

ORDINANCE NO. 26-13

AN ORDINANCE OF ELK RIDGE CITY, UTAH, ADOPTING A STORM WATER ADMINISTRATIVE CITATION PENALTY SCHEDULE; ESTABLISHING PROCEDURES FOR ENFORCEMENT AND APPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Elk Ridge City is authorized under Utah law to enact ordinances necessary to protect the public health, safety, and welfare and to regulate activities and conditions within the City; and

WHEREAS, Utah Code § 10-3-703 authorizes municipalities to prescribe civil penalties for violations of municipal ordinances; and

WHEREAS, Utah Code § 10-3-703.7 authorizes a municipality to establish by ordinance an administrative proceeding to review and decide violations of civil municipal ordinances, provided due process is afforded to affected parties; and

WHEREAS, Elk Ridge City operates and maintains a storm water sewer utility and has adopted regulations intended to protect the City's storm water system and water quality; and

WHEREAS, the City Council finds that construction-related sediment, debris, pollutants, and failure to properly maintain storm water best management practices may adversely affect City streets, storm drainage facilities, receiving waters, and the public health, safety, and welfare; and

WHEREAS, the City Council desires to establish consistent civil penalties for violations of applicable storm water requirements and permits and to provide City staff with an appropriate enforcement mechanism; and

WHEREAS, as required by Utah Code § 10-3-702.1, the City Council has considered the impact this Ordinance may have on family health, stability, and formation.

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

SECTION 1. PURPOSE.

The purpose of this Ordinance is to protect the City's storm water system and water quality by establishing a uniform administrative citation and civil penalty schedule for violations of City storm water requirements applicable to construction activities.

SECTION 2. STORM WATER ADMINISTRATIVE CITATION PENALTY SCHEDULE ADOPTED.

The Elk Ridge City Storm Water Administrative Citation Penalty Schedule attached to this Ordinance as **Exhibit A** is hereby adopted and incorporated into this Ordinance by reference.

The penalties established in **Exhibit A** constitute civil penalties for violations of City storm water requirements and permits and are not utility service fees.

SECTION 3. ENFORCEMENT PROCEDURE.

- A. Corrective Action Notice.** When an authorized City representative determines that a person, contractor, property owner, developer, site operator, or other responsible party has violated an applicable City storm water requirement or permit condition, the City may issue a written Corrective Action Notice.

The notice shall identify the applicable requirement, describe the violation, identify the required corrective action, and provide a reasonable period of time to correct the violation considering the nature and severity of the violation.

A Corrective Action Notice shall constitute a warning and shall carry no monetary penalty.

- B. Administrative Citation.** If the responsible party fails to correct the violation within the time provided in the Corrective Action Notice, the City may issue an Administrative Citation and assess the applicable civil penalty identified in **Exhibit A**.

Nothing in this section shall prevent the City from taking immediate action when necessary to address an imminent threat to public health, safety, water quality, or the City's storm water system, as otherwise authorized by law.

- C. Continuing or Repeated Violations.** Civil penalties may be assessed for each occurrence as provided in Exhibit A. Issuance or payment of a civil penalty does not relieve the responsible party of the obligation to correct the violation.

- D. Additional Costs.** In addition to the civil penalties established in Exhibit A, the City may recover actual costs reasonably incurred by the City to clean, correct, remediate, or otherwise address a violation when authorized by law.

- E. Other Remedies.** The administrative remedies and civil penalties provided by this Ordinance are cumulative and do not prevent the City from pursuing any other remedy available under City ordinance, permit requirements, state law, or other applicable law.

SECTION 4. ADMINISTRATIVE APPEAL.

A person receiving an Administrative Citation under this Ordinance may appeal the citation by filing a written notice of appeal with Elk Ridge City within ten (10) business days after personal service of the citation or within fifteen (15) days after the mailing date if the citation is served by mail.

The appeal shall be considered by a hearing officer designated by the City. The hearing officer shall provide the parties with a reasonable opportunity to present information and evidence concerning the alleged violation and citation.

The hearing officer may affirm, modify, or vacate the Administrative Citation and civil penalty. A written decision shall be made following the hearing.

The filing of a timely appeal shall stay collection of the civil penalty until a final administrative decision is issued, but shall not stay any corrective action necessary to address an immediate threat to public health, safety, water quality, or the storm water system.

SECTION 5. COLLECTION

Civil penalties imposed pursuant to this Ordinance shall be paid to Elk Ridge City within the time stated on the Administrative Citation or final administrative decision.

Failure to timely pay a final civil penalty may result in collection by any lawful means available to the City. Where permitted by law, the City may also recover reasonable costs associated with collection.

SECTION 6. SERVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. CONFLICTING PROVISIONS

All ordinances, resolutions, policies, or portions thereof in conflict with this Ordinance are hereby repealed or superseded to the extent of the conflict.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective upon publication and in accordance with applicable Utah law.

PASSED AND ADOPTED by the City Council of Elk Ridge City, Utah, this ____ day of _____, 20 ____.

Approved by the Mayor:

Mayor – Robert Haddock

ATTEST

Spencer Foster - City Recorder

Councilmember Jared Peterson	Voted
Councilmember Tanya Willis	Voted
Councilmember Cory Thompson	Voted
Councilmember Melanie Paxton	Voted
Councilmember Charles Wixom	Voted

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, SPENCER FOSTER, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance # 26-12, passed by the City Council of the City of Elk Ridge, Utah, on the

_____ day of _____ 2026, entitled

“AN ORDINANCE AMENDING THE CITY OF ELK RIDGE SIDE SETBACK REQUIREMENTS IN THE CE-3 ZONE; AND PROVIDING AN EFFECTIVE DATE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this _____ day of ____ 2026.

SPENCER FOSTER
Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Spencer Foster, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #26-12 which is attached hereto on the ____ day of _____, 2026.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The Elk Ridge City Website elkridgecity.org
3. The Utah Public Notice Website Utah.gov

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

SPENCER FOSTER
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 2026 by SPENCER FOSTER.

My Commission Expires:

Notary Public

Residing at: Utah County

EXHIBIT A

Storm Water Administrative Citation Penalty Schedule

Violation	Civil Penalty
Corrective Action Notice / Warning	\$0
Working without an approved Storm Water Permit	\$500 per occurrence
Tracking mud/dirt onto a roadway	\$300 per occurrence
Failure to clean up or report spills	\$250 per occurrence
Failure to conduct required storm water inspections	\$100 per occurrence
Failure to use or maintain general Best Management Practices (BMPs), as determined by the City	\$500 per site, per occurrence

Additional enforcement: The City may require correction of the violation, recover applicable cleanup or remediation costs, and exercise any other enforcement authority available under City ordinance, permit requirements, or applicable law.

EXHIBIT B

STORM WATER ADMINISTRATIVE CITATION STORM WATER POLLUTION PREVENTION CONSTRUCTION ACTIVITY

Elk Ridge City Public Works Department
80 E Park Dr., Elk Ridge, UT 84651
801-423-2300

www.elkridgeutah.gov



UPDES Permit #

Section I. Citation Issued To

Site Operator name: _____

Mailing Address: _____

Daytime Phone Number: _____

Email Address: _____

Section II. Facility Site/Location Information

Project's name: _____

Site address: _____

Lot Size (in acres): _____ Total Square Feet of Disturbance Area: _____

Type of Construction ☐ Residential ☐ Industrial ☐ Commercial ☐ Road

(Check all that apply) ☐ Capital Project ☐ Subdivision ☐ Landscaping

If area of disturbance is over ONE acre, or project is part of a Common Plan of Development, then a UPDES Permit Notice of Intent number will need to be acquired with the submittal of a Notice of Intent (NOI) that can be obtained from the following link:

[Construction Storm Water Permit \(UPDES\) - Utah Department of Environmental Quality](#)

A Storm Water Pollution Prevention Plan has been prepared for this site in compliance with the State ☐ YES ☐ NO and/or Local Sediment and Erosion Control requirements.

NOI Number: (UPDES Permit) _____

Effective date: _____

Expiration date: _____

Section III. Citation Issued for Failure to Comply with the following violations:

These are Mandatory conditions of approval. NON-COMPLIANCE may cause suspension, termination, or fines may be issued for this permit.

- | | |
|--|---|
| ☐ Dirt or debris placed on sidewalk | ☐ Portable toilets not placed on pervious surfaces |
| ☐ Dirt or debris placed on the road tracking mud/dirt onto road | ☐ Poor housekeeping of site |
| ☐ Portable toilets not staked down | ☐ SWPPP sign not on-site |
| ☐ SWPPP plan not located on site | ☐ Hazardous materials on site |
| ☐ Failure to conduct storm water inspections | ☐ Failure to maintain BMPs |
| ☐ Dirt or debris placed on the gutter | ☐ Failure to install BMPs |
| ☐ Working without an approved Storm Water Permit | ☐ Failure to clean up/report spills |
| ☐ Failure to maintain storm water records | |

Field Notes: _____

Section IV. Enforcement Actions and Penalties – Elk Ridge City Municipal Code

Whenever the City finds a Site Operator has violated a prohibition or failed to comply with a requirement of this permit, the Storm Drain Representative will order compliance with a written Corrective Action Notice to the responsible person.

Corrective Action Notice – Warning ☐ Fine = \$0.00

A Notice of Violation will be issued by the Storm Drain Representative (SDR) whenever the City finds a person has failed to comply with the requirements set on the Corrective Action Notice. Additional charges for cleaning the site may apply.

- ☐ 1. \$500 per occurrence for working without an approved storm water permit;
- ☐ 2. \$300 per occurrence for tracking mud on road;
- ☐ 3. \$250 per occurrence for failure to clean up or report spills;
- ☐ 4. \$100 per occurrence for failure to conduct storm water inspections;
- ☐ 5. \$100 per occurrence for failure to maintain storm water records; and
- ☐ 6. \$500 per site, per occurrence, for failure to use general best management practices, as determined by the authority;

The MS4 may issue a stop work order if the MS4 has clear documentation of an immediate threat to water quality.

The MS4 can correct a specific violation for the operator, and recoup the costs associated, if the operator refuses to correct the violation after the enforcement process and there is imminent threat of significant harm to water quality or the stormwater system.

Except in cases of immediate threats to water quality, the MS4 cannot issue a stop work order if the violation is a result of a properly installed and maintained BMP per specifications for the site conditions from the preferred BMP list.

Number of Notices of Violations: _____ Fine per Day/Week: _____ Total Fines Due: _____ Due Date: _____

Section V. Certification Statement

I certify under penalty of law that this document and all the attachments were prepared in accordance with a system designed to assure that qualified personal property gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Inspector's signature

Title

Date

Respondent's signature	Name	Date
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Section VI. Citation Delivery Method

☐ Hand Delivered ☐ Faxed ☐ Emailed

Section VII. Final Inspection

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, the State of Utah and Elk Ridge City, that it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the UPDES permitting program.

Inspector's signature	Title	Date
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Respondent's signature	Name	Date
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Total amount of fines due: _____

Purpose of the Storm Water Pollution Prevention Plan and Enforcement Actions:

The Storm water Pollution Prevention Plan for Construction Activity Permit was instituted as a means to protect the health, safety, and welfare of the City and its inhabitants by improving the City's storm sewer system, managing, and controlling storm water runoff.

Furthermore, protecting property and preventing polluted waters from entering the City's water supply and other receiving waters and establishing a viable and fair method of financing the construction, operation, and maintenance of the storm sewer system. The SWPPP prevents the discharge of sediment and other construction related pollutants from being discharged into storm water runoff. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas.

Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality.

Storm Water Pollution Prevention Plan is a principal requirement of storm water permits.

A SWPPP identifies all potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges from the construction site; describes practices to be used to reduce pollutants in storm water discharges from the construction site; and assures compliance with the terms and conditions of the issued permit.

Notice of Appeal:

Any person receiving an administrative citation may appeal the administrative citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer:

1. The person charged in the administrative citation as the Responsible Person, is not the Responsible Person as defined by this ordinance.
2. The condition described as a violation in the administrative citation is not a violation as defined by this ordinance.
3. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.

A person desiring to appeal an administrative citation must file a notice of appeal at the City's Public Works Office within ten (10) business days of being served with the administrative citation or within fifteen (15) days of the mailing date if the administrative citation is mailed.

Payment can be made at:

Elk Ridge City
80 E Park Dr.
Elk Ridge, UT 84651
Or call this number to make a payment: (801) 423-2300

Failure to Pay Fine: The failure of any person to pay the civil fines assessed by an Administrative Citation within the time specified on the citation or after an administrative hearing will result in the collection of the fine by the City. The City may pursue any available legal remedy to collect civil fines, including but not limited to judgments, liens, small claims actions, and collections. The City may also recover its collections costs according to proof.