

ORDINANCE NO. 2026-05

AN ORDINANCE OF SUNSET CITY, UTAH, AMENDING SECTIONS 8-6-3, “STORM WATER MANAGEMENT AND PERMIT,” AND 8-6-5, “VIOLATIONS AND ENFORCEMENT,” OF CHAPTER 6, “STORM WATER MANAGEMENT,” OF TITLE 8, “HEALTH AND SAFETY,” OF THE SUNSET CITY CODE, TO ESTABLISH EXPLICIT REGULATORY AUTHORITY FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION AND STORM WATER POLLUTION PREVENTION PLANS; TO AUTHORIZE ELECTRONIC OVERSIGHT INSPECTIONS; TO CODIFY TECHNICAL LOW IMPACT DEVELOPMENT RETENTION CALCULATION STANDARDS AND INFEASIBILITY PROCEDURES; TO CODIFY AN ESCALATING ENFORCEMENT LADDER; AND TO ENSURE COMPLIANCE WITH THE UTAH MS4 GENERAL PERMIT (UTR090000)

WHEREAS, Sunset City (the “City”) is required by the Utah Division of Water Quality to maintain a Utah Pollutant Discharge Elimination System (UPDES) Permit for its Municipal Separate Storm Sewer System (MS4); and

WHEREAS, Section 4.2.3.2.1 of the MS4 Permit mandates that the City possess adequate legal authority to detect, investigate, eliminate, and enforce against non-stormwater discharges into the MS4; and

WHEREAS, Section 4.2.4.1.2 of the MS4 Permit mandates that the City implement a regulatory mechanism requiring construction site operators to obtain, renew, and terminate coverage under current UPDES Storm Water General Permits; and

WHEREAS, Section 4.2.5.1.2 of the MS4 Permit mandates that new development and redevelopment projects disturbing one acre or more (or less than one acre if part of a larger common plan of development) manage rainfall on-site to prevent off-site discharge from rainfall events less than or equal to the 80th percentile rainfall event; and

WHEREAS, Utah Code §§ 19-5-108.3 and 19-5-108.5 provide for modern electronic inspection methods, specific notification limitations, and Low Impact Development (LID) standards that must be reflected in the Sunset City Code; and

WHEREAS, the City Council has determined that this amendment is necessary and appropriate to ensure the City's continued compliance with the MS4 Permit and is in the best interest of the health, safety, and welfare of the residents of Sunset City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SUNSET CITY, UTAH, AS FOLLOWS:

SECTION 1. AMENDMENT.

Sections 8-6-3, “Storm Water Management And Permit,” and 8-6-5, “Violations And Enforcement,” of Chapter 6, “Storm Water Management,” of Title 8, “Health And Safety,” of the Sunset City Code are hereby amended as set forth below.

Section 8-6-3, “Storm Water Management And Permit,” of Chapter 6, “Storm Water Management,” of Title 8, “Health And Safety,” of the Sunset City Code is hereby amended by

adding the following new subsections to Subsection D, “City Stormwater Pollution Prevention Plan” (new text shown as underlined):

8-6-3: STORM WATER MANAGEMENT AND PERMIT:

D. City Stormwater Pollution Prevention Plan:

Add the following subsections:

7. All city permits or applications (meeting the requirement of a SWPPP) shall not be issued or valid until the applicant’s SWPPP has been reviewed and approved in writing by the City Stormwater Official.
8. All applicable construction operators must obtain coverage under the current state UPDES Storm Water General Permit for Construction Activities (CGP) or Common Plan Permit (CPP) for the entire duration of the project.
9. Every SWPPP must identify potential pollutant sources and describe the Best Management Practices (BMPs) to be used.
10. Operators shall file a Notice of Intent (NOI), maintain active coverage, execute required permit renewals, and submit a Notice of Termination (NOT) electronically through the EPA NPDES Electronic Reporting Tool (NeT eReporting) portal (utah.gov).
11. Proof of active state coverage and subsequent termination approval must be submitted to the City Stormwater Official.
12. All plans must prioritize Low Impact Development (LID) practices to manage runoff in accordance with Utah Code § 19-5-108.5 and the technical engineering standards set forth in Subsections 13, 14, and 15 below.
13. Hydrologic Calculation Methods And Volumetric Standards:
 - a. Rational Method: The amount of stormwater run-on or runoff from a proposed construction site shall use the Rational Method to calculate the volume of water to be processed on the site. For very large projects, alternative hydrologic modeling methods may be utilized only with the prior written approval of the City Engineer and Public Works Director.
 - b. New Development Retention Requirement: New development projects that disturb land greater than or equal to one (1) acre, including projects less than an acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one (1) acre, must manage rainfall on-site. The project must prevent the off-site discharge of precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. This objective must be accomplished through practices designed, constructed, and maintained to infiltrate, evapotranspire, and/or harvest and reuse rainwater.

c. **Redevelopment Project Retention Requirement:** Redevelopment projects that disturb land greater than or equal to one (1) acre, including projects less than an acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one (1) acre, must provide a site-specific and project-specific plan aimed at a net gain to on-site retention or a reduction of impervious surfaces. If a redevelopment project increases total impervious surfaces by greater than ten percent (10%), the project shall manage rainfall on-site and prevent the off-site discharge of the net increase in volume associated with precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

14. **80th Percentile Retention Calculation Protocol:** The 80th percentile rainfall event for Sunset City is established as 0.50 inches. The total volume of stormwater required to be stored and retained on-site (V) shall be calculated using the following equation:

$$V = (d_{80} \times 12) \times A$$

Where: d_{80} = 80th percentile rainfall depth in inches (fixed at 0.50 inches); A = total area of the project being physically disturbed, in square feet; and V = minimum required post-construction storage volume, in cubic feet.

Example: For a project on a 1-acre lot where the entirety of the lot is disturbed (43,560 square feet), the required retention volume is computed as $V = 0.50 \text{ in.} \times 12 \text{ in./ft.} \times 43,560 \text{ sq. ft.} = 1,815 \text{ cubic feet}$ of required on-site storage.

15. **Low Impact Development (LID) Implementation And Infeasibility Procedures:**

- a. **Design Guidance:** To implement structural controls capable of storing and dispersing the required 80th percentile volume, developers and design engineers may use the technical LID options found in Appendix C of “A Guide To Low Impact Development Within Utah” issued by the Utah Division of Water Quality (DWQ).
- b. **Quantification Mandate:** Every new development or redevelopment project must explicitly document and mathematically quantify how infiltration, evapotranspiration, and rainwater harvesting have been utilized to the maximum extent feasible.
- c. **Infeasibility Criteria:** A developer may claim full or partial deployment of these on-site retention controls is technically infeasible only when severe site constraints exist. Acceptable justifications for LID infeasibility are strictly limited to: high groundwater tables, designated drinking water source protection areas, poorly infiltrating soil conditions, excessive or unstable slopes, physical site accessibility limits, or documented excessive costs that represent a justifiable constraint.
- d. **Alternative Design Review:** If the developer demonstrates that structural LID options cannot function on the project site due to constraints such as those listed above, the developer shall submit a formal, detailed written rationale for the use of an alternate engineering design to the City Stormwater Official.

- e. Documentation Format: Guidance for assessing and documenting site constraints must be prepared using Appendix B (“Storm Water Quality Report Template”) of DWQ’s “A Guide To Low Impact Development Within Utah.” The completed report must be submitted to the City alongside the standard SWPPP submittal package prior to consideration for approval of a permit or application.

Section 8-6-5, “Violations And Enforcement,” of Chapter 6, “Storm Water Management,” of Title 8, “Health And Safety,” of the Sunset City Code is hereby amended by adding the following new subsections and sections (new text shown as underlined):

8-6-5: VIOLATIONS AND ENFORCEMENT:

B. Inspections:

Add the following subsections:

1. Authority To Inspect: The City Stormwater Official, or a designated authorized code enforcement representative, shall have the clear authority to enter and inspect properties and construction sites to verify compliance with approved SWPPPs, track down illicit connections, and investigate potential illegal discharges to the MS4.
2. Electronic Oversight Inspections: Consistent with Utah Code § 19-5-108.3, the City may prioritize the use of electronic site inspections (including time-stamped, geo-located photos, video recordings, or digital logs) for routine compliance monitoring. Electronic submissions shall carry the same legal weight as on-site physical inspections for determining compliance and enforcement.
3. On-Site Inspection Protocol: The City may conduct on-site physical inspections under the following specific conditions:
 - a. To investigate a specific complaint or a verified illicit discharge.
 - b. To mitigate an imminent threat to public health or the environment.
 - c. For non-imminent issues, only following the provision of a forty-eight (48) hour notice to the property owner, operator, or designated site contact.

Add the following sections:

- I. Non-Imminent Violations. For violations that do not pose an immediate threat to the environment, the City shall follow an escalating enforcement ladder consisting of:
 1. Verbal Warning: For minor, first-time technical errors.
 2. First Written Notice: A formal Notice of Violation (NOV) identifying the specific noncompliance element (e.g., failed BMP, illicit discharge, unapproved alternative design, or expired UPDES coverage) and specifying required corrective action.
 3. Second Written Notice: Issued if compliance is not achieved within the timeframe specified in the first notice.

4. Third Written Notice: Final warning issued prior to the assessment of civil penalties.
5. Civil Penalties: Following the third written notice, the City may assess civil penalties of no less than \$100.00 and no more than \$500.00 per day, per violation, until the site is brought into compliance, pursuant to Utah Code § 19-5-108.3(7).
6. Emergency Stop Work Order: The City Stormwater Official reserves the right to bypass the escalating notice steps and immediately issue a Stop Work Order or summary administrative fines under the following emergency conditions:
 - a. A discharge poses an imminent threat to the MS4, public health, or waters of the State.
 - b. The operator fails to remediate a known, significant illicit connection or severe physical site failure after initial contact.

SECTION 2. EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication or posting as required by law.

PASSED AND ADOPTED by the City Council of Sunset City, Utah, this 15th day of September, 2026.

Scott Wiggill, Mayor

ATTEST:

Nicole Supp, City Recorder

Council Member Carlson:	☐ AYE	☐ NAY	☐ ABSTAIN	☐ ABSENT
Council Member Thompson:	☐ AYE	☐ NAY	☐ ABSTAIN	☐ ABSENT
Council Member Smalling:	☐ AYE	☐ NAY	☐ ABSTAIN	☐ ABSENT
Council Member Rigley:	☐ AYE	☐ NAY	☐ ABSTAIN	☐ ABSENT
Council Member Hunter:	☐ AYE	☐ NAY	☐ ABSTAIN	☐ ABSENT