

13G. STORMWATER CONTROL SYSTEM ORDINANCE. (Ord. 06-03)

13G – 010. Purpose. The purpose of this ordinance is to establish city regulations that will minimize new and reduce existing pollutants that enter canals and eventually rivers and lakes through stormwater runoff to comply with the Environmental Protection Agency’s “National Pollutant Discharge Elimination System” (NPDES) regulations. This ordinance seeks to meet that purpose through the following objectives:

- (A) Minimize increases in stormwater runoff from any new development in order to reduce flooding, siltation, increases in stream temperature and stream-bank erosion and maintain the integrity of stream channels;
- (B) Minimize increases in non-point source pollution caused by stormwater runoff from new development which would otherwise degrade local water quality;
- (C) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- (D) Reduce existing stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater control system management controls and to ensure that these management controls are properly maintained and pose no threat to public safety; and
- (E) Minimize damage to public and private property.

13G – 020. Definitions.

- (A) The following bolded words and phrases shall be defined as follows for the purpose of this Chapter 13G: (Ord. 06-11)
 - (1) **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 stormwater 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 BMPs can be found in the North Logan Design Standards Technical Manual.
 - (2) **Catch Basin.** A drain inlet designed to keep out large or obstructive matter.
 - (3) **City Administrator.** The City of North Logan City Administrator or designee.
 - (4) **Clean-up.** Means to restore to a condition equal to or better than its pre-construction condition.

- (5) **Construction Activity.** Activities subject to NPDES Construction Activity Permits. These include construction projects resulting in land disturbances of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (6) **Customer or Person.** Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.
- (7) **Debris.** Any dirt, rock, sand, vegetation, rubbish or litter.
- (8) **De-chlorinated Water.** Water with all traces of chlorine removed.
- (9) **Detention Basin.** A depression designed to detain stormwater 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.
- (10) **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.
- (11) **Developed Parcel.** Any parcel which has been altered by grading or filling of the ground surface, or construction of any improvement or other impervious surface area thereon.
- (12) **Director, Stormwater.** The City Engineer or Public Works Director of the City of North Logan or duly appointed deputy, agent, or representative assigned to manage the stormwater program.
- (13) **Disturb.** To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.
- (14) **Drain Inlet.** A point of entry into a sump, detention basin, or storm drain system.
- (15) **Dwelling Unit.** A building or other structure or portion thereof, in which: (a) an individual resides as a separate housekeeping unit, or (b) a collective body of persons (doing their own cooking) resides as a separate housekeeping unit in a domestic bond based upon birth, marriage, domestic employment or other family relationship, as distinguished from a boarding house, lodging house, club, fraternity, motel or hotel.
- (16) **Equivalent Residential Unit (ERU).** A configuration of development, or impervious surfaces on a parcel, contributing runoff to the city's stormwater

system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. A single-family residential parcel has been determined to contain an average of four thousand seven hundred (4,700) square feet of impervious surface. One ERU is equal to four thousand seven hundred (4,700) square feet of impervious surface area.

- (17) **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.
- (18) **Illicit Connection.** Illicit connection means either 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-stormwater discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection 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 documented in plans, maps, or equivalent records submitted to the City, and approved in writing by the City.
- (19) **Illicit Discharge.** Any non-stormwater discharge to the stormwater control system. Illicit discharges include both direct connections (e. g. wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect connections (e. g. infiltration into the stormwater control system or spills collected by drain inlets).
- (20) **Impervious Surface.** That hard surface area of a parcel which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that which would be present under natural conditions. Impervious surfaces may include, but are not limited to: rooftops; concrete or asphalt paving; walkways; patios; driveways; parking lots or storage areas; trafficked gravel; or other surfaces which similarly impede the natural infiltration into the ground or runoff of storm and surface water.
- (21) **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.

- (22) **Non-Stormwater Runoff.** Any runoff other than stormwater.
- (23) **On-Parcel Mitigation or Mitigation.** Stormwater control facilities designed to city standards located on the parcel, which either holds runoff for a short period of time and releases it to the stormwater system, or holds water for a considerable length of time and disperses it by evaporation or infiltration into the ground.
- (24) **Parcel.** The smallest separately segregated unit or plot of land, with a person or persons identified as owner(s); having boundaries, and surface area, which is documented and given a property number by Cache County ("county").
- (25) **Person.** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and of the United States government.
- (26) **Public Improvement Bond.** A security acceptable to the city to insure proper completion of required public improvements associated with public and private land development.
- (27) **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, articles 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.
- (28) **Pretreatment.** A structure or process that removes sediment, oils and/or floatables from stormwater.
- (29) **Redevelopment.** Alterations of a property that change the footprint of a building or the use classification of a building.
- (30) **Storm Drain.** A closed conduit for conducting collected stormwater.
- (31) **Stormwater Control 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, maintained and/or operated by the City, which is designed and used for collecting or conveying stormwater. The stormwater control system is also referred to as a "municipal separate stormwater sewer system" or "MS4".

- (32) **Stormwater.** Any flow that occurs during or following any form of natural precipitation. Stormwater includes only the portion of such flow that is composed of precipitation.
- (33) **Stormwater Runoff.** Water that is generated by stormwater flows over land.
- (34) **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 subsoil. Sumps usually receive stormwater runoff from paved areas such as streets, parking lots, building roofs, etc.

13G – 030. Prohibited Activities. The following activities are prohibited and unlawful, and shall be considered a nuisance under Chapter 10-400 of the City Code, regardless of whether or not the violator has a Construction Activity Permit:

- (A) **Covering Sidewalk.** Covering any portion of a curb, gutter or sidewalk with mud, dirt or debris and failing to remove the mud, dirt or debris before leaving the site. In no case shall the mud, dirt or debris be left overnight.
- (B) **Washing Vehicles and Equipment.** Washing any vehicle or equipment in a manner that leaves concrete, mud, dirt or debris on a public or private street or on any portion of the public right-of-way, or allows concrete, mud, dirt or debris to enter the stormwater control system.

13G – 040. Prohibited Obstructions.

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

13G – 050. Prohibited Discharges.

- (A) Illicit Discharges. It is unlawful for any person to cause or allow an illicit discharge to the stormwater control system.
- (B) Exceptions. The following discharges to the stormwater control system shall not be considered to be illicit discharges and shall be exempt from the prohibitions of this section:
 - (1) Discharges regulated under a valid NPDES storm discharge permit, provided that the discharge complies with the terms of the permit.
 - (2) Discharges from water line flushing performed by the City.
 - (3) Discharges from sprinkled landscape irrigation or sprinkled lawn watering.
 - (4) Discharges from non-commercial car washing.
 - (5) Discharges from natural riparian habitat or wetland flows.
 - (6) Discharges from natural groundwater flows directly to a piped stormwater control system.
 - (7) Discharges from air conditioning condensation.
 - (8) Discharges from fire fighting or emergency management activities.
 - (9) Discharges of de-chlorinated water from swimming pools or hot tubs.
 - (10) Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.
 - (11) Discharges allowed by the City of North Logan through a Stormwater Control System Permit.

13G – 060. 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 stormwater control system.

13G – 070. Mud, Dirt and Debris on City Streets.

- (A) Clean-up Required. Any person or entity that tracks, spills, deposits, discharges or drops any mud, dirt, manure, or other debris on a public or private street or a public right-of-way within the City must remove the mud, dirt or other debris within four (4) hours of when it is left on the street or right-of-way or before the end of the work day whichever is

less. Failure to do so shall be a violation of this ordinance and shall also be considered a nuisance that may be enforced and/or abated pursuant to Chapter 10 - 400 of the City Code. The requirement to clean mud, dirt, manure, and other debris from streets and rights-of-way applies regardless of whether or not the responsible parties are acting pursuant to a Construction Activity Permit.

- (B) **Responsible Parties.** The following people and entities shall be considered to be responsible parties for the purpose of enforcing this section:
- (1) **Driver.** The driver of the vehicle leaving the mud, dirt, manure, or debris; and
 - (2) **General Contractor.** The general contractor or owner in charge of the job site from which the mud, dirt or debris came.
- (C) **Possible Remedies.** The City may avail itself of any of the following non-exclusive remedies to enforce this section if the mud, dirt or debris is not removed as required herein:
- (1) **Public Improvement Bond.** The City may clean (or may hire an independent contractor to clean) the mud, dirt or debris, and may deduct the cost of the clean-up, plus an administrative charge in an amount set by resolution of the City Council, from the Public Improvement Bond posted by the contractor on the job site from which the mud, dirt or debris came. The City may make draws against the security for performance bond as specified in Section 12D-500 of the City Code.
 - (2) **Nuisance Abatement.** The violation may be treated as a nuisance under Chapter 10-400 of the City Code and enforced by the city's nuisance abatement officer or other city designated representative.
 - (3) **Criminal Prosecution.** The City may prosecute the violation as a crime pursuant to Chapter 15 of the City Code.

13G – 080. Damage to Stormwater Control System or Irrigation Lines. Any person who damages any portion of the stormwater control system shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the city and shall be repaired in accordance with the city's construction standards and specifications. It is unlawful to remove or alter any portion of the stormwater control system without permission from the Stormwater Director.

13G – 090. Requirements for Sumps. It is unlawful for any person to construct a sump in the City unless (1) the sump has been approved by the city, (2) the sump is designed to separate sediments, oil and grease, and floatables from the stormwater, and (3) the sump complies with applicable city construction standards and specifications.

13G – 100. Manhole Covers. It shall be unlawful for any person other than North Logan City employees to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the Stormwater Director.

13G – 110. Drinking Water Protection. All stormwater and non-stormwater discharges shall comply with the city's drinking water source protection ordinance.

13G – 120. Snow Removal. The activities normally associated with snow removal operations including ice control measures taken by the City and other persons may violate various parts of this chapter. For example, when snow is pushed to the side of a road it may block an inlet box for a time until the snow melts and sand and salt may be used on roads to control ice safety problems. Snow removal activities are generally exempt from the requirements of this chapter but reasonable care must be taken in snow removal activities to comply with this ordinance where feasible.