

Appendix D

Title 16 Farmington City Storm Water Ordinance

TITLE 16

STORM WATER

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CHAPTER 16-01. GENERAL PROVISIONS

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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 Farmington City, its inhabitants and the environment by improving the City's storm drain system, managing and controlling storm water 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 storm water run-off from development which would otherwise degrade local water quality;
- (e) To reduce storm water run-off rates and volume, soil erosion and non-point source pollution, wherever possible, through storm water 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 Farmington City UPDES General Permit and the Farmington City Storm Water Management 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 storm water facility located within the City, unless explicitly exempted in writing by the City or other authorized enforcement agency.

16-01-030. Administration and Interpretation.

The Storm Water Official 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 Storm Water Official may be delegated by the Storm Water Official 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 Storm Water Official 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 Farmington 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 UDDES General Permit, as may be amended from time to time.

16-01-080. Storm Water Management Plan.

The City has adopted a Storm Water 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 Storm Water 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 activities such as clearing, grubbing, grading, excavating, building, and demolition.

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

(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 storm water or other substance from a conveyance system or storage container.

(m) **Drainage.** The collection, conveyance, containment, and/or discharge of surface and storm water 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 storm water 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-storm water 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-storm water 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; sand, dirt, 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 storm water run-off or other environmental media.

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

(zz) **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.

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

(bbb) **Storm Water 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 storm water, storm water conveyance systems, and/or receiving waters.

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

(ddd) **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 storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

(eee) **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.

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

(ggg) **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.
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- 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, providing for flood mitigation, and establishing a viable and fair method of financing the construction, operation and maintenance of the City's storm drain system and flood mitigation projects.

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. "Parcel" means 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.

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.

16-02-060. 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 Farmington, the City Council finds and establishes that one ESU equals 4,083 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.

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.

16-02-080. Exemptions.

The following exemptions shall be provided regarding required drainage utility fees:

(a) Undeveloped Parcels. Undeveloped parcels shall not be required to pay any drainage utility fees.

(b) Streets. The City Council finds that fully improved dedicated public streets, constructed in compliance with City standards and specifications, are part of the storm utility conveyance system and are therefore exempt from the drainage utility fees set forth herein.

16-02-090. Credits.

(a) Credits and Adjustments. The City acknowledges the need to provide credits and adjustments to the drainage utility fees charged for various developments as more particularly provided herein.

(b) Residential Units. All single family residential units and residential duplexes have been assumed to be similar in terms of their impact and contribution of storm water runoff to the City's storm drainage systems. As such, all single family residential units and duplexes pay a common base user fee and will not be considered for a user fee credit.

(c) Multi-Family, Commercial and Industrial Developments. As there are many varying site runoff conditions for multi-family, commercial, industrial, institutional and other non-residential developments, the City will consider granting a reduction and/or credit to the calculated user fee for certain parcels based upon detention, retention and/or mitigation management facilities and/or measures provided on the parcel.

(d) Amendments. The City Council reserves the right to alter the criteria on which credits are granted, based on the objectives of the Drainage Utility Program. The current primary object behind the credit policies set forth herein is to encourage on-site detention, retention and/or mitigation measures in accordance with this Title, the City's Storm Drain Master Plan and Storm Water Management Plan, and to address water quality.

(e) Limitations. The credits provided herein are intended to encourage property owners to implement on-site storm water management facilities and/or best management practices to assist and improve the City's overall ability to address storm water management and water quality. The various types of credits may be utilized alone or cumulatively to address such issues, provided the maximum amount of credit that may be granted for any parcel or property shall be seventy percent (70%) of the original calculated fee. In no event shall any credit be granted that would reduce the minimum monthly storm drainage utility fee below one (1) ESU. No credit shall be imposed retroactively.

(f) Application for Credit or Adjustment. Any multi-family, commercial, industrial or institutional property owner, or their agent, may apply to the City Manager for a reduction in the monthly drainage utility fee. A reduction in the monthly fee will be considered if one or more of the following credit or adjustment criteria apply.

(1) Adjustments.

(A) Adjustment Criteria #1: Calculation of the impervious surface area is incorrect.

(B) Adjustment Criteria #2: The amount of impervious surface area on the property changes.

(2) Credits.

(A) Credit Criteria #1: Property owner has constructed on-site storm water retention or detention basin(s) which limit the storm water discharge rate and have a benefit to the overall system of the City, as determined by the City.

(B) Credit Criteria #2: Property owner has constructed on-site storm water detention that has the capacity to detain more water than the property generates and is considered to be a regional detention facility by the City.

(C) Credit Criteria #3: Property owner has constructed installed and/or maintains improvements that meet best management criteria as approved by the City, State or Federal agencies in accordance with the NPDES Phase II program for improving water quality for storm water runoff.

(g) Adjustment Criteria #1. A great amount of time and effort has been expended in analyzing and determining the measurement and calculation of the impervious surface area for property within the City to ensure accuracy and correctness. The impervious surface area for most properties is determined from site plans on file with the City, aerial photos, and/or actual field measurements. Property owners, or their agents, who disagree with the amount of impervious surface area measured on their property may apply for an adjustment based on an incorrect calculation of impervious surface. In order to receive an adjustment, the property owner, or his or her agent, must provide sufficient evidence that indicates that the amount of impervious surface has been miscalculated. This information may include, but is not limited to, final site plans, as-built drawings, aerial photos, actual field measurements, and/or other documents that indicate the impervious surface areas. All properties that are re-evaluated by the City will be billed according to the new measurements. This new billing may result in a lower or higher fee applied to the property.

(h) Adjustment Criteria #2. There is a possibility that changes may occur in the amount of impervious surface area as a result of development or other improvements to the property. If changes have been made on a parcel of land that alters the amount of impervious surface area (e.g., new areas of landscaping, or a reduction of impervious surface areas), the property owner, or his or her agent, may apply for an adjustment. Supporting documentation must accompany the application, including, but not limited to, final site plans, as-built drawings, aerial photos, actual field measurements, and/or other documents that indicate the impervious surface areas. All properties that are re-evaluated by the City will be billed according to the new calculations. This new billing may result in a lower or higher fee applied to the property.

(i) Credit Criteria #1. Many properties within the City have constructed retention or detention areas on-site. These retention or detention areas or basins help control the amount of storm water that enters into the City's system during and after a storm event. Non-residential property owners, or their agents, that have constructed such on-site storm water retention or detention facilities may be eligible to apply for credit. In order for a property to receive credit for retention or detention capabilities on their site, the property owner, or their agent, must provide detailed information about the retention or detention area. This information shall include, but is not limited to: final site plans, as-built drawings, and blue prints, engineers' studies or reports, and or drainage calculations. In order to receive credit, it must be determined by the City that the retention or detention facility has a sufficient benefit to the City's overall storm drain system; that the retention or detention facility helps to reduce the City's costs in operating and maintaining the City's storm drain system; and/or that the retention or detention facility reduces downstream flow or adds capacity or reduces the City's downstream costs in providing storm water services. The retention or detention facility must be inspected by the City to determine that the system is in good working order as represented by the applicant.

(1) If granted, the credit provided may remain in effect, subject to amendment to this credit policy, as long as:

(A) The retention or detention system is in working order and properly maintained.

(B) The property owner remains responsible for all costs of operation and maintenance of the facility.

(C) The City has access to the storm water retention or detention facility for the purpose of inspecting its compliance with design, maintenance and operating standards.

(D) The retention or detention system continues to provide a sufficient benefit to the City's overall storm drain system; helps to reduce the City's costs in operating and maintaining the City's overall storm drain system; and/or reduces downstream flow adds capacity or reduces the City's downstream costs in providing storm water services, as determined by the City.

(2) The amount of credit, if any, for an on-site storm water detention basin shall be determined by the City Manager, upon recommendation by the review committee, as to the benefit of the facility and the following table.

Basin outlet rate:	Maximum Credit amount:
0.8 cfs per acre	30%
0.6 cfs per acre	35%
0.4 cfs per acre	40%
0.2 cfs per acre	45%

(3) A maximum credit of up to fifty-five percent (55%) may be granted for on-site retention facilities with a discharge of zero, as determined by the City Manager, upon recommendation by the review committee as to the benefits of the facility.

(j) **Credit Criteria #2.** A maximum credit of up to forty-five percent (45%) may be granted for on-site storm water detention facilities that have the capacity to detain more water than the property generates and is considered to be a regional detention facility by the City as more particularly described herein. In some instances, certain non-single family residential parcels may have the space needed and the location desired for construction of a regional detention basin. Regional detention basins can have a great overall benefit to the City's storm drain system. In order for a property to be considered a regional detention facility, it must have the needed space to construct facilities that can detain the property's own run-off as well as additional amounts of storm water run-off from other properties within the same drainage basin. It must also be in a geographical location that is in agreement with the City's Storm Drain Master Plan and Storm Water Management Plan, as determined by the City. Properties that qualify as regional detention facilities may receive an approved credit under Credit Criteria #1 for on-site detention plus an additional credit based on the amount of additional regional detention that the site can provide. Properties requesting additional credits for excess detention must provide detention facilities with a maximum minimum 0.2 cfs per acre basin outlet rate. The amount of additional credit given for a property that has regional detention shall be based on following table.

If on-site detention exceeds the needed amount by:	The additional amount of credit given is:
25% - 49%	35%
50% - 74%	40%
75% or more	45%

(k) **Credit Criteria #3.** A maximum credit of thirty percent (30%) may be granted by the City Manager, upon recommendation of the review committee, for the installation and maintenance of improvements, facilities and/or measures that meet best management criteria as approved by the City, State or Federal agencies in accordance with the NPDES Phase II program for improving water quality for storm water runoff. A sample of City-approved best management practices are more particularly set forth in the Farmington City Storm Water Management Plan as adopted, and amended, by the City.

(l) **Approval and Granting of Credit or Adjustment.** Each property owner, or their agent, applying for a drainage utility fee adjustment or credit will be required to complete a credit or adjustment application and submit this application together with any required calculations and specific site data to the City Manager. A review committee shall meet and evaluate the adjustment or credit application and supporting documents. The review committee shall consist of the Storm Water Official, City Planner, Public

Public Works Director and City Engineer. The applicant may be invited to present his/her application, if desired by the review committee. The review committee shall evaluate the merits of each credit application and shall recommend to the City Manager the approval or denial of the fee credit or adjustment and the recommended amount of any credit or adjustment. The City Manager shall make the final decision regarding fee credits and adjustments. The City Manager's decisions for credit or adjustment may be based on the review committee's recommendation, the data submitted, as well as the City Manager's and the review committee's evaluation of how the facilities comply with and/or further the City's Storm Drain Master Plan and Storm Water Management Plan; the sufficiency of the benefit of the on-site facilities to the City's overall storm drainage system; the amount of benefit that a facility provides to the City in reducing the costs associated with operating and maintaining the storm drain system; and whether the facility adds capacity or reduces the City's costs in providing storm water services. If approved, the monthly fee will be reduced or adjusted in accordance with the amount granted by the City Manager.

(m) **Duration of Credits.** Subject to amendment to this policy or the City's Storm Drainage Utility, any credit for the drainage utility fee granted by the City shall remain in effect as long as the property owner, or their agent, receiving the credit is in compliance with the criteria that the credit is based upon. If a property owner, or their agent, is not in compliance, the City may suspend the fee credit granted to the property owner or their agent.

16-02-100. Administration.

The drainage utility shall be administered by the City Manager.

16-02-110. Policies.

The City Manager 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 City Manager in implementing this Chapter may appeal such decision to the City Council 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 Council may hold a hearing on the appeal. The City Council's decision shall be final and binding on all parties.

CHAPTER 16-03. STORM WATER MANAGEMENT AND PERMIT

- 16-03-010. City Storm Water Permit Required.
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- 16-03-190. Dedication of Land.

16-03-010. City Storm Water 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 Storm Water 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 Storm Water Permit shall also be required for any building permit for a structure requiring earth moving, unless otherwise waived by the Storm Water Official. In determining whether to grant a waiver, the Storm Water Official 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 Storm Water 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. City Storm Water Permit Application.

A completed application for a Storm Water Permit shall be submitted to the Storm Water Official on forms provided by the City. All applications for a Storm Water 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 Storm Water 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 Storm Water Pollution Prevention Plan submitted in conjunction with the UPDES Permit for the subject property and the proposed construction activities, as applicable;

(e) The required storm water 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 storm water pollution prevention, including, but not limited to, compliance with the terms and conditions of this Chapter, the Storm Water Pollution Prevention Plan, and any additional conditions required by the Storm Water Official or City Engineer as provided herein. All bonds shall comply with the provisions of Section 16-03-055.

16-03-040. City Storm Water Pollution Prevention Plan.

(a) A City Storm Water 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 storm water 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 storm water BMPs necessary for the proposed project and to ensure adequate planning for long-term operation, management, and maintenance of storm water run-off from future development. The Storm Water Official may prepare a City SWPPP checklist for assistance in preparing such plans.

(b) For development, redevelopment or construction activities occurring on a previously developed site, an applicant shall be required to include within the City SWPPP BMPs for controlling existing storm water run-off discharges from the site in accordance with the standards of this Title to the maximum extent practicable.

(c) For developments, projects or construction activities involving a residential, commercial or industrial subdivision, the applicant shall be required to include with the City SWPPP individual lot development standards and recommended BMPs for home or building construction activities within the subdivision.

(d) For projects, developments and construction activities requiring a State UPDES Permit and SWPPP, applicants may submit the SWPPP submitted to the State for purposes of the City SWPPP, provided, the City reserves the right to require additional information or conditions in accordance with the provisions of this Title.

(e) For individual lot developments, projects or construction activities within a subdivision previously approved under the terms and conditions of this Title, including issuance of a City Storm Water Permit and City SWPPP, the applicant may submit the City SWPPP submitted for the previously approved subdivision, provided, the City reserves the right to require additional information or conditions in accordance with the provisions of this Title.

(f) The Storm Water Official may waive any City SWPPP requirements set forth herein in conjunction with the issuance of a Storm Water Permit for any building permit or individual lot development or construction activity which is not subject to the Federal EPA requirements to obtain a City Storm Water Permit (i.e. disturbs one (1) acre or more of ground in connection with any development, land disturbance, or construction activity within the City or disturbs 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). In determining whether to grant a waiver of any of the City SWPPP requirements, the Storm Water Official 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, and existing construction and infrastructure.

16-03-050. Licensed Professional Engineer.

All proposed storm water facilities and submitted plans shall be calculated, designed and certified by a licensed professional engineer.

16-03-055. Bond.

Prior to issuance of a Storm Water Permit, the applicant and responsible parties shall enter into a bond agreement with the City to insure completion of, compliance with, and performance under the terms and conditions of this Title regarding storm water pollution prevention, including, but not limited to, compliance with the terms and conditions of this Chapter, the Storm Water Pollution Prevention Plan, and any additional conditions required by the Storm Water Official and/or City Engineer as provided herein. The bond agreement shall be in a form and contain such provisions as approved by the City. Such provisions may be included in and combined with any other additional bonds required for the project, development or construction activity, such as the public improvements bond for subdivisions. The bond amount shall be determined by the Storm Water Official and City Engineer on a case by case basis depending upon the property and circumstances, including, but not limited to, the storm water BMPs proposed for the project. The City shall have the right to use the bond proceeds in the event the permit holder fails to comply with the terms and conditions of the bond agreement. The City shall retain a percentage of the bond proceeds to cover administrative costs incurred by the City in obtaining compliance or completion of improvements. If the bond proceeds are inadequate to pay the cost of completion of, compliance with, and performance under the terms and conditions of the bond agreement, the permittee shall be responsible for the deficiency and no further construction or development activities shall be conducted on the project until the deficiency is paid or remedied and a new bond, satisfactory to the City, is executed and delivered to the City.

16-03-060. Permit Review and Approval.

The Storm Water Official and/or City Engineer shall review all Storm Water Permit applications and City SWPPP for compliance with the terms and conditions of this Title. In the event the Storm Water Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the terms and requirements of this Title, the Storm Water Official 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 Storm Water 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 Storm Water Permit is approved by the Storm Water Official and/or City Engineer.

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

After issuance of a permit, the Storm Water Official 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 Storm Water 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 Storm Water Official and/or City Engineer 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 Storm Water Official and/or City Engineer. Any extension shall require written review and amendment to the Storm Water Permit, SWPPP, and bonding, as necessary.

16-03-090. Permit Nontransferable or Assignable.

Storm Water 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 Storm Water 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 Storm Water 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 Storm Water Official, the City Building Inspector, the City Ordinance Enforcement Officer, and/or other designated agent of the City. The Storm Water Official 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 storm water BMPs and facilities after final construction is completed. As-built plans must show the final design specifications for all storm water BMP facilities and must be certified by a licensed professional engineer. A final inspection by the Storm Water Official 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 Storm Water Permit must submit a notice of termination (NOT) to the City. Such NOT shall be submitted to the Storm Water Official.

(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

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. Storm Water Management Performance Criteria.

Unless determined by the Storm Water Official and/or City Engineer to be exempt or granted a waiver, the following performance criteria shall be utilized and addressed for storm water BMPs at all sites and proposed land disturbance or construction activities.

(a) All site designs shall establish storm water BMPs to control the peak flow rates of storm water discharge associated with specified design storms (specified by the UPDES Storm Water General Permit for Construction Activities UTR100000) and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water run-off from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) No storm water run-off generated from new development shall be discharged 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 Storm Water Official 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.

(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 storm water 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 storm water appurtenances as a result of site development.

(e) All site designs shall establish storm water 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) Storm water 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 storm water BMPs.

(g) Storm water 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 storm water BMPs, where practicable, shall be installed during the construction process to control pollutants in storm water discharges that will occur after construction

operations have been completed. Post-construction storm water BMPs may include, but are not limited to, storm water detention structures (including wet ponds); storm water 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 Storm Water Official to determine if the project or activity is subject to additional storm water design requirements.

16-03-160. Storm Water Management Design Criteria.

(a) Site Design. Storm water 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 sensitive features.

(b) Conveyance. All storm water BMPs shall be designed to convey storm water 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. When deemed necessary by the Storm Water Official or City Engineer, all storm water BMPs and City SWPPP shall 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, 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 16-6.

16-03-170. Waivers.

(a) Every applicant shall provide for storm water 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 storm water management permit and/or plan requirements shall be submitted to the Storm Water Official and shall be reviewed and approved by the Storm Water Official and the City Engineer. 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. The decision to grant a waiver under this Section shall be within the sole discretion of the City.

(b) The minimum requirements for storm water 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 storm water discharges have been established in a storm water management plan that has been approved by the Storm Water Official and City Engineer and the implementation of the plan is required by City Ordinance;

(3) Provisions are made to manage storm water 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 storm water 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 storm water practice; or

(4) The Storm Water Official and City Engineer 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 Storm Water Official and City Engineer may grant a waiver from strict compliance with these storm water 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 Storm Water Official and City Engineer 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 storm water management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the jurisdictional storm water 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 storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of this ordinance; or

(3) Monetary contributions (Fee in Lieu) to fund storm water 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 storm water BMPs).

16-03-180. Fee in Lieu.

Where the City waives all or part of the minimum storm water management requirements, or where the waiver is based on the provision of adequate storm water 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 storm water management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the storm water authority agree on a greater alternate contribution) established by the City, and based on the cubic feet of storage required for storm water 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 storm water 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 storm water 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 or Materials.**
- 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 Storm Water Permit requirements of this Title upon any parcel of real property within the City unless a Storm Water 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 storm water, 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 storm water 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 storm water run-off or non-storm water run-off into any detention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey storm water and/or non-storm water 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 storm water and/or non-storm water 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 place or dump or allow to be placed or dumped into any detention basin, storm drain, curb, gutter, drain inlet, or other storm drainage structure that conveys storm water and/or non-storm water, any type of deleterious product, including, but not limited to, debris, dirt, sand, 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-storm water 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, 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 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, builders and any responsible person shall provide for the cleaning of all construction vehicles on site before the vehicles leave the site. Developers, builders and any responsible person shall be required to bond for protection measure and potential clean up costs as determined by the Storm Water Official or 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, builders and any responsible person 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, including windows, tires and the truck exterior, 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, builders and any responsible person shall provide a pre-approved designated area for the cleaning of concrete trucks. Developers, builders and any responsible person shall be required to bond for protection measure and potential clean up costs as determined by the Storm Water Official or City Engineer in connection with any City approvals or permits issued for the land disturbance or construction activity. In

construction activity. In the event a concrete truck is washed out or excess concrete is deposited on any site, the developers, builders and any responsible person 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 or Materials.

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, in a self contained storage unit, or by other acceptable means may be pre-approved by the Storm Water Official.

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 Storm Water Official. 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 Storm Water Official.

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) Uncontaminated pumped ground water;
- (6) Air conditioning condensation;
- (7) Natural riparian habitat or wetland flows;
- (8) Fire fighting activities, and any other water source not containing pollutants;
- (9) Swimming pools (only if dechlorinated in accordance with Federal regulations to less than 0.4 PPM chlorine);
- (10) Springs;
- (11) Natural riparian habitat or wetland flows; or
- (9) Discharges specified in writing by the Storm Water Official as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a written notification to the Storm Water Official at least 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-storm water 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 Storm Water Official. 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 Storm Water Official 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 Storm Water Official 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 official and/or Storm Water 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 Storm Water Official 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 storm water pollution or illicit discharges to the City's storm drain system, the Storm Water Official 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 Storm Water Official 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,

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 Storm Water 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 Storm Water 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. If the City issues a stop work order, the Permittee, and its subcontractors, shall be immediately stop all work on the project, building, or permit activity. Except as otherwise authorized by the City, no work shall be conducted on the project, building, or permit activity until and unless the violation has been remedied and the City has issued a reinstated permit. The Permittee shall be required to pay a reinstatement fee in accordance with the Farmington City Fee Schedule. The City may authorize completion of all necessary temporary or permanent erosion control or stabilization measures and may use authorized bond funds to pay for the same. 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 storm water 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.

16-05-065. Use of Bond Proceeds.

In addition to the remedies and procedures set forth in this Chapter, the City is authorized to utilize the bond proceeds in accordance with the terms and conditions of the bond agreement entered into by the parties for the particular project, development or construction activity in accordance with Section 16-03-055.

16-05-070. Violation and Penalty.

(a) **Criminal 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 Penalty.** Any person who violates any provision of this Title may be subject to civil penalties as more particularly set forth by resolution or ordinance of the City Council.

(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 Storm Water Official, 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.