

13G – 300. CONSTRUCTION ACTIVITY PERMITS FOR STORMWATER CONTROL.

13G – 310. Purpose and Intent. If left uncontrolled, sediment and debris from construction sites become a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year stormwater runoff carries sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from stormwater runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality. The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites during the period of construction and until the site is stabilized.

13G - 320. Construction Activity Permit for Stormwater Control – When Required.

- (A) Permit Required. A Construction Activity Permit for Stormwater Control (referred to herein as Construction Activity Permit) is required before any person or entity may landscape, 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 parcel of property located in North Logan City. If five acres or more of land surface area is disturbed, a Notice of Intent (NOI) must be submitted to the State Division of Water Quality. A copy of the NOI shall be submitted to the City with the application.
- (B) Exemptions. The following activities are exempt from the permit requirements of this Chapter:
- (1) Actions by a public utility, the City, or any other governmental entity to remove or alleviate an emergency condition, including the restoration of utility service or the reopening of a public thoroughfare to traffic;
 - (2) Actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition;
 - (3) Construction activities disturbing less than one acre of land surface area except when the construction activity is part of a larger common plan of development disturbing more than one acre;
 - (4) Residential landscaping activities disturbing less than one acre of land surface area;
 - (5) Residential gardening;
 - (6) Bona fide agricultural and farming operations;
 - (7) City of North Logan capital improvement projects, provided that storm runoff control measures are included in the bid specifications and plans for the improvement project.

13G - 330. Construction Activity Permit – Application. Any person or entity desiring a Construction Activity Permit must first file an application with the City.

- (A) Application Form. The application shall be submitted on a form prepared by the City. If the applicant proposes to obtain the Permit in conjunction with another development activity requiring City approval (e. g. building permit, subdivision plat, site plan, or conditional use permit), the application for the Construction Activity Permit will be included as part of the application form for the other development activity. If the applicant proposes to obtain the Permit independent of any other City approval, the applicant shall apply for the Permit on a separate form prepared by the City. Application forms can be obtained at the City Office.

- (B) Stormwater Pollution Prevention Plan. The applicant shall submit a Stormwater Pollution Prevention Plan with the application. The Stormwater 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 control measures 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, address and phone number of the person or entity responsible for implementation of each control measure.

 - (3) Control Measures - Control measures meeting the following goals and criteria:
 - a. Prevent or Minimize Discharge. The proposed control measures 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 stormwater runoff into the storm drainage system.

 - b. Prevent or Minimize Construction Debris. The proposed control measures 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.

- c. Use of BMPs. The proposed control measures shall include 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.

- d. Stabilize Site. The proposed control measures 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, geo-textiles, 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 that has temporarily or permanently ceased, except under the following circumstances:
 - i. 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 as determined by the City; or
 - ii. 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.

- e. Minimize Risk of Discharge of Other Materials. The proposed control measures 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 stormwater as well as spill prevention and response.

(C) Timing for Filing Application. The applicant shall file the application on or before the following dates:

- (1) Subdivision - The date that the applicant submits the development plan if the applicant proposes to develop a subdivision.
- (2) Site Plan - The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
- (3) Conditional Use Permit - The date that the applicant submits a conditional use permit application if the applicant proposes to develop a conditional use.
- (4) 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.
- (5) Other - At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a 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 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 Construction Activity Permit is grounds for denying 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 Construction Activity Permit.

- (D) Fee. The applicant for a Construction Activity Permit shall pay a fee in an amount established in the most recently adopted Master Fee Schedule of the city.
- (E) Application Approval. The Stormwater Director shall approve the application and grant the permit if the application is complete and the Stormwater Pollution Prevention Plan meets the requirements of this ordinance. The Stormwater Director shall deny the application or approve the application with conditions if the director determines that the measures proposed in the plan fail to meet the criteria set forth in section 13G - 330B. Conditions the Stormwater Director 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 stormwater.
- (F) Term. Unless otherwise revoked or suspended, a Stormwater 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:
 - i. The City issues a final certificate of occupancy for each lot in the subdivision, or
 - ii. Individual Construction Activity Permits have been issued for each lot in the subdivision not having a final occupancy permit, or
 - iii. 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 or better.
- (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 City 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 City, the date that the Permittee has completed all work associated with the Permit and takes steps required by the Permit to prevent erosion and runoff from the site.

No Construction Activity Permit shall be considered terminated until the Permittee submits a Notice of Termination of Construction Activity Permit (“Notice”) to the City and the Notice is accepted by the City. The City shall accept the Notice if the Permittee has met the requirements of the Permit and this ordinance. The Permittee shall keep and maintain all Permit-required improvements on the site until the City accepts the Notice.

- (G) 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 Stormwater Pollution Prevention Plan which meets the criteria set forth in section 13G - 330B.

13G - 340. Construction Activity Permit – Proper Operation and Maintenance. The recipient of a Construction Activity Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Stormwater 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 City accepts the termination of the Permit pursuant to Section 13G - 330(F).

13G - 350. Construction Activity Permit – Inspection and Entry. The Permittee shall allow any authorized employees and representatives of the City, 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.

13G - 360. Construction Activity Permit – Revocation or Suspension.

- (A) Revocation or Suspension. A Construction Activity Permit may be revoked or suspended by the Stormwater 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 stormwater; or
 - (3) A determination by the Stormwater 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 stormwater.
- (B) Notice. The City 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 Stormwater 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 13G - 370.
- (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 City may take any steps the City 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, upon discovery of work in violation of or not in accordance with a Permit, or upon the discovery of work being conducted without a required Permit. The stop work

order shall be issued by designated inspectors of the City. 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 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 13G - 360, upon the filing of an amended Stormwater Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan.

13G – 370. Construction Activity Permit – Appeals.

- (A) Notice of Appeal. An Applicant for a Construction Activity Permit or a Permittee of a Construction Activity Permit may appeal any decision or directive made by the City or its representatives pursuant to this Chapter. Any appeal must be filed at the City Administrator’s 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) Hearing. Upon receipt of the notice of appeal, the City Administrator shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted in accordance with policies established by the City Administrator. The City Administrator shall uphold the decision or directive being appealed unless the City Administrator finds that there has been an error in the interpretation or implementation of this ordinance. The City Administrator shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The City Administrator shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this Section.