

## CHAPTER 4

## STORM WATER AND DRAINAGE

**ARTICLE B. STORM DRAINAGE**

## SECTION:

8-4B- 1:	Definitions
8-4B- 2:	Obstructions Prohibited; Exemptions
8-4B- 3:	Discharges Prohibited; Exemptions
8-4B- 4:	Storage And Littering Unlawful
8-4B- 5:	Storm Sewer Connection Permit
8-4B- 6:	Best Management Practices
8-4B- 7:	Easements
8-4B- 8:	Authority To Inspect
8-4B- 9:	Monitoring And Analyses Required
8-4B-10:	Notice Of Violation; Remedial Action
8-4B-11:	Damage To System Or Lines
8-4B-12:	Manhole Covers
8-4B-13:	Drinking Water Protection
8-4B-14:	Compliance With Federal And State Law
8-4B-15:	Penalty

8-4B-1: **DEFINITIONS:** The following words and phrases shall be defined as follows for the purpose of this article and articles A and C of this chapter:

**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 BMPs and their effectiveness ratings can be found in the Fruit Heights City storm water management plan dated August 2002 (available at the Fruit Heights City public works department).

CATCH BASIN:	A drain inlet designed to keep out large or obstructive matter.
DEBRIS:	Any dirt, rock, sand, vegetation, rubbish or litter.
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.
DEVELOPMENT:	Any manmade 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.
DIRECTOR:	The <u>public works director</u> of Fruit Heights City or his duly appointed deputy, agent or representative.
DISTURB:	To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.
DRAIN INLET:	A point of entry into a sump, detention basin or storm drain system.
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.

- ILLCIT CONNECTION:** Either of the following:
- A. 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 nonstorm water 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
  - B. 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 city; and 2) approved in writing by the city.
- ILLCIT DISCHARGE:** Any nonstorm water discharge to the storm sewer system. "Illicit discharge" includes 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 storm sewer system or spills collected by drain inlets).
- 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.
- NONSTORM WATER RUNOFF:** Any runoff other than storm water.
- PERSON:** Any individual, corporation, partnership, association, company or body politic, including

any agency of the state of Utah and the United States government.

- 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; nonhazardous 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.
- REDEVELOPMENT:** Alterations of a property that change the footprint of a site or building in such a way that disturbs one acre of land or more.
- STORM DRAIN:** A closed conduit for conducting collected storm water.
- STORM SEWER SYSTEM:** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, manmade channels, sumps, storm drains and ground water) owned and operated by the city, 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".
- 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.

**STORM WATER  
RUNOFF:**

Water that is generated by storm water flows over land.

**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 storm water runoff from paved areas such as streets, parking lots, building roofs, etc. (Ord. 2003-01, 4-29-2003)

**8-4B-2: OBSTRUCTIONS PROHIBITED; EXEMPTIONS:**

**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 city.
2. Flood control and prevention activities performed by the city.
3. Obstructions approved by the city as part of a site's storm water drainage plan.
4. Obstructions occurring during cleanup periods established by the city; provided, that the materials are placed according to city directions and do not obstruct drain inlets. (Ord. 2003-01, 4-29-2003)

**8-4B-3: DISCHARGES PROHIBITED; EXEMPTIONS:**

- 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 the city.
  - 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 ground water flows.
  - 7. Discharges from air conditioning condensation.
  - 8. Discharges from firefighting or emergency management activities.
  - 9. Discharges from swimming pools constructed prior to April 10, 1990.
  - 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 a Fruit Heights City storm sewer connection permit. (Ord. 2003-01, 4-29-2003)

**8-4B-4: STORAGE AND LITTERING UNLAWFUL:** 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. (Ord. 2003-01, 4-29-2003)

**8-4B-5: STORM SEWER CONNECTION PERMIT:**

- A. **Permit Required:** No person shall connect to the city storm sewer system, either directly or indirectly, without first obtaining a storm sewer connection permit from the city.
- B. **When Permit Required:** Any person beginning new construction (development of an undeveloped parcel) or "redevelopment", as defined in section 8-4B-1 of this article, in the city shall obtain a storm sewer connection permit before commencing construction.
- C. **Application:** The applicant for a storm sewer connection permit shall submit the following to the city:
1. **Application Form:** A completed application form. Application forms will be available at the city public works and development services departments.
  2. **BMP Plan:** A plan incorporating storm water BMPs that meet the requirements of section 8-4B-6 of this article.
  3. **Maintenance Plan:** A plan outlining how the applicant will maintain the storm water improvements listed in the application.
  4. **Fee:** A fee in an amount set by resolution of the city council.
- D. **Submission:** The application shall be submitted to the city building department.
- E. **Review:** The storm sewer connection permit application shall be reviewed by the sewer superintendent and either approved, approved with conditions, or denied. Either the permit applicant or the city may appeal the sewer superintendent's decision to the public works director. The appeal shall be made according to procedures established by the public works department.
- F. **Factors:** When deciding whether to approve, conditionally approve or deny a storm sewer connection permit application, the following factors shall be considered:
1. Whether the application complies with applicable city ordinances and policies.
  2. Whether the application complies with the city storm drainage master plan.

3. Whether the proposed connection incorporates effective best management practices.
  4. Whether the proposed connection introduces pollutants into the storm drain system.
  5. Whether the proposed connection creates a safety hazard.
  6. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.
  7. Whether the proposed connection endangers the city drinking water.
  8. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's connection and on site storm water improvements.
- G. Failure: Failure to construct or maintain storm water improvements in accordance with an approved storm sewer connection permit shall be a violation of this article.
- H. As Built Plans: Any person connecting to the storm sewer system shall provide the city storm sewer utility with "as built" plans, showing the details and the location of the connection. The plans shall be in a format that is acceptable to the city.
- I. Rate: Connections to the storm sewer system shall be designed so that the discharge to the storm sewer system does not exceed two tenths (0.2) cubic feet per second per acre.
- J. Exempt Connections: The following connections to the storm sewer system are exempt from the permitting requirements of this section:
1. a. Connections from single-family residences; provided, that the runoff from the residences is handled according to a plat or site plan approved by the city.
    - b. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the storm sewer system must obtain a storm sewer connection permit.
  2. Connections made by the city. (Ord. 2003-01, 4-29-2003)

8-4B-6:       **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 city. The city shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs may be structural and/or nonstructural, 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 city storm sewer system meets the requirements of federal, state and local laws and regulations, and the city NPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system. (Ord. 2003-01, 4-29-2003)

8-4B-7:       **EASEMENTS:** The public works director may enter all private properties through which the city 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. (Ord. 2003-01, 4-29-2003)

8-4B-8:       **AUTHORITY TO INSPECT:** Whenever necessary to make an inspection to enforce any provision of this article, or whenever the city has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this article, the city 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 city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 2003-01, 4-29-2003)

8-4B-9:       **MONITORING AND ANALYSES REQUIRED:** If the city tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges and/or nonstorm water discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the city, the city may require any person engaged in the illicit activity and/or the owner or operator of the site to provide, at their own expense, monitoring and analyses required by the city to determine compliance with this article. (Ord. 2003-01, 4-29-2003)

**8-4B-10: NOTICE OF VIOLATION; REMEDIAL ACTION:**

- A. Whenever the city finds that a person has violated a prohibition or failed to comply with a requirement of this article, the city will order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
1. The performance of monitoring, analyses and reporting;
  2. The elimination of illicit connections or discharges;
  3. That violating discharges, practices or operations shall cease and desist;
  4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
  5. Payment to cover administrative, remediation, monitoring, analyses and reporting costs; and
  6. The implementation of source control or treatment BMPs.
- B. The city 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 city, creates a serious risk to persons, the environment or property; or 3) the city deems the violation to constitute an emergency. (Ord. 2003-01, 4-29-2003)

**8-4B-11: DAMAGE TO SYSTEM OR LINES:** Any person who damages any portion of the storm sewer system, a city owned culinary water line or a city maintained culinary water line, or a city owned irrigation line, or a city maintained irrigation line, shall be responsible for repairing the damages. Damages to city owned or maintained culinary lines shall be repaired by city personnel and the cost of the repairs shall be billed to and paid by the person who damaged the lines. Damages to the storm sewer system and city owned or maintained irrigation lines shall be repaired by a licensed contractor bonded to do work in the city and shall be repaired in accordance with the city construction standards and specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the director. (Ord. 2003-01, 4-29-2003)

8-4B-12: **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 director. (Ord. 2003-01, 4-29-2003)

8-4B-13: **DRINKING WATER PROTECTION:** All storm water and nonstorm water discharges shall comply with the city drinking water source protection ordinance. (Ord. 2003-01, 4-29-2003)

8-4B-14: **COMPLIANCE WITH FEDERAL AND STATE LAW:** Nothing in this article shall be interpreted to relieve any person from an obligation to comply with any applicable federal, state or local law relating to storm water discharges or drinking water protection. (Ord. 2003-01, 4-29-2003)

8-4B-15: **PENALTY:**

- A. The violation of any provision of this article is a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. Each day that a violation occurs shall constitute a separate offense. (Ord. 2003-01, 4-29-2003; amd. 2006 Code)
- B. If as the result of the violation of any provision of this article, the city 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 article may also be subject to prosecution, fines and penalties from the state and the United States EPA. (Ord. 2003-01, 4-29-2003)

