

TITLE 16
STORMWATER

CHAPTER 16-01	GENERAL PROVISIONS
CHAPTER 16-02	STORM DRAINAGE UTILITY
CHAPTER 16-03	STORMWATER MANAGEMENT AND PERMIT
CHAPTER 16-04	PROHIBITED ACTIONS
CHAPTER 16-05	VIOLATIONS AND ENFORCEMENT

CHAPTER 16-01 GENERAL PROVISIONS

16-01-010.	Purpose.
16-01-020.	Applicability.
16-01-030.	Administration and Interpretation.
16-01-040.	Appeals.
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. 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 UPDES General Permit and the Centerville City Stormwater Pollution Prevention Plan.

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.

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 persons or entities acting in the beneficial interest of or in the employ of the City.

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 fifteen (15) days from the date of the decision being appealed and stating the specific grounds for 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.

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. 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.

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.

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). 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.

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 provisions of the Stormwater Management Plan, as may be amended from time to time.

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 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 programs. As used herein, the following terms, phrases and words shall have the following meanings:

(a) **Authorized Enforcement Official.** City employees designated to administer and enforce this Ordinance.

(b) **Best Management Practices (BMPs).** 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.** A basin combined with a storm drain inlet used to trap solids.

(d) **City Approvals.** Any 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.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*), and any subsequent amendments thereto.

(f) **Construction Activity.** Any land disturbance or construction activities such as clearing, grubbing, grading, excavating, building, and demolition.

(g) **Conveyance System.** Any channel or pipe for collecting and directing the stormwater.

(h) **Culvert.** A covered channel or large diameter pipe that directs water flow below the ground surface.

(i) **Degradation.** (Biological or Chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

(j) **Detention.** The 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.

(k) **Detention Basin.** 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.

(l) **Discharge.** The release of stormwater or other substance from a conveyance system or storage container.

(m) **Drainage.** The collection, conveyance, containment, and/or discharge of surface and stormwater run-off.

(n) **Drain Inlet.** A point of entry into a detention basin, storm drain, or other inlet used to trap solids.

(o) **Entity.** Any corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.

(p) **Erosion.** The 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 or industrial development, road building, or timber-cutting.

(q) **Fill.** A deposit of earth material placed by artificial means.

(r) **Final Stabilization.** All soil disturbing activities at the site have been completed, and that 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.

(s) **General Permit.** A permit issued under the NPDES or UPDES program to cover a class or category of stormwater discharges.

(t) **Grading.** The cutting and/or filling of the land surface to a desired slope or elevation.

(u) **Hazardous Waste.** By-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.

(v) **Illegal Discharge.** Any direct or indirect non-stormwater discharge to the storm drain system, except discharges from fire fighting activities and other discharges exempted in this Title.

(w) **Illicit Connection.** Any 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.

(x) **Impervious Surface.** Any hard surface area which prevents or retards the penetration, absorption or entry of water into the ground, or any hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to: roofs; sidewalks; concrete or asphalt paving; walkways; patios; decks; driveways; parking lots; storage areas; trafficked or compacted gravel; roadbase; or other surfaces which similarly impede the natural infiltration of storm and surface water.

(y) **Individual Permit.** 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.

(z) **Infiltration.** The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

(aa) **Inlet.** An entrance into a ditch, storm sewer, or other waterway.

(bb) **Municipal Separate Storm Sewer System (MS4).** 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.

(cc) **Mulch.** A natural 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.

(dd) **Non-Point Source.** Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban run-off.

(ee) **Nonstructural Practices.** 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.

(ff) **NPDES (National Pollutant Discharge Elimination System).** EPA's program to control the discharge of pollutants to waters of the United States.

(gg) **NPDES Permit.** An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.

(hh) **Off-site.** Any 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.

(ii) **On-site.** The entire property that includes the proposed development.

(jj) **Outfall.** The point, location, or structure where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.

(kk) **Person.** Any individual, corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.

(ll) **Point Source.** Any 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.

(mm) **Pollutant.** Generally, 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.

(nn) **Receiving Waters.** Bodies of water or surface water systems receiving water from upstream constructed or natural systems.

(oo) **Retention.** The process of collecting and holding surface and storm water runoff with no surface outflow.

(pp) **Riparian.** A relatively narrow strip of land that borders a stream or river.

(qq) **Run-Off.** 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.

(rr) **Source Control.** A practice or structural measure to prevent pollutants from entering stormwater run-off or other environmental media.

(ss) **Storm Drain.** A closed conduit for conducting stormwater that has been collected by inlets or collected by other means.

(tt) **Storm Drain System.** The 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.

(uu) **Stormwater.** Water produced by storms, surface drainage, snow and ice melt, and spring flows and drainage. Stormwater does not include infiltration.

(vv) **Stormwater Pollution Prevention Plan (SWPPP).** 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.

(ww) **Structural Practices.** Constructed facilities or measures to help protect receiving water quality and control stormwater quantity. Examples include storage, vegetation, infiltration and filtration.

(xx) **Swale.** 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.

(yy) **UPDES Permit.** An authorization, or license, or equivalent control document issued by the State of Utah to implement the requirements of the NPDES and UPDES program.

(zz) **Waters of the State.** Surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction.

(aaa) **Waters of the United States.** 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.

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.

CHAPTER 16-02 STORM DRAINAGE UTILITY

- 16-02-010. Purpose.**
- 16-02-020. Definitions.**
- 16-02-030. Drainage Utility.**
- 16-02-040. Enterprise Fund.**
- 16-02-050. Facilities and Assets.**
- 16-02-060. Fees.**
- 16-02-070. Billing.**
- 16-02-080. Exemptions.**
- 16-02-090. Credits.**
- 16-02-100. Administration.**
- 16-02-110. Policies.**
- 16-02-120. Appeals.**

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.

16-02-020. Definitions.

In addition to the definitions set forth in Section 16-01-080, 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. 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 account (lot) number by the Davis County Assessor.

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.

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.

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.

16-2-055. Videotaping Inspection. ¹

Any newly installed storm drain or storm drain system within the City shall be required to be videotaped to verify acceptable condition and installation of such improvements and facilities. Such videotaping shall be conducted or caused to be conducted by the City and paid for by the developer in accordance with the City Fee Schedule. All sediment and waste material shall be flushed and vacuumed out of the storm drain improvements and facilities by the developer prior to any request for videotaping by the City. If a deficiency in the improvements or facilities is revealed by videotaping, the developer is required to make the necessary repairs. Once the repairs are complete, a videotaping re-inspection shall be requested and conducted by the City at the developer's sole cost and expense in accordance with the City Fee Schedule. No final inspection shall be approved until and unless the newly installed storm drain improvements and facilities have been videotaped in accordance with the provisions of this Section and such videotaping reveals no deficiencies in the improvements and facilities. Nothing herein is intended to replace or alter developer's warranty obligations for newly installed storm drain or storm drain system.

16-02-060. Fees.

(a) Imposed. Each developed parcel of real property in the City shall be charged a drainage utility fee.

(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's 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's 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's Fee Schedule.

16-02-070. Billing.

¹ Enacted by Ord. No. 2008-03, March 18, 2008

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.

16-02-080. Exemptions.

The City Council may establish exemptions to the drainage utility fees by resolution.

16-02-090. Credits.

The City Council may establish credits to the drainage utility fees by resolution.

16-02-100. Administration.

The drainage utility shall be administered by the City's Public Works Director.

16-02-110. Policies.

The 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.

16-02-120. Appeals.

Any person or entity aggrieved by any final decision of the Public Works Director in implementing this Chapter may appeal such decision to the City Manager in accordance with the appeal provisions set forth in Section 16-01-040.

CHAPTER 16-03 STORMWATER MANAGEMENT AND PERMIT

- 16-03-010. Stormwater Permit Required.**
- 16-03-020. Exemptions.**
- 16-03-030. Stormwater Permit Application.**
- 16-03-040. City Stormwater Pollution Prevention Plan.**
- 16-03-050. Licensed Professional Engineer.**
- 16-03-060. Permit Review and Approval.**
- 16-03-070. Notice of Commencement of Work.**
- 16-03-080. Permit Duration and Extensions.**
- 16-03-090. Permit Nontransferable or Assignable.**
- 16-03-100. Compliance with Other Ordinances.**
- 16-03-110. Permit Kept On-Site.**
- 16-03-120. Inspections.**
- 16-03-130. As-Built Plans.**
- 16-03-140. Notice of Termination (NOT).**
- 16-03-150. Stormwater Management Performance Criteria.**
- 16-03-160. Stormwater Management Design Criteria.**
- 16-03-170. Waivers.**
- 16-03-180. Fee in Lieu.**
- 16-03-190. Dedication of Land.**

16-03-010. Stormwater Permit Required.

Except as otherwise exempted under Section 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, well or riparian areas.

16-03-020. 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 agricultural operations legally conducted as a permitted main or accessory use.

16-03-030. 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 Section 16-03-040, 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's 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 and/or City Engineer as provided herein.

16-03-040. City Stormwater Pollution Prevention Plan.

- (a) A City Stormwater Pollution Prevention Plan ("City SWPPP") shall be required with all 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 Section 16-03-160(c). 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 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 BMPs for controlling existing stormwater run-off discharges from the site in accordance with the standards of this Title to the maximum extent practicable.

16-03-050. Licensed Professional Engineer.

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

16-03-060. Permit Review and Approval.

The Public Works Director and City Engineer shall review all Stormwater Permit applications and City SWPPP for compliance with the terms and conditions of this Title. In the event the 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 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 is approved by the Public Works Director.

16-03-070. Notice of Commencement of Work.

After issuance of a permit, the Public Works Director shall be notified by the permittee of proposed commencement of the work at least twenty-four (24) hours prior to commencement of work.

16-03-080. Permit Duration and Extensions.

A Stormwater Permit shall be valid for the time period specified in the permit. If the work is not completed during such period, prior to the expiration of the permit, the permittee may apply to the City for a permit extension. A permit extension shall be reviewed and approved by the Public Works Director and shall only be issued upon a showing of good cause. The length of the extension shall not exceed the original term and shall be determined by the Public Works Director. Any extension shall require written review and amendment to the Stormwater Permit, SWPPP, and bonding, as necessary.

16-03-090. Permit Nontransferable or Assignable.

Stormwater Permits 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.

16-03-100. Compliance with Other Ordinances.

The issuance of any Stormwater Permit by the City 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, Subdivision Ordinance, Zoning Ordinance, excavation, erosion control and grading permit ordinances, and other land use development requirements.

16-03-110. Permit Kept On-Site.

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

16-03-120. Inspection.

Field inspections may occur during 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, the City Ordinance Enforcement Officer, and/or other designated agent of the City. The Public Works Director may prepare an inspection checklist to assist in field inspections.

16-03-130. 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 Public Works Director and/or City Engineer is required before release of any bond can occur.

16-03-140. Notice of Termination (NOT).

(a) Operators. Operators wishing to terminate coverage under the City Stormwater Permit must submit a notice of termination (NOT) to the City. Such NOT shall be submitted to the Public Works Director.

(b) Permittees. All permittees must submit a NOT within thirty (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.

16-03-150. Stormwater Management Performance Criteria.

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

(a) All site designs shall establish stormwater BMPs to control the peak flow rates of stormwater discharge associated with specified design storms (specified by the UPDES Stormwater General Permit for Construction Activities UTR100000) 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) 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. 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.

(c) 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) 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) 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 fourteen (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) 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) 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.

(h) 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).

(i) Prior to design, applicants shall consult with the Public Works Director to determine if the project or activity is subject to additional stormwater design requirements.

16-03-160. 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 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 Chapter 18-6.

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 ordinance;

(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).

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.

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.

CHAPTER 16-04 PROHIBITED ACTIONS

- 16-04-010. Violations of this Title.**
- 16-04-020. Permit Required.**
- 16-04-030. No Polluted Waters.**
- 16-04-040. Obstructions.**
- 16-04-050. Dumping.**
- 16-04-060. Damage to Facilities.**
- 16-04-070. Tracking Mud or Materials on Public Street.**
- 16-04-080. Washing Out Concrete Trucks.**
- 16-04-090. Stockpiling Debris.**
- 16-04-100. Chemical Storage or Use.**
- 16-04-110. Dumpster Location.**
- 16-04-120. Portable Toilet Location.**
- 16-04-130. Dust Control.**
- 16-04-140. Illicit Discharges.**
- 16-04-150. Residential Roof Drainage Restrictions.**

16-04-010. 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.

16-04-020. 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.

16-04-030. 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, roof run-off, or non-polluted 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.

16-04-040. 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.

(d) Exceptions. Subsections (a) and (b) of this Section shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct drain inlets.

16-04-050. 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.

16-04-060. 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.

16-04-070. 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 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 herein.

16-04-080. 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 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 herein.

16-04-090. 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.

16-04-100. 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.

16-04-110. 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.

16-04-120. 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 under special circumstances by the Director of Public Works.

16-04-130. 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.

16-04-140. 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;
- (5) Air conditioning condensation;
- (6) Natural riparian habitat or wetland flows;

- (7) Fire fighting activities, and any other water source not containing pollutants;
- (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 (5) 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 unless approved by the City Engineer or Public Works Director. Approval shall be granted in limited circumstances and must be based on a showing of good cause.

16-04-150. 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.

CHAPTER 16-05 VIOLATIONS AND ENFORCEMENT

- 16-05-010. Notification of Spills.**
- 16-05-020. Inspections.**
- 16-05-030. Testing and Monitoring.**
- 16-05-040. Removal of Obstruction.**
- 16-05-050. Stop Work Order; Revocation of Permit.**
- 16-05-060. Order Compliance.**
- 16-05-070. Violation and Penalty.**

16-05-010. 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 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.

16-05-020. Inspections.

Whenever the 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 Public Works Director and/or 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.

16-05-030. Testing and Monitoring.

(a) Whenever the 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 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 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.

16-05-040. 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 ten (10) days. If such installations are not removed within ten (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.

16-05-050. Stop-Work Order; 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.

16-05-060. 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.

16-05-070. 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 Ann.* § 76-3-301, as amended, and/or imprisonment as provided in *Utah Code Ann.* § 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 Ordinances and Fee Schedule regarding the same.

(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.