash water that enter the storm drain system;
- (2) *DISCHARGE* to the *MUNICIPAL SYSTEM* from indoor drains or sinks, regardless of whether said drain or discharge had been previously allowed, permitted, or approved by a government agency; or discharge directly to any collection or conveyance structures or appurtenances;
- (3) Unmanaged wastewater from washout of concrete;
- (4) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- (5) Fuels, oils, and/or other pollutants used in vehicle and equipment operation and maintenance; or
- (6) Soaps or solvents are used in vehicle and equipment washing.

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

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

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

LONG-TERM STORMWATER MANAGEMENT/POST-CONSTRUCTION

STORMWATER MANAGEMENT MEASURES. The use of structural or non-structural measures at developed sites after construction that are designed to reduce long-term impacts of storm water runoff to the *MUNICIPAL SYSTEM* and *WATERS OF THE STATE*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER POLLUTION PREVENTION PLAN/SWPPP. See *PREVENTION PLAN*.

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

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

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

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

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

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

§ 155.010 COMPLIANCE WITH FEDERAL AND STATE LAW.

- (A) Nothing in this Chapter should be interpreted to relieve any person from an obligation to comply with an applicable federal, state, or local law relating to stormwater discharges or drinking water protection.
- (B) The City may not make or enforce a rule, an ordinance, or a policy regarding the *MUNICIPAL SYSTEM* more stringent than the corresponding federal regulations under the federal Clean Water Act unless expressly permitted by state statute.

§ 155.011 DRINKING WATER PROTECTION.

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

§ 155.015 PROHIBITED OBSTRUCTIONS.

- (A) It is unlawful for any *PERSON* or *PERMITTEE* to:
 - (1) Obstruct the flow of *STORMWATER RUNOFF* in the *MUNICIPAL SYSTEM*;
 - (2) Contribute to the obstruction of the flow of *STORMWATER RUNOFF* in the *MUNICIPAL SYSTEM*;
 - (3) Cover or obstruct any *DRAIN INLET*; or
 - (4) *DISCHARGE* or cause to discharge any *STORMWATER RUNOFF* or *POLLUTANT* onto adjacent private and/or public properties.
- (B) The City may direct any *PERSON* or *PERMITTEE* who installs, owns, or maintains facilities or structures or obstruction within the *PUBLIC WAY* or any public drainage or public utility easement that impede the free flow of *STORMWATER*; and/or creates flooding or impoundment within the right of way or other public or private property; and/or creates a nuisance to remove such

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

(C) The following obstructions are exempt from the prohibitions of this Section:

- (1) Street and/or storm sewer improvement projects authorized by the City;
- (2) Flood control and prevention activities performed by the City;
- (3) Obstructions approved by the City as part of a site's *PREVENTION PLAN*; and
- (4) Obstructions occurring during cleanup periods established by the City; provided that the materials are placed in accordance with City requirements and do not obstruct *DRAIN INLETS*.

§ 155.016 PROHIBITED DISCHARGES.

- (A) It is unlawful for any *PERSON* or *PERMITTEE* to cause or allow an *ILLICIT DISCHARGE*, as defined in §155.002, to the *MUNICIPAL SYSTEM* or *WATERS OF THE STATE*.
- (B) It is unlawful for any person to maintain, store, keep, deposit, or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system as a result of a precipitation event, including snowmelt or non-stormwater runoff.
- (C) The following discharges to the *MUNICIPAL SYSTEM* are exempt from the prohibitions of this Section:
- (1) Discharges regulated under a valid UPDES storm discharge permit, provided that the discharge complies with the terms of the permit;
 - (2) Water line flushing;
 - (3) Landscape irrigation;
 - (4) Diverted stream flows;
 - (5) Rising groundwaters;
 - (6) Uncontaminated groundwater infiltration;
 - (7) Uncontaminated pumped groundwater;
 - (8) Discharges from potable water sources;
 - (9) Uncontaminated water from foundation/footing, land, and yard drains;
 - (10) Air conditioning condensate;
 - (11) Uncontaminated irrigation water, including uncontaminated lawn-watering runoff;
 - (12) Springs;
 - (13) Individual residential car washing, provided there is no discharge of soaps, solvents, or other substances used for such purposes;
 - (14) Flows from riparian habitats and wetlands;
 - (15) Dechlorinated swimming pool discharges;
 - (16) Residual sidewalk, driveway, or street wash water;
 - (17) Dechlorinated water reservoir discharges; and
 - (18) Discharges from emergency firefighting activities.

§ 155.017 DAMAGE TO THE MUNICIPAL SYSTEM OR IRRIGATION LINES.

- (A) Any person who damages any portion of the *MUNICIPAL SYSTEM*, a City-owned irrigation line, or a City-maintained irrigation line shall be responsible for repairing the damages.
- (B) Any damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with the City's most recently adopted engineering standards, specifications, and practices.
- (C) It is unlawful to remove or alter any portion of the *MUNICIPAL SYSTEM* without authorization from the *CITY ENGINEER*.
- (D) It shall be unlawful to open any storm sewer manhole or other storm sewer fixture such as grates, lids, or inlets) without permission from the *CITY ENGINEER*.

§ 155.020 CONSTRUCTION STORMWATER PERMIT; PERMIT REQUIRED.

- (A) A Construction Stormwater Permit is required for:
 - (1) Any residential development project that has received all requisite land use review and approvals in accordance with City land usage ordinances; and
 - (2) May cause a *SOIL DISTURBANCE* of:
 - (a) One (1) acre or more; or
 - (b) Less than one (1) acre if the application is part of a *COMMON PLAN OF DEVELOPMENT OF SALE*;
 - (3) The City has received notice that the *APPLICANT* has submitted a *NOTICE OF INTENT* with the State.
- (B) A *CONSTRUCTION STORMWATER PERMIT* application shall consist of an application form as prescribed by the *CITY ENGINEER* or *PUBLIC WORKS DIRECTOR*, a *PREVENTION PLAN*, and associated and supportive documentation that will be in accordance with a checklist published on the City's website.
- (C) The City's checklist shall be consistent with:
 - (1) The current EPA Construction General Permit.
 - (2) The requirements listed may not exceed the application requirements of 40 C.F.R. Part 122, Subpart B.
- (D) An application that is submitted with all required checklist items will be accepted as "complete."
- (E) The City shall provide for review of a complete application and the *APPLICANT* shall not be permitted to start any *CONSTRUCTION ACTIVITIES* until the City authorizes such discharge of stormwater in conformance with the following schedule:
 - (1) The City has fourteen (14) *BUSINESS DAYS* after the day on which the *APPLICANT* submits a complete application to review the application for compliance with local ordinances, state law, and federal law.
 - (2) Within those fourteen (14) *BUSINESS DAYS*, the City may request that the *APPLICANT* provide more information or modification to the *PREVENTION PLAN*, if:
 - (a) The City lists specifically why the *PREVENTION PLAN* or other submittal is non-compliant and the additional information is required; and/or;
 - (b) The City includes citations to the permit requirements, local ordinances, 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.
- 538 (3) The City has five (5) *BUSINESS DAYS* after the day on which the
539 *APPLICANT* submits the additional information or modification to complete
540 the review of the application and shall notify the *APPLICANT*, in writing,
541 whether the authorization to discharge is granted.
- 542 (F) The City may conduct a pre-construction site inspection in person or use an
543 electronic site inspection tool to ensure that the *SITE* is in compliance with the
544 approved *PREVENTION PLAN* prior to the start of *CONSTRUCTION*
545 *ACTIVITIES*.
- 546 (1) The applicant or applicant's designee shall participate in pre-construction
547 site inspections;
- 548 (2) No *CONSTRUCTION ACTIVITIES* shall be allowed if the site is not in
549 conformance with the approved *PREVENTION PLAN*.

550
551
552 **§ 155.030 OVERSIGHT INSPECTIONS AND ENTRY.**

553 (A) Frequency of Inspections for *CGP PERMITTEES*

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

556 (a) At least once every seven (7) calendar days; or

557 (b) Once every fourteen (14) calendar days and within twenty-four (24) hours
558 of the occurrence of:

559 (i) A storm event that produces 0.5 inches or more of rain within a twenty-
560 four (24) hour period.

561 (ii) If a storm event produces 0.5 inches or more of rain within a twenty-four
562 (24) period (including when there are multiple, smaller storms that alone
563 produce less than 0.5 inches but together produced 0.5 inches or more
564 in twenty-four (24) hours), must conduct one (1) *ELECTRONIC SITE*
565 *INSPECTION REPORT* within twenty-four hours of when 0.5 inches of
566 rain or more has fallen.

567 (iii) If a storm event produces 0.5 inches or more of rain within a twenty-
568 four (24) period on the first day of a storm and continues to produce 0.5
569 inches or more of rain on subsequent days, conduct an *ELECTRONIC*
570 *SITE INSPECTION REPORT* within twenty-four (24) hours of the first
571 day of the storm and within twenty-four (24) hours after the last day of
572 the storm that produces 0.5 inches or more of rain (i.e. only two (2)
573 inspections would be required for such a storm event).

574 (c) Runoff from snowmelt sufficient to cause a *DISCHARGE*.

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

582 (a) Include meta data verifying the date, time, and GPS location
583 corresponding to the construction site; and

584 (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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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 *PERMITEE* 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

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

- (2) The City may enter all private properties through which the City holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing, or maintaining any portion of the storm sewer facilities installed within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system. All entry and subsequent work, if any, on an easement shall be completed according to any specific terms of the easement.
- (3) The responsibility for the maintenance and repair of storm water facilities shall be assigned to the owner of the property upon which the facility is located and be recorded against the property by appropriate notation.
- (4) Where storm water infrastructure is not maintained or repaired within the prescribed schedule, the City may perform the maintenance and repair at its expense and bill the same to the property owner. If payment is not made within forty-five (45) days, the City's cost of performing the maintenance shall be a lien against the property.

§ 155.041 LONG-TERM MAINTENANCE AGREEMENT.

- (A) The City shall require a *PERMITTEE* to enter into a *LONG-TERM MAINTENANCE AGREEMENT* with the City if permanent private infrastructure or stormwater management facilities are installed and to be operated and maintained after the conclusion of *CONSTRUCTION ACTIVITY*.
- (B) The *LONG-TERM MAINTENANCE AGREEMENT* shall be recorded by the *PERMITTEE* with the County Land Records Recorder as a deed restriction and is binding on all subsequent owners of land served by private stormwater management facilities. A copy of the executed, recorded agreement shall be provided to the City Recorder.
- (C) The *LONG-TERM MAINTENANCE AGREEMENT* shall be in a form approved by the City Attorney that will include, but not necessarily be limited to the following:
- (1) Details of the post-construction operation, maintenance, and inspection requirements for any permanently installed privately owned infrastructure related to stormwater management of the site.
 - (2) Assignment of responsibility for the maintenance and repair of the storm water facility to the owner of the property upon which the facility is located and recorded as such on the plat for the property by appropriate notation.
 - (3) Require annual inspections by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this Chapter. The property owner shall arrange for this inspection to be conducted by a Registered Storm Water Inspector (RSI) or a registered professional engineer licensed to practice in the State of Utah who will submit a sealed report of the inspection to the City.
 - (4) Provide for a schedule to ensure maintenance needs shall be addressed in a timely manner.
 - (5) Require that after written notice by the City to correct a violation requiring maintenance work or repairs that such violations shall be satisfactorily addressed within the time frames outlined in this Chapter. If the required

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

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

(7) Require that self-inspection reports shall be conducted monthly or more often if necessary and maintained on site by the owner and available to the City for all stormwater management systems. Inspection reports for stormwater management systems shall include the following:

(a) The date, time, and conditions at the time of inspection.

(b) Name of the inspector.

(c) The condition of (as applicable):

(i) Vegetation or filter media;

(ii) Fences or other safety devices;

(iii) Spillways, valves, or other control structures;

(iv) Embankments, slopes, and safety benches;

(v) Reservoir or treatment areas;

(vi) Inlet and outlet channels or structures;

(vii) Underground drainage;

(viii) Sediment and debris accumulation in storage and forebay areas;

(ix) Any nonstructural practices to the extent practicable;

(x) Any other item that could affect the proper function of the stormwater management system; and

(xi) Detailed description of needed maintenance and schedules.

§ 155.070 STORMWATER SERVICE AREA ESTABLISHED; UTILITY AND IMPACT FEES

(A) The Stormwater Service Area has been established that coincides with the current and future boundaries of the City.

(B) The City shall determine, assess, impose, and collect a stormwater utility fee in accordance with state statute and in accordance with West Haven City Code.

(C) The City shall determine, assess, impose, and collect a stormwater impact fee in accordance with state statute and in accordance with West Haven City Code.

§ 155.080 FEE SCHEDULE.

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

§ 155.090 AUTHORITY TO INSPECT.

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

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

- (A) The *CITY ENGINEER, PUBLIC WORKS DIRECTOR, STORMWATER MANAGER*, and/or *REGISTERED STORMWATER INSPECTOR* shall have the authority to enforce compliance under this Chapter.
- (B) Any authorized City official may issue an immediate *STOP WORK ORDER* if the official determines that there is evidence of an *IMMEDIATE THREAT*.
- (1) A *STOP WORK ORDER* may be imposed without previous notice if there is:
- (a) Evidence that contaminated stormwater is or has the potential to be discharged to any waters of the state, onto a public street, into the City storm sewer system or onto an adjacent property;
 - (b) That the erosion and sediment control measures implemented by a permittee pursuant to the permit are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris, or other pollutants from the construction site by stormwater; or
 - (c) Appropriate erosion control measures are not installed or have not been operated or maintained in such a manner that they are not effective.
- (2) If *EXCEPTIONAL CIRCUMSTANCES* are cited by an authorized City official which may include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment, the City may take any steps deemed necessary to immediately alleviate any such *EXCEPTIONAL CIRCUMSTANCES* and may bill the owner, developer, or contractor responsible for all direct and indirect costs incurred by the City.
- (3) If a *STOP WORK ORDER* is issued by a *REGISTERED STORMWATER INSPECTOR*, then the *STORMWATER MANAGER, PUBLIC WORKS DIRECTOR*, or *CITY ENGINEER* shall be notified and approve the order prior to the issuance of the order or prior to releasing the order.
- (4) The *STOP WORK ORDER* shall remain in effect until the *PERMITTEE* has satisfactorily addressed all *CORRECTIVE ACTION* and brings the site back into compliance.
- (5) A *STOP WORK ORDER* mandates cessation of all *CONSTRUCTION ACTIVITIES* pertaining to installation of public and private site improvements and may extend to building construction activities that may have the potential to cause a *DISCHARGE*, including, but not limited to, storage of building or construction materials; concrete delivery or pouring; and local *SOIL DISTURBANCE*.
- (6) A *STOP WORK ORDER* may be lifted conditionally if restarting work will not 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 *PERMITEE* 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 *ILLICIT DISCHARGE*,
927 and/or the owner/operator of the site, to provide at his or her own expense

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

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

(E) The *CITY* may defer the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:

(1) The violation, in the opinion of the *CITY*, creates a serious risk to persons, the environment, or property;

(2) The *CITY* deems the violation to constitute an emergency; or

(3) The violator was previously cited for the same violation.

§ 155.093 APPEAL.

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

(B) The notice of appeal shall contain the following information:

(1) The appellant's name, address, and daytime telephone number;

(2) A short statement describing the basis for the appeal;

(3) Copies of any executed stormwater construction activity permit and supporting documents; and

(4) The relief sought by the appellant.

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

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

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

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

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

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

§ 155.999 PENALTY.

- (A) The violation of any provision of §155.001 or any of the provisions of this Chapter is a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- (B) If, as the result of the violation of any provision of §155.001 or any provisions of this Chapter, the *CITY* or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.
- (C) Violators of §155.001 or any of the provisions of this Chapter may also be subject to prosecution, fines, and penalties from the State of Utah and the United States EPA.
- (D) Violators of this Chapter are also subject to any penalties that may be imposed by the state, under the authority of the State of Utah's Water Quality Act, Title 19, Chapter 5 of the Utah State Code.
- (E) In addition to any criminal fines and/or penalties which may be assessed for a violation of any of the provisions this Chapter, the *CITY* shall have the right to issue a *STOP WORK ORDER* or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The *CITY* shall have the right to have such measures installed or maintained by *CITY* personnel or to hire a private contractor to perform such work, and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The *CITY* may assess said charges against the financial guarantee posted by the contractor and/or property owner.
- (F) Any person owning or maintaining facilities or structures in the public way who fails to alter, modify, or relocate such facilities or structure upon notice by the *CITY* shall be guilty of a class B misdemeanor. All costs of alteration, modification, or relocation shall be borne by the *PERSON* or *PERMITTEE* owning or maintaining the facilities or structures involved.