

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 UDPEs 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.