NOI, Ordinance & Resolutions, and Interlocal Agreement

APPENDIX J

ORDINANCE NO. 2003-01

AN ORDINANCE ESTABLISHING CHAPTER 32 OF THE MUNICIPAL CODE OF FRUIT HEIGHTS, UTAH, STORM WATER AND DRAINAGE

The City Council of the City of Fruit Heights, Utah

does hereby ordain

Chapter 32

of the

Municipal Code of Fruit Heights

as follows:

Chapter XXXII

STORM WATER AND DRAINAGE

AN ORDINANCE OF FRUIT HEIGHTS CITY ADOPTING CHAPTER 32.1. STORM SEWER UTILITY; CHAPTER 32.2. STORM DRAINAGE; CHAPTER 32.3. STORM WATER CONSTRUCTION ACTIVITY PERMIT; TO ENACT REGULATIONS TO COMPLY WITH PHASE II OF THE FEDERAL CLEAN WATER ACT; AND TO OTHERWISE REGULATE STORM WATER AND DRAINAGE.

WHEREAS, Fruit Heights City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the state of Utah; and

WHEREAS, Utah Code Annotated 10-8-13 allows municipalities to regulate conduits, drains, and the like; and

WHEREAS, Utah Code Annotated 10-8-38 empowers municipalities to construct, reconstruct, maintain, operate, control, and charge for the use of culverts, drains, catch basins, and all systems and facilities necessary for proper drainage; and

WHEREAS, the City desires to comply with Phase II of the Federal Clean Water Act;

NOW, THEREFORE, be it ordained by the City Council of Fruit Heights as follows:

Section 1: Enactment. The following Chapters are enacted and such shall read as follows:

Chapter 32.1.
Storm Sewer Utility.

Chapter 32.2.
Storm Drainage.

Chapter 32.3.
Storm Water Construction Activity Permit.

Chapter 32.1.
STORM SEWER UTILITY

32.1.010. Findings.
32.1.020. Purpose.
32.1.030. Definitions.
32.1.040. Storm Sewer Utility.
32.1.050. Storm Sewer Utility Fee.
32.1.060. Billing.

32.1.010. Findings.

The City Council makes the following findings regarding storm water runoff and the City's storm sewer system:

1. The City's existing storm sewer system consists of a network of man-made and natural facilities, structures and conduits, including groundwater and aquifers, that collect and route storm water runoff.
2. The City's existing storm sewer system does not adequately handle the storm water runoff generated in the City.
3. The City's anticipated growth will place increased demands on the already inadequate storm sewer system.
4. Uncontrolled or inadequately controlled storm water runoff endangers the City's groundwater supply.
5. Uncontrolled or inadequately controlled storm water runoff causes erosion and property damage.
6. Uncontrolled or inadequately controlled storm water runoff hinders the City's ability to provide emergency services to its residents.
7. Uncontrolled or inadequately controlled storm water runoff impedes the regular flow of traffic in the City.
8. Uncontrolled or inadequately controlled storm water runoff poses health hazards to the citizens of the community.
9. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that may jeopardize the integrity of ground waters and receiving waters, including the City's culinary water supply.
10. All developed properties in the City contribute to the need for the storm sewer system by converting natural ground cover into impervious surfaces.
11. All developed properties in the City make use of or benefit from the City's operation and maintenance of the storm sewer system.
12. The State Department of Environmental Quality (DEQ) has determined that some of the City's storm water sumps must be included on the prioritized contamination sources for culinary wells.
13. The EPA and the DEQ are developing additional storm water permitting requirements that will apply to cities.
14. Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in the City constitute a potential hazard to the health, safety and general welfare of the City, its residents, and its businesses.
15. A storm sewer utility is the most equitable and efficient method of managing storm water in the City and ensuring that each property in the City pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm sewer system.

32.1.020. Purpose.

The purpose of this ordinance is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the City'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.

32.1.030. Definitions.

The following bolded words and phrases shall be defined as follows:

1. **Developed parcel.** Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.
2. **Equivalent Residential Unit ("ERU").** The average amount of impervious surface, expressed in square feet, on developed single family residential parcels in Fruit Heights. One ERU equals 2,800 square feet of impervious surface area.
3. **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.

32.1.040. Storm Sewer Utility.

1. **Creation.** The City Council hereby creates and establishes a storm sewer utility as part of the City's overall sewer system. The storm sewer utility shall plan, design, construct, maintain, administer and operate the City's storm sewer system.

2. **Enterprise Fund.** The City Council hereby establishes a storm sewer utility enterprise fund to handle all income, expenses and other financial transactions related to the storm sewer utility. All storm sewer utility service charges shall be deposited in the enterprise fund. Money in the storm sewer utility enterprise fund shall not be commingled with or transferred to other City funds. However, the storm sewer utility may pay other City funds for services and expenses directly attributable to the storm sewer utility. The enterprise fund shall be operated according to State law and City policy.

3. **Facilities and Assets.** The storm sewer utility shall operate independently of City operations funded by the general fund. The storm sewer utility shall have the same relationship to the City as other City utilities, such as the water utility and the sanitary sewer (waste water) utility. Upon creation of the utility, all of the City's storm sewer facilities and assets (other than streets and other facilities and assets designated by the City Manager) shall be transferred to the storm sewer utility in consideration for the storm sewer utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City's storm sewer system.

4. **Administration.** The storm sewer utility shall be administered by the City Manager.

32.1.050. Storm Sewer Utility Fee.

1. **Imposed.** Each developed parcel of real property in the City shall be charged a storm sewer utility fee.

2. **ERU.** The fee shall be based on the number of equivalent residential units (ERU's) contained in the parcel. The City Council finds that the ERU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm sewer utility. Based on a study completed by an independent engineer, the City Council finds and establishes that one ERU equals 2,800 square feet of impervious surface area.

3. **Calculation.** The City Council 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) ERU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ERU's, according to the measured impervious area on the parcel. The City Council may adopt separate rates for PRUD's, condominiums and other uses that are not easily handled under the standard rate schedule.

4. **Charge per ERU.** The amount charged for each ERU shall be established by resolution of the City Council.

5. **Exemptions and Credits.** The City Council may establish exemptions and credits to the storm sewer utility fee by resolution.

6. **Policies.** The City Manager may direct the Public Works Director to adopt policies, consistent with this ordinance and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this ordinance and any resolutions related to the storm sewer utility.

7. **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 Public Works Director ("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 City Manager (or his or her designee). The appeal to the City Manager shall follow the same procedure as the appeal to the Director. . If the person or entity is not satisfied with the City Manager's decision, a further appeal may be made to the Mayor and City Council (or their designee). The Mayor and City Council's decision shall be final and binding on all parties.

32.1.060. Billing.

The City Council finds that the City's storm sewer system, sanitary sewer system, culinary water system, and solid waste collection system are interrelated services that are part of a unified City plan to provide for the health, safety and welfare of the City and its residents in an environmentally responsible manner. Therefore, the storm sewer utility fee shall be included on the City's regular monthly/bi-monthly utility bill for any given property. If there is no regular utility bill for the property, the storm sewer utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the City by the person or entity paying for the City 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 termination of water service.

(End of Chapter 32.1)

Chapter 32.2.
Storm Drainage

32.2.010. **Definitions.**
32.2.020. **Prohibited Obstructions.**
32.2.030. **Prohibited Discharges.**
32.2.040. **Prohibited Storage and Littering**
32.2.050. **Storm Sewer Connection Permit.**
32.2.060. **Best Management Practices.**
32.2.070. **Easements.**
32.2.080. **Authority to Inspect.**
32.2.090. **Requirement to Monitor and Analyze.**
32.2.100. **Notice of Violation.**
32.2.110. **Damage to Storm Sewer System or Irrigation Lines.**
32.2.120. **Manhole Covers.**
32.2.130. **Drinking Water Protection.**
32.2.140. **Violation and Penalty.**
32.2.150. **Compliance with Federal and State Law.**

32.2.010. Definitions.

The following bolded words and phrases shall be defined as follows for the purpose of this Chapter and Chapters 32.1 and 32.3

1. **Best Management Practices (BMP's).** 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. BMP's 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 Fruit Heights City Storm Water Management Plan dated August 2002 (available at the Fruit Heights City Public Works Department.)
2. **Catch Basin.** A drain inlet designed to keep out large or obstructive matter.
3. **Debris.** Any dirt, rock, sand, vegetation, rubbish or litter.
4. **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.
5. **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.
6. **Director.** The Public Works Director of the Fruit Heights City or his duly appointed deputy, agent, or representative.
7. **Disturb.** To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.
8. **Drain Inlet.** A point of entry into a sump, detention basin, or storm drain system.
9. **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.
10. **Illicit Connection.** Illicit connection means 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 non-storm 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.

11. **Illicit Discharge.** Any non-storm water discharge to the storm sewer 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 storm sewer system or spills collected by drain inlets).

12. **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.
13. **Non-Storm Water Runoff.** Any runoff other than storm water.
14. **Person.** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.
15. **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 resinates); and noxious or offensive matter of any kind.
16. **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.
17. **Storm Drain.** A closed conduit for conducting collected storm water.
18. **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 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".
19. **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.
20. **Storm Water Runoff.** Water that is generated by storm water flows over land.
21. **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.

32.2.020. Prohibited Obstructions.

1. It is unlawful for any person to:
   a. Obstruct the flow of water in the storm sewer system.
   b. Contribute to the obstruction of the flow of water in the storm sewer system.
   c. Cover or obstruct any drain inlet.
2. The following obstructions are exempt from the prohibitions of this section:
   a. Street and/or storm sewer improvement projects authorized by the City.
   b. Flood control and prevention activities performed by the City.
   c. Obstructions approved by the City as part of a site's storm water drainage plan.
   d. 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.

32.2.030. Prohibited Discharges.

1. It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system.
2. The following discharges to the storm sewer system are exempt from the prohibitions of this section:
   a. 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.
   b. Discharges from water line flushing performed by the City.
   c. Discharges from sprinkled landscape irrigation or sprinkled lawn watering.
   d. Discharges from individual residential car washing, provided that a biodegradable detergent is used.
   e. Discharges from natural riparian habitat or wetland flows.
   f. Discharges from natural groundwater flows.
   g. Discharges from air conditioning condensation.

h. Discharges from fire fighting or emergency management activities.

i. Discharges from swimming pools constructed prior to April 10, 1990.

j. Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.

k. Discharges allowed by a Fruit Heights City Storm Sewer Connection Permit.

32.2.040. 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.

32.2.050. Storm Sewer Connection Permit.

1. **Permit Required.** No person shall connect to the City's storm sewer system, either directly or indirectly, without first obtaining a storm sewer connection permit from the City.

2. **When Permit Required.** Any person beginning new construction (development of an undeveloped parcel) or redevelopment (as defined in this Chapter) in the City shall obtain a Storm Sewer Connection Permit before commencing construction.

3. **Application.** The applicant for a Storm Sewer Connection Permit shall submit the following to the City:

a. **Application Form.** A completed application form. Application forms will be available at the City's Public Works and Development Services Departments.

b. **BMP Plan.** A plan incorporating storm water BMP's that meet the requirements of section 32.2.060.

c. **Maintenance Plan.** A plan outlining how the applicant will maintain the storm water improvements listed in the application.

d. **Fee.** A fee in an amount set by resolution of the City Council.

4. **Application.** The application shall be submitted to the City's Building Department.

5. **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.

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

a. Whether the application complies with applicable City ordinances and policies.

b. Whether the application complies with the Fruit Heights City Storm Drainage Master Plan.

c. Whether the proposed connection incorporates effective Best Management Practices.

d. Whether the proposed connection introduces pollutants into the storm drain system.

e. Whether the proposed connection creates a safety hazard.

f. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.

g. Whether the proposed connection endangers the City's drinking water.

h. 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.

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

8. **As-Builts.** Any person connecting to the storm sewer system shall provide the City's 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.

9. **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.

10. **Exempt Connections.** The following connections to the storm sewer system are exempt from the permitting requirements of this section:

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. 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.

b. Connections made by the City.

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

32.2.070. Easements.
The 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.

32.2.080. Authority to Inspect.
Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, 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.

32.2.090. Requirement to Monitor and Analyze.
If the City test's or inspection's 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 City, the City may require any person engaged in the illicit activity and/or the owner of operator of the site to provide, at their own expense, monitoring and analyses required by the City to determine compliance with this Chapter.

32.2.100. Notice of Violation.
Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, 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 BMP's.
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.

32.2.110. Damage to Storm Sewer System or Culinary Water Lines or Irrigation Water 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(s) 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's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the Director.

32.2.120. 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.

32.2.130. Drinking Water Protection.
All storm water and non-storm water discharges shall comply with the City's drinking water source protection ordinance.

32.2.140. Violation and Penalty.
1. The violation of any provision of this Chapter is a Class B misdemeanor. Each day that a violation occurs shall constitute a separate offense.
2. If, as the result of the violation of any provision of this Chapter, 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.
3. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

32.2.150. 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.

(End of Chapter 32.2)
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Chapter 32.3.
Storm Water Construction Activity Permit

32.3.010. **Purpose and Intent.**
32.3.020. **Storm Water Construction Activity Permit - When Required.**
32.3.030. **Storm Water Construction Activity Permit - Application.**
32.3.040. **Storm Water Pollution Prevention Plan.**
32.3.050. **Proper Operation and Maintenance.**
32.3.060. **Inspection and Entry.**
32.3.070. **Revocation or Suspension of Storm Water Construction Activity Permit.**
32.3.080. **Violations and Enforcement**
32.3.090. **Exemptions.**
32.3.100. **Appeal.**
32.3.110. **Compliance with Federal and State Law.**

32.3.010. 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 City 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.

32.3.020. Storm Water Construction Activity Permit - When Required.

1. A Fruit Heights City 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 City:

2. **One Acre or More.** Any parcel, lot or land development which is equal to or greater than one acre (43,560 square feet) in size. A subdivision development greater than or equal to one acre in size qualifies under this subsection even if each of the individual lots in the subdivision is smaller than one acre.

3. **Less Than One Acre.** Any parcel, lot or land development smaller than one acre in size, if any portion of the parcel, lot or land development lies within the area known as Erosion Sensitive Areas (see Appendix O).

4. **Special Concern Areas.** Any parcel, lot or land development for which the City 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.

32.3.030. Storm Water Construction Activity Permit - Application.

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

1. **Content.** The application shall include a Storm Water Pollution Prevention Plan which meets the criteria set forth in section 32.3.040.

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

a. **Subdivision.** The date that the applicant submits the preliminary subdivision plat application if the applicant proposes to develop a subdivision.

b. **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.

c. **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.

d. **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.

3. **Compliance.** 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 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 Storm Water Construction Activity Permit.
4. **Fee.** The applicant for a Storm Water Construction Activity Permit shall pay a fee in an amount set by resolution of the City Council.
5. **Application Approval.** The Sewer Superintendent or designee shall approve the application and grant the permit if the application is complete and meets the criteria set forth in section 32.3.40. The Sewer Superintendent 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 32.3.40. Conditions the Sewer Superintendent 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.
6.. **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:

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

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

ii. One of the following three events must occur:

(1) The City 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.

b. **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.

c. **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.

d. **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 further erosion and runoff from the site.

7. **Termination.** 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 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.
8. **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 32.3.040.

32.3.040. Storm Water Pollution Prevention Plan.

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

a. **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;

b. **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.

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

a. **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.

b. **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.

c. **BMP's.** The proposed measures and controls shall consist of Best Management Practices (BMP's) available at the time that the Plan is submitted. BMP's 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. **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:

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; 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 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.

32.3.050. 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 City accepts the termination of the Permit pursuant to Section 32.3.030.7.

32.3.060. 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.

32.3.070. Revocation or Suspension of Storm Water Construction Activity Permit.

1. **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:

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

b. 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

c. 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.

2. **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 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 32.3.100.

3. **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.

4. **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 Public Works Department or the Development Services Department. 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.

5. **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.

32.3.080. Violations and Enforcement.

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

7. 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.

8. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City 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 City shall have the right to have such measures installed or maintained by City 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 work plus a 25% penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.

9. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States Environmental Protection Agency.

32.3.090. Exemptions.

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

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

3. 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;

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

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

32.3.100. Appeal.

1. 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 City or its representatives pursuant to this Chapter. The party desiring to appeal shall file a notice of appeal with the City Recorder within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:

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

2. Upon receipt of the notice of appeal, the City Recorder shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted before the Director in accordance with policies established by the City Administrator.

The Director shall uphold the decision or directive being appealed unless the City's Hearing Officer finds that there has been an error in the interpretation or implementation of this ordinance. The Director shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The Director shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this Section.

32.3.110. 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.

Effective Date. This Ordinance shall become effective July 1, 2003.

PASSED AND ADOPTED this 29th day of April, 2003.

FRUIT HEIGHTS CITY
CORPORATE
Seal
Davis County, Utah

FRUIT HEIGHTS CITY

Rick L Miller

Rick L Miller
Mayor

ATTEST:

Richard B. Waite

Richard B. Waite
City Recorder

City Council Roll Call Vote Taken:	Yes	No
DeeEll Fifield	☑	☐
Eileen S. Moss	☑	☐
R. Wynn Passey	☑	☐
Daniel J. Phelps	☑	☐
Todd Stevenson	☑	☐

CERTIFICATE AND AFFIDAVIT OF PASSAGE AND RECORDING AND PUBLICATION OR POSTING

STATE OF UTAH)
} SS
COUNTY OF DAVIS)

According to the provision of U.C.A. § 10-3-713, 1953 as amended I, Richard B. Waite, do hereby certify that I am the duly qualified and appointed City Recorder of the City of Fruit Heights, Utah.

I further certify that the foregoing ordinance was duly passed and subsequently published, or posted at,

1. 910 South Mountain Road (City Hall Foyer)
2. Frontage Road/Country Way (Public Bulletin Board)
3. Frontage Road/Lloyd Road (Public Bulletin Board)

on the 30 day of April, 2003.

IN WITNESS THEREOF, I have hereunto affixed my signature and affixed the Seal of said City of Fruit Heights, a municipal corporation of Davis County, Utah, this 30th day of April, 2003.

FRUIT HEIGHTS CITY
CORPORATE
Seal
Davis County, Utah

SEAL

Richard B. Waite

Richard B. Waite, City Recorder

CITY OF FRUIT HEIGHTS

RESOLUTION NUMBER 03-05

A RESOLUTION OF THE CITY OF FRUIT HEIGHTS, ADOPTING THE STORM WATER MANAGEMENT PLAN

WHEREAS, Fruit Heights City is a municipal corporation duly organized and existing under the laws of the State of Utah, and

WHEREAS, Fruit Heights City is required by Federal and State mandate to conform with the Clean Water Act, Phase II, and

WHEREAS, the Fruit City Council finds that in conformance with the Clean Water Act, Phase II, that Fruit Heights City is mandated to adopt a Storm Water Management Plan, and

WHEREAS, the Fruit Heights City Council finds that in conformance with the provisions of the Clean Water Act, Phase II, the City's Storm Water Management Plan identifies the six Minimum Control Measures (MCM's) with their associated Best Management Practices (BMP's), Measurable Goals, Implementation Schedules and Fiscal Sources, and

WHEREAS, Fruit Heights City seeks to be in compliance with current statutory requirements,

NOW THEREFORE, be it resolved by Fruit Heights City that the ***Fruit Heights City Corporation Storm Water Management Plan*** dated ***August 2002*** attached be adopted and promulgated.

PASSED AND ADOPTED by the Fruit Heights City Council on the 4th day of March, 2003.

FRUIT HEIGHTS CITY CORPORATE Seal Davis County, Utah

FRUIT HEIGHTS CITY

by: Rick L. Miller

Rick L. Miller, Mayor

ATTEST: Richard B. Waite

Richard B. Waite, City Recorder

Resolution Number 03-05 (Cont.)

Council Members Vote:

"AYE"	"NAY"
[illegible]	
Donnie J. Phelps	
Todd Stamm	
Eileen F. Moss	
— Passey Absent —	

CITY OF FRUIT HEIGHTS

RESOLUTION NUMBER 03-06

A RESOLUTION OF THE CITY OF FRUIT HEIGHTS, AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF INTENT FOR COVERAGE UNDER THE UPDES GENERAL PERMIT FOR DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4'S), PERMIT NO. UTR090000 (NOI) INDICATING THE WILLINGNESS OF THE CITY TO ENTER INTO A FORTHCOMING AGREEMENT WITH DAVIS COUNTY IMPLEMENTING THE REQUIREMNTS OF THE FRUIT HEIGHTS CITY STORM WATER MANAGEMENT PLAN (SWMP) AND AUTHORIZING THE CITY MANAGER TO CERTIFY THE ACCURATE PREPARATION OF THE N.O.I. AND ADOPTION OF THE STORM WATER MANAGEMENT PLAN

WHEREAS, Fruit Heights City is a municipal corporation duly organized and existing under the laws of the State of Utah, and

WHEREAS, Fruit Heights City is required by Federal and State mandate to conform with the Clean Water Act, Phase II, and

WHEREAS, the Fruit City Council finds that in conformance with the Clean Water Act, Phase II, that Fruit Heights City is mandated to file with the State of Utah a Notice of Intent for Coverage Under the UPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's), Permit No. UTR090000 (NOI), and

WHEREAS, the Fruit Heights City Council finds that in conformance with the provisions of the Clean Water Act, Phase II, all entities involved in the processing of the storm water must sign the Notice of Intent (NOI) and enter into a mutual agreement implementing the Storm Water Management Plan, and

WHEREAS, the Fruit Heights City Council finds that Davis County will participate in the processing of the Storm Water of Fruit Heights City, and

WHEREAS, Fruit Heights City seeks to be in compliance with current statutory requirements,

NOW THEREFORE, be it resolved by the Fruit Heights City Council that the Mayor is hereby authorized to sign the Notice of Intent (NOI) indicating the willingness of the City to enter into a forthcoming agreement with Davis County implementing the requirements of the Fruit Heights City Storm Water Management Plan (SWMP) and forwarding the NOI to Davis County for the signature of the Davis County Commission indicating their

Resolution Number 03-06(Cont.)

willingness to enter into the forthcoming agreement and further forwarding the NOI to the State of Utah prior to March 10, 2003 in order to be in compliance with State requirements.

BE IT FURTHER RESOLVED, that the City Manager is hereby also authorized to sign the NOI certifying the accurate preparation of the NOI and the adoption the storm water management plan.

PASSED AND ADOPTED by the Fruit Heights City Council on the 4th day of March, 2003.

FRUIT HEIGHTS CITY CORPORATE Seal Davis County, Utah

FRUIT HEIGHTS CITY

by: Rick L Miller

Rick L. Miller, Mayor

ATTEST: Richard B. Waite

Richard B. Waite, City Recorder

Council Members Vote:

"AYE"	"NAY"
[signature]	
Daniel J. Phelps	
[signature]	
Eileen L Moss	
— Passey Absent —	

CITY OF FRUIT HEIGHTS

RESOLUTION NUMBER 03-07

A RESOLUTION ESTABLISHING FEES, CREDITS, EXEMPTIONS AND OTHER ISSUES RELATED TO THE FRUIT HEIGHTS CITY STORM WATER UTILITY

WHEREAS, the City Council enacted a storm water utility ordinance (the "ordinance") on April 29, 2003, and

WHEREAS, the ordinance created a storm water utility effective July 1, 2003, and

WHEREAS, Section 32.1.050 of the ordinance provided that fees, credits and exemptions associated with the storm sewer utility could be established by resolution of the City Council; and

WHEREAS, the purpose of this resolution is to establish fees, credits and exemptions for the City's storm water utility.

NOW, THEREFORE, be it resolved by the City Council of Fruit Heights City, Utah, that the following provisions apply to the storm water utility established by the City.

I. Definitions. The following definitions shall apply to this resolution:

A. **Developed parcel**. Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.
B. **Equivalent Residential Unit ("ERU").** The average amount of impervious surface, expressed in square feet, on developed single family residential parcels in Fruit Heights.
C. **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 rate of flow than the natural surface.
D. **Parcel.** The smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Davis County Assessor.
E. **Single Family Residential**. A residential building having only one living unit, or a residential building having more than one living unit, if living units are separately owned and titled. Examples of single family residences include single family houses and condominiums.
F. **Best Management Practices (BMP's):** Includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage. These practices included Structural BMP or actual physical elements constructed or installed

to meet the intend described above or Non-Structural BMPs which are practices or procedures for the above intent.

II. Fees

Background

One of the purposes of this resolution is to establish the basis for the fees charged by the storm sewer utility. The fees may be amended at any time as part of the fees and charges section of the City's annual budget resolution or in a separate City Council resolution. The City Council may amend the storm sewer utility fees established in this resolution without amending this resolution and without affecting the validity of the remaining provisions of this resolution.

Basis

The fees established in this resolution are based on recommendations by the Storm Water Advisory Committee established by the City Council. The two main components of the fee are (1) the amount of impervious surface on the pared (expressed as Equivalent Residential Units or "ERU's") and (2) the amount charged per ERU.

Non-single family residential parcels will be assessed a fee based on the actual amount of impervious surface on the parcel. Single family residential parcels will all be assessed a common fee based on the average amount of impervious surface area found on single family residential parcels in the City. The City Council finds that the common fee for single family residential parcels is justified because (1) each single family residential parcel contributes approximately the same amount of storm water runoff, and (2) it would be impractical and difficult to administer the utility if each single family residential parcel were measured individually. The City Council finds the ERU to be the most accurate measurement for determining the amount that each parcel contributes to, benefits from. and otherwise uses the storm sewer utility. For convenience, the City Council establishes the amount of impervious surface included in each ERU to be equal to the average amount of impervious surface found on single family residential parcels. Therefore, each single family residential pared will pay the fee for one ERU. Based on an the average hard surface area for many homes in the City and throughout the state as determined by other Storm Water Utilities, the City Council finds that one ERU equals 2, 800 square feet of impervious surface area.

The amount to be charged per ERU was determined by calculating the amount of money needed to fund a basic level of storm water service, with emphasis on capital improvements, regulatory compliance with agencies such as the US EPA and the State, maintenance, public information, and water quality, and dividing that amount by the estimated number of ERU's in the City. The calculation results are included in a separate feasibility report incorporated hereby by reference.

Amount

The City Council finds that the following fees (service charges) are reasonable and necessary to fund the administration, planning, design, construction, water quality programming, operation,

maintenance and repair of existing and proposed storm and surface water facilities. The following storm water utility fees (service charges) are hereby established for each parcel of real property in the City:

1. Undeveloped Parcel - No charge
2. Single Family Residential - $4.10 per month (1 ERU)
3. Other Developed Parcels - All other developed parcels, including multiple family residential parcels, shall be charged a fee based on the number of ERU's on the parcel. If there is more than one City utility bill for the parcel, the fee shall be divided between the City utility bills covering the parcel according to a policy established by the Public Works Director. The number of ERU's shall be established by measuring the amount of impervious surface on the parcel, dividing that number by 2,800, and then rounding to the nearest whole number. The actual monthly fee (service charge) shall be computed by multiplying the total ERU's for the parcel by the monthly rate of $4.10 per ERU. For example, a parcel with 20,000 square feet of impervious surface area shall pay a fee of $28.70 per month (20,000 / 2,800 = 7.1; 7.1 rounded to the nearest whole number = 7; 7 x $4.10 = $28.70).

Credits

Non-single family residential parcels may apply for and receive a service charge credit if the property includes an on-site storm water facilities that improve the quality of the storm water discharge from the property. The maximum amount of the credit shall be fifty percent (50%) of the service charge.

Credits shall be calculated based on the following Structural and non-Structural BMPs:

Structural BMP's:

A. **Working Detention Basin** - A credit of up to 30% of the monthly utility rate will be given for a properly sized and functioning detention basin. Said basin must initially be reviewed and inspected by the City.
B. **Increased Detention Volume** - A credit of up to 10% of the monthly utility rate will be given for a detention basin whose volume is greater than that required for the 0.2 cfs/acre discharge. Credits will be given at a rate of 2% for every 0.02 cfs/acre down to a minimum of 0.1 cfs/acre. Calculations of the basin volume and discharge must be approved by the City Engineer for the credit. For example: for a discharge of 0.16 ors/acre discharge would receive a credit of 4% per month in addition to other credits.
C. **Increased Landscape** - A credit of up to **10%** of the monthly utility rate will be given for a increase landscape above the minimum landscape requirement of 15%. Credits will be given at a rate of 2% for every 5% of area landscaped up to a maximum of 40% landscaped area. Calculations of the landscape area must be approved by the City Engineer for the credit. Pervious Xeriscape is permissible. Xeriscape is defined as water efficient landscaping of xerigraphic quality ("Xeriscape Gardening" by Ellefson, Stephens & Welsh; McMilllan Publishing Co., 1992.) Un-maintained weeds are not considered for Landscape requirements.

D. **Working Oil Separator** - A credit of up to **10%** of the monthly utility rate will be given for a properly sized and functioning Oil separator. Said separator must initially be reviewed and inspected by the City.

Non-Structural BMP' s:

E. **Annual Parking Lot Sweeping-** A credit of up to **10%** of the monthly utility rate will be given for receipts presented to the Storm Water Manager indicating that the *entire* parking area has been swept on at least an annual basis.
F. **Catch Basin & Pipe Cleaning-** A credit of up to **10%** of the monthly utility rate will be given for receipts presented to the Storm Water Manager indicating that the Catch Basins and pipes have been cleaned at least on an annual basis.

The sum of the above credits shall not exceed 50% of the monthly Storm Water Utility rate. For example, if BMP's A, B, E, & F are applicable, even though their sum is 60%, the monthly credit will be 50%. The lack of maintenance of any of the above BMP's is grounds for elimination of any credits given.

Credits will be given under the following conditions:

1. The business makes application to the City for said credits.
2. The business provides all information to the City, mentioned in the credit calculations.
3. A business receiving a credit can only maintain the credit as long as the approved BMP's are adhered to. Credits will be considered ongoing and renewable from year-to-year as long as inspections support that the approved credit program is being followed in its entirety.
4. Credits may be revoked or amended if inspections reveal that the approved program is not being followed in its entirety or if the business adds to its existing water quality program.
5. Policies for the removal or amendments of credits will be established by the Director of Public Works. These policies will consider an appropriate appeal process to the loss of a credit previously enjoyed by a business as outlined in the City Code.

Exemptions

1. **Undeveloped Parcels**. Undeveloped parcels shall not pay any storm sewer utility fees.
2. **Streets.** The City Council finds that all streets (publicly and privately owned) are part of the storm sewer utility conveyance system and are therefore exempt from the storm sewer utility fee. For purposes of this section, "streets" shall include the following:

    a. Any publicly-owned rights-of way
    b. Any property that has been dedicated, deeded or condemned as a street and Accepted by the City as a street.
    c. Any property that has been abandoned to the public as a street, if the City

considers the property a street and maintains the property as a street.

d. Any thoroughfares (publicly or privately owned) that are open to the public, Provided access to real property, and are used primarily for vehicular traffic.

e. Any railroad rights-of-way.

"Streets" shall not include private driveways, designated drive areas in malls or shopping centers, or designated drive areas through condominium or PRUD parking areas.

3. **Common Area**. Common areas in residential condominium and PRUD developments shall not be assessed a storm water utility fee if each of the residential units in the development is assessed the standard residential fee.

Policies

1. The Public Works Director may adopt policies, consistent with this resolution, the storm sewer utility ordinance, and any other resolutions passed by the City Council, to assist in the application, administration and interpretation of this resolution, the storm sewer utility ordinance, and any resolutions related to the storm sewer utility.

2. If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause of phrase of this ordinance.

3. All resolutions or policies in conflict herewith are hereby repealed.

4. This resolution shall take effect July 1, 2003.

PASSED AND ADOPTED by the Fruit Heights City Council on the 29th day of April 2003.

FRUIT HEIGHTS CITY

by: Rick L. Miller

Rick L. Miller, Mayor

FRUIT HEIGHTS CITY CORPORATE Seal Davis County, Utah

ATTEST: Richard B. Waite

Richard B. Waite, City Recorder

Resolution Number 03-07(Cont.)

Council Members Vote:

"AYE"	"NAY"
[illegible]	
[illegible]	
Daniel J. Phillips	
Todd Heemann	
Eileen L. Moss	

CITY OF FRUIT HEIGHTS

RESOLUTION NUMBER 03-19

A RESOLUTION REGARDING CREDITS AND OTHER ISSUES RELATING TO THE FRUIT HEIGHTS CITY STORM WATER IMPACT FEES

WHEREAS, the Fruit Heights City Council has adopted a Storm Water Capital Facilities Plan; and

WHEREAS, the Fruit Heights City Council has adopted an associated Storm Water Impact Fee for new development within the City based on new impervious area; and

WHEREAS, the City is desirous of granting storm water impact fee credits to applicants who provide increased storm drainage controls beyond the minimum City requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FRUIT HEIGHTS CITY, UTAH, as follows:

Fruit Heights City Storm Water Impact Fee - Credit Program.

Background: Fruit Heights City has adopted a storm water impact fee which is charged to any new development within the City based on impervious surface area. Storm water impact fees are set by the City Council from time to time and adjusted for inflation and changes in the Storm Water Capital Facility Plan. The fee is charged at the time a building permit is issued and is calculated on a dollars per square foot of impervious area. Funds collected from this impact fee are used by the City to construct new and enlarged storm drainage facilities to accommodate surface runoff created by new development. The specific storm drainage projects are constructed at the locations and at such times as determined by the City.

Credits : Fruit Heights City desires to grant a storm water impact credit to any new, commercial, industrial, institutional or housing developments (except individual single family applicants) which can demonstrate that they have designed on-site storm drainage systems which limit outflow rates to a quantity less than the City standard of 0.2 c.f.s. per acre. This reduction in storm water outflow requires an increased volume of on-site storm water detention.

The applicant will be required to submit detailed storm water calculations showing the total storm water discharge from the subject property on a c.f.s. per acre basis per gross acre basis. The storm water discharged from the site under consideration shall be calculated using the "Rational Method" based on a 10 year return period and the Ogden Airport rainfall data. Rainfall data will be made available to the applicant from the City Engineer. As an alternative to the submission of a site storm water study, the City Engineer at no cost to the applicant, will provide the required analysis provided that all applicable site development and storm water data is submitted for review. As applicable local rainfall data becomes available, the City reserves the right to adopt a rainfall design basis other than the Ogden Airport data. The new information, as it becomes available and is adopted, will be provided to the applicant as part of the storm drain credit application.

The granting of credits for storm water discharge, when recommended by the Review Committee and approved by the City Council, will be as follows:

Resolution Number 03-19(Cont.)

Discharge from the Site (c.f.s. per acre)	Impact Fee * ($ per sq. foot impervious area)
0.20	$ 0.35
0.19	$0.34
0.18	$0.32
0.17	$0.31
0.16	$0.30
0.15	$0.29
0.14	$0.27
0.13	$0.26
0.12	$0.25
0.11	$0.24
0.10	$0.23
0.09	$0.21
0.08	$ 0.20
0.07	$0.19
0.06	$0.18
0.05	$0.16
0.04	$0.15
0.03	$0.14
0.02	$0.13
0.01	$0.11
0.00	$0.10

* The current storm water impact fee adopted 29th day of April 2003 is a fee based on the number of ERU's on the parcel. If there is more than one City utility bill for the parcel, the fee shall be divided between the City utility bills covering the parcel according to a policy established by the Public Works Director. The number of ERU's shall be established by measuring the amount of impervious surface on the parcel, dividing that number by 2,800, and then rounding to the nearest whole number. The actual monthly fee (service charge) shall be computed by multiplying the total ERU's for the parcel by the monthly rate of $4.10 per ERU. For example, a parcel with 20,000 square feet of impervious surface area shall pay a fee of $21.00 per month (20,000 / 2,800 = 7.1; 7.1 rounded to the nearest whole number = 7; 7 x $4.10 = $28.70). Should the City Council adopt a revised base fee, then the credit schedule listed above will be automatically revised on a direct sliding scale with a minimum impact fee payment of$ 0.10 per square foot at a discharge of 0.00 c.f.s. per acre.

Approval and Granting of Credit:

Each property owner (other than single family residential) applying for a storm drainage impact fee credit will be required to complete a credit application and submit this application together with required calculations and site data to the Fruit Heights City office. Within two weeks following the receipt of this application, a review committee shall meet and evaluate the credit application and the supporting data. The review committee shall consist of:

Resolution Number 03-19(Cont.)

City Mayor
City Council Member
City Manager
City Engineer
Public Works Director

The review committee shall evaluate the merits of each credit application and prepare a recommendation to the Fruit Heights City Council. Recommendations on the granting of any storm drainage impact fee credits shall be submitted to the City Council for approval with a copy of the committee's recommendation being mailed to the applicant. If approved, the reduction in storm water impact fee will be in accordance with the amount granted by the Council

Policies:

The Public Works Director may adopt policies, consistent with this resolution, the storm drainage impact fee ordinance and any other resolutions passed by the City Council, to assist in the application, administration and interpretation of this resolution, the storm drainage ordinance, subdivision ordinance, and any other resolutions related to the storm water impact fee.

Severability:

If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any section, sentence, clause or phrase of this ordinance.

All resolutions or policies in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the Fruit Heights City Council on the 15th day of July, 2003.

FRUIT HEIGHTS CITY
CORPORATE Seal
Davis County, Utah

FRUIT HEIGHTS CITY

By: Rick L. Miller
Rick L. Miller, Mayor

ATTEST: Richard B. Waite
Richard B. Waite, City Recorder

Resolution Number 03-19(Cont.)

Council Members Vote:

"AYE"	"NAY"
Todd Stevens	
Eileen S. Moss	
Daniel J. Phelps	
L-Wy Lassy	
[illegible]	

CITY OF FRUIT HEIGHTS

RESOLUTION NUMBER 03-20

A RESOLUTION APPROVING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN FRUIT HEIGHTS CITY AND DAVIS COUNTY FOR UPDES GENERAL PERMIT

WHEREAS, the Environmental Protection Agency (EPA) has published its "Final Rule" setting forth the National Pollutant Discharge Elimination System (NPDES) permit application rules and regulations for storm water discharges to municipal separate storm sewer systems; and

WHEREAS, the State of Utah, through its Department of Environmental Quality, Division of Water Quality (DWQ), has statutory rulemaking authority and authority to issue pollutant discharge elimination system permits within the State of Utah pursuant to the rules and regulations of the Utah Pollutant Discharge Elimination System (UPDES); and

WHEREAS, the rules and regulations provide that where more than one public entity owns or operates a municipal separate storm sewer within a geographic area, such operators may jointly implement a portion of the storm water management plan, (under part IV section G of the Permit); and

WHEREAS, the State of Utah has issued a UPDES permit to the COUNTY; and

WHEREAS, the State of Utah has issued a UPDES permit to the CITY; and

WHEREAS, the CITY and COUNTY are willing to jointly implement a portion of the storm water management plan together; and

WHEREAS, the parties are authorized by Utah Code, Chapter 13, Title 11 to enter into an interlocal cooperation agreement; and

WHEREAS the parties now desire to enter into an interlocal agreement setting forth their present understanding as to their respective responsibilities with regard to their participation as permittees under their general Permit.

NOW THEREFORE, be it resolved by Fruit Heights City that the referenced interlocal cooperation agreement is hereby approved and the Mayor is hereby authorized to execute the agreement for and on behalf of the City.

PASSED AND ADOPTED by the Fruit Heights City Council on the 15th day of July, 2003.

FRUIT HEIGHTS CITY
CORPORATE
Seal
Davis County, Utah

FRUIT HEIGHTS CITY

By: Rick L. Miller

Rick L. Miller, Mayor

ATTEST: Richard B. Waite

Richard B. Waite, City Recorder

Council Members Vote:

"AYE"	"NAY"
Todd Stevens	
Eileen S. Moss	
Daniel J. Phelps	
[illegible]	
[illegible]	

2003-281

INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY AND FRUIT HEIGHTS CITY FOR UPDES GENERAL PERMIT

THIS AGREEMENT is entered into this 15th day of July, 2003 by and between DAVIS COUNTY (COUNTY), a body corporate and politic of the State of Utah, and FRUIT HEIGHTS CITY (CITY), a municipal corporation of the State of Utah.

WITNESSETH:

WHEREAS, the parties are "public agencies" and are therefore authorized by the *Utah Interlocal Cooperation Act*, §11-13-1, *et seq.*, *Utah Code Annotated*, to enter into agreements with each other for joint or cooperative action; and

WHEREAS, the Environmental Protection Agency (EPA) has published its "Final Rule" setting forth the National Pollutant Discharge Elimination System (NPDES) permit application rules and regulations for stormwater discharges to municipal separate storm sewer systems; and

WHEREAS, the State of Utah, through its Department of Environmental Quality, Division of Water Quality (DWQ), has statutory rulemaking authority and authority to issue pollutant discharge elimination system permits within the State of Utah pursuant to the rules and regulations of the Utah Pollutant Discharge Elimination System (UPDES); and

WHEREAS, the rules and regulations provide that where more than one public entity owns or operates a municipal separate storm sewer within a geographic area, such operators may jointly implement a portion of the storm water management plan, (under part IV section G of the Permit); and

WHEREAS, the State of Utah has issued a UPDES permit. Permit No. UTR 090003 (the "Permit"), to the COUNTY, a copy of which Permit is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the State of Utah has issued a UPDES permit to the City (under Part 1, Section B of the city permit), a copy of which Permit is attached hereto as Exhibit "B" and incorporated herein; and

WHEREAS, the CITY and COUNTY are willing to jointly implement a portion of the storm water management plan together; and

WHEREAS the parties now desire to enter into this Agreement setting forth their present understanding as to their respective responsibilities with regard to their participation as permittees under their general Permit.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. As permittees, the parties agree to jointly implement and enforce within their own jurisdictions, a portion of their respective responsibilities for complying with the Permit requirements including but not limited to, those responsibilities and requirements set forth in part IV, Sections A, B, E and G of the Permit, attached hereto as Exhibits "A" and "B".

2. The parties agree that each party shall be responsible to pay for those costs relating to their own stormwater systems, and that the parties shall reimburse each other for expenses incurred in providing services for each other as may be agreed by the parties concerning the various tasks and responsibilities required under the Permit.

3. To the maximum extent possible, the parties agree to assist each other in providing and sharing information, drawings, plans, data, etc., which are required to comply with the requirements set forth in the Permit.

4. The parties agree that the duration of this Agreement shall commence upon entry and shall continue coexistent in time with the duration of the existing Permit, which Permit shall expire at midnight, December 8,2007 as provided in the Permit. The parties agree that this Agreement shall not apply to any subsequent permits unless the parties agree in writing to extend this Agreement.

5. No separate entity is created by this Agreement; however, to the extent that any administration of this Agreement becomes necessary, then the public works directors of

both parties, or their designees, shall constitute a joint board for such purpose.

6. In the event that any property is acquired by the parties jointly for the undertaking, and paid for by them, then it shall be divided as the parties' representatives shall agree, or if no agreement is reached, then it shall be divided according to their respective payments for property, or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the parties' proportionate share of the purchase of the item of property. If property is purchased at one party's sole expense in connection with this Agreement, then the property so purchased shall be and remain the property of the party which purchased it.

7. This Agreement embodies the entire agreement between the parties hereto and it cannot be altered except in a written amendment which is signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and year first above written.

DAVIS COUNTY:

By: _____
Dannie R. McConkie, Chair 9/30/03
Davis County Commission

ATTEST:

_____
Steve S. Rawlings
Davis County Clerk/Auditor

Approved as to Form:

_____
Office of Davis County Attorney

FRUIT HEIGHTS CITY

By: _____
Rick L. Miller, Mayor

ATTEST:

_____
Richard B. Waite, City Recorder

Approved as to Form:

_____
Gary A. Sargent, City Attorney

Construction Site Storm Water Pollution Prevention Plan (SWPPP) Observation Form

Status		
	☐ Complies	
	☐ Warning	No.
	☐ Project Shutdown	

SWPPP	On-Site		Up-to-date	
	Yes	No	Yes	No

General Information		
	Project:	Date:
	Address:	Inspector:
		Weather Conditions:
	Owner:	Contractor:

Perimeter & Erosion Control	BMP	BMP Used		Maint. Req'd		Comments
		Yes	No	Yes	No	
	Run-on Control					
	Minimize Disturbance					
	Erosion Mats					
	Berms/Diversions					
	Grading Techniques					
	Revegetation					

Sediment Control	BMP	BMP Used		Maint. Req'd		Comments
		Yes	No	Yes	No	
	Silt Fence					
	Inlet Protection					
	Sediment Basin					
	Stabilized Site Entrance					
	Sediment Barriers					

Materials Handling & Spill Prevention	BMP	BMP Used		Maint. Req'd		Comments
		Yes	No	Yes	No	
	Stock Pile Management					
	Gas/Oil Storage					
	Material Management					
	Spill Prevention & Control					

	BMP	BMP Used		Maint. Req'd		Comments
		Yes	No	Yes	No	
Waste Management	Port-a-potties					
	Liquid Waste					
	Solid Waste					
	Contaminated Waste					

	BMP	BMP Used		Maint. Req'd		Comments
		Yes	No	Yes	No	
Good Housekeeping	Street Sweeping					
	Vehicle & Equipment					
	Dewatering Operations					
	Wind Erosion Controls					
	Stream Crossings					

Other Comments:

I hereby certify that this SWPPP Inspection Form is complete and accurate.	
Contractor's Representative:	Date:
Site Observer:	Date:

2003-281

STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY
288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)538-6146

Notice of Intent (NOI) for Coverage Under the UPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's), Permit No. UTR090000.

INSTRUCTIONS ON BACK PAGE

DWQ USE ONLY

Coverage No. _____

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a UPDES permit issued for storm water discharges from Small Municipal Separate Storm Sewers in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

Part I. General Information

Governmental Entity Name: FRUIT HEIGHTS CITY CORPORATION

Mailing Address: 910 S. Mountain Road

City Fruit Heights State UT Zip Code 84037

Operator Type (Circle One): (*City*, County, Hospital, Prison, Military Base, Park, College/University, UDOT, Sewer District, Flood Control District, Drainage District, Association, Other(list)_____)

Operator Status (Circle One): (Federal/State/*Local*/Other Public Entity(list) _____)

Operator Contact Person: Name Jack D. Palmer

Title Public Works Director Telephone Number (801) 546-0861

Latitude/Longitude at Center of land for which you are requesting authorization to discharge:

Latitude 41° 01' 37" Longitude 111° 54' 37"

Population served by your MS4: 4,701 People

Storm Water Management Program Responsible Person:

Name Jack D. Palmer Title Public Works Director

Telephone Number (801) 546-0861

Part II: Outfalls and Receiving Waters

Receiving Waters: List all separate storm water outfall receiving waters (all discharges to waters under the definition of waters of the State). If all receiving waters are not known at the time of the NOI submittal, list known outfalls and update the list on annual reports. (ATTACH ADDITIONAL SHEETS AS NEEDED)

	Outfall	Receiving Water
1.	400 North Drainage	Great Salt Lake
2.	Burton Elementary Drainage	Great Salt Lake
3.	Bair Creek Drainage	Great Salt Lake
4.	Haights Creek Drainage	Great Salt Lake
5.		
6.		

Part III. Initial Identification of Best Management Practices (ATTACH ADDITIONAL SHEETS AS NEEDED)

1. Public Education and Outreach on Storm Water Impacts

Outreach Techniques

- ■ Classroom education/school programs
- ■ Outreach to commercial entities
- ■ Printed material
- ■ Media campaign
- ■ Classroom educational materials
- ■ Events and Programs
- ■ Displays
- ■ Speakers to community groups
- □ Economic incentives
- ■ Promotional giveaways
- □ Others .....

Management Practices to Encourage

- ■ Proper lawn and garden care (fertilizer and pesticide use, sweeping, etc.)
- ■ Low impact development
- ■ Pet waste management
- ■ Pollution prevention for businesses
- ■ Proper disposal of household hazardous wastes
- ■ Water Conservation Practices
- □ Others

.....

2. Public Involvement/Participation

Involvement Techniques

- ■ Advisory/partner committees
- ■ Local storm water contact
- ■ Public access to documents and information
- ■ Public review of plans and annual reports
- □ Watershed organizations
- □ Attitude surveys
- ■ Community hot lines
- ■ Stakeholder meetings
- □ Others

.....

Participation Activities

- □ Adopt-a-stream
- ■ Storm drain stenciling
- ■ Stream/roadway cleanup
- □ Volunteer monitoring
- □ Wetland plantings
- □ Others

.....

3. Illicit Discharge Detection and Elimination

Detection and Elimination Activities

- ■ System mapping
- ■ Regulatory Control Program
- ■ Identifying and Eliminating illicit connection procedures
- □ Dye testing/Tracing Procedures
- ■ System inspections
- □ Dry Weather Screening Program/ Field Testing
- □ Others

.....

Type of Discharges to Target

- ■ Failing septic systems
- ■ Illegal dumping
- □ Industrial/business connections
- ■ Recreational sewage
- ■ Sanitary sewer overflows
- ■ Wastewater connections to the storm drain system
- □ Others

.....

4. Construction Site Storm Water Runoff Control

Program Activities

- ■ Regulatory Control Program
- ■ Erosion and Sediment Control BMP's
- ■ Other Waste Control Program
- ■ Site Plan Review Procedures
- ■ Public Information handling Procedures
- ■ Site Inspection/Enforcement Procedures
- ■ Other Construction Site Runoff Controls
- ■ Contractor certification and inspector training
- □ Others

.....

Best Management Practices

- ■ Construction Entrance/Exit Stabilization
- ■ Perimeter Controls
- ■ Sediment Retention Structure Requirements
- ■ Sediment filters and sediment chambers
- □ Mulching Requirements
- ■ Temporary/Permanent Stabilization Requirements
- ■ Vehicle maintenance and washing areas
- ■ Cement Truck Washout Area
- ■ OtherBMP's

...BRRC, HWM, PTHD, SCU, TCMC,VEF, WD

5. Post-Construction Storm Water Management in New Development and Redevelopment

- □ Community Control Strategy
- ■ Regulatory Control Program
- □ Long Term O& M Procedures
- ■ Pre-Construction Review of BMP Designs
- ■ Site Inspections During Construction
- ■ Post Construction Inspections
- □ Others

.....

- □ Infiltration trench/basin
- ■ Infrastructure planning
- ■ storm water inlet specifications
- □ Narrower residential streets
- □ Open space design
- ■ Ordinances for post construction runoff
- ■ Storm water wetland
- □ Zoning
- □ Others:

.....OWS, SB, SPR.....

6. Pollution Prevention/Good Housekeeping for Municipal Operations

- ■ Employee Training Program
- ■ Inspection and Maintenance Program
- ■ Municipal Operations Storm Water Control
- ■ Others

...BRRC, BGM.....

- ■ Municipal Operations Waste Disposal
- □ Flood Management/Assessment Guidelines
- □ Others:

.....

Part IV. Initial Identification of Measurable Goals (Attach additional sheets as needed)

1. Public Education and Outreach on Storm Water Impacts

Measurable goals (with start and end dates):

- List of dumping sites ..... Dec 2004
- Public Education with Davis County ..... Mar 2003
- Signage ..... Jul 2004

Milestones:
- Year 1: Davis Participation
- Year 2: List of Dump sites; SD signage
- Year 3:
- Year 4:
- Year 5:

2. Public Involvement/Participation

Measurable goals (with start and end dates):

- Participate with Davis County ..... Mar 2003
- Service Groups ..... Mar 2003
- Establish a Community Committee ..... Dec 2003
- Training for Planning ..... Dec 2004

Milestones:
- Year 1: Davis Co., Service Groups, Committee
- Year 2: Training
- Year 3:
- Year 4:
- Year 5:

3. Illicit Discharge Detection and Elimination

Measurable goals (with start and end dates):

- Master Plan ..... Dec 2004
- Mapping ..... Mar 2003
- Establish and Ordinance ..... Jan 2003

Milestones:
- Year 1: Establish an Ordinance, Map
- Year 2: Master Plan
- Year 3:
- Year 4:
- Year 5:

4. Construction Site Storm Water Runoff Control

Measurable goals (with start and end dates):

- Public Works Standards ..... Dec 2004
- Ordinance for Inspection ..... Mar 2003

Milestones:
- Year 1: Ordinance
- Year 2: PW Standards
- Year 3:
- Year 4:
- Year 5:

5. Post-Construction Storm Water Management in New Development and Redevelopment

Measurable goals (with start and end dates):

- Structural Improvements ..... Dec 2004
- Site Reviews ..... Mar 2003

Milestones:
- Year 1: Site Review
- Year 2: Structural Improvements
- Year 3:
- Year 4:
- Year 5:

6. Pollution Prevention/Good Housekeeping for Municipal Operations

Measurable goals (with start and end dates):

See attached sheet from MCM 6.

Milestones:
- Year 1:CBC, CO, DCUS, DIDM, ET, LC, SC,SCU,VEC
- Year 2: BRRC, BGM, HP,HWM, IDC, MU, RBM, Plan
- Year 3:
- Year 4:
- Year 5:

Part V. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: Richard B. Waite, City Manager

Signature: Richard B. Waite

Date: MAR -4 2003

Part VI: Contract Certification for Co-Permittee SWMP Implementation
(ATTACH ADDITIONAL SHEETS AS NEEDED)

List entity names responsible for implementation of the SWMP

1. Davis County
2. Fruit Heights City Corporation
3. _____
4. _____
5. _____
6. _____

The above entities have entered into an agreement or contract to satisfy the implementation requirements of the Storm Water Management Program listed in the NOI. As stated in the existing agreements (MOU's) or contracts, the entities have agreed to the following responsibilities.

Circle the entity numbers (entity numbers correspond to entity name numbers listed above) corresponding with responsibilities, or portions thereof, of each entity entering into this agreement in the table below:

RESPONSIBILITY	ENTITY					
a. Public Education and Outreach	**1.**	2.	3.	4.	5.	6.
b. Public Involvement and Participation	**1.**	2.	3.	4.	5.	6.
c. Illicit Discharge Detection and Elimination	**1.**	2.	3.	4.	5.	6.
d. Construction Site Run-off Control	1.	**2.**	3.	4.	5.	6.
e. Post-Construction Storm Water Management in New Development and Redevelopment	1.	**2.**	3.	4.	5.	6.
f. Pollution Prevention/Good Housekeeping for Municipal Operations	1.	**2.**	3.	4.	5.	6.

If any entity is agreeing to accomplish only a portion of a responsibility in the table then explain the responsibility portion (e.g. entity 1 is responsible for storm drain stenciling program in the MS4 area, entity 2 is responsible for conducting phone surveys for item (a) in the table etc.) on a separate sheet.

The following statement and the accompanying signatures serve as certification that the agreements (MOU's) or contracts have been developed and agreed upon for the implementation of the Operator's (Identified in Part I of the NOI) SWMP.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Entity	Authorized Signature	Date	Entity	Authorized Signature	Date
1.	[signature]	9/30/03	2.	[signature]	MAR -4 2003
3.			4.		
5.			6.		

Instructions for Completing the Notice of Intent for Coverage Under a UPDES General Permit for Storm Water Discharges From SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Permit No. UTR090000

Who Must File a Notice of Intent?
If you are an operator of a regulated small MS4 designated for permitting, you must apply for coverage under a UPDES permit, or apply for a modification of an existing UPDES permit. If you have questions about whether you need a permit under the UPDES Storm Water Program, contact the Utah Division of Water Quality. The NOI must be submitted in accordance with the deadlines established in Part 2.A. of the UPDES MS4 General Permit.

When to File the NOI Form
DO NOT FILE THE NOI UNTIL YOU HAVE READ A COPY OF THE SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT. You will need to determine your eligibility, prepare your storm water management plan, and correctly answer all questions on the NOI form, all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury).

Where to File the NOI Form
NOIs must be sent to the following address:

Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Completing the NOI Form
Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the address above. Attach additional pages as needed for detailed explanations of items on the form.

Part I. MS4 General Information
Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the MS4 described in this application. The responsible party is the legal entity that controls the MS4's operation. Provide the telephone number of the MS4 operator. Provide the mailing address of the MS4 operator. Include the street address or P.O. box, city, state, and zip code. All correspondence regarding the permit will be sent to this address, not the MS4 address in Section B.

Enter the official or legal name of the MS4.
Enter the city or cities, county or counties, and state in which the MS4 is located.
Enter the latitude and longitude of the approximate center of the MS4 in degrees/minutes/seconds. Latitude and longitude can be obtained from U.S. Geological Survey (USGS) quadrangle or topographic maps or by using a GPS unit, calling 1-(888) ASK-USGS, searching for your Facility's address on several commercial map sites on the Internet, or searching the U.S. Census Bureau database at http://www.census.gov/cgi-bin/gazetteer. Additionally, estimate the acreage of land area that drains to the MS4. This estimate can be made using topographic maps or topographic data in a geographic information system.

Indicate the legal status of the MS4 operator as a Federal, State, private, or other public entity (other than Federal or State). This refers only to the operator, not the owner of the land on which the MS4 is located.
Indicate whether the MS4 discharges storm water into one or more receiving water(s). Enter the name(s) of the receiving water(s).
Indicate whether the MS4 discharges storm water into one or more receiving water(s). Enter the name(s) of the receiving water(s).

Part II. Outfalls and Receiving Waters
Indicate all major outfalls (by outfall description) and the receiving water body for each outfall. Indicate whether any of the receiving water bodies are included on the 303(d) list for water quality impairments.

Part III. Initial Identification of Management Practices
Check the management practices that you have selected to meet each of the minimum measures. If a selected practice is not on the list, check "Other" and write the name of the practice in the space provided.

Part IV. Identification of Initial Measurable Goals
List the person(s) responsible for implementing or coordinating the storm water management program. Provide a narrative description of the measurable goals that will be used for each of the storm water minimum control measures. Indicate the month and year in which you will start and fully implement each of the minimum control measures, or indicate the frequency of the action in the description. Attach additional pages as necessary.

Part V. Certification
Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed by either a principal executive or ranking elected official as described in Part VI.H. of the Small MS4 General Permit.

Part VI. Contract Certification for Co-Permittee SWMP Implementation
Contract certification is required when more than one entity will be implementing the SWMP for the operator filing the NOI. The form must be completely filled out to clearly identify all coordinating agencies. Additional pages shall be used as necessary to define the responsibilities for each entity in preparation and implementation of the SWMP. The form must be signed by all coordinating entities, certifying that local agreements and/or contracts have been developed and agreed upon.

STORM WATER CONNECTION & ACTIVITY PERMIT APPLICATION
FRUIT HEIGHTS CITY CORPORATION

Receipt no.	date issued	permit no.	Bldg permit no.

1. GENERAL INFORMATION

date of application	date work starts	Engineer	phone
proposed work		General Contractor	phone
Bldg Address		Owner's Signature	date
lot	subd. name & number		
		PERMIT FEES (a.Subd Plat, b.Site Plan, c. lot plan)	
Owner of property	phone	P.W. Standards purchase (a.&b. only) ($30.00)	
		Storm Water Connection Fee (a&b only)	
Mailing address	city/zip	Storm Water Activity Fee (a,b,&c required)	
		Total Fee	

2. STORM WATER UTILITY INFORMATION

	Area (sf)	Percent	STORM WATER UTILITY INFORMATION	
Building Size			Total Hard Surface (sf)	
Pavement area			Total ERU's (2800sf of H.S.)	
Landscape area			Credits (given in section 3)	
Other _____			Monthly Anticipated Utility Fee	
Total lot size		100%		
Total Disturbed Area				

3. STORM WATER CONNECTION PERMIT and ACTIVITY PERMIT

CONSTRUCTION BMPs (check all applicable)						MAINTENANCE BMP's (Utility Credit up to 50%)	%
BRRC		GM		SF		Detention Basin (30%) Required Volume:_____	
CESA		HWM		ST		Increased Detention Volume (10%) Actual Volume:____	
CR		IP		STB		Increased Landscaping (10%) Area:_____	
CWM		PTHD		TCMC		Oil Separator (10%)	
DC		SB		VEF		Annual lot Sweeping (10%) Receipts submitted for credit	
ECB		SCE		WD		Catch basin Cleaning (10%) Receipts submitted for credit	
EVWA		SCU		Other		TOTAL CREDIT (%)	

4. APPROVALS

	Plan Approval Required			BMP Plan	Storm Water Calculations	Pollution Prevent Plan	Approved (date)
	a.Subd Plat	b.Site Plan	c.Lot Plan				
Storm Drain Inspector							
Public Works Director							
City Engineer							
Building Official							
Planning Commission							
City Council							

DEFINITIONS:
Best Management Practices (BMP) as listed on the opposite side of this form are defined as follows:

Name	BMP
BRRC	Building Repair, Remodeling, and Construction
CESA	Contaminated or Erodible Surface Areas
CR	Construction Road Stabilization
CWM	Concrete Waste Management
DC	Dust Controls
ECB	Erosion Control Blankets
EVWA	Equipment and Vehicle Wash Down Area
GM	Geotextiles and mats
HWM	Hazardous Waste Management
IP	Inlet Protection
PTHD	Portable Toilets Hold Down
SB	Sediment Basin
SCE	Stabilized Construction Entrance
SCU	Spill clean-up
SF	Silt Fence
ST	Sediment Trap
STB	Straw Bale Barrier
TCMC	Temporary Corrugated Metal Culvert
VEF	Vehicle And Equipment Fueling
WD	Waste Disposal