ORDINANCE 303-26

AN ORDINANCE OF THE UINTAH CITY COUNCIL AMENDING CITY CODE TITLE 8 CHAPTER 4 STORMWATER AND DRAINAGE

WHEREAS, Uintah City (the "City") is committed to protecting public health, safety, and welfare by managing stormwater runoff, preventing pollution, and protecting the quality of local waterways; and

WHEREAS, the City is subject to the requirements of the Utah Water Quality Act, Utah Code Title 19, Chapter 5, and the Utah Department of Environmental Quality's Municipal Separate Storm Sewer System (MS4) General Permit, effective May 12, 2026; and

WHEREAS, recent changes to Utah State Code and the MS4 General Permit require the City to review and update its stormwater regulations to ensure consistency with applicable State and federal requirements; and

WHEREAS, the City Council has determined that amendments to Title 8, Chapter 4, Stormwater and Drainage, of the Uintah City Code are necessary to address stormwater management, illicit discharges, construction and post-construction requirements, inspections, enforcement, and stormwater system maintenance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Uintah City, Utah, as follows:

Section 1. The Uintah City Code, shall be amended as provided in Exhibit A as attached to this document.

Section 2. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. Effective Date. This ordinance shall take effect 20 days after its passage, following its approval and subsequent posting in accordance with legal requirements. Applications duly received before this date shall be processed in conformity with the procedural standards and regulations applicable at the time of their complete submission.

PASSED AND ADOPTED by the City Council of Uintah, Weber County, on the 20th day of October, 2026.

Roll call vote is as follows:		
Mayor Bell	FOR	AGAINST
Council Member Combe	FOR	AGAINST
Council Member Roberts	FOR	AGAINST
Council Member Patterson	FOR	AGAINST
Council Member Sorenson	FOR	AGAINST

MAYOR PRO TEM: Michelle Roberts

ATTEST:

City Recorder Michelle Mortensen

Approved as to form and for
Compliance with state law:

City Attorney Bryan Baron

EXHIBIT A – TITLE 8, CHAPTER 4
STORMWATER AND DRAINAGE

CHAPTER 4 STORMWATER AND DRAINAGE

ARTICLE A: STORM DRAINAGE

8.4A.1 Purpose and Findings

1. **Purpose.** The purpose of the stormwater regulations set forth in the municipal code is to comply with Phase II of the Clean Water Act (Act) and the applicable regulations of the Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality (DEQ).
2. **Findings.** The City Council makes the following findings regarding stormwater:
    1. Facilities. The City operates a stormwater system consisting of a network of man-made and natural facilities, structures and conduits that collect and route stormwater runoff.
    2. Endangerment. Uncontrolled or inadequately controlled stormwater runoff endangers public health and safety by causing flooding, pollution, property damage, erosion, traffic and emergency response, and adverse impacts to ground water supply.
    3. Pollution. Stormwater runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that can damage the integrity of ground waters and receiving waters, including the culinary water supply.
    4. Impervious surfaces. Developed properties in the City contribute to the stormwater system by converting natural ground cover into impervious surfaces.
    5. Maintenance. Developed properties in the City make use of and benefit from the City's operation and maintenance of the stormwater system.
    6. Regulations. The Clean Water Act and applicable EPA and DEQ regulations establish stormwater management requirements applicable to the City.
    7. Operation. Effective maintenance, operation, regulation, and control of the stormwater system is necessary for the health, safety, and general welfare of the City, its residents, and its businesses.

8.4A.2 Applicability

The general stormwater provisions of this Chapter apply to all people, properties, discharges, connections, and activities within the City's jurisdiction that affect or may affect the MS4 or receiving waters. Construction stormwater permit requirements apply to land-disturbing activities of one (1) acre or more and to activities disturbing less than one (1) acre that are part of a larger common plan of development or sale, as required by applicable UPDES construction permits. Post-construction requirements apply to qualifying new development and redevelopment under the applicable Small MS4 General Permit and adopted City standards. These thresholds do not limit illicit-discharge, system-protection, or maintenance provisions.

8.4A.3 Definitions

The following words and phrases shall be defined in the municipal code relating to stormwater as follows:

1. "Applicant" means a person that applies for an authorization to discharge under a construction stormwater permit to conduct or propose to conduct a use of land for construction site.

2. "Best Management Practices or BMPs" means a 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 or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMPs and their effectiveness ratings can be found in the most current version of the Stormwater Management Plan adopted by the City or as otherwise provided.

3. "Catch Basin" means a drain inlet designed to keep out large or obstructive matter.

4. "City" means Uintah City, Utah, acting through its authorized officials. "MS4" is separately defined below.

5. "Common Development Plan" means development that is contiguous to an area where multiple distinct construction activities may be taking place at different times or different schedules under an overall plan. For example, if a developer buys a large parcel and subdivides lots, builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures, this would be considered a common development plan. If the land is parceled off or sold, and construction occurs on plots that are less than one (1) acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements. The common development plan also applies to other types of land development such as industrial or business parks.

6. "Debris" means any dirt, rock, sand, vegetation, trash, junk, or litter.

7. "Detention Basin" means an area designed to detain peak flows from stormwater runoff and to regulate release rates of that water into the storm drainage system, also allowing debris to settle out. Detention basin outlets may also be connected to downstream storm drains. Flows entering detention basins are released via outlet piping.

    1. Regional Detention Basins mean large detention basins owned and maintained by the City.

    2. Local Detention Basins mean smaller basins typically in a development or subdivision that is constructed by the development or subdivision which, following construction and acceptance, the ownership, operation, and maintenance may either be conveyed and maintained by the City, association, or private owner(s) as determined by the City.

8. "Development" means any man-made change to improved or unimproved real estate of any parcel to alter it from its natural condition by site preparation, grading, filling, and/or the construction of improvements or other impervious surfaces. It also includes a site plan, building permit, subdivision, or construction of facilities, buildings, or other structures.

9. "Director" means the person designated by the City to enforce stormwater regulations.

10. "Disturb" means to alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building, or other construction activity.

11. "Drain Inlet" means a point of entry into a sump, detention basin, or storm drain system.

12. "Source Protection Zone" means an area that is protected as a source of culinary or drinking water determined by geo-hydrology and designed to protect groundwater aquifers and wells from development or pollution.

13. "Equivalent Residential Unit or ERU" means the average amount of impervious surface, expressed in square feet, on developed single family residential parcels in the City. One ERU equals 2,800 square feet of impervious surface area.

14. "Hazardous Material" means 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 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

15. "Illicit Connection" means an unlawful connection of:

    1. Any drain or conveyance, whether on the surface or subsurface, which may allow an illicit discharge to enter the storm drain system. Examples include, but are not limited to:

        1. Any conveyance which allows non-stormwater discharge such as sewage, processed wastewater, or any other waste water (black or grey) to enter the storm drain system.

        2. Any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency.

    2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been:

        1. Documented in approved plans, maps, or equivalent records of the City.

        2. Otherwise approved in writing by the City.

16. "Illicit Discharge" means a discharge to the MS4 that is not composed entirely of stormwater, except a discharge expressly authorized by an applicable UPDES permit or permitted under Section 8.4A.5, provided the discharge does not cause or contribute to pollution. Illicit discharges include both:

    1. Direct connections, including but not limited to: wastewater piping either mistakenly or deliberately connected to the stormwater system.

    2. Indirect connections, including but not limited to: infiltration into the stormwater system or spills collected by drain inlets.

17. "Immediate Threat" means, for construction stormwater oversight under Utah Code § 19-5-108.3, as amended, that contaminants are entering a river, stream, or lake.

18. "Imminent Threat" means, for construction stormwater oversight under Utah Code § 19-5-108.3, as amended, that contaminants are anticipated to be discharged into a river, stream, or lake within forty-eight (48) hours.

19. "Impervious Surface" means any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rate of flow than the natural surface. Such impervious surfaces include, but are not limited to roofs, concrete, asphalt, and similar improvements that prevent or impede the natural absorption of water into the soil.

20. "Municipal Separate Storm Sewer System or MS4" means a conveyance or system of conveyances including road drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.

21. "Percolation" means the ability of a soil to absorb water. Typically measured by a Standard Percolation Test in units of minutes per inch.

22. "Permanent Stormwater Control Measure" means a structural or nonstructural stormwater practice required to provide post-construction water quality or runoff management. "Low Impact Development" or "LID" means site design and stormwater practices intended to preserve or mimic predevelopment hydrology, as defined in applicable adopted standards.

23. "Person" means any individual, corporation, partnership, association, company, or political body, including any agency of the State of Utah and the United States government.

24. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, solvents; oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, trash, garbage, litter, or other discarded or abandoned objects, articles; and accumulations, that may cause or contribute to pollution such as floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resinates); and noxious or offensive matter of any kind.

25. "Redevelopment" means development on previously developed land that meets the applicable redevelopment criteria of the current UPDES Small MS4 General Permit and adopted City Public Works Standards.

26. "Retention Basin" means a ground depression area designed to retain flows from stormwater runoff, to encourage infiltration into surrounding sub-surface soils, and may include overflow piping. A retention basin allows debris to settle from the stormwater discharge and must be periodically cleaned and dredged.

27. "Sanitary Sewer Overflow (SSO)" means a discharge of untreated or partially treated wastewater from a sanitary sewer system.

28. "Storm Drain" means a closed conduit for conducting collected stormwater.

29. "Stormwater" means 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.

30. "Stormwater Construction Activity Plan" means a plan approved by the City before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape in the City of one (1) acre or more, or any part of a common development plan. This plan is required in conjunction with a SWPPP.

31. "Stormwater Program" means the overall approach by the City in administering, funding, creating and implementing policies that support the objectives of the Act, EPA, and DEQ relating to stormwater management in conjunction with the ongoing maintenance and operation of the stormwater system.

32. "Stormwater Pollution Prevention Plan or SWPPP" means the stormwater pollution prevention plan required by the applicable UPDES construction stormwater permit and reviewed by the City where authorized by law.

33. "Stormwater System" means the system of conveyances including, but not limited to: sidewalks, road drainage systems, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, and storm drains generally owned and operated by the City or its designee, designed and used for collecting or conveying stormwater. The stormwater system is also referred to as MS4.

34. "Stormwater Runoff" means stormwater that flows over the surface of the ground rather than infiltrating the soil.

35. "Sump" means a City approved formalized underground structure, surrounded by drain rock, that is used in rare special conditions to collect stormwater, which allows the slow release of water into the surrounding subsoil.

36. "Violation" means an act or omission prohibited by this Chapter or a failure to comply with an applicable requirement, permit, approval, or enforceable maintenance agreement. Construction stormwater violations and penalties are subject to Utah Code § 19-5-108.3, as amended.

8.4A.4 Prohibited Obstructions

1. Unlawful Obstructions. It is unlawful for any person to:
    1. Obstruct the flow of water in the stormwater system.
    2. Contribute to the obstruction of the flow of water in the stormwater system.
    3. Cover or obstruct any drain inlet.
2. Exemptions. The following obstructions are exempt:
    1. Street and/or stormwater improvement projects authorized by the City.
    2. Flood control and prevention activities performed by the City.
    3. Obstructions approved by the City and/or state as part of a SWPPP.
    4. Obstructions occurring during clean-up periods established by the City.

8.4A.5 Prohibited Discharges

Prohibited discharges include non-stormwater discharges to the MS4 except those expressly authorized under an applicable UPDES permit or the conditional exemptions below; sewage, illegal dumping, and unauthorized industrial or commercial wastewater discharges remain prohibited.

1. **Unlawful Discharges.** It is unlawful for any person to discharge non-stormwater to the MS4 including spills, illicit connections, illegal dumping, and SSOs into the storm sewer system. All SSOs must be reported to the Division of Water Quality and to the MS4's local wastewater treatment facility.

2. **Exemption.** Allowable non-stormwater discharges listed below are exempt only to the extent authorized by the applicable UPDES Small MS4 General Permit, and only if they are not a significant source of pollutants and do not cause or contribute to a water quality violation. The City may require pollution prevention controls or prohibit discharges determined to be a significant source of pollutants.

   The following discharges are exempt:

   a. Water line flushing.

   b. Landscape irrigation.

   c. Diverted stream flows.

   d. Rising ground waters.

   e. Uncontaminated ground water infiltration.

   f. Uncontaminated pumped ground water.

   g. Discharges from potable water sources.

   h. Foundation drains.

   i. Air conditioning condensation.

   j. Irrigation Water.

   k. Springs.

   l. Water from crawl space pumps.

   m. Footing drains.

   n. Lawn water runoff.

   o. Private individual residential car washing.

   p. Flows from riparian habitats and wetlands.

   q. Dechlorinated swimming pool discharges.

   r. Residual street wash water.

   s. Dechlorinated water reservoir discharge.

   t. Discharges or flows from firefighting activity (routine firefighting training and equipment washing are not automatically exempt as emergency firefighting flows).

8.4A.6 Prohibited Storage and Debris

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 may result in the discharge of the pollutant or hazardous material to the stormwater system.

8.4A.7 Best Management Practices

Any person subject to this Chapter shall implement and maintain stormwater BMPs as required by applicable law, UPDES permits, approved plans, and adopted City standards. For construction sites, the City shall publish preferred BMPs and shall not impose requirements prohibited by Utah Code § 19-5-108.3, as amended. Permanent stormwater controls shall comply with applicable post-construction standards. No connection or discharge may exceed the capacity of the MS4 or cause unlawful pollution.

8.4A.8 Authority to Enter or Inspect

1. **Inspections.** The City may conduct inspections of suspected illicit discharges and permanent stormwater facilities pursuant to consent, an easement, a maintenance agreement, a warrant, or other lawful authority. Construction stormwater oversight inspections are subject to the separate procedures in Utah Code § 19-5-108.3, as amended, and Section 8.4A.15.

2. **Refusal.** In the event an owner or occupant 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.

3. **Access.** The City may inspect privately owned permanent stormwater control measures pursuant to consent, an easement, a recorded maintenance agreement, a warrant, or other lawful authority. The City may permit the owner, operator, or a qualified third party to perform required inspections and maintenance, subject to applicable permit requirements and submission of inspection and maintenance documentation. Construction stormwater oversight inspections shall be conducted separately in accordance with Utah Code § 19-5-108.3, as amended.

4. **Post-Construction Stormwater Maintenance Agreement.** For qualifying privately owned permanent stormwater control measures, the City may require a recorded maintenance agreement to the extent authorized by Utah Code § 19-5-108.3(13), as amended, and other applicable law. The agreement shall identify the responsible owner and establish applicable operation, inspection, maintenance, repair, documentation, lawful access, correction of deficiencies, and authorized cost-recovery obligations. The agreement shall be recorded against the property when required by applicable law or as a lawful condition of approval.

5. **Interpretation.** The City interprets this regulation as secondary and subservient to the United States Constitution and the Utah State Constitution as applied to property rights, land use, development, and similar rights. Specifically, the intent of this regulation is not to be applied to violate vested property rights nor to be a physical invasion of property rights as determined by the United States Supreme Court in Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982). The City recognizes that the United States Supreme Court interprets property right in conjunction with the laws and constitutions of each state. Therefore, Utah law also plays an important role in defining property rights. For the purpose of determining when a property right is vested the City shall continue to apply the Utah Supreme Court ruling in Western Land Equities, Inc. v. City of Logan, 617 P.2d 388 (1980), that states a property owner is vested to follow the City regulations in effect at the time a land use application is filed. Furthermore, where there is

vagueness in any land use regulation, including the stormwater regulations, it shall be interpreted in favor of the property owner.

8.4A.9 Requirements to Monitor and Analyze

If an authorized inspection or test identifies a suspected illicit discharge or water quality violation, the City may require the responsible person or owner or operator to provide reasonable monitoring, testing, and documentation at that person's expense to the extent authorized by applicable law.

8.4A.10 Damage to Stormwater System

Any person who damages any portion of the stormwater system or any irrigation system shall be responsible for repairing the damage. The damages shall be repaired by a licensed contractor and, where applicable, be repaired in accordance with the Public Works Standards and Technical Specifications adopted by the City. It is unlawful to remove or alter any portion of the stormwater system or irrigation system without permission from the director or owner of the irrigation system.

8.4A.11 Access Authorized

It is unlawful for any person to open any stormwater access hole, grate, lid, cover, inlet, head gate, valve, pipe or otherwise access any stormwater facility without express permission from the director.

8.4A.12 Wetlands and Permits

When a proposed development may affect jurisdictional wetlands or waters, the applicant shall identify applicable federal and State permits and provide supporting delineations or agency determinations when reasonably necessary for the City to evaluate compliance with applicable law. The City may require protection of identified resources and applicable permits before the relevant work begins. This Section does not independently determine federal wetland jurisdiction.

8.4A.13 Federal and State Compliance

Nothing in the stormwater regulations shall be interpreted to relieve any person from an obligation to comply with applicable federal, state, or local law.

8.4A.14 Violations and Enforcement

General illicit-discharge, obstruction, and permanent-facility violations may be addressed through written notice, reasonable corrective-action deadlines, and remedies authorized by law. Construction stormwater oversight violations shall be enforced exclusively under the applicable procedures and limits of Utah Code § 19-5-108.3(7), as amended, as further provided below.

1. **Construction First Notice of Violation.** The City shall provide the applicant with written notice clearly identifying each specific construction stormwater violation and allow at least one (1) business day for correction, in accordance with Utah Code § 19-5-108.3(7), as amended.

2. **Construction Second Notice of Violation.** If a cited violation remains uncorrected, the City shall issue a written warning identifying the continuing violation and provide at least one (1) additional business day to correct the violation before imposing an authorized administrative fine.

3. **Construction Third Notice of Violation.** If the violation remains uncorrected following the statutory notices, the City may issue a written fine identifying the specific violation and the fine amount authorized by Utah Code § 19-5-108.3(7), as amended.

    a. **Administrative Fines.** Administrative fines for construction stormwater violations may be imposed only in accordance with the procedures, limitations, amounts, accrual periods, and deadlines established by Utah Code § 19-5-108.3(7), as amended.

        i. All administrative fines collected under Utah Code § 19-5-108.3(7), as amended, shall be deposited into a restricted account for education and outreach under the City's stormwater program, as required by State law.

        ii. Unpaid administrative fines may be collected only through remedies authorized by applicable law. Escrow or bond deductions, withholding of approvals, or other remedies shall not be used unless independently authorized.

4. **Stop Work Order.** The City may issue a stop-work order for construction stormwater violations only when permitted by Utah Code § 19-5-108.3(7), as amended, including where the City clearly documents an immediate threat to water quality.

5. **Special Cases.**

    a. A stop-work order may not be issued solely for a deficiency in a preferred BMP that the applicant has properly selected, implemented, and used, except where the City documents an immediate threat to water quality as authorized by State law.

    b. Corrective Action and Cost Recovery. The City may correct a construction stormwater violation and recover reasonable costs only after the statutory enforcement process has been exhausted and the conditions in Utah Code § 19-5-108.3(7)(g), as amended, are satisfied.

8.4A.15 Stormwater Construction Activity

1. **Design.** All stormwater facilities shall be designed and constructed in accordance with the City's current Public Works Standards. Stormwater outfall design and water quality shall meet federal, state, and local discharge requirements.

2. **Construction.**

    a. **BMPs.** The Stormwater Management Plan contains a listing of BMPs that can be used on a site. BMPs typically fall into the following categories:
        i. Perimeter control.
        ii. Erosion controls.
        iii. Sediment control.
        iv. Materials handling and spill prevention.
        v. Waste management.
        vi. Good housekeeping.

b. Applicable BMPs may include, but are not limited to, the following:
    i. Oil and sediment treatment measures shall be selected based on site-specific pollutants and approved engineering design. Permanent oil-water separators, when required by applicable adopted standards and authorized law, shall be designed, maintained, and documented in accordance with the City's Public Works Standards. Specific proprietary products and sizing criteria shall be addressed in technical standards rather than mandated by this ordinance.
    ii. Inlet Protection (IP). Inlet protection shall be selected from the City's published preferred BMPs or other legally permissible effective measures suited to site conditions; controls shall not create an unreasonable flooding hazard.
    iii. Tracking Pads (CR). The operator shall implement appropriate stabilized construction access or other effective preferred BMPs to prevent sediment tracking onto public streets and shall promptly remove tracked sediment.
    iv. Surface Sweeping (SC). If mud or dirt is tracked onto a travel surface such as a road or parking area, the developer or owner shall be responsible for sweeping the surface to remove the mud and dirt.
    v. Concrete Washout (CWM). A place must be located within the subdivision or on the site for concrete washout. No washout will be permitted on the street which would then continue to the storm drain. The washout area may need to be maintained and temporarily excavated until the building foundations and driveways are constructed, or some other arrangement made.
    vi. Silt Fences (SF). Sediment barriers and other erosion controls shall be selected, installed, inspected, and maintained in accordance with the applicable construction permit, approved SWPPP, and published preferred BMPs.
    vii. Notice Sign. Required construction-site information and any legally authorized posting shall be provided as required by the applicable UPDES permit and City-published application requirements.

3. **Construction Stormwater Plan Review.** Qualifying construction activities shall obtain applicable UPDES construction permit coverage and submit a SWPPP for City review where required. The City shall maintain and publish its complete-application checklist and preferred BMPs. Initial SWPPP review shall be completed within fourteen (14) business days; review of requested additional information or modifications shall be completed within five (5) business days, with written identification of deficiencies and applicable citations, as required by Utah Code § 19-5-108.3, as amended.

    a. **State Permit Coverage.** Before regulated construction begins, the applicant shall obtain the applicable State construction stormwater permit authorization through the DEQ process and submit documentation of coverage to the City. State authorization and City SWPPP review are separate requirements.

    b. **Approval.** The stormwater construction activity plan shall be reviewed and approved in conjunction with applicable land use and/or building permit approval. The City may impose conditions in connection with the approval to enforce the activity plan and SWPPP and include specific measures to prevent erosion, unlawful discharge, sediment accumulation, debris removal, and other stormwater measures for the construction site.

c. **Effect.** Unless otherwise revoked or suspended for a violation, a stormwater construction activity plan approval is effective for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:

i. **Termination.** The stormwater construction activity plan approval shall be considered terminated after the Applicant notifies the City of completion of the project and a final inspection is performed to verify site stabilization. The permittee shall also verify the site is stabilized and give "Notice of Termination" to DEQ. The Applicant shall keep and maintain all permit required improvements on the site until termination.

ii. **Amendments.** If the proposed construction activity for a site to which a plan approval pertains is materially altered from the time of approval, an amended stormwater construction activity plan and SWPPP shall be submitted for approval.

4. **Stormwater Pollution Prevention Plan (SWPPP) Requirements.** The applicant shall prepare, implement, inspect, and update the SWPPP in accordance with the applicable UPDES construction stormwater permit. The City may require only modifications authorized by Utah Code § 19-5-108.3, as amended, and applicable law.

5. **Construction and Oversight Inspections.** The City shall develop, publish, and implement inspection procedures, forms, and a preconstruction review checklist. The applicant or designee shall participate in preconstruction inspections. Except as authorized by Utah Code § 19-5-108.3(12), as amended, oversight inspections shall use applicant-submitted, geo-located and time-stamped photographs of sufficient clarity; the applicant may elect an onsite inspection. The City shall document findings, corrective actions, and final stabilization in accordance with applicable law and permit requirements.

6. **Inspection and Entry.** Construction stormwater oversight inspections shall be conducted in accordance with Utah Code § 19-5-108.3, as amended. The Applicant shall provide access to required stormwater records and participate in inspections as required by applicable law. City oversight inspections shall be conducted electronically unless the Applicant elects an onsite inspection or an onsite inspection is otherwise authorized by State law. Nothing in this Section limits the independent inspection authority of State or federal regulatory agencies.

7. **Post-Construction Stormwater Management.**

a. **Applicability**. Qualifying new development and redevelopment shall comply with the post-construction stormwater management requirements of the current UPDES Small MS4 General Permit and the City's adopted Public Works Standards.

b. **Permanent Stormwater Controls.** Development subject to these requirements shall incorporate permanent stormwater control measures designed to manage runoff and protect water quality. Such measures shall comply with applicable retention, Low Impact

Development (LID), and alternative-compliance requirements established by the current UPDES Small MS4 General Permit and adopted City standards.

c. **Plan Review.** The Applicant shall submit plans and supporting documentation sufficient to demonstrate compliance with applicable post-construction stormwater requirements. The City shall review the plans before issuing applicable development approvals.

d. **Long-Term Maintenance.** Owners and operators of privately owned permanent stormwater control measures shall operate, inspect, maintain, and repair those measures in accordance with approved plans, applicable permits, adopted City standards, and enforceable maintenance agreements.

e. **Maintenance Agreements.** Where authorized by Utah Code § 19-5-108.3(13), as amended, and other applicable law, the City may require a recorded maintenance agreement in accordance with Section 8.4A.8(4) of this Chapter.

f. **Inspection and Enforcement.** The City may require applicable inspection documentation and may inspect permanent stormwater control measures pursuant to lawful access authority. Identified deficiencies shall be corrected in accordance with applicable law, approved plans, and enforceable maintenance agreements.

g. **Technical Standards.** Applicable design criteria, sizing requirements, retention standards, approved alternatives, and maintenance procedures shall be established in the City's adopted Public Works Standards, consistent with the current UPDES Small MS4 General Permit.

8. **Low Impact Development Design Guidance.** The City may use the Utah Department of Environmental Quality (UDEQ) publication *A Guide to Low Impact Development within Utah*, dated December 2018, revised August 2020, as a technical reference for the planning, design, construction, and maintenance of low impact development practices. Where applicable, development shall comply with the City's adopted Public Works Standards and the current UPDES Small MS4 General Permit. In the event of a conflict, applicable State law, permit requirements, and adopted City standards shall govern.

8.4A.16 Connection Permit

1. **Permit.** A permit is required to make any connection, directly or indirectly, to the stormwater system.

2. **Application.** For a person to connect to the stormwater system the person must:

   a. Submit a complete application form as provided by the City.

   b. Incorporate BMPs that meet the requirements of the stormwater regulations.

   c. Provide a maintenance plan for the proposed stormwater improvements and, where authorized by applicable law, any required maintenance agreement.

d. The application may be submitted to the City in conjunction with a building permit or subdivision approval, whichever is applicable.

3. **Approval.** The stormwater connection permit application shall be reviewed by the City and may be issued, modified, or denied in conjunction with the building permit.

4. **Consideration.** In considering whether to issue a connection permit, the City shall determine:

   a. Whether the application is complete.

   b. Whether all development fees have been paid.

   c. Whether the application complies with all stormwater regulations and policies.

   d. Whether the application conforms to City stormwater system plans.

   e. Whether the application incorporates effective BMPs.

   f. The potential for the connection to introduce pollutants into the storm drain system.

   g. Whether the proposed connection creates a safety hazard.

   h. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.

   i. Whether the proposed connection endangers any ground water or drinking water supply.

   j. Whether the Applicant has submitted an applicable maintenance plan and any maintenance agreement lawfully required for the proposed stormwater improvements.

5. **Failure.** Failure to construct or maintain stormwater improvements in accordance with an approved stormwater connection permit shall be a violation of this Chapter.

6. **Drawings.** Any person connecting to the stormwater system shall provide the "as-built" drawings showing the details and the location of the connection along with any location device. The plans shall be provided in a format acceptable to the City.

8.4A.17 Exemptions

Exemptions from particular construction stormwater permitting requirements apply only to the extent expressly provided by applicable State or federal law. No exemption in this Section authorizes an illicit discharge, unlawful connection, obstruction, or failure to maintain a required permanent stormwater facility.

1. Emergency public utility or government activities may proceed as allowed by applicable law, but shall employ feasible pollution prevention measures and obtain required permit coverage where applicable.

2. Bona fide agricultural activities are exempt only to the extent provided by applicable State and federal law; nonexempt construction activity and prohibited discharges remain regulated.

8.4A.18 Enforcement and Appeals

A person aggrieved by a decision under this Chapter may seek review through the applicable appeal process provided by Utah law and City ordinance. Unless otherwise provided in this ordinance or applicable Utah law, a person directly and adversely affected by a final decision of the City made under this Chapter may appeal the decision to the City Council by filing a notice of appeal to the City Recorder within ten calendar days after the date the decision is issued. Construction stormwater administrative enforcement, land-use decisions, and utility fee disputes shall follow their respective legally authorized review procedures. Filing an appeal does not stay a lawful emergency order unless otherwise required by law.

8.4A.19 Violations and Penalties

Construction stormwater administrative fines and stop-work orders shall be governed by Utah Code § 19-5-108.3, as amended. Other violations may be enforced through remedies otherwise authorized by State law and City ordinance. No provision authorizes a penalty or collection remedy prohibited by State law.

ARTICLE B. STORM SEWER UTILITY

8-4-*B* -1: FINDINGS:

The city council makes the following findings regarding stormwater runoff and the city storm sewer system:

A. The city's existing storm sewer system consists of a network of manmade and natural facilities, structures and conduits, including groundwater and aquifers, that collect and route stormwater runoff.

B. The city's existing storm sewer system does not adequately handle the stormwater runoff generated in the city.

C. The city's anticipated growth will place increased demands on the already inadequate storm sewer system.

D. Uncontrolled or inadequately controlled stormwater runoff endangers the city's groundwater supply.

E. Uncontrolled or inadequately controlled stormwater runoff causes erosion and property damage.

F. Uncontrolled or inadequately controlled stormwater runoff hinders the city's ability to provide emergency services to its residents.

G. Uncontrolled or inadequately controlled stormwater runoff impedes the regular flow of traffic in the city.

H. Uncontrolled or inadequately controlled stormwater runoff poses health hazards to the citizens of the community.

I. Stormwater runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that may jeopardize the integrity of groundwaters and receiving waters, including the city's culinary water supply.

J. All developed properties in the city contribute to the need for the storm sewer system by converting natural ground cover into impervious surfaces.

K. All developed properties in the city make use of or benefit from the city's operation and maintenance of the storm sewer system.

L. The state department of environmental quality (DEQ) has determined that some of the city's stormwater sumps must be included on the prioritized contamination sources for culinary wells.

M. The EPA and the DEQ are developing additional stormwater permitting requirements that will apply to cities.

N. Absent effective maintenance, operation, regulation and control, existing stormwater drainage conditions in the city constitute a potential hazard to the health, safety and general welfare of the city, its residents and its businesses.

O. A storm sewer utility is the most equitable and efficient method of managing stormwater in the city and ensuring that each property in the city pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm sewer system.

8-4-*B* -2: PURPOSE:

The purpose of this article is to protect the health, safety and welfare of the city and its inhabitants by improving the city's storm sewer system, managing and controlling stormwater runoff, protecting property, 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.

8-4-*B* -3: DEFINITIONS:

The following words and phrases shall be defined as follows:

DEVELOPED PARCEL: Any parcel that has been altered from its natural condition by grading, filling or the construction of improvements or other impervious surfaces.

EQUIVALENT RESIDENTIAL UNIT (ERU): The average amount of impervious surface, expressed in square feet, on developed single-family residential parcels in Uintah City. One ERU equals two thousand eight hundred (2,800) square feet of impervious surface area.

IMPERVIOUS SURFACE: Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at greater rates of flow than the natural surface.

8-4-*B* -4: STORM SEWER UTILITY:

A. **Creation:** The city council hereby creates and establishes a storm sewer utility as part of the city's overall sewer system. The storm sewer utility shall plan, design, construct, maintain, administer and operate the city's storm sewer system.

B. **Enterprise Fund:** The city council hereby establishes a storm sewer utility enterprise fund to handle all income, expenses and other financial transactions related to the storm sewer utility. All storm sewer utility service charges shall be deposited in the enterprise fund. Money in the storm sewer utility enterprise fund shall not be commingled with or transferred to other city funds. However, the storm sewer utility may pay other city funds for services and expenses directly

attributable to the storm sewer utility. The enterprise fund shall be operated according to state law and city policy.

C. **Facilities And Assets:** The storm sewer utility shall operate independently of city operations funded by the general fund. The storm sewer utility shall have the same relationship to the city as other city utilities, such as the water utility and the garbage utility. Upon creation of the utility, all of the city's storm sewer facilities and assets (other than streets and other facilities and assets designated by the city council) shall be transferred to the storm sewer utility in consideration for the storm sewer utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the city's storm sewer system.

D. **Administration:** The storm sewer utility shall be administered by the water manager.

8-4-*B* -5: STORM SEWER UTILITY FEE:

A. **Imposed:** Each developed parcel of real property in the city shall be charged a storm sewer utility fee.

B. **ERU:** The fee shall be based on the number of equivalent residential units (ERUs) contained in the parcel. The city council finds that the ERU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm sewer utility. Based on a study completed by an independent engineer, the city council finds and establishes that one ERU equals two thousand eight hundred (2,800) square feet of impervious surface area.

C. **Calculation:** Each developed single-family residential parcel shall be charged one Equivalent Residential Unit (ERU), unless otherwise established by a lawful rate resolution. Other developed parcels shall be assessed based on measured impervious surface area and the City's adopted rate methodology. The City Council may establish separate rates for planned residential developments, condominiums, and other uses that are not readily addressed under the standard rate schedule. A developed parcel shall not be exempt solely because it does not have another City utility account.

D. **Charge Per ERU:** The amount charged for each ERU shall be established by resolution of the city council.

E. **Exemptions And Credits:** The city council may establish exemptions and credits to the storm sewer utility fee by resolution.

F. **Policies:** The water manager may adopt policies, consistent with this article and any resolutions passed by the city council, to assist in the application, administration and interpretation of this article and any resolutions related to the storm sewer utility.

G. **Appeals:** Any person or entity that believes that this article or any storm sewer utility rate resolution was interpreted or applied erroneously may appeal to the appeal authority as provided in title 9, chapter 5 of this code.

8-4-*B* -6: BILLING:

A. **Billing.** Stormwater utility fees shall be included on the City's regular utility bill, where applicable. If no regular utility account exists for a developed parcel, the property owner shall be billed directly.

B. **Responsibility for Payment.** Stormwater utility fees shall be assessed and collected in accordance with the City's adopted fee schedule, applicable ordinances, and Utah law.

C. **Delinquent Accounts.** Delinquent stormwater utility charges may be collected through methods authorized by applicable Utah law and enforceable agreements. Water service shall not be terminated solely for nonpayment of a stormwater utility charge unless independently authorized by applicable law.

D. **Billing Corrections and Appeals.** The City may correct billing errors and review stormwater utility fee disputes in accordance with applicable City procedures.

ARTICLE C. LANDSCAPING REQUIREMENTS FOR NEW CONSTRUCTION

8-4-*C*-1: PURPOSE AND INTENT:

The purpose of this article is to provide for landscaping requirements for all lots in the city. It is the city's intent that this article will reduce discharge of pollutants into the city's stormwater system.

8-4-*C*-2: DEFINITIONS:

As used in this article, the following terms shall have the following meanings:

BUILDING: Any structure having a roof supported by columns or walls, intended or used for the shelter, housing or enclosure of any person, animal, chattel or property of any kind.

LANDSCAPING: The cultivation of the land and the installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs and trees) planted directly on the property and kept free from all hard surfaces. The use of water (i.e., pools, fountains, falls and streams), sculptures and ornamental rocks and boulders are also included as landscape design materials.

8-4-*C*-3: LANDSCAPING REQUIRED:

A. **Required; Exceptions:** On lots on which a building has been constructed, all parts of the lot shall be landscaped, except for portions of the lot which are occupied by:

1. The building.
2. Required off street parking.
3. Driveway, sidewalk, curb or gutter.
4. Corrals, if horses or approved animals are present as outlined in the animal ordinance, title 9, chapter 19 of this code.
5. Agriculture uses as approved in the zone, as per title 9 of this code.

B. **Residential Lots Landscaping:** On residential lots in excess of one acre, the area between the street and the residence shall be landscaped and the area of any required side yards or back yard, as determined by title 9 of this code, shall be landscaped. The rest of the lot shall be maintained in such a way as not to create a health or fire risk.

8-4-*C* -4: LANDSCAPING ON NEW CONSTRUCTION TO BE COMPLETED WITHIN ONE YEAR:

For new buildings, the landscaping required in section 8-4-C-3 of this article shall be completed within one year of the time that the certificate of occupancy is issued for the building.

8-4-*C* -5: LANDSCAPING FOR EXISTING BUILDINGS:

A. **Notice:** Existing buildings which do not meet the provisions of section 8-4-C -3 of this article will be notified in writing after this article has been passed.

B. **Compliance Within One Year:** Landowners shall be given one year from the date of the notification letter to comply with section 8-4-C-3 of this article.

C. **Violation:** Any landowner who has not met one of the following conditions listed below may be prosecuted under section 8-4-C-9 of this article:

1. Complied with section 8-4-C-3 of this article;
2. Obtained an extension of time pursuant to section 8-4-C-6 of this article; or
3. Obtained a variance pursuant to section 8-4-C-7 of this article.

8-4-*C*-6: EXTENSION OF TIME FOR LANDSCAPING:

The owner of any lot which is required to comply with section 8-4-C-4 or 8-4-C-5 of this article may apply to the city for an extension of time to complete the landscaping required by section 8-4-C-3 of this article.

A. **Good Cause; Time Limit For Filing:** Extensions of time under this provision shall be granted only for good cause. Extensions of time shall be for a maximum of one year and only one extension of time shall be granted to any particular lot. An application for an extension must be filed before the time period for installing the landscaping has expired.

B. **Planning Commission Consideration; Meeting:** The planning commission shall consider any application for an extension of time under this article within thirty (30) days of the time the application is received. The applicant shall have the right to attend the meeting and to be heard on the reasons he or she believes the extension should be granted. The applicant may call witnesses at the meeting. The applicant may also be represented by an attorney at the hearing, but under no circumstances will the city have an obligation to provide an attorney for any applicant.

C. **Property Visitation:** The planning commission may visit the property for which the application has been made. If the planning commission determines to visit the property, all of the commissioners shall go at one time and the applicant shall have the right to be present during the visit.

D. **Continuance:** The planning commission may continue the hearing on the application from time to time; provided, that the planning commission shall have an absolute maximum of seventy five (75) days from the time the application is received to make a decision on the application. If the planning commission fails to make a decision on the application within that time, the application shall be deemed to be granted.

E. **Grant Of Application; Minutes To Reflect Good Cause:** If the planning commission grants the application for an extension, the minutes of the meeting shall contain a description of the good cause which justified the extension.

F. **Appeal:** If the applicant is unsatisfied with the decision of the planning commission, the applicant may appeal the decision to the appeal authority in accordance with section 8-4-**C** -8 of this article.

8-4-*C*-7: VARIANCES:

The owner of a lot may apply for a variance from the terms of this article in accordance with title 9, chapter 5 of this code.

A. **Grant For Good Cause:** Variances will only be granted for good cause shown. Economic considerations shall not be considered good cause for a variance. Good cause may include, but is not limited to:

1. Inaccessibility of the land makes landscaping infeasible;

2. Topographic considerations or the shape of the property make landscaping infeasible; or

3. The use of the property makes landscaping infeasible.

B. **Grant Of Variance; Minutes To Reflect Good Cause:** If the appeal authority grants a variance, it shall describe the good cause for the variance in the minutes of the meeting.

8-4-*C*-8: APPEAL:

Appeals filed under section 8-4-**C** -6 of this article shall be heard by the appeal authority as provided in title 9, chapter 5 of this code.

8-4-*C*-9: PENALTY:

Any person who fails to comply with the landscaping requirements of this article shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day for which a lot is not in compliance shall be a separate offense.

SUMMARY OF AN ORDINANCE AMENDING THE UINTAH CITY STORMWATER AND DRAINAGE ORDINANCE

On October 20, 2026, the Uintah City Council adopted Ordinance 303-26 amending the Uintah City Code to make updates to the city's stormwater regulations.

The complete text of the ordinance is available at Uintah City Hall located at 2191 E 6550 S, Uintah, UT 84405 and on the Uintah City web page at https://www.uintahcity.gov/.