

ORDINANCE NO. 2023-09

AN ORDINANCE AMENDING TITLE 16 OF THE CENTERVILLE CITY ORDINANCES REGARDING STORMWATER MANAGEMENT

WHEREAS, the federal government has enacted the Federal Water Pollution Control Act, as set forth in 33 U.S.C. §§ 1251, *et seq.*, also known as the Clean Water Act, for the purpose of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters; and

WHEREAS, pursuant to the Clean Water Act, the federal government has adopted the National Pollutant Discharge Elimination System ("NPDES") that regulates point source discharges of pollutants into waters of the United States; and

WHEREAS, the State of Utah has also adopted statutes and regulations regarding the protection, maintenance, and enhancement of the quality of Utah's surface and underground waters, including, but not limited to, adoption of the Utah Pollutant Discharge Elimination System ("UPDES"); and

WHEREAS, the City operates and maintains a storm drain system qualifying as a municipal separate storm sewer system (MS4) subject to the Phase II regulations of the NPDES stormwater program and the UPDES stormwater program; and

WHEREAS, in order to comply with applicable state and federal regulations regarding stormwater management and pollution control, including recent amendments addressing low impact development and common plans of development, the City Council desires to amend applicable provisions of Title 16 (Stormwater) as more particularly set forth herein; and

WHEREAS, the City Council finds that the proposed amendments to Title 16 (Stormwater) will help protect the health, safety, and welfare of Centerville City, its inhabitants, and the environment by improving the City's storm drain system, managing and controlling stormwater run-off, protecting property, and preventing polluted waters from entering the City's storm drain system and other receiving waters; and

WHEREAS, the City Council desires to adopt the amendments to Title 16 (Stormwater), as more particularly set forth herein, pursuant to its authority to create ordinances necessary to preserve the health and safety of the City and its inhabitants under Utah Code § 10-8-84 and authority provided under applicable state and federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. **Amendment.** Title 16 of the Centerville Municipal Code regarding Stormwater is hereby amended to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. **Severability Clause.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses, and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 3. Effective Date. This Ordinance shall become effective upon publication and posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE, STATE OF UTAH, ON THIS 20th DAY OF JUNE, 2023

ATTEST:

CENTERVILLE CITY

Jennifer Robison
Jennifer Robison, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hirst	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____
Councilmember Summerhays	<u>X</u>	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law on the following referenced dates.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 6/21/2023

RECORDED this 21st day of June, 2023.

PUBLISHED OR POSTED this 21st of June, 2023.



EXHIBIT A
TITLE 16
STORMWATER

16 Stormw-Water

16.01 General Provisions

16.02 Storm Drainage Utility

16.03 Stormwater Management-And Permits

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16.01.050 Ultimate Responsibility

16.01.060 Storm Drainage Master Plan

16.01.070 UPDES General Permit

16.01.080 Stormwater Management Plan

16.01.090 Definitions

16.01.100 Severability

16.01.010 Purpose

The purpose of this Title is to establish and provide policies, rules, and regulations regarding the City's storm drain system and for the control, management, discharge, removal, and prevention of pollutants entering the City's storm drain system. It is further the purpose of this Title to protect the health, safety, and welfare of Centerville City, its inhabitants and the environment by improving the City's storm drain system, managing and controlling stormwater run-off, protecting property, and preventing polluted water from entering the City's storm drain system and other receiving waters to the maximum extent practicable as required by Federal and State law. ~~This Title is intended to comply with all regulations and requirements of the NPDES and UPDES programs, as defined in CMC 16.01.090.~~ The objectives of this Title are:

- (a) To regulate and prevent the contribution of pollutants to the City's storm drain system by stormwater discharges by any user;
- (b) To prohibit illicit connections and discharges to the City's storm drain system;
- (c) To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of earth on land within the City;
- (d) To minimize increases in non-point source pollution caused by stormwater run-off from development which would otherwise degrade local water quality;
- (e) To reduce stormwater run-off rates and volume, soil erosion, and non-point source pollution, wherever possible, through stormwater BMPs, and to ensure that these BMPs are properly maintained and pose no threat to public safety;
- (f) To establish a viable and fair method of financing the construction, operation, and maintenance of the City's storm drain system;
- (g) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Title;
- (h) To establish penalty and enforcement procedures for violations of this Title; and

- (i) To ensure compliance with requirements of the ~~Centerville City's~~ UPDES General Permit, ~~and the Centerville City Stormwater Pollution Prevention Plan, the Centerville City Stormwater Management Plan, and all other governing documents and regulations regarding stormwater management.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.012 Intent

The intent of this Title is to assist in compliance with the City's General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) authorizing discharges under the Utah Pollutant Discharge Elimination System (UPDES) from the State of Utah Department of Environmental Quality Division of Water Quality and the requirements and obligations of the Utah Water Quality Act, as set forth in Utah Code § 19-5-101, et seq., and the Federal Water Pollution Control Act, set forth in 33 U.S.C. §§ 1251, et seq., and the rules and regulations adopted pursuant to these statutes.

16.01.020 Applicability

The provisions of this Title shall apply to any activities conducted within the incorporated area of the City, to all real property and development within the incorporated area of the City, and to all portions of the City's storm drain system. This Title shall also apply to all water entering the City's storm drain system generated on any developed or undeveloped land or entering any creek, stream, or stormwater facility located within the City, including such creeks, streams or facilities located within the City but maintained by Davis County, unless explicitly exempted in writing by the City or other authorized enforcement agency.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.030 Administration And Interpretation

The Public Works Director ~~is hereby designated as the City's authorized enforcement official and as such~~ shall implement, administer, and enforce the provisions of this Title. Any powers granted or duties imposed upon the Public Works Director may be delegated ~~by the Public Works Director or the City Council~~ to the Drainage Utility Supervisor or any other persons or entity entities acting in the beneficial interest of or in the employ of the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.040 Appeals

Except as otherwise specifically provided herein, any person aggrieved by a final decision of the Public Works Director interpreting or administering the provisions of this Title may appeal such decision to the City Manager by filing a written Notice of Appeal with the City Recorder within 15 days from the date of the decision being appealed. The Notice of Appeal shall state and stating the specific grounds for the appeal and the applicable facts and circumstances related to the appeal. The City Manager may hold a hearing on the appeal. If the person or entity is not satisfied with the City Manager's decision, a further appeal may be made to the City Council. The appeal to the City Council shall follow the same procedure as the appeal to the City Manager. The City Council's decision shall be final and binding on all parties.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.050 Ultimate Responsibility

The standards and requirements set forth in this Title and promulgated pursuant to this Title are minimum standards and requirements. This Title does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants. The issuance of any permit or any inspection conducted under the terms and provisions of this Title shall not

release any person from responsibility, liability, penalty, or requirement set forth herein or by any applicable State or Federal laws, ~~or~~ regulations, or permits. Any person violating the terms and conditions of this Title or discharging contaminated waters into the City's storm drain system shall be liable and responsible for such violations and/or contaminations.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.060 Storm Drainage Master Plan

The City has adopted a master plan for the construction of storm drainage facilities within the City known as the Centerville City Storm Drainage Master Plan. All construction and development within the City and any connections or discharges of water into the City's storm drain system shall comply with provisions of the Storm Drainage Master Plan, as may be amended from time to time. A copy of the Centerville City Storm Drainage Master Plan can be reviewed here: Storm Drain Master Plan.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.070 UPDES General Permit

The City has applied for and received from the State of Utah, Department of Environmental Quality, Division of Water Quality, a UPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's). This UPDES General Permit for MS4s is required to be renewed every five years pursuant to renewal procedures set forth in the UPDES Permit. All construction and development within the City and any and all connections and discharges of waters into the City's storm drain system shall comply with terms, conditions, and provisions of the City's UPDES General Permit, ~~as may be amended from time to time.~~ A copy of the City's UPDES General Permit for MS4s can be reviewed here: UPDES General Permit.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.080 Stormwater Management Plan

The City has adopted a Stormwater Management Plan in accordance with applicable State and Federal rules and regulations. All construction and development within the City and any and all connections and discharges of waters into the City's storm drain system shall comply with the terms, conditions, and provisions of the City's Stormwater Management Plan, ~~as may be amended from time to time.~~ A copy of the City's Stormwater Management Plan can be reviewed here: Stormwater Management Plan.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.090 Definitions

Words not otherwise defined but used in this Title or the materials referenced herein are defined in the Federal Clean Water Act, as set forth in 33 § U.S.C. §§ 1251, et seq., and any rules and regulations adopted pursuant thereto and any applicable State laws, rules, and regulations, including, but not limited to, the UPDES and NPDES permits and programs. As used herein, the following terms, phrases, and words shall have the following meanings:

- (a) "Authorized Enforcement Official-" means City employees designated to administer and enforce this Ordinance.
- (b) "Best Management Practices" (BMPs)-" means ~~includes~~ schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control site run-off, spillage or leaks, sludge or waste disposal, or drainage from

raw material storage.

- (c) "Catch Basin-" means a A-basin combined with a storm drain inlet used to trap solids.
- (d) "City Approvals-" means Aany permit or approval required by the City prior to any construction activity, including, but not limited to, site preparation, grading, excavation or construction.
- (e) "Clean Water Act-" means the Clean Water Act of 1987, formerly referred to as the ~~The~~ Federal Water Pollution Control Act, set forth in 33 USC § 1251, et seq., and any subsequent amendments thereto.
- ~~(f)~~ "Common Plan of Development or Sale" means a plan to subdivide a parcel of land into separate parts for separate sale. This can be for a residential, commercial, or industrial development. The common plan originates as a single parcel that is separated into lots or parcels as approved by the City. The original subdivision plan is considered the "common plan of development or sale" even if it is completed in separate stages or phases.
- ~~(g)~~(f) "Construction Activity-" means aAny land disturbance or construction activities such as clearing, grubbing, grading, excavating, building, and demolition.
- ~~(h)~~(g) "Conveyance System-" means aAny channel or pipe for collecting and directing the stormwater.
- ~~(i)~~(h) "Culvert-" means a A-covered channel or large diameter pipe that directs water flow below the ground surface.
- ~~(j)~~(i) "Degradation-" (Biological or Chemical) means tThe breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) means the wWearing down by erosion. (Water) means tThe lowering of the waterquality of a watercourse by an increase in the amount of pollutant(s).
- ~~(k)~~(j) "Detention-" means tThe process of collecting water from developed areas and releasing it at a slower rate than it enters the collection system. The excess of inflow over outflow is temporarily stored in a pond or a vault and is typically released over a few hours or a few days.
- ~~(l)~~(k) "Detention Basin-" means a A-depression, designed with an inlet and outlet that regulates water flow and allows debris to settle out, that is capable of detaining stormwater run-off until it can be released downstream.
- ~~(m)~~(l) "Discharge-" means tThe release of stormwater or other substance from a conveyance system or storagecontainer.
- ~~(n)~~(m) "Drainage-" means tThe collection, conveyance, containment, and/or discharge of surface andstormwater run-off.
- ~~(o)~~(n) "Drain Inlet-" means a A-point of entry into a detention basin, storm drain, or other inlet used to trap solids.
- ~~(p)~~(o) "Entity-" means aAny corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.
- ~~(q)~~(p) "Erosion-" means tThe wearing away of land surface by wind or water. Erosion occurs naturally from weather or run-off but can be intensified by land-clearing practices related to farming, residential, commercial or industrial development, road building, or timber-cutting.
- ~~(r)~~(q) "Fill-" means a A-deposit of earth material placed by artificial means.
- ~~(s)~~(r) "Final Stabilization-" means aAll soil disturbing activities at the site have been completed, and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent

stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

- (f)(s) "General Permit-" means a A permit issued under the NPDES or UPDES program to cover a class or category of stormwater discharges.
- (u)(t) "Grading-" means tThe cutting and/or filling of the land surface to a desired slope or elevation.
- (v)(u) "Hazardous Waste-" means the bBy-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four characteristics (flammable, corrosive, reactive, or toxic), or appears on special EPA lists.
- (w)(v) "Illegal Discharge-" means aAny direct or indirect non-stormwater discharge to the storm drain system, except discharges from fire fighting activities and other discharges exempted in this Title.
- (x)(w) "Illicit Connection-" means aAny physical connection to a publicly maintained storm drain system allowing discharge of non-stormwater which has not been permitted by the public entity responsible for the operation and maintenance of the system.
- (y)(x) "Impervious Surface-" means aAny hard surface ~~area which that~~ prevents or hinders retards the ~~penetration,~~ absorption ~~or entry~~ of water into the soil ground, or ~~any hard surface area which that~~ causes water to run off ~~the surface~~ in greater quantities or at greater flow rates than the natural surface. an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces may include, but are not limited to: roofs; sidewalks; concrete; ~~or~~ asphalt paving; walkways; patios; covered decks; solid decking; driveways; parking areas; ~~lots;~~ storage areas; RV parking areas; gravel driveways; other trafficked or compacted gravel; roadbase; brick patios; concrete pavers; sports courts; and ~~or~~ other surfaces which similarly prevent or hinder impede the natural the absorption of water into the soil. infiltration of storm and surface water.
- (z)(y) "Individual Permit-" means a A permit issued under the NPDES or UPDES program for a specific facility, whereby the unique characteristics of that facility may be addressed through the imposition of special conditions or requirements.
- (aa)(z) "Infiltration-" means tThe downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.
- (aa) "Inlet-" means an An entrance into a ditch, storm sewer, or other waterway.
- (ab) "Low Impact Development" (LID) means an approach to land development or redevelopment that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.
- (ab) "Municipal Separate Storm Sewer System" (MS4)-" means a A municipally owned and operated stormwater collection system that may consist of any or all of the following: curb, gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey stormwater that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by that municipality.
- (ac) "Mulch-" means a Anatural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.
- (ad) "Non-Point Source-" means pPollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban run-off.

- (ae) "Nonstructural Practices-" means a ~~A~~ preventative action to protect receiving water quality that does not require construction. Nonstructural BMPs rely predominantly on behavioral changes in order to be effective. Major categories of nonstructural BMPs include education, recycling, maintenance practices and source controls.
- (af) "NPDES (National Pollutant Discharge Elimination System)-" means the EPA's program to control the discharge of pollutants to waters of the United States.
- (ag) "NPDES Permit-" means An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.
- (ah) "Off-site-" means aAny area lying upstream of the site that drains onto the site, any area lying downstream of the site to which the site drains, and any area that is not on-site of the project.
- (ai) "On-site-" menas tThe entire property that includes the proposed development.
- (aj) "Outfall-" means tThe point, location, or structure where wastewater or drainage discharges from a sewerpipe, ditch, or other conveyance to a receiving body of water.
- (ak) "Person-" means aAny individual, corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.
- (al) "Point Source-" means aAny discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- (am) "Pollutant-" means gGenerally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; 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; and noxious or offensive matter of any kind.
- (an) "80th Percentile Rainfall Event" means the depth of rainfall which is not exceeded in 80 percent of all runoff producing rainfall events within the time period analyzed. In other words, 80 percent of the rainfall storm events that produce runoff will be less than or equal to this depth. Centerville City's 80th percentile rainfall depth is 0.50 inches or 0.60 inches for retention basins that do not overflow into the City street or drainage system.
- (ao) "Receiving Waters-" means bBodies of water or surface water systems receiving water from upstream constructed or natural systems.
- (ap) "Retention-" means t~~The~~ process of collecting and holding surface and storm-water runoff with no surface outflow.
- (~~a~~q) "Riparian-" means aA relatively narrow strip of land that borders a stream or river.
- (~~a~~r) "Run-Off-" means ~~that~~ That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.
- (~~a~~s) "Source Control-" means aA practice or structural measure to prevent pollutants from entering stormwater run-off or other environmental media.
- (~~a~~t) "Storm Drain-" means a ~~A~~ closed conduit for conducting stormwater that has been collected by inlets or collected by other means.
- (~~a~~u) "Storm Drain System-" means tThe City's storm drain system comprised of storm and subsurface

water facilities, improvements, streets, gutters, drains, swales, detention basins, property, or other interests therein made, constructed or acquired by the City for purposes of managing and controlling storm or subsurface water~~r~~.”.

- (av) "Stormwater." ~~means w~~Water produced by storms, surface drainage, snow and ice melt, and spring flows and drainage. Stormwater does not include infiltration~~n~~.”.
- (aw) "Stormwater Pollution Prevention Plan" ("SwPPP)-" ~~means a~~A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters~~s~~.”.
- (ax) "Structural Practices-" ~~means c~~Constructed facilities or measures to help protect receiving water quality and control stormwater quantity. Examples include storage, vegetation, infiltration and filtration~~n~~.”.
- (ay)-"Swale-" ~~means a~~An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primary drainage channels and allow some of the stormwater to infiltrate into the ground surface~~e~~.”.
- (az) "UPDES Permit-" ~~means a~~An authorization, or license, or equivalent control document issued by the State ~~of Utah~~ to implement the requirements of the NPDES and UPDES program~~s~~.”.
- (ba) "Utah Water Quality Act" means the Utah Water Quality Act as set forth in Utah Code §§ 19-5-101, et seq.”.
- (bb) "Waters of the~~e~~" State-" ~~means S~~Surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction~~n~~.”.
- (bc) "Waters of the United States-" ~~means s~~Surface watercourses and water bodies as defined in 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.01.100 Severability

The provisions of this Title are hereby declared severable. If any provision, clause, section, or sentence of this Title or the application thereof to any person, establishment or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect or invalidate any other remaining provisions or application of this Title.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02 Storm Drainage Utility

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16.02.010 Purpose

The purpose of this Chapter is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm drain system, managing and controlling groundwater and stormwater run-off, protecting property, improving water quality, 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 City's storm drain system.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.020 Definitions

In addition to the definitions set forth in CMC 16.01.090, for the purposes of this Chapter, the following terms, phrases and words shall have the following meanings:

- (a) "Developed Parcel." ~~"Developed parcel"~~ means any parcel that has been altered from its natural condition by the construction of improvements or other impervious surface areas or by grading or filling of the ground surface areas which grading or filling affects the hydraulic properties of the parcel.
- (b) "Equivalent Service Unit ("ESU")." ~~"Equivalent service unit" or "ESU"~~ means the average amount of impervious surface, expressed in square feet, on developed parcels in the City.
- (c) "Parcel." ~~Means t~~The smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax identification (lot) number by the Davis County Assessor.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.030 Drainage Utility

The City Council hereby creates and establishes a drainage utility. The drainage utility shall plan, design, construct, maintain, administer, and operate the City's storm drain system, including subsurface drain facilities and system.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.040 Enterprise Fund

The City Council hereby establishes a drainage utility enterprise fund to handle all income, expenses and other financial transactions related to the drainage utility. All drainage utility service charges shall be deposited in the drainage utility enterprise fund. Money in the drainage utility enterprise fund shall not be

commingled with or transferred to other City funds. However, the drainage utility may pay other City funds for services and expenses directly attributable to the drainage utility. The drainage utility enterprise fund shall be operated according to State law and City ordinances, rules, regulations, and policies.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.050 Facilities And Assets

The drainage utility shall operate independently of City operations funded by the general fund. Upon creation of the utility, all of the City's storm drain system, facilities, and assets (other than streets and other facilities and assets designated by the City Council) shall be transferred to the drainage utility in consideration for the drainage utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering, and operating the City's storm drain system.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.060 Fees

- (a) Imposed. Each developed parcel of real property in the City shall be charged a drainage utility fee as set forth in the City Fee Schedule.
- (b) ESU. The fee shall be based on the number of equivalent service units (ESU's) contained on the parcel. The City Council finds that the ESU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the drainage utility. Based on a study completed within Centerville, the City Council finds and establishes that one ESU equals 3,600 square feet of impervious surface area.
- (c) Calculation. The fees established herein are based upon studies conducted by the City or caused to be conducted by the City. Based on collected data, the City Council finds that each single family residential unit and residential duplex contributes approximately the same amount of stormwater run-off; therefore, each developed single family residential parcel or residential duplex shall pay a base rate of one ESU. All developed multi-family residential parcels, commercial parcels, and other nonresidential parcels shall pay a multiple of this base rate, expressed in ESU's, according to the measured impervious area on the parcel.
- (d) Charge per ESU. The amount charged for each ESU shall be established by resolution of the City Council and set forth in the City Fee Schedule.
- (e) Charge for Subsurface Drains. An additional fee for properties that are serviced and/or benefited by a subsurface drain system maintained by the City shall be established by resolution of the City Council and set forth in the City Fee Schedule.
- (f) Charges for Swale. An additional fee for properties that are serviced and/or benefited by swale areas maintained by the City shall be established by resolution of the City Council and set forth in the City Fee Schedule.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.070 Billing

The City Council finds that the City's storm drain system, culinary water system, and solid waste collection system are all interrelated services that are part of a unified City plan to provide for the health, safety, and welfare of the City and its residents in an environmentally responsible manner. Therefore, the drainage utility fee shall be included on the City's regular monthly utility bill for any given property. If there is no regular utility bill for the property, the drainage utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the City by the person or entity paying for the City

utility service provided to the property. All developed parcels shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the drainage utility service. Failure to pay any portion of the utility bill may result in termination of water service.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.080 Exemptions

The City Council may establish exemptions to the drainage utility fees as set forth in the City Fee Schedule. ~~by resolution.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.090 Credits

The City Council may establish credits to the drainage utility fees as set forth in the City Fee Schedule. ~~by resolution.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.100 Administration

The drainage utility shall be administered by the Drainage Utility Supervisor. ~~Public Works Director.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.110 Policies

The Drainage Utility Supervisor ~~Public Works Director~~ may recommend for adoption by the City Council policies and procedures to assist in the application, administration, and interpretation of this Chapter. Said policies and procedures may be adopted by resolution of the City Council.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.02.120 Appeals

Any person or entity aggrieved by any final decision of the Drainage Utility Supervisor ~~Public Works Director~~ in implementing this Chapter may appeal such decision to the City Manager in accordance with the appeal provisions set forth in CMC 16.01.040.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

[16.03 Stormwater Management And Permits](#)

[16.03.010 Stormwater Management](#)

[16.03.0240 Stormwater Permit Required](#)

[16.03.030 Stormwater Permit Purpose](#)

[16.03.040 Stormwater Permit Required Prior to Construction](#)

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[16.03.060 State Stormwater Construction General Permit \(CGP\)](#)

[16.03.070 State Stormwater Common Plan of Development Permit \(CPP\)](#)

[16.03.080 Low Erosivity Waiver](#)

[16.03.090 State Stormwater Permit Application](#)

[16.03.100 State Stormwater Permit Review](#)

[16.03.1160 City Review of State Stormwater Permit Review And Approval](#)

[16.03.120 City Stormwater Permit](#)

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[16.03.1050 City Stormwater Pollution Prevention Plan Required \(SWPPP\)](#)

[16.03.160 Stormwater Pollution Prevention Plan Requirements](#)

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[16.03.1850 Licensed Professional Engineer](#)

[16.03.1980 Permit Duration And Renewal Extensions](#)

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[16.03.310 As-Built Plans](#)

[16.03.320 Notice Of Termination \(NOT\)](#)

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[16.03.190 Dedication Of Land](#)

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[16.03.340 Training Records](#)

[16.03.350 Enforcement Records](#)

[16.03.360 Project Records](#)

[16.03.370 Violations](#)

[16.03.380 City Stormwater Acknowledgment Form](#)

[16.03.390 Bonding for Stormwater Management Facilities](#)

[16.03.010 Stormwater Permit Required](#)

~~Except as otherwise exempted under GMC 16.03.020, any person or entity proposing to disturb one (1) acre or more of ground in connection with any development, land disturbance, or construction activity within the City or any person or entity proposing to disturb less than one (1) acre of ground which is part of a larger common plan of development that disturbs one (1) acre or more of ground shall be required to obtain a Stormwater Permit from the City. Such permit is required to be obtained prior to or in conjunction with the issuance of any demolition, excavation, land disturbance, building, site plan, land use or subdivision permit or approval or any development or construction activity within the City. A~~

~~Stormwater Permit shall also be required for any building permit for a structure requiring earth moving, unless otherwise waived by the Public Works Director. In determining whether to grant a waiver, the Public Works Director shall consider the following with respect to the property and circumstances associated with the same: topography, vegetation, wetlands, steep slopes, sensitive areas, high water table, proximity to water channels, creeks, and well or riparian areas.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.010 Stormwater Management

~~The City is required under the UPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) to implement and enforce a stormwater management program to reduce pollutants in any stormwater runoff to the City's stormwater system from construction sites as more particularly provided in this Chapter. Public and private projects, including the City's own projects, are required to meet the requirements set forth herein.~~

16.03.020 Stormwater Permit Required

~~As part of the City's stormwater management program, a Stormwater Permit is required for certain construction activities within the City that cause land disturbance. The type of Stormwater Permit required depends on the type of construction activity and the extent of land disturbance, as more particularly provided herein.~~

16.03.030 Stormwater Permit Purpose

~~The objective of the Stormwater Permit is to control and limit pollutants coming off a construction site so the pollutants do not end up in a water body. Precipitation and storm events mobilize pollutants at construction sites and can carry the pollutants to a water body. The Stormwater Permit requires permittees to take certain steps to prevent pollutants from leaving the construction site and entering water bodies. Soil particulates are considered pollutants because, although soil particles naturally erode, construction activity exacerbates this process substantially by releasing soil nutrients that can cause degradation if released into water bodies.~~

16.03.040 Stormwater Permit Required Prior to Construction

~~A Stormwater Permit must be obtained prior to or in conjunction with the issuance of any demolition, excavation, land disturbance, building, site plan, land use, or subdivision permit or approval, or any development or construction activity within the City. A copy of the required Stormwater Permit, along with the relevant Stormwater Pollution Prevention Plan (SWPPP), shall be provided to the Drainage Utility Supervisor for review and acceptance prior to issuance of any permit or approval.~~

16.03.0520 Stormwater Permit Exemptions

A Stormwater Permit is not required for the following activities:

- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
- (b) ~~Existing nursery and a~~Agricultural operations legally conducted as a permitted ~~main~~ or accessory use, but not including construction activities or the construction of agricultural facilities.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.060 State Stormwater Construction General Permit (CGP)

~~Any new development project that disturbs one acre or more, including a project less than one acre that is part of a larger common plan of development or sale that is more than one acre, is required to obtain a stormwater permit from the State known as the Construction General Permit (CGP) UTRC00000.~~

16.03.070 State Stormwater Common Plan Permit (CPP)

Any single residential lot or parcel development that disturbs less than one acre, but is located in a common plan of development or sale that is one acre or more, is eligible to obtain a more streamlined stormwater permit from the State known as the Common Plan Permit (CPP) UTRH00000. For purposes of the Common Plan Permit, the common plan of development or subdivision must have been initiated after October 1992.

16.03.080 Low Erosivity Waiver

The developer of a “small construction activity” may apply for a Low Erosivity Waiver (LEW) Certification from the State in accordance with applicable State regulations. A “small construction activity” is defined as construction activity that is one acre or greater but less than five acres with an “R” factor of less than 5.

16.03.090 State Stormwater Permit Application

A General Construction Permit or Common Plan Permit can be obtained from the State online at the Utah Division of Water Quality website under Stormwater. Such permits are obtained by submitting a Notice of Intent (NOI) to be covered under the UPDES General Stormwater Permit for Construction Activities. All NOIs require certification by the owner and/or operator of the construction site. General Construction Permits and Common Plan Permits must be renewed annually in accordance with CMC 16.03.200.

16.03.1060 State Stormwater Permit Review And Approval

State Stormwater Permits shall be reviewed and approved by the State Department of Water Quality. Once approved by the State, ~~t~~The Public Works Director ~~Drainage Utility Supervisor~~ and City Engineer shall review all State Stormwater Permits applications and City Stormwater Pollution Protection Plans (SWPPPs) in accordance with CMC 16.03.110. ~~for compliance with the terms and conditions of this Title.~~

16.03.130 Stormwater Permit Application

A completed application for a Stormwater Permit shall be submitted to the Public Works Director on forms provided by the City. All applications for a Stormwater Permit shall contain the following information and/or documents:

- (a) The name, address, and contact information for the owner of the site, the developer of the site, contractors working at the site, and any consulting firm retained by the applicant;
- (b) The proposed starting date and estimated completion date for the proposed work and/or construction activity;
- (c) A City Stormwater Pollution Prevention Plan, as more particularly described in CMC 16.03.xxx040, for the subject property and the proposed construction activities to be prepared and implemented in accordance with the terms and conditions of this Title;
- (d) A copy of the UPDES Permit issued by the State and a copy of the Stormwater Pollution Prevention Plan submitted in conjunction with the UPDES Permit for the subject property and the proposed construction activities, as applicable;
- (e) The required stormwater pollution prevention review and application fee as set forth in the City Fee Schedule; and
- (f) A bond in the amount deemed sufficient by the City to cover all costs and required performance under the terms and conditions of this Title regarding stormwater pollution prevention, including, but not limited to, compliance with the terms and conditions of this Chapter, the Stormwater Pollution Prevention Plan, and any additional conditions required by the Public Works Director Drainage Utility Supervisor and/or City Engineer, as provided herein.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

16.03.110 City Review of State Stormwater Permit

The Drainage Utility Supervisor and City Engineer shall review and accept all State Stormwater Permits and Stormwater Pollution Protection Plans (SWPPPs) for compliance with State requirements and the terms and conditions of this Title. In the event the State Stormwater Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the terms and requirements of this Title, the Public Works Director Drainage Utility Supervisor and/or City Engineer may require additional information or impose additional conditions and requirements on the proposed construction activities to the extent necessary to bring the application and/or plan into compliance with the terms and purposes of this Title. Failure to comply with the terms and conditions of this Title shall be grounds for denial of the Stormwater Permit and/or any development, land use, subdivision, or land disturbance permit or approval. No construction activity, land use, or land disturbance activity shall occur on the subject property until a Stormwater Permit and SWPPP is accepted approved by the Drainage Utility Supervisor and City Engineer Public Works Director.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.120 City Stormwater Permit

Any development project or land disturbance that is not covered by a State Stormwater Permit is required to obtain a City Stormwater Permit (CSWP) regardless of the size of the project or land disturbance. All applications for a City Stormwater Permit shall include a Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) for the subject property and construction site, as more particularly provided herein.

16.03.130 City Stormwater Permit Application

An application for a City Stormwater Permit shall be submitted to the Drainage Utility Supervisor on forms provided by the City. The Drainage Utility Supervisor is authorized to prepare and update the application forms as needed. All applicable fees, bonds, and deposits shall be paid at the time of submittal of the application. All City Stormwater Permits must be renewed annually in accordance with CMC 16.03.200. All applications shall include the following information and/or documents:

- (a) The name, address, and contact information for the owner of the site, the developer of the site, contractors working at the site, and any consulting firm retained by the applicant;
- (b) The proposed starting date and estimated completion date for the proposed work and/or construction activity;
- (c) A City Stormwater Pollution Prevention Plan, as more particularly described in CMC 16.03.170, for the subject property and the proposed construction activities to be prepared and implemented in accordance with the terms and conditions of this Title;
- (d) The required stormwater pollution prevention review and application fee as set forth in the City Fee Schedule; and
- (e) A bond in the amount deemed sufficient by the City to cover all costs and required performance under the terms and conditions of this Title regarding stormwater pollution prevention, including, but not limited to, compliance with the terms and conditions of this Chapter, the Stormwater Pollution Prevention Plan, and any additional conditions required by the Drainage Utility Supervisor and/or City Engineer, as provided herein.

16.03.140 City Stormwater Permit Review

The Drainage Utility Supervisor and City Engineer shall review and approve all City Stormwater Permits and City Stormwater Pollution Protection Plans (SWPPPs) for compliance with State requirements and the terms and conditions of this Title. In the event the City Stormwater Permit application or City SWPPP

as submitted is deemed inadequate or fails to meet the terms and requirements of this Title, the Drainage Utility Supervisor and/or City Engineer may require additional information or impose additional conditions and requirements on the proposed construction activities to the extent necessary to bring the application and/or plan into compliance with the terms and purposes of this Title. Failure to comply with the terms and conditions of this Title shall be grounds for denial of the City Stormwater Permit and/or any development, land use, subdivision, or land disturbance permit or approval. No construction activity, land use, or land disturbance activity shall occur on the subject property until a Stormwater Permit and SWPPP is approved by the Drainage Utility Supervisor and City Engineer.

16.03.150 Stormwater Pollution Protection Plan Required

A Stormwater Pollution Protection Plan (SWPPP) is required for certain construction activities within the City that cause land disturbance. The type of SWPPP required depends on the type of construction activity and the extent of land disturbance, as more particularly provided herein. A SWPPP shall be submitted with the applicable State Stormwater Permit.

16.03.160 Stormwater Pollution Protection Plan Requirements

All construction operators shall prepare the required SWPPP and apply sediment and erosion control BMPs as necessary to protect water quality, reduce discharge of pollutants, and control waste. Such BMPs shall include, but are not limited to, addressing discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. All SWPPPs shall, at a minimum, comply with the SWPPP requirements set forth in the most current UPDES Stormwater General Permit of Construction Activities.

16.03.1760 City Stormwater Pollution Prevention Plan

- (a) A City Stormwater Pollution Prevention Plan ("City SWPPP") shall be required with all applicable permit applications and shall include sufficient information (e.g., maps, hydrologic calculations, soil reports, erosion and sediment control plan, etc.) to evaluate the environmental 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 structural and/or non-structural BMPs proposed for managing stormwater generated at the project site. The City SWPPP shall include a landscaping plan in accordance with CMC 16.03.160. The intent of the City SWPPP is to determine the type of stormwater BMPs necessary for the proposed project and to ensure adequate planning for long-term operation, management, and maintenance of stormwater run-off from future development. The ~~Drainage Utility Supervisor Public Works Director~~ may prepare a City SWPPP checklist for assistance in preparing such plans.
- (b) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the City SWPPP the BMPs for controlling existing stormwater run-off discharges from the site in accordance with the standards of this Title to the maximum extent practicable.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.1850 Plans by Licensed Professional Engineer

~~When determined necessary or desirable by the City Engineer, any~~ Any proposed stormwater facilities and submitted plans shall be calculated, designed, and certified by a licensed professional engineer.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.1900 Permit Duration And Renewal Extensions

Construction operators are required to obtain coverage under an applicable Stormwater Permit for the duration of the project. Stormwater Permits are valid for the time period specified in the permit. If the work is not completed during such period, the permittee is required to renew the permit with either the State or the City depending on the type of permit. State Stormwater Permits can be renewed by submitting a Notice of Intent (NOI) with the State online at the Utah Division of Water Quality website under Stormwater. City Stormwater Permits can be renewed by the Drainage Utility Supervisor and City Engineer in accordance with CMC 16.03.180 regarding permit application procedures. Any permit renewal shall require written review and amendment to the Stormwater Permit, SWPPP, BMPs, and bonding, as deemed necessary, and payment of renewal fees.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.200 Permit Nontransferable Or Assignable

A Stormwater Permit shall not be transferable or assignable and work shall not be performed under a permit in any place other than that specified in the permit. Nothing contained herein shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance, and other requirements of this Title. Subcontractors shall be appropriately licensed, insured, and bonded.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.2100 Compliance With Other Ordinances

The issuance or acceptance of any Stormwater Permit by the City or State shall be subject to and conditioned upon compliance with all other applicable City Ordinances regarding the proposed land disturbance or construction activity, including, but not limited to, CMC 15 (Subdivisions), CZC 12 (Zoning), excavation, erosion control and grading permit ordinances, and other land use development requirements.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.2240 Permit Kept On-Site

Any approved Stormwater Permit, SWPPP, and all related documents and plans shall be kept on-site at the project by the permittee.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.230 SWPPP Pre-Construction Meeting

The City is required to conduct a SWPPP pre-construction meeting with developers to review site design, planned operations at the construction site, planned BMPs during the construction phase, and planned BMPs to manage runoff created after development. The SWPPP pre-construction meeting is in addition to the engineering and public improvement pre-construction meeting required under other applicable City ordinances.

16.03.240 SWPPP Pre-Construction Review Checklist

The Drainage Utility Supervisor shall develop and implement a checklist for pre-construction SWPPP review consistent with the requirements of the current UPDES Stormwater General Permit for Construction Activities.

16.03.2500 Notice Of Commencement Of Work (NOC)

After issuance of a permit, the ~~Public Works Director~~ Drainage Utility Supervisor shall be notified by the permittee of proposed commencement of the work (NOC) at least 24 hours prior to commencement of work. Any required pre-construction meetings shall be held with City staff in accordance with

applicable City ordinances.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.260 Inspections

Permittees and property owners shall allow access by qualified City personnel to inspect all phases of construction, including prior to land disturbance, during active construction, and post-construction activities to ensure compliance with all stormwater management requirements. Field inspections may occur pre-construction, during construction, and post-construction to verify BMPs are built and properly designed and to ensure BMPs are properly maintained. Field inspections for compliance with this Title and any permits issued hereunder shall be conducted by the ~~Public Works Director, the~~ Drainage Utility Supervisor, ~~the~~ City Building Inspector, City Engineer, ~~the~~ City Ordinance Enforcement Officer, and/or other designated agents of the City. ~~The Public Works Director may prepare an inspection checklist to assist in field inspections.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.270 Monthly Inspections

The City is required to conduct monthly inspections of all new construction sites with land disturbance of greater than one acre or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. Such inspections must be conducted by a qualified person as defined in the UPDES General Permit for MS4s. Such inspections shall be conducted using the City Stormwater Inspection Form.

16.03.280 Priority Construction Site Inspections

The City is required to identify priority construction sites considering factors set forth in the UPDES General Permit for MS4s. The City is required to conduct inspections of identified priority construction sites at least biweekly (every two weeks). Such inspections shall be conducted using the City Stormwater Inspection Form.

16.03.290 Inspection Fees

Inspections may be subject to an inspection fee as adopted by the City Council and set forth in the City Fee Schedule.

16.03.300 Inspection Enforcement

The City is required under its UPDES General Permit to take all necessary follow-up actions such as re-inspection or enforcement action to ensure compliance with the provisions of this Title and all other terms of the City's UPDES General Permit. Such follow-up and enforcement actions must be tracked and documented by the Drainage Utility Supervisor.

16.03.310 As-Built Plans

In addition to all other ordinance requirements, all permittees subject to the terms and conditions of this Chapter are required to submit actual as-built plans for any and all permanent stormwater BMPs and facilities after final construction is completed. As-built plans must show the final design specifications for all stormwater BMPs facilities and, ~~when required by the Public Works Director,~~ must be certified by a licensed professional engineer. A final inspection by the Drainage Utility Supervisor ~~Public Works Director~~ and/or City Engineer is required before release of any bond can occur.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.32140 Notice Of Termination (NOT)

~~(a) Operators. Operators~~ Permittees wishing to terminate coverage under a ~~the City~~ Stormwater

Permit must submit a notice of termination (NOT) to the State or City, as applicable. The purpose of the NOT is to verify final stabilization and removal of all temporary control measures. A copy of the Such-NOT shall be submitted to the Drainage Utility Supervisor-Public Works Director.

~~(b) Permittees. All p Permittees must submit the a-NOT within 30 days after completion of their construction activities and final stabilization of their portion of the site, or another operator taking over all of their responsibilities at the site. A permittee cannot submit a NOT without final stabilization unless another party has agreed to assume responsibility for final stabilization of the site. Appropriate enforcement action may be taken for permit violations where a permittee submits a NOT but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.170 Waivers

- ~~(a) Every applicant shall provide for stormwater management as required by this Title unless a written request to waive such requirement is filed with and approved by the City . Requests to waive the Stormwater Permit and/or City SWPPP requirements shall be submitted to the Public Works Director and shall be reviewed and approved by the Public Works Director. The City is not authorized to grant any waiver of State or Federal requirements and no waiver granted by the City hereunder shall be interpreted to grant such authority.~~
- ~~(b) The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant and approval by the City , provided that at least one of the following conditions applies:~~
- ~~(1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Title;~~
 - ~~(2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Public Works Director and the implementation of the plan is required by City Ordinance;~~
 - ~~(3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice; or~~
 - ~~(4) The Public Works Director find that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.~~
- ~~(c) In instances where one of the conditions above applies, the Public Works Director may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the Public Works Director that the waiver will not result in the following impacts to downstream waterways:~~
- ~~(1) Deterioration of existing culverts, bridges, dams, and other structures;~~
 - ~~(2) Degradation of biological functions or habitat;~~
 - ~~(3) Accelerated streambank or streambed erosion or siltation; or~~
 - ~~(4) Increased threat of flood damage to public health, life, property.~~

~~(d) Where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the jurisdictional stormwater authority. Mitigation measures may include, but are not limited to, the following:~~

- ~~(1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat;~~
- ~~(2) The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this ordinance; or~~
- ~~(3) Monetary contributions (fee in lieu) to fund stormwater management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of stormwater BMPs).~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.180 Fee In Lieu

~~Where the City waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount determined by the City in accordance with the provisions of this Section. When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the stormwater authority agree on a greater alternate contribution) established by the City and based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project and shall be made by the developer prior to the issuance of any City approval or permit for the development, land disturbance or construction activity.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.190 Dedication Of Land

~~In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City prior to the recording of plats or, if no record plat is required, prior to City approval or permit for the development, land disturbance or construction activity.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.03.330 Training

Any staff or third-party inspectors or plan reviewers whose primary job duties are related to implementing the City's stormwater management program, including permitting, plan review, construction site inspections, and enforcement, are required to receive annual training to conduct such activities. New hires in these positions are required to receive training within 60 days of hire.

16.03.340 Training Records

The Drainage Utility Supervisor is required to retain training records, including the dates, activities or course descriptions, and names and positions of staff or third-party participants in accordance with UPDES General Permit for MS4s.

16.03.350 Enforcement Records

The Drainage Utility Supervisor is required to retain enforcement records, including, but not limited to, enforcement actions, verbal warnings, stop work orders, warning letters, notices of violation, and any other enforcement conducted by the City, in accordance with UPDES General Permit for MS4s.

16.03.360 Project Records

The Drainage Utility Supervisor is required to keep stormwater records for all construction projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure stormwater plans are complete and in compliance with State regulations and the UPDES General Permit for MS4s. Such records shall include, but are not limited to, site plan reviews, SWPPPs, inspections, and enforcement actions. These records must be retained for a minimum of five years or until construction is completed, whichever is longer.

16.03.370 Violations

Any violations of these stormwater management and permitting requirements, or any other violation of the provisions of this Title shall be subject to enforcement and sanctions as more particularly provided in Chapter 16.06 (Violations and Enforcement).

16.03.380 City Stormwater Acknowledgment Form

The property owner and/or developer of any development activity that requires a City building permit and is not covered by a State Stormwater Permit, may be required to sign a City Stormwater Acknowledgment Form agreeing to comply with all Stormwater regulations and restrictions set forth in this Title. The Drainage Utility Supervisor shall be responsible for creating and updating the City Stormwater Acknowledgment Form, as deemed appropriate. The Building Department shall be responsible for requiring and obtaining the signed Stormwater Acknowledgment Form prior to issuance of a building permit for the subject property, if applicable.

16.03.390 Bonding for Stormwater Management Facilities

Pursuant to Utah Code § 10-9a-604.5, the City may require the developer of any project to bond for required public or private infrastructure improvements that are essential or required to meet the stormwater management requirements as set forth herein, including, but not limited to stormwater management facilities. Bonding for such stormwater management facilities or improvements shall be accomplished in accordance with improvement agreement and bonding requirements set forth in Title 15 (Subdivisions) and Title 12 (Zoning Code).

16.04 Stormwater Management Standards

16.043.01450 Stormwater Management Requirements Performance Criteria

16.043.02460 Stormwater Management Design Criteria

16.04.030 Low Impact Development (LID) Requirements

16.04.040 Low Impact Development (LID) Practices

16.04.050 Retention Systems for 80th Percentile Rainfall Event (New Development)

16.04.060 Retention Systems 80th Percentile Rainfall Event (Redevelopment)

16.04.070 Low Impact Development (LID) Exemptions

16.04.080 Long-Term Stormwater Management

16.04.090 Long-Term Stormwater Management Purpose

16.04.100 Long-Term Stormwater Management BMPs

16.04.110 Long-Term Stormwater Management Requirements

16.04.120 Long-Term Stormwater Management Design Criteria

16.04.130 Long-Term Stormwater Facilities Maintenance Agreement

16.043.01450 Stormwater Management Requirements Performance Criteria

~~Unless determined by the Public Works Director to be exempt or granted a waiver, the~~ The following performance criteria shall be utilized and addressed for stormwater BMPs at all sites and proposed land disturbance or construction activities.

~~(a)~~ (a) All construction sites shall implement and use erosion and sediment control practices as more particularly provided herein and as otherwise required by State law or regulations.

~~(b)~~ (b) All construction sites shall comply with all requirements set forth in the most current UPDES General Permit for MS4s and applicable State Stormwater Permit.

~~(a)(c)~~ (c) All site designs shall establish stormwater BMPs to control the peak flow rates of stormwater discharge associated with specified design storms ~~(as specified in by~~ the UPDES Stormwater General Permit for Construction Activities ~~(UTR090000UTR100000)~~ or applicable permit and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater run-off from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.

~~(b)(d)~~ (d) New development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the Public Works Director and City Engineer. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or the Department of Environmental Quality (DEQ) responsible for natural resources.

~~(e)(e)~~ (e) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions. This subsection shall not apply to areas with high water tables.

~~(d)(f)~~ (f) All site designs shall establish stormwater BMPs to minimize, to the maximum extent practicable, sediment, debris, and all other pollutants from entering the storm drain system during all phases of demolition. The owner, developer, contractor, and/or their authorized agents shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the storm drain system and stormwater appurtenances as a result of site development.

~~(e)(g)~~ (g) All site designs shall establish stormwater BMPs to minimize, to the maximum extent practicable, soil erosion. Any earth disturbance shall be conducted in such a manner so as to

effectively reduce accelerated soil erosion and resulting sedimentation. All earth disturbances shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time. Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 14 calendar days after final grading, or final earth disturbance, has been completed. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.

~~(f)~~(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater BMPs.

~~(g)~~(i) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural BMPs and pollution prevention practices.

(j) Post-construction stormwater BMPs, where practicable, shall be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Post-construction stormwater BMPs may include, but are not limited to, stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of run-off on-site; and sequential systems (which combine several practices).

~~(h)~~(k) All site design and development shall comply with applicable Low Impact Development (LID) Requirements and Design Criteria as more particularly set forth in CMC 16.04 (Stormwater Management Standards).

~~(i)~~(l) Prior to design, applicants shall consult with the Drainage Utility Supervisor and City Engineer ~~Public Works Director~~ to determine if the project or activity is subject to additional stormwater design requirements.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.043.02160 Stormwater Management Design Criteria

(a) Site Design. Stormwater BMPs for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (1) Topography;
- (2) Maximum Drainage Area;
- (3) Depth to Water Table;
- (4) Removal of Suspended Sediment;
- (5) Soils;
- (6) Slopes;
- (7) Terrain;
- (8) Head; and
- (9) Location in relation to environmentally.

(b) Conveyance. All stormwater BMPs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but is not limited to:

- (1) Maximizing of flowpaths from inflow points to outflow points;
- (2) Protection of inlet and outfall structures;
- (3) Elimination of erosive flow velocities; and
- (4) Providing of underdrain systems, where applicable.

(c) Landscaping. All stormwater BMPs and City SWPPP must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. ~~When required by the Public Works Director, this~~ This plan shall be prepared by a registered landscape architect.

(d) Maintenance. The permittee carrying out all BMPs and control measures under the provisions of this Title, and all subsequent owners or tenants of the property on which such measures have been taken, shall maintain all temporary and permanent BMPs and control measures. Should the permittee, or any subsequent property owner and/or tenants, fail to adequately maintain the temporary and permanent BMPs and control measures, the City reserves the authority to enter the affected property and to take such action as is necessary in accordance with the enforcement and violation provisions of CMC 16.065 (Violations and Enforcement). The permittee and/or subsequent property owners may be required to enter into a Stormwater Facilities Maintenance Agreement to be recorded against the property ensuring proper maintenance of and liability for temporary and permanent BMPs and control measures.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.04.030 Low Impact Development (LID) Requirements

Effective July 1, 2020, all new development or redevelopment projects that are required to obtain a State Stormwater Permit are required to comply with new stormwater retention requirements. Pursuant to Part 4 of the UPDES General Permit for MS4s, such developments are required to manage rainfall on-site, and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall. Such on-site retention and management of stormwater shall be accomplished through the use of Low Impact Development (LID) practices designed to retain, infiltrate, evapotranspire, and/or harvest and reuse rainwater, as more particularly provided herein.

16.04.040 Low Impact Development (LID) Practices

The Low Impact Development (LID) practices and standards are more particularly set forth in Section 4.1 of the City Stormwater Management Plan. As provided therein, the City allows the following LID practices: (1) bioretention cells; (2) bioswales; (3) vegetated strips; (4) infiltration basins; (5) infiltration trenches; and (6) underground infiltration gallery. The LID design criteria and engineering details are more particularly set forth in the City Standards and Specifications.

16.04.050 Retention Systems for 80th Percentile Rainfall Event (New Development)

Any new development project that disturbs one acre or more, including a project less than one acre that is part of a larger common plan of development or sale that is more than one acre, is required to manage and retain on-site all rainfall runoff from rainfall events equal to or less than the 80th percentile rainfall event. Centerville's 80th Percentile Rainfall Event is more particularly defined in CMC 16.01.090. The precipitation from all rainfall events equal to or less than the 80th percentile must be prevented from off-site discharge. Retaining rainfall events equal to or less than the 80th percentile rainfall event reduces the runoff from smaller frequently occurring storms, which account for the majority of the annual precipitation volume. Determination of the 80th percentile rainfall depth allows for calculation of a water quality volume

for which developers and engineers can choose City-approved LID practices to infiltrate, evapotranspire, and/or harvest and reuse the rainfall runoff generated.

16.04.060 Retention Systems for 80th Percentile Rainfall Event (Redevelopment)

Retention systems described in CMC 16.03.300 shall be evaluated for potential capacity increases when 10% or more of additional impervious surfaces (such as buildings, roads, parking lots, and other structures or impervious materials) are constructed as part of a redevelopment or if a site plan requires an amendment.

16.04.070 Low Impact Development (LID) Exemptions

If it is infeasible to meet the LID or retention system requirements set forth herein, the developer may submit a request for exemption and the use of alternative design criteria to the City Engineer. Such request for exemption shall include evidence of the infeasibility of LID or retention system requirements and engineering design and rationale for the alternative design. The developer must document and quantify that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls are infeasible due to constraints. Such infeasibility may be due to one or more of the following conditions: (1) high groundwater; (2) drinking water source protection area; (3) soil conditions; (4) slopes; (5) accessibility; (6) excessive costs; or (7) any other justifiable constraint. The City Engineer shall review all requests for exemption from LID or retention system requirements and may approve or deny such request. Any determination regarding the request for exemption shall be made in writing. The City Engineer may request additional information or studies as determined necessary to consider the request for exemption.

16.04.080 Long-Term Stormwater Management

The City is required under the provisions of its UPDES General Permit for MS4s to implement and enforce a long-term stormwater management program to address post-construction stormwater runoff from private and public development and redevelopment as more particularly provided in this Chapter. Public and private projects, including the City's own projects, are required to meet the requirements set forth herein.

16.04.090 Long-Term Stormwater Management Purpose

The purpose of the long-term stormwater management program is to implement requirements and standards or criteria to ensure stormwater controls and management practices for new development or redevelopment are in place to prevent or minimize impacts to water quality.

16.04.100 Long-Term Stormwater Management BMPs

The City's long-term stormwater management program should include structural and nonstructural BMPs to minimize development in areas susceptible to erosion and sediment loss, minimize the disturbance of native soils and vegetation, preserve areas that provide important water quality benefits, implement measures for flood control, and protect the integrity of natural resources and sensitive areas.

16.04.110 Long-Term Stormwater Management Requirements

Owners and operators of development and redevelopment sites within the City which disturb land greater than one acre or more of surface area, or are part of a common plan of development that disturbs one acre or more and have not passed a final stormwater inspection for notice of termination (NOT) are required meet the minimum long-term stormwater management requirements of the State of Utah UPDES Construction General Permit Number UTRC00000 (effective July 8, 2020), Section 3.5.2.b., and the following requirements.

- (a) Controlling Peak Runoff from Sites. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with a specified design storm return frequency. These practices should seek to mirror pre-development runoff from the site.
- (b) Controlling Runoff Volume from New Development Sites. New development projects must manage

on-site discharge and prevent off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event (see, CMC 16.01.090 regarding Centerville's definition of 80th percentile rainfall event) by the use of practices that infiltrate, evapotranspire, and/or harvest rainwater.

(c) Controlling Runoff Volume from Redevelopment Sites. Redevelopment projects must be developed such that either:

- a. There is no more than 10% increase to impervious surface area at project completion; or
- b. At project completion, the net increase in volume associated with precipitation from all rainfall events less than or equal to the 80th percentile rainfall event (see, CMC 16.01.090 regarding Centerville's definition of 80th percentile rainfall event) managed on-site by the use of practices that infiltrate, evapotranspire, and/or harvest rainwater.

(d) Additional Stormwater Design Requirements. Stormwater discharges from land uses or activities with higher potential loadings, as determined by the City Engineer or Drainage Utility Supervisor, may require the use of specific structural best management practices (BMPs) and pollution prevention practices based on policy or standards established by the City Engineer or Drainage Utility Supervisor. Prior to design, applicants are required to consult with the City Engineer and Drainage Utility Supervisor to determine if they are subject to additional stormwater design requirements.

16.04.120 Long-Term Stormwater Management Design Criteria

In addition to the provisions of CMC 16.03.160, the stormwater management design criteria shall be based on a design storm having a 25-year return frequency and on the following:

(a) Peak Runoff Calculations. Hydrologic design calculations for the pre-development and post-development conditions must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance based on a specified design storm return frequency. A description and source of all parameters used in the calculations shall be included. The calculations should be based on one of the following:

- (1) Rational Method
- (2) National Resources Conservation Service (NRCS) Method
- (3) Unit Hydrograph derived from locally-observed data
- (4) Any other comparable methodology as approved by the City Engineer

(b) Retention Volume Calculations. Calculations used to determine Retention Volumes include the 80th Percentile Storm Depth, Project Volume Retention Goal, Water Quality Volume, and Volumetric Runoff Coefficient shall be based on methods described in the current edition of the Utah Division of Water Quality publication: *A Guide to Low Impact Development within Utah*.

(c) Design Feasibility. All site designs shall be within feasibility constraints as determined by the City Engineer. If the standard to control runoff volume on a site is not feasible due to constraints, then said standard must be met to the maximum extent feasible as determined by the City Engineer and an alternative treatment design shall be provided for all runoff under the said standard that is not controlled on-site.

(d) Soils Information. If a stormwater management control measure fundamentally 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 City Engineer may also require a soils report when deemed necessary.

(e) Ground Water Information. If a stormwater management control measure fundamentally depends on infiltration, then a ground water study shall be submitted. The City Engineer may also require a ground water study when deemed necessary.

16.04.130 Long-Term Stormwater Facilities Maintenance Agreement

Owners and operators of development and redevelopment sites within the jurisdictional limits of the City which disturb one acre or more of surface area, or are part of a common plan of development that disturbs one acre or more and have not passed a final stormwater inspection for notice of termination (NOT) are required to enter into a Stormwater Facilities Maintenance Agreement with the City agreeing to and establishing control measures, standard operations, and maintenance procedures and obligations for required storm water facilities associated with the construction activities. The Stormwater Facilities Maintenance Agreement shall be recorded against the subject property. The Stormwater Facilities Maintenance Agreement shall be in a form acceptable by the City and shall include the following:

- (a) Provisions requiring enforceable operation and maintenance obligations to ensure all stormwater treatment facilities and systems functions as designed;
- (b) Provisions allowing for access, inspections, and corrective action by the City;
- (c) Provisions for the Public Works Department to notify the responsible party if stormwater facilities are found to contain any defects or are not being adequately maintained;
- (d) Provisions that provide if the property is not maintained or repaired within the prescribed schedule, the Public Works Department may perform the maintenance and repair at its expense, and assess the owners(s) of the facility for the cost of necessary work and any penalties; and
- (e) Provide any other provisions necessary to accomplish the goals of this ordinance as required by the City Engineer or Drainage Utility Supervisor.

16.054 Prohibited Actions

[16.054.010 Violations Of This Title](#)

[16.054.020 Permit Required](#)

[16.054.030 No Polluted Waters](#)

[16.054.040 Obstructions](#)

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[16.054.060 Damage To Facilities](#)

[16.054.070 Tracking Mud Or Materials On Public Street](#)

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[16.054.090 Stockpiling Debris](#)

[16.054.100 Chemical Storage Or Use](#)

[16.054.110 Dumpster Location](#)

[16.054.120 Portable Toilet Location](#)

16.054.010 Violations Of This Title

It is unlawful for any person or entity to violate or cause to be violated any of the provisions of this Title.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.020 Permit Required

It is unlawful for any person or entity to conduct or cause to be conducted any activity which is subject to the Stormwater Permit requirements of this Title upon any parcel of real property within the City unless a Stormwater Permit and all of its applicable components have been issued for the subject parcel of real property and activity.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.030 No Polluted Waters

The only substance allowed to be discharged under this Title into the City's storm drain system is stormwater, surface drainage, subsurface drainage, ground water, or roof run-off water. Such water may be discharged only into City storm drain system facilities which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the terms and provisions of this Title and the City's stormwater quality standards.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.040 Obstructions

- (a) Obstruction. It is unlawful for any person or entity to obstruct or contribute to the obstruction of the flow of stormwater run-off or non-stormwater run-off into any detention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey stormwater and/or non-stormwater run-off, unless the obstruction is authorized in writing by the City.
- (b) Interference. It is unlawful for any person or entity to cause any obstruction that inhibits the normal flow of stormwater and/or non-stormwater run-off in any curb and gutter, unless the obstruction is associated with a street and/or storm drainage improvement project and is authorized in writing by the City and granted with the issuance of a permit signed by an authorized agent of the City.
- (c) Covering Inlet. It is unlawful for any person or entity to cover any drain inlet for any reason or purpose, unless the obstruction is authorized in writing by the City; provided, however, that a drainage system inlet may be temporarily obstructed in emergency situations in order to prevent contaminants from entering the storm drain system.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2022-06](#) on 7/19/2022

16.054.050 Dumping

- (a) Dumping. It is unlawful for any person or entity to dump or allow to be dumped into any detention basin, storm drain, curb, gutter, drain inlet, or other storm drainage structure that conveys stormwater and/or non-stormwater, any type of deleterious product, including, but not limited to, debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.
- (b) Exceptions. The restrictions set forth in Subsection (a) shall not apply to the normal run-off of non-stormwater related to domestic home uses; for example, lawn watering.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.060 Damage To Facilities

It shall be unlawful for any person or entity to place or cause to be placed in the easement, channel, bed or bank of any river, stream, wash or other natural drain or within or upon any storm drain, subsurface drain, flood control channel, reservoir, detention basin, debris basin, spreading ground or other property over which the City has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of flood, storm, subsurface or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.070 Tracking Mud Or Materials On Public Street

It is unlawful for any person or entity to track or drop mud, stones, dirt, concrete, gravel, sediment, or other similar materials onto public streets by construction or delivery vehicles. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel, sediment, or other similar materials or permits the load or any portion thereof to be dropped or deposited upon any public street to immediately remove the same or cause the same to be removed. It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved public street. Developers shall provide for the cleaning of all construction vehicles on site before the vehicles leave the site. Developers shall be required to bond for protection measure and potential clean up costs as determined by the ~~Drainage Utility Supervisor~~ ~~Public Works Director~~ and City Engineer in connection with any City approvals or permits issued for the land disturbance or construction activity. In the event construction traffic causes debris to be dropped or deposited onto public streets in violation of this Section, Developers shall also be responsible and liable for cleaning the public streets. Curbs, gutters, and streets adjacent to construction projects will be inspected by the City for compliance with the provisions of this Section.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.080 Washing Out Concrete Trucks

It is unlawful for any person or entity to wash out a concrete truck at any construction site other than in pre-approved designated areas or to discharge waste concrete or concrete truck rinse water except into pre-approved discharge facilities. Dumping of excess concrete at any construction site shall not be allowed. It shall be the duty of the driver of the concrete vehicle to wash out his or her concrete truck in

pre-approved designated areas. The driver of the vehicle shall be responsible for cleaning up any concrete or debris deposited on any site in violation of this Section. Developers shall provide a pre-approved designated area for the cleaning of concrete trucks. Developers shall be required to bond for protection measure and potential clean up costs as determined by the Drainage Utility Supervisor ~~Public Works Director~~ and/or City Engineer in connection with any City approvals or permits issued for the land disturbance or construction activity. In the event a concrete truck is washed out or excess concrete is deposited on any site, the Developer shall also be responsible and liable for cleaning up the illegally deposited concrete from the site. Projects will be inspected by the City for compliance with the provisions of this Section.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.090 Stockpiling Debris

It is unlawful for any person or entity to stockpile construction or yard improvement materials or debris in the street, gutter or in any drainage channel (natural or man-made). This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter, stockpiling of topsoil or other fill material, stockpiling of sand, gravel, landscape rock, bark, mulch, or any other material that may be considered a source of pollution in the storm drain system. Materials stored on a pallet or in a self-contained storage unit may be pre-approved by the Public Works Director.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.100 Chemical Storage Or Use

It is unlawful for any person or entity to use or store chemicals in a manner that causes pollution to the City's storm drain system.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.110 Dumpster Location

Dumpsters shall not be allowed in the street or on any paved surfaces except as may be approved under special circumstances by the Director of Public Works. Drain plugs with respect to containers designed with drains shall be in place at all times. Dumpsters shall be serviced with sufficient frequency so as to prevent overflow, spillage and the emanation of offensive odors.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.120 Portable Toilet Location

Portable toilets shall not be allowed in the street, on any paved surfaces, or in the park strip except as may be approved in writing under special circumstances by the Public Works Director.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.130 Dust Control

Dust control measures shall be implemented on all construction sites where there will be major soil disturbances or heavy construction activity, such as clearing, excavation, demolition, or excessive vehicle traffic. Dust control measures include, but are not limited to mulch, sprinkling, vegetative cover, wind breaks, stone, and spray on chemical soil treatments.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.140 Illicit Discharges

- (a) No person or entity shall discharge or cause to be discharged into the City's storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.
- (b) The commencement, conduct or continuance of any illicit discharge to the City's storm drain system is prohibited except as described as follows:
 - (1) Water line flushing or other potable water sources;
 - (2) Landscape irrigation or lawn watering;
 - (3) Approved diverted stream flows;
 - (4) Ground water infiltration to storm drains (this exemption does not apply to construction sites unless otherwise addressed in applicable stormwater permit; pumping or otherwise channeling ground water to the storm drain system is not considered ground water "infiltration" and does not fall under this exemption);
 - (5) Air conditioning condensation;
 - (6) Natural riparian habitat or wetland flows;
 - (7) Emergency fire fighting activities;
 - (8) Swimming pools (only if dechlorinated in accordance with federal regulations to less than 0.4 PPM chlorine); or
 - (9) Discharges specified in writing by the Public Works Director as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a written notification to the Public Works Director five business days prior to the time of the test.
- (d) The prohibitions set forth in this Section shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, 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 by the City.
- (e) The prohibitions set forth in this Section expressly include, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the storm drain system.
- (f) No person or entity shall install drainage outlets into curbsides. In limited circumstances, when deemed necessary, unless approved in writing by the Public Works Director and City Engineer or Public Works Director may approve in writing an exception to this provision based on a showing of necessity and good cause. Approval shall be granted in limited circumstances and must be based on a showing of good cause.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.054.150 Residential Roof Drainage Restrictions

No person or entity shall connect roof drains to the subsurface drainage system. The capacity of the subsurface drainage system is not designed to handle the quantity of run-off generated from roof drains. Run-off from roof drains should be directed to a lawn or a flower bed.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.065 Violations And Enforcement

16.06.010 Purpose

16.06.020 Authorized Enforcement Officers

16.065.0340 Notification Of Spills

16.065.0420 Inspections

16.065.0530 Testing And Monitoring

16.065.0640 Removal Of Obstruction

16.065.0750 Stop Work Order And Revocation Of Permit

16.065.0860 Order Compliance

16.06.090 Documentation

16.065.1070 Violation And Penalty

16.06.010 Purpose

The purpose of this Chapter is to provide specific processes and sanctions to minimize the occurrence of stormwater violations and to obtain compliance from violators. In accordance with the UDPDES General Permit for MS4s, the City's enforcement program shall include appropriate enforcement procedures, escalating enforcement actions, and appeals procedures.

16.06.020 Authorized Enforcement Officers

The following persons are authorized to implement the enforcement procedures set forth herein. Such authorized enforcement officers have the authority, to the extent permitted by law, to impose sanctions to ensure compliance with the provisions of this Title and the City's stormwater management program. Authorized enforcement officers include the Public Works Director, Drainage Utility Supervisor, City Engineer, City Building Inspector or Building Official, Code Enforcement Officer, or other specifically designated agent of the City.

16.065.0340 Notification Of Spills

- (a) All persons in charge of a project, development, or facility or responsible for emergency response for a project, development or facility are responsible to train personnel, maintain records of such training and maintain notification procedures to assure that immediate notification is provided to the City upon becoming aware of any suspected, confirmed, or unconfirmed release of material, pollutants or waste that creates a risk of discharge into the City's storm drain system.
- (b) As soon as any person in charge of a project, development, or facility or responsible for emergency response for a project, development or facility has knowledge of any release of materials as described in Subsection (a), such person shall take all necessary steps to ensure the containment and clean up of such release and shall immediately notify the Drainage Utility Supervisor ~~City Public Works Director~~ of the occurrence (no later than the next business day).
- (c) The notification requirements of this Section are in addition to any other notification requirements set forth in Federal, State, or local regulations and/or laws.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.065.0420 Inspections

Whenever the Drainage Utility Supervisor ~~Public Works Director~~ determines it is necessary to make an inspection to enforce any of the provisions of this Title, or whenever an authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which may constitute a violation of the provisions of this Title, the Drainage Utility Supervisor ~~Public Works Director~~ and/or enforcement official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the official by this Title; provided that: (1) if such building or

premises is occupied, he or she first shall present proper credentials and request entry; and (2) if such building or premises is unoccupied, he or she first shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.065.0530 Testing And Monitoring

- (a) Whenever the ~~Drainage Utility Supervisor Public Works Director or his or her designee~~ determines that any person engaged in any activity and/or owning or operating any facility may cause or contribute to stormwater pollution or illicit discharges to the City's storm drain system, the ~~Drainage Utility Supervisor Public Works Director or his or her designee~~ may, by written notice, order that such person undertake such monitoring activities and/or analyses and furnish such reports as the ~~Drainage Utility Supervisor Public Works Director or his or her designee~~ may recommend. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required. The burden to be borne by the owner or operator, including costs of these activities, analyses and reports, shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.
- (b) In the event the owner or operator of a project, development or facility fails to conduct the monitoring and/or analyses and furnish the reports required by the order in the time frames set forth therein, the City may cause such monitoring and/or analyses to occur and assess all costs incurred, including reasonable administrative costs and attorney's fees, to the facility owner or operator. The City may pursue judicial action to enforce the order and recover all costs incurred.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.065.0640 Removal Of Obstruction

In addition to any penalties which may be imposed pursuant to this Title, the City may do the following:

- (a) Remove any of the obstructions and any pipelines or other devices installed in violation of the provisions of this Title;
- (b) Give written notice to persons in violation of the provisions of this Title requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail provided that a copy is also posted on offending installations for a period of 10 days. If such installations are not removed within 10 days after notice is given, the City may effect removal at the expense of the person in violation and may recover its costs and expenses therefor; and/or
- (c) Bring an action for the abatement of the nuisance caused by the offending installation, and/or for the recovery of the City's costs and expenses incurred in removing the offending installation pursuant to Subsections (a) or (b), above.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.065.0750 Stop Work Order And Revocation Of Permit

In the event that any person holding a Stormwater Permit pursuant to this Title fails to complete the work required under the Permit, fails to comply with all the requirements, conditions and terms of the Permit,

or violates the terms of the Permit the City may suspend or revoke the Stormwater Permit and/or the applicable site development permit and issue a stop work order as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The City may also authorize completion of all necessary temporary or permanent erosion control or stabilization measures, including use of bond. The Permittee shall be liable to the City for all costs and expenses that may be incurred or expended by the City in bringing the property into compliance with the requirements of the Permit and any collection costs, including legal fees, incurred by the City. The City may recover these costs through appropriate legal action. The City may also suspend or revoke or issue a stop work order for any development, site work, or other activity conducted in violation of the terms and conditions of this Title. Any person issued a stop work order due to violations of this Title shall be liable to the City for all costs and expenses incurred by the City in bringing the property or work into compliance with the terms of this Title, including any collection costs and attorney's fees incurred by the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.065.0860 Order Compliance

Whenever the City finds that a person or entity has violated a prohibition or failed to meet a requirement of this Title, the authorized enforcement official may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

16.06.090 Documentation

The City is required to provide documentation and tracking of all stormwater enforcement actions in accordance with applicable provisions of the UPDES General Permit for MS4s.

16.065.1070 Violation And Penalty

- (a) Violation. Any person who violates any provision of this Title shall be guilty of a class B misdemeanor and shall be subject to fines as provided in Utah Code § 76-3-301, as amended, and/or imprisonment as provided in Utah Code § 76-3-204, as amended. Each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense.
- (b) Civil Penalties. The City may impose civil penalties for any violation of this Title in accordance with applicable provisions of CMC 1.06 (Civil Penalties).
- (c) Damages. If, as the result of the violation of any provision of this Title, the City or any other party suffers damage and is required to make repairs to and/or replace any materials, the cost of the repair or replacement shall be borne by the party in violation, in addition to any criminal fines and/or

penalties.

- (d) Nuisance. In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Title shall be considered a threat to the public health, safety, welfare and the environment, and may be declared and deemed a nuisance by the Public Works Director, or his or her designee, and may be abated and/or restored by the City in accordance with nuisance procedures.
- (e) Other Relief. This Section shall not limit the authority of any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate and lawful under local, State or Federal law.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017