

**SECTION 1:            AMENDMENT** “5.04.030 Definitions: Storm Water Ordinance” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.04.030 Definitions: Storm Water Ordinance

For the purpose of this Title, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this Section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

AS BUILT PLANS means drawings depicting conditions as they were actually constructed.

BEST MANAGEMENT PRACTICES or BMPS are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Payson City and that have been incorporated by reference into this ordinance as if fully set out therein. For purposes of this Title, the relevant BMP's are more particularly defined in the current copy of the Payson City Development Guidelines ~~Guidance Document for Storm-water Management.~~

CHANNEL means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

CITY ENGINEER means the City Engineer of Payson City or an authorized designee.

CITY STORM WATER SYSTEM means city-owned storm systems including without limitation gutters, catch basins, grates, pipelines, and property encumbrances that receive runoff from public right-of-way, private property, natural waterways and systems identified as city easements.

COMMUNITY WATER means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Payson City.

CONTAMINANT means any physical, chemical, biological, or radiological substance or matter which is not naturally occurring and introduced into the storm water system.

DESIGN STORM EVENT means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

DISCHARGE means 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 storm sewer system.

EASEMENT means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

EROSION means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

EROSION AND SEDIMENT CONTROL PLAN means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

GENERAL CONSTRUCTION STORM WATER PERMIT means a permit required by the Utah Department of Environmental Quality, Division of water Quality.

HOT SPOT (PRIORITY AREA) means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

ILLICIT CONNECTIONS means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. Any drain or conveyance whether on the surface or subsurface, which allows a contaminated or illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and 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 government agency; or 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) approved in writing by the City.

ILLICIT DISCHARGE means any discharge to the municipal separate storm drain system that is not composed entirely of storm water and not specifically exempted under this ordinance. Illicit discharges include both direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm water system) and indirect connections (e.g., infiltration into the storm water system or spills collected by drain inlets).

IRRIGATION DITCHES means gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement or prescription. Irrigation ditches also include those facilities which function as a combined storm water and irrigation conveyance intended at times as a water routing and disposal system

LAND DISTRIBUTION PERMIT means a Payson City Land Disturbance Permit as adopted by the City.

LAND DISTRIBUTING ACTIVITY means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

MAINTENANCE means any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility or cause degradation of the storm water quality.

MAINTENANCE AGREEMENT means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) (MUNICIPAL SEPARATE STORM WATER SYSTEM) means the conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT means a permit issued pursuant to 33 U.S.C. 1342.

NOTICE OF VIOLATION (N.O.V.). Whenever the City Engineer finds that a person is in non-compliance with this ordinance, the Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices.

OFF-SITE FACILITY means any facility being a structural BMP or otherwise located outside the subject property boundary described in the permit application for land development activity which is intended to form an integral part of the storm drain system for a given parcel.

ON-SITE FACILITY means a structural BMP located within the subject property boundary described in the permit application for land development activity.

PEAK FLOW means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON means any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government, this includes both the singular and plural form of said groups, who acts to discharge to or otherwise influence the storm water system in the City of Payson.

PRE-EXISTING CONDITIONS means conditions of property in its native state or changed under approval by the City or changed property that is grandfathered.

PRIORITY AREA means HOT SPOT as defined in this Section.

PROPERTY OWNER means a land owner of property within the boundary of Payson City.

RUNOFF means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system. Also, water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm drainage system.

SEDIMENT means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level or within any storm drainage conveyance system.

SEDIMENTATION means soil particles that can settle or have settled in the stream beds and disrupt the natural flow of the stream or otherwise disrupt the intended storm drain system function.

SOILS REPORT means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

STABILIZATION means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STORM WATER means storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

STORM WATER DESIGN STANDARDS AND REGULATIONS means the current Payson City storm water standards and regulations as adopted by the City.

STORM WATER MASTER PLAN means the current Payson City Storm Water Master Plan as adopted by the City.

STORM WATER MANAGEMENT means the programs to maintain quality and quantity of storm water runoff to pre-development levels.

STORM WATER MANAGEMENT FACILITIES SYSTEM means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

STORM WATER POLLUTION PREVENTION PLAN (SWAPP) means the set of drawings and other documents showing the location of the BMPs during the different phases of construction and system management and that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels during and after construction.

SWMP means “Storm Water Management Program.” A Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI) (if applicable), Storm Water Pollution Prevention Plan: during construction and post construction, storm water pollution prevention BMPs, spill prevention and countermeasure information, inspection records and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.

STORM WATER RUNOFF means flow on the surface of the ground or within the storm water system, resulting from precipitation or other forms of water origination being those which are both natural and artificially occurring.

STORM WATER UTILITY means the storm water utility created by ordinance of the city to administer the storm water management ordinance, and other storm water rules and regulations adopted by the municipality to maintain and manage the storm water system of the City.

STRUCTURAL BMPS means devices that are constructed to provide control of both the quality and quantity of storm water runoff.

SURFACE WATER means and includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs, ponds, sloughs, or other bodies of water.

WATERCOURSE means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERSHED means all the land area that contributes runoff to a particular point along a waterway or other storm water conveyance.

UPDES means Utah Pollution Discharge Elimination System.

- A. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Payson City boundaries must provide written approval from the state, county or municipality or their agents.
- B. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
- C. Discharges or modifications to the canals require written approval from the canal

owners and applicable governing agencies.

**SECTION 2:            AMENDMENT** “5.08.050 Application For A Land Disturbance Permit.” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.08.050 Application For A Land Disturbance Permit.

A. Each application shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name, address and telephone number of the owner of the property of record in the office of the Utah County Assessor;
4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
6. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
7. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property such as the UPDES Storm Water General Permit for Construction Activities UTR 090000. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
8. Each application shall be accompanied by:
9. A storm water pollution prevention plan (SWPPP) providing for erosion and sediment control and storm water management during the land disturbing activity and after the activity has been completed meeting the requirements of Storm Water General Permit for Construction Activities Permit No. UTR 090000. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit ~~and other storm water management fees~~; as adopted by resolution and found in the city fee schedule.

**SECTION 3:            AMENDMENT** “5.12.020 Irrigation Ditches” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.12.020 Irrigation Ditches

All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with water user and the City Engineer.

Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.

Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the ~~Storm Water Design Standards and Regulations~~ Payson City Development Guidelines and the Land Disturbance Permit.

Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative ~~but~~and are ~~not~~ required to receive written approval of ditch owners. Design and coordination requirements shall comply with the ~~Storm Water Design Standards and Regulations~~ Payson City Development Guidelines and the Land Disturbance Permit documents.

**SECTION 4:            AMENDMENT “5.12.030 Storm Water Design And BMP Manuals”** of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.12.030 Storm Water Design And BMP Manuals

The municipality adopts as its storm water design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

- A. Payson City ~~Storm Water Design Standards and Regulations~~ Development Guidelines.
- B. Payson City Storm Water Master Plan
- C. Guidance Document for Storm Water Management (EPA Construction Site Storm Water Runoff Control).
- ~~D. Payson City Storm Water Technical Manual.~~

These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each storm water practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the City, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

**SECTION 5:            AMENDMENT “5.12.050 Minimum Control Requirements”**  
of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.12.050 Minimum Control Requirements

Storm water discharge during all construction activities shall comply with the terms of the UPDES Storm Water General Permit for Construction Activities UTR 300000, Land Disturbance Permit, the ~~Storm Water Design Standards and Regulations~~Payson City Development Guidelines, and/or requirements set forth by the building Code, and the State of Utah UPDES requirements.

Storm water designs shall meet the multi-stage storm frequency storage and runoff volume requirements as identified in the BMP manual, along with the operation, installation, and maintenance standards in the BMP manual unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP under PCC 5.12.040.

Runoff rates from one lot to another may not exceed pre-existing conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.

If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the City Engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

**SECTION 6:            AMENDMENT “5.12.060 Storm Water Pollution Prevention Plan Requirements”** of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT



#### 5.12.060 Storm Water Pollution Prevention Plan Requirements

Property owners are responsible to manage storm water runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. In order to manage storm water the Property Owner must develop a storm water pollution prevention plan and implement the plan. The storm water pollution prevention plan shall include sufficient information to allow the City Engineer to evaluate the environmental and historical characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site.

To accomplish this goal the storm water pollution prevention plan shall include the following:

- A. Project Description: Briefly describe the intended project and proposed land disturbing activity, number of units, and structures to be constructed and infrastructure required.
- B. Topographic Base Map: A ~~1" = 500'~~ topographic base map of the site which extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
- C. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
- D. Current land use including all existing structures, locations of utilities, roads, and easements;
- E. All other existing significant natural and artificial features including a general description of existing land cover. Individual trees and shrubs do not need to be identified.
- F. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
- G. Proposed structural BMPs;
- H. A written description of the site plan and justification of proposed changes in natural conditions may also be required.

**Calculations.** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:

- A. A description of the design storm frequency, duration, and intensity where applicable;
- B. Time of concentration;
- C. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- D. Peak runoff rates and total runoff volumes for each watershed area;
- E. Infiltration rates, where applicable;
- F. Culvert, storm water sewer, ditch and/or other storm water conveyance capacities;
- G. Flow velocities;

- H. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
- I. Documentation of sources for all computation methods and field test results.

**Soils Information.** If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. In all cases where subsurface infiltration is a component of the storm water management plan a site specific percolation test shall be submitted based upon field observations and testing at the location of the infiltration facility.

**Work Sequence.** The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP's.

**Installation Maintenance And Repair Plan.** The design and planning of all storm water management facilities shall include detailed installation, maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

**SECTION 7:            AMENDMENT** “5.16.030 Inspection Of Storm Water Management Facilities” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.16.030 Inspection Of Storm Water Management Facilities

Periodic inspections of facilities shall be performed as provided for in this Title and ~~PCC 4.16; Sewer And Wastewater~~ Section 4.2.4.2.4 of the Payson City Storm Water Management Plan.

**SECTION 8:            AMENDMENT** “5.32.020 Prohibition Of Illicit Discharges” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

### 5.32.020 Prohibition Of Illicit Discharges

No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

Uncontaminated discharges from the following sources:

- A. Water line flushing or other potable water sources,
- B. Landscape irrigation or lawn watering with potable water,
- C. Diverted stream flows,
- D. Rising ground water,
- E. Groundwater infiltration to storm drains,
- F. Uncontaminated pumped groundwater,
- G. Discharges from potable water sources
- H. Foundation or footing drains,
  - I. Crawl space pumps,
  - J. Lawn watering runoff
- K. Individual residential car washing
- L. Air conditioning condensation,
- M. Irrigation water
- N. Springs,
- O. Natural riparian habitat or wet-land flows,
- P. Swimming pools (if de-chlorinated - typically less than one PPM chlorine),
- Q. Water reservoir discharge ( if de-chlorinated – typically less than one PPM chlorine)
- R. Residual street wash water
- S. Firefighting activities, ~~and activities, and~~
- T. Any other uncontaminated water source
- U. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
- V. Dye testing is an allowable discharge if the City Engineer has so specified in writing
- W. The prohibition shall not apply to any non-storm water discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**SECTION 9:**            **AMENDMENT** “5.36.010 Enforcement Authority” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

#### 5.36.010 Enforcement Authority

The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this Section.

With the issuance of a Land Disturbance Permit or ~~Storm water permit~~ SWPP, the City Engineer or designee shall be permitted to enter and inspect, including testing and investigation, facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Payson City ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications.