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TITLE 33

STORM DRAINAGE

(Adopted 12/13/2005, Ord. 2005-17)

Chapters

1. Storm Sewer Service.
2. Storm Drainage.
3. Storm Water Construction Activity Permit.

CHAPTER 1

STORM SEWER SERVICE

Sections

- 33-1-1. Findings.
- 33-1-2. Purpose.
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- 33-1-6. Billing.

33-1-1. Findings.

The County Commission makes the following findings regarding storm water runoff and the county's storm sewer system:

- A. The county's existing storm sewer system consists of a network of man-made and natural facilities, structures and conduits that collect and route storm water runoff.
- B. The county's existing storm sewer system may not adequately handle the storm water runoff generated in the unincorporated county.
- C. The county's anticipated growth will place increased demands on the already stressed storm sewer system.
- D. Uncontrolled storm water runoff causes erosion and property damage.
- E. Uncontrolled storm water runoff hinders the county's ability to provide emergency services to its residents.
- F. Uncontrolled storm water runoff impedes the regular flow of traffic in the county.
- G. Uncontrolled storm water runoff poses health hazards to the citizens of the community.
- H. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that may jeopardize the integrity of receiving waters.
- I. All developed properties in the unincorporated county contribute to the need for the storm sewer system by converting natural ground cover into impervious surfaces.
- J. All developed properties in the unincorporated county make use of or benefit from the county's operation and maintenance of the storm sewer system.
- K. The EPA and the DEQ are developing additional storm water permitting requirements that will apply to counties of Weber County's size.
- L. Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in the unincorporated county constitute a potential hazard to the health, safety and general welfare of the county, its residents, and its businesses.
- M. A storm sewer service fee and maintenance program is the most equitable and efficient method of managing storm water in the unincorporated county and ensuring that each property in the county pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm sewer system.

33-1-2. Purpose.

The purpose of this ordinance is to protect the health, safety and welfare of the county and its inhabitants, pursuant to the county's general welfare powers under Utah Code Section 17-53-233, by improving the county's storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the county's water supply and other receiving waters, and establishing a viable and fair method of financing the construction.

operation
and maintenance of the storm sewer system.

33-1-3. Definitions.

The following bolded words and phrases shall be defined as follows for the purpose of this Chapter and Chapters 33-2 and 33-3:

A. **Best Management Practices (BMPs)**. A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMP's and their effectiveness ratings can be found in the Weber County Storm Water Management Plan dated March 2003 (available at the Weber County Storm Water Management Department.)

B. **Catch Basin**. A drain inlet designed to keep out large or obstructive matter

C. **Debris**. Any dirt, rock, sand, vegetation, rubbish or litter.

D. **Detention Basin**. A depression designed to detain storm water runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.

E. **Developed parcel**. Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.

F. **Development**. Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, and construction of buildings or other structures.

G. **Director**. The Director of Storm Water Management of the Weber County or his duly appointed deputy, agent, or representative.

H. **Disturb**. To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.

I. **Drain Inlet**. A point of entry into a sump, detention basin, or storm drain system.

J. **Equivalent Service Unit ("ESU")**. The average amount of impervious surface, expressed in square feet, on developed single family residential parcels in Weber County.

K. **Hazardous Material**. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR part 116 pursuant to Section 311 of the Clean Water Act.

L. **Illicit Discharge**. Illicit discharge means any of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any discharges to the storm drain system from indoor drains or sinks, regardless of whether said drain or discharge had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been (1) documented in plans, maps, or equivalent records submitted to the county, and (2) approved in writing by the county.

3. Any non-storm water discharge to the storm sewer system. Illicit discharges include both direct discharges (e.g. wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect discharges (e.g. infiltration into the storm sewer system or spills collected by drain inlets).

M. **Impervious surface**. Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rates of flow than the natural surface.

N. **Land Development**. Any development of a parcel, lot, subdivision plat or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development.

O. **Non-Storm Water Runoff**. Any runoff other than storm water.

P. **Person**. Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.

Q. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, that 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 (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.

R. Redevelopment. Alterations of a property that change the footprint of a site or building in such a way that disturbs one-tenth acre of land or more.

S. Retention Basin. A depression designed to retain storm water runoff until downstream storm sewer resources are less heavily taxed. A retention basin contains an inlet and may contain an outlet, allows debris to settle out, regulates water flow, and generally contains running or standing water over extended periods of time.

T. Storm Drain. A closed conduit for conducting collected storm water.

U. Storm Sewer System. The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, storm drains, and ground water) owned and operated by the county, which is designed and used for collecting or conveying storm water. The storm sewer system is also referred to as a "municipal separate storm sewer system" or "MS4"

V. Storm Water. Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

W. Storm Water Runoff. Water that is generated by storm water flows over land.

X. Sump. A formalized underground structure, surrounded by drain rock, that acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.

33-1-4. Storm Sewer Service.

A. Creation. The County Commission hereby creates and establishes a storm sewer service dept. as part of the county's overall sewer system. The storm sewer service dept. shall plan, design, construct, maintain, administer and operate the county's storm sewer system.

B. Enterprise Fund. The County Commission hereby establishes a storm sewer service fee enterprise fund to handle all income, expenses and other financial transactions related to the operation of the storm sewer service. All storm sewer service charges shall be deposited in the enterprise fund. Money in the storm sewer service enterprise fund shall not be commingled with or transferred to other county funds. However, the storm sewer service program may pay other county funds for services and expenses directly attributable to the storm sewer service program. The enterprise fund shall be operated according to State law and county policy.

C. Administration. The storm sewer utility shall be administered by the county's Director of Storm Water Management.

33-1-5. Storm Sewer Service Fee.

A. Imposed. Each developed parcel of real property in the unincorporated county shall be charged a storm sewer service fee.

B. ESU. The fee shall be based on the number of equivalent service units (ESU's) contained in the parcel. The County Commission finds that the ESU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm sewer service. Based on a study to be completed by an independent engineer, the County Commission will establish the area of an ESU.

C. Calculation. The County Commission finds that each single family residential parcel contributes approximately the same amount of storm water runoff; therefore, each developed single family residential parcel shall pay a base rate of one (1) ESU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ESU's, according to the measured impervious area on the parcel. The County Commission may adopt separate rates for Planned Residential Unit Development's (PRUD), condominiums and other uses that are not easily handled under the standard rate schedule.

D. Charge per ESU. The amount charged for each ESU shall be established by resolution of the County Commission.

E. Exemptions and Credits. The County Commission may establish exemptions and credits to the storm sewer service fee by resolution.

F. Policies. The Director of Storm Water Management may adopt policies, consistent with this ordinance and any resolutions passed by the County Commission, to assist in the application, administration and interpretation of this ordinance and any resolutions related to the storm sewer utility.

G. Appeals. Any person or entity that believes that this ordinance, or any storm sewer utility rate resolution, was interpreted or applied erroneously may appeal to the Director of Storm Water Management ("Director"). The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The Director may elect to hold a hearing on the appeal. The Director shall decide the appeal within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the Director's decision, a further appeal may be made to the County Commission. The appeal to the County Commission shall follow the same procedure as the appeal to the Director. The County Commission's decision shall be final and binding on all parties.

33-1-6. Billing.

The County Commission finds that the unincorporated county's storm sewer system, is part of a unified county plan to provide for the health, safety and welfare of the county and its residents in an environmentally responsible manner. Therefore, the storm sewer service fee shall be included on the unincorporated county's regular bill for any given property. If there is no regular bill for the property, the storm sewer service fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the county by the person or entity paying for the county utility services provided to the property. All properties shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the storm sewer utility service. Failure to pay any portion of the utility bill may result in a civil suit.

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CHAPTER 2

STORM DRAINAGE

Sections

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- 33-2-11. Manhole Covers.
- 33-2-12. Drinking Water Protection.
- 33-2-13. Violation and Penalty.
- 33-2-14. Compliance with Federal and State Law.

33-2-1. Prohibited Obstructions.

A. It is unlawful for any person to:

1. Obstruct the flow of water in the storm sewer system.
2. Contribute to the obstruction of the flow of water in the storm sewer system.
3. Cover or obstruct any drain inlet. B. The following obstructions are exempt from the prohibitions of this section:
 1. Street and/or storm sewer improvement projects authorized by the county.
 2. Flood control and prevention activities performed by the county.
 3. Obstructions approved by the county as part of a site's storm water drainage plan.
 4. Obstructions occurring during clean-up periods established by the county, provided that the materials are placed according to county directions and do not obstruct drain inlets.

33-2-2. Prohibited Discharges.

A. It is unlawful for any person to cause or allow an illicit discharge to the storm sewer

system.

B. The following discharges to the storm sewer system are exempt from the prohibitions of this section:

1. Discharges regulated under a valid National Pollutant Discharge Elimination System (NPDES) storm discharge permit, provided that the discharge complies with the terms of the permit.
2. Discharges from water line flushing performed by a city or the county or service provider.
3. Discharges from sprinkled landscape irrigation or sprinkled lawn watering.
4. Discharges from individual residential car washing, provided that a biodegradable detergent is used.
5. Discharges from natural riparian habitat or wetland flows.
6. Discharges from natural groundwater flows.
7. Discharges from air conditioning condensation when approved by the County Engineer.
8. Discharges from fire fighting or emergency management activities.
9. Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the County Engineer.
10. Discharges allowed by a Weber County Storm Sewer Discharge Permit.

33-2-3. Prohibited Storage and Littering.

It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system.

33-2-4. Storm Sewer Discharge Permit.

A. Permit Required. No person shall connect to the county's storm sewer system, either directly or indirectly, without first obtaining a storm sewer discharge permit from the county.

B. When Permit Required. Any person beginning new construction (development of an undeveloped parcel) or redevelopment (as defined in this Chapter) in the unincorporated county shall obtain a Storm Sewer Discharge Permit before commencing construction.

C. Application. The applicant for a Storm Sewer Discharge Permit shall submit the following to the county:

1. Application Form. A completed application form. Application forms will be available at the County Engineer.
2. BMP Plan. A plan incorporating storm water BMPs that meet the requirements of Section 33-2-5.
3. Maintenance Plan. A plan outlining how the applicant will maintain the storm water improvements listed in the application.

D. Review. The Storm Sewer Discharge Permit application shall be reviewed by the Storm Water Manager and either approved, approved with conditions, or denied. Either the permit applicant or the county may appeal the Storm Water Manager's decision to the Director of Storm Water Management. The appeal shall be made according to procedures established by the Storm Water Management Department.

E. Factors. When deciding whether to approve, conditionally approve, or deny a Storm Sewer Discharge Permit application, the following factors shall be considered:

1. Whether the application complies with applicable county ordinances and policies.
2. Whether the application complies with the Weber County Storm Drainage Master Plan.
3. Whether the proposed discharge incorporates effective Best Management Practices.
4. Whether the proposed discharge introduces pollutants into the storm drain system.
5. Whether the proposed discharge creates a safety hazard.
6. Whether the proposed discharge affects the integrity of the storm sewer system infrastructure.
7. Whether the proposed discharge endangers the county's drinking water.
8. Whether the proposed discharge endangers adjacent property.

6. What are the conditions for a permit to discharge storm water into the storm sewer system?

9. whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's discharge and on-site storm water improvements.

Failure to construct or maintain storm water improvements in accordance with an approved Storm Sewer Discharge Permit shall be a violation of this ordinance.

F. As-Built. Any person discharging to the storm sewer system shall provide the county "as-built" plans showing the details and the location of the discharge. The plans shall be in a format that is acceptable to the county.

G. Rate. Discharges to the storm sewer system shall be designed so that the discharge to the storm sewer system does not exceed .1 Cubic Feet Per Second per acre.

H. Exempt Discharges. The following discharges to the storm sewer system are exempt from the permitting requirements of this section:

1. Discharges made by the county.

33-2-5. Best Management Practices.

Any person connecting to the storm sewer system or developing a commercial or industrial site shall employ Best Management Practices (BMPs) approved by the county. The county shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs may be structural and/or non-structural, depending on the needs of the site. The BMPs shall be designed to ensure that the quality and quantity of storm water released to the unincorporated county's storm sewer system meets the requirements of federal, state and local laws and regulations and the county's NPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.

33-2-6. Easements.

The county may enter all private properties through which the county holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system. All entry and subsequent work, if any, on an easement, shall be completed according to any special terms of the easement.

33-2-7. Authority to Inspect.

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the county has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, the county may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the county is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

33-2-8. Requirement to Monitor and Analyze.

If county tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the county, the county may require any person engaged in the illicit activity and/or the owner/operator of the site to provide, at their own expense, monitoring and analyses required by the county to determine compliance with this Chapter.

33-2-9. Notice of Violation.

Whenever the county finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, the county will 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 discharges or discharges;

D. The elimination of illicit discharges 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 to cover administrative, remediation, monitoring, analyses, and reporting costs; and

F. The implementation of source control or treatment BMPs.

The county may skip the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if (1) the violator has committed the same violation in the past, or (2) the violation, in the opinion of the county, creates a serious risk to persons, the environment or property, or (3) the county deems the violation to constitute an emergency.

33-2-10. Damage to Storm Sewer System or Irrigation Lines.

Any person who damages any portion of the storm sewer system, a county-owned irrigation line, or a county-maintained irrigation line shall be responsible for repairing the damages.

The damages shall be repaired by a licensed contractor bonded to do work in the county and shall be repaired in accordance with the county's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the Director.

33-2-11. Manhole Covers.

It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the County.

33-2-12. Drinking Water Protection.

All storm water and non-storm water discharges shall comply with the Weber/Morgan Health Department's drinking water source protection ordinance.

33-2-13. Violation and Penalty.

A. The violation of any provision of this Chapter is a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.

B. If, as the result of the violation of any provision of this Chapter, the county or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.

C. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

33-2-14. Compliance with Federal and State Law.

Nothing in this Chapter shall be interpreted to relieve any person from an obligation to comply with an applicable Federal, State or local law relating to storm water discharges or drinking water protection.

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CHAPTER 3

STORM WATER CONSTRUCTION ACTIVITY PERMIT

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33-3-11. Compliance with Federal and State Law.

33-3-1. Purpose and Intent.

The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the unincorporated county and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality.

33-3-2. Storm Water Construction Activity Permit - When Required.

A Weber County Storm Water Construction Activity Permit is required before any person or entity may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any of the following types of property located within the unincorporated county:

A. Regardless of size. Any parcel, lot or land development qualifies under this subsection with construction activities which

1. disturbs more than 5000 square feet of land surface area, or
2. consist of the excavation and/or fill of more than 200cubic yards of material, or
3. requires a building permit for which excavation or fill is a part of the construction, and less than five acres shall apply for a county permit. Activities involving five acres or more must get a permit from the State of Utah, Division of Water Quality. B. Special Concern Areas. Any parcel, lot or land development for which the county determines that because of the nature or type of the parcel, lot or development, disturbance of the land is likely to result in erosion or the transport of sediment off of the site by storm water to a degree substantially greater than that which would occur under natural landscape conditions.

33-3-3. Storm Water Construction Activity Permit - Application.

Any person or entity desiring a Storm Water Construction Activity Permit must first file an application with the Weber County Engineering Department. The application may be submitted independently, or as part of an application for a site plan, subdivision plan, or building permit approval.

D. Content. The application shall include a Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 33-3-4.

B. Timing. The applicant shall file the application on or before the following dates:

1. Subdivision. The date that the applicant submits the preliminary subdivision development plat application.
2. Site Plan. The date that the applicant submits a site plan application or amended site plan.
3. Building Permit. The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
4. Land Use Permit. The date that the applicant submits a land use permit application.
5. Other. At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a Storm Water Construction Activity Permit pursuant to this Chapter.

If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Storm Water Construction Activity Permit Application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required Storm Water Construction Activity Permit is grounds for tabling a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Storm Water Construction Activity Permit. C. Fee. The applicant for a Storm Water Construction Activity Permit shall pay a fee in an

amount set by resolution of the County Commission.

D. Application Approval. The Storm Sewer Utility Manager or designee shall approve the application and grant the permit if the application is complete and meets the criteria set forth in Section 33-3-4. The Storm Sewer Utility Manager shall deny the application or approve the application with conditions if he or she determines that the measures proposed in the Plan fail to meet the criteria set forth in Section 33-3-4. Conditions the Storm Water Manager may impose in connection with the approval of a Permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by storm water.

E. Term. Unless otherwise revoked or suspended, a Storm Water Construction Activity Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:

1. Subdivisions. For Permits associated with a subdivision plat approval:

a. The Permittee must complete all required subdivision improvements; and

b. One of the following three events must occur:

(1) The county issues a final certificate of occupancy for each lot in the subdivision, or

(2) Individual Storm Water Construction Activity Permits have been issued for each lot in the subdivision not having a final occupancy permit, or

(3) The property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.

(4) The plan must include provision for on-site detention or coordination with regional detention.

2. Site Plans. For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.

3. Building Permits. For Permits associated with a building permit application, the date that the county issues a final occupancy permit for the structure covered by the building permit.

4. Other. For Permits issued that are not tied to other approvals from the county, the date that the Permittee has completed all work associated with the Permit and takes steps required by the Permit to prevent further erosion and runoff from the site.

No Storm Water Construction Activity Permit shall be considered terminated until the Permittee submits a Notice of Termination of Construction Activity Permit ("Notice") to the county and the Notice is accepted by the county. The county shall accept the Notice if the Permittee has met the requirements of the Permit and this ordinance.

F. Amendments. In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in an original Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Plan, the Permittee shall file an amended Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 33-3-4.

33-3-4. Storm Water Pollution Prevention Plan.

A. Required Information. The Storm Water Pollution Prevention Plan (the "Plan") shall contain the following information:

1. Site Description. A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.), and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

2. Control Description. A description of the proposed measures and controls that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection (1). The Plan shall also state the name and phone number of the person or entity responsible for implementation of each control measure.

B. Goals and Criteria. The proposed measures and controls described in the Plan shall be designed to meet the following goals and criteria:

1. Prevent or Minimize Discharge. The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of

sediment, debris and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system. 2. Prevent or Minimize Construction Debris. The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way. Any such discharge shall be cleaned up and removed immediately upon notification to the Permittee or when it otherwise comes to the attention of the Permittee. At a minimum, the deposit or discharge shall be cleaned and removed at the end of the work shift in which the deposit occurred, or at the end of the work day, whichever comes first.

3. BMPs. The proposed measures and controls shall consist of Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soil retaining systems, and gabions.

4. Stabilization. The proposed measures and controls shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:

a. If the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.

5. Minimize Risk of Discharge of Other Materials. The proposed measures and controls shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response.

33-3-5. Proper Operation and Maintenance.

The recipient of a Storm Water Construction Activity Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Storm Water Pollution Prevention Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers' specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the county accepts the termination of the Permit pursuant to Section 33-3-3(E).

33-3-6. Inspection and Entry.

The Permittee shall allow any authorized employees and representatives of the county, representatives of the State of Utah Division of Water Quality, and representatives of the EPA, to enter the site to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit.

33-3-7. Revocation or Suspension of Storm Water Construction Activity Permit.

A. Revocation or Suspension. A Storm Water Construction Activity Permit may be revoked or suspended by the Director upon the occurrence of any one of the following events:

1. Failure of a Permittee to comply with the Plan or any condition of the Permit; or

2. Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to storm water; or

3. A determination by the Director that the erosion and sediment control measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.

B. Notice. The county shall mail a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the Director may suspend or revoke the Permit by mailing or delivering written notice of the suspension or revocation to the Permittee. The Permittee may appeal a suspension or revocation of the Permit pursuant to the appeal procedure set forth in Section 33-3-10.

C. Exceptional Circumstances. For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The county may take any steps the county deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

D. Stop Work Order. A stop work order may be issued upon the revocation or suspension of a Permit, or upon the discovery of work being conducted without a required Permit. The stop work order may be issued by inspectors in the Engineering, Storm Water Management Building Inspection, or the Planning Departments. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.

E. Reinstatement. A Storm Water Construction Activity Permit may be reinstated or reissued upon compliance with all provisions of this Chapter and all Permit conditions, or in the case of a suspension for reasons provided in subsection (A)(3), upon the filing of an amended Storm Water Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan.

33-3-8. Violations and Enforcement.

A. The violation of any of the provisions of this Chapter shall be a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.

B. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.

C. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the county shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The county shall have the right to have such measures installed or maintained by county personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such . The county may assess said charges against the financial guarantee posted by the contractor and/or property owner.

D. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

33-3-9. Exemptions.

The following activities are exempt from the requirements of this Chapter:

A. Actions by a public utility, the county, or any other governmental entity to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;

B. Actions by any other person when the county determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;

C. Construction activities which disturb less than 500 square feet of land surface area, or which consist of the excavation and/or fill of less than 20 cubic yards of material;

D. Landscape maintenance activities on fully developed properties, necessary to maintain the existing developed landscape;

E. Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground located within the unincorporated county and which meet the requirements of the zoning code of the county.

33-3-10. Appeal.

A. An Applicant for a Storm Water Construction Activity Permit or a Permittee of a Storm Water Construction Activity Permit may appeal any decision or directive made by the county or its representatives pursuant to this Chapter. The party desiring to appeal shall file a notice of appeal at the County Commission Office within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:

1. The appellant's name, address and daytime telephone number;
2. A short statement describing the basis for the appeal; and
3. The relief sought by the appellant.

B. Upon receipt of the notice of appeal, the County Commission Chair shall set a date for an informal hearing to consider the appeal. The County Commission shall uphold the decision or directive being appealed unless the County Commission finds that there has been an error in the interpretation or implementation of this ordinance. The County Commission shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The County Commission shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this Section.

33-3-11. Compliance with Federal and State Law.

Nothing contained in this Chapter is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff.